

Hon. Mr. Hislop.

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## A BILL INTITULED

Title. AN ACT to constitute Electoral Districts, and for the Regulation of Parliamentary Elections.

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

Short Title. 1. The Short Title of this Act is "The Representation Act, 1889."

Commencement of Act. 2. This Act shall not come into force until on the day of the dissolution or expiry of the present Parliament, which day is herein referred to as the commencement of this Act.

But the Governor may nevertheless issue any Proclamation under section *six* of this Act, at any time before such commencement, or before any other time in the said section mentioned, provided that no such Proclamation shall take effect until the said commencement or other time.

Interpretation. 3. In this Act, unless the context otherwise requires,—  
 "Booth" includes any house or building used for the purpose of taking the poll at any election :  
 "Candidate" means any person who has been nominated for a candidate for a seat in the House of Representatives :

- 5        “Clerk of the Writs” means the officer appointed to issue writs for the election of members of the House of Representatives; and includes the deputy of such officer:
- “Day of nomination” means the last day appointed for receiving nomination-papers:
- “District” or “electoral district” means a district of the colony in respect of which members are returned to serve in the House of Representatives:
- “Division” means a division of an electoral district:
- 10       “Election” or “parliamentary election” means an election of a member or members of the House of Representatives:
- “*At an election,*” “*at any election,*” and “*during any election,*” respectively mean and include the whole period from the tenth day inclusive before the day named in the writ as to be the polling-day at any election until and inclusive of the day on which the result of such election shall be published:
- 15       “Election Officer” means any person appointed to that office for any electoral district under this Act:
- 20       “Elector” means any person who shall have a right to vote at any such parliamentary election:
- “Electric telegraph” means and includes any telegraph line established under “The Electric Lines Act, 1884,” and any telegraph line the property of the Government and worked by electricity under their control within the colony:
- 25       “General election” means an election which shall take place after a dissolution of the General Assembly, or at the expiration of the term for which members of the House of Representatives are elected:
- 30       “Issue of writ” means the day on which the Registrar of any division of a district receives a notification by letter or telegram that the Clerk of the Writs or person acting for him has signed a writ for an election for such district:
- 35       “Public notice” or “public notification” means a notice published in some newspaper circulating in the electoral district, or in any one or more divisions only of any such district intended to be affected by such notice:
- 40       “Registered elector” means an elector whose name is entered on an electoral roll by virtue of being the holder of an elector’s right:
- “Registration” or “time of registration” means the date of the day appearing on an elector’s right and the butt thereof as the date of the issue of such right, and of the right of the person to whom the same was issued to have his claim to vote registered, and his name entered on a roll of electors:
- 45       “Returning Officer” means a person appointed for any division of an electoral district to conduct elections under this Act, and shall, in respect of any polling-booth for which a Deputy Returning Officer shall have been appointed, mean such Deputy Returning Officer:
- 50

“Roll” means a general or supplementary roll of electors formed for any division of an electoral district :

“Speaker” means Speaker of the House of Representatives :

“Telegraph station” means any station appointed for the receipt and transmission of telegraphic messages :

“Telegraphic message” means any message or other communication transmitted or intended for transmission or purporting to have been transmitted by electric telegraph :

“Writ” means a writ issued by the Clerk of the Writs directing a Returning Officer to proceed with the election of a member of the House of Representatives.

Words in this Act referring to an officer, office, roll, list, election, district, or place shall be construed distributively as referring to each officer, office, roll, list, election, district, or place to whom or to which the provision is applicable.

Appointment of officers.

4. The Governor from time to time may appoint an Election Officer for each electoral district, and a Returning Officer for each division of every electoral district, and also may—

Appoint two persons in each electoral district, to act with the Election Officer thereof, as an Election Committee for ascertaining the result of the poll at any election therein ;

Appoint such clerks and other officers as may be required to carry the provisions of this Act into execution ; and

Appoint a substitute to any Election Officer, or Returning Officer, to act in the case of the sickness or absence of any such officer. Every substitute while so acting shall have all the duties, powers, and authorities of the officer for whom he is acting.

Offices may be held jointly.

The several offices of Election Officer and Returning Officer may be held and exercised by one and the same person at the same time, anything herein contained or implied to the contrary notwithstanding.

Tenure of office.

Every person appointed under this Act shall hold office during the Governor’s pleasure.

All persons holding office under any Act hereby repealed at the time when this Act comes into force shall continue in the said office under this Act without any new or further appointment.

All persons continuing as aforesaid to hold any office in any existing electoral district shall continue in the said office without any new appointment for that division of any new electoral district into which the first-mentioned district becomes converted by any Proclamation of the Governor proclaiming divisions of electoral districts under this Act, if such division retains the same name, although it may become altered in its boundaries.

Salaries.

Such salaries shall be paid to the several persons appointed under this Act as shall be from time to time appropriated for that purpose by the General Assembly.

PART I.

ELECTORAL DISTRICTS AND DIVISIONS.

5 At the first general election which shall take place after the coming into operation of this Act there shall be elected, under the provisions of this Act, *seventy* members of the House of Representatives, in addition to four members to be elected by the Native population under the provisions of "The Maori Representation Act, 1867;" and the House of Representatives after such election shall consist of *seventy* members over and above the four members elected by the Native population.

House to consist of seventy members.

10 (1.) For the purpose of the election of the said number of members of the said House, the colony shall be divided into *four* electoral districts, as the same are respectively named, defined, and set forth in the *First* Schedule to this Act.

Electoral districts.

First Schedule.

15 (2.) The number of members to be returned by each of the said districts respectively shall be as set forth opposite the name of such district in the said Schedule, being in proportion to the entire number of members to be elected under this Act as the total population of the district (other than Maoris) is to the total population of the colony (other than Maoris).

20 (3.) Within three months after every census the Governor shall apportion the representation of the several districts anew, in proportion to the population of the colony as ascertained by such census, and shall by Proclamation appoint and declare the number of members to be elected by each such district; and each such new apportionment shall take effect on the dissolution of the Parliament existing at the time when it is made.

30 6. The Governor forthwith after the commencement of this Act, and thereafter forthwith after the dissolution or expiry of every Parliament, may, for the purposes of this Act and the conduct of elections, by Proclamation subdivide each of such electoral districts into divisions of convenient size, not exceeding in number the number of members to be returned by such districts respectively, and may assign names to such divisions.

Divisions of electoral districts.

35 In making such divisions the total population of the district shall be divided by the number of members to be elected for such district, and each division shall be so made as to contain as nearly as may be a population equal to the quotient or any multiple thereof.

40 7. The Colonial Secretary shall cause properly-authenticated maps of the electoral districts constituted under this Act, and of the several divisions thereof, as defined in any Proclamation, to be deposited in the office of the Clerk of the House of Representatives.

Maps of districts and divisions to be prepared.

45 Every electoral district constituted under this Act, and every division thereof established under any Proclamation of the Governor, shall, for all purposes of this Act relating to the qualification and registration of electors, be deemed to have been constituted six months prior to the commencement of this Act, or to the date of such Proclamation, as may be the case.

## PART II.

## REGULATION OF ELECTIONS.

*General Elections.*

Appointment of  
Clerk of the Writs.  
1881, No. 12, s. 7.

8. The Governor, by warrant under his hand, shall from time to time appoint some fit person to be Clerk of the Writs, by whom writs for the election of members of the House of Representatives shall in all cases be issued, and to whom such writs shall also be returnable. 5

There shall be a deputy of the said Clerk, to be appointed in like manner, who shall act when the said Clerk is unable to act. 10

The persons respectively holding the aforesaid offices at the commencement of this Act shall continue in the said offices under this Act without further appointment.

Governor's warrant  
for issue of writs for  
general election.  
Second Schedule.  
Ib., s. 8.

9. For every general election the Governor shall, by warrant under his hand in the form or to the effect set forth in the *Second* Schedule to this Act, direct the Clerk of the Writs to proceed with the elections. 15

Clerk of Writs to  
issue writs to  
Election Officers  
of districts.  
Third Schedule.  
Ib., s. 9.

10. On the receipt of such warrant the Clerk of the Writs shall forthwith cause writs to be issued to the several Election Officers, in the form or to the effect set forth in the *Third* Schedule to this Act. 20

The writs shall be made returnable within sixty days.

In the writs to be issued a day shall be named for the polling (if a poll is required) to take place, and the same day shall be appointed in each writ for the polling. 25

Clerk of Writs to  
notify issue of writ  
to all Registrars in  
divisions of districts.

11. The Clerk of the Writs shall forthwith, on the signing of a writ for an election to be held in any district, cause a notification of the issue of such writ to be sent by letter or telegram to the Registrar of each division of the said district.

Election Officer to  
give notice of  
election-day.  
1881, No. 12, s. 10.  
Fourth Schedule.

12. Every Election Officer, on the receipt of a writ, shall indorse thereon the date of its receipt, and shall forthwith give at least fifteen days' notice of the day of polling, in the form or to the effect set forth in the *Fourth* Schedule to this Act. 30

Nominations to be  
sent to Returning  
Officer of division.  
Candidate to be  
nominated by  
ten electors.  
Fifth Schedule.

13. Any duly-registered elector, with his consent, may be nominated as a candidate for election for any district, by not less than ten electors of the district resident in the same division thereof, by a nomination-paper, in the form or to the effect set forth in the *Fifth* Schedule to this Act, given to the Returning Officer of the said division or transmitted so as to reach him before the last hour appointed for receiving nomination-papers. 35

The consent of any person to be nominated shall be signified to the Returning Officer by indorsing such consent on the nomination-paper with his signature, or by a separate paper or letter sent by post and affixed to the nomination-paper. 40

Candidates to be  
nominated by  
separate nomi-  
nation-paper.

14. Each candidate shall be nominated by a separate nomination-paper in such manner as in the opinion of the Returning Officer is calculated to sufficiently identify such candidate; but the same electors, or any of them, may subscribe as many nomination-papers as there are vacancies to be filled, but no more. 45

No objection to a nomination-paper on the ground of the description of the candidate being insufficient or not being in compliance with this rule shall be allowed or deemed valid unless such objection is made not less than three days before the day appointed for the poll.

Objections to nominations.

15. Immediately on receiving a nomination-paper the Returning Officer shall telegraph the contents thereof, and transmit the paper to the Election Officer, who shall satisfy himself that it is in proper form and that the persons signing the same are proper electors of the district, and, having done so, shall affix a list of the candidates, to be added to day by day, in some conspicuous place outside of his office, and telegraph a copy of such list to the Returning Officer of each division of the district, who shall similarly affix such copy and add thereto as aforesaid.

Returning Officers to send nominations to Election Officer.

16. Immediately after the expiry of the time limited for receiving nomination-papers the Election Officer shall advertise the names of the several candidates who have been duly nominated in such one or more newspapers circulating within the several divisions of the district as he shall deem best calculated to give full publicity to the same; and shall forthwith send a list of such candidates, signed by himself, to the Returning Officer of each division of a district.

Nominations be advertised.

17. Any candidate may withdraw, but not later than three clear days before the day of polling, by giving or transmitting by letter to the Election Officer a notice in the form or to the effect set forth in the Sixth Schedule to this Act, signed by the candidate and attested by a Justice of the Peace.

Candidate may withdraw by notice to Election Officer.

Sixth Schedule. 1881, No. 12, s. 15.

The Election Officer shall forthwith publish such notice in such manner as he shall deem best calculated to give full publicity to the same, and telegraph notice of such withdrawal to the Returning Officer of each division of the district; and shall omit the name of every candidate whose name is withdrawn from the ballot-papers to be printed as hereinafter mentioned, or, if any such ballot-papers be already printed, shall erase therefrom the name of every candidate so withdrawn, or require the aforesaid Returning Officers so to do if the ballot-papers have already been sent to them.

Any candidate giving such notice shall not be capable of being elected, and all votes given for him (if any) shall be void and of no effect.

18. If no more candidates than the number to be elected are nominated, or if any candidate who has been nominated withdraws, in manner hereinbefore provided, so that there shall remain no more candidates than the number to be elected, the Election Officer shall, by public notice, to be given on or before the day appointed for taking the poll, declare such candidates duly elected, and shall allocate each member so elected to a particular division of the district in manner as he shall think best, according to the various nomination-papers received by him.

Where election not contested, names of persons elected to be indorsed on writ, and writ returned. Ib., s. 15.

The names of the persons so elected, and the names of the divisions of the district to which they are respectively allocated, shall be indorsed on the writ by the Election Officer, and the writ shall be by him returned to the Clerk of the Writs forthwith and within the time specified therein.

Ib., s. 14.

If election contested,  
a poll to be taken.  
1881, No. 12, s. 14.

19. If more candidates than the number to be elected are nominated, and a sufficient number do not withdraw so as to leave only the required number to be elected, then for deciding between such candidates a poll shall take place on the day named in the writ for that purpose, and at the several polling-places for the different divisions of the district. 5

The Election Officer shall forthwith give public notice of such poll, and shall also send a telegraph notice thereof to the Returning Officer in each division of a district.

In case of death  
before poll, pro-  
ceedings *de novo*.

20. If a duly-nominated candidate, who has not withdrawn, shall die after the last day on which nomination-papers can be sent in, and before the day appointed for the poll at an election, the Election Officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by him on the day on which proof was given him of such death. 10 15

No fresh nomination, however, shall be necessary in the case of a candidate in respect of whom the nomination required by this Act was given at the time of the countermand of the poll. 20

Whenever the proceedings in any election are to be commenced afresh in consequence of the death of a candidate, the Election Officer shall, previous to their commencement, indorse on the writ the fact of such death, the date of the proof thereof, and of the countermand of the poll in consequence. 25

Election Officer to  
have ballot-papers  
printed.

21. Forthwith after the day for receiving nominations is passed, the Election Officer shall cause ballot-papers to be printed in the form hereinafter mentioned in sufficient number for use in all the divisions of the district; and shall send a supply of such ballot-papers to the Returning Officer of each division of the district so as to reach the said officer the day at least before that appointed for the poll. 30

After the ballot-papers are printed, but before sending them to the various Returning Officers, the Election Officer shall cause each ballot-paper and counterfoil to be stamped with his initials and the name of the division of the district wherein the same is to be used; and no ballot-paper shall be sent to any division other than that indicated by the name stamped thereon. 35

Form of  
ballot-papers.

22. The ballot-papers shall contain a list of all the persons nominated as candidates, each name being inserted once only, whether nominated in one or more nomination-papers, and of no other persons, arranged alphabetically in the order of their surnames, in large characters, the other names of such candidates being added in lesser characters; and— 40

Seventh Schedule.

(1.) Shall be printed in the form or to the effect in the *Seventh* Schedule to this Act, with counterfoils, and shall be numbered in a regular arithmetical series, each with a different number; and such numbering shall be effected by printing or stamping the number, in small characters, on the face of the counterfoil and in one of the corners on the back of each ballot-paper; but only so many ballot-papers shall be numbered in the same series as shall be sufficient for all the electors in the same electoral district: 45 50



(2.) The ballot-papers and counterfoils so printed and numbered shall be bound together in books containing not more than two hundred in each book; and there shall be provided at each polling-booth at an election as many such books as are likely to be required for use thereat at such election.

If in any case the Christian names and surnames of any two or more candidates be the same, they shall be distinguished upon such ballot-papers by the addition of their residence and occupation.

### 10 *Polling at Elections.*

23. The Governor may from time to time appoint, alter, and abolish polling-places for each division of an electoral district within the limits thereof; and may appoint any one of such polling-places to be the principal polling-place of the division.

Governor may  
appoint polling-  
places.  
1881, No. 12, s. 6.

15 After the issue of a writ for an election in any district, and until such election is over, no change shall be made in the polling-places appointed for any division of such district, unless a polling-place becomes unavailable for the purpose for which it was appointed, or unless such election cannot be held without some such change being made:

Not to be altered  
after writ issued.

20 Provided that such changes shall be duly notified in one or more newspapers circulating in the division wherein such change is made at least seven clear days prior to the day of polling.

25 No polling-place shall be appointed unless the Governor shall be first satisfied that the place to be appointed is more convenient than any other for at least twenty electors to record their votes thereat.

24. The poll shall be taken by ballot; it shall commence at nine o'clock in the forenoon of the day appointed, and shall, unless lawfully adjourned, finally close at six o'clock in the afternoon of the same day.

Poll to be by ballot.  
Hours of polling.  
Ib., s. 17.

25. The Returning Officer shall provide the following things for taking the poll:—

Polling-booths.  
Ib., s. 18.

(1.) One or more rooms or compartments for polling-booths at each polling-place; and in each booth one or more inner compartments separated from but opening into the booth.

35 If there shall be more than one booth at any polling-place, there shall be fixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as shall denote the booth at which each elector, according to the initial letter of his surname, is to vote; and no elector shall be permitted to vote in any booth save that which is so denoted by the initial letter of his surname.

40 No polling-booth shall be in any house licensed for the sale of spirituous or fermented liquors, or in any premises belonging to such house:

(2.) In each booth one or more ballot-boxes, having a lock and key and a slit in the upper side by which the ballot-papers may be put into the box:

50 (3.) A sufficient number of ballot-papers, as furnished by the Election Officer, in the form hereinbefore mentioned:

Returning Officer to  
preside at principal  
polling-place.  
1881, No. 12, s. 19.

Deputy Returning  
Officers to be  
appointed.  
Ib., ss. 20, 21, 22.

Their duties and  
powers.

To make  
declaration.  
Eighth Schedule.

Scrutineers for  
each booth.  
Ib., s. 23.

To make  
declaration.  
Ib., s. 24.  
Ninth Schedule.

Ballot-boxes to be  
emptied before  
polling, then locked  
and kept so till  
after close of poll.  
Ib., s. 25.

No persons  
permitted to remain  
in polling-booth.  
Ib., s. 26.

Voters not to be  
spoken to in booth.  
Ib., s. 27, amended.

Before ballot-paper  
given, voter to  
deliver his  
elector's right.  
Ib., s. 28, altered.

Defaced elector's  
right may be  
rejected and ballot-  
paper refused.

(4.) In each inner compartment pencils for the use of the voters.

26. The Returning Officer shall conduct the election at the principal polling-place of the division, with such clerks appointed by him as he may require.

27. The Returning Officer shall appoint, in writing, a deputy to act for him and take the poll at each of the other polling-places of the division, and so many clerks as may be required to assist. 5

Every such deputy shall have and discharge all the powers, duties, and functions, at the polling-place for which he is appointed, as are given to or to be performed by the Returning Officer. 10

Every Deputy Returning Officer shall, before the poll, make and subscribe, before the Returning Officer or any Justice of the Peace, the declaration set forth in the *Eighth* Schedule.

28. Each candidate, or, if he omit to do so, his nominators or any three of them together, may, by writing under his or their hands, appoint one scrutineer for each ballot-box used in the booth; and every such scrutineer shall be entitled to be present in that part of the booth in which the ballot-papers are received, as hereinafter mentioned. 15

Every scrutineer and clerk shall, before he shall be admitted to act, make and subscribe before the Returning Officer the declaration set forth in the *Ninth* Schedule. 20

29. The Returning Officer shall, immediately before the opening of the poll, and in sight of any of the scrutineers who may be present, see that the ballot-box is empty, and shall close and lock it, and retain the key in his possession. 25

The ballot-box shall not again be opened until after the close of the poll.

30. Not more than six voters, to be, if necessary, designated by the Returning Officer, shall be allowed in a polling-booth at one and the same time, and no person not actually engaged in voting shall be allowed to remain there except the Returning Officer and his clerks, any of the scrutineers, an interpreter, and as many constables as the Returning Officer thinks necessary to keep order. 30

31. No scrutineer or other official or unofficial person shall speak to any voter in a polling-booth either before or after such voter has given his vote, except only the Returning Officer (with an interpreter, if necessary), who may ask the questions he is authorised to put, and give such general directions as may assist any voter to give his vote. 35

Every person offending against this section shall be liable for each such offence to a penalty not exceeding *twenty* pounds, and may be at once removed from the booth by order of the Returning Officer. 40

32. Every person tendering his vote at any election shall state to the Returning Officer his Christian names and surname, and shall deliver to such Returning Officer the elector's right entitling him to exercise the right of voting, and shall demand a ballot-paper; and the Returning Officer shall compare the elector's right with the roll, and satisfy himself, by reference to the roll, that such person is entitled to vote and has not already voted. 45

And such Returning Officer may, and is hereby required to, reject any elector's right which is torn or defaced in manner that any part of the face or back thereof is destroyed, or so that any print, stamp, or mark thereon, or on the back thereof, is illegible, and shall refuse to deliver a ballot-paper to the person delivering such right. 50

33. The Returning Officer may, and if so required by any scrutineer shall, before allowing any person to vote, put to him the following questions:—

- 5 (1.) Are you the person whose name appears as A.B. on the electoral roll now in force for the ——— Division of the Electoral District of [name of district] ?
- (2.) Was the elector's right now exhibited by you issued to you? And is the signature, A.B., appearing in the said elector's right, your signature?
- 10 (3.) Do you still reside in the ——— Division of the Electoral District of [name of district] ?
- (4.) Have you already voted at the present election in any division of any electoral district in the colony?

15 34. The Returning Officer may, if he think fit, of his own motion, and shall, if required to do so by any scrutineer at the polling-booth at which he presides, require any person tendering his vote, before he shall receive a ballot-paper, to sign his name in a book to be kept for that purpose; and the Returning Officer shall compare such signature with the signature purporting to be that of the holder

20 of such elector's right, and appearing thereon in accordance with any law in force for the time being relating to electors' rights.

35. The Returning Officer or Deputy may, if he think fit, and shall, if called upon so to do by any scrutineer, require of any person tendering his vote, before he shall receive a ballot-paper, to make a

25 solemn declaration against bribery in the manner and form set forth in the *Tenth* Schedule.

36. If any person, having tendered his vote, to whom the prescribed questions shall be so put as aforesaid, shall refuse or omit distinctly to answer the same and each part thereof, or shall not answer

30 absolutely in the affirmative such of the first three of the prescribed questions as shall apply to his claim to vote, and absolutely in the negative the fourth of the prescribed questions; or

If any person, having tendered his vote as the holder of an elector's right, and being so required to sign his name as aforesaid,

35 shall refuse or omit to do so; or

If any person, having tendered his vote, and being so required to make such declaration as aforesaid, shall refuse or omit so to do,

He shall be and be deemed prohibited from voting then or afterwards at such election, and shall be guilty of an offence, and on

40 summary conviction shall be liable for the same to a penalty not exceeding *twenty* pounds.

37. If any person shall wilfully and knowingly make a false answer to any of the questions which a Returning Officer or Deputy Returning Officer may put to him under this Act, he shall for every

45 such offence be liable, on summary conviction, to a penalty not exceeding *twenty* pounds.

38. Before giving a ballot-paper to an elector the Returning Officer shall stamp on the back thereof an official mark, and shall write on the counterfoil of the said ballot-paper his initials and the

50 number appearing on the certified copy of the roll against the name of the voter to whom he gives such paper, and shall place a mark against the name of such elector on the roll as evidence that he has tendered his vote, but in manner so as not to indicate the particular

Questions put to persons offering to vote.  
1881, No. 12, s. 29, altered.

Voter may be required to sign book.

Declaration against bribery may be required of voter.  
*Tenth* Schedule.

Omission or refusal to answer questions, sign name, or make declaration an offence.  
*Ib.*, s. 29.

Penalty for making false answer.

Before given, ballot-paper to be stamped and counterfoil to be marked.  
*Ib.*, s. 30, altered.

ballot-paper which any elector has received. The Returning Officer also shall mark or stamp the back of the elector's right delivered to him with the date of the day, month, and year in ink, or otherwise in manner to show that the holder thereof has voted at the election then being held; and return the same to the voter.

5

Returning Officer to be satisfied of person's right to vote. 1881, No. 12, s. 31.

39. The Returning Officer, having satisfied himself that the person proposing to vote is entitled to do so, shall deliver to him a ballot-paper.

Voter to have one vote only, but to be transferable if not required for first candidate marked.

40. Each voter shall have one vote only, but may vote in the alternative for as many candidates as he pleases; and his ballot-paper shall be deemed to be given for the candidate opposite whose name is placed the figure 1; but it shall be transferable to the other candidates in succession, in the order of priority designated by the figure set opposite their respective names, in the event of its not being required to be used for the return of any prior candidate.

10

Voter to mark ballot-paper according to his preference for the candidates.

41. The voter, having received a ballot-paper, shall retire into one of the inner compartments provided, and shall there, alone and secretly, insert opposite to the names of the candidates for whom he wishes to vote, the figures 1, 2, 3, and so on, in the order of his preference, but shall not place the same figure opposite more than one name. He shall not strike out from the ballot-paper the name of any candidate.

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An example of marking a ballot-paper is set forth in the Appendix A at the end of this Act.

Provision where voter is blind or disabled and cannot write.

Ib., s. 33, altered.

42. If any voter is blind or physically incapacitated from reading or writing, and so desires, the Returning Officer, and, if necessary, an interpreter, shall retire with him into the inner compartment, and there make up the ballot-paper according to the instruction of the voter; and such Returning Officer shall sign his own name at the foot thereof.

30

Ballot-paper to be folded and put in the ballot-box by the voter.

Ib., s. 34.

43. Every voter, before leaving the inner compartment, shall fold up his ballot-paper so that the contents cannot be seen, and, after showing the Returning Officer the official mark thereon, shall then deposit the ballot-paper, so folded, in the ballot-box.

Proceeding where second vote tendered in same name.

Ib., s. 36, altered.

44. If any person  
 (1.) Proposing to vote at any election tenders his name as of the same person to whom a ballot-paper has already been given at the same election; or  
 (2.) Tendens his vote as the holder of an elector's right, and his writing in the book hereinbefore mentioned of the name in which he shall demand to vote shall not in the opinion of the Returning Officer be of the same handwriting as the signature appearing on the elector's right produced to him, and purporting to be the signature of the holder thereof,

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45

he shall be dealt with in all respects in like manner as any voter tendering his vote; but the ballot-paper of such person shall not be deposited in the ballot-box or allowed by the Returning Officer, who shall set the ballot-paper aside for separate custody.

Irregular ballot-papers to be rejected.

Ib., s. 35.  
 35 and 36 Vict.,  
 c. 33, s. 2.

45. Every ballot-paper which has not on its back the official mark, or on which anything is written or marked by which the voter can be identified, except the printed or stamped number on the back, shall be rejected at the close of the poll and not counted.

50

46. Every Returning Officer has power and authority to maintain order and keep the peace at any polling-place where he is conducting the poll, and, without any other warrant than this Act, to cause to be arrested and taken before a Justice of the Peace any person reasonably suspected of committing or attempting to commit at a polling-place any of the offences which are made misdemeanours by this Act :

Returning Officers to maintain order. 1881, No. 12, s. 70.

Also to cause to be removed any person who obstructs the approaches to a polling-booth, or wilfully and unnecessarily obstructs or delays the proceeding at the polling, or conducts himself in a disorderly manner, or causes a disturbance, or wilfully acts in any manner in defiance of the lawful directions of the Returning Officer.

All constables shall aid and assist the Returning Officer in the performance of his duty.

47. When the proceedings for taking the poll at any election are interrupted or obstructed at any place by riot, open violence, or otherwise, the Returning Officer shall not for such cause finally close the poll, but shall adjourn the taking of the poll at the polling-place at which such interruption or obstruction happens to the following day ; and, if necessary, from day to day, until the poll can be taken without such interruption or obstruction, when the Returning Officer shall again proceed with taking the poll : Provided that the poll shall not be kept open for more than *nine* hours on the whole.

Poll to be adjourned in case of riot. *Ib.*, s. 71.

48. No election shall be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such election or any polling shall have been held, if such person has been actually appointed or has been acting in the office giving a right to preside at such election or polling.

Election not to be invalid for defect in appointment of person taking the poll. *Ib.*, s. 72.

No election shall be void in consequence of there being no Election Officer for any district at the time of the issue of the writ, or of any delay in the return of the writ.

Election not to be void for want of appointment of Election Officer. *Ib.*, s. 73.

#### *Result of Poll.*

49. The Deputy Returning Officer of each polling-place, as soon as practicable after the close of the poll, shall, in the presence of such of the scrutineers as choose to be present, open the ballot-boxes, and, taking therefrom all the ballot-papers therein, without unfolding or counting them, shall make them up into a separate parcel, sealed with his own seal and the seals of such scrutineers as desire to affix their seals, and shall transmit the same to the Returning Officer, together with—

Deputy Returning Officers to transmit ballot-papers to Election Officer.

The certified copies of rolls supplied to the said Deputy on which the fact of any person having received a ballot-paper has been noted, and the counterfoils of the ballot-papers ; and

An account in which such Deputy shall charge himself with the number of ballot-papers originally delivered to him specified therein, the number thereof delivered to and used by voters, as appearing from the counterfoils, and the number not so delivered or left unused, and the number set aside for separate custody (which account is hereinafter referred to as the ballot-paper account).

Every such account shall be verified as well by the signatures of

the said Deputy and the poll-clerk (if any) as also by the signatures of such of the scrutineers as shall be present and shall consent to sign the same.

Deputies to make returns to Election Officer.  
1881, No. 12, s. 39.

50. Each Deputy shall, together with the parcels aforesaid, transmit to the Returning Officer—

5

The unused and spoilt ballot-papers placed together; and  
The ballot-papers which shall have been set aside for separate custody as hereinbefore provided; and

All books, rolls, and papers kept and used by him during the polling, except the certified copies of rolls and the counter-foils of the ballot-papers as aforesaid;

10

And shall indorse such parcels severally with a description of the contents thereof, and with the name of the division of the district, the name of the place of polling, and the date of the polling, and sign with his name the said indorsement.

15

Returning Officer to make a like account as to polling-place where he presides.

Ib., s. 40, amended.

51. The Returning Officer shall, in the same manner as herein required in the case of Deputy Returning Officers, in respect of any polling-booth at which he himself shall have presided,—

(1.) Make up the same sealed parcels of the ballot-papers taken out of the ballot-boxes used at the said booth, and make out the like ballot-paper account, which shall be verified by the signature of the Returning Officer, the poll clerks (if any), and scrutineers in manner aforesaid;

20

(2.) Make up in separate parcels, in like manner as is herein required of Deputy Returning Officers, all ballot-papers unused or set aside as aforesaid, and all books, rolls, and papers (except the certified copies of rolls on which the fact of any person having received a ballot-paper has been noted, and the counterfoils of the ballot-papers) kept or used by him at such polling-booth; and

25

Seal up, and also permit to be sealed up by the scrutineers, and shall indorse in like manner as aforesaid, the said several parcels, and deal with the same as hereinafter provided.

30

Returning Officer, after counting ballot-papers from all the polling-places, to seal them up together and send to Election Officer.

52. The Returning Officer, as soon as he has received the sealed packets of ballot-papers from all the Deputy Returning Officers, shall, in the presence of such of the candidates, or of not more than one scrutineer for each candidate, as may desire to be present, open the same and count, but without unfolding any ballot-paper, the number of ballot-papers in each packet, including the packet sealed up by him at the booth whereat he presided (if any).

40

The Returning Officer and such of the candidates and scrutineers who are present as may desire to do so, shall sign a document setting forth the number of ballot-papers found in each packet.

45

He shall then place all the ballot-papers, together with the documents so signed, in a packet, and direct the same to the Election Officer.

Having carefully sealed up and taken all necessary precautions to prevent the packet being tampered with, the Returning Officer shall forthwith deliver or transmit the same by safe conveyance to the Election Officer.

50

53. If it shall be established to the satisfaction of the Election Officer that any packet of ballot-papers sent to him by any Returning Officer is lost, he shall telegraph the fact to the Clerk of the Writs, who shall issue a new writ for the district to which such  
 5 packet relates.

In case of loss of ballot-papers new election to be held for district.

A packet shall be deemed to be lost when the Election Officer shall be satisfied that it will fail to reach his hands within a reasonable time.

Such writ shall be made returnable within such number of days,  
 10 not exceeding thirty, as the Election Officer shall deem sufficient to insure a proper election.

If, however, the lost packet of ballot-papers shall at any time before the day of election come to his hands, and he is fully satisfied that it has not been tampered with, he shall forthwith telegraph  
 15 notice to the Clerk of the Writs, who shall issue a *supersedeas* of the new writ, which shall at once stop all further proceedings thereon.

54. As soon as conveniently may be after transmitting the packets of ballot-papers to the Election Officer as aforesaid, every  
 20 Returning Officer shall transmit to the said Election Officer all certified copies of rolls, counterfoils of ballot-papers, ballot-paper accounts, and all other sealed packets of papers relating to the election which he has received from the several Deputy Returning Officers, as well as those made up by himself, and which have not previously been sent to such Election Officer.

All packets of books and papers also to be sent to Election Officer.

55. As soon as all the packets of ballot-papers are received  
 25 from all the Returning Officers, and not before, the Election Officer shall open the same, in the presence of the members of the Election Committee of the district, or, in case of their unavoidable absence, or of either of such members, then in the presence of any one or two  
 30 Justices of the Peace who shall attend for the purpose of acting in the place of any absent member of the Committee at the request of the said Election Officer, and, taking all the ballot-papers from the several packets, shall mix them up together, and place them in an open box.

Ballot-papers not to be opened before arrival of whole number.

35 The ballot-papers, having been all mixed, shall be drawn out of the box in succession and unfolded, each paper as it is drawn being marked or stamped on the face thereof, either in pencil or in ink, with a number in arithmetical series, beginning with the number one, and so that no two papers shall have the same number, and shall place  
 40 the ballot-papers in successive order as drawn, with their face downwards; and the members of the Election Committee aforesaid, or, in the absence of either of them, the member of the Election Committee present and the Justice, or, if both the aforesaid members are absent, the Justices aforesaid, shall sign a document stating the entire  
 45 number as a whole of the ballot-papers received from the various Returning Officers, which shall be carefully preserved by the said Election Officer for production when required by lawful authority.

Counting of ballot-papers in presence of Election Committee.

56. The Election Officer shall then deal with the ballot-papers as follows:--

Ascertaining the poll.

50 (1.) He shall first reject all ballot-papers which have not the official mark on the back, or wherever anything is written or marked by which the voter can be identified, and all ballot-papers on which no numbers have been placed by

Informal papers rejected.

the voter to designate the priority of the candidates for whom he wishes to vote ; but he shall not reject any ballot-paper whereon the numbers of designation are fewer than, or in excess of, the number of members to be elected.

If on any ballot-paper the same number of designation is placed against more names than one, he shall erase the said names, as also all names against which a higher number of designation is placed, and the ballot-paper shall count only for the names of those candidates who are set in earlier priority than the first-mentioned names. If the number duplicated as aforesaid be the figure 1, then he shall entirely reject the ballot-paper.

He shall then count all the rejected ballot-papers, and place them together in a separate parcel.

Ascertaining the quota.

- (2.) He shall then proceed to ascertain the "quota" as follows :—

He shall divide the aggregate number of all the unrejected ballot-papers by the number of members to be elected, *plus* one, and to the quotient (or the integral part of the quotient where this is fractional) he shall add one. The result shall be the "quota."

Papers sorted according to name having priority thereon.

- (3.) He shall then arrange the unrejected ballot-papers by placing in separate parcels, in numerical order according to the numbers on the face thereof, beginning with the lowest numeral, those given for the several candidates, appropriating to each those ballot-papers in which the figure 1 is set opposite his name thereon.

Candidate having full quota of votes elected.

- (4.) Every candidate who has a number of first votes equal to or greater than the quota shall be declared elected, and so many of the ballot-papers containing those votes as shall be equal in number to the quota (being those marked with the lowest numerals by the Election Officer) shall be set aside as of no further use.

Transfer of unused votes.

The Election Officer shall then cancel the name of the elected candidate or candidates on all other ballot-papers, and shall then transfer such papers to the candidates (if any) designated thereon in priority next after the elected candidate, and place them with the parcel of first votes allotted to such candidate ; but if such next candidate is himself declared elected on his first votes, then the paper shall be transferred to the non-elected candidate designated thereon as next in priority, and the votes thus transferred shall be deemed to have been given for such candidates respectively, and shall be deemed to be first votes.

When the transfer of votes is completed he shall again count the first votes and the transferred votes allotted to the candidates not already declared elected, and shall declare such of them to be elected as have now obtained a number of votes equal to or greater than the quota.

This process shall be repeated until no candidate has more than a quota of first votes, or votes deemed first.



- 5 (5.) If, by the application of the last foregoing rule, a sufficient number of candidates do not obtain the quota necessary for their election then, and in such case the candidate or candidates having the fewest first votes, or votes deemed first, shall be declared not to be elected, with the effect of raising by so much in the order of preference all votes given to candidates after him or them, which shall accordingly be transferred by the Election Officer in the manner as prescribed under the last-preceding rule to the designated candidates, and counted for them, together with their original first votes or votes deemed first.
- 10 (6.) Proceed, by successive applications of the rules contained in the two last-preceding subsections, until the number of candidates who have obtained the quota, or the number of candidates left, is equal to the number of members to be elected; then such candidates shall be declared elected.
- 15 (7.) An example of marking ballot-papers in order of preference, and of the mode of determining an election by a "quota" as aforesaid, is set forth in the Appendices A and B at the end of this Act.
- 20 The Election Officer shall not count the votes on any ballot-papers which he may reject as invalid, but collect the same together, to be sealed up in a separate parcel after the counting of the votes.
- 25 57. The Election Officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he and the members of the Election Committee, or the Justices attending such counting, otherwise agree) the hours between seven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the Election Officer shall place the ballot-papers and other documents relating to the election under his own seal and the seals of such of the aforesaid Committee or Justices as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.
- 30 58. The Election Officer shall, as soon as conveniently may be on or after the day of the poll, make out a list of the candidates who have received votes equal to the quota, or nearest thereto, ascertained as hereinbefore mentioned, and shall post the said list in a conspicuous place at the nearest principal polling-place of the district, with a declaration at the foot thereof that the several persons mentioned therein are duly elected as members of the House of Representatives for the district, giving its name, and give public notice thereof by advertisement in one or more newspapers circulating in the district as he shall deem best calculated to give full publicity to the same.
- 40 59. Wherever there is an equality of votes between candidates at an election, and the addition of a vote would entitle any of such candidates to be declared elected, the Election Officer shall give such additional vote, whether or not he be an elector for the district; but shall not otherwise vote.
- 45 60. In each electoral district, the Election Officer shall allocate the elected candidates to the various divisions created in terms of section *six*, in accordance with the following rules:—

Candidate having least number of first votes declared not elected, and the other votes transferable.

Remaining candidates elected.

Example.

Appendix.

Counting of votes to be continuous, save during night.

State of poll to be made up and result published.

Casting-vote of Election Officer.

Each elected member for a district to be allocated to a particular division thereof.

- (a.) In the case of each division of a district which, by the number of population therein, is entitled to one member, the Election Officer shall declare which of the elected candidates has had the largest number of votes counted for him out of votes cast in the said division, and shall allocate such member to the said division. 5
- (b.) In the case of each division which is entitled as aforesaid to two or more members, he shall declare which two or more, as the case may be, of the elected candidates have had the largest number of votes counted for them out of votes cast in the said division, and shall allocate such members to the said division. 10
- (c.) If, by the process specified above, the same candidate should be declared for two or more divisions of a district, the Election Officer shall allocate him to that division in which he has had counted for him the larger or largest proportion out of the total number of votes counted in that division for all candidates. And to the other division or divisions there shall be allocated that elected candidate or those elected candidates who have severally had the next largest number of votes counted for them out of votes cast in such other divisions respectively. 15 20
- (d.) This last-named process shall be repeated, if necessary, until each elected candidate is allocated to some particular division. 25

Member allocated to a division to be deemed member for such division.

61. Every member allocated as aforesaid to any division of a district shall be styled the member for such division, and, in the case of his death or resignation, or of his seat otherwise becoming vacant, such vacancy shall be deemed to be a vacancy occurring in the division of the district which he represented, and shall be supplied by an election to be held within such division only. 30

Names of persons elected to be indorsed on writ, and writ returned. 1881, No. 12, s. 47.

62. The names of the persons so elected, and the names of the divisions of the district to which they are respectively allocated, shall be indorsed on the writ by the Election Officer, and the writ shall be by him returned to the Clerk of the Writs forthwith, and within the time specified therein. 35

Date of return of writ. Ib., s. 48.

63. The day on which the writ so indorsed comes into the possession of the Clerk of the Writs shall be indorsed by him on the writ, and his signature subscribed thereto; and such day shall be deemed to be the day of the return thereof. 40

A member returned for two districts at a general election to elect. Ib., s. 69.

64. If at a general election any member shall be returned for two or more divisions of different districts he shall make his election for which he will serve within seven days after it shall appear that there is no question upon his return for the division for which he elects to serve. 45

If a petition is presented against his return for either division he shall, if his return for both divisions is valid, make his election within seven days after the petition has been disposed of.

Parcels to be made up in packets, and kept by Election Officer in safe custody. Ib., s. 49, amended.

65. The Election Officer shall, as soon as practicable after the day of polling at any election, enclose in separate packets, in manner hereinafter mentioned, all the parcels so as aforesaid transmitted to him by the several Returning Officers, that is to say,— 50

5 (1.) He shall enclose in one separate packet all the used ballot-papers, in another all parcels of unused ballot-papers, in another all parcels of ballot-papers set aside as aforesaid, and in another all parcels containing the ballot-paper accounts, packets of counterfoils, copies of rolls, books, or other papers, as herein provided :

10 (2.) He shall seal up the said several packets, and indorse the same with a description of the contents thereof respectively, and the name of the district, and the date of the polling, and sign with his name the said indorsement ; and shall forthwith deposit the said packets, and also the parcel of ballot-papers selected as aforesaid, in some secure place for safe custody under his own charge :

15 (3.) And he shall also at the same time seal up and place with the above-mentioned packets a parcel containing all ballot-papers which shall have been printed for the said election and not used by the Returning Officers or distributed for use to their deputies.

20 The sealed packets and parcel shall be safely kept for one year, unopened, except by the command of a competent Court or the House of Representatives.

At the end of one year the packets and parcels shall be burnt unopened, in the presence of the said Election Officer and any Resident Magistrate.

25 66. Any ballot-papers and any packet of counterfoils, and any copy of a roll, and any book purporting to be taken from any such parcel as aforesaid, and having written thereon respectively, under the hand of the Election Officer having custody of such parcels for the time being, a certificate of the several particulars hereby  
30 required to be indorsed upon such parcel, and that the same was so taken from such parcel, shall be conclusive evidence in any Court of justice or before any Committee of the House of Representatives that the same was so taken, and that the same, if a ballot-paper, was deposited, and, if a packet of counterfoils, roll, or book,  
35 was kept or used, at the election and booth to which such indorsement and writing relate.

67. The production from proper custody of a ballot-paper so certified, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be *prima facie*  
40 evidence that the person who voted by such ballot-paper was the person who at the time of such election had affixed to his name in the roll of electors at such election the same number as the number written on such counterfoil.

45 But in the case of the ballot-papers set aside or selected and set aside by a Deputy Returning Officer or by the Returning Officer, such correspondence shall be evidence only of some person having voted in the name appearing on such roll.

#### Vacancies.

50 68. The seat of any member of the House of Representatives shall become vacant—

(1.) If for one whole session of the General Assembly he fails, without permission of the House, to give his attendance in the House ;

Papers taken from parcels to be evidence in certain cases. 1831, No. 12, s. 50.

Of what a ballot-paper used at election shall be evidence. Ib., s. 51.

How vacancies may be created. Ib., s. 53.

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- (2.) If he takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign Prince or Power ;
- (3.) If he does or concurs in or adopts any act whereby he may become a subject or citizen of any foreign State or Power, or is entitled to the rights, privileges, or immunities of a subject of any foreign State or Power ; 5
- (4.) If he is a bankrupt, or an insolvent debtor within the meaning of the laws relating to bankruptcy ;
- (5.) If he is a public defaulter, or is attainted of treason, or is convicted of felony or any infamous crime ; 10
- (6.) If he resigns his seat by writing under his hand addressed to the Speaker of the House, or, if there be no Speaker or he be absent from the colony, or if the resigning member be the Speaker, to the Governor. 15

No member to be elected for another district.  
1881, No. 12, s. 59.

69. Except at a general election no member for one division of a district shall be capable of being elected to supply a vacancy in another division of the same or any other district; and, in the event of his being returned, with his consent, for one division of a district whilst he is member for any other division in the colony, the seats for both divisions shall thereupon become vacant. 20

During session, Speaker by warrant directs issue of writ.  
Ib., s. 60.

70. If a vacancy exists at the commencement of any session, and no writ has been issued to supply the same, or if a vacancy occurs during a session, the Speaker shall forthwith, upon being ordered to do so by the House, issue his warrant to the Clerk of the Writs directing him to issue a writ to supply the vacancy. 25

During recess, vacancy to be gazetted.  
Ib., s. 61.

71. Whenever, during a recess of the House, whether by prorogation or adjournment, it appears to the Speaker that a vacancy exists, he shall cause a notification of the same and of the cause thereof to be inserted in the *Gazette*. 30

Ten days thereafter Speaker directs writ to issue.  
Ib., s. 62.

As soon as conveniently may be after the expiration of ten days after such notification shall have appeared in the *Gazette*, the Speaker, on its being established to his satisfaction that a vacancy does exist, shall issue his warrant to the Clerk of the Writs, directing him to issue a writ to supply the vacancy. 35

When no Speaker, Governor to act in lieu of Speaker.  
Ib., s. 63.

72. Whenever a vacancy occurs at a time when there is no Speaker, or he be absent from the colony, the Governor shall cause a like notification to be inserted in the *Gazette* and the like proceedings taken as are provided for in the *two preceding* sections.

Clerk of Writs to issue writ.  
Ib., s. 64.

73. On receipt of a warrant the Clerk of the Writs shall forthwith cause a writ to be issued to the Election Officer of the district in which the vacancy has occurred, in the form or to the effect set forth in the *Third Schedule* to this Act. 40

Third Schedule.

The writ shall be made returnable within forty-two days.

In the writ to be issued a day shall be named for the polling to take place, if a poll is required. 45

Election Officer to appoint day of election.  
Fourth Schedule.

74. The Election Officer, on the receipt of the writ, shall forthwith give notice of the day of election in the form or to the effect set forth in the *Fourth Schedule* to this Act, altered to meet the case. 50

Nominations of candidates.

Any duly-registered elector, with his consent, may be nominated as a candidate for election to a vacancy in any division of a district by not less than *ten* electors of such district, resident in the same divi-

sion thereof, by a nomination-paper in the form or to the effect set forth in the *Fifth* Schedule to this Act, altered to meet the case, in the same manner as hereinbefore provided for general elections.

5 If there is more than one vacancy to be supplied at the same  
 10 time in any division of a district the election for the members to be  
 then elected shall be conducted in manner hereinbefore provided in  
 regard to general elections by sections *thirteen* to *sixty-seven*;  
 and in every case of a single vacancy the election shall be conducted  
 in the same manner as in this section before mentioned, with the  
 10 exception that the poll shall be ascertained and publicly notified as  
 in the next *two following* sections provided; and sections *fifty-six*,  
*fifty-seven*, and *fifty-eight* shall not apply to or be acted on at elec-  
 tions to supply single vacancies.

15 75. In case of a poll being required at any election to supply  
 a single vacancy, then as soon as all the packets of ballot-papers are  
 received from the several Returning Officers, and not before, the  
 Election Officer shall open the same and stamp and count them in  
 all respects as mentioned in section *fifty-five*, and in the presence of  
 the officers therein mentioned; and shall then deal with the ballot-  
 20 papers as follows:—

(1.) He shall first reject all ballot-papers which have not the  
 official mark on the back, or wherever anything is written  
 or marked by which the voter can be identified, and all  
 25 ballot-papers on which no numbers have been placed by  
 the voter to designate the priority of the candidates for  
 whom he wishes to vote; but he shall not reject any ballot-  
 paper whereon the numbers of designation are fewer than,  
 or in excess of, the number of members to be elected.

30 If on any ballot-paper the same number of designa-  
 tion is placed against more names than one, he shall erase  
 the said names, as also all names against which a higher  
 number of designation is placed, and the ballot-paper  
 shall count only for the names of those candidates who  
 are set in earlier priority than the first-mentioned names.

35 If the number duplicated as aforesaid be the figure 1,  
 then he shall entirely reject the ballot-paper.

He shall then count all the rejected ballot-papers,  
 and place them together in a separate parcel.

40 (2.) He shall then arrange the unrejected ballot-papers by  
 placing in separate parcels those given for the several  
 candidates, appropriating to each those ballot-papers in  
 which the figure 1 is set to opposite his name hereon.

(3.) He shall then count the first votes given for each candidate,  
 and if any candidate has an absolute majority of the total  
 45 unrejected votes such candidate shall be declared elected.

(4.) If, on counting the votes as aforesaid, it is found that no  
 candidate has obtained an absolute majority of first votes,  
 then and in such case the candidate having the fewest  
 first votes shall be declared not to be elected, with the  
 effect of raising by so much in the order of preference all  
 50 votes given to candidates after him; and the Election  
 Officer shall then transfer such ballot-papers to the candi-

Mode of election.

Ascertaining the  
poll at a single elec-  
tion.Informal papers  
rejected.Papers sorted  
according to name  
having priority  
thereon.Counting the votes  
for each candidate.If no candidate has  
an absolute  
majority, candidate  
having least number  
of first votes  
declared not elected,  
and the other votes  
transferred.

709

- dates (if any) designated thereon next after the candidate declared not elected; and the votes thus transferred shall be deemed to have been given for them respectively, and shall be deemed to be first votes.
- Second counting of votes. (5.) The accumulated votes of each candidate, made up of original first votes and transferred votes (if any), are now again counted, and if, on such second count, it is again found that no candidate has obtained an absolute majority of the total unrejected votes, then the candidate who has the least number of accumulated votes shall be declared not to be elected, with the effect of transferring all the accumulated votes of such candidate to the candidates (if any) whose names appear next after him on such papers respectively; and the Election Officer shall accordingly transfer such votes to the designated candidates, and count them together, their original first vote or votes deemed first. 5  
10  
15
- Final result. (6.) When, by successive applications of the rules contained in the *two last-preceding* subsections, a candidate is found to obtain an absolute majority of the total unrejected votes at the election he shall be declared elected. 20  
In applying the aforesaid rules, if on any occasion two or more candidates having the least number of votes equal each other, and one is to be declared not elected, the Election Officer shall decide by lot which of them shall be declared, for such occasion, to be not elected. 25
- Example. (7.) An example of the mode of determining an election for a single vacancy by the aforesaid rules is set forth in the Appendix C, at the end of this Act. 30  
The Election Officer shall not count the votes on any ballot-papers which he may reject as invalid, but collect the same together, to be sealed up in a separate parcel after the counting of the votes.  
The counting of the votes under this section shall be continuous, as provided by section *fifty-seven*. 35
- Result of poll to be publicly notified. 76. The Election Officer shall, as soon as conveniently may be, on or after the day of the poll, post the name of the elected candidate in a conspicuous place at the nearest principal polling-place of the division of the district, with a declaration at the foot thereof that the said person is duly elected as a member of the House of Representatives for the Division of the district; and shall thereupon indorse on the writ a certificate stating the name of the person elected, and shall forthwith return the writ to the Clerk of the Writs. He shall also, as soon as practicable, enclose and seal up in one parcel all the ballot-papers used at the election, and deal with them, as well as all other packets of books and documents relating to the election, as provided by this Act in the case of a general election. 40  
45

#### Notices by Telegraph.

- Certain documents may be transmitted by telegraph under restrictions. 1881, No. 12, s. 52. 77. The Governor, the Speaker of the House of Representatives, the Clerk of the Writs and his deputy, and any member desiring to resign his seat, any Election Officer, and any Returning Officer or substitute for a Returning Officer, may cause to be trans- 50

mitted by electric telegraph the contents of any writ, warrant, return' notice, nomination-paper, authority, or other communication which, under the provisions of this Act, are required or authorised to be made or issued by the Governor, Speaker, or any or such other officer or person as aforesaid, whether requiring signature or seal or not, subject to the provisions following, that is to say,—

5 (1.) The original document shall be delivered at a telegraph station, and, in the case of any officers and persons as aforesaid, other than the Governor or Speaker, such delivery shall be made in the presence and under the inspection of some Justice of the Peace.

10 (2.) The person to whom the contents of any such document shall be sent shall forthwith, in the presence and under the supervision of a Justice of the Peace, cause to be sent back by electric telegraph a copy of the message received by him ; and, in the event of any error appearing therein, the process shall be repeated, under the like supervision, until it shall appear that a true copy of such document has been received by the person to whom it shall have been sent. 1881, No. 12, s. 52.

15 (3.) When it shall appear that such true copy has been so received, the officer or person who delivered the original document to the Telegraph officer shall indorse upon the original document a certificate that a true copy thereof has been sent, under the provisions of this section, to the person to whom the same shall have been so sent, and shall forthwith, by electric telegraph, inform such person that such certificate has been so indorsed ; and, in the case of every officer or person, other than the Governor or Speaker, the certificate shall be indorsed in the presence of the Justice of the Peace who was present at the delivery of the original document.

20 (4.) The person so receiving such true copy shall, upon receiving information of such certificate, indorse upon the copy of the original document received by him a certificate that the same has been duly received under the provisions of this section, which certificate shall be signed by him and by the Justice so supervising the receipt of such copy as hereinbefore provided.

25 Every copy so indorsed and certified shall be as valid to all intents and purposes as the original whereof it purports to be a copy would have been, and shall be admissible in evidence in any case in which the original would have been so admissible ; and any person by whom such copy shall have been so received, or who shall be thereby authorised, instructed, or commanded, or who shall or may be lawfully charged with any duty in respect thereof, shall have and become liable to the same rights and duties in respect thereof as if he had received such original document duly signed and sealed, or signed or sealed, as the case may be. Copies so transmitted to be as valid and effectual as originals.

30 78. Every original document a copy whereof has been transmitted under the last-preceding section shall be kept at the telegraph station at which it was delivered for the purposes of such trans- Original documents of which copies transmitted to be open to inspection. Ib., s. 53.

mission, and shall, after the expiration of two days from the date of the certificate under subsection *three* of the said section being indorsed upon it, be open within reasonable hours to the inspection of any person upon the payment of a fee of one shilling.

Penalty for wilful delivery of message to wrong person.  
1881, No. 12, s. 54.

79. Any person who, being charged with the delivery of any such telegraphic message as aforesaid, shall wilfully deliver the same to any person other than the person to whom the same shall be addressed, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour. 5 10

Penalty for signing another's name to message to be sent.  
Ib., s. 55.

80. Whosoever, without lawful authority or excuse (the proof whereof shall be on the person accused), shall sign the name of any other person to any such telegraphic message as aforesaid, with intent to procure such message to be sent as a message from such other person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour. 15

Penalty for false certificate of sending message under provisions of this Act.  
Ib., s. 56.

81. Any person who shall wilfully and falsely indorse upon any original document delivered at a telegraph station for the purpose of being transmitted under the provisions of this Act a certificate that a true copy thereof has been sent under section *seventy-eight*, or who shall by telegraph wilfully and falsely inform any person to whom such document shall have been so sent that a certificate under the provisions of this Act has been indorsed thereon, shall forfeit a sum not exceeding one hundred pounds, which may be sued for and recovered by the first person who shall, for his own benefit and without collusion, sue for the same. 20 25

Signing false certificate upon copy to be felony.  
Ib., s. 57.

82. Any person by this Act required to sign any certificate upon any copy of a document that such copy has been duly received, under the provisions of section *seventy-seven*, who shall wilfully sign any such certificate knowing the same to be false, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour and with or without solitary confinement. 30 35

#### Offences at Elections.

Offences in respect of nomination-papers, ballot-papers, and ballot-boxes.  
Ib., s. 66.

83. Every person who—

- (1.) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys any ballot-paper or counterfoil thereof, or the official mark on any ballot-paper ; or 40
- (2.) Without due authority supplies any ballot-paper to any person ; or
- (3.) Fraudulently puts into any ballot-box any paper other than the ballot-paper which he is authorised by law to put in ; or 45
- (4.) Fraudulently takes out of the polling-booth any ballot-paper ; or
- (5.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot-box, or box or packet or parcel 50



of ballot-papers or counterfoils, then in use for the purposes of the election, or in course of transmission by post or otherwise, or thereafter wherever the same may be kept as a record of such election,

5 shall be guilty of a misdemeanour, and be liable, if he is a Returning Officer or an officer or clerk in attendance at a polling-booth, to imprisonment for any term not exceeding two years, with or without hard labour, and, if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

10 Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence is punishable.

Attempt to commit an offence.

In any indictment or other prosecution for an offence in relation to the ballot-boxes, ballot-papers, counterfoils, or marking instrument at an election, the property in such papers, boxes, and instruments may be stated to be in the Returning Officer at such election.

Property may be stated as being in Returning Officer.

84. Every officer, clerk, scrutineer, interpreter, and constable in attendance at a polling-booth shall maintain and aid in maintaining the secrecy of the voting in such booth, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any intimation as to the name or number on the roll of electors of any elector who has or has not applied for a ballot-paper at that booth, or as to the official mark.

Infringement of secrecy. 1881, No. 12, s. 67.

No person whosoever, except as hereinbefore provided, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling-booth information as to any candidate for whom any voter in such booth is about to vote or has voted, or communicate at any time to any person any information obtained in a polling-booth as to the candidate for whom any voter at such booth is about to vote or has voted, or as to the number on the back of the ballot-paper given to any voter at such booth.

Every person in attendance at the counting of the votes, either in the first instance by the Returning Officer or afterwards by the Election Officer when the ballot-papers are sorted, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot-paper.

Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour.

Punishment therefor.

85. If any Election Officer wilfully delays, neglects, or refuses to return any person who ought to be returned, such person may, in case it has been determined on the hearing of an election petition by a competent tribunal that such person was entitled to have been returned, sue in the Supreme Court the officer having so wilfully delayed, neglected, or refused duly to make such return, and recover double the damages he has sustained by reason thereof, together with full costs of suit, provided such action be commenced within one year after the commission or omission of the act on which the said action is grounded, or within six months after the conclusion of the trial relating to such election.

Election Officer refusing to return any person duly elected may be sued. Ib., s. 68.

Unavoidable impediments may be removed by Governor in Council. 1881, No. 12, ss. 74, 75.

86. When any accidental or unavoidable impediment, misfeasance, or omission happens, the Governor in Council may take all such measures as may be necessary for removing or rectifying the same, or may postpone the day on which any electoral roll may come into force, or may declare any such roll valid, or may declare any or all of the proceedings at or for any election valid, notwithstanding such impediment, misfeasance, or omission. 5

Nature of impediment to be gazetted.

Every such Order in Council shall state specifically the nature of the impediment, misfeasance, or omission, and shall be forthwith published in the *Gazette*. 10

Time may be extended in cases of a technical nature. *Ib.*, s. 76.

87. Within twenty-one days before or after the day appointed for doing any act, matter, or thing by this Act required to be done on or before a day certain, the Governor in Council may extend the time allowed for doing any such act, matter, or thing, and adopt or cause to be adopted such measures as may be necessary to remove any obstacle or difficulty of a technical or formal nature by which the carrying-out of the provisions of this Act may be impeded, and supply any deficiency which may be required to be supplied in order to enable the said provisions to be carried out. 15

Repeal.

88. The Acts mentioned in the *Eleventh* Schedule are hereby repealed. 20

SCHEDULES.

Schedules.

FIRST SCHEDULE.\*

Section 6.

ELECTORAL DISTRICTS.

Members.

The NORTHERN DISTRICT—					
Comprising the Auckland Provincial District	...	...	...	...	16
The CENTRAL DISTRICT—					
Comprising the Wellington, Hawke's Bay, and Taranaki Provincial Districts	...	...	...	...	15
The MIDLAND DISTRICT—					
Comprising the Nelson, Marlborough, Westland, and Canterbury Provincial Districts	...	...	...	...	21
The SOUTHERN DISTRICT—					
Comprising the Otago and Southland Provincial Districts	...	...	...	...	18

Section 9.

SECOND SCHEDULE.

WARRANT FOR ISSUE OF WRITS.

To the Clerk of the Writs.  
You are hereby authorised and directed to proceed forthwith to issue writs for the election of members for the House of Representatives for all the electoral districts within the Colony of New Zealand.

Dated this            day of            , 18 .

Governor.

\* NOTE.—Population on 31st December, 1888, exclusive of Maoris:—

Auckland Province	..	..	..	..	..	136,413 ÷ 8,673 = 15 $\frac{8373}{8673}$ * = 16
Taranaki, Hawke's Bay, and Wellington Provinces	..	..	..	..	..	127,811 ÷ 8,673 = 14 $\frac{8373}{8673}$ * = 15
Nelson, Marlborough, Westland, and Canterbury Provinces	..	..	..	..	..	187,250 ÷ 8,673 = 21 $\frac{8373}{8673}$ = 21
Otago and Southland Provinces	..	..	..	..	..	155,693 ÷ 8,673 = 17 $\frac{8373}{8673}$ * = 18
Whole colony..	..	..	..	..	..	607,167 ÷ 70 = 8,673 $\frac{7}{7}$ = 70

\* Add 1 to the three quotients having the largest fractions.

THIRD SCHEDULE.

Sections 10, 73.

FORM OF WRIT.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to the Election Officer of the Electoral District of \_\_\_\_\_, Greeting:

WE command you that you proceed according to law to the election of \_\_\_\_\_ member to serve in the House of Representatives for the said district:\* And we do further command you that, in the event of the said election being contested, the poll shall be taken on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_; and that this our writ, with the name of the person so elected indorsed hereon by you, shall be returned to the Clerk of the Writs on or before the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

Witness—A.B., Clerk of the Writs at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

FOURTH SCHEDULE.

Section 12, 74.

NOTICE OF POLLING-DAY.

IN pursuance of "The Representation Act, 1889," I, \_\_\_\_\_, Election Officer for the Electoral District of \_\_\_\_\_, do hereby give notice that, by virtue of a writ bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, under the hand of the Clerk of Writs, an election will be held for the return of \_\_\_\_\_ qualified person to serve as a member for the said district;\* and that the latest day for receiving nominations of candidates will be the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_; and that the poll, if necessary, will be taken at the several polling-places in the various divisions of the said district† on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

Every person desirous of becoming a candidate must be nominated by not less than ten electors of the district resident in the same division thereof, by a nomination-paper as prescribed by section *thirteen* of the Act, delivered to the Returning Officer of the division wherein the said electors reside on or before the day of \_\_\_\_\_, 18\_\_\_\_.

The following are the polling-places [*Insert list of polling-places*] for the Electoral District of \_\_\_\_\_ A.B.,  
Election Officer.

FIFTH SCHEDULE.

Sections 13, 74.

NOMINATION-PAPER.

To the Returning Officer for the \_\_\_\_\_ Division of the Electoral District of \_\_\_\_\_ WE, the undersigned electors for the Electoral District of \_\_\_\_\_, do hereby nominate A.B., of [*residence, occupation*], with his consent, as a candidate at the election of \_\_\_\_\_ member of the House of Representatives for the aforesaid electoral district, the poll wherefor is appointed for the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

C.D.	K.L.	Q.R.	X.Z.
E.F.	M.N.	S.T.	
G.H.	O.P.	V.W.	

[*Full names, residence, and occupation of ten electors nominating.*]

SIXTH SCHEDULE.

Section 17.

NOTICE OF WITHDRAWAL FROM CANDIDATURE.

To the Election Officer for the Electoral District of \_\_\_\_\_ I, THE undersigned, hereby give notice that I withdraw my name as a candidate at the election of \_\_\_\_\_ member of the House of Representatives for the Electoral District of \_\_\_\_\_

[*Signature.*]  
[*Abode.*]  
[*Qualification.*]

Signed in the presence of—  
C.D., a Justice of the Peace.

\* In the case of a vacancy substitute "for the \_\_\_\_\_ Division of the said district."  
† In the case of a vacancy substitute "at the several polling-places in the said division."

Section 22.

## SEVENTH SCHEDULE.

## FORM OF BALLOT-PAPER.

*Form of Front of Ballot-paper.*

Electoral District of

Counterfoil  
No. 29.

BROWN, JAMES.

HUNTER, RICHARD CHARLES.

MORGAN, EDWARD.

NOTE:—

The counter-foil is to have a number on its face to correspond with that on the back of the ballot-paper.

## DIRECTIONS.

The voter is to insert opposite the names of the candidates for whom he wishes to vote the figures 1, 2, 3, &c., in the order of his preference, taking care not to put the same figure opposite to more than one name.

The voter is not to strike out the name of any candidate from the ballot-paper.

The ballot-paper is to be folded up so that the contents cannot be seen, and, having shown the official mark on the back to the Returning Officer, the ballot-paper is to be put into the ballot-box by the voter himself.

No ballot-paper is to be taken out of the polling-booth.

*Form of Back of Ballot-papers.*

No. 29.

Electoral District.

NOTE.—The number on the back of the ballot-paper is to correspond with that on the face of the counterfoil.

Section 27.

## EIGHTH SCHEDULE.

## DECLARATION BY DEPUTY RETURNING OFFICER.

I, A.B., do solemnly declare that I will well and truly serve our Sovereign Lady, Queen Victoria, in the office of Deputy Returning Officer for the Electoral District of ; and that I will not do anything forbidden by section *eighty-four*\* of "The Representation Act, 1889," which has been read to me.

Declared before me , this day of , 18 .  
C.D.,  
Returning Officer [*or a J.P.*].

\* This section must be read to the declarant by the person taking the declaration.

Section 28.

## NINTH SCHEDULE.

## DECLARATION BY SCRUTINEER.

I, E.F. (Scrutineer for X.Y., a candidate at the present election for the Electoral District of ), do solemnly declare that I will not, at this election, do anything forbidden by section *eighty-four*\* of "The Representation Act, 1889," which has been read to me.

Declared before me , this day of , 18 .  
C.D. [or G.H.],  
Returning [*or Deputy Returning*] Officer.

\* This section must be read to the declarant by the person taking the declaration.

TENTH SCHEDULE.

Section 85.

DECLARATION AGAINST BRIBERY.

I, A.B., do solemnly declare that I have not received or had, by myself, or any person whatsoever in trust for me or for my use or benefit, or for the use or benefit of any member of my family or kindred, or any friend or dependent, directly or indirectly, any sum of money, office, place, or emolument, gift, or reward, or any promise or security for, nor do I expect to receive, any money, office, place, or emolument, gift, or reward by way of consideration, either expressed, implied, or understood, for giving my vote at this election.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "The Justices of the Peace Act, 1882."

Declared at , this day of , 18 , before me, C.D., Justice of the Peace [or Solicitor].

ELEVENTH SCHEDULE.

Section 88.

- 1870, No. 15.—The Representation Act, 1870.
1871, No. 51.—The Representation Act Amendment Act, 1871.
1875, No. 77.—The Representation Act, 1875.
1881, No. 12.—The Regulation of Elections Act, 1881.
1881, No. 14.—The Representation Act, 1881.
1887, No. 7.—The Representation Act, 1887.
1887, No. 23.—The Representation Acts Amendment Act, 1887.

APPENDIX A.

Section 41.

EXAMPLES OF MARKING BALLOT-PAPERS.

Where there are SIX Candidates for FOUR Seats.

Table with 2 columns of candidates and their respective seat counts (2, 4, 1, 3, 3, 1).

Where there are EIGHT Candidates for FIVE Seats.

Table with 2 columns of candidates and their respective seat counts (2, 4, 1, 1, 3, 5, 5, 3).

APPENDIX B.

Section 56.

EXAMPLES OF AN ELECTION OF ANY NUMBER OF MEMBERS MORE THAN ONE

First Example.

SUPPOSE there are four members to be elected and six candidates stand, the total number of votes polled being 8,000.

According to rule, 8,000 being divided by 4 + 1 gives 1,600 as quotient, to which one being added shows 1,601 to be the quota upon which the members are to be elected.

## First Count—

A has 1,750 first votes	...	A is declared elected, and has 149 spare votes to be transferred, of which 100 are given to B and 49 to C on the second counting.
B " 1,250 "		
C " 950 "		
D " 2,000 "	...	D is declared elected, and has 399 spare votes to be transferred, of which 300 are given to E and 99 to F on the second counting.
E " 1,400 "		
F " 650 "		

## Second Count—

B ... 1,250 + 100 = 1,350		
C ... 950 + 49 = 999		
E ... 1,400 + 300 = 1,700...	E is declared elected, and has 99 spare votes, which are all given to F on the third counting.	
F ... 650 + 99 = 749		

## Third Count—

B ...	... 1,350...	Only three candidates having attained the full quota by the transfer of surplus first votes, and the election of F, who is lowest on the poll, being impossible, F is now declared to be not elected, and, all F's 650 first votes are transferred to C on the fourth counting, assuming his name to stand second on those papers, and the 99 votes transferred to F from D and 99 from E are transferred to B on the fourth counting, assuming his name to stand third on those papers.
C ...	... 999	
F ... 749 + 99 = 848		

## Fourth Count—

B ... 1,350 + 99 + 99 = 1,538	
C ... 999 + 650 = 1,649	

And the result is that A, C, D, and E are declared elected.

*Proof.*—Four times 1,601 equal 6,404 votes, which, being deducted from the total 8,000 votes polled, leaves only a possible 1,596 votes for a fifth candidate to obtain.

*Second Example.*

Suppose four members to be elected out of eight candidates, and 3,000 votes polled. Then 3,000 divided by 4+1, the quotient is 600, which increased by 1 gives as the "quota" 601.

## First Count—

A has 350 first votes	...	In this case, where the political parties seem to be pretty evenly divided, no candidate has obtained the necessary quota of votes; therefore H, having the lowest number of first votes, is declared not elected, and his votes are distributed preferentially, as thereon indicated, between A, F, and G on the second counting.
B " 550 "		
C " 400 "		
D " 275 "		
E " 500 "		
F " 300 "		
G " 450 "		
H " 175 "		

## Second Count—

A ... 350 + 50 = 400	...	No candidate having yet obtained the quota, D, the next lowest in number of first votes, is now declared not elected, and his votes transferred to A, B, E, and G on the third counting.
B ... 550		
C ... 400		
D ... 275		
E ... 500		
F ... 300 + 75 = 375		
G ... 250 + 50 = 500		

## Third Count—

A ... 400 + 100 = 500	...	B is elected, with 24 votes to spare, which are transferred to C on the fourth counting. But as only one candidate has yet attained the quota, the former process has to be repeated, and F is declared not elected, his votes being transferred to A, C, E, and G on the fourth counting.
B ... 550 + 75 = 625		
C ... 400		
E ... 500 + 50 = 550		
F ... 375		
G ... 500 + 50 = 550		

Fourth Count—

A ...  $500 + 125 = 625$   
 C ...  $400 + 24 + 100 = 524$   
 E ...  $550 + 70 = 620$   
 G ...  $550 + 80 = 630$

The result is that A, B, E, and G, having each attained the quota, are elected.

*Proof.*— $601 \times 4 = 2,404$ , which, deducted from 3,000, leaves only a possible 596 votes for a fifth candidate.

### APPENDIX C.

Section 75.

#### EXAMPLES OF AN ELECTION FOR A SINGLE VACANCY.

##### *First Example.*

SUPPOSE one member has to be selected out of three candidates, who altogether have received 3,950 votes. Manifestly 1,976, or 1 plus the half of the total votes, would suffice to return the member.

First Count—

A has 1,750 first votes ... No candidate having obtained an absolute majority of the total unrejected votes polled, C, being lowest on the poll, is declared not elected, and his votes divided between A and B as follow:—

B " 1,250 "  
 C " 950 "

Second Count—

A ...  $1,750 + 250$  from C = 2,000 ... So that A is elected as having more than the absolute majority.  
 B ...  $1,250 + 700$  " = 1,950

##### *Second Example.*

Suppose there are five candidates for one vacancy, the total number of votes polled being 7,000; the absolute majority being 3,501.

First Count—

A has 1,600 first votes ... No candidate having an absolute majority of the total votes, C, who is lowest on the poll, is declared to be not elected, and all his first votes being cancelled are transferred to those candidates who stand second thereon in priority.

B " 1,250 "  
 C " 950 "  
 D " 1,900 "  
 E " 1,300 "

Second Count—

A ...  $1,600 + 237$  from C = 1,837 ... No candidate having yet a majority the above process is repeated, B being now lowest is declared not elected, and all his votes transferred according to their preference as if both B's and C's names were erased therefrom.

B ...  $1,250 + 238$  " = 1,488  
 D ...  $1,900 + 237$  " = 2,137  
 E ...  $1,300 + 238$  " = 1,538

Third Count—

A ...  $1,837 + 496$  from B = 2,333 ... Another scrutiny will now be required as the candidates are so nearly even; the result depends absolutely upon the apportionment of E's votes, who is now in his turn declared not elected.

D ...  $2,137 + 496$  " = 2,633  
 E ...  $1,538 + 496$  " = 2,034

Fourth Count—

A ...  $2,333 + 1,017$  from E = 3,350 ... The result being that D having a larger half of the total votes polled is declared elected.  
 D ...  $1,633 + 1,017$  " = 3,650

##### *Third Example.*

Suppose there are eight candidates for a single vacancy, the total number of votes polled being 9,000. Then the absolute majority will be 4,501.

## First Count—

A has 1,750 first votes ...  
 B " 1,300 "  
 C " 950 "  
 D " 300 "  
 E " 2,000 "  
 F " 1,400 "  
 G " 1,150 "  
 H " 150 "

... In this case it would appear that several scrutines would be required to arrive at an absolute majority, but the process admits of simplification. For as E has 2,000 votes, or more than C, D, and H put together, it is manifest that these three have no chance of being elected, and so they are declared not elected; and their votes are distributed in one process to the candidates next marked in priority on their ballot-papers.

## Second Count—

A ... 1,750 + 500 from C = 2,250  
 B ... 1,300 + 150 " = 1,450  
 E ... 2,000 + 300 " = 2,300  
 F ... 1,400 + 300 from D = 1,700  
 G ... 1,150 + 150 " H = 1,300

... No absolute majority being obtained a further scrutiny has to be made, and G, as the lowest, is declared not elected, his votes being transferred over to the remaining candidates.

## Third Count—

A ... 2,250 + 500 from H = 2,750  
 B ... 1,450 + 200 " = 1,650  
 E ... 2,300 + 200 " = 2,500  
 F ... 1,700 + 400 " = 2,100

... B now retires in his turn, and his votes become distributed.

## Fourth Count—

A ... 2,750 + 500 from B = 3,250  
 E ... 2,500 + 700 " = 3,200  
 F ... 2,100 + 450 " = 2,550

... Finally F retires, leaving the election between A and E.

## Fifth Count—

A ... 3,250 + 1,275 from F = 4,525  
 E ... 3,200 + 1,275 " = 4,475

... The result being that A is elected as having obtained the majority.