

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for their concurrence.

House of Representatives, 8th July, 1869.

# Regulation of Elections.

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## A BILL INTITLED

AN ACT to apply the method of Ballot to the Election of Members of the House of Representatives and to Provincial Elections. Title.

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

1. The Short Title of this Act shall be "The Regulation of Elections Act Amendment Act 1869" and this Act shall come into operation on the first day of December one thousand eight hundred and sixty-nine. Short Title.

2. Sections thirteen fourteen fifteen and twenty-six of "The Regulation of Elections Act 1858" are hereby repealed except as to any election to be held under any warrant issued before the coming into operation hereof. Repeal.

3. The sections of this Act numbered from four to nine inclusive shall be read with the unrepealed sections of "The Regulation of Elections Act 1858" and combined as part of the said Act. Sections four to nine inclusive to be read with "The Regulation of Elections Act 1858."

4. From and after the coming into operation of this Act every election of Members of the House of Representatives when a poll shall have been demanded shall be conducted in the manner herein provided. Conduct of elections when a poll demanded.

5. The election at each voting place shall be held before the Returning Officer or Deputy Returning Officer and the voting at every Proceedings on the day of election.

election shall commence at nine o'clock in the forenoon and shall finally close at five o'clock in the afternoon of the same day and shall be conducted in manner following that is to say—Every elector entitled to vote and who shall vote in the election shall vote at the voting place in the district in which he shall be entitled to vote and shall present himself to the Returning Officer or Deputy Returning Officer at such voting place and state his christian and surname abode profession or occupation and the nature of his qualification and the place where the property or qualification is situated whereupon the Returning Officer or Deputy Returning Officer shall place a mark against the voter's name on the Electoral Roll or copy and hand to such voter a voting paper bearing the initials of the Returning Officer or Deputy Returning Officer and containing the christian and surname of each candidate arranged in alphabetical order according to such surnames and if there are two candidates of the same surname then according to the christian name or names of such candidates and if there are two candidates of the same christian and surname then according to the residence of such candidates arranged in like order and every such voting paper shall have a square printed opposite to the name of each candidate with a number corresponding with the order of nomination inserted in such square and no other matter or thing shall be inserted in or on such voting paper and there shall be provided separate apartments or places forming part of the polling booth into which the voter shall immediately retire and there alone and in private without interruption indicate the name of each candidate for whom he intends to vote by making a cross within the square opposite the name of such candidate and shall then fold the same paper and immediately deliver it so folded to the Returning Officer or to the Deputy Returning Officer who shall forthwith publicly and without opening the same deposit it in a box to be provided for that purpose and no voting paper so deposited in any box shall on any account be taken therefrom unless in the presence of scrutineers after the close of the election Provided that no voting paper shall be received unless it be so folded as to render it impossible for the Returning Officer or any other person to see for what candidate or candidates the vote is given and any voter wilfully obstructing the voting shall be liable to a penalty not exceeding two pounds to be recovered in a summary way.

6. No other person shall be allowed to remain within any polling booth or room than the elector about to vote the Returning Officer and Deputy Returning Officer and the scrutineers not exceeding two for each candidate.

7. Immediately before taking the votes the Returning Officer or Deputy Returning Officer shall exhibit the ballot box empty and each Returning Officer shall immediately on the close of the voting publicly close and seal the box containing the voting papers which have been taken at the voting place whereat he presided and shall with the least delay possible deliver or cause the same to be delivered to the Returning Officer of the Electoral District and any Returning Officer or Deputy Returning Officer convicted of illegally tampering with the ballot boxes shall be guilty of a misdemeanour and be liable to pay a penalty of not less than fifty nor more than two hundred pounds and to imprisonment until the same be paid.

8. The Returning Officer of each Electoral District shall at the place of nomination and as soon as may be practicable after the election shall have been held in the presence of two or more scrutineers whereof each candidate may name one open all the boxes containing the voting papers delivered in at such election and shall examine the same and shall reject all voting papers which shall contain crosses against the names of a larger number of persons than are required to be elected at any such election or shall contain any matter or thing

Persons who may be present at polling booths.

Deputies to seal box and voting papers and deliver them forthwith to Returning Officer.

Names of persons elected to be declared by Returning Officer.

other than such names and crosses and shall openly declare the general state of the votes at the close of the election as the same shall have been made up by him from the voting papers taken at the several voting places and he shall at the same time and place declare the name of the person or persons who may have been duly elected at such election and in the event of the number of votes being found to have been equal for two or more candidates he shall by his casting vote decide which of the candidates shall be elected. Provided that no Returning Officer shall vote at any election for the Electoral District of which he is the Returning Officer except in the case of any equality as aforesaid. Provided also that it shall and may be lawful for any Deputy Returning Officer to vote at any election for the Electoral District in like manner as if he had not been appointed and acted as such Deputy.

Returning Officer not to vote except in case of equality of votes.

9. If any person to whom a ballot paper shall have been delivered as aforesaid shall be blind or being an elector be unable to read and shall signify the same to the Returning Officer or Deputy such Returning Officer or Deputy may and shall at the request of such person and for him and in presence of a witness if so desired by such person strike out in the polling booth from such ballot paper the names of such candidates as such person may designate.

Provision for blind persons and those who cannot read.

10. The Returning Officer of each Electoral District shall at the principal polling places of the district and at a time to be fixed and of which at least forty-eight hours' notice shall have been given in such manner as he may deem best fitted to give publicity to the same publicly declare the persons having the greatest number of votes to be duly elected.

Returning Officer to fix time and place of declaring poll.

11. Where in "The Provincial Elections Act 1858" or in any other Act "The Regulation of Elections Act 1858" is or shall be cited or referred to the words "The Regulation of Elections Act 1858" shall be deemed and taken to mean "The Regulation of Elections Act 1858" as altered and amended by this Act.

Act to be implied in citations of "The Regulation of Elections Act 1858."

12. The Returning Officer shall as soon as practicable after the day of polling at any election enclose in a separate packet in manner hereinafter mentioned as well all the voting papers so as aforesaid transmitted to him as also those sealed up by himself in respect of the polling booth at which he shall have presided (that is to say) he shall enclose in one separate packet all parcels of used voting papers and in another all parcels containing copies of rolls books or other papers as herein provided and shall seal up the said several packets and indorse the same with a description of the contents thereof respectively and the name of the Province or District (as the case may require) and the date of the polling and sign with his name the said indorsement and shall forthwith forward the said packets to the Clerk of the House of Representatives or the Registrar or Deputy Registrar of the Supreme Court at the principal town of the Province according as the election may have concerned the House of Representatives or a Provincial Council to be by him safely kept for one year and he shall also at the same time seal up and transmit to the said Clerk Registrar or Deputy Registrar a parcel containing all ballot papers which shall have been printed for the said election and not used by the Returning Officer or distributed for use to his deputies and the said Clerk Registrar or Deputy Registrar shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets and parcel.

Voting papers how dealt with.

13. Any ballot paper and any copy of a roll and any book purporting to be taken from any such parcel as aforesaid authenticated by the signature of the Clerk of the House of Representatives or of such Registrar or Deputy Registrar (as the case may require) signing as such Clerk Registrar or Deputy Registrar respectively shall be evidence without the necessity of proving that the party signing is such Clerk Registrar or Deputy Registrar as the case may be in any

Ballot papers and copies of rolls and books shall be evidence.

Court of Justice or before any Committee of Elections that the same was so taken and that the same if a ballot paper was deposited and if a roll or book was kept or used at the election to which the same relate and every such ballot paper so certified shall be evidence of a vote given at such election and the correspondence of the number and initial letters and figures of a roll appearing on such ballot paper with the number appearing on and the initial letters and figures of any roll relating to the same election against any name shall be evidence of the person so named having voted at such election and according to the tenor of the said ballot paper.

Breaking seals &c.  
a misdemeanour.

14. If any person shall knowingly and wilfully break the seal of or open any such sealed parcel or sealed packet as aforesaid unless he be by the lawful command of some competent Court or other tribunal required so to do or called upon to produce some portion of the contents of such parcel or packet he shall be guilty of a misdemeanour.

Returning Officers  
and others divulging  
how votes were  
given guilty of a  
misdemeanour.

15. If any Returning Officer or any Deputy Returning Officer Poll Clerk or Scrutineer shall in the discharge of his duties under this Act at or concerning any election learn or have the means of learning for what candidate any person shall vote or have voted at such election he shall not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same save in answer to some question which he is legally bound to answer or in compliance with the express provisions of the law relating to parliamentary elections and every such Returning Officer Substitute Deputy Poll Clerk or Scrutineer who shall knowingly and wilfully offend against the provisions of this section shall be guilty of a misdemeanour.

Writs to be issued  
under Seal of the  
Colony instead of  
hand of Governor.

16. Whereas by "The Regulation of Elections Act 1858" it is enacted that whenever a Writ for the election of a Member of the House of Representatives shall be received by any Returning Officer he shall give a certain notice in the Form numbered two in the Schedule to the said Act And whereas in the said Form numbered two such Writ is referred to as being under the hand of the Governor whereas in fact such Writs are issued under the Public Seal of the Colony of New Zealand only Be it enacted that from and after the passing of this Act the words "hand of His Excellency the Governor" in the said Form shall be omitted Provided always that all elections of Members of the House of Representatives heretofore held and hereafter to be held by virtue of Writs issued under the Public Seal of the Colony shall be deemed to have been and shall be valid notwithstanding anything in the said Act requiring such Writs to be under the hand of the Governor and notwithstanding that such Writs may have been erroneously described in such notices as aforesaid as being under the hand of His Excellency the Governor.