

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,  
26th August, 1926.

Hon. Mr. Bollard.

LOCAL ELECTIONS AND POLLS AMENDMENT.

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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:—

5 1. This Act may be cited as the Local Elections and Polls Amendment Act, 1926, and shall be read together with and deemed part of the Local Elections and Polls Act, 1925 (hereinafter referred to as the principal Act).

Short Title.

10 2. Section seven of the principal Act is hereby amended by omitting the words "fourteen clear days" and substituting the words "twenty-one clear days"; and by omitting the words "five nor more than ten days" and substituting the words "ten nor more than fourteen days".

Section 7 of principal Act amended.

3. Subsection one of section twelve of the principal Act is hereby repealed and the following substituted therefor:—

Section 12 of principal Act amended.

15 " (1.) If the number of candidates exceeds the number of offices then to be filled, the Returning Officer shall forthwith give public notice of the day on which the poll is to be taken and of the names of the several candidates, and shall in such notice appoint polling-places for the taking of the poll. He may so appoint any place outside the district of the local authority to be a polling-place if in his opinion such appointment is necessary to facilitate the taking of the poll."

20 4. Section thirteen of the principal Act is hereby amended by omitting the words "three clear days" and substituting the words "seven clear days."

Section 13 of principal Act amended.

Form of  
voting-papers.

5. (1.) The voting-papers to be used at all elections held under the principal Act shall be in the form numbered (1), and the voting-papers to be used at all polls under that Act shall be in the form numbered (2), in the Schedule hereto, and all such voting-papers shall have printed on the counterfoil and back thereof respectively the matter contained in the form numbered (3) in that Schedule. 5

Repeals.

(2.) The forms numbered (5) and (6) in the First Schedule to the principal Act are hereby consequentially repealed.

Voting-paper to be  
officially marked.

6. (1.) Before giving any voting-paper to a voter the Returning Officer or Deputy Returning Officer shall enter on both the counterfoil and the top right-hand corner of the back of the voting-paper a number (called a consecutive number) beginning with the number one in the case of the first voting-paper issued by him, and on all succeeding voting-papers issued by him the numbers shall be consecutive, so that no two voting-papers issued in any booth shall bear the same number; he shall then fold over the corner of the voting-paper so as to conceal the consecutive number, and shall secure the corner by gum or other effective means; on the counterfoil of the voting-paper he shall also write his initials, and the number appearing on the roll against the name of the elector to whom the voting-paper is to be given; on both the counterfoil and the back of the voting-paper he shall place his official mark, and then draw a line in pencil or ink through the number and name of the voter on the roll as evidence that the voter has applied for and has received a voting-paper. 10 15 20

(2.) At elections where any voter is entitled to give more than one vote the Returning Officer or Deputy Returning Officer shall also write on the roll against the name of the voter a number denoting the number of voting-papers given to him. 25

(3.) Every Returning Officer or Deputy Returning Officer who fails faithfully to perform any duty imposed on him by this section, by reason whereof any of the requirements of this section are not effectively fulfilled, is liable to a fine of *ten* pounds: 30

Provided that in so far as relates to the duty of securing the corner of the voting-paper by gum or other effective means, it shall be a sufficient defence if he satisfies the Court that he took all reasonable precautions to secure the same. 35

Repeal.

(4.) This section is in substitution for section twenty-four of the principal Act, and that section is hereby accordingly repealed.

Spoilt voting-papers.

7. (1.) Any voter who not having deposited his voting-paper in the ballot-box satisfies the Returning Officer or a Deputy Returning Officer that he has spoilt it by inadvertence may be supplied with a fresh voting-paper, but only after the spoilt one has been returned to the Returning Officer or Deputy Returning Officer. 40

(2.) The Returning Officer or Deputy Returning Officer shall cancel such spoilt voting-paper by writing across the face thereof the words "Spoilt by voter, and a fresh voting-paper issued in lieu thereof," and shall affix his initials thereto, and shall retain the spoilt voting-paper in his possession until the close of the poll. 45

Section 25 of  
principal Act  
amended.

8. Section twenty-five of the principal Act is hereby amended—

(a.) By omitting from subsection one the words "marking a cross in a square set opposite to the name of each such candidate:" and substituting the words "striking out the name of every candidate for whom he does not desire to vote:"; and 50

(b.) By omitting from the proviso to the said subsection the words "by striking out the names of the candidate or candidates for whom the voter did not intend to vote." and substituting the word "otherwise."

5 9. (1.) Every Deputy Returning Officer, at the polling-place at which he presides, shall, as soon as practicable after the close of the poll, make up into a parcel the copy of the roll supplied to him on which the fact of any person having received a voting-paper has been noted, together with all the counterfoils of voting-papers that have been  
10 issued to voters, and such parcel shall be sealed by the Deputy Returning Officer and by such scrutineers as are present and desire to do so.

Preliminary count of the votes.

(2.) The Deputy Returning Officer shall then, in the presence of such of the scrutineers as choose to be present, and the poll-clerks (if  
15 any), but of no other person, open the ballot-boxes, and, taking therefrom all the voting-papers therein, and setting aside as informal all voting-papers which do not clearly indicate the candidate or candidates for whom the voter desired to vote, shall proceed to ascertain the number of votes recorded for each candidate.

20 (3.) Immediately after ascertaining the number of votes recorded for each candidate, the Deputy Returning Officer shall announce the result of the voting at the polling-place at which he presides, and shall forthwith send the said numbers to the Returning Officer, who shall make up and provisionally announce the total number of votes  
25 received by each candidate at the election.

(4.) This section is in substitution for section twenty-seven of the principal Act, and that section is hereby accordingly repealed.

Repeal.

10. Subsection two of section twenty-eight of the principal Act is hereby amended as follows:—

Section 28 of principal Act amended.

30 (a.) By inserting after the words "together with" the words "the packet containing the counterfoils and"; and

(b.) By omitting the words "as prescribed by section twenty-four hereof."

11. Section thirty-four of the principal Act is hereby amended by  
35 inserting, in subsection one, after the words "voting-papers used at the election" the words "and all counterfoils corresponding to those voting-papers,"; by omitting from the same subsection the words "and all the copies of the roll marked as provided by section twenty-four hereof"; and by adding the following subsection:—

Section 34 of principal Act amended.

40 "(3.) All copies of the roll on which the fact of any person having received a voting-paper has been noted shall be forwarded by the Returning Officer to the Clerk of the local authority, and shall be retained by him until the close of the next succeeding general election of members of the local authority."

45 12. (1.) Where any person, on making application for a voting-paper at any election or poll held or taken under the principal Act, is informed by the Returning Officer or a Deputy Returning Officer that it does not appear from the official copy of the roll in the possession of such officer that he is entitled to vote, such person may vote at such  
50 election or poll on making a declaration, in the form numbered (4) in the Schedule to this Act, that he was entitled by virtue of a proper

Persons whose names are not on roll may vote by declaration.

qualification to have his name entered on the roll prepared for the purposes of such election or poll and that he had reasonable cause to believe that his name was entered on such roll.

(2.) Every person who votes under the authority of this section shall enclose his voting-papers in an envelope which shall be sealed by him in the presence of the Returning Officer or Deputy Returning Officer. The envelope and declaration shall be numbered by the Returning Officer or Deputy Returning Officer, and the voting-papers shall then be deposited in the ballot-box by the voter. 5

(3.) After the close of the poll the declarations, with the relative voting-papers, shall be forwarded to the Returning Officer for verification, and in no case shall the votes be counted unless the Returning Officer is satisfied that the voter was qualified to be enrolled, that the local authority or the proper officer thereof had knowledge of the voter's qualification, and that his name was inadvertently omitted from the roll. 15

(4.) Where the Returning Officer allows any such vote as aforesaid, he shall forward the relative declaration to the Clerk or other proper officer of the local authority, and the local authority shall take all necessary steps to cause the declarant's name to be entered on the electors' roll of the district or of the appropriate subdivision thereof. 20

(5.) Every person who knowingly and wilfully makes a false statement in any declaration under this section shall be liable to a fine of fifty pounds.

Voting by bodies  
corporate, &c.

13. (1.) Any corporate body, the name of which is entered on any roll prepared for the purposes of an election or poll held or taken under the principal Act, may, by resolution, appoint some person to vote on its behalf at such election or poll. 25

(2.) Any unincorporated society or association of persons, or any firm, co-partnership, or joint tenants whose name or names appear on any such roll may, by writing under the firm's name or under the hands of the co-partners or joint tenants, as the case may be, appoint some person to vote at such election or poll on their behalf. 30

(3.) The production of a sealed copy of the resolution, in the case of a corporate body, or the production of the instrument of appointment, in any other case, shall be sufficient authority for the Returning Officer or Deputy Returning Officer to allow the person named therein to vote under this section. 35

(4.) Any person entitled to vote by virtue of any such appointment, or who votes in a representative capacity by virtue of his being the occupier of any property as provided by section twelve or section thirteen of the Rating Act, 1925, shall not thereby be debarred from exercising any right to vote to which he may be entitled in his own behalf. 40

Spoilt ballot-papers,  
&c., to be delivered  
to Returning  
Officer.

14. (1.) Every Deputy Returning Officer shall make up into separate packets and deliver to the Returning Officer as soon as practicable after the close of the poll all spoilt ballot-papers and all authorities to vote under the *last preceding* section returned or produced to him at the polling-place at which he presided. 45

Disposal of same.

(2.) The provisions of subsection one of section thirty-four of the principal Act providing for the disposal of voting-papers shall apply with respect to the disposal of such spoilt voting-papers and authorities 50

and of declarations not required to be forwarded to the local authority and the relevant disallowed voting-papers.

15. Subsection one of section forty-two of the principal Act is hereby amended as follows:—

Section 42 of principal Act amended.

5 (a.) By omitting the words "twenty nor more than twenty-five" and substituting the words "twenty-five nor more than twenty-eight"; and

(b.) By omitting the words "five nor more than seven" and substituting the words "ten nor more than twelve".

10 16. Nothing in section fifty-four of the principal Act shall apply to polls in respect of loan proposals taken pursuant to the Local Bodies' Loans Act, 1913.

Section 54 of principal Act not to apply to polls under Local Bodies' Loans Act, 1913.

#### *Electoral Rights of Aliens.*

17. (1.) For the purposes of this section—

Interpretation.

15 "Alien enemy" means an alien who is a subject of any State with which His Majesty is for the time being at war:

Cf. 1917, No. 21, secs. 11, 12

"Local authority" includes a local authority as defined by the Acts Interpretation Act, 1924, and also includes a Harbour Board, a Hospital Board, an Electric-power Board, a Fire Board, an Education Board, a Railway Board, and such other public bodies as are from time to time declared by the Governor-General by Order in Council to be local authorities for the purposes of this section.

20 (2.) Notwithstanding anything to the contrary in any Act relating to the constitution of any local authority, or to the conduct of elections and polls by or in connection with any such local authority, the following provisions shall apply with respect to aliens in relation to the constitution of local authorities and the conduct of local elections and polls.

Defining rights and powers of aliens with respect to local elections.

30 (3.) No person who is an alien enemy within the meaning of this section shall be qualified to vote at any election of a member of a local authority, or at any election or poll conducted by such local authority, or shall be capable of being elected or appointed as a member of any such local authority.

35 (4.) An alien, not being an alien enemy as hereinbefore defined, shall not be capable of being elected or appointed as a member of any local authority, but shall not be disqualified by reason merely of his alien nationality from voting at any election of a member or members of such local authority, or at any election or poll conducted by such local authority, unless aliens are specifically disqualified by statute from voting at such election or poll.

40 (5.) Every person who by this section is disqualified from being elected or appointed as a member of a local authority, and who, after the passing of this Act, consents to be nominated for election or appointment, or to be appointed, as a member of any such local authority, commits an offence, and shall be liable on summary conviction to a fine of *one hundred* pounds, or to imprisonment for *three* months, or to both such fine and imprisonment.

45 (6.) Every person who by this section is disqualified from voting at any election or poll and who attempts to vote or votes at any such election or poll, or applies for enrolment on the roll of electors for any

such election or poll, commits an offence, and shall be liable on summary conviction to a fine of *one hundred* pounds, or to imprisonment for *three* months, or to both such fine and imprisonment.

Repeals.

(7.) This section is in substitution for sections eleven and twelve of the War Legislation Act, 1917, and those sections are hereby accordingly **5** repealed.

Schedule.

## SCHEDULE.

### (1.) VOTING-PAPER AT AN ELECTION.

[*Name of District.*]

ELECTION of Mayor [or of (*Insert number*) Councillors or as the case may be].

#### VOTING-PAPER.

ARMSTRONG, Thomas.  
BURTON, Gerald.  
HORNSBY, William.  
MCKENZIE, Donald, Grocer.  
MCKENZIE, Donald, Ironmonger.  
SHAW, Thomas.

#### *Directions.*

The voter is to leave untouched the names of the candidate or candidates for whom he desires to vote, and to draw a line with a pen or pencil through the names of the candidate or candidates for whom he does not desire to vote.

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

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

### (2.) VOTING-PAPER AT A POLL ON A PROPOSAL.

[*Name of District.*]

PROPOSAL to [*State full particulars of the proposal*].

FOR the proposal.  
AGAINST the proposal.

#### *Directions.*

If the voter desires to vote *for* the proposal, he must leave the words "For the proposal" untouched, and draw a line with a pen or pencil through the words "Against the proposal." If he desires to vote *against* the proposal, he must leave the words "Against the proposal" untouched, and draw a line through the words "For the proposal."

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

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

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(3.) MATTER TO BE PRINTED ON COUNTERFOIL AND BACK OF VOTING-PAPER.

Consecutive No.:

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

No. on Roll:

To be entered here only.

Official

Stamp across the perforation so that the number of the polling-place shall appear on both the counterfoil and the voting-paper.

Mark.

Initials of Deputy Returning Officer:

(4.) DECLARATION BY PERSON APPLYING TO VOTE WHO DOES NOT APPEAR FROM CERTIFIED COPY OF ROLL TO BE ENTITLED TO VOTE.

Consecutive No. of Voting-paper:

Consecutive No. of Declaration:

I, , do hereby declare as follows:—

(1.) That I was legally qualified to have my name placed on the roll prepared for the purposes of this election poll by virtue of [Here state qualification] and am still so entitled.

(2.) That when the said roll was closed I had reasonable cause to believe that my name had been entered thereon.

Signature of Declarant:

Full Residential Address:

Occupation:

Declared before me this day of , 19

Returning Officer [or Deputy Returning Officer],

.....Polling-place.

.....[Name of local authority].