

Serial Number 1951/164

THE SERVICEMEN'S ELECTORAL REGULATIONS 1951

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 24th day of
July, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 4 of the Electoral Amendment Act, 1951, 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 Servicemen's Electoral Regulations 1951.

2. In these regulations, unless the context otherwise requires,—

“Principal Act” means the Electoral Act, 1927 :

“Date of the election in New Zealand”, in relation to any election, means the polling day appointed in the writ for that election :

“Serviceman”, in relation to any election, means any person who—

(a) Is a member of the naval, military, or air forces of New Zealand, or is attached to or employed by, or carries out duties which necessitate his accompanying, any such force when outside New Zealand ; and

(b) Is ordinarily resident in New Zealand ; and

(c) Is outside New Zealand ; and

(d) Is or will be of or over the age of twenty-one years before the date of the election in New Zealand :

“Servicemen's Returning Officer” means a Servicemen's Returning Officer appointed under these regulations ; and includes any person for the time being authorized to exercise or perform any of the powers or functions of a Servicemen's Returning Officer :

“Unit” means any of the naval, military, or air forces of New Zealand or any section or detachment thereof :

Expressions used in these regulations and also in the principal Act have the same meaning as in the principal Act.

3. (1) For the purposes of section 4 of the Electoral Amendment Act, 1951, the Chief Electoral Officer or some person authorized by him in that behalf shall appoint such Servicemen's Returning Officers as he thinks necessary.

(2) Every Servicemen's Returning Officer and Deputy Returning Officer shall, before entering on the duties of his office, make and sign before an officer of the naval, military, or air forces of New Zealand a declaration in the form numbered (1) in the First Schedule to the principal Act.

(3) The Chief Electoral Officer may, with the written consent of the representatives of any political party recognized by the Minister, appoint a person to nominate a scrutineer for any overseas booth, and every scrutineer so nominated shall be deemed to have been appointed under section 124 of the principal Act.

4. Every Servicemen's Returning Officer shall establish such polling places and appoint such Deputy Returning Officers as he thinks necessary.

5. Every Deputy Returning Officer shall, where possible, be supplied with a sufficient number of ballot papers, envelopes, forms, and all other materials required for taking the votes of servicemen at the polling place or polling places for which he is appointed.

6. (1) The officer commanding every unit comprising servicemen as hereinbefore defined shall afford all necessary facilities for servicemen to cast their votes in the manner prescribed in these regulations so far as may be done consistently with the proper performance of their duties.

(2) Where any serviceman is in a hospital, sanatorium, or other institution, he shall for the purposes of these regulations be deemed to be a member of the unit under the command of the officer in charge of the hospital, sanatorium, or other institution.

7. (1) The votes of the servicemen comprised in any unit may be cast at any convenient time or times between the closing of nominations and 7 p.m. local time on the day before the date of the election in New Zealand.

(2) As far as practicable, notice shall be given of the day appointed for the closing of the poll.

8. Every serviceman may apply in the form No. 1 in the Schedule to these regulations to a Deputy Returning Officer for a ballot paper.

9. Every person applying for a ballot paper under these regulations shall be required to deliver to the Deputy Returning Officer a certificate from the officer commanding his unit to the effect that to the best of that officer's knowledge and belief the person concerned is entitled to vote :

Provided that every such person shall be deemed to have complied with this regulation if his name is included in any such certificate delivered by the officer commanding his unit to the Deputy Returning Officer.

10. No person shall be entitled to receive a ballot paper under these regulations if it appears that he has already received a ballot paper for the same election at the same or any other polling place or if he does not comply with the last preceding regulation.

11. On receipt of a declaration in the form No. 1 the Deputy Returning Officer shall, after complying with the next succeeding regulation, deliver to the voter a ballot paper for the district for which the voter declares that he is entitled to vote, together with an envelope. The ballot paper shall be in the form No. 2 in the Schedule to these regulations.

12. (1) The Deputy Returning Officer shall enter on the form No. 1, on the counterfoil of the ballot paper, and on the ballot paper, the proper consecutive number, commencing with the number 1.

(2) He shall then clearly insert in the space provided in the ballot paper and on the counterfoil thereof the name of the electoral district for which the applicant declares that he is entitled to vote.

(3) On the counterfoil of the ballot paper he shall also write his initials, and the name of the voter.

(4) He shall then place his official mark on the declaration, and on the counterfoil and ballot paper, and then hand the ballot paper to the voter.

(5) He shall then mark the proper consecutive number on the top left hand corner of an envelope marked "Serviceman's ballot paper".

13. (1) The voter shall then and there complete the ballot paper by writing thereon the name of the candidate for whom he wishes to vote. After voting, the voter shall then and there insert the ballot paper in the envelope, shall seal the envelope, and shall then and there hand the sealed envelope to the Deputy Returning Officer.

(2) The Deputy Returning Officer shall then and there attach to the sealed envelope the application form in respect of that vote, and place the two in an envelope marked "Serviceman's vote", and seal the envelope, and address it to the Returning Officer of the district in respect of which the serviceman has voted.

14. (1) Any voter who before handing his ballot paper to the Deputy Returning Officer satisfies the Deputy Returning Officer that he has spoiled it by inadvertence may be supplied with a fresh ballot paper, but only after the spoiled ballot paper has been returned to the Deputy Returning Officer.

(2) The Deputy Returning Officer shall cancel every such spoiled ballot paper by writing across the face thereof the words "Spoiled by voter, and a fresh ballot paper issued in lieu thereof", and shall affix his initials thereto, and shall retain the spoiled ballot paper until the close of the poll.

15. If any voter is by reason of physical incapacity unable personally to complete his ballot paper, the Deputy Returning Officer, at the request of the voter, may complete the ballot paper in his presence and in accordance with his instructions. In any such case the Deputy Returning Officer shall endorse on the ballot paper a statement that it has been completed by him at the request of the voter.

16. Servicemen who are Maoris shall be entitled to vote in accordance with these regulations.

17. A ballot paper shall not be informal because of any mistake in the spelling of a candidate's name if the elector's intention is otherwise clear.

18. (1) On receipt of any envelope addressed to a Returning Officer in New Zealand and appearing to contain a serviceman's vote, the Deputy Returning Officer shall despatch it by the quickest available means of transport to the Servicemen's Returning Officer.

(2) Immediately after the receipt of any such envelope the Servicemen's Returning Officer shall despatch it by the quickest available means of transport to the Returning Officer to whom it is addressed

19. Immediately after the close of the poll the Deputy Returning Officer shall make up into separate parcels—

(a) All unused and spoiled ballot papers; and

(b) The counterfoils of all used and spoiled ballot papers,— and shall mark each parcel to show the nature of the contents, and shall despatch the parcels by the quickest available means of transport to the Special Returning Officer.

20. Immediately after the receipt of the parcels referred to in the last preceding regulation the Special Returning Officer shall despatch them to the Chief Electoral Officer at Wellington.

21. (1) The Chief Electoral Officer shall seal the parcels containing the unused and spoiled ballot papers and the counterfoils of the used and spoiled ballot papers, and shall endorse each parcel with a description of the contents thereof, and shall sign the endorsement, and shall forthwith forward the said parcels to the Clerk of the House of Representatives.

(2) The said Clerk shall forthwith give or send to the Chief Electoral Officer a receipt under his hand for the said parcels.

22. (1) The Returning Officer shall mark the date of receipt by him on every envelope containing a serviceman's vote.

(2) Every such envelope received by the Returning Officer before 7 p.m. on the tenth day after the date of the election in New Zealand shall be dealt with by him in accordance with the provisions of regulations 23 and 24 hereof.

(3) Every such envelope received by the Returning Officer after 7 p.m. on the tenth day after the date of the election in New Zealand shall be endorsed by him "Disallowed: received late", together with his initials, and shall not be opened.

23. After the close of the poll in New Zealand the Returning Officer shall deal with every serviceman's vote in the manner following:—

(a) He shall open the envelope and peruse the application form:

(b) If the voter is on the roll he shall mark the roll accordingly:

(c) If the application is not in order he shall mark the envelope containing the ballot paper and the application "Disallowed: application not in order":

(d) If the application is in order he shall place the envelope containing the ballot paper in a ballot box:

(e) When all applications have been dealt with the Returning Officer shall make up into separate parcels—

(i) The application forms which have been allowed:

(ii) The application forms and the envelopes containing the ballot papers which have been disallowed:

(iii) All unopened envelopes marked "Disallowed: received late".

24. After the absent voters' ballot papers and the postal ballot papers have been dealt with in the manner prescribed by subsection (4) of section 149 of the principal Act, the Returning Officer shall open the envelopes containing servicemen's ballot papers and shall count the votes in accordance with the provisions of section 149 of the principal Act.

25. Where any form prescribed by or referred to in these regulations is not available, a form may be improvised, and if the intention is clear it shall be accepted for all purposes under these regulations.

26. Nothing in these regulations shall prevent any serviceman who has not cast his vote in accordance with these regulations from casting his vote on the polling day at any polling place appointed under section 118 of the principal Act :

Provided that no person shall vote more than once at any election.

27. Every person who knowingly and wilfully makes a false statement in any declaration under these regulations shall be liable on summary conviction or on conviction by Court martial to a fine not exceeding £50.

SCHEDULE

Consecutive No.:.....

[Form No. 1

DECLARATION BY SERVICEMAN APPLYING FOR VOTE

I, [Full name], [Rank and regimental number], a serviceman for the time being outside New Zealand, hereby declare—

- (1) That I am of or over the age of twenty-one years, or will be of or over that age before the date of the election in New Zealand.
- (2) That my usual place of residence in New Zealand immediately before I last left New Zealand was [Street and street number and town], which is in the Electoral District of

OFFICIAL
MARK.

.....
(Signature.)

[Form No. 2

SERVICEMAN'S BALLOT PAPER

Consecutive No.:.....

Electoral District:

.....

Name of Voter:

.....

Stamp across the
perforation
so that
part of the
stamp shall
appear on both
the counterfoil
and the
ballot paper.

} Official

} Mark.

Initials of
Deputy Returning Officer:

.....

Consecutive No.:.....

Electoral District of

The elector is to write the name of
the candidate for whom he wishes to
vote on the dotted line hereunder:

.....

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 24th day of July, 1951.

These regulations are administered in the Department of Justice.