

## LOCAL ELECTIONS AND POLLS AMENDMENT BILL

---

### EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Local Elections and Polls Act 1953. In the main the amendments are intended to bring the provisions of the principal Act substantially into line with the more recent provisions of the Electoral Act 1956. Other amendments are of a minor administrative nature designed to clarify matters of doubt that have arisen in several recent election petitions.

*Clause 2: Subclause (1)* makes it clear that, when on the retirement of any candidate or candidates the number of candidates is reduced to the number of vacancies to be filled, the remaining candidates who are then declared to be elected come into office on the day after the date on which the Returning Officer's declaration is made.

*Subclause (2)* is intended to make it clear that on an election in a subdivision of a district (e.g., a riding of a county) the member or members go out of office when the member or members elected at that election come into office, notwithstanding that all the vacancies to be filled at the election are not filled.

*Clause 3:* The purpose of this clause is to make it clear that a candidate for election as member for any subdivision of a district must be nominated by two persons who are electors of that particular subdivision.

*Clause 4* provides that a deposit by a candidate must be in the form of money, a money order, a money order telegram, or a bank draft.

*Clause 5* provides that when a nominated candidate dies before the close of nominations his nomination is treated as not having been made and his deposit is refunded. Where he dies on nomination day, the time for closing nominations is postponed for two days.

*Clause 6:* Section 17 of the principal Act provides that, if the number of candidates nominated does not exceed the number of vacancies to be filled, the Returning Officer must on nomination day publicly declare those candidates to be elected. Section 19 provides that, if by the retirement of candidates the number is reduced to the number of vacancies to be filled, the Returning Officer shall publicly declare the remaining candidates to be elected. The effect of this clause is that the declaration to be given in each case is to be by public notice as defined in section 2 of the Act and is to be given before the day appointed for the election.

*Clause 7* defines the effect of the death of a candidate for Mayor of a borough after the close of nominations. The clause provides that the election is to be cancelled where the candidate dies—

- (a) Before polling day; or
- (b) On polling day before the close of the poll; or
- (c) After the close of the poll and before the declaration of the result of the poll, if the deceased would have been the successful candidate.

In each case a new election is to be held with the same printed rolls; and the existing nominations will stand unless withdrawn, together with any new nominations duly made.

*Clause 8* provides that it shall not be unlawful for a scrutineer to communicate to any person information as to the names of persons who have voted. A similar provision appears in section 95 (4) of the Electoral Act 1956.

*Clause 9* re-enacts in an amended form the existing provisions as to voting by blind or illiterate voters. The clause now provides for voting by disabled voters and those with an insufficient knowledge of English, as well as those who are blind or illiterate. The Deputy Returning Officer is to assist the voter, and is to be accompanied by a poll clerk or some other person nominated by the voter.

*Clause 10* replaces provisions at present appearing in sections 34 and 35 of the principal Act (relating to declaration votes and postal votes) with provisions for special votes corresponding with the special-voting provisions in section 100 of the Electoral Act 1956. The classes of persons who may vote as special voters include all those persons who under the existing law may vote by declaration or by postal vote, and the clause generally defines special voters as all those electors whose names are not on the printed roll but have reasonable cause to believe that their names were on the roll, or who for various reasons cannot vote at any polling booth in the district on election day.

*Clause 11* provides that the procedure for special voting is to be prescribed by regulations.

*Clause 12:* The amendments in *subclause (1)* are consequential on the provisions of *clause 10* providing for special voting instead of voting by declaration and postal voting.

*Subclause (2)* provides that where on the scrutiny of the rolls it appears that any voter has voted more than once, but the Returning Officer is satisfied that the voter lawfully received a voting paper or voting papers at only one polling booth and that the voter was not in any way concerned with the issue of the additional voting paper or papers, the Returning Officer is to allow the vote or votes given by means of the voting paper or papers lawfully received and disallow the other or others.

*Clause 13* makes several amendments to the provisions of section 41 of the principal Act relating to the official count and declaration of the poll.

*Subclause (1)* allows the Returning Officer to request a Justice of the Peace to be present at the official count.

*Subclause (2)* repeals the existing provision that a vote must be rejected as informal if anything unauthorised is written or marked on the voting paper by which the voter can be identified.

*Subclause (3)* provides that no vote is to be rejected as informal by reason only of some error on the part of an official.

*Subclause (4)* is consequential on the provisions of *clause 11* of the Bill, providing for the procedure in relation to special votes to be prescribed by regulations.

*Subclause (5)* alters the existing provisions as to the manner in which the declaration of the result of the poll is to be made.

*Clause 14: Subclause (1)* provides that, instead of the existing provision requiring public notice of the time and place for a recount to be given, the Magistrate must give written notice thereof to the Returning Officer and to the candidates or their scrutineers.

*Subclause (2)* re-enacts in an amended and simpler form the provisions as to the giving of an amended declaration where on a recount the Magistrate finds that the original declaration of the result of the poll was incorrect.

*Clause 15:* The effect of *subclause (1)* is that the time within which notice must be given by the Returning Officer appointing a day for an election to fill an extraordinary vacancy is to be calculated from the date on which he receives notice of the vacancy instead of from the date of the occurrence of the vacancy.

*Subclause (2)* enables a Returning Officer to countermand a notice appointing a day for holding an election to fill an extraordinary vacancy where, before that day, a further extraordinary vacancy occurs. In such a case the proceedings may be commenced afresh so as to fill both of the vacancies at the one election.

*Clause 16* clarifies the position as to the duties of the Returning Officers of the several constituent districts comprising a combined district. The Returning Officer for an election in the combined district may appoint the Returning Officer for any constituent district to conduct the election in the constituent district, and thereupon the Returning Officer for the constituent district is to conduct the election in his district as if it were a separate election, except that on the preliminary and official counts he is to notify the results to the Returning Officer for the combined district, who is to announce the provisional and official results of the poll.

*Clause 17* replaces the provisions of section 50 of the principal Act (relating to the offence of interfering with or influencing voters) with provisions that correspond to those of section 127 of the Electoral Act 1956. The principal changes are those prohibiting the following acts on polling day before the close of the poll:

- (a) Exhibiting, publishing, distributing, or broadcasting any statement advising or intended or likely to influence electors as to the candidates or party for whom they should vote (not including newspapers published before 6 p.m. on the day before polling day).
- (b) Exhibiting or leaving in any polling booth cards indicating how to vote.
- (c) Maintaining "party tables" in or near polling booths.

The clause omits section 127 (1) (f) of the Electoral Act 1956 prohibiting the distribution of cards indicating how to vote, but retains the existing provisions of section 50 (2) (b) of the principal Act allowing the distribution of party tickets.

*Clause 18* replaces the provisions of section 55 of the principal Act (relating to the offence of treating) with provisions that correspond to those of section 142 of the Electoral Act 1956. One of the main changes is that, whereas the existing provision makes it an offence to treat on polling day on account of any person having voted or refrained from voting, the new provision makes it an offence for any person corruptly to treat, whether on polling day or afterwards.

*Clause 19:* Section 59 of the principal Act makes it an offence for certain persons to communicate to any person, except for some purpose authorised by law, *before the poll is closed*, any information likely to defeat the secrecy of the ballot. The effect of this amendment is to make such a communication an offence, whether made before or after the close of the poll.

*Clause 20* repeals the existing provision making it an offence for any Returning Officer, Deputy Returning Officer, poll clerk, or scrutineer to make known, before the close of the poll, the name of any person who has voted.

*Clause 21* provides for the appointment of scrutineers in cases where a poll on a proposal is taken pursuant to a recommendation or requirement of the Local Government Commission or the Local Authorities Loans Board or any other statutory body.

*Clause 22* is intended to make it clear that the period of 14 days within which a petition demanding an inquiry into an election or poll must be filed runs from the date on which public notice is given declaring the result of the election or poll.

*Clause 23* re-enacts in an amended form the provisions of section 74 of the principal Act relating to the holding of a fresh election or poll when an election or poll is declared void. The clause includes a provision making it clear that the fresh election or poll is to be held or taken in the same manner as the void election or poll, and that only persons who were eligible to vote at the void election or poll shall be eligible to vote at the fresh election or poll. The same rolls are to be used without amendment or addition.

*Clause 24* increases the maximum penalties for the offence of failing to enrol, from 5s. to £2 for a first conviction and from £1 to £5 on a subsequent conviction. The increased penalties are the same as those provided in section 43 of the Electoral Act 1956.



*Hon. Mr Anderton*

## LOCAL ELECTIONS AND POLLS AMENDMENT

### ANALYSIS

1. Short Title and commencement	14. Amending provisions as to recount
2. Duration of office of members	15. Amending provisions as to election to extraordinary vacancy
3. Nomination of candidates	16. Conduct of elections in combined districts
4. Deposit by candidates	17. Interfering with or influencing voters
5. Death of candidate before close of nominations	18. Treating
6. Form of public declaration	19. Amending provisions as to infringement of secrecy
7. Death of candidate for Mayor after close of nominations	20. Amending provisions as to disclosing voting
8. Communication of names of persons who have voted	21. Appointment of scrutineers
9. Blind, disabled, or illiterate voters	22. Petition for inquiry
10. Special voters	23. Fresh election or poll when election or poll declared void
11. Voting by special voters	24. Penalty for failure to enrol
12. Amending provisions as to comparing marked copies of roll	Schedule
13. Amending provisions as to official count and declaration of poll	

### A BILL INTITULED

#### An Act to amend the Local Elections and Polls Act 1953

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

1. **Short Title and commencement**—(1) This Act may be cited as the Local Elections and Polls Amendment Act 1958, and shall be read together with and deemed part of the Local Elections and Polls Act 1953 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-nine.

**2. Duration of office of members**—(1) Section seven of the principal Act is hereby amended as follows:

(a) By inserting in paragraph (a) of subsection one, after the words “section seventeen”, the words “or section nineteen”:

(b) By inserting in paragraph (b) of the same subsection, after the words “section seventeen”, the words “or the said section nineteen”.

(2) Section seven of the principal Act is hereby further amended by omitting from subsection three the words “continue in office until the member or members elected at that election come into office”, and substituting the words “vacate his office when the member or members elected at that election come into office, notwithstanding that all the vacancies to be filled at that election are not then filled”.

**3. Nomination of candidates**—Section thirteen of the principal Act is hereby amended by inserting, after the words “electors of the district”, the words “or, in the case of an election in any subdivision of a district for electoral purposes, by two electors of that subdivision”.

**4. Deposit by candidates**—Section fifteen of the principal Act is hereby amended by inserting, after subsection one, the following subsection:

“(1A) The deposit shall be paid in the form of money, a money order, a money order telegram, or a bank draft.”

**5. Death of candidate before close of nominations**—The principal Act is hereby amended by inserting, after section fifteen, the following section:

“15A. (1) Where a candidate who has been nominated and has not withdrawn his nomination dies before the close of nominations, his nomination shall be treated in all respects as if it had not been made, and his deposit shall be returned to his personal representatives or, as the case may be, to the person who paid it.

“(2) Where in any such case the candidate dies on nomination day or on the day before nomination day, the time for the close of nominations in the district or, as the case may be, in the subdivision for electoral purposes, shall be deemed to be postponed by two days.”

**6. Form of public declaration**—(1) Section seventeen of the principal Act is hereby amended by omitting the words “at the place and on the day so appointed, publicly declare”, and substituting the words “by public notice given before the day appointed for the election, declare”.

(2) Section nineteen of the principal Act is hereby amended by omitting from subsection one the words “publicly declare”, and substituting the words “by public notice given before the day appointed for the election, declare”.

**7. Death of candidate for Mayor after close of nominations**—The principal Act is hereby further amended by inserting, after section nineteen, the following section:

“19A. (1) If any candidate for the office of Mayor of a borough dies after the close of nominations and before the close of the poll, or if the successful candidate dies after the close of the poll and before the declaration of the result of the poll, the provisions of this section shall apply.

“(2) The election shall be deemed to have failed.

“(3) Where the candidate dies before polling day, the Returning Officer shall, upon being satisfied of the fact of the death, countermand the notice of the poll.

“(4) Where the candidate dies on polling day before the close of the poll the Returning Officer shall, upon being satisfied of the fact of the death, immediately close the poll and by public notice declare it to be null and of no effect.

“(5) Where the candidate dies after the close of the poll and before the declaration of the result of the poll, and it is found on the completion of the count of votes or on a recount that the candidate, if still living, would have been elected, the Returning Officer shall, upon being satisfied of the fact of the death, by public notice declare the election to be void.

“(6) The provisions of this Act as to an equality of votes between candidates shall apply, notwithstanding the death of one of those candidates after the close of the poll.

“(7) Where the poll is interrupted in consequence of the death of a candidate, all voting papers placed in the several ballot boxes shall be taken out by the several Deputy Returning Officers and, being made up into secured packages, shall be sent unopened to the Returning Officer, who shall forthwith destroy them in the presence of a Magistrate or a Justice of the Peace.

“(8) Where under the provisions of this section any election is deemed to have failed, a new election shall be held as if an extraordinary vacancy had occurred on the date on which the notice of the poll was countermanded or, as the case may be, on the date of the publication of the public notice declaring the poll to be null or the election to be void, and, except as otherwise provided, all proceedings in connection with the new election shall be had and taken anew. 5

“(9) The roll which was to be used at the election which has failed shall be used at the new election without any amendment or addition. 10

“(10) It shall not be necessary to nominate afresh any candidate who at the time of the countermand or close of the poll was a duly nominated candidate:

“Provided that any such candidate may withdraw his nomination before the time appointed for the close of nominations for the new election.” 15

**8. Communication of names of persons who have voted—** Section twenty-two of the principal Act is hereby amended by adding the following subsection: 20

“(4) Nothing in this Act shall render it unlawful for a scrutineer to communicate to any person information as to the names of persons who have voted.”

**9. Blind, disabled, or illiterate voters—**The principal Act is hereby amended by repealing sections thirty-two and thirty-three, and substituting the following section: 25

“32. (1) Any elector who is wholly or partially blind, or is unable to read or write (whether because of physical handicap or otherwise), or is not sufficiently familiar with the English language to vote without assistance, may vote in accordance with the provisions of this section. 30

“(2) At the request of any such voter who has received a voting paper, the Deputy Returning Officer shall accompany him into one of the inner compartments provided for the marking of voting papers, and the voting paper may there be marked by the voter with the assistance of the Deputy Returning Officer or may be marked by the Deputy Returning Officer in accordance with the instructions of the voter. 35

“(3) The person assisting the voter shall sign his name on the back of the voting paper and shall add the words ‘Witness for blind or partially blind person’ or ‘Witness for person unable to read or write’ or ‘Witness for person not familiar 40



with the English language', as the case may be, and shall fold the voting paper so that its face cannot be seen before depositing it in the ballot box.

5 “(4) A poll clerk or some other person nominated by the voter shall also accompany him into the inner compartment and may, if so desired by the voter, inspect the voting paper before it is deposited in the ballot box.

10 “(5) Any elector voting as a special voter may vote in the manner prescribed by this section, with any necessary modifications, or in any manner prescribed by regulations made under this Act.

15 “(6) Every person who is present in accordance with this section or with any regulations when an elector votes and who communicates at any time to any person any information obtained as to the candidate for whom the voter is about to vote or has voted, or as to the number on the voting paper given to the voter, commits an offence, and is liable on summary conviction to imprisonment for a term not exceeding three months.”

20 **10. Special voters**—The principal Act is hereby further amended by repealing sections thirty-four and thirty-five, and substituting the following section:

“34. Any elector may vote at any election as a special voter, if—

25 “(a) His name does not appear on the copy of the roll used for that election or has been deleted from that copy, and he has reasonable cause to believe that his name was entered on the roll or, as the case may be, should not have been deleted from that copy:

30 “(b) He will on polling day be outside New Zealand:

“(c) He is or will be absent from the district on polling day:

35 “(d) He will not throughout the hours of polling on polling day be within two miles by the nearest practicable route of any polling place in the district:

“(e) He will throughout the hours of polling on polling day be travelling under conditions which will preclude him from attending to vote at any polling place in the district:

40 “(f) He is ill or infirm, and by reason of that illness or infirmity will be precluded from attending to vote at any polling place in the district:

- “(g) In the case of a woman, she will by reason of approaching or recent maternity be precluded from attending to vote at any polling place in the district:
- “(h) He is a lighthouse keeper or member of a lighthouse keeper’s staff, or is the wife of a lighthouse keeper or the wife of a member of a lighthouse keeper’s staff, and will be precluded from attending to vote at any polling place in the district: 5
- “(i) He has a religious objection to voting at a polling place on the day of the week on which polling day falls: 10
- “(j) He satisfies the Returning Officer or Deputy Returning Officer that on any other ground it will not be possible for him to vote at a polling place in the district without incurring hardship or undue inconvenience.” 15

**11. Voting by special voters**—(1) The principal Act is hereby further amended by inserting, after section thirty-four (as substituted by section ten of this Act), the following section: 20

“35. (1) Notwithstanding anything to the contrary in this Act, a special voter may vote at such place (whether at a polling place or not), at such time, in such manner, and upon or subject to such conditions as may be prescribed in that behalf by regulations made under this Act. 25

“(2) The voting papers for use by special voters may be in such form as is prescribed by regulations, and the consecutive numbers of the special voting papers may be in a different series from that used for the ordinary voting papers. 30

“(3) Subject to the provisions of this section and of section thirty-four of this Act, and to the provisions of any regulations made for the purposes of this section, all the provisions of this Act shall, as far as applicable and with the necessary modifications, apply with respect to voting by special voters and to their votes.” 35

(2) Section thirty-seven of the principal Act is hereby amended by repealing paragraph (c) of subsection two.

(3) The First Schedule to the principal Act is hereby amended by repealing forms numbered (8) and (9). 40

**12. Amending provisions as to comparing marked copies of roll—**(1) Section thirty-nine of the principal Act is hereby amended as follows:

- 5 (a) By inserting in subsection one, after the words “has been noted”, the words “and all records of special votes exercised in respect of the district”:
- (b) By inserting in subsection one, after the words “any of the certified copies of the roll”, the words “or in any record of special voting papers issued in respect of the district”:
- 10 (c) By inserting in subsection two, after the words “on that comparison”, the words “or from the checking of declarations in respect of special votes”:
- 15 (d) By omitting from subsection three the words “postal voting paper issued pursuant to section thirty-five of this Act”, and substituting the words “voting paper issued to a special voter”.

(2) Section thirty-nine of the principal Act is hereby further amended by adding to subsection two the following  
20 proviso:

“Provided that, if the Returning Officer is satisfied that the voter lawfully received a voting paper or voting papers at only one polling booth and that he was not in any way concerned in the issue of the voting paper or voting papers at  
25 any other polling booth, the Returning Officer shall allow the valid vote or votes given by means of the voting paper or voting papers received at the first-mentioned polling booth and shall disallow the other vote or votes.”

**13. Amending provisions as to official count and declaration of poll—**(1) Section forty-one of the principal Act is hereby amended by inserting in subsection one, after the words “such scrutineers as are present”, the words “and of any Justice whom he requests to attend”.

(2) Section forty-one of the principal Act is hereby further  
35 amended by repealing subparagraph (ii) of paragraph (a) of subsection two.

(3) Section forty-one of the principal Act is hereby further amended by adding to paragraph (a) of subsection two the following additional proviso:

40 “Provided also that no voting paper shall be rejected as informal by reason only of some error or omission on the part of an official, if the Returning Officer is satisfied that the voter was qualified to vote at the election:”.

(4) Section forty-one of the principal Act is hereby further amended by repealing subsections four and five, and substituting the following subsection:

“(4) The voting papers of special voters shall be dealt with in like manner, after which they shall be made up together into a parcel which shall be properly secured and shall be endorsed in the manner hereinbefore described.” 5

(5) Section forty-one of the principal Act is hereby further amended by repealing subsection six, and substituting the following subsection: 10

“(6) When all the voting papers have been dealt with in the manner prescribed in the foregoing provisions of this section, the Returning Officer shall—

“(a) Prepare and sign a certificate stating the total number of voting papers (other than spoilt voting papers) used at the election, the number of votes received by each candidate, and the number of voting papers rejected as informal, and shall retain that certificate for production when required; and 15

“(b) Declare the result of the poll by giving public notice thereof in the form numbered (7A) in the First Schedule hereto.” 20

(6) The First Schedule to the principal Act is hereby amended by inserting, after form numbered (7), the form specified in the Schedule to this Act. 25

**14. Amending provisions as to recount—**(1) Section forty-two of the principal Act is hereby amended by omitting from subsection three the words “and shall give at least two days’ public notice”, and substituting the words “and shall give notice in writing to the Returning Officer and to each of the candidates or their scrutineers”. 30

(2) Section forty-two of the principal Act is hereby further amended by repealing subsection six, and substituting the following subsection: 35

“(6) If on the recount the Magistrate finds that the public declaration was incorrect, he shall order the Returning Officer to give an amended declaration of the result of the poll.”

**15. Amending provisions as to election to extraordinary vacancy—**(1) Section forty-eight of the principal Act is hereby amended by omitting from subsection one the words 40

“from the occurrence of the vacancy”, and substituting the words “after the receipt by him of notice of the vacancy”.

(2) Section forty-eight of the principal Act is hereby further amended by adding to subsection one the following  
5 additional proviso:

“Provided also that where, before the day appointed under this subsection for an election to fill an extraordinary vacancy, the Returning Officer receives notice of a further extraordinary vacancy in an elective office, he may counter-  
10 mand the notice previously given in respect of the first vacancy and give a fresh public notice under this subsection appointing a day for holding an election to fill both vacancies, and the provisions of this subsection shall thereupon apply as if notice of the first vacancy had been received by the Returning  
15 Officer on the date on which he received notice of the further vacancy.”

**16. Conduct of elections in combined districts**—The principal Act is hereby amended by inserting, after section forty-eight, the following section:

20 “48A. Notwithstanding anything in this Act or in any other Act, where an election is required to be held in a combined district which comprises the whole or parts of several constituent districts, the Returning Officer for the combined district may, at any time after the close of nominations,  
25 appoint the Returning Officer for any constituent district to conduct the election in that constituent district, and thereupon the provisions of this Act shall apply as if the election was to be held in the constituent district only:

“Provided that the Returning Officer for the constituent  
30 district shall not provisionally announce under the provisions of section thirty-six of this Act the total number of votes received by each candidate at the election or declare under section forty-one of this Act the result of the poll, but shall, after ascertaining the number of votes recorded in the  
35 constituent district for each candidate on the preliminary count and on the official count respectively, forthwith send a certificate signed by him giving particulars of the numbers to the Returning Officer for the combined district, who shall make up the total number of votes received for each candi-  
40 date and provisionally announce under section thirty-six of this Act the total number of votes received by each candidate at the election or, as the case may be, declare under section forty-one of this Act the result of the poll.”

**17. Interfering with or influencing voters**—The principal Act is hereby amended by repealing section fifty, and substituting the following section:

“50. (1) Every person is liable to a fine not exceeding fifty pounds who at an election— 5

“(a) In any way interferes with any elector, either in the polling booth or while on his way thereto, with the intention of influencing him or advising him as to his vote:

“(b) At any time on polling day before the close of the poll, in or in view or hearing of any public place holds or takes part in any demonstration or procession having direct or indirect reference to the poll by any means whatsoever: 10

“(c) At any time on polling day before the close of the poll, makes any statement having direct or indirect reference to the poll by means of any loudspeaker or public-address apparatus or cinematograph or television apparatus: 15

“(d) At any time on polling day before the close of the poll, or at any time on any of the three days immediately preceding polling day, prints or distributes or delivers to any person anything being or purporting to be in imitation of any voting paper to be used at the poll and having thereon the names of the candidates or any of them, together with any direction or indication as to the candidate for whom any person should vote, or in any way containing any such direction or indication, or having thereon any matter likely to influence any vote: 20 25 30

“(e) At any time on polling day before the close of the poll, exhibits in or in view of any public place, or publishes or distributes or broadcasts, any statement advising or intended or likely to influence any elector as to the candidate or party for whom he should vote: 35

“Provided that this paragraph shall not apply to any statement in a newspaper published before six o'clock in the afternoon of the day before polling day: 40

“Provided also that where any statement is so exhibited before polling day in a fixed position not in view of a polling place it shall not be an offence to leave it so exhibited on polling day:

5 “Provided further that the Returning Officer may at any time on polling day cause to be removed or obliterated any statement to which this paragraph applies which is exhibited within half a mile of a polling place, and may recover all expenses incurred in so doing from the persons by whom or by whose direction the statement was exhibited, as a debt due by them jointly and severally to the local authority:

10 “(f) Exhibits or leaves in any polling booth any card or paper having thereon any direction or indication as to how any person should vote or as to the method of voting:

15 “(g) At any time on polling day before the close of the poll, within, or at the entrance to, or in the vicinity of, any polling place,—

“ (i) Gives or offers to give to any person any written or oral information as to any name or number on the roll being used at the election:

20 “ (ii) Permits or offers to permit any person to examine any copy of the roll being used at the election.

“ (2) It shall not be an offence against this section for any person—

25 “ (a) To wear or display (whether on his person or not) any party emblem:

30 “ (b) To print or distribute or deliver to any person any card or ticket (not being an imitation voting paper) having thereon the names of the candidates or any of them, with or without the name of the party to which each candidate belongs or a statement that he is an independent.

35 “ (3) Nothing in this section shall apply to any official statement or announcement made or exhibited under the authority of this Act.”

**18. Treating**—The principal Act is hereby further amended by repealing section fifty-five, and substituting the following section:

40 “55. (1) Every person commits the offence of treating who corruptly, by himself or by any other person on his behalf, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person—

“(a) For the purpose of corruptly influencing that person or any other person to vote or refrain from voting;  
or

“(b) For the purpose of procuring himself to be elected; or

“(c) On account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting. 5

“(2) Every person commits the offence of treating who, being the holder of a licence for the sale by retail of intoxicating liquor, knowingly supplies any food, drink, entertainment, or provision— 10

“(a) To any person where the supply thereof is demanded for the purpose of treating, or for any corrupt or illegal practice; or

“(b) To any person, whether an elector or not, for the purpose of procuring the return of a candidate at an election, and without receiving payment for it at the time when it is supplied. 15

“(3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.” 20

**19. Amending provisions as to infringement of secrecy—**Section fifty-nine of the principal Act is hereby amended by omitting from subsection one the words “before the poll is closed”. 25

**20. Amending provisions as to disclosing voting—**Section sixty of the principal Act is hereby amended as follows:

(a) By omitting from paragraph (b) the word “or” where it last appears:

(b) By repealing paragraph (c). 30

**21. Appointment of scrutineers—**Section sixty-four of the principal Act is hereby amended by inserting in paragraph (a), after the words “resolution of the local authority”, the words “or to a recommendation or requirement of the Local Government Commission or the Local Authorities Loans Board or any other statutory body”. 35

**22. Petition for inquiry—**Section sixty-six of the principal Act is hereby amended by omitting from subsection one the words “the declaration of”, and substituting the words “the giving of the public notice under section forty-one or section forty-two of this Act, as the case may be, declaring”. 40



**23. Fresh election or poll when election or poll declared void**—(1) The principal Act is hereby amended by repealing section seventy-four, and substituting the following section:

5 “74. Where an election or poll is declared void, a fresh election or poll shall, on a day to be fixed by the Returning Officer, being not later than thirty-five days after the date of that declaration, be held or taken under the same provisions, as far as practicable, as those applicable to the void election or poll:

10 “Provided that only persons who were eligible to vote at the void election or poll shall be eligible to vote at the fresh election or poll, and the roll which was to be used at the void election or poll shall be used at the fresh election or poll without any amendment or addition.”

15 (2) Section eighty-nine of the principal Act is hereby amended by inserting in subsection one, before the words “Every roll”, the words “Subject to the provisions of sections nineteen A and seventy-four of this Act”.

**24. Penalty for failure to enrol**—Section eighty-eight of  
20 the principal Act is hereby amended as follows:

(a) By omitting from subsection four the words “five shillings”, and substituting the words “two pounds”:

(b) By omitting from subsection four the words “twenty shillings”, and substituting the words “five pounds”.

---

Section 13 (6)

## SCHEDULE

"Form (7A)

## DECLARATION OF RESULT OF POLL

[*Name of District*]

I HEREBY declare the result of the poll taken on the        day  
of        19        for the election of [*State number*] mem-  
ber(s) [*or as the case may require*] of the [*Name of District*]  
to be as follows:

Candidates	Votes Received			
C. D.	.....	.....	.....	.....
E. F.	.....	.....	.....	.....
G. H.	.....	.....	.....	.....
I. J.	.....	.....	.....	.....
K. L.	.....	.....	.....	.....

I therefore declare the said        to be elected.

Dated at        this        day of        19        .

A. B.,  
Returning Officer."