

Serial Number 1941/186.



**THE ELECTORAL (MEMBERS OF THE FORCES)  
REGULATIONS 1941.**

C. L. N. NEWALL, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 1st day of  
October, 1941.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Electoral Amendment Act, 1940, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS.**

1. These regulations may be cited as the Electoral (Members of the Forces) Regulations 1941.

2. In these regulations, unless the context otherwise requires,—

“The principal Act” means the Electoral Act, 1927\* :

“Member of the Forces” means any person ordinarily resident in New Zealand who is for the time being a member of any of His Majesty’s Naval, Military, or Air Forces, and includes any such person who has not returned to New Zealand since his discharge from any such Force after service overseas in connection with the present war, and also includes any person ordinarily resident in New Zealand who is actually serving with any of His Majesty’s Forces as a member of any voluntary aid or other voluntary organization :

“Special Returning Officer” means a Special Returning Officer appointed under these regulations ; and includes any person for the time being authorized to exercise or perform any of the powers or functions of a Special Returning Officer :

“Unit” means any of His Majesty’s Naval, Military, or Air Forces or any section or detachment thereof :

Expressions used in these regulations and also in the principal Act have the same meaning as in the principal Act.

\* See Reprint of Statutes, Vol. VI, page 469.

3. The Electoral (Members of the Forces) Regulations 1940\* are hereby revoked.

4. For the purposes of the Electoral Amendment Act, 1940, the Chief Electoral Officer or some person authorized by him in that behalf shall appoint such Special Returning Officers as he thinks necessary.

5. Every Special Returning Officer shall appoint such polling places and such polling officers as he thinks necessary.

6. (1) Any Special Returning Officer may from time to time, either generally or in respect of any particular area or place or in respect of any particular class of activity, delegate to any person any of his powers or functions, including the power of delegation conferred by this regulation.

(2) Subject to subclause (3) of this regulation, every person to whom any such powers or functions are delegated by any Special Returning Officer may, without confirmation by the Special Returning Officer, exercise or perform them in the same manner and with the same effect as the Special Returning Officer could himself have exercised or performed them.

(3) Every such person shall be subject in all things to the control of the Special Returning Officer and shall act in accordance with all directions, general or special, given to him by the Special Returning Officer.

(4) Any delegation under this regulation may be made to a specified person or class of persons or to the holder or holders for the time being of a specified office or class of offices, whether in any of His Majesty's Forces or in the Public Service or otherwise.

7. The Chief Electoral Officer may cause to be prepared rolls of members of the Forces, which shall be closed at any convenient time before the close of nominations and, where possible, printed and supplied to every Special Returning Officer and polling officer for use as nearly as possible in accordance with the principal Act.

8. Every polling officer shall, where possible, be supplied by the Special Returning Officer with a sufficient number of ballot-papers, envelopes, forms, and ballot-boxes and all other materials required for taking the votes of members of the Forces at the polling place or polling places for which he is appointed.

9. For the purposes of these regulations a ballot-box shall be any sealed or locked container with an opening sufficient to allow the insertion of ballot-papers only.

10. (1) The officer commanding every unit (whether in New Zealand or elsewhere) comprising members of the Forces as hereinbefore defined shall afford all necessary facilities for those members to cast their votes in the manner prescribed by these regulations so far as may be done consistently with the proper performance of their duties.

(2) Where any member of the Forces is in any hospital, sanatorium, or other institution he shall for the purposes of these regulations be deemed to be a member of the unit under the command of the officer in charge of the hospital, sanatorium, or other institution.

11. The votes of the members of the Forces comprised in any unit may be cast at any convenient time or times between the closing of nominations and 7 p.m. local time on the day preceding the polling-day appointed in the writ.

\* Statutory Regulations 1940, Serial number 1940/287, page 999.

12. Every person applying for a ballot-paper under these regulations to whom a pay-book has been issued shall be required to produce his pay-book to the polling officer as evidence of the fact that he is entitled to vote, and the polling officer on giving a ballot-paper to the voter shall enter in the pay-book a statement of that fact and of the polling place where the vote is recorded and shall initial the entry.

13. Every person applying for a ballot-paper under these regulations to whom a pay-book has not been issued shall be required to deliver to the polling officer a certificate from the officer commanding his unit to the effect that to the best of that officer's knowledge and belief the person concerned is entitled to vote:

Provided that every such person shall be deemed to have complied with this regulation if his name is included in any such certificate delivered by the officer commanding his unit to the polling officer.

14. No person shall be entitled to receive a ballot-paper under these regulations if it appears from his pay-book that he has already received a ballot-paper for the same election at the same or any other polling place or, in the case of a person to whom the last preceding regulation applies, if he does not comply with that regulation.

15. If the name of any person complying with Regulation 12 or Regulation 13 hereof appears on the roll, the polling officer shall, after complying with the next succeeding regulation, deliver to the voter a ballot-paper in the form No. 1 in the Schedule to these regulations.

16. The polling officer shall enter on the counterfoil of the ballot-paper and on the top right-hand corner of the ballot-paper the proper consecutive number, commencing with the number one. He shall then fold over the corner of the ballot-paper so as to conceal the consecutive number, and shall secure the corner by gum or other effective means. He shall then clearly insert in the space provided on the ballot-paper and the counterfoil thereof the name of the electoral district for which the applicant is entitled to vote. On the counterfoil of the ballot-paper he shall also write his initials, and the number appearing on the roll against the name of the voter or, if no number so appears, the name of the voter. He shall then place his official mark on the counterfoil and the ballot-paper, and then hand the ballot-paper to the voter.

17. The voter shall complete the ballot-paper in accordance with the instructions printed on the form and, folding it so that its contents cannot be seen, shall insert it in the ballot-box. If no ballot-box is provided, he shall deliver the folded ballot-paper to the polling officer, who shall enclose it in an envelope addressed to the Special Returning Officer and seal the envelope in the presence of the voter.

18. Where no roll has been provided, every person desirous of voting shall be dealt with in accordance with the next succeeding regulation.

19. (1) Any member of the Forces complying with Regulation 12 or Regulation 13 hereof whose name does not appear on the roll or who states that he is entitled to vote for an electoral district other than that shown on the roll shall, if he makes a declaration in the form No. 2 in the Schedule to these regulations, be supplied with a ballot-paper for the district for which he declares that he is

entitled to vote. The voter shall then complete the ballot-paper in accordance with the instructions printed on the form and, folding it so that the contents cannot be seen, shall deliver it to the polling officer, who shall enclose it in an envelope marked "Declaration Vote" and seal the envelope in the presence of the voter. This envelope shall then be attached to the declaration and enclosed in an envelope addressed to the Special Returning Officer.

(2) After the close of the poll the Special Returning Officer shall examine every declaration accompanying a declaration vote, and if satisfied that the person completing it is entitled to vote he shall record the vote in the usual way. If, however, the Special Returning Officer considers any such declaration to be incorrect, the envelope containing the corresponding ballot-paper shall not be opened but shall be endorsed "Disallowed".

20. If any voter is by reason of physical incapacity unable personally to complete his ballot-paper, the polling officer, at the request of the voter, may complete the ballot-paper in his presence and in accordance with his instructions. In any such case the polling officer shall endorse on the ballot-paper a statement that it has been completed by him at the request of the voter.

21. (1) Members of the Forces who are Maoris shall be entitled to vote as provided in this regulation, and not otherwise.

(2) Every such person, if he complies with the provisions of Regulation 19 hereof and, in addition, declares that he is of at least half Maori blood, shall be entitled to vote under that regulation as an elector of the Maori electoral district (as existing at the date of the election) in which is situated his usual place of residence in New Zealand.

(3) Every such person who is a half-caste shall be entitled, at his option, to vote either in accordance with subclause (2) of this regulation or in the same manner as if he were not a Maori.

22. A ballot-paper shall not be informal because of any mistake in the spelling of a candidate's name if the elector's intention is otherwise clear.

23. Forthwith after the close of the poll each polling officer shall make up into a secure parcel all used ballot-papers, all envelopes containing declaration votes, and all certificates delivered in accordance with Regulation 13 hereof, together with his roll and all the counterfoils of ballot-papers that have been issued to voters, and shall forward the parcel to the Special Returning Officer.

24. As soon as practicable after the close of the election the polling officer shall also make up into a secure parcel and forward to the Special Returning Officer all unused and spoilt ballot-papers and unused forms.

25. The Special Returning Officer shall cause the votes to be counted and shall forthwith after the close of the election notify the Chief Electoral Officer, by cable or other expeditious means, of the following particulars :—

- (a) The total number of votes recorded for each candidate in each electoral district :
- (b) The total number of informal votes.

**26.** The Chief Electoral Officer shall forward to the Returning Officer of each electoral district the notifications received by him under the last preceding regulation in respect of that district, and they shall be taken into account for the purposes of the provisions of the principal Act relating to scrutiny, counting the votes, and declaration of the result of the poll.

**27.** (1) As soon as practicable after the close of the election, the Special Returning Officer shall arrange for a scrutiny of the rolls and counting of the votes as nearly as possible in accordance with the principal Act and shall record the result of the count in respect of each electoral district. Every such result shall be notified to the Chief Electoral Officer by cable or other expeditious means, and forwarded by him to the appropriate Returning Officer. If as a result of the count it is necessary so to do, the Returning Officer shall make an amended declaration of the result of the poll, notwithstanding that the writ may have been returned and that the time for its return may have expired, and in any such case the original declaration shall be deemed to be revoked and the endorsement of the writ shall, if necessary, be amended in accordance with the amended declaration.

(2) The result of the count as so notified by the Special Returning Officer shall for all purposes be deemed to be correct, and shall be accepted accordingly for the purposes of any recount.

**28.** The Special Returning Officer shall appoint two persons to act as witnesses to the scrutiny of the rolls and the count of the votes.

**29.** (1) Where a licensing poll is held at the same time as the election, every member of the Forces who is supplied with a ballot-paper under these regulations shall at the same time be supplied with a voting-paper in the form No. 2 in the Schedule to the Licensing Amendment Act, 1918,\* and also (if he is voting as an elector of a no-license district) with a voting-paper in the form in the Second Schedule to the Licensing Amendment Act, 1910.†

(2) The provisions of these regulations relating to ballot-papers shall, so far as they are applicable and with the necessary modifications, apply with respect to all such voting-papers.

**30.** Where any form prescribed by or referred to in these regulations is not available, a form may be improvised, and if the intention is clear it shall be accepted for all purposes under these regulations.

**31.** Nothing in these regulations shall be construed to render it unlawful for any member of the Forces who is in New Zealand at the time of any election to vote in the same manner as if he were not a member of the Forces :

Provided that no person shall vote more than once at any election.

**32.** Every person who knowingly and wilfully makes a false statement in any declaration under these regulations shall be liable on summary conviction or on conviction by court-martial to a fine not exceeding £50.

\* See Reprint of Statutes, Vol. IV, page 378.

† *Ibid.*, page 363.

[Form No. 1.

SCHEDULE.

BALLOT-PAPER.

Consecutive No. :  
.....  
Electoral District :  
.....  
Number on roll  
(or Name):  
.....

Electoral District of .....

The elector is to write the name of the candidate for  
whom he wishes to vote on the dotted line hereunder:  
.....

[Form No. 2.

*The Electoral (Members of the Forces) Regulations 1941.*

DECLARATION.

I, [*Name in full and Official Number*], hereby declare that my usual residential  
address in New Zealand was ..... and that to the best of my knowledge  
and belief I am entitled to vote for the Electoral District of .....

*Signature* : .....

*Date* : .....

T. R. AICKIN,  
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 16th day of October, 1941.  
These regulations are administered in the Electoral Office.