

## Serial Number 1946/179



**THE ELECTORAL (POSTAL VOTING) REGULATIONS 1946**

B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 9th day of  
October, 1946

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Electoral Act, 1927, 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 (Postal Voting) Regulations 1946.

**2.** Regulations 7 and 8 of the Electoral Regulations 1928,\* and the forms numbered 9, 10, and 11 in the Schedule thereto ; the Electoral Regulations 1928, Amendment No. 2 ; and the Electoral Regulations 1928, Amendment No. 3, are hereby revoked.

**3.** In these regulations " authorized witness " means any person in New Zealand or elsewhere who is a permanent officer in the service of the Government of New Zealand, a Returning Officer or Deputy Returning Officer, a registered medical practitioner, a registered nurse, a registered midwife, a registered maternity nurse, an officiating minister under the Marriage Act, 1908, a solicitor, a Justice of the Peace, or a person appointed in that behalf either generally or for a particular case or cases by the Returning Officer, and who is not disqualified under the next succeeding regulation.

**4.** No candidate at an election or person employed for hire or reward by a candidate or political party or by any organization interested in a poll under the Licensing Act, 1908, as a secretary, scrutineer, clerk, messenger, canvasser, or in any other capacity in connection with the election or poll, shall witness the signature of any person voting under these regulations.

**5.** Persons voting under these regulations shall complete a postal declaration form in Form No. 1 in the Schedule hereto.

**6.** On the back of the said postal declaration form there may be printed such of the provisions of these regulations as will serve for the guidance of voters and authorized witnesses.

\* Gazette, 27th April, 1928, Vol. I, page 1183.

Amendment No. 1: Statutory Regulations 1938, Serial number 1938/84, page 380.

Amendment No. 2: Statutory Regulations 1941, Serial number 1941/214, page 650.

Amendment No. 3: Statutory Regulations 1943, Serial number 1943/143, page 333.

7. Postal ballot-papers issued under these regulations shall be in Form No. 2 in the Schedule hereto.

8. For the purposes of section 140 of the Electoral Act, 1927, postal declaration forms and postal ballot-papers may be issued :—

- (a) By any Returning Officer or person authorized by him or by the Chief Electoral Officer, to electors of any electoral district, at any time during ordinary office hours after the issue of the writ and before the time prescribed for the close of the poll :
- (b) During the hours of polling, by any Deputy Returning Officer to electors of any electoral district in a like manner as by Returning Officers.

9. Subject to the provisions of Regulation 8 hereof, any Returning Officer, or person authorized by him or by the Chief Electoral Officer, or a Deputy Returning Officer, on receipt of an oral or written request for a postal vote by an elector or, with the authority of the elector, on his behalf, supplying such elector's full name, address, and occupation as appearing on the roll and stating the reason why the elector desires to exercise a postal vote, shall issue a declaration form and postal ballot-paper. Such declaration form shall bear a number (called a consecutive number) of a series beginning with the number one in the case of the first declaration form issued and on all succeeding declaration forms issued the numbers shall be consecutive in order of issue. The postal ballot-paper issued with the declaration form shall bear the same consecutive number as the declaration form. Each such declaration form and postal ballot-paper shall bear the official mark of the Returning Officer or Deputy Returning Officer, as the case may be.

10. Every person who makes a false statement for the purpose of obtaining a postal ballot or voting paper, or who persuades or induces, or associates himself with any person in persuading or inducing any person to make such a false statement, commits a breach of these regulations.

11. Every person to whom a postal declaration form and a postal ballot-paper are issued at a general election shall be given therewith a licensing voting-paper in Form No. 2 in the Schedule to the Licensing Amendment Act, 1918, and in the case of a registered elector of a "no-license" district shall, in addition, be given therewith a voting-paper in the form of the Second Schedule to the Licensing Amendment Act, 1910.

12. The Returning Officer or Deputy Returning Officer shall mark such licensing voting-papers with the consecutive number allotted to the declaration form and postal ballot-paper in accordance with Regulation 9 hereof, and shall place his official mark thereon.

13. The vote of an elector voting under these regulations shall be exercised in the following manner :—

- (a) The elector shall exhibit to an authorized witness his unmarked ballot-paper and voting-paper and postal declaration form :
- (b) The elector shall then and there in the presence of the authorized witness complete the declaration form and sign his name or make his mark thereon in the place provided :
- (c) The authorized witness shall then and there after the requirements of the next succeeding regulation have been complied with sign his name on the declaration form in the place provided, and shall add his designation under which he acts as an authorized witness, his address, and the date :

- (d) The elector shall then and there in the presence of the authorized witness, but so that the authorized witness cannot see the vote, write on the ballot-paper the name of the candidate for whom he wishes to vote, and shall fold it so that the vote cannot be seen. The elector shall mark all licensing voting-papers by striking out the proposals for which he does not wish to vote :
- (e) The ballot and voting-papers shall then and there be placed in an envelope which, after being sealed, shall, together with the declaration form, be enclosed in another envelope marked " Postal Vote " addressed to the Returning Officer for the district in respect of which the elector has voted, and posted or otherwise transmitted to such Returning Officer so as to reach him before the close of the poll :
- (f) If the voter has reason to believe that the envelope so addressed may not in the ordinary course of post reach such Returning Officer before the close of the poll, then he may address and post or otherwise transmit or deliver the said envelope to any other Returning Officer or to any Deputy Returning Officer so as to reach him before the close of the poll. In such a case the voter shall add the following words to the address :—

" For transmission to the Returning Officer at . . . . . " :

- (g) If the elector is blind, or unable to read or write, the authorized witness, if so required by the elector, shall in the presence of the voter mark the elector's vote on the ballot and voting papers according to the instructions of the voter ; and such authorized witness shall, in every case, sign his name at the foot thereof, add the endorsement " Witness for blind voter ", or " Witness for person unable to read or write ", as the case may be, and, if so required by the voter, allow another person to inspect such marked ballot and voting papers.

**14.** No authorized witness shall sign his name as witness to any signature of an elector upon any declaration made under these regulations :—

- (a) Without having first ascertained that the voter is the person for whom the vote was issued ;
- (b) Without having seen such signature written ;
- (c) Without first satisfying himself by inquiry from the declarant that the statements contained in the declaration are true ; and
- (d) Unless, before he so signs his name, such declaration is completed by the insertion of all necessary particulars and by all proper deletions.

**15.** Every person who makes a false declaration for the purposes of these regulations commits an offence against these regulations.

**16.** Every authorized witness shall—

- (a) Comply with the foregoing regulations in so far as they relate to him ;
- (b) See that the directions in the foregoing regulations are complied with by every elector exercising before him a vote by means of a postal ballot-paper and by every person present when the elector votes ; and

- (c) Refrain, unless the elector is blind or unable to read or write, from looking at or making himself acquainted with the vote given by the elector, and, except as provided in paragraph (g) of Regulation 13 hereof, shall not 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.

17. Any person present when an elector is exercising a vote by means of a postal ballot-paper shall—

- (a) Comply with the reasonable instructions of the authorized witness ;
- (b) Refrain from making any communication whatsoever to the elector in relation to his vote ;
- (c) Refrain from assisting the voter or in any manner interfering with him in relation to his vote ; and
- (d) Except as provided in paragraph (g) of Regulation 13 hereof, refrain from looking at the elector's vote or from doing anything whereby he might become acquainted with the elector's vote.

18. Any person to whom an envelope containing or purporting to contain a postal ballot-paper is entrusted by a voter for the purpose of posting or delivering to a Returning Officer or Deputy Returning Officer and who fails forthwith to post or deliver, or any person who in any manner delays the posting or delivery, of any such envelope, commits a breach of these regulations.

19. (1) Envelopes containing postal ballot and voting papers accompanied by their respective declaration forms must reach a Returning Officer or a Deputy Returning Officer before the time prescribed for the close of the poll.

(2) All such envelopes received by a Returning Officer or Deputy Returning Officer in time in accordance with subclause (1) of this regulation shall be marked with his official mark, enfacéd "Received before close of poll," and initialled by the Returning Officer or Deputy Returning Officer.

(3) Any such envelope received in time in accordance with subclause (1) of this regulation by a Returning Officer of a district other than that for which the vote was issued shall be similarly endorsed and signed by him and posted or delivered forthwith to the Returning Officer of the district for which the vote was issued.

(4) Any envelope containing postal ballot and voting papers received after the time prescribed for the close of the poll shall be enfacéd with particulars of the date and time of receipt, signed by the Returning Officer or Deputy Returning Officer, marked with his official mark and enfacéd "Received after close of poll".

20. Every Deputy Returning Officer shall, forthwith after the close of the poll, post or deliver to the Returning Officer of the district for which any postal vote was issued the envelope containing the relative postal ballot and voting papers and declaration form.

21. After the close of the poll the Returning Officer shall open the outer envelope only (excepting envelopes marked "Received after close of poll") and extract therefrom the declaration form, which he shall forthwith refer to the Registrar of Electors for verification that the voter is registered as an elector of the district, and the Registrar of Electors shall compare the signature of the voter on the declaration form with that of the voter on his application for registration as an elector.

22. If the Registrar of Electors is satisfied as to the identity of the voter with the registered elector, he shall certify to that effect by writing on the declaration form and return such form forthwith to the Returning Officer.

23. If the Registrar of Electors is not satisfied as to the identity of the voter with the registered elector, he shall certify to that effect by writing on the declaration form, giving his reasons for so doing ; or, if the voter's name is not on the roll, a certificate to that effect shall be given ; and the Registrar shall in either case return the declaration form forthwith to the Returning Officer, who shall disallow the vote and set aside, unopened, the envelope containing the ballot and voting paper after having written across it the words " Disallowed, identity not certified " or " Disallowed, name not on roll ", as the case may require.

24. The Returning Officer shall hold for production at the scrutiny of rolls under the provisions of section 145 of the Electoral Act, 1927, all declaration forms returned to him from the Registrar of Electors pursuant to Regulations 22 and 23 hereof.

25. After the said scrutiny of rolls the Returning Officer shall make up into separate parcels :—

(a) All declaration forms ;

(b) All unopened envelopes containing postal ballot and voting papers disallowed ;

(c) All unopened envelopes marked " Received after close of poll ".

26. The envelopes containing the ballot and voting papers shall be placed in a ballot-box specially set aside for the purpose and shall not be opened until the official count conducted under the provisions of section 149 of the Act, and shall not be opened except in the presence of such scrutineers as choose to be present.

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

28. After the votes have been recorded at the official count, the Returning Officer shall forward to the Clerk of the House of Representatives, with the ordinary ballot-papers, the parcels referred to in Regulation 25 hereof.

29. Every person who commits a breach of any of these regulations shall in respect of each breach be liable to a fine of £50 or to imprisonment for a term of three months.

## SCHEDULE

Roll No.....

Form No. 1.

Consecutive No.....

### DECLARATION BY PERSON VOTING AS A POSTAL VOTER

I HEREBY declare that I am registered as an elector for the Electoral district of ....., and that my name, address, and occupation as appearing on the roll are

(Surname.)	(First names in full.)
(Full residential address.)	Occupation : Female to state " Spinster," " Married," or " Widow."
As appearing on the roll.	

I further declare that I am entitled to vote by post for the following reason :—

**NOTE.—The voter is to strike out the reasons that do not apply in his case, otherwise his vote may be informal.**

- (a) I am ill (or infirm), and by reason of such illness (or infirmity) will be precluded from attending at any polling-place to vote.
- (b) I will not throughout the hours of polling on polling-day be within two miles by the nearest practicable route of any polling-place.
- (c) I will, throughout the hours of polling on polling-day, be travelling under conditions which will preclude me from attending at any polling-place to vote.
- (d) I will, on polling-day, be absent from New Zealand.
- (e) I will, by approaching (or recent) maternity, be precluded from attending at any polling-place to vote.
- (f) I am a lighthouse-keeper (or member of a lighthouse-keeper's staff) (or am the wife of a lighthouse-keeper), (or the wife of a member of a lighthouse-keeper's staff), and will be precluded from attending at any polling-place to vote.
- (g) I have a religious objection to attending at any polling-place to vote on the day of the week on which polling-day falls.
- (h) I have been authorized to vote by post by the Chief Electoral Officer.

*Signature of voter* :.....

Signed and declared in my presence this ..... day of ....., 194...

*Signature of authorized witness* :.....

*Designation of witness* :.....

(See instructions on back hereof)

*Address of witness* :.....

[*Official mark and initials.*]

<p><b>POSTAL</b></p> <p><i>Consecutive No.</i> :.....</p> <p><i>(To be entered here and also on the top left-hand corner of the front of ballot-paper.)</i></p> <p><i>Number on roll</i> :.....</p> <p>[<i>Stamp across the perforation so that part of the stamp shall appear on both the counterfoil and the ballot-paper.</i>]</p>	<p>[Form No. 2]</p> <p><i>Consecutive No.</i> :.....</p> <p><b>POSTAL BALLOT-PAPER</b></p> <p><b>ELECTORAL DISTRICT OF</b>.....</p> <p><i>The elector is to write the name of the candidate for whom he wishes to vote on the dotted line hereunder :</i></p> <p>.....</p>
<div style="border: 1px solid black; width: fit-content; margin: 0 auto; padding: 5px;"> <p><i>Official mark across here.</i></p> </div> <p>For instructions see back of postal declaration form issued with this ballot paper.</p>	

**W. O. HARVEY,**  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 10th day of October, 1946.  
These regulations are administered in the Electoral Department.