

Serial Number **1950/179**

**THE LOCAL ELECTIONS AND POLLS (POSTAL VOTING)
REGULATIONS 1950**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 11th day of
October, 1950

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Local Elections and Polls Act, 1925, 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 Local Elections and Polls (Postal Voting) Regulations 1950.

2. In these regulations the term "authorized witness" means any person who is a permanent officer in the service of the Government of New Zealand or of a local authority, a Returning Officer, a registered medical practitioner, a registered nurse, a registered midwife, a registered maternity nurse, a minister of religion, a solicitor, a Justice of the Peace, or a person appointed in that behalf either generally or for a particular case or class of cases by any person authorized under these regulations to issue postal voting papers, and who is not disqualified under regulation 3 hereof.

3. No candidate at an election or person employed for hire or reward by a candidate or political party or by any organization interested in an election or poll 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.

4. Every person voting under these regulations shall complete a postal declaration form in the form numbered (1) in the Schedule hereto.

5. On the said postal declaration form there shall also be printed for the guidance of voters and witnesses regulations 2, 10, and 11 of these regulations. The postal declaration form may also include a form of appointment of authorized witness and such other provisions of these regulations as the Returning Officer may think fit.

6. (1) Postal voting papers issued under these regulations to be used at any election held under Part I of the Local Elections and Polls Act, 1925, shall be either in the form numbered (2) or in the form numbered (3) in the Schedule hereto.

(2) Except as provided in the next succeeding subclause, the voting papers issued under these regulations to be used at any poll shall be in the form numbered (4) in the Schedule hereto.

(3) The voting papers issued under these regulations to be used at any poll upon a proposal to raise a special loan under the Local Bodies' Loans Act, 1926, shall be in the form numbered (5) in the Schedule hereto, and shall contain full particulars of the notice required by section 10 of that Act or a statement giving the purport and effect of that notice.

(4) Every postal voting paper shall have a counterfoil, and shall have printed on the back thereof and on the counterfoil respectively the matter contained in the form numbered (6) in the Schedule hereto.

7. (1) For the purpose of section 5 of the Local Elections and Polls Amendment Act, 1950, postal declaration forms and postal voting papers for an election or poll held in respect of any local authority may be issued,—

(a) By the Returning Officer for the district of that local authority or for any district forming part of the district of that local authority authorized by him, to electors who are on the roll of that local authority in respect of that election or poll, at any time within the period of twenty-one days immediately preceding the time prescribed for the close of the poll :

(b) By the Returning Officer for the district of that local authority or for any district forming part of the district of that local authority authorized by him, to electors who are on the roll of that local authority in respect of that election or poll and who are patients in any hospital or inmates of any similar institution, at any time within the period of twenty-one days immediately preceding the time prescribed for the close of the poll, at times approved by the medical officer or other person in charge of the hospital or institution.

(2) Any Returning Officer entitled to issue postal voting papers under this regulation may authorize any person to issue on his behalf postal voting papers to patients in any hospital or to inmates of any similar institution.

(3) Any person issuing postal voting papers in any hospital or similar institution may, if a request in that behalf is made to the Returning Officer conducting the election or poll, be accompanied by two persons appointed by the Returning Officer to act as witnesses.

8. (1) Subject to the provisions of regulation 7 hereof, any person authorized to issue postal voting papers under these regulations, on receipt of a written request for a postal vote signed by an elector or signed on behalf of an elector pursuant to an authority signed by him shall, on being supplied with sufficient information to identify the applicant with an elector on the roll, issue a declaration form and postal voting paper or papers. Every 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 voting paper or papers issued with the declaration form shall bear the same consecutive number as the declaration form. Each such declaration form and postal voting paper shall bear the official mark of the person issuing the forms.

(2) Every person to whom any postal voting paper is issued under these regulations shall give to the person who issues the same a receipt therefor in such form as that person requires.

9. Every person who makes a false statement for the purpose of obtaining a postal 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 an offence against these regulations.

10. 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 voting paper or papers 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 regulation 11 hereof 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, either write on the voting paper the name of the candidate or candidates for whom he desires to vote, or, where the names of the candidates are shown on the voting paper, shall mark a cross on the voting paper in the square set opposite to the name or names of the candidate or candidates for whom he desires to vote. In the case of a poll other than an election, the elector shall mark a cross on the voting paper in the square at the end of the line "For the Proposal" if he desires to vote for the proposal, or mark a cross on the voting paper in the square at the end of the line "Against the Proposal" if he desires to vote against the proposal :
- (e) The voting paper or 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 who issued the voting paper or papers or on whose behalf they were issued, and posted or otherwise transmitted to that Returning Officer so as to reach him before the close of the poll :
- (f) 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 elector mark the elector's vote on the voting paper or voting papers according to the instructions of the elector ; and the 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 elector, allow another person to inspect the marked voting paper or voting papers.

11. 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 the signature written ;
- (c) Without first satisfying himself by inquiry from the declarant that the statements contained in the declaration are true ; and
- (d) Without seeing before he so signs his name, that the declaration is completed by the insertion of all necessary particulars.

12. Every person who makes a false declaration for the purpose of these regulations commits an offence against these regulations.

13. 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 voting 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 (f) of regulation 10 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.

14. Any person present when an elector is exercising a vote by means of a postal voting 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 (f) of regulation 10 hereof, refrain from looking at the elector's vote or from doing anything whereby he might become acquainted with the elector's vote.

15. Any person to whom an envelope containing or purporting to contain a postal voting paper is entrusted by a voter for the purpose of posting or delivering to a 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 an offence against these regulations.

16. (1) Envelopes containing postal voting papers accompanied by their respective declaration forms must reach the Returning Officer who issued the voting papers or on whose behalf they were issued before the time prescribed for the close of the poll.

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

17. After the close of the poll the Returning Officer shall open the outer envelope only (excepting envelopes marked "Received after close of poll"), extract therefrom the declaration form, and compare the signature of the voter on the declaration form with that of the voter on his written request for a postal vote or on the authority signed by the voter authorizing a request for a postal vote to be made on his behalf, as the case may be.

18. If the Returning Officer is satisfied as to the identity of the voter with the applicant for a postal vote, he shall certify to that effect by writing on the declaration form.

19. If the Returning Officer is not satisfied as to the identity of the voter with the applicant for a postal vote, he shall certify to that effect by writing on the declaration form, giving his reasons for so doing, and shall disallow the vote and set aside, unopened, the envelope containing the voting paper or voting papers after having written across it the words "Disallowed, identity not certified".

20. The Returning Officer shall hold for production at the scrutiny of the rolls under the provisions of sections 29 and 30 of the Local Elections and Polls Act, 1925, all applications for postal voting papers and all declaration forms.

21. After the said scrutiny of the rolls the Returning Officer shall make into separate packets—

(a) All declaration forms:

(b) All unopened envelopes containing postal voting papers disallowed:

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

22. The envelopes containing the 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 32 of the Local Elections and Polls Act, 1925, and shall not be opened except in the presence of such scrutineers as choose to be present.

23. A postal voting paper shall not be informal because of any mistake in the spelling of a candidate's name, or because it has been marked otherwise than is provided in paragraph (d) of regulation 10 hereof, if the elector's intention is otherwise clear.

24. After the votes have been recorded at the official count the Returning Officer shall forward to the clerk of the nearest Magistrate's Court, with the ordinary voting papers, the packets referred to in regulation 21 hereof.

25. (1) Every person commits an offence against these regulations who acts in contravention of or fails to comply in any respect with any of the provisions of these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months.

SCHEDULE

Reg. 4]

(1) POSTAL VOTING DECLARATION FORM

Consecutive No.

Official mark :

DECLARATION BY PERSON VOTING AS A POSTAL VOTER

I HEREBY declare that I am an elector of [*State district of local authority, and, if applicable, ward, riding, or other subdivision, as the case may require*], and that I am entitled to vote as a postal voter, and that my name, address, and occupation appear on the electoral roll of that district as follows :—

Surname :	First Names in Full :
Full residential address :	Occupation :
as appearing on roll.	

Signature of Elector :

Signed and declared in my presence this day of, 195..

Signature of authorized witness :*Designation of witness* :

(See instructions on this form.)

Address of witness :

.....

PERSONS ENTITLED TO VOTE AS POSTAL VOTERS

Any elector of a district of a local authority whose name is on the roll of that local authority and who—

- (a) Will throughout the hours of polling on polling day be travelling under conditions which will preclude him from attending at a duly appointed polling place to vote :
- (b) Is ill or infirm and by reason of his illness or infirmity will be precluded from attending at a duly appointed polling place to vote, or, in the case of a woman, will by approaching or recent maternity be precluded from attending at a duly appointed polling place to vote :
- (c) Has a religious objection to attending at a polling place to vote on the day of the week on which polling day falls.

Reg. 6 (1)]

(2) POSTAL VOTING PAPER AT AN ELECTION

[Name of District]

Election of Mayor (or of [Insert number] Councillors, or as the case may be).

POSTAL VOTING PAPER

ARMSTRONG, Thomas	
BURTON, Charles	
HORNBY, William	
McKENZIE, Donald, Grocer	
McKENZIE, Donald, Ironmonger	
SHAW, Thomas	

Directions

The voter is to mark a cross in the square opposite to the name (or names) of the candidate (or candidates) for whom he desires to vote.

For instructions see postal declaration form issued with this voting paper.

Reg. 6 (1)]

(3) ALTERNATIVE POSTAL VOTING PAPER AT AN ELECTION

[Name of District]

Election of Mayor (or of [insert number] Councillors, or as the case may be).

POSTAL VOTING PAPER

Directions

The voter is to write the name (or names) of the candidate (or candidates) for whom he desires to vote on the line (or lines) provided above.

For instructions see postal declaration form issued with this voting paper.

Reg. 6 (2)]

(4) POSTAL VOTING PAPER AT A POLL ON A PROPOSAL

POSTAL VOTING PAPER

[Name of District]

Proposal to (State full particulars of the proposal)

FOR THE PROPOSAL	
AGAINST THE PROPOSAL	

Directions

If the voter desires to vote for the proposal he must mark a cross in the square at the end of the line "For the Proposal". If he desires to vote against the proposal he must mark a cross in the square at the end of the line "Against the Proposal".

For instructions see postal declaration form issued with this voting paper.

Reg. 6 (3)]

(5) POSTAL VOTING PAPER AT A POLL ON A LOAN PROPOSAL

POSTAL VOTING PAPER

[Name of Local Authority]

Proposal to raise a special loan under the Local Bodies' Loans Act, 1926

[Insert full particulars of the notice required by Section 10 of that Act, and any statements required by the Local Government Loans Board.]

FOR THE PROPOSAL	
AGAINST THE PROPOSAL	

Directions

If the voter desires to vote for the proposal he must mark a cross in the square at the end of the line "For the Proposal". If he desires to vote against the proposal he must mark a cross in the square at the end of the line, "Against the Proposal".

For instructions see postal declaration form issued with this voting paper.

Reg. 6 (4)]

(6) MATTER TO BE PRINTED ON COUNTERFOIL AND BACK OF
POSTAL VOTING PAPER

POSTAL

Consecutive No. of Postal Declaration
Form issued with voting paper

[*To be entered here and also on to the top
right-hand corner of the back of voting
paper*]

.....

No. on Roll :

[*To be entered here only*]

[*Stamp across the perforation
so that part of the stamp
shall appear on both the
counterfoil and the voting
paper*]

} Official
Mark

Initials of person issuing voting
paper :

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 12th day of October, 1950.
These regulations are administered in the Internal Affairs Department.