

LEGISLATIVE COUNCIL ELECTIONS.

ANALYSIS.

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A BILL INTITULED

AN ACT to alter the Constitution of the Legislative Council.

Title.

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

5 follows:—

1. This Act may be cited as the Legislative Council Elections Act, 1912, and shall form part of and be read together with the Legislature Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

10 “ Council ” means the Legislative Council :

“ House ” means the House of Representatives :

“ House of Parliament ” means either the Council or the House as the context requires.

3. Subject to the provisions of this Act as to the continuance of tenure by members of the Council at the commencement of this Act, and except as may be provided with respect to members of the Maori race, members of the Council shall hereafter be elected and not appointed.

Councillors be elected.

4. Proposed laws, appropriating revenue or moneys, or imposing taxation, shall not originate in the Council. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses, or fees for services under the proposed law. The Council may not amend proposed laws imposing taxation or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government. The Council may not amend any proposed law so as to increase any proposed charge or burden on the people. The Council may at any stage return to the House any proposed law which the Council may not amend, requesting, by message, the omission or amendment of any items or provisions therein ; and

Powers of the Houses in respect to legislation.

the House may, if it thinks fit, make any such omission or amendment, with or without modifications. Except as provided in this section, the Council shall have equal power with the House in respect of all proposed laws.

Electoral divisions to return members of Legislative Council.

5. (1.) For the purpose of electing members to the Legislative Council, New Zealand is divided into two electoral divisions—namely, the North Island Electoral Division and the South Island Electoral Division. 5

(2.) Each electoral division shall (except at the first election as provided by the *next* succeeding section) return *twenty* members to serve in the Legislative Council. 10

(3.) The members to be returned for each electoral division shall be chosen by the votes of those inhabitants of the electoral division who possess a qualification to vote at an election of a member of the House of Representatives for any electoral district within the electoral division. 15

First elections of Legislative Councillors.

6. At the general election of members of the House next after the commencement of this Act there shall be elected *ten* members for each electoral division to serve in the Council, and at the next succeeding general election there shall be elected *ten* other members for each electoral division. 20

Subsequent elections.

7. (1.) At the general election next after that at which the election of the full number of *twenty* members for each electoral division was completed, and at every succeeding general election, one-half of the members returned for each electoral division shall vacate their seats, but shall be eligible for re-election. 25

(2.) The members who shall so vacate their seats shall be those who have served longest in the Council without re-election.

(3.) For the purposes of this section a member who was appointed to fill any casual vacancy shall be deemed to have served for as long as his predecessor in office would have served without re-election if such vacancy had not occurred. 30

Who may be elected.

8. (1.) Any person who under the principal Act may be elected a member of the House, but no other, may be elected a member of the Council, except that a member of the House of Representatives shall not be so elected. 35

(2.) If any person is elected both for the Council and the House, or is elected a member of either House of Parliament while he is a member of the other, he shall vacate his seat in each such House.

Issue of writs.

9. Whenever pursuant to the principal Act the Clerk of the Writs is required to issue writs for a general election of members of the House, he shall at the same time issue the writs for an election of members of the Council. Such writs shall be in the same form (with the necessary modifications), as the writs issued for the election of members of the House, and shall be returnable within *forty* days. 40 45

Returning Officers.

10. (1.) The Governor shall, whenever necessary, appoint a Returning Officer for each electoral division.

(2.) Every Returning Officer appointed for the election of a member of the House shall be deemed to be an assistant to the Returning Officer appointed for the election of members of the Council, and is hereinafter referred to as an Assistant Returning Officer. 50

Candidate to be nominated by two electors.

11. (1.) Any male person who is qualified to be elected a member of the Council may, with his consent, be nominated as a candidate for election for either electoral division, by not less than two electors of that division, by a nomination-paper in the form numbered (1) in the *Second* Schedule hereto given or transmitted to 55

the Returning Officer of the electoral division so as to reach him not later than noon of the *tenth* day before the day appointed for the poll.

5 (2.) The consent of any person to be nominated may be affixed to the nomination-paper, or may be signified to the Returning Officer by letter sent by post, 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.

10 (3.) Each candidate shall be nominated by a separate nomination-paper, in such manner as, in the opinion of the Returning Officer, is sufficient to identify the candidate.

Candidates to be nominated by separate nomination-paper.

(4.) Any elector may subscribe as many nomination-papers as there are vacancies to be filled, but no more.

15 (5.) Immediately on the close of the nominations the Returning Officer shall forward to the Chief Electoral Officer appointed under the principal Act, at Wellington, by telegraph or other expeditious means, the names of the several candidates nominated who have not withdrawn as hereinafter mentioned; and shall also advertise in the *Gazette* and in at least two newspapers circulating in the principal city  
20 or borough of each Provincial District in the electoral division, in such manner as he deems most likely to give full publicity thereto, the names of those candidates, the number of members to be elected, and the day appointed for the poll.

25 12. (1.) The nomination of a candidate shall not be valid unless the candidate or some person on his behalf, not later than the time limited for making nominations, deposits with the Returning Officer the sum of *ten* pounds, which sum shall be retained by the Returning Officer until after the declaration of the poll.

Deposit.

30 (2.) If when the result of the poll is ascertained it is found that the total number of votes received by any candidate is less than *one-third* of the quota hereinafter defined, the deposit shall be forfeited and paid into the Consolidated Fund, but otherwise it shall be returned to the person who paid it.

35 13. (1.) Any candidate may withdraw not later than the time limited for making nominations by giving or transmitting by letter to the Returning Officer a notice in the form numbered (2) in the *Second* Schedule hereto, signed by the candidate and attested by a Justice.

Candidates may withdraw by notice to Returning Officer.

40 (2.) The Returning Officer shall forthwith publish such notice in such manner as he deems most likely to give full publicity thereto, and shall omit the name of every candidate whose name is withdrawn from the ballot-papers to be printed as hereinafter mentioned.

45 (3.) Where a candidate duly withdraws, the sum deposited by him or on his behalf, as prescribed in the *last preceding* section, shall be returned to the person who paid it.

(4.) For the purposes of the subsequent provisions of this Act a candidate who has withdrawn in manner aforesaid shall be deemed not to have been nominated.

50 14. (1.) If the number of candidates nominated is equal to or less than the number to be elected, the Returning Officer shall, by public notice on or before the day appointed for taking the poll, declare those candidates to be duly elected, and shall indorse their names on the writ, and forthwith return the writ to the Clerk of the Writs.

Procedure where number of nominations does not exceed number of members required.

55 (2.) If the number of candidates is less than the number to be elected, the number required shall be made up in the manner prescribed by section *twenty-eight* hereof.

Procedure for  
taking poll where  
required.

15. (1.) If more candidates are nominated than the number to be elected, then a poll for deciding between the candidates shall be taken on the day fixed for the general election of members of the House, and simultaneously therewith.

(2.) For the purposes of such poll the Returning Officer of the electoral division shall make provision for the supply to each Assistant Returning Officer within the electoral division of a sufficient number of ballot-papers for use at each polling-booth. 5

(3.) The ballot-papers shall be in the form numbered (3) in the *Second* Schedule hereto, and 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 order of the surnames and printed in large characters; and where two or more candidates have the same surname, they shall be distinguished on the ballot-papers by the addition in smaller characters of their Christian names and such other matter as may be necessary to distinguish them. The ballot-papers shall also state the city, borough, or district wherein each candidate resides. 10

(4.) A ballot-paper shall be given to every elector as nearly as practicable simultaneously with the ballot-paper for the election of a member of the House. 15

(5.) The ballot-papers shall be different in colour from, and the ballot-boxes shall be such as to be readily distinguished from, those used either for the election of members of the House or for the licensing poll. 25

(6.) The polling-places shall be the same as those used at the election of members of the House, and the Deputy Returning Officer at each polling-booth shall also be the Deputy Returning Officer for taking the poll under this Act. 30

Scrutineers not to  
be appointed.

16. (1.) No scrutineers shall be appointed by or to act on behalf of any candidate at an election to the Council, and the principal Act and the sections thereof and of the Legislature Amendment Act, 1910, referred to in this Act shall, with respect to elections to the Council held under this Act, be so read and interpreted as if all references to the appointment, rights, and duties of scrutineers were excluded therefrom. 35

Appointment, &c.,  
of Supervisors.

(2.) The Council shall from time to time as required nominate by vote of the Council four persons, two for each electoral division, to be Supervisors, and the Governor may appoint such persons to be Supervisors accordingly. The appointment of every Supervisor shall continue in force until another is appointed in his place. 40

(3.) The Supervisors of each electoral division shall, whenever practicable, be present at the official count by the Returning Officer of that electoral division hereinafter directed, and shall have the rights, powers, and duties conferred and imposed on scrutineers appointed by candidates at an election for the House under the principal Act, and, in addition, shall have the right to examine every ballot-paper set aside as informal by the Returning Officer. Each of the Supervisors shall be deemed to act on behalf of all the candidates at and in relation to the official count for the electoral division; and the Returning Officer shall consider and determine every question relating to the ballot-papers or the official count submitted by the Supervisors, or either of them. 45

(4.) No election shall be void or in any manner affected by reason only of any failure to duly appoint Supervisors or of any failure of both or of one of the Supervisors to be present at the official count. 50

17. Except as provided by this section, an elector at the poll for election of members of the Council shall vote only at some polling-booth in the electoral district within which he is entitled to vote at the election of a member of the House :

Electors to vote within the district where enrolled, or by absent voters permit.

5 Provided that any holder of an elector's right or of a voting-permit may vote as provided in such behalf respectively by the principal Act and its amendments.

18. In lieu of marking his ballot-paper in the manner prescribed by the principal Act in the case of elections of members of the House, the voter shall place in the squares opposite the names of three candidates the figures 1, 2, and 3, so as to indicate the order of his preference. He may also indicate the order of his preference for as many of the other candidates (if any) as he pleases by placing in the squares opposite their respective names other figures next in numerical order after those already used by him.

Method of recording votes.

19. (1.) The Deputy Returning Officer at each polling-booth shall, as soon as practicable after the close of the poll, make up into a separate parcel the counterfoils of all the ballot-papers that have been issued by him to voters at the poll for the Council.

Counterfoils and marked rolls to be sealed up.

20. (2.) On completion of the counting of the votes for the election of a member of the House, the Deputy Returning Officer shall, in the presence of the poll-clerks (if any) and of such other officers as are present, but of no other person, open the ballot-box provided for the poll for the election of members of the Council, and, taking therefrom all the ballot-papers therein, shall set aside all informal ballot-papers, and ascertain, in respect of each candidate, the number of ballot-papers which are marked with the figure 1 opposite his name.

Number of first-preference votes counted.

(3.) The number so ascertained in respect of each candidate shall be deemed to be the number of first-preference votes recorded for that candidate.

20. (1.) A ballot-paper is informal—

- (a.) If there is reasonable cause to believe that it was not issued to a voter by the Deputy Returning Officer ; or
- 35 (b.) If it has upon it any mark or writing by which the voter can be identified ; or
- (c.) If it has no vote indicated on it ; or
- (d.) If it has the same figure (being the figures 1, 2, or 3) opposite the names of more than one candidate ; or
- 40 (e.) If the number of candidates marked in the order of the voter's preference is less than four.

Informal ballot-papers.

(2.) A ballot-paper shall not be rejected as informal on any ground other than those stated in the *last preceding* subsection.

(3.) In particular a ballot-paper shall not be informal by reason only of—

- 45 (a.) A figure (not being the figure 1, 2, or 3) being placed opposite the names of more than one candidate ; but the votes indicated by that figure or any higher figure shall not be effectual ; or
- 50 (b.) A figure (not being the figure 1, 2, or 3) being omitted in the numerical sequence of the order of the voter's preference ; but the votes indicated by any figure higher than the figure so omitted shall not be effectual.

21. Immediately after ascertaining the number of first-preference votes recorded for each candidate, the Deputy Returning Officer shall announce the result at the polling-booth at which he presides, and shall transmit the result by telegraph or other expe-

Result of voting to be announced.

ditionous means to the Assistant Returning Officer of the electoral district who, on receipt of all such returns, shall ascertain therefrom the total number of first-preference votes received by each candidate within the electoral district, and transmit the result by telegraph or other expeditious means to the Returning Officer of the electoral division. 5

Deputies to make up books and papers in parcels.

22. (1.) The Deputy Returning Officer shall then forthwith make up into separate parcels—

(a.) The used ballot-papers, together with (but in a separate enclosure) the ballot-papers set aside as informal under section *nineteen* hereof; 10

(b.) The ballot-papers set aside under section one hundred and thirty-two of the principal Act in its application to elections under this Act;

(c.) The unused and spoilt ballot-papers; 15

(d.) All books and papers kept and used by him during the polling, except the certified copy of the roll supplied to him on which is noted the fact that any elector has tendered his vote; and

(e.) (i.) A statement, in the prescribed form, of the number of first-preference votes received by each candidate, and of the number of ballot-papers set aside as informal under section *nineteen* hereof, or set aside as aforesaid under section one hundred and thirty-two of the principal Act; and 20

(ii.) A statement, in the prescribed form, of the number of ballot-papers originally delivered to the Deputy Returning Officer, the number thereof delivered to and used by voters, the number of spoilt ballot-papers, and the number of ballot-papers not delivered to and used by voters. 30

(2.) The statements referred to in paragraph (e) of this section shall be prepared by the Deputy Returning Officer, and shall be signed by him.

(3.) Each parcel made up pursuant to section *nineteen* hereof, or this section, shall be sealed by the Deputy Returning Officer with his own seal, and shall be indorsed by him with a description of the contents thereof, the name of the district, the name of the polling-booth, and the date of the polling; and such indorsement shall be signed by the Deputy Returning Officer. 35 40

(4.) The Deputy Returning Officer shall with all possible despatch deliver or transmit all the separate parcels referred to in the *last preceding* subsection to the Assistant Returning Officer of the electoral district who, on receipt of all such parcels, shall with all possible despatch transmit the same to the Returning Officer of the electoral division. 45

#### *Official Count of the Votes and Declaration of Poll.*

Official count of the votes.

23. (1.) On completion of the scrutiny of the rolls, as directed by sections one hundred and forty-two and one hundred and forty-three of the principal Act, the Assistant Returning Officer shall, in the prescribed form, forward the result thereof to the Returning Officer of the electoral division. 50

(2.) On receipt of the parcels transmitted to him in pursuance of the *last preceding* section the Returning Officer of the electoral division, with such assistance as he deems necessary, shall proceed as follows:— 55

(a.) He shall open separately each of the parcels of ballot-papers mentioned in paragraph (a) of the *last preceding* section and, after setting aside all informal ballot-papers, shall count the number of first-preference votes received by

each candidate on the ballot-papers contained therein, and shall compare the result of the count in respect of each parcel with the corresponding statement mentioned in paragraph (e) of section twenty-two hereof. The Returning Officer shall, where necessary, amend any such statement, and every such statement (whether amended or not) shall be initialled by the Returning Officer.

5 (b.) The Returning Officer shall then deal in like manner with all absent-voters' ballot-papers and seamen's ballot-papers, and shall count the number of first-preference votes recorded thereon for each candidate.

10 (c.) The Returning Officer shall then count the votes in accordance with the rules set out in the *First* Schedule hereto.

15 24. (1.) The Returning Officer shall then seal up into separate parcels the ballot-papers counted to each candidate, and indorse on each parcel a memorandum specifying the name of the candidate and the number of ballot-papers contained in the parcel; and shall sign the indorsement. Subsequent dealing with ballot-papers.

20 (2.) The Returning Officer shall also seal up into a separate parcel all the informal ballot-papers, and indorse the same with a note of its contents, and shall sign the indorsement.

25 25. (1.) The count of the votes by the Returning Officer may be adjourned from time to time as the Returning Officer deems necessary. Count may be adjourned.

(2.) Each adjournment and also the time and place for the continuation of the count shall be announced to the Supervisors and officers by the Returning Officer.

30 (3.) Before any such adjournment all ballot-papers and other documents connected with the count shall be locked up by the Returning Officer in one or more ballot-boxes or other safe receptacle under seal.

35 26. As soon as conveniently may be after the counting of the votes has been completed the Returning Officer shall publicly declare in the form numbered (4) in the *Second* Schedule hereto the result of the poll. Public declaration of the poll.

40 27. (1.) Except where expressly provided in this Act, the procedure prescribed by the principal Act and its amendments for the conduct of elections of members of the House shall extend and apply to elections of members of the Council; and, in particular, the following provisions shall, *mutatis mutandis*, so apply:— Provisions of principal Act applied to elections of Councillors.

(a.) Sections eighty-seven to ninety-six, relating to seamen's rights;

45 (b.) Sections one hundred and three, and one hundred and four, relating to the issue of the writ;

(c.) Section one hundred and twelve, relating to candidates' meetings;

(d.) Sections one hundred and eighteen and one hundred and nineteen, relating to Deputy Returning Officers;

50 (e.) Sections one hundred and twenty-four to one hundred and twenty-eight, one hundred and thirty-one, and one hundred and thirty-two, relating to the ballot;

- (f.) Sections one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty-one to one hundred and fifty-three, relating to proceedings after the poll ;
- (g.) Sections one hundred and fifty-four and one hundred and fifty-five, relating to the maintenance of order at elections ; **5**
- (h.) Section one hundred and fifty-six, relating to the custody of ballot-papers ;
- (i.) Sections one hundred and fifty-seven to one hundred and sixty-four, relating to offences at elections ; **10**
- (j.) Sections one hundred and sixty-nine to one hundred and seventy-six, relating to candidates' expenses ;
- (k.) Part V, relating to election petitions and corrupt and illegal practices ;
- (l.) Section thirty-eight of the Legislature Amendment Act, 1910, relating to the method of marking ballot-papers by Deputy Returning Officers ; and **15**
- (m.) Sections forty to forty-three of the last-mentioned Act, relating to voting-permits.
- (2.) In the application of the said provisions to elections of **20** members of the Council—
- (a.) Each electoral district constituted pursuant to the principal Act shall be deemed to be an electoral ward of the electoral division in which it is situated, and the provisions relating to seamen's rights and to absent voters' permits shall apply as if they were expressed to relate to electoral wards. **25**
- (b.) References to the Speaker shall be deemed to be references to the Speaker of the Council, and, unless the context otherwise requires, references to a Returning Officer shall be deemed to be references to a Returning Officer appointed under this Act. **30**
- (c.) Forms prescribed by the principal Act and its amendments may be so altered as to adapt them to the circumstances under this Act, but shall not be otherwise altered. **35**
- 28.** If at any election the number of candidates for any electoral division does not equal the number to be elected, the Council shall, within twenty-one days from the day when it is next in session after such election, choose by ballot of all the members of the Council then present such number of male persons, not being members of the House, as will, with the candidates elected, make up the number required and such persons so chosen by the Council shall be and continue members of the Council for the same period as the candidates who were declared elected at such election after nomination. **40**
- 29.** If the seat of any member of the Council becomes vacant otherwise than by effluxion of time, the Council shall, within twenty-one days from the day when it is next in session after the occurrence of such vacancy, choose by ballot of all the members of the Council then present from among the candidates for election to the Council who were defeated at the then last preceding general election a person to fill such vacancy ; and if there is no such candidate available, then any such male person as the Council chooses to fill such vacancy. **45** **50**

Failure to elect  
sufficient number  
of Councillors.

Casual vacancies.



A member so chosen shall retain his seat for as long as the member whose seat became vacant would have retained it if such vacancy had not occurred.

5 30. (1.) Nothing in this Act shall affect any person who, on the commencement of this Act, is a member of the Council, and every such person shall continue as a member as if this Act had not passed. Existing members not affected.

(2.) Except as may be provided with respect to members of the Maori race, no person shall hereafter be summoned to the Council under the authority of section two of the principal Act.

## SCHEDULES.

Schedules.

### FIRST SCHEDULE.

#### RULES FOR THE TRANSFER OF VOTES AND FOR ASCERTAINING THE RESULT OF THE POLL.

##### *Arrangement of Ballot-papers.*

1. The Returning Officer shall place in a separate parcel all the ballot-papers which he does not reject as informal and on which the figure 1 is set opposite the name of the same candidate. The Returning Officer shall then count the number of papers in each parcel.

##### *Ascertainment of Quota.*

2. The Returning Officer shall then add together the numbers of the papers in all the parcels and divide the total by a number exceeding by one the number of vacancies to be filled, and the result increased by one (disregarding any fractional remainder) shall be the number of votes sufficient to secure the return of a candidate (herein called the "quota").

##### *Candidates with Quota elected.*

3. Any candidate whose parcel contains a number of papers equal to or greater than the quota shall be declared elected.

##### *Transfer of Surplus Votes.*

4. (1.) If the number of candidates elected under the last rule shall not equal the number of vacancies, the Returning Officer shall, as far as possible, transfer from each elected candidate the votes (if any) in excess of the quota (herein called surplus votes) to the candidates indicated on the ballot-papers as next in order of the voters' preference, excluding candidates already declared elected. The votes of the candidate having the largest number of votes shall first be dealt with, and the particular votes to be transferred shall be determined in accordance with the following regulations:—

- (a.) The Returning Officer shall arrange all the ballot-papers in the parcel of the elected candidate on which votes capable of transfer are given by filing in a separate sub-parcel those on which a next preference is indicated for some one continuing candidate.
- (b.) The Returning Officer shall also make a separate sub-parcel of the ballot-papers in the parcel on which the votes given are not capable of transfer.
- (c.) The Returning Officer shall count the ballot-papers in each sub-parcel, and also the total of all the ballot-papers containing votes capable of transfer.
- (d.) If the total number of votes capable of transfer is equal to or less than the surplus votes, the Returning Officer shall transfer all the votes capable of transfer.
- (e.) If the total number of votes capable of transfer is greater than the surplus votes, the Returning Officer shall transfer from each sub-parcel of votes capable of transfer the number of votes which bears the same proportion

to the total of the sub-parcel as the number of surplus votes bears to the total of all the votes capable of transfer.

- (f.) The number of votes to be transferred from each sub-parcel under the preceding regulation shall be ascertained by multiplying the total of the sub-parcel by the number of surplus votes and dividing the result by the total number of votes capable of transfer. Fractional remainders shall be disregarded.
- (g.) The particular votes transferred from each sub-parcel shall be those last filed in the sub-parcel.

(2.) The transfer of surplus votes shall be effected by making new sub-parcels of the ballot-papers on which those votes are given, and adding those sub-parcels to the parcels (if any) of the candidates to whom the transfers are made, or, where any such candidate has as yet no parcel, a new parcel shall be formed for him from the papers transferred.

(3.) All ballot-papers in a parcel of an elected candidate not transferred under this rule shall be set aside as finally dealt with, and the votes given thereon shall henceforth not be taken into account.

(4.) If two or more parcels of elected candidates are equal in size, the Returning Officer shall decide which parcel he will first deal with under this rule.

(5.) A transfer of votes under this rule shall not be made unless the surplus votes of the elected candidate, together with any other surplus votes not transferred exceed the difference between the totals of the votes of the two continuing candidates lowest on the poll.

(6.) This rule shall take effect subject to the provisions for filling the last vacancy hereinafter contained, and if at any time it shall be possible to fill the last vacancy under those provisions no further transfer under this rule shall be made.

#### *Result of Transfer.*

5. After the transfer of the surplus votes of an elected candidate any candidate who shall as a result of the transfer obtain the quota of votes shall be declared elected.

#### *Further Transfer of Surplus Votes.*

6. (1.) Unless and until the last vacancy shall have been filled under the provisions hereinafter contained, if after the transfers directed by Rule 4 there shall still remain a vacancy, and the votes of any elected candidate to whom a transfer has been made are in excess of the quota, the Returning Officer shall, as far as possible, take from the sub-parcel last transferred to that candidate a number of votes equal to the surplus.

(2.) The particular votes to be taken shall be determined in accordance with the regulations given in Rule 4 hereof, in the same manner as if the votes included in the sub-parcel last transferred had been the only votes given to the candidate; the ballot-papers so taken shall be added in separate sub-parcels to the parcels of the continuing candidates (if any) indicated thereon as next in order of the voters' preference, and the votes given thereon shall be transferred to those candidates accordingly. Where any such candidate has as yet no parcel, a new parcel shall be formed for him from the papers transferred.

(3.) The remaining ballot-papers in the parcel of the elected candidate (including the ballot-papers taken from the parcel under Sub-rule (1), on which the votes are not capable of transfer) shall be set aside as finally dealt with, and the votes given thereon shall henceforth not be taken into account.

(4.) After any transfer of votes under this rule any candidate who shall as a result of the transfer obtain the quota of votes shall be declared elected.

(5.) The process directed by this rule shall be repeated until the last vacancy is filled, or until no candidate has any surplus votes, whichever shall first happen.

(6.) If two or more parcels shall be equal in size, regard shall be had to the number of votes counted to each candidate under Rule 1, and the parcel of the candidate highest on that count shall first be dealt with; but if the numbers of votes on that count were equal, the Returning Officer shall decide which parcel he will first deal with under this rule.

(7.) A transfer of votes under this rule shall not be made unless the surplus votes of the elected candidate, together with any other surplus votes not transferred, exceed the difference between the totals of the votes of the two continuing candidates lowest on the poll.

*Distribution of Votes of Lowest Candidate.*

7. (1.) Unless and until the last vacancy shall have been filled under the provisions hereinafter contained, if after the transfers under the preceding rules there shall still remain one or more vacancies, or if no candidate shall have been declared elected under Rule 3, the Returning Officer shall exclude from the poll the candidate having the lowest number of votes, and shall distribute the votes capable of transfer on the ballot-papers in his parcel among the continuing candidates next in order of the voters' preference. Any ballot-papers in the parcel on which votes not capable of transfer are given shall be set aside as finally dealt with, and the votes given thereon shall henceforth not be taken into account.

(2.) If in any case the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes of the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and distribute their votes in accordance with the foregoing provisions.

(3.) After the distribution under this rule of votes capable of transfer, any candidate who has received the quota shall be declared elected.

(4.) The surplus votes of any candidate elected under this rule who has received more than the quota shall be distributed in the manner directed by, and subject to the conditions of, the last preceding rule.

*Further Distributions.*

8. The process directed by the last rule shall be repeated on the successive exclusions, one after another, of the candidates with the lowest number of votes until the last vacancy is filled, either by the election of a candidate with the quota, or under the next following rule.

*Filling the Last Vacancy.*

9. (1.) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled the continuing candidates shall be declared elected.

(2.) When only one vacancy remains unfilled and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus votes not transferred, that candidate shall be declared elected.

(3.) When more than one vacancy remains unfilled and the votes of the candidate who, if all the vacancies were filled by the successive elections of the continuing candidates with the largest numbers of votes, would be the last to be elected exceed the total of all the votes of the continuing candidates with fewer votes than himself, together with any surplus votes not transferred, that candidate and all the other continuing candidates who have not less votes than himself shall be declared elected.

(4.) When only one vacancy remains unfilled and there are only two continuing candidates, and those two candidates have each the same number of votes, and no surplus votes remain capable of transfer, one candidate shall be declared excluded under the next following rule and the other declared elected.

*Provisions for Exclusion of Candidates in Special Cases.*

10. If at any time when a candidate has to be excluded under these rules two or more candidates have each the same number of votes, regard shall be had to the number of votes counted to each candidate under Rule 1, and the candidate lowest on that count shall be excluded ; but if the number of votes on that count were equal, the Returning Officer shall decide which candidate shall be excluded.

*Record of Transfers.*

11. The Returning Officer shall record any transfer of votes made under these rules, and the total number of votes counted to each candidate after any such transfer.

*Recounts.*

12. (1.) Any Supervisor may at any time during the counting of the votes either before the commencement or after the completion of the transfer of the votes (whether surplus or otherwise) of any candidate, request the Returning Officer to recount the papers then comprised in the parcels of all or any candidates (not being papers set aside as finally dealt with), and the Returning Officer shall forthwith recount the same accordingly. The Returning Officer may also, at his discretion, recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count: Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same votes more than once.

(2.) If upon an election petition—

(a.) Any ballot-papers counted by the Returning Officer are rejected as invalid ;  
or

(b.) Any ballot-papers rejected by the Returning Officer are declared valid, the Court may direct the whole or any part of the ballot-papers to be recounted, and the result of the election ascertained in accordance with these rules.

(3.) Except as in this rule expressly provided, no recount shall be had, whether on an election petition or otherwise.

*Determination of Questions as to Transfers.*

13. (1.) If any question shall arise in relation to any transfer, the decision of the Returning Officer, whether expressed or implied by his acts, shall be final, unless an objection is made by any Supervisor before the declaration of the poll, and in that event the decision of the Returning Officer may be reversed upon an election petition.

(2.) If any decision of the Returning Officer is so reversed, the transfer in question and all operations subsequent thereto, shall be void, and the Court shall direct what transfer is to be made in place thereof, and shall cause the subsequent operations to be carried out, and the result of the election to be ascertained in accordance with these rules.

*Definitions.*

14. In these rules—

(1.) The expression "votes capable of transfer" means votes given on ballot-papers on which a further preference is indicated for a continuing candidate: Provided that a vote shall be deemed not capable of transfer in any case in which—

(a.) The names of two or more candidates (whether already excluded from the poll or declared elected or not) are marked with the same figure and are next in order of preference; or

(b.) The name of the candidate to whom the transfer is to be made or of some candidate (whether continuing or not) higher in the order of the voters' preference is marked—

(i.) By a figure not following consecutively after some other figure on the ballot-paper; or

(ii.) By two or more figures.

(2.) The expression "continuing candidates" means candidates not already declared elected or excluded from the poll.

## SECOND SCHEDULE.

## (1.) NOMINATION-PAPER.

To the Returning Officer for the Island Electoral Division.  
WE, the undersigned electors of the Island Electoral Division, do hereby nominate A. B., of [Address and occupation], with his consent, as a candidate at the election of members of the Legislative Council for the aforesaid electoral division, the poll whereof is appointed for the day of \_\_\_\_\_, 19\_\_\_\_.  
Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

C. D. } [Full names, addresses, and occupations  
E. F. } of two or more electors nominating.]

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

A. B., of [Residence and occupation.]

(2.) NOTICE OF WITHDRAWAL FROM CANDIDATURE.

To the Returning Officer for the Island Electoral Division. I, the undersigned, hereby give notice that I withdraw my name as a candidate at the election of members of the Legislative Council for the Island Electoral Division.

Dated at , this day of , 19 .

[Signature.]

[Address.]

Signed in the presence of—

C. D., Justice.

[Occupation.]

(3.) BALLOT-PAPER.

(Front.)

	<b>BROWN, Nelson</b>
	<b>CAMPBELL, Hokitika</b>
	<b>CLARK, Ashburton</b>
	<b>EVANS, Dunedin</b>
	<b>GIBBS, Dunedin</b>
	<b>JONES, Christchurch</b>
	<b>LEWIS, Lawrence</b>
	<b>MASON, Invercargill</b>
	<b>MURPHY, Christchurch</b>
	<b>REID, Motueka</b>
	<b>SMITH, Joseph, Kaiapoi</b>
	<b>SMITH, William, Riccarton</b>

## DIRECTIONS.

The voter must not strike out the name of any candidate.

The voter must place within the squares respectively opposite the names of three candidates the numbers 1, 2, and 3, so as to indicate the order of his preference.

The voter may, in addition, indicate the order of his preference for as many more candidates as he pleases by placing within the squares respectively opposite their names other numbers next in numerical order after those already used by him.

The ballot-paper is to be folded so that the contents cannot be seen, and the official mark on the back having been shown to the Deputy Returning Officer, the ballot-paper is to be put into the proper ballot-box by the voter.

This ballot-paper is not to be taken out of the polling-booth.

(Back.)

Consecutive No. :

To be entered here and also on the top left-hand corner of the back of ballot-paper.

No. on Roll :

To be entered here **only**.

Stamp across the perforation so that the number of the booth shall appear on both the counterfoil and the ballot-paper.

Official

Mark.

Initials of  
Deputy Returning Officer :

## (4). DECLARATION OF RESULT OF POLL.

I, A. B., Returning Officer for the Island Electoral Division, do hereby declare that at the poll taken on the day of , 19 , for the election of ten members of the Legislative Council for the said electoral division the following candidates secured the quota :—

C. D.  
E. F.  
G. H.  
I. J.  
K. L.  
M. N.  
O. P.  
Q. R.  
S. T.  
U. V.

I therefore declare the said candidates to be duly elected.

Dated at , this day of , 19 .

A. B.,  
Returning Officer.