

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,
25th October, 1930.*

Mr. McCombs.

LOCAL ELECTIONS AND POLLS AMENDMENT (No. 2).

ANALYSIS.

Title. 1. Short Title.	2. Local authority may adopt alternative proposals. Schedule.
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A BILL INTITULED

AN ACT to amend the Local Elections and Polls Act, 1925. Title.

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

1. This Act may be cited as the Local Elections and Polls Amendment Act, 1930, and shall be read together with and deemed part of the Local Elections and Polls Act, 1925. Short Title.

10 2. When a special order is or has been made by any local authority adopting the provisions of Part II of the Local Elections and Polls Act, 1925, the local authority may in the special order, or at any time subsequently by resolution, declare that the alternative provisions set out in the Schedule hereto shall apply in lieu of the corresponding provisions contained in the said Part II. Local authority may adopt alternative proposals.

SCHEDULE.

Schedule.

ALTERNATIVE PROVISIONS TO SECTIONS 76 AND 78 OF LOCAL ELECTIONS AND POLLS ACT, 1925.

76. The voter shall vote by secretly placing the figure 1 opposite the name of the candidate for whom he votes. He may in addition place the figure 2 opposite the name of the candidate who is his second choice, and the figure 3 opposite the name of the candidate who is his third choice. *And so on.*

78. A ballot-paper is invalid on which—

- (a) The figure 1 standing alone, indicating a first preference, is not placed ; or
- (b) The figure 1 standing alone, indicating a first preference, is placed opposite the name of more than one candidate ; or
- (c) The figure 1 standing alone, indicating a first preference, and some other figure are placed opposite the name of the same candidate ; or
- (d) It cannot be determined for which candidate the first preference of the voter is recorded ; or
- (e) Any mark is placed by the voter by which he may afterwards be identified.

ALTERNATIVE PROVISIONS TO THOSE CONTAINED IN THE THIRD AND
FOURTH SCHEDULES TO LOCAL ELECTIONS AND POLLS ACT, 1925.

THIRD SCHEDULE.

(1) VOTING-PAPER.

(Front.)

Mark Order of Preference in Spaces below.	Names of Candidates.
	BROWN (John Brown, of 52 Penn Street, Christchurch, Labourer).
	CAMPBELL (Rev. Jacob Campbell, B.D., of 1 Woodside Road, Christchurch, Minister).
	DUNN (Henry George Dunn, of 170 Anne Street, Christchurch, Engineer).
	HENDERSON (Mrs. Janet Henderson, of 5 Spencer Terrace, Christchurch).
	MACPHERSON (Charles William Macpherson, of 35 Bennett Street, Christchurch, Grocer).
	WALKER (Andrew Thomas Walker, of Park Crescent, Christchurch, Bank Agent).

Instructions to Voters.

CROSSES SHOULD NOT BE USED.

Vote by placing the figure 1 opposite the name of the candidate for whom you vote.

You may also place the figure 2 opposite the name of the candidate who is your second choice, and the figure 3 opposite the name of the candidate who is your third choice, and so on as far as you may choose.

FOURTH SCHEDULE.

METHOD OF COUNTING VOTES.

Definitions.

In this Schedule, unless the contrary intention appears,—

The expression "continuing candidate" means any candidate not elected or not excluded from the poll at any given time:

The expression "first preference" means the figure 1 standing alone opposite the name of a candidate; "second preference" means the figure 2 standing alone opposite the name of a candidate in succession to the figure 1; "third preference" means the figure 3 standing alone opposite the name of a candidate in succession to the figures 1 and 2; and so on:

The expression "next available preference" means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, the preferences next in order on the ballot-paper for candidates already elected or excluded from the poll being ignored:

The expression "transferable paper" means a ballot-paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate:

The expression "non-transferable paper" means a ballot-paper on which no second or subsequent preference is recorded for a continuing candidate;

Provided that a paper shall be deemed to have become a non-transferable paper whenever—

(a) The names of two or more candidates (whether continuing or not) are marked with the same number, and are next in order of preference; or

(b) The name of the candidate next in order of preference (whether continuing or not) is marked—

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

(ii) By two or more numbers; or

(c) For any other reason it cannot be determined for which of the continuing candidates the next available preference of the voter is recorded:

The expression "original vote" in regard to any candidate means a vote derived from a ballot-paper on which a first preference is recorded for that candidate:

The expression "transferred vote" in regard to any candidate means a vote derived from a ballot-paper on which a second or subsequent preference is recorded for that candidate:

The expression "surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota:

The expression "count" means—

(a) All the operations involved in the counting of the first preferences recorded for candidates; or

(b) All the operations involved in the transfer of the surplus of an elected candidate; or

(c) All the operations involved in the transfer of the votes of an excluded candidate or of two or more candidates excluded together.

Vote of Electors.

2. (1) Each voter shall have one transferable vote.

Method of Voting.

(2) A voter in recording his vote—

(a) Must place on his ballot-paper the figure 1 opposite the name of the candidate for whom he votes; and

(b) May in addition indicate the order of his choice or preference for as many other candidates as he pleases by placing against their respective names the figures 2, 3, 4, 5, and so on, in consecutive numerical order.

Invalid Ballot-papers.

3. A ballot-paper shall be invalid on which—

(a) The figure 1 standing alone, indicating a first preference for some one candidate, is not placed; or

(b) The figure 1 standing alone, indicating a first preference, is placed opposite the name of more than one candidate; or

(c) The figure 1 standing alone, indicating a first preference, and some other figure are placed opposite the name of the same candidate; or

(d) It cannot be determined for which candidate the first preference of the voter is recorded; or

(e) Any mark is placed by the voter by which he may afterwards be identified.

Form of Ballot-paper.

4. The form of ballot-paper to be used, and the form of directions for the guidance of voters in voting, shall be those set out in the Third Schedule.

Sorting Papers.

5. After the ballot-papers have been mixed the Returning Officer shall examine the ballot-papers and shall sort them into parcels according to the first preferences recorded for each candidate, rejecting any that are invalid.

Counting Papers.

6. The Returning Officer shall then count the number of papers in each parcel, and shall credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate, and he shall ascertain the total number of valid papers.

The Quota.

7. The Returning Officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled. The result increased by one (any fractional remainder being disregarded) shall be the number of votes sufficient to secure the election of a candidate. This number is herein called the "quota."

Candidate with Quota elected.

8. If at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall thereupon be elected.

Transfer of Surplus.

Surplus to be transferred.

9. (1) If at the end of any count the number of votes credited to a candidate is greater than the quota the surplus shall be transferred, as in this regulation provided, to the continuing candidates for whom the next available preferences have been recorded on the ballot-papers in the parcel or sub-parcel last received by the elected candidate.

Priority of surplus.

(2) (a) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(b) If two or more candidates have each an equal surplus, the surplus of the candidate with the greatest number of votes at the first count at which the candidates in question have an unequal number of votes shall be first dealt with. When the numbers of votes credited to such candidates are equal at all counts, the Returning Officer shall determine which surplus he will first deal with.

Transfer of surplus optional.

(3) The Returning Officer need not transfer a surplus when that surplus, together with any other surplus not transferred, is less than the difference—

(a) Between the votes of the candidate lowest on the poll and the votes of the next highest candidate ; or

(b) Between the total of the votes of the two or more candidates lowest on the poll and the votes of the next highest candidate, provided that the exclusion from the poll of the aforesaid two or more candidates lowest on the poll shall not reduce the number of continuing candidates below the number of vacancies remaining to be filled.

Surplus from original votes.

(4) (a) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the papers contained in the parcel of the elected candidate whose surplus is to be transferred.

Surplus from transferred votes.

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-parcel last received by the elected candidate whose surplus is to be transferred.

Papers sorted to next available preference.

(c) In either case the Returning Officer shall sort the transferable papers into sub-parcels according to the next available preferences recorded thereon, shall make a separate sub-parcel of the non-transferable papers, and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

If transferable papers equal to or less than surplus, all transferred.

(5) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Returning Officer shall transfer the whole of each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next available preference, and shall set aside as a separate sub-parcel so many of the non-transferable papers as are not required for the quota of the elected candidate. The particular papers set aside shall be those last filed in the sub-parcel of non-transferable papers.

If transferable papers exceed surplus proportionate transfer.

(6) (a) If the total number of transferable papers is greater than the surplus the Returning Officer shall transfer from each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next available preference the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional part, if any, of each number so ascertained. Ascertainment of numbers of papers to be transferred.

(c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored. Treatment of fractional parts.

(d) If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the largest which arises from the largest sub-parcel, and if the sub-parcels in question are equal in size, the fractional part credited to the candidate with the greatest number of votes at the first count at which the candidates in question have an unequal number of votes shall be deemed to be the largest. When the numbers of votes credited to such candidates are equal at all counts the Returning Officer shall determine which fractional part shall be deemed to be the largest. Equality of fractional parts.

(e) The particular papers transferred from each sub-parcel shall be those last filed in the sub-parcel, and each paper so transferred shall be marked in such a manner as to indicate the count at which the transfer took place. Papers transferred from sub-parcels.

Exclusion of Candidates.

10. (1) If at the end of any count no candidate has a surplus, or if any existing surplus need not be and is not transferred, and one or more vacancies remain to be filled—

(a) The Returning Officer shall exclude from the poll the candidate lowest on the poll ; but One candidate excluded.

(b) If the total of the votes of the two or more candidates lowest on the poll together with any surplus not transferred is less than the number of votes credited to the next highest candidate, the Returning Officer may at the same count exclude the aforesaid two or more candidates lowest on the poll, provided that the exclusion of these candidates shall not reduce the number of continuing candidates below the number of vacancies remaining to be filled. Two or more excluded.

(2) If, when a candidate has to be excluded, two or more candidates have each the same number of votes and are lowest on the poll, the candidate with the lowest number of votes at the first count at which the candidates in question have an unequal number of votes shall be excluded, and, when the numbers of votes credited to these candidates are equal at all counts, the Returning Officer shall determine which shall be excluded. Selection of candidates for exclusion.

(3) Upon the exclusion of any candidate, the Returning Officer, save as hereinafter provided, shall examine all the papers credited to that candidate ; shall sort the transferable papers into sub-parcels according to the next available preferences recorded thereon for continuing candidates ; shall transfer each sub-parcel to the candidate for whom that preference is recorded ; and shall set aside as a separate sub-parcel the non-transferable papers. Transfer of votes of excluded candidates.

Last Vacancies.

11. (1) If at the end of any count the number of elected candidates is equal to the number of vacancies to be filled, no further transfer of votes shall be made.

(2) If on the exclusion of a candidate or candidates the number of the then continuing candidates is equal to the number of vacancies unfilled, the continuing candidates shall thereupon be elected, and no further transfer of votes shall be made.

Priority of Election.

12. The order of priority of election of elected members shall be the order in which they are severally elected. If at the end of any count two or more candidates are elected, the order of priority shall be the order of magnitude of the numbers of votes credited to such candidates, beginning with the greatest.

Procedure in transferring Votes.

13. (1) Whenever any transfer is made each sub-parcel of papers transferred shall be placed on the top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers transferred to him. Papers transferred.

Non-transferable
papers set aside.

Papers retained for
quota.

(2) Non-transferable papers (except such as in the transfer of a surplus may be required for the quota of the elected candidate) shall be set aside as a separate sub-parcel, together with any parcel of non-transferable papers already set aside.

(3) On the transfer of the surplus of an elected candidate, all papers not transferred to continuing candidates and not set aside as provided in the preceding paragraph shall be placed together in one parcel as the quota of the elected candidate, and the parcel shall be marked with the name of the elected candidate.

Partial Re-counts.

14. Any scrutineer may, at the end of any count, request the Returning Officer to re-examine and re-count all or any of the papers dealt with during that count, and the Returning Officer shall forthwith re-examine and re-count accordingly the papers indicated without making any alteration in the arrangement of the papers in the various parcels, save where such alteration may be necessary in consequence of any error discovered in the re-count. The Returning Officer may also at his discretion re-count papers either once or more often in any case in which he is not satisfied as to the accuracy of any previous counting of the votes: Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same papers more than once.

Determination of Questions arising out of Decisions of Returning Officers.

15. If any question shall arise in relation to the exclusion from the poll of any candidate or to any transfer of votes, the decision of the Returning Officer, whether expressed or implied by his acts, shall be final, unless an objection is made in writing by any candidate or his agent before the declaration of the poll, and in that event the decision of the Returning Officer may be reversed upon an election petition.

Election Petitions.

16. (1) If upon an election petition—

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

(ii) Any rejected ballot-papers are declared valid,—

the Court may direct the whole or any part of the ballot-papers to be re-counted, and the result of the election ascertained in accordance with these regulations.

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

(3) On any re-count, subject to such modifications as may be necessary by reason of any Order of the Court, each paper shall take the same course as at the original counting of the votes.

