

Dr. Thacker.

LYTTELTON HARBOUR BOARD ELECTIONS.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to apply the Principle of Proportional Representation to the Election of Members of the Lyttelton Harbour Board. 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 Lyttelton Harbour Board Elections Act, 1920. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.
10 “The said Act” means the Harbours Amendment Act, 1910 :
“The Board” means the Lyttelton Harbour Board.

3. (1.) Subsections two and three of section four and sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and eighteen of the said Act shall not apply to the constitution of the Board. Certain sections of the Harbours Amendment Act, 1910, not to apply.

(2.) The Board shall consist of thirteen members, to be elected in accordance with the provisions of this Act.

(3.) The members of the Board in office at the coming into operation of this Act shall continue to hold office until the date fixed as hereinafter mentioned for the first election of members of the Board under this Act. 20

Area comprising
Harbour district.

4. The area of land comprised within the boundaries of the City of Christchurch, the Boroughs of Riccarton, Spreydon, New Brighton, Sumner, Woolston, Lyttelton, and Akaroa, the Counties of Tawera, Selwyn, Malvern, Papanui, Ellesmere, Springs, Heathcote, Waimairi, Halswell, Mount Herbert, Akaroa, and Waiwera shall, for the purposes of this Act, be and be deemed to be one district, to be called "The Lyttelton Harbour Board District," and hereinafter referred to as the harbour district. 5

Election of Board.

5. The members of the Board shall be elected by the votes of those inhabitants of the harbour district who are registered under the Legislature Act, 1908, as electors on the electoral roll of any electoral district which or part of which is within the harbour district. 10

Electoral rolls to be
prepared.

6. (1.) The Board shall, not later than the thirty-first day of January in every year in which a general election of members of the Board is to be held, cause to be prepared from the electoral rolls of the several electoral districts as defined by the Legislature Act, 1908, which or any part of which are contained within the harbour district a roll comprising the names of all those persons who are entitled to vote at such election, but so that no person's name shall appear more than once on such roll. 15

(2.) Such roll shall be prepared, completed, and authenticated, and shall from time to time be corrected in the time, manner, and form to be prescribed by regulations to be made under this Act. 20

(3.) The Governor-General may from time to time, by Order in Council, make regulations for the preparation, correction, completion, and authentication of such rolls. 25

Appointment of
Registrar,
Returning Officer,
&c.

7. In addition to the several officers mentioned in section thirty-eight of the Harbours Act, 1908, the Board may from time to time appoint a Registrar, Returning Officer, and such other officers and servants as it thinks proper to assist in carrying out the preparation of rolls and election of members. 30

Dates of first and
subsequent
elections.

8. (1.) The first general election of members of the Board under this Act shall be held on the last Wednesday in April, nineteen hundred and twenty-one; and on the same day in every succeeding third year thereafter all the members of the Board shall go out of office, and on every such a day a fresh general election of members shall be held. 35

(2.) Where from any cause a general election is not held on the day appointed as aforesaid, the existing members shall continue in office until their successors are elected and come into office.

Voter to have one
vote.

9. At every such election of a member of the Board every voter shall have one vote and no more. 40

Voting-papers.

10. The voting-papers shall be printed on paper of uniform colour, and shall be in the form in the *Second* Schedule hereto, and shall bear the imprint of the person who printed them.

Voter to secretly
indicate for whom
he desires to vote.

11. The voter, having received the voting-paper, shall immediately retire into one of the inner compartments provided, and shall there, alone and secretly, on the voting-paper indicate the candidate or candidates for whom he desires to vote. 45

Method of
recording votes.

12. (1.) A voter in giving his vote—
(a.) Must place on his voting-paper the figure 1 in the square opposite the name of the candidate for whom he votes; and 50

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- (b.) May, in addition, place on his voting-paper the figure 2, or the figures 2 and 3, or 2, 3, and 4, and so on, in the squares opposite the names of the several candidates in the order of his preference.
- 6 (2.) Every voter shall, before leaving the inner compartment, fold the voting-paper so that the voting-paper cannot be seen, and shall deposit it so folded in the ballot-box.
13. (1.) A voting-paper shall be informal—
- Informal voting-papers.
- 10 (a.) Upon which a voter signs his name or writes any word or makes any mark by which it becomes recognizable; or
- (b.) On which the figure 1 is not marked; or
- (c.) On which the figure 1 is set opposite the name of more than one candidate; or
- 15 (d.) On which the figure 1 and some other figure is set opposite the name of the same candidate; or
- (e.) Which is unmarked or void for uncertainty.
- (2.) A voting-paper shall not be informal by reason only of—
- 20 (a.) A figure (not being the figure 1) being placed opposite the names of more than one candidate, but the votes indicated by that figure or any higher figure shall not be effectual; or
- (b.) A figure (not being the figure 1) being omitted in the numerical sequence of the order of the voter's preference, but the votes indicated by any figure higher than the figure so omitted shall not be effectual.
- 25 14. The result of the election of members shall be ascertained in accordance with the rules stated in the *First* Schedule to this Act.
- Ascertaining result of election.
15. (1.) Immediately on the close of the poll the Deputy Returning Officer at each polling-booth shall, in the presence of the poll clerks and scrutineers (if any), but of no other person, open the ballot-box
- 30 and, taking therefrom all the voting-papers therein, shall set aside all informal voting-papers, and ascertain in respect of each candidate the number of voting-papers which are marked with the figure 1 opposite his name, and shall tie up each parcel separately.
- (2.) The Deputy Returning Officer shall thereupon announce the
- 35 result at the polling-booth at which he presided, and shall transmit the result by telegraph or other expeditious means to the Returning Officer.
- (3.) The Deputy Returning Officer shall then forthwith make up into separate parcels—
- Result of voting to be announced.
- 40 (a.) The used voting-papers tied up as aforesaid separately;
- (b.) The voting-papers set aside as informal;
- (c.) The unused and spoiled voting-papers; and
- 45 (d.) A copy of the roll on which the fact of any person having received a voting-paper has been noted by the Deputy Returning Officer in accordance with the requirements of section twenty-three of the Local Elections and Polls Act, 1908; and shall seal with his own seal each separate parcel and endorse thereon a description of the contents, the name of the polling-booth, and the date of the polling, and shall sign such endorsement.
- 50 (4.) The Deputy Returning Officer shall with all possible despatch deliver or transmit all the separate parcels referred to in the *last preceding* subsection to the Returning Officer.

Returning Officer to
compare rolls, &c.

16. The Returning Officer, with such assistance as he deems necessary, shall proceed as follows:—

- (a.) He shall compare the several returns transmitted to him as prescribed in subsection *two* of section *fifteen* hereof with the several papers delivered or transmitted to him as prescribed by subsection *four* of the said section, and verify, and if necessary correct and amend, the said returns. 5
- (b.) He shall, in the presence of such scrutineers as are present, compare one with another all the copies of rolls received by him as aforesaid. 10
- (c.) If on such comparison it appears that the same person has proposed to vote at two or more polling-places, and if satisfied beyond doubt of the identity of the person so voting, the Returning Officer shall, in the presence of such scrutineers as choose to be present, open the parcels of voting-papers used in the several places at which such person appears to have proposed to vote, and shall select therefrom the voting-papers on which the number corresponding to the name of such person appears, and shall disallow every vote appearing to have been given by means of the voting-papers so selected. 15 20
- (d.) Upon and after the opening of such parcel the Returning Officer shall both himself abstain from inspecting the faces of the voting-papers so selected therefrom as aforesaid, and shall take care that the same are not seen by any person present. 25
- (e.) The Returning Officer shall then count the votes and ascertain the result of the election in accordance with the rules stated in the *First* Schedule to this Act, and shall declare such result accordingly. 30

Count of votes may
be adjourned.

17. (1.) The count of votes by the Returning Officer may be adjourned from time to time as the Returning Officer deems necessary.

(2.) Each adjournment and also the time and place for continuation of the count shall be announced to the scrutineers (if any) present by the Returning Officer. 35

(3.) Before any such adjournment all voting-papers and other documents connected with the count shall be locked up by the Returning Officer in one or more ballot-boxes or other safe receptacle under seal.

Result of poll to be
declared and
voting-papers sealed
up.

18. As soon as conveniently may be after the counting of the votes has been completed and the result of the election ascertained, the Returning Officer shall publicly declare, in the form numbered (2) in the *Second* Schedule hereto, the result of the poll. The voting-papers shall then be sealed up and remain in the custody of the Returning Officer until the next general election of the Board. 40 45

Certain sections of
Local Elections and
Polls Act, 1908, not
to apply.

19. Sections fifteen, twenty-four, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-eight, and thirty-nine of the Local Elections and Polls Act, 1908, shall not apply to elections of members of the Board.

Local Elections and
Polls Act, 1908,
may apply to
election of members
of Board.

20. Except where expressly provided by this Act, the procedure prescribed by the Local Elections and Polls Act, 1908, and its amendments for the conduct of local elections shall extend and apply, *mutatis mutandis*, to all elections of members of the Board. 50

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21. Whenever through the operation of section seventeen of the said Act the office of any member of the Board becomes vacant—

Vacancy.

- 5 (a.) If the vacancy occurs before the first general election of members to be held under this Act, the vacancy shall be filled up as if this Act had not been passed, and the member appointed or nominated shall hold office only for the unexpired portion of the term of office of his predecessor :
- 10 (b.) If the vacancy occurs more than two years and six months after the last preceding general election of members of the Board under this Act, such vacancy shall be deemed to be an ordinary vacancy, and shall be filled up by the Board in manner hereinafter provided in the event of no nominations of candidates to fill an extraordinary vacancy being received. Every person elected to fill an ordinary vacancy shall hold office only for the unexpired portion of the term of office of his predecessor :
- 15 (c.) If at any election to fill any vacancy no person is nominated or returned, or a less number of persons are returned than there are vacancies to be filled, any vacancy remaining unfilled shall be deemed to be an ordinary vacancy occurring on the day appointed for the nomination or election ; and the Returning Officer shall forthwith notify the Board thereof, and such vacancy shall be filled up by the Board in the manner provided by the *last preceding* paragraph :
- 20 (d.) If the vacancy occurs within the aforesaid period of two years and six months, such vacancy shall be deemed to be an extraordinary vacancy.

22. Whenever an extraordinary vacancy occurs some qualified person shall be elected in the manner hereinafter mentioned to fill such vacancy, and, when elected, such person shall hold office only for the unexpired portion of the term of office of his predecessor :

Extraordinary vacancy.

23. The Board shall forthwith, on the occurrence of any such extraordinary vacancy, give notice thereof to the Returning Officer, who shall cause to be inserted in three consecutive issues of a daily paper published in Christchurch (the last of such insertions to be within six days after receipt by him of such notice as aforesaid) a public notice that such vacancy has occurred and that nominations of candidates to fill the vacancy will be received by him, not later than seven days from and exclusive of the day of the last publication of the said public notice, from and on behalf of persons who were either unsuccessful candidates at the last preceding general election of members of the Board or, having been elected at such general election, have since the time of such election vacated office (all hereinafter referred to as candidates eligible for renomination).

Notice to be given of extraordinary vacancy.

24. (1.) If no such candidate shall be so nominated, or if at the last preceding general election of members of the Board the number of candidates for election was not greater than the number of seats to be filled, the Returning Officer shall notify the same to the Board, and the Board shall, at its next meeting after the expiration of seven days after the receipt from the Returning Officer of such notification, by resolution elect some qualified person to fill the extraordinary vacancy, and shall transmit a copy of such resolution under the seal of the

Board may fill extraordinary vacancy.

Board to the Returning Officer, who shall thereupon declare the person designated by such resolution to have been duly elected to fill the extraordinary vacancy.

(2.) If the number of candidates renominated as aforesaid does not exceed the number of extraordinary vacancies to be filled, the Returning Officer shall declare such candidates to have been duly elected. 5

(3.) If the number of candidates renominated as aforesaid exceeds the number of extraordinary vacancies to be filled, the Returning Officer shall, for the purpose of ascertaining what candidate or candidates shall be elected to fill such extraordinary vacancy or vacancies, proceed to count the votes cast at the last general election, and ascertain the result of such last general election in accordance with the foregoing provisions of this Act, as if the same had not previously been ascertained, and as if the number of candidates to be elected was the number of members constituting the Board under section three of this Act, but subject to the following modifications, namely:— 10 15

(a.) The following rule shall be read immediately after Rule 1 of the *First* Schedule hereto, and immediately before Rule 2 thereof:— 20

“ 1A. The candidate or candidates eligible for renomination who shall not have been renominated as aforesaid shall then be excluded from the poll, and all the votes obtained by all such candidates shall be transferred in the same way as if such candidates were the candidate lowest on the poll, and the votes obtained by such candidate were votes obtained by the candidate lowest on the poll, and were being transferred under the provisions of Rule 8 of this Schedule; all votes transferred under this rule to any candidate shall be and be deemed to be included in the number of his first choices, and the term ‘ first choices ’ used in this Schedule shall for the purposes of this rule be deemed to include such votes.” 25 30

(b.) If and when the number of votes obtained by a candidate renominated as aforesaid is equal or is raised up to or above the quota, he shall thereupon be declared elected to fill an extraordinary vacancy; and when the number of candidates renominated as aforesaid and declared elected is equal to the number of extraordinary vacancies to be filled, the Returning Officer shall declare such candidates elected to fill such extraordinary vacancies. 35 40

(c.) Nothing in this section shall have or be construed to have the effect of unseating any person who shall, at the time of such election to fill an extraordinary vacancy, be in office as a member of the Board. 45

SCHEDULES.

Schedules.

FIRST SCHEDULE.

METHOD OF COUNTING VOTES.

In this Schedule, unless the contrary intention appears,—

“Quota” means the number of votes sufficient to elect a candidate :

“Surplus” means the number of votes which a candidate has obtained, at any stage of the scrutiny, over and above the quota :

“First choice recorded for a candidate” means a voting-paper on which the number 1 is placed in the square opposite the name :

“Second choice recorded for a candidate” means a voting-paper on which the number 2 is placed in the square opposite his name :

“Transfer value” means that portion of a vote which is unused by—

(a.) An elected candidate who has obtained a surplus :

(b.) A candidate excluded on account of his being lowest on the poll, and which is therefore transferred to the candidate next in order of the voter's preference. The transfer value of all votes is either 1 or some fraction of 1 :

Subject to the provisions of this Act, “votes capable of transfer” means votes given on voting-papers in which a further preference is indicated for a continuing candidate :

“Continuing candidate” means candidates not already declared elected or excluded from the poll.

1. The number of first choices recorded for each candidate shall be counted, and all informal voting-papers shall be rejected.

2. The aggregate number of such first choices shall be divided by one more than the number of candidates required to be elected, and the quotient increased by one, disregarding any remainder, shall be the quota, and (except as hereinafter provided in Rule 10) no candidate shall be elected until he obtains a number of votes equal to or greater than the quota.

3. Any candidate who has, upon the first choices being counted, a number of such votes equal to or greater than the quota shall be declared elected.

4. Where the number of such votes obtained by any candidate is equal to the quota, the whole of the voting-papers on which a first choice is recorded for such elected candidate shall be set aside as finally dealt with.

5. Where the number of such votes obtained by any candidate is in excess of the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet declared elected, next in the order of the voter's respective preferences, in the following manner :—

(i.) All the voting-papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of voting-papers thereof on which votes capable of transfer are given shall be counted, and the number of second choices, or (in the case provided for in Rule 12) third or next consecutive choices, recorded for each unelected candidate thereon shall be counted :

(ii.) The surplus of the elected candidate shall be divided by the total number of his votes capable of transfer as ascertained in paragraph (i), and the resulting fraction shall be the transfer value :

(iii.) The number of second or other choices, ascertained in paragraph (i) to be recorded for each unelected candidate, shall be multiplied by the transfer value :

(iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes obtained by him on the counting of the first choices.

6. (a.) Where, on the counting of the first choices or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then more than one candidate has a surplus, the then largest surplus shall be dealt with, and so on : Provided that if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with.

(b.) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with; and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate's surplus shall be first dealt with.

7. (a.) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer as aforesaid, he shall thereupon be declared elected; and in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no votes of any other candidate shall be transferred to him.

(b.) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by a transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with.

(c.) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences, in the following manner:—

(i.) The voting-papers on which are recorded the votes obtained by the elected candidate in the last transfer shall be re-examined, the number of voting-papers thereof on which votes capable of transfer are given shall be counted, and the number of the third, or (in the case provided for in Rule 12) next consecutive choices, recorded for each unelected candidate thereon counted:

(ii.) The surplus of the elected candidate shall be divided by the total number of voting-papers on which votes capable of transfer are given as ascertained in paragraph (i), and the resulting fraction shall be the transfer value:

(iii.) The number of third (or other) choices, ascertained in paragraph (i) to be recorded for each unelected candidate, shall be multiplied by the last-mentioned transfer value:

(iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by him.

8. (a.) Where, after the first choices have been counted and all surpluses (if any) have been transferred as hereinbefore directed, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is lowest on the poll shall be excluded, and all the votes obtained by him shall be transferred to the candidates next in the order of the voters' respective preferences, in the same manner as is directed in Rule 5.

(b.) The votes obtained by such excluded candidate as first choices shall first be transferred, the transfer value of each vote in this case being 1.

(c.) The other votes of such excluded candidate shall then be dealt with in the order of the transfers in which, and at the transfer value at which, he obtained them.

(d.) Each of the transfers which takes place under the two previous clauses of this rule shall be deemed for all purposes to be a separate transfer.

9. (a.) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid, he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no other votes shall be transferred to him.

(b.) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by any such transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with.

(c.) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his surplus shall be transferred to the candidates next to the order of the voters' respective preferences in the same manner as is directed in Rule 7, clause (c): Provided that such surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.

(d.) Where any surplus exists it shall be dealt with before any other candidate is excluded.

10. The same process of excluding the candidate lowest on the poll and transferring to other candidates his votes shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the unexcluded candidates who have not already been so declared, shall then be declared elected.

11. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide which candidate shall be first excluded.

12. In determining what candidate is next in the order of the voters' preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voters' preference shall be determined as if the names of such candidates had not been on the voting-paper.

13. Where on any transfer it is found that on any voting-paper there is no candidate opposite whose name a number is placed other than those who have been already either declared elected or excluded, such voting-paper shall be set aside as exhausted.

SECOND SCHEDULE.

(1.) VOTING-PAPER.

(Front.)

	BROWN, Ashburton.
	CAMPBELL, Riccarton.
	CLARK, Christchurch.
	EVANS, Dunsandel.
	GIBBS, Amberley.
	JONES, Christchurch.
	LEWIS, Christchurch.
	MASON, Kaiapoi.
	MURPHY, Ashburton.
	REID, Christchurch.
	SMITH, Rangiora.
	RUSSELL, Sumner.
	JENNINGS, Lyttelton.
	WILLIAMS, New Brighton.

