

1965/131



**THE LOCAL ELECTIONS AND POLLS (SPECIAL VOTING)  
REGULATIONS 1959, AMENDMENT NO. 2**

H. E. BARROWCLOUGH, Administrator of the Government

**ORDER IN COUNCIL**

At the Government House at Wellington this 28th day of July 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 regulations.

**REGULATIONS**

1. These regulations may be cited as the Local Elections and Polls (Special Voting) Regulations 1959, Amendment No. 2, 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 3 of the principal regulations is hereby amended by adding to subclause (1) the words "The declaration form may be printed separately or, if the Returning Officer thinks fit, may be printed on the outer envelope hereinafter referred to, in which case the matter required to be printed on the back of the separate form shall be printed on the back of the outer envelope".

3. Regulation 5 of the principal regulations is hereby amended by inserting in subclause (3), after paragraph (b), the following paragraph:

"(bb) In any case where the declaration form is printed on the outer envelope and the special vote is to be recorded otherwise than in a polling booth, an additional envelope which shall also be marked 'Special Vote' and addressed to the Returning Officer; and".

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

4. (1) The principal regulations are hereby further amended by revoking regulation 11, and substituting the following regulation:

**"11. Numbering of declaration and outer envelope—**(1) The Returning Officer shall, either at intervals before the close of the poll or as soon as practicable after the close of the poll,—

"(a) Where the declaration is printed on a separate form, open the outer envelope and extract therefrom the inner envelope and that declaration, and then securely attach the outer envelope to the declaration form or place on the outer envelope the same consecutive number as is placed on the declaration form pursuant to subclause (2) of this regulation:

"(b) Where the declaration is printed on the outer envelope, open the envelope (if any) in which that outer envelope is enclosed and extract therefrom the outer envelope.

"(2) Each declaration form shall be consecutively numbered by the Returning Officer, and in each case he shall place the same number on the relative outer envelope:

"Provided that it shall not be necessary so to number the declaration form where the declaration is printed on the outer envelope."

(2) Regulation 5 of the Local Elections and Polls (Special Voting) Regulations 1959, Amendment No. 1, is hereby amended by revoking subclause (1).

5. The principal regulations are hereby further amended by revoking regulation 13, and substituting the following regulation:

**"13. Checking of declarations, and disallowance of special votes received late—**(1) Where the Returning Officer has taken the action specified in regulation 11 hereof before the close of the poll, he shall proceed immediately to check the declaration in accordance with regulation 14 hereof, and, if after so checking he allows the vote under that regulation, he shall then follow the procedure specified in regulation 16 hereof. The provisions of regulation 19 hereof shall apply with respect to every special vote allowed pursuant to this subclause.

"(2) Where the Returning Officer has taken the action specified in regulation 11 hereof after the close of the poll, he shall—

"(a) Examine the outer envelope and the declaration to ascertain whether any special vote was received before or after the close of the poll; and

"(b) If he is satisfied that any special vote was not received before the close of the poll he shall disallow the vote.

"(3) Where the Returning Officer disallows a vote under subclause (2) of this regulation, he shall set aside unopened the inner envelope, or, as the case may be, the outer envelope where the declaration is printed thereon, after having written across it and across the declaration form the words 'Disallowed, received late.'"

6. Regulation 14 of the principal regulations is hereby amended:

(a) By inserting in paragraph (a) of subclause (1), after the words "on the declaration form," the words "or, where the declaration is printed on the outer envelope, on that outer envelope":

(b) By inserting in paragraph (d) of subclause (1), after the words "declaration form", the words "or, where the declaration is printed on the outer envelope, that outer envelope unopened":

- (c) By inserting in subclause (2) after the words "declaration form" where they last appear, the words "or the unopened outer envelope, as the case may be":
- (d) By inserting in subclause (4), after the words "inner envelope", the words "or, where the declaration is printed on the outer envelope, on that unopened outer envelope".

7. (1) The principal regulations are hereby further amended by revoking regulation 16 and substituting the following regulation:

"16. **Procedure where vote allowed**—Where the Returning Officer allows a vote under regulation 14 hereof, he shall—

"(a) Where the declaration is printed on a separate form, identify the inner envelope with the declaration when the vote is allowed, and shall then place the inner envelope in a ballot box specially set aside for the purpose:

"(b) Where the declaration is printed on the outer envelope, open that envelope when the vote is allowed and extract therefrom the inner envelope, and shall then place the inner envelope in a ballot box specially set aside for the purpose."

(2) Regulation 6 of the Local Elections and Polls (Special Voting) Regulations 1959, Amendment No. 1, is hereby amended by revoking subclause (2).

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

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EXPLANATORY NOTE

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

The effect of these amendments is as follows:

- (a) The declaration by a special voter may, if the Returning Officer so decides, be printed on the outer envelope instead of on a separate form.
- (b) The Returning Officer may proceed to check declarations by special voters before the close of the poll. The special vote itself will not be perused until after the close of the poll.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 July 1965.

These regulations are administered in the Department of Internal Affairs.