

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 31st March, 1944.

Hon. Mr. Parry

LOCAL ELECTIONS AND POLLS AMENDMENT

ANALYSIS

Title.	
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2. Residential qualification of electors of local authorities.	7. Consequential amendments of various Acts.
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4. Residential qualification for membership of local authorities.	9. Date of general elections of Auckland Transport Board.
5. Employees of local authorities to be qualified for membership thereof.	10. Date of general elections of Christchurch Drainage Board.
	11. Date of general elections of Christchurch Tramway Board. Schedule.

A BILL INTITULED

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

BE IT ENACTED by the General Assembly of New
5 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, 1944, and shall be read together
with and deemed part of the Local Elections and Polls
10 Act, 1925.

New

1A. For the purposes of this Act the expression “roll
of electors”, in relation to any local authority, means
any list or roll which is used or prepared in connection
15 with any election of members of that local authority.

Short Title.

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

“Roll of
electors”
defined.

Residential qualification of electors of counties and road districts.

2. (1) Without affecting any other qualification for enrolment, it is hereby declared that every person of or over the age of twenty-one years shall be qualified to be an elector and to have his name entered on any roll of electors of any local authority, whether in respect of the district of that local authority or, as the case may require, in respect of any ward, riding, subdistrict, or other subdivision thereof, riding of a county, or of any road district or subdivision thereof, who possesses a residential qualification, meaning thereby—

(a) That he is a British subject either by birth or by naturalization having effect in New Zealand:

(b) That he has resided for one year in New Zealand:

Struck out

(c) That he has resided in the district, or, as the case may require, in the ward, riding, subdistrict, or other subdivision for not less than three months immediately preceding his enrolment or application for enrolment as an elector. For the purposes of this paragraph a person shall be deemed to reside in the place in which he has his permanent home:

New

(cc) That he has resided in the riding, road district, or subdivision, as the case may be, for not less than three months immediately preceding his enrolment or claim for enrolment as an elector:

Provided that nothing in this subsection shall be construed to entitle any person to have his name appearing more than once on any roll of electors:

Provided also that where any person who is entitled under this subsection to have his name entered on any roll of electors is also entitled to have his name so entered by virtue of his being a ratepayer of any district, his name shall be entered on the roll in respect of that rating qualification only.

Struck out

(2) Where, on the date of any election of members of any local authority, the name of any person is (in respect of an address within the district of the local

authority) on any electoral roll within the meaning of the Electoral Act, 1927, that person shall for the purposes of that election be deemed to be enrolled on the roll of electors for the district or, as the case may require, for any ward, riding, subdistrict, or other subdivision of the district, and may vote accordingly.

See Reprint of Statutes, Vol. VI, p. 469

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New

(2A) It shall be the duty of the Clerk of every county or road district to enter on the roll of electors of any riding of the county, or of the road district or any subdivision thereof, as the case may be,—

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(a) The name of every person who makes a claim in the form set out in the Schedule to this Act for enrolment on that roll, unless to the Clerk's knowledge any statement made by the applicant in his claim is untrue:

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(b) The name of every other person who to the Clerk's knowledge is entitled by virtue of this section to have his name entered on that roll.

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Struck out

(3) Every such electoral roll as aforesaid shall, so far as may be necessary to give effect to the provisions of the *last preceding* subsection, be deemed to be part of the roll of electors.

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New

(3A) Every person who wilfully makes a false statement in any claim for enrolment under this section commits an offence and shall be liable on summary conviction to a fine not exceeding *five* pounds.

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Struck Out

(4) For the purposes of this section the expression "roll of electors", in relation to any local authority, means any list or roll which is used or prepared in connection with any election of members of that local authority, and which in fact contains the names of persons entitled to vote at that election, but does not include any list or roll that does not contain the names of any persons so entitled by virtue of their being residents or ratepayers of any district.

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New

(4A) For the purposes of this section a person shall be deemed to reside in the place in which he has his permanent home.

(5) No person shall by virtue of this section have more than one vote at any election.

(6) Nothing in this section shall be construed to entitle any person to vote at any poll of ratepayers other than an election. 5

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

New

Special provisions as to defaulting ratepayers. See Reprint of Statutes, Vol. V, pp. 202, 268, 296

Ibid., Vol. III, p. 51

2.A Nothing in any of the following enactments, 10
namely:—

(a) Section fifty-seven of the Counties Act, 1920;

(b) Section five of the Counties Amendment Act, 1921-22;

(c) The proviso to section forty of the Road Boards 15
Act, 1908; and

(d) Section one hundred and seven of the Electric-
power Boards Act, 1925,—

shall, in relation to any election, apply with respect to any ratepayer who, if he had not been a ratepayer, 20
would have been entitled by virtue of section *two* of this Act to vote at that election.

Struck out

Power to make regulations for purposes of *last preceding* section.

3. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as 25
may in his opinion be necessary or expedient for giving full effect to the provisions of the *last preceding* section and for the due administration thereof.

(2) All regulations made under this section shall 30
be laid before Parliament within fourteen days after the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.

Residential qualification for membership of local authorities.

4. Without affecting any other qualification for 35
membership, it is hereby declared that every person who is qualified under section *two* hereof to be an elector of any local authority shall be qualified to be elected or appointed as and to be a member of that local authority, unless he is disqualified under any enactment 40
otherwise than on the ground that he is not a ratepayer.

New

Compulsory enrolment of residential electors in boroughs and town districts.

4.A. (1) Every person who at any time after the passing of this Act—

(a) Is entitled by virtue of a residential qualification to be enrolled on any roll of electors of any 45
borough or town district; and

(b) Is not possessed of any other qualification for enrolment thereon; and

(c) Is not enrolled thereon—
shall, forthwith after the passing of this Act or after the date on which he becomes so entitled (whichever is the later), make a claim in the prescribed form to be enrolled on that roll of electors.

(2) Every such person commits an offence if, for twenty-one days after the passing of this Act or after the date on which he becomes so entitled (whichever is the later), he fails to become enrolled on the roll of electors, unless he proves that he duly made a claim for enrolment thereon or that his failure to make a claim for enrolment was not due to wilful default.

(3) Every such offence shall be a continuing offence until a claim for enrolment has been duly made.

(4) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding five shillings on a first conviction and to a fine not exceeding twenty shillings on any subsequent conviction.

(5) The burden of proof that a person against whom proceedings are taken for an offence against this section was not a person to whom paragraphs (a) and (b) of subsection one of this section applied at any time when he was alleged to have been such a person shall be on that person.

4B. (1) Notwithstanding anything to the contrary in section forty-eight of the Counties Act, 1920, every county electors roll required by that section to come into force on the first Wednesday in April in the year nineteen hundred and forty-four shall come into force on the nineteenth day of April in that year.

Extending dates for closing of rolls in the year 1944

(2) Notwithstanding anything to the contrary in section thirteen of the Municipal Corporations Act, 1933, every district electors roll prepared in a borough, the population of which exceeds five thousand, for the purposes of the general election to be held in the year nineteen hundred and forty-four shall be deemed to be closed at five o'clock in the afternoon of the twenty-ninth day of April in that year.

See Reprint of Statutes, Vol. V, p. 200 1933, No. 30

5. (1) Notwithstanding anything to the contrary in this or any other Act, no person shall be incapable of being elected or appointed as or of being a member of any local authority by reason of his employment by that local authority:

Employees of local authorities to be qualified for membership thereof.

Provided that this section shall not apply with respect to the Clerk, Town Clerk, Secretary, Manager, Engineer, or Surveyor, or any other principal officer of the local authority. If any question arises as to whether any person is a principal officer within the meaning of this section, it shall be determined by the local authority, and its decision shall be final. 5

New

(1A) For the purposes of this section the expression "local authority" means a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act, or of any Order in Council thereunder. 10

See Reprint
of Statutes.
Vol. V, p. 415

Ibid.,
Vol. III, p. 734

(2) Section twenty-three of the Hospitals and Charitable Institutions Act, 1926, is hereby amended by omitting from paragraph (e) of subsection one the words "or who holds a paid office under any contributory local authority within the hospital district". 15

Amending
provisions
as to
voting by
declaration.

Ibid.,
Vol. V, p. 483

6. Section twelve of the Local Elections and Polls Amendment Act, 1926, is hereby amended by repealing subsection three, and substituting the following subsection:— 20

"(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 any vote be counted unless the Returning Officer is satisfied that the relative declaration has been properly made." 25

Struck Out

Consequential
amendments
of various
Acts.

Date of
general
elections
of Auckland
Electric-power
Board.

1937 (Local),
No. 11

1941, No. 2

7. The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule. 30

8. (1) A general election of members of the Auckland Electric-power Board shall be held on the last Saturday in November in the year nineteen hundred and forty-four and on the same day in every succeeding third year thereafter. 35

(2) Section thirteen of the Auckland Electric-power Board Amendment Act, 1937, and so much of the First Schedule to the Local Elections and Polls Amendment Act, 1941, as relates to that Act are hereby repealed. 40

Struck Out

(3) The Auckland Electric-power Board Election Postponement Emergency Regulations 1943 are hereby revoked.

Gazette,
21st April,
1943, p. 461

5 **9.** (1) Section seven of the Auckland Transport Board Act, 1928, is hereby amended by repealing subsection two, and substituting the following subsection:—

Date of
general
elections
of Auckland
Transport
Board.

10 “(2) A general election of members of the Board shall be held on the last Saturday in November in the year nineteen hundred and forty-four and on the same day in every succeeding third year thereafter.”

1928, No. 44

15 (2) The said section seven is hereby further amended by omitting from subsection one the words “four years”, and substituting the words “three years”.

(3) So much of the First Schedule to the Local Elections and Polls Amendment Act, 1941, as relates to the Auckland Transport Board Act, 1928, is hereby repealed.

1941, No. 2

20 (4) The Order in Council dated the sixteenth day of September, nineteen hundred and forty-two, and published in the *Gazette* on the seventeenth day of the same month at page 2375, postponing the general election of members of the Auckland Transport Board which was required to be held on the third Saturday in May in the year nineteen hundred and forty-three, is hereby revoked.

25 **10.** (1) Section eight of the Christchurch District Drainage Act, 1907, is hereby amended by repealing subsection one, and substituting the following subsection:—

Date of
general
elections
of Christchurch
Drainage
Board.

30 “(1) In each of the several subdistricts of the district the electors shall for their subdistrict, on the last Saturday in November in the year nineteen hundred and forty-four, and on the same day in every succeeding third year thereafter, elect one person (being an elector) to be a member of the Board.”

1907 (Local),
No. 30

35 (2) So much of the First Schedule to the Local Elections and Polls Amendment Act, 1941, as relates to the said section eight is hereby repealed.

1941, No. 2

40 (3) The Christchurch Drainage Board Elections Emergency Regulations 1943 are hereby revoked.

Gazette,
23rd December,
1943, p. 1518

11. (1) The next general election of the whole of the members of the Christchurch Tramway Board shall be held on the last Saturday in November in the year

Date of
general
elections
of Christchurch
Tramway
Board.

nineteen hundred and forty-four, and on the same day in every succeeding third year thereafter all members of the Board shall go out of office, and on every such day a fresh general election of members of the Board shall be held.

(2) The Christchurch Tramway District Amendment Act, 1939, and so much of the First Schedule to the Local Elections and Polls Amendment Act, 1941, as relates to that Act are hereby repealed.

5

Schedule.

SCHEDULE

Struck Out

Section 7 ENACTMENTS AMENDED		
Title of Enactment.	Number of Section affected.	Nature of Amendment.
1908, No. 166— The Road Boards Act, 1908 .. (Reprint of Statutes, Vol. V, p. 281)	Sect-on 40 ..	By repealing the proviso.
	Section 46 ..	By omitting the words "subject, however, to the special provisions of the two next following sections".
	Sections 47, 48, and 49	By repealing these sections.
1920, No. 47— The Counties Act, 1920 .. (Reprint of Statutes, Vol. V, p. 180)	Section 38 ..	By omitting the words "Subject to the provisions hereinafter contained as to the disqualification of electors whose rates, or any part thereof, are unpaid".
	Section 57 ..	By repealing this section.
1921-22, No. 24— The Counties Amendment Act, 1921-22 (Reprint of Statutes, Vol. V, p. 267)	Section 5 ..	By repealing this section.
1922, No. 5— The Land Drainage Amendment Act, 1922 (Reprint of Statutes, Vol. IV, p. 506)	Section 8 ..	By repealing this section.
1925, No. 38— The Electric-power Boards Act, 1925 (Reprint of Statutes, Vol. III, p. 4)	Section 107 ..	By repealing this section.
1928, No. 8— The Rabbit Nuisance Act, 1928 (Reprint of Statutes, Vol. I, p. 243)	Section 51 ..	By repealing this section.

New

FORM OF CLAIM FOR ENROLMENT

Section 2

Under the Local Elections and Polls Amendment Act, 1944

CLAIM FOR ENROLMENT AS AN ELECTOR OF RIDING
OF COUNTY (or SUBDIVISION OF ROAD
DISTRICT).

To the Clerk.

1. I, [State full name, occupation, and place of residence], hereby claim to be enrolled as an elector of the riding of the county (or, the sub-division of the road district), on the grounds hereinafter set forth.

2. I am a British subject by birth (or, by naturalization having effect in New Zealand).

3. I have resided for one year in New Zealand.

4. I have resided in the riding of the county (or, in the subdivision of the road district) for not less than three months immediately preceding the date of this claim.

I hereby declare that the foregoing statements are true, and that I believe myself to be entitled to be enrolled in terms of this claim.

Dated at , this day of , 19 .
Claimant.

Signed by the above-named in the presence of me—

Justice of the Peace.
Postal official.
Minister of religion.
Solicitor.
Elector of the County
(or, Road District).
Registrar (or, Deputy Registrar) of Electors.
County Clerk (or, a person authorized by the County Clerk to take this declaration).

NOTE.—Under section 2 of the Local Elections and Polls Amendment Act, 1944, every person who wilfully makes a false statement in any claim to have his name entered on any roll of electors commits an offence and is liable to a fine not exceeding £5.