

1974/88



**THE LOCAL ELECTIONS AND POLLS (SPECIAL VOTING)
REGULATIONS 1968, AMENDMENT NO. 2**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 17th day of April 1974

Present:

THE HON. H. WATT PRESIDING IN COUNCIL

PURSUANT to the Local Elections and Polls Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Local Elections and Polls (Special Voting) Regulations 1968, Amendment No. 2, and shall be read together with and deemed part of the Local Elections and Polls (Special Voting) Regulations 1968* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*:

Provided that where notice of an election to fill an extraordinary vacancy or notice of a poll has been given before the commencement of these regulations, nothing in these regulations shall apply with respect to that election or poll, and that election or poll shall be held in accordance with the provisions of the principal regulations as if these regulations had not been made.

2. Voting by special voter—Regulation 7 (6) of the principal regulations is hereby amended by revoking paragraph (b), and substituting the following paragraph:

*S.R. 1968/38
Amendment No. 1: S.R. 1971/158

“(b) If the elector votes otherwise than at a polling booth, the witness to the declaration shall mark the voting paper or papers as instructed by the elector. A person nominated by the voter may also be present when the voting paper is marked, and may, if so desired by the voter, inspect the voting paper before it is sealed in the inner envelope.”

3. Endorsement of outer and declaration envelopes—Regulation 9 of the principal regulations is hereby amended—

(a) By revoking subclause (1):

(b) By omitting from subclause (2) the word “also”.

4. Allowance or disallowance of special vote received in time—

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

“15. (1) The Returning Officer shall proceed as follows to deal with every special vote not disallowed under regulation 14 of these regulations:

“(a) He shall disallow the vote unless the declaration is completed in such a manner that, in the opinion of the Returning Officer, it identifies the voter and—

“(i) The declaration 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 as witness,—and, where he disallows the vote under this paragraph, he shall endorse on the inner envelope and the declaration form, or on the declaration envelope, as the case may be, 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—

“(i) His name appears on the roll; or

“(ii) His name does not appear on the roll but is included on the most recently published electoral roll for the parliamentary election, and the address shown thereon is within the district and is his present residential address:

“(c) If the Returning Officer is satisfied that the voter was so qualified he shall endorse on the declaration 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 or the declaration envelope, as the case may be, unopened 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 form or declaration envelope is received by the Clerk of the local authority under subclause (1) (d) 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 prepared for the previous triennial general 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) The voter had qualified as an elector not earlier than the day preceding the day on which the roll was closed and before polling day, and had applied before polling day to have his name entered on the roll; or
- “(d) 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 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 the words ‘Qualified to vote’. If he is not so satisfied, he shall endorse on the declaration the words ‘Not qualified’. After having endorsed the declaration as aforesaid, he shall return the declaration form or the declaration envelope, as the case may be, to the Returning Officer. Where the Clerk of the local authority has so endorsed on the declaration the words ‘Qualified to vote’, the Returning Officer shall allow the vote.

“(3) Where—

- “(a) The Clerk of the local authority has so endorsed on the declaration the words ‘Not qualified’; and
- “(b) Either—
 - “(i) The voter has deleted the whole of paragraph 2 of the declaration; or
 - “(ii) The voter has otherwise indicated that he is not on any parliamentary electoral roll; or
 - “(iii) The voter’s present residential address is not within the district of the local authority,—

the Returning Officer shall disallow the vote, and shall endorse on the declaration the words ‘Disallowed—not qualified’.

“(4) Where—

- “(a) The Clerk of the local authority has so endorsed on the declaration the words ‘Not qualified’, but the voter has declared that he is on a parliamentary electoral roll; and
- “(b) The voter’s present residential address is within the district of the local authority,—

the Returning Officer shall send the declaration form or the declaration envelope, as the case may be, to the Registrar of Electors for the district appropriate to the voter’s present residential address and to whether he declares he is on the European roll or on the Maori roll:

“Provided that notwithstanding anything in subclause (2) of this regulation, the Clerk of the local authority may, by arrangement with the Returning Officer, retain the declaration form or envelope, as the case may be, and in place of the Returning Officer take the action prescribed in this subclause.

“(5) Where a declaration form or declaration envelope is received by the Registrar of Electors under subclause (4) of this regulation, he shall forthwith ascertain whether the voter was qualified to vote by reason of the fact that his name is included on the most recently published electoral roll for the parliamentary election, or he has enrolled on that roll since it was published, and the address shown thereon is his present residential address. If the Registrar is satisfied that the voter was so qualified to vote, he shall endorse on the declaration the words ‘Qualified to vote’ and the name of the electoral district and shall forthwith return the declaration form or the declaration envelope, as the case may be, to the Returning Officer, who shall allow the vote. If the Registrar of Electors is not so satisfied, he shall endorse on the declaration the words ‘Not qualified’ and the name of the electoral district.

“(6) Where the Registrar of Electors has so endorsed on the declaration the words ‘Not qualified’, the Returning Officer shall disallow the vote, and shall endorse on the declaration the words ‘Disallowed—not qualified’.

“(7) For the purposes of subclauses (4) and (5) of this regulation, where the declaration form or the declaration envelope, as the case may be, is sent to or by the Returning Officer or the Clerk of the local authority or the Registrar of Electors, it shall be sent—

“(a) By hand; or

“(b) By registered post.

“(8) Where the declaration form or the declaration envelope, as the case may be, is to be sent by the Returning Officer (or by the Clerk of the local authority under arrangements made pursuant to subclause (4) of this regulation) to the Registrar of Electors in accordance with the said subclause (4), the Returning Officer or the Clerk, as the case may be, may send, in place of the declaration form or the declaration envelope, a list showing such details from the declaration as are necessary for the Registrar of Electors to determine whether the voter was qualified to vote, and in any such case the provisions of subclauses (5) and (6) of this regulation shall apply as if—

“(a) The references therein to a declaration (except the second reference in subclause (6)) were references to such a list; and

“(b) For the words ‘subclause (4)’ in subclause (5) there were substituted the words ‘subclause (8)’.

“(9) A list sent to or by the Registrar of Electors pursuant to subclause (8) of this regulation need not, if it is sent by post, be sent by registered post.”

(2) Notwithstanding the provisions of subclause (1) of this regulation, the provisions of regulation 15 (2) (d) of the principal regulations shall continue to apply, as if these regulations had not been made, for the purposes of any election to fill an extraordinary vacancy and of any poll, if that election or poll is held before the 12th day of October 1974.

5. Additional information may be requested—Regulation 19 (1) of the principal regulations is hereby amended by inserting, after the words “paragraph (a)”, the words “or paragraph (aa) or paragraph (b)”.

6. Modification of principal regulations where election or poll held over consecutive days—Regulation 19A (1) of the principal regulations (as inserted by regulation 3 of the Local Elections and Polls (Special Voting) Regulations 1968, Amendment No. 1) is hereby amended—

- (a) By omitting from paragraph (d) the words “paragraph (b)”, and substituting the words “paragraph (c)”:
- (b) By omitting from paragraph (e) the words “paragraphs (c), (d), (e), and (f)”, and substituting the words “paragraphs (d), (e), (f), and (g)”:
- (c) By omitting from paragraph (f) the words “paragraph (j)” and substituting the words “paragraph (k)”.

7. Form of declaration by special voter—The Schedule to the principal regulations is hereby amended by revoking form 1, and substituting the form 1 set out in the Schedule to these regulations.

SCHEDULE

FORM OF DECLARATION BY SPECIAL VOTER

Regs. 3(1), 5(3)

"Form 1

"DECLARATION BY SPECIAL VOTER

No. on Roll

Consecutive Number

(where known)

Official mark

I HEREBY declare that to the best of my knowledge and belief the following statements are true:

1. I am an elector (or qualified to be an elector) of [State district of local authority and, if applicable, ward, riding, or other subdivision, as the case may require].

2. I am enrolled as a parliamentary elector and am on the

European* }
Maori* } roll.

*Delete whichever does not apply.

3. My surname (or family name) and full Christian (or first) name(s) are:

Surname (or family name):

Full Christian (or first) name(s):

4. My occupation is [Female elector to show occupation or marital status, whichever she wishes to appear on roll].

5. My residential address is:

6. The address of the property in respect of which I hold my qualification is [Complete if different from 5 above]:

7. I have not already voted at this election (poll).

8. I am entitled to vote as a special voter in accordance with one or more of the qualifications printed on the back of this form.

Signature of elector:

Date:

Signature of witness:

<p>Official Mark if Witness is Issuing Officer</p>
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Address of witness (if not Issuing Officer):

IMPORTANT—Read the information printed on the back of this form

[Back]

PERSONS ENTITLED TO VOTE AS SPECIAL VOTERS

Any elector may vote at any election or poll as a special voter, if—

- (a) His name does not appear on the copy of the roll used for that election or poll or has been deleted from that copy, and he has reasonable cause to believe that his name was entered on the roll or, as the case may be, should not have been deleted from that copy; or
- (b) His name does not appear on the electoral roll in use for that election or poll but it is included on the most recently published electoral roll for the parliamentary election, or he has enrolled on that roll since it was published, and the address shown thereon is within the district and is his present residential address; or
- (c) He has qualified as an elector not earlier than the day preceding the day on which the roll was closed and before polling day and has applied before polling day to have his name entered on the roll; or
- (d) He will on polling day be outside New Zealand; or
- (e) He will be absent from the district on polling day; or
- (f) He will not throughout the hours of voting on polling day be within 3 kilometres by the nearest practicable route of any polling place appointed for the district; or
- (g) He will throughout the hours of voting on polling day be travelling under conditions which will preclude him from attending to vote at any polling place appointed for the district; or
- (h) He is ill or infirm, and by reason of that illness or infirmity will be precluded from attending to vote at any polling place appointed for the district; or
- (i) In the case of a woman, she will by reason of approaching or recent maternity be precluded from attending to vote at any polling place appointed for the district; or
- (j) He is a lighthouse keeper or member of a lighthouse keeper's staff, or, in the case of a woman, she is the wife of a lighthouse keeper or the wife of a member of a lighthouse keeper's staff, and will be precluded from attending to vote at any polling place appointed for the district; or
- (k) He has a religious objection to voting at a polling place on the day of the week on which polling day falls; or
- (l) He satisfies the Returning Officer or Deputy Returning Officer that on any other ground it will not be possible for him to vote at a polling place appointed for the district without incurring hardship or undue inconvenience.

METHOD OF VOTING AS A SPECIAL VOTER

Follow the instructions printed on the small envelope supplied with the voting paper or voting papers.

P. G. MILLEN,
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 1968.

Regulation 2 removes the requirement that the person assisting a disabled special voter to vote must sign the back of the voting paper as a witness for the voter.

Regulation 3 removes the requirement that envelopes containing special voting papers returned to a Returning Officer or Deputy Returning Officer before the close of voting are to be stamped with his official stamp.

Regulation 4 replaces in an amended form regulation 15 of the principal regulations prescribing the procedure for allowing or disallowing special votes received in time. The changes are consequential on the provisions of section 15 of the Local Elections and Polls Amendment Act 1974 enabling a person who is not on the roll to vote as a special voter if he is enrolled on the parliamentary roll showing an address within the district of the local authority.

Regulation 5 is consequential on the provisions of section 15 of the Local Elections and Polls Amendment Act 1974 qualifying persons enrolled on the parliamentary roll to vote as special voters.

Regulation 6 is consequential on the new form of declaration by special voter substituted by regulation 7.

Regulation 7 replaces the form of declaration by special voter, with such amendments as are necessitated by section 15 of the Local Elections and Polls Amendment Act 1974.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 April 1974.

These regulations are administered in the Department of Internal Affairs.