



OTAGO MUNICIPAL CORPORATIONS ORDINANCE 1865 AMENDMENT ORDINANCE 1870.

IN THE THIRTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXVIII. No. 330.

Repealed

1886-4

ANALYSIS.

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| <p>Title. Preamble. 1. Short Title. 2. Repeal of Sections 18 and 27 of Otago Municipal Corporations Ordinance 1865. 3. Election of Mayor. Election of Councillors and Auditors. 4. Polling at Election of Councillors and Auditors.</p> | <p>5. Polling Booths to be provided. Voter to strike out the names of Candidates for whom he does not vote. 6. Provision for Voter unable to read. 7. Who to be deemed elected. 8. Scrutineers. 9. Provisions for first Election of Mayor Councillors and Auditors of newly created Municipalities. 10. Interpretation.</p> |
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AN ORDINANCE *to amend the Otago Municipal Corporations Ordinance* Title.
1865. [7TH DECEMBER 1870.]

WHEREAS it is expedient to amend the Otago Municipal Corporations Ordinance 1865 in certain particulars: And whereas it is also expedient to make provision for the first Election of Mayors and Councillors and Auditors of Municipalities proclaimed under the provisions of the Ordinance of the Superintendent and Provincial Council of the Province of Otago intitled "An Ordinance to Amend the Otago Municipal Corporations Ordinance 1865."

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof as follows:—

I. This Ordinance may be cited and referred to as the "Otago Municipal Corporations Ordinance 1865 Amendment Ordinance 1870."

II. Sections eighteen and twenty-seven of the said Otago Municipal Corporations Ordinance 1865 shall be and the same are hereby repealed.

III. Upon the twenty-first day of July in every year the Citizens shall Elect in manner hereinafter mentioned from among themselves a Citizen to be Mayor but such person when elected shall be called the Mayor elect until the first day of August then next ensuing and until such first day of August shall not be entitled to assume the duties of the office or to take his seat as Mayor at any meeting of the Council: And upon the first day of August in

every year except as to persons mentioned in the said Ordinance the persons enrolled as Citizens in each of the Wards shall elect one of the persons on the Roll of such Ward to be a Councillor in the place of the retiring Councillor and also shall in like manner elect the Auditors for the year ensuing: And for the Election of Mayor and Auditors votes shall be taken at meetings which shall be held in all the Wards.

Polling at Election of Councillors and Auditors.

IV. The polling for Election of Mayor Councillors and Auditors within each Ward according to the provisions of the said Ordinance shall be held before some Councillor or other person for that purpose appointed by the Council and the voting shall commence at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day and shall be conducted in manner following (that is to say)—Every citizen entitled to vote in the Election of Mayor Councillors or Auditors may vote for any number of persons not exceeding the number then to be chosen and the presiding Councillor or other person as the case may be shall furnish to the said voter a white printed voting paper marked with the initials of the presiding Councillor or other person as the case may be containing the Christian names and Surnames of all the candidates at such Election and of no other persons in full and if the Christian names and Surnames of any two or more candidates be the same they shall be distinguished upon such ballot papers by the addition of their residence and occupation.

Polling Booths to be provided.

Voter to strike out the names of Candidates for whom he does not vote.

V. For taking the poll at any Election there shall be provided a polling booth containing separate apartments or places forming part of the booth and every person to whom a ballot paper shall have been furnished as aforesaid shall forthwith retire to some unoccupied apartment of the polling booth and shall there alone and in private strike out from such ballot paper without delay the names of the candidates for whom he does not intend to vote and shall forthwith fold up such ballot paper in such manner as will conceal the names of the candidates and immediately deliver it so folded to the Councillor or other person presiding who shall forthwith publicly and without opening the same deposit it in a box provided for that purpose and no voting paper so deposited in any box shall on any account be taken therefrom unless in the presence of scrutineers after the close of the Election No voting paper shall be received unless it is folded so as to render it impossible for the Councillor or other person presiding or any other person to see for what candidate or candidates the vote is given and any voter wilfully infringing any of the provisions of this section or obstructing the voting by any unnecessary delay in performing any act within the polling booth or room shall be liable to a penalty not exceeding twenty pounds and in default of payment to imprisonment for any term not exceeding one month.

Provision for Voter unable to read.

VI. If any person to whom a ballot-paper shall have been furnished as aforesaid shall be blind or be unable to read and shall signify the same to the Councillor or other person presiding such Councillor or other person presiding may and shall at the request of such person and for him and in presence of a witness if so desired by such person strike out in the polling-booth from such ballot-paper the names of such candidates as such person may designate.

Who to be deemed elected.

VII. The Candidate who has (or in any case where more than one is to be elected those Candidates not exceeding the number to be elected who have) received the greatest number of votes shall be deemed to have been duly elected but if two or more Candidates shall have received an equal number of votes and a sufficient number of Candidates to fill the vacancies shall not have received a greater number of votes then and in such case neither of the said Candidates who shall have received an equal number of

votes shall be or be deemed to have been elected but as soon thereafter as conveniently may be a fresh Election shall take place as provided by the 30th Section of the said Ordinance.

VIII. Each Candidate shall be entitled to appoint in writing under his hand two persons neither of whom shall be a Candidate to be Scrutineers on behalf of such Candidate at each polling-booth and every such Scrutineer shall be entitled to be present in that part of the polling-booth in which the ballot papers are issued by the Councillor or other person presiding as hereinbefore provided.

IX. It shall be lawful for the Superintendent at any time after any Municipality shall have been proclaimed under the provisions of the Ordinance intituled "An Ordinance to Amend the Otago Municipal Corporations Ordinance 1865" by proclamation in the *Government Gazette* of the Province of Otago to appoint a day for the first Election of a Citizen to be Mayor of such Municipality and the person elected shall be called the Mayor elect until the expiration of ten days next ensuing the day of the date of such Election and until the expiration of such ten days shall not be entitled to assume the duties of the office And on the tenth day after the day so appointed for the Election of the Mayor the persons enrolled as Citizens in each of the respective Wards of such Municipality shall elect such number of Auditors and shall also elect from the persons on the Roll of the Ward such number of Councillors for each Ward of the Municipality as shall by the proclamation creating such Municipality be provided : And the Mayor Councillors and Auditors so elected shall hold office until the first day of August next ensuing the day of the date of such Election.

X. This Ordinance shall be read and construed as part of and incorporated with the said Otago Municipal Corporations Ordinance 1865.

DUNEDIN, NEW ZEALAND :

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