

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 26th March, 1941.

Hon. Mr. Parry

LOCAL ELECTIONS AND POLLS AMENDMENT

ANALYSIS

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1. Short Title.	6. Consequential repeals.
2. General elections of all local authorities to be held on Saturdays. Repeal.	7. Tenants of State houses to be electors as if they were rate-payers.
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4. Voting by cross to be used at all local elections and polls.	Schedules.

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, 1941, 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.
See Reprint of Statutes, Vol V, p. 447

Struck out.

2. (1) Every general election of members of any local authority that is required to be held in the month of May in any year shall be held on the third Saturday in that month. General elections of all local authorities to be held on Saturdays.

New.

2. (1A) Every general election of members of any local authority shall be held on a Saturday.

New.

(1B) Every such general election that is required to be held in the month of May in any year shall be held on the third Saturday in that month.

(2) Where, if this subsection had not been passed, any other general election of members of any local authority would have been required to be held on any day not being a Saturday, that election shall be held on the first Saturday following that day.

(3) The enactments specified in the *First* Schedule to this Act are hereby amended in the manner indicated in that Schedule.

Repeal.
1937, No. 35

(4) The Thames Borough Commissioner Amendment Act, 1937, is hereby consequentially repealed.

Notice of election or poll may be withdrawn and fresh notice substituted.

3. (1) Notwithstanding anything to the contrary in any other Act, any notice published before the passing of this Act and relating to the date of any poll to be taken during the month of May, nineteen hundred and forty-one, or of any election to be held during that month, may be withdrawn and a fresh notice may be published in substitution therefor.

(2) Upon publication of a fresh notice in accordance with this section the notice first published shall be deemed to be revoked.

Voting by cross to be used at all local elections and polls.

4. Section twenty-five of the principal Act is hereby amended by omitting from subsection one, as amended by section eight of the Local Elections and Polls Amendment Act, 1926, the words "striking out the name of every candidate for whom he does not desire to vote", and substituting the words "marking a cross in a square set opposite to the name of each such candidate".

Form of voting-papers.

5. (1) The voting-papers to be used at any election held under Part I of the principal Act shall be in the form numbered (1) in the *Second* Schedule to this Act.

(2) Except as provided in the *next succeeding* subsection, the voting-papers to be used at any poll shall be in the form numbered (2) in the *Second* Schedule to this Act.

See Reprint of Statutes, Vol. V, p. 360

(3) The voting-papers to be used at any poll upon a proposal to raise a special loan under the Local Bodies' Loans Act, 1926, shall be in the form numbered (3) in the *Second* Schedule to this Act, and shall contain full particulars of the notice required by section ten of that Act or a statement giving the purport and effect of that notice:

Provided that the voting-papers to be used at any such poll that is held before the *first* day of *June*, nineteen hundred and forty-one, may be in the same form as if this Act had not been passed.

5 (4) Every voting-paper shall have a counterfoil, and shall have printed on the back thereof and on the counterfoil respectively the matter contained in the form numbered (4) in the *Second* Schedule to this Act.

10 (5) The voting-papers to be used at any election or poll shall be printed on paper of uniform colour, and where an election and a poll or two or more elections or polls are held simultaneously the voting-papers in each case shall be different in colour.

15 6. The enactments specified in the *Third* Schedule to this Act are hereby consequentially repealed.

Consequential repeals.

20 7. (1) The person who is for the time being the tenant of any dwelling leased to him under Part I of the Housing Act, 1919, shall be entitled to have his name entered on any list or roll of electors or rate-payers of any local authority in the same cases and in the same manner as if his name appeared in a *the* valuation roll ~~under the Valuation of Land Act, 1925,~~ of the district of the local authority as the occupier of that dwelling and as if the dwelling were a separate
25 rateable property.

Tenants of State houses to be electors as if they were ratepayers.

See Reprint of Statutes, Vol. III, p. 798

Struck out.

30 (2) For the purposes of any Act that prescribes different qualifications entitling persons to have their names entered on any such list or roll, every person to whom the *last preceding* subsection relates shall be deemed to possess a rating qualification.

New.

35 (2A) The fact that the name of any person is entered on any list or roll pursuant to this section shall be indicated opposite his name in the list or roll.

(3) No person shall by virtue of this section have more than one vote at any election or poll

New.

40 or be entitled to vote at a poll taken on any proposal relating to loans or rates.

(4) Nothing in this section shall be construed to impose any liability on any person for the payment of any rates.

45 (5) Notwithstanding anything to the contrary in section forty-eight of the Counties Act, 1920, every

Ibid., Vol. V, p. 200

New

county electors' roll shall in the year nineteen hundred and forty-one come into force on the second Wednesday in April.

As to residential and occupier's qualifications of persons residing in areas added to a borough or town district. 1933, No. 30

8. (1) Where any area has been ~~included in any ward or~~ added to a borough, whether before or after the passing of this Act,— 5

(a) Every person who has resided in that area during any period before it was so ~~included~~ added shall be deemed for the purposes of paragraph (c) of subsection one of section six of the Municipal Corporations Act, 1933, to have resided ~~in the ward or borough~~ during that period: 10

New.

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in the borough and, in the case of a divided borough, in the ward in which the area is included.

(b) Any premises that were situated in that area during any period before it was so ~~included~~ added shall be deemed for the purposes of paragraph (d) of subsection one of section six of the Municipal Corporations Act, 1933, to have been situated ~~in the ward or borough~~ during that period. 20 25

New.

in the borough and, in the case of a divided borough, in the ward in which the area is included.

(2) The foregoing provisions of this section shall, with the necessary modifications, apply with respect to the qualifications of electors of town districts. 30

New.

Duration of poll.

9A. (1) Notwithstanding anything to the contrary in any other Act, the poll at every election shall close at the hour prescribed in that behalf by section eighteen of the principal Act or (as the case may require) by an Order in Council under that section. 35

(2) All Orders in Council issued under the said section eighteen before the passing of this Act are hereby revoked. 40

Repeals. 1933, No. 30 1937 (Local), No. 11

(3) The proviso to subsection one of section seventeen of the Municipal Corporations Act, 1933, and the proviso to section eleven of the Auckland Electric-power Board Amendment Act, 1937, are hereby consequentially repealed. 45

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Section 2

AMENDMENTS CONSEQUENTIAL ON ALTERATION OF DAY FOR ELECTIONS.

Title of Enactment.	Number of Section affected.	Nature of Amendment.
1907 (Local), No. 30— The Christchurch District Drainage Act, 1907	Section 7, as amended by section 6 of the Christchurch District Drainage Amendment Act, 1914	By omitting the words "last Tuesday in the month of January of the third year following the last general election", and substituting the words "date of the first general election to be held after they become members".
	Section 8 (1), as amended by section 7 of the Christchurch District Drainage Amendment Act, 1914	By omitting the words "last Tuesday in January in every succeeding third year", and substituting the words "last Saturday in January in every succeeding third year".
1908, No. 165— The River Boards Act, 1908 (Reprint of Statutes, Vol. IV, p. 526)	Section 47, as amended by section 2 (4) of the River Boards Amendment Act, 1934	By omitting the words "second Wednesday in May", and substituting the words "third Saturday in May".
1914 (Local), No. 9— The Christchurch District Drainage Amendment Act, 1914	Sections 6 and 7 ..	By repealing these sections.
1920, No. 47— The Counties Act, 1920 (Reprint of Statutes, Vol. V, p. 205)	Section 65 (1) ..	By omitting the words "second Wednesday in May", where those words first occur, and substituting the words "third Saturday in May".
	<i>New.</i>	
	Section 77 ..	By omitting the words "at noon on the fourth Wednesday in May", and also by inserting, after the words "at the office of the Council", the words "on a day to be fixed by the Council, such day being not later than thirty days after the third Saturday in May".
1928, No. 44— The Auckland Transport Board Act, 1928	Section 7 (2) ..	By omitting the words "first Wednesday in May of every fourth year", and substituting the words "third Saturday in May of every fourth year".
1930 (Local), No. 16— The Hawke's Bay Rivers Amendment Act, 1930	Section 9 (1), as amended by section 3 of the Hawke's Bay Amendment Act, 1934	By omitting the words "same day", and substituting the words "third Saturday in May".
1932-33, No. 47— The Local Legislation Act, 1932-33	Section 10 (11) ..	By omitting the words "second Wednesday in May", and substituting the words "third Saturday in May".
1932 (Local), No. 1— The Thames Borough Commissioner Act, 1932	Section 9 (1), as amended by section 2 of the Thames Borough Commissioner Amendment Act, 1937	By omitting the reference to the second Wednesday in May, nineteen hundred and forty-one, and substituting a reference to the third Saturday in May, nineteen hundred and forty-one.

FIRST SCHEDULE—*continued.*AMENDMENTS CONSEQUENTIAL ON ALTERATION OF DAY FOR
ELECTIONS—*continued.*

Title of Enactment.	Number of Section affected.	Nature of Amendment.
1932 (Local), No. 2— The Ohai Railway Board Act, 1932	Section 13	By omitting the words “same day”, and substituting the words “last Saturday in January”.
1933, No. 30— The Municipal Corporations Act, 1933 (as amended by section 4 of the Local Elections and Polls Amendment Act, 1934–35)	Section 23 (1)	By omitting the words “second Wednesday in May”, and substituting the words “third Saturday in May”.
	Section 23 (6) (a)	By omitting the words “third Wednesday in May”, and substituting the words “fourth Saturday in May”.
	Section 42 (1) (a)	By omitting the words “second Wednesday in May”, and substituting the words “third Saturday in May”.
	Section 44 (1)	By omitting the words “same day”, and substituting the words “third Saturday in May”.
1933 (Local), No. 17— The Waimakariri River Improve- ment Amendment Act, 1933	Section 4	By omitting the words “second Wednesday”, where those words secondly occur, and substituting the words “third Saturday”.
1934, No. 23— The River Boards Amendment Act, 1934	Section 2 (1)	By omitting the words “same day”, and substituting the words “third Saturday in May”.
	Section 2 (4)	By repealing this subsection.
1934–35, No. 43— The Local Elections and Polls Amendment Act, 1934–35	Section 3 (1)	By omitting the words “same day”, and substituting the words “third Saturday in May”.
	Section 4	By repealing paragraphs (a), (c), and (d).
1934 (Local), No. 3— The Hawke’s Bay Rivers Amend- ment Act, 1934	Section 3	By repealing this section.
	Section 4	By omitting the words “second Wednesday”, and substituting the words “third Saturday”.
1937 (Local), No. 11— The Auckland Electric - power Board Amendment Act, 1937	Section 13 (1)	By inserting, before the words “during the same period”, the words “on a Saturday”.
1937 (Local), No. 18— The Ashley River Improvement Amendment Act, 1937	Section 2 (1)	By omitting the words “second Wednesday”, where those words secondly occur, and substituting the words “third Saturday”.
1939 (Local), No. 4— The Christchurch Tramway Dis- trict Amendment Act, 1939	Section 2 (1)	By omitting the words “last Saturday in November in the year nineteen hundred and thirty-nine”, and substituting the words “third Saturday in May in the year nineteen hundred and forty-one”.

SECOND SCHEDULE.

Section 5

(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 mark a cross in the square set opposite to the name or names of the candidate or candidates for whom he desires 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 mark a cross in the square at the end of the line "For the proposal". If he desires to vote *against* the proposal he must mark a cross in the square at the end of the line "Against 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.

(3) VOTING-PAPER AT A POLL ON A LOAN PROPOSAL.

[Name of Local Authority.]

PROPOSAL to raise a special loan under the Local Bodies' Loans Act, 1926.

[Insert full particulars of the notice required by section 10 of that Act, and any statements required by the Local Government Loans Board.]

For the Proposal.	
Against the Proposal.	

Directions.

If the voter desires to vote *for* the proposal he must mark a cross in the square at the end of the line "For the proposal". If he desires to vote *against* the proposal he must mark a cross in the square at the end of the line "Against 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.

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

Consecutive No. :

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

No. on Roll :

To be entered here **only**.

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

Official

Mark.

Initials of
Deputy Returning Officer :

THIRD SCHEDULE.

Section 6

ENACTMENTS REPEALED.

- 1925, No. 35.—The Local Elections and Polls Act, 1925: Sections 16 and 55. (Reprint of Statutes, Vol. V, pp. 451, 465.)
- 1926, No. 14.—The Local Bodies' Loans Act, 1926: Subsection (4) of section 11 and the form numbered (1) in the First Schedule. (Reprint of Statutes, Vol. V, pp. 367, 410.)
- 1926, No. 42.—The Local Elections and Polls Amendment Act, 1926: Section 5 and the forms numbered (1), (2), and (3) in the Schedule. (Reprint of Statutes, Vol. V, pp. 481, 486, 487.)
- 1932–33 (Local), No. 8.—The Auckland City Empowering Act, 1932–33: Section 5.
- 1933 (Local), No. 9.—The Wellington City Empowering and Special Rates Consolidation Amendment Act, 1933: Section 4.
- 1934 (Local), No. 6.—The Christchurch City Empowering Act, 1934.
- 1934–35, No. 43.—The Local Elections and Polls Amendment Act, 1934–35: Section 6.
- 1934 (Local), No. 12.—The Auckland Transport Board Empowering Act, 1934: Section 4.
- 1937 (Local), No. 7.—The Christchurch Tramway Board Empowering Act, 1937.