

**1962/59**

**THE LOCAL ELECTIONS AND POLLS (SPECIAL VOTING)  
REGULATIONS 1959, AMENDMENT NO. 1**

COBHAM, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 9th day of May 1962

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Local Elections and Polls Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

1. These regulations may be cited as the Local Elections and Polls (Special Voting) Regulations 1959, Amendment No. 1, and shall be read together with and deemed part of the Local Elections and Polls (Special Voting) Regulations 1959\* (hereinafter referred to as the principal regulations).

2. Regulation 4 of the principal regulations is hereby amended by inserting in paragraph (a) of subclause (1), after the words "At any time", the words "during ordinary office hours".

3. Regulation 5 of the principal regulations is hereby amended by inserting in subclause (5), after the word "shall", the words "if the Issuing Officer so requires".

4. Regulation 6 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

"(2) If the elector is unable to write because of physical handicap, the witness may at the request of the elector write the name of the elector in the space provided in the declaration form for the signature of the elector, and shall add his own signature followed by the words 'Signed on behalf of elector unable to write because of physical handicap'."

5. (1) Regulation 11 of the principal regulations is hereby amended by adding to subclause (1) the words "or the Returning Officer shall place on the outer envelope the same consecutive number as the consecutive number placed on the declaration form pursuant to subclause (2) of this regulation".

(2) Regulation 18 of the principal regulations is hereby amended by omitting from paragraph (a) the words "attached thereto under regulation 11 hereof".

6. (1) The principal regulations are hereby further amended by revoking regulations 14 and 15, and substituting the following regulation:

**"14. Allowance or disallowance of special vote received in time—**

(1) The Returning Officer shall then proceed as follows to deal with every special vote not disallowed under regulation 13 hereof:

"(a) He shall disallow the vote, unless—

"(i) The declaration form is signed by both the declarant and the witness; or

"(ii) The Returning Officer is satisfied that the declarant signed the declaration in the presence of an Issuing Officer, although the Issuing Officer has omitted to sign;—

and, where he disallows the vote under this paragraph, he shall endorse on the inner envelope and on the declaration form the words 'Disallowed, declaration not in order':

"(b) Where the vote is not disallowed under paragraph (a) of this subclause, the Returning Officer shall then ascertain whether the voter was qualified to vote by virtue of the fact that his name appears on the roll:

"(c) If the Returning Officer is satisfied that the voter was so qualified, he shall endorse on the declaration form the words 'Qualified to vote', and shall allow the vote:

"(d) If the Returning Officer is not satisfied that the voter was so qualified, he shall send the declaration form to the Clerk of the local authority for him to determine under subclause (2) of this regulation whether or not the voter was qualified to vote.

"(2) Where a declaration is received by the Clerk of the local authority under paragraph (d) of subclause (1) of this regulation, he shall ascertain whether the voter was qualified to vote by reason of the fact that—

"(a) The voter's name appeared on the roll used for the previous election, he still possesses a qualification as an elector, and his name was not removed from the roll pursuant to the provisions of any enactment; or

"(b) The voter was qualified for enrolment as an elector of the district and had made application for enrolment before the closing of the roll; or

"(c) At the time of the closing of the roll the voter possessed a qualification under any enactment to be enrolled as an occupier of rateable property in the district or by virtue of a freehold qualification in the district, and notice of that qualification had been given to the local authority;—

and, if he is satisfied that the voter was so qualified to vote, he shall endorse on the declaration form the words 'Qualified to vote'. If he is

not so satisfied, he shall endorse on the declaration form the words 'Not qualified'. After having endorsed the declaration as aforesaid, he shall return the declaration form to the Returning Officer.

"(3) Where the Clerk of the local authority has so endorsed on the declaration form the words 'Qualified to vote', the Returning Officer shall allow the vote.

"(4) Where the Clerk of the local authority has so endorsed on the declaration form the words 'Not qualified', the Returning Officer shall disallow the vote, and shall endorse on the declaration form and also on the inner envelope the words 'Disallowed, not qualified'."

(2) Regulation 16 of the principal regulations is hereby amended by omitting the words "regulation 15", and substituting the words "regulation 14".

7. The Schedule to the principal regulations is hereby amended—

- (a) By omitting from form 1 the words "[*To coincide with consecutive number on voting paper*]":
- (b) By omitting form 7, and substituting the form 7 set out in the Schedule to these regulations.

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#### SCHEDULE

Reg. 3 (6)

"Form 7

MATTER TO BE PRINTED ON COUNTERFOIL OF SPECIAL-VOTING PAPER

**SPECIAL**

Consecutive No. of Voting Paper:  
[*To be entered here and also on to the top right-hand corner of voting paper*]

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Consecutive No. of Declaration  
Form issued with voting paper:  
[*To be entered here only*]

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No. on Roll (if any):  
[*To be entered here only*]

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[*Stamp across the perforation so that the number on 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.

## EXPLANATORY NOTE

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

These regulations make miscellaneous amendments to the Local Elections and Polls (Special Voting) Regulations 1959.

Regulation 2 makes it clear that application for special voting papers must be made during ordinary office hours.

Regulation 3 provides that a receipt for special voting papers must be given to the Issuing Officer only if he requires one.

Regulation 4 prescribes the manner in which the declaration by a special voter is to be completed in cases where, due to physical handicap, he is unable to sign it.

Regulation 5 permits the Returning Officer, as an alternative to attaching the outer envelope to the declaration form, to identify the outer envelope by endorsing on it the consecutive number of the declaration form.

Regulation 6 alters the procedure to be followed in checking special votes. The only material change is a provision that where the name of the special voter does not appear on the roll the declaration is to be sent to the Clerk of the local authority, who is to decide whether or not the voter was qualified to vote.

Regulation 7 amends the form of declaration by special voters and the form of the voting-paper counterfoil so as to permit pre-numbering of special voting papers.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 May 1962.

These regulations are administered in the Department of Internal Affairs.