

LOCAL ELECTIONS AND POLLS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Local Elections and Polls Act 1966.

Clause 1 relates to the Short Title.

Clause 2 alters the date for the next triennial general elections of the members of the Christchurch Transport Board and the Christchurch Drainage Board, which at present are required to be held on the first Saturday in October of this year.

The effect of the clause is to postpone those elections until the second Saturday in October in the year 1968, the date of the next triennial elections of all local authorities, except the Auckland Electric Power Board and the Ohai Railway Board. Thereafter the triennial general elections of the members of the two Christchurch Boards will be held on the same date as the general elections of all local authorities, with the two exceptions mentioned.

Clause 3 amends section 52 of the principal Act, relating to elections to fill extraordinary vacancies in the office of members of a Borough Council or Town Council (except the office of Mayor).

At present an election need not be held to fill an extraordinary vacancy in any of the circumstances specified in subsection (1) of the section, but by subsection (2) an election must be held if—

- (a) The Council so decides by resolution passed within 30 days after the occurrence of the vacancy; or
- (b) A demand for a poll is received from a specified number of electors within 30 days after the Council gives public notice that it has decided not to hold an election to fill the vacancy, or within 60 days after the occurrence of the vacancy in cases where no such notice is given.

Extraordinary vacancies can occur in a number of ways, and in some of those cases the fact that a vacancy has occurred may not come to the notice of the Council within 30 days or become publicly known to the electors within 60 days after it has occurred, for example, a member becoming disqualified through being a party to a disqualifying contract or losing his residential or ratepayer's qualification. In such cases there may be no opportunity for the Council to decide within the time fixed that it will or will not hold an election to fill the vacancy and no opportunity for the electors to demand a poll.

This clause is intended to meet the situation by requiring the Town Clerk, when he becomes aware that an extraordinary vacancy has occurred, to notify the Council. The Council must then decide whether or not to hold an election. If it decides not to hold an election, it must give public notice of its decision, and the electors will be entitled to demand a poll, which demand must be made within 30 days after the publication of the notice.

Hon. Mr Seath

LOCAL ELECTIONS AND POLLS AMENDMENT

ANALYSIS

Title	2. Date of triennial general elections of Christchurch Transport Board and Christchurch Drainage Board
1. Short Title	3. When election to fill extraordinary vacancy in Borough Council or Town Council not necessary

A BILL INTITULED

An Act to amend the Local Elections and Polls Act 1966

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

1. Short Title—This Act may be cited as the Local Elections and Polls Amendment Act 1967, and shall be read together with and deemed part of the Local Elections and Polls Act 1966* (hereinafter referred to as the principal Act).

10 **2. Date of triennial general elections of Christchurch Transport Board and Christchurch Drainage Board**—Section 5 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

*1966, No. 101

No. 54—1

“(2) A general election of members of the Christchurch Transport Board shall be held on the second Saturday in October in the year nineteen hundred and sixty-eight, and a general election of members of the Board shall be held on the second Saturday in October in every third year thereafter. 5

“(3) In each of the several subdistricts of the Christchurch Drainage District the electors shall for their subdistrict, on the second Saturday in October in the year nineteen hundred and sixty-eight, and on the second Saturday in October in every third year thereafter, elect one person (being an elector of that or any other subdistrict) to be a member of the Christchurch Drainage Board.” 10

3. When election to fill extraordinary vacancy in Borough Council or Town Council not necessary—(1) Section 52 of the principal Act is hereby amended by repealing paragraph (a) of subsection (3), and substituting the following paragraph: 15

“(a) Where it comes to the knowledge of the Town Clerk, whether by notice or otherwise, that an extraordinary vacancy has occurred in the office of a member of a Borough Council or Town Council (not being the office of Mayor),— 20

“(i) He shall forthwith notify the Council of the vacancy, and the Council shall at its next ordinary meeting or, if that is not practicable, at its next subsequent ordinary meeting decide whether or not an election shall be held to fill the vacancy. If it decides to hold an election, an election shall be held accordingly. 25

“(ii) If the Council decides not to hold an election to fill the vacancy, it shall forthwith give public notice of its decision, and not less than the specified number of the electors for the time being on the roll for the borough or town district or ward, as the case may be, by notice in writing under their hands delivered at the office of the Council not later than thirty days after the date of the giving of that public notice, may demand that an election shall be held to fill the vacancy. If such a demand is made, an election shall be held accordingly. For the purposes of this subparagraph, the term ‘specified number’ means a number equal to five percent of 30 35 40

the number of electors who were on the roll for the immediately preceding general election of members of the Council or five hundred, whichever is the less.”

- 5 (2) Section 52 of the principal Act is hereby further amended by repealing subsection (5), and substituting the following subsection:

10 “(5) The Town Clerk shall forthwith give notice to the Returning Officer of every decision of the Council under paragraph (a) of subsection (3) of this section to hold an election to fill an extraordinary vacancy occurring in the office of a member of the Council and of every demand received by the Council under that paragraph and of every decision of the Council under paragraph (d) of that subsection.”

- 15 (3) Section 52 of the principal Act is hereby further amended—

(a) By repealing subsection (4):

(b) By omitting from subsection (6) the words “and subsection (4)”.