

**1965/147**

**THE LOCAL ELECTIONS AND POLLS (EXPERIMENTAL  
PROCEDURES) ORDER 1965**

H. E. BARROWCLOUGH, Administrator of the Government

By his Deputy

J. D. HUTCHISON

**ORDER IN COUNCIL**

At the Government House at Wellington this 1st day of September 1965

Present:

**HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL**

PURSUANT to the Local Elections and Polls Act 1953, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**ORDER**

1. This order may be cited as the Local Elections and Polls (Experimental Procedures) Order 1965.

**PART I**

**LOCAL AUTHORITIES AUTHORISED TO CONDUCT ELECTIONS UNDER  
EXPERIMENTAL PROCEDURES**

2. (1) The Returning Officers at the general election of members of the Havelock North and Stratford Borough Councils, to be held on the 9th day of October 1965 (including the elections of Mayors) are hereby authorised to take the polls at those elections over a period of six consecutive days commencing on the 4th day of October 1965 and ending with the 9th day of October 1965.

(2) The polls at the elections referred to in subclause (1) of this clause shall commence and close at the following hours on the days specified:

	Commence	Close
Monday to Thursday .....	..... 9 a.m.	5 p.m.
Friday .....	..... 9 a.m.	9 p.m.
Saturday 9 October 1965 .....	..... 9 a.m.	7 p.m.:

Provided that the Returning Officer may authorise any Deputy Returning Officer in charge of any polling booth to close that polling booth for such reasonable periods during those hours on any day except Saturday the 9th day of October 1965 as is required to enable the staff at that polling booth to have a meal.

(3) Except as is otherwise expressly provided in this clause, and subject to the provisions of Part II of this order, the poll at the elections referred to in subclause (1) of this clause shall be conducted in accordance with the provisions of the Local Elections and Polls Act 1953 (hereinafter referred to as the principal Act).

3. (1) The Returning Officers at the general elections of members of the Coromandel, Egmont, Franklin, Kiwitea, Mackenzie, Malvern, Patangata, Rangitikei, and Taupo County Councils to be held on the 9th day of October 1965 are hereby authorised to take the polls at those elections by postal vote only.

(2) Subject to the provisions of Part III of this order, the polls at those elections shall be conducted in accordance with the provisions of the principal Act.

4. (1) Where the Returning Officer of any local authority specified in subclause (1) of clause 2 or in subclause (1) of clause 3 of this order takes the poll at the election of members of the local authority in accordance with the provisions of either of those subclauses, he shall also conduct within the district of that local authority at the same time and in the same manner the poll for the election of members of any other local authority of which he is Returning Officer which he is required to conduct at the same time as the first-mentioned poll and any poll other than an election that is required to be held at the same time as the first-mentioned poll.

(2) Nothing in this clause shall be construed to affect the provisions of section 48A of the principal Act.

## PART II

### ADDITIONAL PROVISIONS WHERE POLLS TAKEN OVER CONSECUTIVE DAYS

5. In this Part of this order and in the First Schedule to this order the term "polling period", in relation to any poll taken by the Returning Officer of the Havelock North Borough Council or the Stratford Borough Council in accordance with the provisions of clause 2 of this order, means the period commencing on the 4th day of October 1965 and ending with the 9th day of October 1965.

6. For the purposes of any poll taken in accordance with the provisions of clause 2 of this order, the principal Act shall have effect as if it had been amended in the manner indicated in the First Schedule to this order.

7. The Returning Officer may appoint such number of polling places for each day of the polling period as he thinks fit for the taking of the poll on that day, and he may, if he so desires, appoint different polling places for different days of the polling period.

8. Ballot boxes containing votes exercised, and all rolls, unused voting papers, counterfoils, and other material used in connection with the poll, shall immediately on the close of the poll on each day of the polling period, except Saturday the 9th day of October 1965, be placed by the Returning Officer, or by the Deputy Returning Officer in

charge of any polling place in accordance with the directions given him by the Returning Officer, in a fireproof room, and shall not be removed from that room until they are required for the conduct of the poll on the following day.

9. The Returning Officer may after 1 p.m. and after the time of the close of the poll on each day of the polling period publicly announce the number of voting papers that have been issued up to any such time on that day, and, where the poll has then extended over more than one day, the total number of voting papers that have been issued up to that time.

10. The provisions of sections 92 and 95 of the principal Act shall have effect only in respect of the last day of the polling period.

11. (1) For the purposes of any poll taken in accordance with the provisions of clause 2 of this order, the Local Elections and Polls (Special Voting) Regulations 1959\* shall have effect as if they had been amended as follows:

- (a) By omitting from paragraph (b) of form 1 in the Schedule thereto and also from paragraphs (c), (d), and (e) of the same form the words "on polling day", and substituting in each case the words "during the polling period":
- (b) By omitting paragraph (i) of the same form.

(2) For the purposes of any such poll, a printed form of declaration in form 1 in the said Schedule may be amended by hand by the Returning Officer so as to accord with the provisions of subclause (1) of this clause.

### PART III

#### ADDITIONAL PROVISIONS WHERE POLLS TAKEN BY POSTAL VOTE

12. In this Part of this order—

"Close of the poll" means the hour of 4 p.m. on the 9th day of October 1965:

"Poll" means a poll taken by postal vote by the Returning Officer for the Coromandel, Egmont, Franklin, Kiwitea, Mackenzie, Malvern, Patangata, Rangitikei, or Taupo County Council, as the case may be, pursuant to clause 3 of this order.

13. (1) For the purposes of any poll, the principal Act shall have effect as if it had been amended in the manner indicated in the Second Schedule to this order.

(2) For the purposes of any poll, section 64 of the principal Act shall have effect as if the place where the preliminary count of the votes is to take place were a polling booth within the meaning of that section.

14. The Returning Officer shall include in the notice of the poll required to be given by section 18 of the principal Act a statement that the poll will be taken by postal vote.

\*S.R. 1959/29  
Amendment No. 1: S.R. 1962/59  
Amendment No. 2: S.R. 1965/131

15. (1) As soon as is practicable after the 23rd day of September 1965, and in any case not later than the 1st day of October 1965, the Returning Officer shall forward by post addressed to each elector at the address shown against that elector's name on the roll, or to his residential address in New Zealand, if to the knowledge of the Returning Officer that address is different from the address shown on the roll, one voting paper for every vote that he is entitled to give at the election of a member of the County Council and at every other election or poll held concurrently with that election, together with an envelope stamped and addressed to the Returning Officer.

(2) Every such envelope shall, in addition to the address of the Returning Officer, bear on its face the name of the riding of the county in which the elector is entitled to vote at the election of a member of the County Council, the number of votes to which he is entitled at that election, and the consecutive number of that elector's name on the roll.

(3) In any case where the Returning Officer considers it desirable to do so, he may also include on the envelope the names of any other elections which he is required to conduct at the same time as the general election of members of the County Council, and the number of votes to which the elector is entitled at each of those other elections:

Provided that where in any case the elector is not entitled to vote at any such other election, the name of that other election shall be struck out on the face of the envelope.

(4) Notwithstanding anything in subclause (3) of this clause, where in respect of any election an elector is not entitled to exercise more than one vote, it shall not be necessary for the number of votes to which he is entitled at the election to be shown on the face of the envelope.

(5) The omission by the Returning Officer to forward voting papers to any elector whose name appears on the roll shall not be a ground on which a petition for an inquiry into the conduct of the election may be founded.

16. (1) On receipt by him of the voting papers forwarded by the Returning Officer, the elector shall alone and secretly on each voting paper exercise his vote in accordance with the instructions on the voting paper and in accordance with any additional instructions that the Returning Officer may deem it advisable to give to the elector.

(2) Where any 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, each voting paper may be marked by the voter with the assistance of an elector of the county or may be marked by an elector of the county in accordance with the instructions of the voter.

(3) The person assisting the voter in accordance with subclause (2) of this clause shall sign his name on the back of each voting paper, and shall add the words "Witness for blind or partially blind person" or "Witness for person unable to read or write" or "Witness for person not familiar with the English language", as the case may be. The witness shall print his full name and address after the words added as aforesaid.

(4) The provisions of subsection (6) of section 32 of the principal Act shall apply with respect to every person assisting any person to vote under the provisions of subclause (2) of this clause.

17. (1) After the votes of an elector have been exercised as provided in clause 16 of this order, the elector shall enclose the voting papers in the envelope addressed to the Returning Officer, taking care to ensure that only his own voting papers are included in that envelope, and shall by hand or post deliver that envelope to the Returning Officer or to any Deputy Returning Officer appointed by the Returning Officer.

(2) For the purposes of this Part of this order, delivery into the private receiving box or private mail bag of the Returning Officer at a post office shall be deemed delivery to the Returning Officer, but any other delivery to any office of the post office or delivery to any other person except a Deputy Returning Officer shall not be deemed delivery to the Returning Officer.

18. No voting paper shall be valid unless it is delivered to the Returning Officer or any Deputy Returning Officer before the close of the poll.

19. (1) Every envelope containing voting papers received by the Returning Officer or any Deputy Returning Officer before the close of the poll shall be marked with his official mark.

(2) Any envelope received after the close of the poll by the Returning Officer or any Deputy Returning Officer shall be marked "Received after the close of the poll", and shall be signed by the Returning Officer or the Deputy Returning Officer and marked with his official mark and shall be set aside unopened.

20. Any elector whose name appears on the copy of the roll used at the election who claims not to have received his voting papers or to have spoiled or destroyed them shall be entitled to vote as a special voter, and for this purpose section 34 of the principal Act shall be deemed to be extended to include such electors in the classes of electors who may vote at any election as special voters.

21. (1) The Returning Officer shall provide in his office a locked ballot box for each riding of the county in which an election is conducted, and shall in that ballot box place unopened all envelopes bearing the name of that riding delivered to him before the close of the poll. No such ballot box shall be opened until after the close of the poll.

(2) Any ballot box containing envelopes delivered to the Returning Officer before the close of the poll shall, except during ordinary office hours, be kept by him in a fireproof room.

22. The Returning Officer may from time to time, on any day after the 1st day of October 1965 up to and including the 8th day of October 1965, publicly announce the total number of persons to whom voting papers have been sent and the number of envelopes containing voting papers received by him.

23. (1) After the close of the poll, the Returning Officer and such members of his staff as are authorised by him shall open the ballot boxes and extract the envelopes.

(2) Each envelope shall then be opened and the voting papers extracted therefrom, and the envelope shall be placed to one side.

(3) In any case where it appears that the number of voting papers contained in the envelope is more or less than the number which the elector is entitled to exercise at the election, the voting papers shall be replaced in the envelope and that envelope shall also be placed on one side.

(4) When all envelopes have been dealt with, the total number of votes recorded for each candidate at the election shall be ascertained.

(5) The Returning Officer shall provisionally announce the total number of votes received by each candidate at the election.

(6) The Returning Officer may request a Justice to attend at the preliminary count of votes pursuant to this clause.

24. (1) The Returning Officer shall in the presence and the hearing of such scrutineers as are present, from the envelopes delivered to him and from the records of special votes exercised, draw on a copy of the roll (called the master roll) a line in pencil or ink through the number and name of every elector who appears to have voted.

(2) If, from the marking of the master roll and all the records of special votes exercised in respect of the district and after such inquiry as the Returning Officer deems necessary, it appears that any person has voted more than once at the election, the Returning Officer shall, in the presence of such scrutineers as choose to be present, extract the voting papers on which the number corresponding to the name of that person appears and, taking care to ensure that the voting papers so extracted are so covered that the votes recorded thereon are not seen by any person present, shall disallow every vote appearing to have been given by means of the voting papers so extracted:

Provided that, if the Returning Officer is satisfied that the voter lawfully received and returned a voting paper or voting papers and that he was not in any way concerned in the issue or return of any other voting paper or voting papers, the Returning Officer shall allow the valid vote or votes given by means of the voting paper or voting papers lawfully received and returned by the voter, and shall disallow the other vote or votes.

(3) In any case where an envelope contains more voting papers or fewer voting papers than those to which the elector appears to be entitled, the Returning Officer, taking care to insure that the voting papers contained in that envelope are so covered that the votes recorded thereon are not seen by any person present, may take such steps as he considers necessary to ascertain whether any additional voting papers included in that envelope are those of some other elector or whether any voting papers that have been omitted from that envelope are included in some other envelope. Where the Returning Officer is satisfied that those votes should be allowed, he shall place the voting papers in a ballot box specially set aside for the purpose and include them in his official count.

25. For the purposes of any poll, the Local Elections and Polls (Special Voting) Regulations 1959\* shall be read subject to the provisions of this order.

\*S.R. 1959/29  
Amendment No. 1: S.R. 1962/59  
Amendment No. 2: S.R. 1965/131

## SCHEDULES

## Clause 6

## FIRST SCHEDULE

MODIFICATIONS OF PRINCIPAL ACT WHERE POLLS TAKEN OVER  
CONSECUTIVE DAYS

Section or Schedule of Principal Act Amended	Amendment
Section 12 ..... ..	By omitting the words "Not less than twenty-eight clear days before any election to fill an ordinary vacancy", and substituting the words "Not later than the 10th day of September 1965". By omitting the words "the twenty-second day before the election", and substituting the words "the 17th day of September 1965".
Section 17 (as amended by section 6 (1) of the Local Elections and Polls Amendment Act 1958)	By omitting the words "day appointed for the election", and substituting the words "commencement of the polling period".
Section 18 ..... ..	By omitting from subsection (1) the words "day on which the poll is to be taken", and substituting the words "polling period". By omitting subsection (2).
Section 19 (as amended by section 6 (2) of the Local Elections and Polls Amendment Act 1958)	By omitting from subsection (1) the words "not later than fourteen clear days before the polling day", and substituting the words "not less than seven clear days before the commencement of the polling period". By omitting from subsection (1) the words "day appointed for the election", and substituting the words "commencement of the polling period".
Section 19A (as inserted by section 7 of the Local Elections and Polls Amendment Act 1958)	By omitting from subsection (3) the words "polling day", and substituting the words "commencement of the polling period". By omitting from subsection (4) the words "on polling day", and substituting the words "after the commencement of the polling period and".
Section 23 ..... ..	By omitting subsection (1). By inserting in subsection (2), after the words "close of the poll" where they first occur, the words "on any day during the polling period". By adding to subsection (2) the words "on that day".

FIRST SCHEDULE—*continued*MODIFICATIONS OF PRINCIPAL ACT WHERE POLLS TAKEN OVER  
CONSECUTIVE DAYS—*continued*

Section or Schedule of Principal Act Amended	Amendment
Section 34 (as substituted by section 10 of the Local Elections and Polls Amendment Act 1958)	By omitting from paragraph (b) and also from paragraphs (c), (d), and (e) the words "on polling day", and substituting in each case the words "during the polling period". By omitting paragraph (i).
Section 37 ..... ..	By omitting from subsection (1) the words "the date of the polling", and substituting the words "the 9th day of October 1965".
Section 44 ..... ..	By adding the following subsection: "(4) The provisions of this section shall be read subject to the provisions of clause 8 of the Local Elections and Polls (Experimental Procedures) Order 1965."
Section 47 ..... ..	By omitting the words "or election", and substituting the words "or the 9th day of October 1965".
Section 50 (as substituted by section 17 of the Local Elections and Polls Amendment Act 1958)	By omitting from paragraph (b) of subsection (1) and also from paragraphs (c) and (e) of that subsection the words "polling day", and substituting in each case the words "the 9th day of October 1965". By omitting from paragraph (d) of subsection (1) the words "on polling day before the close of the poll, or at any time on any of the three days immediately preceding polling day", and substituting the words "during the polling period". By omitting from paragraph (g) of subsection (1) the words "on polling day before the close of the poll", and substituting the words "during the hours of polling on any day that is part of the polling period".
Section 62 ..... ..	By omitting the words "any poll", and substituting the words "the commencement of the polling period".
Section 64 ..... ..	By omitting from paragraph (b) the words "before the poll", and substituting the words "before the commencement of the polling period".



FIRST SCHEDULE—*continued*MODIFICATIONS OF PRINCIPAL ACT WHERE POLLS TAKEN OVER  
CONSECUTIVE DAYS—*continued*

Section or Schedule of Principal Act Amended	Amendment
Section 89 .....	By omitting from subsection (1) the words “the twenty-ninth day preceding the day appointed for that election or poll”, and substituting the words “the 10th day of September 1965”.
First Schedule .....	By omitting from form (3) the words “on .....day, the ..... day of .....19.....”, and substituting the words “during the period commencing on Monday the 4th day of October 1965 and ending with Saturday the 9th day of October 1965”. By omitting from form (7A) (as inserted by section 13 (6) of the Local Elections and Polls Amendment Act 1958) the words “on the ..... day of ..... 19.....”, and substituting the words “during the period commencing on Monday the 4th day of October 1965 and ending with Saturday the 9th day of October 1965”.

Clause 13

## SECOND SCHEDULE

MODIFICATIONS OF PRINCIPAL ACT WHERE POLLS TAKEN BY  
POSTAL VOTE

Section or Schedule of Principal Act Amended	Amendment
Section 18 .....	By omitting from subsection (1) all words after the words “several candidates”.
Section 20 .....	By omitting this section.
Section 22 .....	By omitting from subsection (1) the words “each polling booth at any election”, and substituting the words “the place at which the preliminary count of the votes is to take place”. By omitting from subsection (2) the words “the Deputy Returning Officer at the polling booth for which he is appointed”, and substituting the words “a Deputy Returning Officer”. By omitting subsection (3).

SECOND SCHEDULE—*continued*MODIFICATIONS OF PRINCIPAL ACT WHERE POLLS TAKEN BY  
POSTAL VOTE—*continued*

Section or Schedule of Principal Act Amended	Amendment
Sections 23 to 28 .....	By omitting these sections.
Section 29 .....	By omitting from subsection (1) the words “Before giving”, and substituting the words “Before posting”.
	By omitting from subsection (1) the words “issued in any booth”.
Sections 30 to 32 .....	By omitting these sections.
Section 36 .....	By omitting this section.
Section 37 .....	By omitting from subsection (1) the words “and each Deputy Returning Officer”. By omitting from subsection (1) the words “by him at the polling booth at which he presided”, and substituting the words “at the poll”. By omitting from subsection (1) the words “the name of the polling booth” and also the words “or Deputy Returning Officer, as the case may be”.
	By omitting subsections (2) and (3).
Section 39 .....	By omitting this section.
Section 43 .....	By inserting in subsection (1), after para- graph (d), the following new paragraph: “(e) All envelopes which contained voting papers delivered to the Returning Officer,—”.
Section 44 .....	By omitting subsection (1). By omitting from subsection (2) the words “used at the polling booth at which he presides”, and substituting the words “received by him”. By omitting from subsection (2) all words after the words “section forty-three of this Act”. By omitting from subsection (3) the words “or Deputy Returning Officer”.
Section 50 (as substi- tuted by section 17 of the Local Elections and Polls Amendment Act 1958)	By omitting from paragraph (d) of sub- section (1) the words “three days”, and substituting the words “fourteen days”.
Section 60 .....	By omitting from paragraph (b) the words “close of the poll”, and substituting the words “the hour of 7 p.m. on the 9th day of October 1965”.

SECOND SCHEDULE—*continued*MODIFICATIONS OF PRINCIPAL ACT WHERE POLLS TAKEN BY  
POSTAL VOTE—*continued*

Section or Schedule of Principal Act Amended	Amendment
First Schedule	<p>By omitting clause 3 of the Directions to Voter in form (6), and substituting the following clause:</p> <p>“(3) After voting, fold up the voting paper, enclose it in and seal the envelope addressed to the Returning Officer, and post the envelope or deliver it by hand to the Returning Officer or any Deputy Returning Officer.”</p> <p>By omitting from clause 4 of the Directions to Voter in form (6) the words “fresh one”, and substituting the words “special voting paper”.</p> <p>By omitting clause 5 of the Directions to Voter in form (6).</p> <p>By amending the Directions to Voter in forms (10), (11), and (12) in the manner corresponding to that provided in this Schedule in relation to form (6).</p>

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order makes provision for the holding of the 1965 general elections of local authorities in accordance with experimental procedures in certain selected districts.

The districts in which those procedures may be adopted are—

- (a) The Boroughs of Havelock North and Stratford, where the election may be held over a period of 6 consecutive days from 4 October 1965 to 9 October 1965;
- (b) The Counties of Coromandel, Egmont, Franklin, Kiwitea, Mackenzie, Malvern, Patangata, Rangitikei, and Taupo, where the elections may be held by postal vote only.

The order makes such modifications in the normal procedure set out in the Local Elections and Polls Act 1953 as are necessary to enable the experimental procedures to be followed.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 September 1965.

These regulations are administered in the Department of Internal Affairs.