



THE ELECTORAL REGULATIONS 1957, AMENDMENT NO. 4

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 28th day of August 1972

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Electoral Act 1956, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Electoral Regulations 1957, Amendment No. 4, and shall be read together with and deemed part of the Electoral Regulations 1957* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Hospital votes—The principal regulations are hereby amended by inserting, after regulation 12, the following heading and regulation:

“Hospital Votes

“12A. (1) In this regulation, the term ‘hospital vote’ means a special vote exercised in accordance with this regulation.

“(2) Where under regulation 12 (1) (a) hereof an application for a special vote is made in person by an elector who is a patient in any hospital, maternity home, or institution referred to in regulation 11 (3) hereof, an Issuing Officer, instead of issuing a special ballot paper under regulation 12 (2) hereof, may issue a ballot paper in accordance with section 105 of the Act; and in any such case that section shall apply with the necessary modifications.

“(3) The following provisions of these regulations shall not apply in respect of a hospital vote:

“(a) Subclauses (2) and (3), paragraphs (a) to (c) of subclause (4), and subclauses (5) and (6) of regulation 12:

“(b) Regulations 13 to 28.

*S.R. 1957/58

Amendment No. 1: S.R. 1962/211

Amendment No. 2: S.R. 1963/182

Amendment No. 3: S.R. 1967/264

“(4) Every hospital vote shall be exercised in the following manner:

“(a) The elector shall alone and secretly strike out from the ballot paper the name of every candidate except the one for whom he wishes to vote, and mark all licensing voting papers by striking out the proposals for which he does not wish to vote:

“(b) If the elector is wholly or partially blind, or is unable to read or write (whether because of physical handicap or otherwise), or is not sufficiently familiar with the English language to vote without assistance, section 108 of the Act shall apply, so far as it is applicable and with the necessary modifications:

“(c) Every person present when the elector is exercising his vote shall, subject to paragraph (b) of this subclause, refrain from looking at or making himself acquainted with the vote given by the elector, and shall not in any way attempt to influence or interfere with the elector in the exercise of his vote or allow any person to see or become acquainted with the elector’s vote or to assist the elector to vote or to interfere in any way with the elector in relation to his vote.

“(5) When the elector has exercised his vote he shall fold his ballot paper and voting papers so that the contents cannot be seen, and shall then deposit them so folded in the ballot box for the appropriate district.

“(6) Section 101 of the Act (which relates to keeping ballot boxes locked) shall apply to every ballot box provided for hospital votes.

“(7) Before the close of the poll, every Issuing Officer authorised to issue hospital votes shall in respect of each district—

“(a) Make up into separate parcels, endorsed in accordance with section 111 (2) of the Act—

“(i) The certified copies of the main roll and supplementary rolls on which the fact of any person’s having received a ballot paper has been noted; and

“(ii) All the counterfoils of ballot papers and voting papers that have been issued to voters; and

“(iii) All the spoilt ballot and voting papers; and

“(iv) All the unused ballot and voting papers:

“(b) Deliver into the possession of the Returning Officer the locked ballot box and its key and the above-mentioned parcels, together with the list of special voters to which this regulation applies.

“(8) On the close of the poll the Returning Officer shall open the ballot box and proceed to count the votes in accordance with section 111 of the Act.”

3. Facilities for special voting and hospital votes—(1) Regulation 11 of the principal regulations is hereby amended by inserting in paragraph (b) of subclause (1), after the words “authorised by him”, the words “or any Registrar of Electors,”.

(2) The said regulation 11 is hereby further amended by inserting, after subclause (3), the following subclause:

“(3A) Without limiting the generality of subclause (3) of this regulation, for the purpose of enabling hospital votes to be exercised in accordance with regulation 12A hereof, the Returning Officer in whose district any such hospital, maternity home, or institution as aforesaid is situated shall ensure that, as far as practicable, there are provided

at the hospital, maternity home, or institution the main and supplementary rolls, ballot papers, and voting papers for the districts ordinarily served by the hospital, maternity home, or institution, and a ballot box for each such district.”

4. Special vote in district before polling day—The principal regulations are hereby further amended by inserting, after regulation 12A (as inserted by regulation 2 of these regulations), the following heading and regulation:

“Special Vote in District Before Polling Day

“12b. (1) Where under regulation 12 (1) (a) hereof an application for a special vote is made in person by an elector within his own district before polling day, an Issuing Officer, instead of issuing a special ballot paper under regulation 12 (2) hereof, may issue a ballot paper in accordance with section 105 of the Act; and in any such case that section shall apply with the necessary modifications.

“(2) The following provisions of these regulations shall not apply in respect of a special vote under this regulation:

“(a) Subclauses (2) and (3), paragraphs (b) and (c) of subclause (4), and subclauses (5) and (6) of regulation 12:

“(b) Regulations 14 to 28.

“(3) Every declaration made in accordance with regulation 13 hereof by a person exercising a special vote under this regulation shall be attached by the Issuing Officer to the list of special voters referred to in regulation 12 (4) hereof.

“(4) Every special vote under this regulation shall be exercised in the following manner:

“(a) After completing the declaration, the elector shall alone and secretly strike out from the ballot paper the name of every candidate except the one for whom he wishes to vote, and mark all licensing voting papers by striking out the proposals for which he does not wish to vote:

“(b) If the elector is wholly or partially blind, or is unable to read or write (whether because of physical handicap or otherwise), or is not sufficiently familiar with the English language to vote without assistance, the witness to the declaration shall mark the ballot paper and voting papers as instructed by the elector and shall in every case sign his name on the back thereof and add the words ‘Witness for blind or partially blind person’, or as the case may be:

“(c) Every person present when the elector is exercising his vote shall, subject to paragraph (b) of this subclause, refrain from looking at or making himself acquainted with the vote given by the elector, and shall not in any way attempt to influence or interfere with the elector in the exercise of his vote or allow any person to see or become acquainted with the elector’s vote or to assist the elector to vote or to interfere in any way with the elector in relation to his vote.

“(5) When the elector has exercised his vote he shall fold his ballot paper and voting papers so that the contents cannot be seen, and shall then deposit them so folded in a ballot box for the district.

“(6) Section 101 of the Act (which relates to keeping ballot boxes locked) shall apply to every ballot box provided for the purposes of this regulation.

“(7) Before the close of the poll, every Issuing Officer authorised to issue special votes under this regulation shall—

“(a) Make up into separate parcels, endorsed in accordance with section 111 (2) of the Act—

“(i) The certified copies of the main roll and supplementary rolls on which the fact of any person’s having received a ballot paper has been noted; and

“(ii) All the counterfoils of ballot papers and voting papers that have been issued to voters; and

“(iii) All the spoilt ballot and voting papers; and

“(iv) All the unused ballot and voting papers:

“(b) Deliver into the possession of the Returning Officer the locked ballot box and its key and the above-mentioned parcels, together with the list of special voters to which this regulation applies and the declarations made by them.

“(8) On the close of the poll the Returning Officer shall open the ballot box and proceed to count the votes in accordance with section 111 of the Act.”

5. Checking by Registrar of declarations in respect of special votes—

Regulation 22 of the principal regulations is hereby amended by revoking paragraph (b) of subclause (3), and substituting the following paragraph:

“(b) If the name stated in the declaration is that of a person qualified to vote, he shall endorse the word ‘Qualified’ on the declaration form.”

6. Allowance or disallowance of special votes by Returning Officer—

(1) Regulation 23 of the principal regulations is hereby amended by revoking subclauses (3), (4), and (5), and substituting the following subclause:

“(3) If the Registrar has endorsed the word ‘Qualified’ on the declaration form, the Returning Officer shall allow the vote if the declaration complies with paragraph (a) or paragraph (b) of subclause (6) of this regulation.”

(2) The said regulation 23 is hereby further amended by revoking subclause (7), and substituting the following subclause:

“(7) If a Returning Officer disallows a vote under this regulation, he shall endorse on the inner envelope and on the declaration form the words ‘Disallowed, not qualified’, or ‘Disallowed, declaration not in order’, as the case may require.”

7. Revocation of special provisions as to voting in Chatham Islands—

Part V of the principal regulations is hereby revoked.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Electoral Regulations 1957.

Regulation 2 inserts in the principal regulations a new regulation 12A, providing for a new class of special votes to be known as hospital votes. The effect of the new regulation is that patients in hospitals and similar institutions may, on their personal application, vote as ordinary voters, on the ordinary ballot papers, notwithstanding that they are outside their electorates. As the patients will be voting in the same way as if they were voting on polling day in their own districts, no declarations will be required.

Regulation 3 (1) amends the principal regulations to provide that in the case of a by-election any Registrar of Electors (as well as the district Returning Officer) may issue ballot papers to special voters.

Regulation 3 (2) amends the principal regulations to provide that the Returning Officer in whose district any hospital or similar institution is situated is to see that, as far as practicable, there are provided at the institution the rolls and ballot papers for the districts ordinarily served by the institution, and a ballot box for each such district. This is to facilitate the casting of hospital votes under the new regulation 12A.

Regulation 4 inserts in the principal regulations a new regulation 12B, under which, if an application for a special vote is made in person by an elector within his own district before polling day, he may vote as an ordinary voter, on the ordinary ballot paper, instead of being issued with a special vote. The usual declaration will be required, but it will not be checked.

Regulation 5 deals with the checking of declarations made by special voters in other cases. The effect of the amendment is that it will no longer be necessary for the Registrar to make an identity check by comparing a voter's signature on a declaration form with his signature on the application for registration. If the name stated in the declaration is that of a person qualified to vote, the Registrar is to endorse the word "Qualified" on the declaration form.

Regulation 6 is consequential on the amendment made by regulation 5. If the Registrar has endorsed the word "Qualified" on the declaration form the Returning Officer is to allow the vote so long as the declaration is properly completed.

Regulation 7 revokes Part V of the principal regulations, which provided a special procedure for voting in the Chatham Islands. This is no longer necessary by reason of the amendments made to section 24 of the Electoral Act 1956 by section 2 of the Electoral Amendment Act 1971.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 31 August 1972.

These regulations are administered in the Department of Justice.