

New Zealand.



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1902, No. 21.

Title.

AN ACT to consolidate and amend the Law relating to the Representation of the People in the House of Representatives.

[2nd October, 1902.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Electoral Act, 1902."

Interpretation.

2. In this Act, unless inconsistent with the context,—

"Booth" includes any house or building used for the purpose of taking the poll at an election:

"By-election" means any election for any district other than a general election:

- “Candidate” means any man who has been nominated as a candidate for a seat in the House of Representatives, and in Part V. hereof includes any man who has declared his intention of becoming a candidate :
- “Claim” or “claim to vote” means a claim by any person to have his name entered on a roll of electors for any district :
- “Claimant” means a person making such claim :
- “Clerk of the Writs” means the officer appointed to issue writs for the election of members of the House of Representatives :
- “Collector” means a Collector of Customs, and includes the principal officer of Customs at any port or place :
- “Commercial travellers” means persons permanently employed by wholesale merchants or traders as commercial travelling agents for the purpose of receiving orders, making collections, and the like :
- “Corrupt practice” means bribery, treating, undue influence, or personation, as defined by this Act, or as recognised by the common law or the statute law of New Zealand, and includes any other act declared by this Act to be a corrupt practice :
- “Day of nomination” means the last day appointed for receiving nomination-papers :
- “District” or “electoral district” means a district or division of the colony in respect of which a member or members are returned to serve in the House of Representatives :
- “Election” means an election of a member or members of the House of Representatives :
- “Elector” means any person whose name appears on any electoral roll who has a right to vote at any election :
- “Electric telegraph” means and includes any telegraph-line established under “The Electric Lines Act, 1884,” and any telegraph-line the property of the Government and worked by electricity under their control within the colony :
- “General election” means an election which takes place after a dissolution of the General Assembly, or at the expiration of the term for which members of the House of Representatives are elected :
- “Issue of writ” means the day on which the Registrar of any district receives a notification by letter or telegram that the Clerk of the Writs or person acting for him has signed a writ for an election for that district :
- “List” means a general or supplementary list of electors prepared pending the formation of the general or supplementary electoral roll :
- “Magistrate” means a Stipendiary Magistrate :
- “Maori” means an aboriginal inhabitant of New Zealand, and includes half-castes and their descendants by Natives :

- “Master” includes every person (except a pilot) having command or charge of any ship used in navigation :
- “Postmaster” means any person appointed to take charge of a post-office, and includes a Postmistress, and also the person for the time being executing the functions of a Postmaster :
- “Public defaulter” means any person convicted of wrongfully expending, using, or taking any moneys the property of the Crown, or of any local authority, or of any corporation represented by a local authority :
- “Public notice” or “public notification” means a notice printed in some newspaper published in the district (if any), and, at the discretion of the Returning Officer, also in some newspaper circulating in the electoral district intended to be affected by such notice :
- “Qualification” means a qualification under this Act :
- “Registered” means registered as an elector :
- “Registered elector” means an elector whose name is entered on an electoral roll :
- “Registrar” means any person appointed to that office under this Act :
- “Registration” or “time of registration” means the day on which the Registrar places the name of any person on any roll of electors :
- “Returning Officer” means a person appointed for any electoral district to conduct elections under this Act, and, in respect of any polling-booth for which a Deputy Returning Officer is appointed, means such Deputy Returning Officer :
- “Roll” or “electoral roll” means a general or supplementary roll of electors formed for an electoral district :
- “Seaman” includes every person who is engaged in any capacity on board any ship not propelled by oars, and registered or owned in New Zealand :
- “Shearer” means any person who, during the season of the year for shearing sheep in any locality, is *bona fide* employed by any owner of sheep in such locality for shearing his sheep, and includes any person exclusively engaged at shearing-time in mustering sheep for shearing or otherwise exclusively engaged in or about the shearing-shed :
- “Speaker” means Speaker of the House of Representatives :
- “Telegraph station” means any station appointed for the receipt and transmission of telegraph messages :
- “Telegraphic message” means any message or other communication transmitted or intended for transmission or purporting to have been transmitted by electric telegraph :
- “Writ” means a writ issued by the Clerk of the Writs directing a Returning Officer to proceed with the election of a member or members of the House of Representatives.

PART I

CONSTITUTION OF HOUSE.

3. (1.) It shall be lawful for the Governor from time to time, as occasion requires, by Proclamation in His Majesty's name, to summon and call together a House of Representatives in and for New Zealand, consisting of seventy-six members exclusive of Maori members.

Power to summon a House of Representatives.

(2.) Every such House of Representatives shall, unless the General Assembly is sooner dissolved, continue for a period of three years, computed from the day fixed for the return of the writs issued for choosing such House, and no longer.

4. (1.) The House of Representatives shall, immediately on its first meeting, proceed to the choice of one of its members as its Speaker during the continuance of the said House, which choice, on being confirmed by the Governor, shall be valid and effectual.

Election of Speaker.

(2.) In case of vacancy of the office of Speaker by death, resignation, or otherwise, then and so often as the same happens the choice shall be repeated and confirmed as aforesaid.

Representation Commissions.

5. (1.) In order to provide for the periodical readjustment of the representation of the people of New Zealand in the House of Representatives, there shall be two permanent Commissions, one for the North Island, to be called "The North Island Representation Commission," and one for the South Island (including Stewart Island), to be called "The South Island Representation Commission."

Two Representation Commissions.

(2.) Each of the said Commissions shall consist of five members, of whom,—

Members of each Commission.

The Surveyor-General and the Commissioners of Crown Lands for the Taranaki and the Auckland Land Districts respectively shall be three official members of the Commission for the North Island; and

The Commissioners of Crown Lands for the Westland, the Canterbury, and the Otago Land Districts respectively shall be three official members of the Commission for the South Island; and

The remaining two members of each Commission shall be such persons, not being members of the Civil Service or members of the General Assembly, as the House of Representatives from time to time nominates as unofficial members of the Commission.

6. Within three months after the results of any periodical census are ascertained and reported to the said Commissions, which report the Registrar-General is hereby required to make as early as possible, it shall be the duty of the Commissions to divide the colony into electoral districts for the apportionment of the representation of the people of New Zealand in the House of Representatives, according to the following basis, that is to say:—

After each census colony to be divided into electorates.

- (1.) In computing for the purposes of this Act the population of the colony, there shall be added twenty-eight per centum to the population not contained in any city or borough which contains a population of over two thousand: Provided that such addition shall not be made to the population contained in any area within five miles of the chief post-office of Christchurch City, Dunedin City, Auckland City, Wellington City:
- (2.) The total population of the colony (other than Maoris), with the addition aforesaid, shall be divided by the number of members, and the quotient thus obtained shall be the quota:
- (3.) There shall be four city electoral districts, to be called respectively Auckland, Wellington, Christchurch, and Dunedin, and to be so defined as to contain the whole or, if there is a greater population than is required, a part of such cities respectively; and there shall be assigned to each of them three members:
- (4.) The extent of each of the said city electoral districts shall respectively be such that the population thereof, subject to the provisions as to allowance hereinafter specified, is three times the quota:
- (5.) In order to make up any city electoral district where the city itself does not include a sufficient population, there may be included with the city such boroughs and town districts, or parts thereof respectively, as, in the opinion of the Commissions, can be most conveniently included with the same; and if there is not sufficient population within such boroughs and town districts, then there may be included such areas of the adjacent or surrounding country as can, in the opinion of the Commissions, be most conveniently included:
- (6.) The remainder of the colony shall be divided into as many districts as there are other members (not Maori members) to be returned:
- (7.) The extent of such last-mentioned electoral districts shall respectively be such that one member shall be assigned to each district, and that at the time of making such division the population thereof, after making the addition aforesaid, shall, subject to the provisions as to the allowance hereinafter contained, be equal to the quota:
- (8.) In forming the several districts due consideration shall be given to the present boundaries of electoral districts, to community of interest, facilities of communication, and topographical features.

Adjustment of
quota.

7. Where, in the opinion of either of the Commissions, districts cannot be formed consistently with the above considerations so as to contain exactly the quota or a multiple thereof as the case requires, the Commissions may for each member to be elected make an allowance by way of addition or deduction of population to the extent of five hundred and fifty:

Provided that the Commissions shall not make any such addition to or deduction from any city electoral district, or to or from any

other district wholly composed of population to which the addition of twenty-eight per centum has not been made, of more than one hundred :

Provided also that, in the case of a district which, being a city electoral district or a district adjoining a city electoral district, is partly composed of such population, the addition or deduction shall not be greater than a number which will bear the same ratio to five hundred and fifty that the population to which the addition of twenty-eight per centum has been made within such district after such addition is made bears to the quota.

8. The report of the Registrar-General of the results of the census last taken before the Commissions made any such division shall be sufficient evidence as to the population of the colony, or of any district ; but the Commissions may, in allowing the margin of five hundred and fifty hereinbefore mentioned, take into consideration—

Considerations for Commissions in making adjustment.

- (1.) The proportion which the number of adult inhabitants of the district, other than Maoris, bears to the entire population, other than Maoris, of the district ; and
- (2.) The locality of the district, and the facility or otherwise of access thereto : Provided that in making any addition or deduction of population the Commissions shall make such adjustment, as far as practicable, so as to diminish the area of the country rather than that of the suburban constituencies.

9. (1.) The Commissions shall sit together as a joint Commission for the purpose of fixing, in the manner and according to the basis aforesaid, the number of the districts for the North Island and for the South Island (including Stewart Island) respectively ; but shall thereafter act separately and independently of one another, the duties and functions of the Commission for the North Island being confined to that Island, and those of the Commission for the South Island being confined to the South Island (including Stewart Island).

Commissions to fix number of districts jointly, then to act separately.

(2.) The Governor may fix the time and place for the aforesaid joint sitting of the Commissions, and prescribe the method of procedure thereat ; and the Commissions shall, when directed by the Governor, and within such time as he determines, do all such acts and things as are necessary to carry out the provisions of sections six to nine hereof.

Joint sitting of Commissions.

10. When either of the Commissions proposes to alter an existing electoral district, due notice of the proposed boundaries, or an approximation thereto, shall be given in the *Gazette*, and objections in writing may be lodged with the Commission making the proposed alteration against such proposed boundaries, and such Commission shall duly consider any objections so lodged before coming to a final determination.

Notice of intention to alter existing boundaries.

11. (1.) The Commissions shall in every case report the names and boundaries of the electoral districts fixed by them to the Governor, who shall proclaim the same in the *Gazette* ; and such report shall have the force of law from the date of such Proclamation, but shall not come into effect until the expiry of the then existing Parliament.

Report of Commissions to be proclaimed by Governor, and thereupon to have force of law.

(2.) A copy of every such report, together with properly authenticated maps of the electoral districts fixed by such report, shall, within ten days of the receipt thereof, be presented by the Governor to the House of Representatives, if in session, and, if not, within ten days after the commencement of its next meeting.

New electoral districts to come into existence on dissolution of existing Parliament.

(3.) Upon the taking effect of any report as aforesaid, the electoral districts therein set forth, and the boundaries thereof respectively, shall be the electoral districts of the colony for the purpose of the election of the members of the House of Representatives after the dissolution or expiration of the then existing Parliament, and shall so continue until the succeeding report of the Commissions takes effect, or Parliament otherwise enacts.

Maps of districts to be prepared by Colonial Secretary.

(4.) The Colonial Secretary shall forthwith, after every report of the Commissions is proclaimed, cause to be deposited in the office of the Clerk of the said House properly authenticated maps of the electoral districts fixed by such report.

Proceedings of Commissions.

12. (1.) In each Commission any three of the members thereof shall form a quorum, and may exercise all functions vested in that Commission.

(2.) The Commissions may make such rules for the conduct of their business, not inconsistent with the provisions of this Act, as they think fit.

(3.) Any unofficial member of the Commissions may resign his appointment in writing under his hand addressed to the Governor, in which case, or in case of any such member becoming bankrupt, or being convicted of any indictable offence, or of his refusing to act, or of his death or mental or physical incapacity, or absence from the colony when his services are required, the Governor in Council may, if the House of Representatives is not in session at the time, appoint another person in his stead; and every appointment so made shall be notified to the House of Representatives as early as possible after the making thereof.

Commissioner not eligible as member of General Assembly.

13. An unofficial member of either of the Commissions shall not, within two years after he ceases to be a member, be capable of being appointed or elected a member of either House of the General Assembly.

Qualification of Members.

Registered male elector qualified as a member.

14. Subject to the provisions of this Act, every male person registered as an elector, but no other person, is qualified to be a candidate and to be elected a member of the House of Representatives for any electoral district:

Provided that a person shall not be so elected—

- (1.) Who is disqualified as an elector under any of the provisions of this Act; or
- (2.) Who, being a bankrupt within the meaning of "The Bankruptcy Act, 1892," has not obtained an order of discharge under that Act; or
- (3.) Who is a member of the Legislative Council; or
- (4.) Who is a contractor, or a Civil servant.

Definition of "Contractor."

15. For the purposes of the last preceding section—

"Contractor" means a person who, either by himself, or directly or indirectly by or with others, but not as a

member of a company or any incorporated body, is interested in the execution or enjoyment of any contract or agreement entered into with His Majesty, or with any officer or department of the General Government, or with any person for or on account of the public service of New Zealand, under which any public money above the sum of fifty pounds is payable directly or indirectly to such person in any one financial year; but

It does not include or extend to any of the persons or contracts hereinafter mentioned:—

(1.) Any person on whom the completion of any contract or agreement devolves by marriage, or as devisee, legatee, executor, or administrator, until twelve months after he has been in possession of the same: Saving in respect of contractors.

(2.) Any sale, purchase, or agreement for taking of land, or of or for any estate, interest, or easement therein, under any law or statute empowering the King or the Governor, or any person on his behalf, to take, purchase, or acquire any lands or any estate, interest, or easement therein for any public works, or for any other public purpose:

(3.) Contracts for the loan of money, or securities given for the payment of money only:

(4.) Contracts for advertising by which a sum exceeding fifty pounds is payable, if the contract is entered into after public tender:

“Civil servant” means any person in the Civil Service of the colony, or any person holding any office, permanent or temporary, under or from or at the appointment or nomination of the Crown or Governor of New Zealand by virtue of his office, or at or by the nomination or appointment of any officer of the Government of the Colony of New Zealand by virtue of his office, to which any salary is attached and paid out of money appropriated by Parliament. It does not include— Definition of “Civil servant.”

(1.) The persons who are members of the Executive Council; nor

(2.) The Speaker or Chairman of Committees of the House of Representatives; nor

(3.) Officers in His Majesty’s army or navy, or of Militia or Volunteers (except officers of the said Militia and Volunteers receiving annual or permanent salaries); nor

(4.) Any persons as members only of any Senate or Council of any university; nor

(5.) Members of a Royal Commission; provided that, in the case of members of the House of Representatives appointed as Commissioners, there shall be paid an allowance for travelling-expenses not exceeding twenty shillings a day, in addition to money paid for coach, railway, steamship, or other passenger fare.

16. Every member of the House of Representatives who sits or votes therein being disqualified under subsections three or four of Penalty for sitting when disqualified.

section fourteen hereof shall cease to be a member of the House; and, if he offends knowingly and wilfully, is liable to a fine not exceeding fifty pounds for every day he sits or votes in the House of Representatives.

Where name removed from roll without cause.

17. Any person duly qualified as an elector, and who has been registered on any electoral roll, but whose name has become removed from such roll through no fault of his own, shall not, by reason only of not being registered as an elector, be disqualified from becoming a candidate and being elected for any electoral district; but in every such case he shall send to the Returning Officer, at the time when he sends his consent to be nominated, a statutory declaration to the effect that he is not disqualified as an elector for the district in respect whereof he was previously registered under the provisions of this Act or any other Act, that he still retains such qualification, and that his name has been removed from the roll of the aforesaid district through no fault of his own.

Member ceasing to be elector not disqualified from sitting.

18. Any member of the House of Representatives ceasing to be on the register as an elector shall not from that cause only be disqualified from sitting as a member.

Members disqualified from being Civil servants.

19. (1.) A member of the House of Representatives shall not, within twelve months after he ceases to be a member of the House, be capable of being appointed a Civil servant; and if he is so appointed he shall be subject to a fine of fifty pounds for every day he remains a Civil servant.

(2.) Nothing herein shall apply to any person, being at the time Attorney-General of the colony, accepting the office of Judge of the Supreme Court, or any person accepting the office of Agent-General of the colony.

Penalty, how to be recovered.

20. Any fine prescribed by sections sixteen and nineteen hereof may be sued for by any person in any Court of competent jurisdiction, provided that proceedings be taken for the recovery thereof within twelve months after such fine has been incurred.

Vacancies.

How vacancies may be created.

21. The seat of any member of the House of Representatives shall become vacant—

- (1.) If for one whole session of the General Assembly he fails, without permission of the House, to give his attendance in the House;
- (2.) If he takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign Prince or Power;
- (3.) If he does or concurs in or adopts any act whereby he may become a subject or citizen of any foreign State or Power, or is entitled to the rights, privileges, or immunities of a subject of any foreign State or Power;
- (4.) If he is a bankrupt within the meaning of the laws relating to bankruptcy;
- (5.) If he is a public defaulter, or is attainted of treason, or is convicted of any crime punishable by imprisonment with hard labour for any term not less than two years, or is convicted of a corrupt practice in reference to any election;

- (6.) If he resigns his seat by writing under his hand addressed and delivered to the Speaker of the House, or, if there is no Speaker or he is absent from the colony, or if the resigning member is the Speaker, to the Governor ;
- (7.) If on an election petition the Election Court declares his election void ;
- (8.) If he dies ; or
- (9.) If he is a lunatic, as provided by the next succeeding section.

22. (1.) Where a member is received or detained in any asylum or other place as a lunatic under any Act in force relating to lunatics, the Court or person upon whose order, and every medical practitioner upon whose certificate, such member was so received or detained, and the superintendent or other person having the charge of the asylum or other place as aforesaid, shall, as soon as may be, certify such reception or detention to the Speaker. Where member becomes of unsound mind.

(2.) The Speaker shall forthwith transmit such certificates to the Inspector-General of Asylums, who, together with some medical practitioner specified by the Speaker, shall without delay visit and examine the member to whom the certificates relate, and shall report to the Speaker whether he is of unsound mind.

(3.) If the report is to the effect that he is of unsound mind, the Speaker shall, at the expiration of six months from the date of the report, if Parliament is then sitting, and, if not, then as soon as may be after the next sitting thereof, require the said Inspector-General, together with the said medical practitioner or some other medical practitioner specified by the Speaker, again to visit and examine the member ; and if they report that he is still of unsound mind the Speaker shall forthwith lay both reports on the table of the House of Representatives, and thereupon the seat of the member shall be vacant.

(4.) Every medical practitioner, or superintendent or person having charge of an asylum or other place where any such member is received or detained, who wilfully commits a breach of this section is liable to a fine not exceeding one hundred pounds, to be recoverable, with costs, in the Supreme Court at the suit of any person.

23. (1.) The Registrar or Clerk of any Court in which any member has been adjudged a bankrupt, or has been declared to be a public defaulter, or been attainted of treason, or convicted of any crime as aforesaid or of a corrupt practice, shall, within forty-eight hours after such adjudication, declaration, attainder, or conviction, notify the fact to the Speaker, or, if there is no Speaker in the colony, then to the Governor. Registrar to notify reason for vacancy in certain cases.

(2.) Every Registrar or Clerk who fails to send such notification commits an offence, and is liable to a fine not exceeding five pounds for every day he neglects to send such notification.

24. (1.) The Registrar of Births and Deaths by whom the death of any member of the House of Representatives is registered shall, within twelve hours of making such registration, in manner provided by section one hundred and fifty-four hereof, notify the fact by telegraph to the Speaker, or if there is no Speaker, or if the Speaker is absent from the colony, then to the Governor. Registrar of Births and Deaths to notify the Speaker of House of death of member.

(2.) Every Registrar who neglects so to do is liable to a fine of five pounds for every day or part of a day after the expiry of the said period of twelve hours during which he neglects to forward such notice.

No member to be elected for another district.

25. Except at a general election a member for one district shall not be capable of being elected to supply a vacancy in any other district; and, in the event of his being returned, with his consent, for one district while he is member for any other, the seats for both shall thereupon become vacant.

PART II.

PRELIMINARY TO THE ELECTION.

Qualification of Electors.

Qualification, male or female.

26. (1.) The members of the House of Representatives shall be chosen in every electoral district by the votes of the inhabitants of New Zealand who possess within the district the following qualification, that is to say,—

(a.) Every adult person who has resided for one year in the colony, and in the electoral district for which he claims to vote during the three months immediately preceding his registration on the roll of the district, and who is a British subject either by birth or naturalisation, or a half-caste, is entitled (subject to the provisions of this Act) to be registered as an elector and to vote at the election of members for that district for the House of Representatives.

(b.) Every person who on the passing of this Act is lawfully on the roll of the district, so long as he retains the qualification in respect of which his name was placed on the roll, is entitled to be registered and to vote as aforesaid: Provided that his qualification (if a property qualification) shall be specified on the roll.

(2.) For all purposes of this Act a person shall be deemed to have resided within the district wherein he has his usual place of abode notwithstanding his occasional absence from such district, and notwithstanding his absence for any period while serving His Majesty as a member of any naval or military force, or in any capacity in connection with such force while on active service.

27. A person shall not be entitled to be registered on more than one electoral roll within the colony.

28. (1.) Maoris shall be qualified only to vote at elections of Maori members, as provided in Part IV. of this Act.

(2.) Any male or female half-caste who is registered under this Part of this Act shall not be qualified to vote at any election of Maori members.

(3.) Every claim and declaration to be made by a male or female half-caste to be registered under this Part of this Act shall be made in manner specified in section thirty-five hereof.

No person to be registered in more than one district. Maoris only qualified to vote under Part IV. Exemption as to half-castes.

Aliens, public offenders, and defaulters disqualified.

29. (1.) An alien, lunatic, or person of unsound mind, or a person attainted or convicted of treason, or of an offence punishable by imprisonment for one year or upwards within any part of His

Majesty's dominions, or convicted within the colony as a public defaulter, or under "The Police Offences Act, 1884," as an idle and disorderly person or as a rogue and vagabond, unless such person has received a free pardon, or has undergone the sentence or punishment to which he was adjudged for such offence, shall not be entitled to be registered.

(2.) The name of every person disqualified as aforesaid shall be erased from every electoral roll.

Registration of Electors.

30. (1.) The Governor may from time to time—

- (a.) Appoint such Registrars, Returning Officers, clerks, and other officers as are required to carry the provisions of this Act into execution; and
- (b.) Nominate as many fit persons as he deems necessary to act as Deputy Registrars in assistance of the Registrars; and
- (c.) Appoint a substitute to any Registrar or Returning Officer to act in the case of the sickness or absence of any such officer.

Appointment of officers.

(2.) Every substitute while so acting shall have all the duties, powers, and authorities of the officer for whom he is acting.

(3.) Every duty which a Registrar may perform may be performed by the Deputy Registrar in any part of the district under the direction of the Registrar.

(4.) The several offices of Registrar and Returning Officer may be held and exercised by one and the same person at the same time.

(5.) Except as hereinafter provided in the case of an equality of votes the Returning Officer shall not vote at any election.

(6.) Every person appointed under this section shall hold office during the Governor's pleasure.

(7.) Such salaries shall be paid to the several persons appointed or holding office under this section as are from time to time appropriated for that purpose by Parliament.

Salaries.

Claims to Vote.

31. Every person not disqualified by some provision hereof, and who is qualified to be registered as an elector for any district, shall (subject to the provisions of this Act) be entitled to have his name inserted and retained upon a roll to be made hereunder for that district; and, unless his name is already on the roll, shall for that purpose deliver or send by post to the Registrar of the district a claim and declaration in the form numbered (1) in the First Schedule hereto.

Persons entitled to be registered.

32. Where a person whose name is on the roll of any district has removed therefrom and resided in another district for one month he may have his name transferred to the electoral roll in the district to which he has removed, for which purpose he shall deliver or send by post to the Registrar thereof a claim or declaration in the form numbered (2) in the First Schedule hereto.

Form of claim and declaration.

Claim for transfer to another district on change of residence.

33. Every Registrar who inserts the name of any person on the roll in respect of any claim made under the last preceding section shall indorse on such claim the words "Registered in the Electoral District of [Name of district]," and shall sign and date the

Proceedings for cancelling previous registration on change of registration.

claim and file it in his office, and forthwith transmit a copy thereof to the Registrar of the district where the claimant was previously registered, who shall forthwith erase the name of that person from the roll of such last-mentioned district, and append his initials to the erasure, and, having indorsed the copy of the claim with a note of such erasure, shall file it in his office.

Absence only not to be deemed removal.

34. (1.) A person who is registered in any district shall not be deemed to have left the district and forfeited his qualification therein by reason only of absence from the district, unless he is registered in any other district.

(2.) But no such person as aforesaid shall be entitled to vote at any election for the district in which he is registered unless at some time within the six months immediately previous to the election he has been actually and *bona fide* resident therein for not less than six days either separately or continuously.

(3.) After the name of any person is inserted on the roll of any district, if he removes his residence from one part to another of the same district he shall not be deemed, by reason only of such change of residence, to be dispossessed of the qualification which he had for the district in respect of which he is so registered.

Claims, &c, to be signed with names in full, and particulars of claim.

35. (1.) Every person making any claim, application, or declaration under this Act shall sign the same with his name in full, together with his place of abode, in the presence of the Registrar or Deputy Registrar of the district, or a Justice, or Postmaster, or an elector of the district, and transmit such claim as aforesaid to the Registrar.

(2.) The locality of residence in respect of which registration is claimed shall be specified in such manner as to enable it to be easily and clearly identified.

Marksmen.

(3.) The claim, application, or declaration shall be signed by the claimant, applicant, or declarant with his own hand, or, if he cannot write, his mark shall be attested by a Justice, Postmaster, or Registrar.

(4.) The Registrar shall reject as informal every such document which is not complete in all particulars and duly signed as herein required.

Registrar to inquire into claims.

36. (1.) If the Registrar is satisfied that any claim for enrolment is valid he shall forthwith place the name of the claimant on the roll.

(2.) If the Registrar is not satisfied of the validity of any claim for enrolment, it shall be his duty, within the five days following the receipt of the claim, to make inquiries as to the truth of the particulars therein stated.

(3.) If within the said five days he satisfies himself that the particulars stated in the claim are true he shall thereupon place the name of the claimant on the roll; otherwise he shall, within the said five days, cause notice in writing to be given to the claimant setting forth the particulars of which proof is required.

(4.) If within twenty-one days after proof is required as aforesaid the claimant fails to satisfy the Registrar that his claim is valid, and does not withdraw his claim, the Registrar shall as soon as conveniently may be thereafter apply to a Magistrate or a Justice for

a summons, who shall forthwith issue a summons in the form numbered (3) in the First Schedule hereto.

37. (1.) If at the time and place specified in the summons the Registrar fails to appear, the case shall be dismissed, and the Registrar shall forthwith place the name of the claimant on the roll.

If Registrar absent, name to be placed on roll.

(2.) If the claimant fails to appear, the Magistrate shall make an order that the name of the claimant shall not be placed on the roll, and the Registrar shall act accordingly.

If claimant absent, name not to be placed on roll.

(3.) If both Registrar and claimant appear, the claimant shall be required to prove the particulars of which proof was required by the Registrar.

Onus of proof on claimant.

(4.) If the claimant does so to the satisfaction of the Magistrate, an order shall be made directing the Registrar to place the name of the claimant on the roll, and such name shall be placed on the roll accordingly.

(5.) If he fails to do so, an order shall be made directing the Registrar not to place the claimant's name on the roll.

38. The Registrar shall, as soon as may be convenient, notify all persons whose claims are sent in after the printing of the general roll that they have been duly enrolled.

Registrar to notify persons enrolled after general roll printed.

39. (1.) Every Registrar of Births and Deaths shall, during the first twenty-one days of the month of January in every year, furnish to the Registrar of every electoral district any part whereof is comprised in the registry district for which he is such Registrar of Births and Deaths a correct list of all deaths of adult persons registered by him during the twelve months ended on the thirty-first day of December then last past, stating in such list the residence, occupation, and age at the time of death of each person returned on such list.

Registrars to be furnished with lists of deaths annually.

(2.) The Registrar of every such electoral district shall place the word "Dead" against the name of every person on the roll who is named on any such list of deaths, and shall remove the name of every such person from the roll.

40. (1.) It shall be the duty of every Registrar to make the rolls as complete as possible, and with that object from time to time to place thereon, or add thereto, the name of every person of whose qualification as an elector he is satisfied; and it shall further be his duty to assure himself of the right of every person to have his name retained upon the roll.

Registrar to see that rolls are complete.

(2.) All members of the Police Force, Postmasters, Clerks of Court, and Registrars of Pensions are hereby enjoined, at the request of the Registrar, to assist him by informing him of the name of any person who they have reason to believe is qualified to be enrolled but is not enrolled, or is enrolled but is not qualified to be enrolled.

(3.) All members of the Police Force are also enjoined to assist the Registrar by making inquiries, collecting information, and otherwise as he requests.

(4.) In every case where a Registrar fails to enrol any person making application for enrolment, he shall, unless there is some valid objection to such application, be liable to a fine not exceeding ten pounds.

Penalty where Registrar fails to enrol applicant.

Objections.

Name may be objected to.

41. (1.) The Registrar may object to the name of any person being retained on the roll by giving notice in writing to the person objected to, setting forth the objection and the grounds thereof, in the form numbered (4) in the First Schedule hereto.

Notice of objection.

(2.) Any elector may object to the name of any person being retained on the electoral roll of any district by giving notice in writing to the Registrar, in the form numbered (5) in the First Schedule hereto, setting forth the objection and grounds thereof; and if the Registrar considers the objection reasonable he shall forthwith give notice in writing to the person objected to, setting forth the objection and the grounds thereof.

If objection be on account of crime, particulars to be stated.

(3.) If such objection is that the person objected to has been convicted of any of the offences mentioned in section twenty-nine hereof, the objector shall specify in his notice of objection the Court and approximate date at which the conviction was had, and if not so specified the objection shall not be entertained.

(4.) The Registrar, upon receiving a copy of any such last-mentioned objection, shall inquire into the truth of such conviction from the Registrar or Clerk of the Court where the person objected to is stated to have been convicted, who shall either contradict the statement or furnish to the first-mentioned Registrar a certificate under the seal of the Court of such conviction, which shall be sufficient warrant to him to erase from the electoral roll the name of the person so certified to have been convicted.

If person objected to does not cause his name to be erased from roll, summons to be issued.

(5.) If the person objected to does not, within fifteen days after the service of such notice, cause his name to be removed from the roll, or satisfy the Registrar that he is entitled to have his name retained on the roll, the Registrar may apply to a Magistrate or a Justice for a summons, who shall forthwith issue a summons in the form numbered (6) in the First Schedule hereto.

(6.) If at the time and place appointed for the hearing the Registrar fails to appear, the case shall be dismissed.

(7.) If the person objected to fails to appear, the Magistrate shall make an order that such person's name shall be struck off the roll.

Person objected to to prove claim to have name retained.

(8.) If both Registrar and person objected to appear, the person objected to shall be required to prove his claim to have his name retained on the roll, and the case shall be heard and determined by the Magistrate, and the roll amended if necessary according to such determination.

(9.) No grounds of objection shall be entertained except such as are specifically set forth in the summons.

Limit of objections.

42. No notice of objection to the name of any person on the roll of any district shall be entertained which is not served upon the person objected to in sufficient time to admit of such objection being determined by a Magistrate before the issue of a writ for an election in such district; and the name of the person so objected to shall not be removed from the roll, notwithstanding such objection, until the objection has been so determined.

Revision Court.

43. (1.) No sitting of a Magistrate's Court shall be held for the revision of any roll for any district, or for hearing objections to any name thereon, after the issue of a writ for the election of a member for such district, until the completion of the said election; but

Revision Court not to sit after issue of writ.

(2.) Where an election is to be held in a district, the Magistrate may hold a special sitting of such Court, within any period not later than four days after the issue of a writ for such election, for the purpose only of hearing and inquiring into the validity of any new claims for registration received by the Registrar within the fifteen days immediately prior to the issue of the said writ, but for no other purpose.

Special Court after writ issued for deciding new claims to vote.

(3.) If any such claims are proved, the Magistrate shall order the Registrar to place the names of such claimants, in consecutive order as their claims are respectively decided, upon an extra supplementary roll for the district, and not upon the general roll of the district, and such extra roll shall be printed forthwith as a roll separate from the general or ordinary supplementary roll, but shall be deemed to form part of such general roll.

44. The Registrar, or, if he is unavoidably prevented, some person on his behalf, shall attend the Court and produce to the Court all books, lists, papers, and documents connected with his office which are in the custody of the Registrar, or under his control, and relating to any case to be heard before the Court.

Registrar to attend Court and produce books and documents.

45. The Magistrate shall have the same power of summoning and compelling the attendance of witnesses and examining them on oath, and of compelling the production of documents, and of punishing persons summoned for non attendance or for refusing to give evidence or to produce documents, and the same means of enforcing the observance of order and of punishing for contempt, as is possessed by a Magistrate's Court.

Power to compel attendance.

46. (1.) Any summons issued under section thirty-six or forty-one hereof may be served by the Bailiff of the Court or his assistant, or by any other person the Magistrate or Justice directs.

Service of summons

(2.) The summons may be served by delivering the same to the person to whom it is addressed, or by leaving the same at his place of residence as stated on the roll, or by sending the same by registered letter through the post, as hereinafter mentioned in section two hundred and eighteen hereof.

(3.) If any person upon whom a summons is required to be served is unknown, or cannot after due inquiry be found, the summons may be sent to him by a registered "electoral notice-letter" through the post, as hereinafter mentioned in the said section.

(4.) The service of the summons may be proved by oath at the hearing, or by affidavit made before a solicitor of the Supreme Court or the Clerk of any Magistrate's Court or a Justice, or by producing the post-office receipt for a registered letter addressed to the person upon whom the summons is to be served.

Proof of service.

47. In any such proceedings before a Magistrate the Registrar or the person objected to may appear and act personally, or, in the case of a person objected to, by an agent appointed in writing by him, or by a barrister or solicitor of the Supreme Court.

Parties may appear by counsel or agent.

Adjournments.

48. (1.) A Magistrate holding any Court under this Act in any electoral district may adjourn the same from time to time, by advertisement or otherwise, in manner as he thinks sufficiently public.

Postponements.

(2.) If from any cause the Magistrate is not present at the time and place appointed for holding any Court under this Act, nor within two hours after such time, the holding of such Court shall be deemed to be postponed to the same hour on the following day as the hour originally appointed, and so from day to day, not exceeding three days in any case; but

(3.) No such adjourned Court shall be held after the issue of a writ for an election in such district until the completion of such election.

Name of person objected to may be removed by consent without costs.

49. The Magistrate may, at any time before the hearing of objections, erase from the roll the name of any person thereon who, by writing under his hand attested before a Justice, or Postmaster, or elector of the district, has given previous notice to the Registrar, or states to the Magistrate in Court, that he consents to his name being so removed; and no costs shall be made against such person in respect of any act or thing done in the matter of the objection after such notice given or statement made.

Magistrate to correct roll and expunge all inaccurate or informal names.

50. (1.) The Magistrate shall, upon the *ex parte* application of the Registrar, or any other person, direct the Registrar to correct any mistake proved to the Court to have been made in any roll, and to insert in the electoral roll the name of any person who proves his claim to be enrolled thereon, or to expunge therefrom—

(a.) Every name proved to him to be fictitious; and also

(b.) The name of every person objected to and who is proved to the satisfaction of the Magistrate to be included in the electoral roll of any other district; and also

(c.) The name of every person objected to and who has lost his qualification, or whose qualification as stated in such roll is insufficient to entitle such person to vote; and also

(d.) The name of every person who is included in any such roll wherever his name or place of abode is, in the judgment of the Magistrate, insufficiently described for the purpose of being identified.

(2.) The Magistrate may direct the description of any qualification as it appears in the roll to be changed in so far as is necessary for the purpose of more clearly or accurately defining the same.

(3.) Notwithstanding anything herein, the Magistrate may, if he thinks fit, postpone the dealing with any such *ex parte* application as aforesaid until notice of the application has been given to the person affected thereby.

Amendment of Rolls.

Registrar to remove names in case of death, or on request, or for disqualification.

51. (1.) The Registrar shall at any time, except during the interval between the day of the issue of a writ and the completion of an election in the district, expunge from any roll of the district—

(a.) The name of every person who requests in writing that his name shall be removed therefrom; and

- (b.) The name of every person appearing on the annual list of deaths supplied to the Registrar by any Registrar of Births and Deaths of whose identity he is satisfied; and
- (c.) The name of every person whose name appears on the illegal and corrupt practices list (if any) made out as hereinafter provided; and
- (d.) The name of every person whose conviction of any offence mentioned in section twenty-nine hereof is duly certified to him; and
- (e.) The name of every person whose registration in any other district is notified to him by the Registrar thereof; and
- (f.) The name of every person who, not being a candidate at a general election occurring in the district at which a poll was taken, and not being prohibited by law from voting at such election, appears, from the certified electoral roll transmitted by the Returning Officer of the district as hereinafter mentioned, not to have voted at such election.

(2.) Notwithstanding anything in this Act, the Registrar, on being satisfied that the name of any person has been omitted or expunged from any roll by mistake or clerical error, or through false information, may restore the name of such person to the roll at any time and after the issue of a writ, but not later than ten clear days before the day appointed in the writ for the poll to be taken.

52. (1.) The Registrar shall at any time expunge from any roll of the district the name of every person enrolled thereon who is proved to the satisfaction of the Registrar to have left that district; and it shall not be necessary to summon to Court any person whose name is so expunged.

Registrar to remove names in case of removal from district.

(2.) But no name shall be removed as last mentioned until the expiration of six months after the time or the approximate time when such person is proved to have left the district, or until after the return by the Post Office of a registered electoral notice-letter as mentioned in section two hundred and eighteen hereof, addressed to such person in the district, unless the retention on the roll of the name of the said person is objected to and such objection is sustained, in which case the Registrar shall remove such name forthwith.

53. The name of any person on the roll who is absent from the colony for more than twelve months at any one time, although not objected to, shall, by reason of such absence, be expunged from the roll; but on the return of such person to the colony he shall, on application to the Registrar, be entitled to have his name entered forthwith on the aforesaid roll if still possessed of the qualification in respect whereof he was previously registered on such roll.

Absentees' names to be removed if absence exceeds one year.

54. (1.) Where a person's name has been expunged or erased from the roll of a district, whether under the last preceding section by reason of absence from the colony, or under section one hundred and forty-one hereof by reason of not having voted, his residence in a district shall not be deemed to be interrupted by absence therefrom in either of the cases following, that is to say,—

When residence in district not deemed interrupted by certain absences from colony.

(a.) In the case of a person who is absent from the colony on public business; or

(b.) In the case of a person who is absent from the colony otherwise than on public business, provided that the total period of such absence does not exceed three years from the date on which his name was expunged or erased as aforesaid, and that during such period he has not permanently left the colony and permanently established his residence elsewhere than in the colony.

Such persons entitled to be registered on roll.

(2.) Any such person shall, while absent from the colony as aforesaid, or at any time within three months after his return to the colony from such absence, be entitled to be registered on the roll of the district in which he possessed a qualification at the time when his name was expunged or erased as aforesaid.

Procedure for altering name of woman who marries.

55. In any case where a woman whose name is on the roll subsequently marries, and thereby changes her name, the following provisions shall apply :—

(1.) On receipt of an application by her in the form numbered (7) in the First Schedule hereto, the Registrar, if satisfied of the validity of the application, shall at any time before the issue of the writ (but not later) erase the name then on the roll, and in lieu thereof insert in its alphabetical order the applicant's married name.

(2.) If for any reason such application is either not made or not complied with at or before the issue of the writ, then she shall be entitled to vote in right of her former name as appearing on the roll.

Corrections to be initialled by Registrar.

56. The Registrar shall write his initials against the names expunged, and against any part of the roll in which any mistake is corrected, or any omission supplied, or any insertion made by him.

Names to be removed by erasure in red ink.

57. A name shall be deemed to be removed from the roll when a line in red ink is drawn through the same and a note made opposite thereto stating the ground of removal, initialled by the Registrar.

After issue of writ no names may be added or removed by Registrar or Court.

58. (1.) Except as provided in sections forty-three and fifty-one hereof, and notwithstanding anything in this Act, it shall not be lawful for any Registrar, either by virtue of any authority conferred upon him by this Act or by direction of a Magistrate, to insert on or to remove from the roll of any electoral district the name of any person after the day of the issue of a writ for the election of a member for the said district, until the completion of the said election.

(2.) Every Registrar who offends against the provisions of this section is liable to a fine not exceeding twenty pounds for every name added to or removed from the roll in breach of those provisions.

Names struck off to be publicly exhibited.

59. The names of electors struck off the roll shall be publicly exhibited on a board outside the Registrar's office, and maintained there for a period of at least one month from the time of their being struck off.

Where name struck off or added on redistribution of electoral districts.

60. Any Registrar who strikes off the name of any elector or places the name of any elector on any roll in consequence of the redistribution of electorates shall, as soon as convenient, give notice

of his having done so to the Registrars of adjoining electoral districts.

61. Registrars shall be exempt from the payment of any Court fees in respect of any proceedings under this Act, and are authorised to send registered letters free of charge, in conformity with instructions to be issued by the Postmaster-General.

Registrars exempt from Court fees, &c

The Electoral Roll.

62. The Registrar shall cause the names on the general roll of the district to be printed according to the form numbered (8) in the First Schedule hereto, with the names placed therein in alphabetical order of surnames, and numbered consecutively, commencing with number one; and shall sign a sufficient number of such rolls for record and for the use of the Returning Officers within such district.

Roll to be printed alphabetically and numbered consecutively.

63. After the first formation of a general roll, names shall be numbered on the supplementary roll or rolls consecutively, in alphabetical order, commencing with the number immediately following the number affixed to the last preceding name on the roll, whether a general or a supplementary roll.

Supplementary roll.

64. Each printed roll so formed, added to, or altered from time to time as aforesaid, and signed by the Registrar, shall for the time being be the electoral roll for the district, and be called, according to the tenor thereof, the "general roll" or the "supplementary roll" for the district.

The legal rolls for the district.

65. The several persons whose names are on the rolls last aforesaid for any district, and no other person, shall be entitled to vote at any election of a member of the House of Representatives for that district.

Persons on legal roll only entitled to vote.

66. At any time after the first roll of a district is formed as hereinbefore provided, where not less than one hundred names are added to any roll, a new roll shall be formed by inserting therein the additional names in alphabetical order, and may be reprinted; and thereafter the general roll may be reprinted every year with the additional names inserted therein as aforesaid; but it shall be lawful at any time, instead of reprinting the general roll, to print a supplementary roll thereto according to the form aforesaid.

Periodical reprints with additional names.

67. A supplementary roll shall be printed immediately previous to a general election occurring in the interval between the taking-effect of any two consecutive reports of the Representation Commission, or when a vacancy occurs in the representation of any district; and an extra supplementary roll, formed under section forty-three hereof, shall be printed as soon as possible after the issue of the writ for the election.

Supplementary roll to be printed prior to election.

68. (1.) The roll of every district shall be kept in duplicate at some convenient office within the district, to be from time to time fixed by the Colonial Secretary.

Custody of roll.

(2.) Notice of the situation of such office, and of every change thereof, shall be given by the Registrar by advertisement in such newspaper circulating in the district as he deems best adapted to give full publicity to the same; and the name of the district,

Place of custody to be advertised.

and a notice that the roll of such district is kept there, shall be painted or affixed outside the office in a conspicuous place, in letters easily legible.

Roll to be open for inspection.

69. (1.) Any person desirous of inspecting the roll shall be entitled to do so without payment on any week-day during office hours, and shall be entitled to copies thereof or extracts therefrom on prepayment of sixpence for every copy or extract containing less than seventy-two words, and of sixpence for every seventy-two words or fraction of seventy-two words additional.

Claims to register to be open for inspection.

(2.) Any person desirous of inspecting the claims of persons to be registered, which claims have not yet been put on the roll, shall be entitled to do so at the same time and place as the inspection of the roll provided for in the last preceding subsection.

Copies of roll may be purchased.

70. Any person shall be entitled to a copy of any printed general roll, together with all its supplements, as one roll, at the price of one shilling.

Rolls for district to be kept at post-offices.

71. There shall be kept at each post-office in every district (except in the towns wherein the duplicate copies of the rolls are kept, as mentioned in section sixty-eight hereof) one copy of every printed general roll of such district and its supplements, for reference by the public, as provided in section sixty-nine hereof.

Rolls to be supplied to Returning Officers.

72. Copies of every roll of a district, with all emendations thereof, certified by the Registrar, shall be supplied by him to the several Returning Officers in the district, as the same are required from time to time for the purposes of conducting any election in the district.

Rolls and documents not to be invalidated.

73. (1.) No roll or other document shall be invalidated by reason only that it is not printed, kept, or published in the place or manner or for the time herein required for such purposes respectively, nor by reason of any error in the copying or printing of the same.

Misnomer, &c, not to vitiate roll.

(2.) A misnomer or inaccurate description of any person, place, or thing named or described in any electoral roll required to be made under this Act, or in any notice required by this Act, shall not in any way prevent or abridge the operation of this Act with respect to such person, place, or thing: Provided that such person, place, or thing is so designated in such roll or notice as to be commonly understood.

Corrupt or Illegal Practices List.

Names of persons convicted of corrupt or illegal practice expunged from electoral roll.

74. (1.) Where it is proved before the Registrar that any person who is or claims to be placed on the list or roll of electors for any electoral district has been convicted within the preceding three years of a corrupt or illegal practice, then such Registrar shall, if the name of such person is on the list of electors, expunge the same therefrom, or shall, if such person is claiming to have his name inserted therein, disallow such claim.

And to be inserted in a separate list.

(2.) The names of all persons so expunged from the list of electors, and of all persons whose claims are so disallowed, shall thereupon be inserted in a separate list to be entitled the "List of Persons Disqualified for Corrupt or Illegal Practices," which last-mentioned list shall be appended to the list or roll of electors, and

shall be printed and published therewith whenever the same is required to be printed or published.

Formation of New Rolls.

75. (1.) Every Registrar shall, at such time as the Governor prescribes, after or during the last session of Parliament previous to its dissolution or expiry, and before the taking-effect of any report of the Representation Commissions constituting new electoral districts, prepare, according to the form numbered (8) in the First Schedule hereto, a new roll for the electoral district of which he is Registrar.

New roll on formation of new electoral districts.

(2.) He shall place thereon the names, arranged in alphabetical order of the surnames, of all persons whose names are then upon any general or supplementary electoral roll for the corresponding district then last previously existing, and of all persons who have, up to the time of preparing the new roll, preferred claims to be registered as electors for such district and have not been objected to, and are not included in any such general or supplementary roll, and shall take care that the name of any person does not appear more than once on such list.

(3.) Where such last-mentioned district has been apportioned into two or more districts, then the Registrar shall include for each district for which he is Registrar only the names of those persons on any such electoral roll whose qualifications are within the area of each district respectively.

(4.) The Registrar shall, in making out such new roll, state therein, from the said claims respectively, the several particulars required regarding each person.

(5.) The electoral rolls in force on the day of the Governor's notification prescribing the time for the formation of new rolls shall be the rolls from which the new rolls shall be formed.

(6.) Where the boundaries of an electoral district, on the constitution of new districts as aforesaid, are the same as existing immediately prior to such constitution taking effect, the electoral roll then in force for such district shall be deemed to have been formed under this section.

(7.) Upon the above-mentioned new electoral rolls being formed, the Registrar shall give notice thereof to the Colonial Secretary, who shall publish the fact in the *Gazette*, but not until the aforesaid report of the Commissions has taken effect; and from and after the gazetted notice the electoral roll so formed for each district shall be the electoral roll for such district for all purposes.

(8.) Every electoral district constituted under any report of the Commissions aforesaid shall, for the purposes of this Act, be deemed to have been constituted six months prior to the date when such report takes effect.

(9.) All electoral districts existing and all electoral rolls in force at the time of any redivision of the colony into electoral districts shall continue in existence and in force respectively until the dissolution or expiration of the Parliament in being at the time when such division is made:

Provided that at any time before such dissolution or expiration all appointments may be made and all things done necessary for or towards preparing and compiling or printing the rolls for the electoral districts to come into existence on the said dissolution or expiration, but so that such rolls shall not take legal effect until the said dissolution or expiration.

Offences with respect to Claims, &c.

False statements or declarations.

76. Every person who knowingly and wilfully makes a false statement in any claim, application, certificate, or declaration mentioned in this Act is liable to a fine not exceeding twenty pounds, or to imprisonment for any term not exceeding three months.

Wilfully misleading Registrar.

77. (1.) Every person is liable for each offence to a fine not exceeding fifty pounds who—

(a.) Wilfully misleads any Registrar in the compilation of any electoral list or roll, or who wilfully inserts or causes to be inserted therein any false or fictitious name or qualification, or the name of any dead person knowing him to be dead; or

Falsifying signatures or attestations.

(b.) Signs the name of any other other person, whether requested to do so or not, or any false or fictitious name, to any form of claim, application, or objection for the purposes of this Act, either as claimant, applicant, or objector, or as witness; or

(c.) Signs his own name as witness to any signature upon any such form of claim, application, or objection without having seen such signature written, or without hearing the person signing declare the signature to be his own and signed of his own proper name.

Power and duty of Registrars.

(2.) The Registrar, in respect of any act described in this section committed within the district to which he is appointed, has the same power, authority, and duty as is respectively conferred and imposed upon the Returning Officer in respect of an act of personation committed at an election.

Penalty on misfeasance of Registrar.

78. (1.) Every Registrar who knowingly and wilfully does any matter or thing contrary to the provisions of this Act, or who knowingly and wilfully omits to do any matter or thing required by this Act to be done by him, is liable to a fine not exceeding fifty pounds.

May recover costs if information frivolous.

(2.) If at the hearing of any information under this section it appears to the Court or Justices that such information is unfounded, frivolous, or vexatious, the Court or Justices, whether the information is dismissed or not, may order that the prosecutor shall pay to the defendant such costs, together with such further sum by way of compensation, as seems reasonable, and the same shall be recoverable in like manner as any sum ordered to be paid by Justices.

AS TO SEAMEN, COMMERCIAL TRAVELLERS, AND SHEARERS.

Enrolment of seamen.

79. With respect to every seaman the following provisions shall apply :—

- (1.) For the purpose of acquiring a qualification as an elector he shall be deemed to reside in the colony during the time he is engaged in any ship owned or registered in New Zealand.
- (2.) Every seaman who is qualified to be enrolled as an elector and has no settled residence in any electoral district may be enrolled in the district in which any port to which the ship in which he is engaged usually calls is situate.
- (3.) If the Registrar is satisfied of the validity of any seaman's claim to enrolment he shall forthwith place such seaman's name on the roll, and, if required, shall issue to such seaman an elector's right.
- (4.) If the Registrar is not satisfied of the validity of any such claim he shall forthwith upon receipt of the claim make inquiries as to the truth of the particulars therein stated.
- (5.) If after making such inquiries on the day on which he receives the claim the Registrar is not satisfied as aforesaid, he shall, on the same or the next following day, apply for a summons in the form numbered (3) in the First Schedule hereto, and such summons shall, if the seaman so desires, be returnable forthwith.
- (6.) It shall be the duty of the Registrar and the Magistrate to do all things in their power to facilitate the prompt disposal of every such claim and summons, and for that purpose the summons may, with the consent of the seaman, be heard and disposed of at any time before the day or hour therein named in that behalf.

80. (1.) Every duly registered elector whose name appears on the electoral roll of any district, who is a seaman, or commercial traveller, or shearer, and not disqualified by any law for the time being in force, shall be entitled to receive an elector's right in virtue of his registration as aforesaid, and for such purpose shall appear personally before the Registrar for the electoral district for which he is enrolled, or wherein he may be for the time being, or before any Collector of Customs or Postmaster, and in his presence shall make and sign a claim and declaration in the form numbered (9) in the First Schedule hereto.

Seamen, commercial travellers, and shearers to make declaration and claim for an elector's right.

(2.) If such claim is made in any electoral district other than that for which the applicant is enrolled, or before a Collector of Customs or Postmaster, the person receiving such claim shall notify by telegraph the particulars of the claim to the Registrar of the district in which the applicant is enrolled, who may thereupon, subject to the provisions of the next succeeding section, issue an elector's right to such applicant.

(3.) Every Collector of Customs and Postmaster is hereby authorised to take declarations under this section.

81. (1.) The Registrar, on being satisfied that the claimant is duly enrolled as an elector of the district,—

Issue of elector's right.

- (a.) Shall fill up an elector's right in the form numbered (10) in the First Schedule hereto, purporting to entitle such

claimant to vote as a seaman or commercial traveller or shearer, as the case may be, at elections of members to serve in the House of Representatives for such district in the manner provided by this Act, and, having placed a number thereon, which shall be a successive number in arithmetical series, beginning with the number one, through the whole series of rights issued by such Registrar, shall deliver the same to the claimant; and

(b.) Shall write opposite to the name of the claimant on the roll of the district the words "Seaman's [*or* Commercial traveller's, *or* Shearer's] electoral right issued."

(2.) An elector's right shall not be in force for any period exceeding four months from the date of the issue thereof in the case of a commercial traveller or shearer, nor twelve months in the case of a seaman.

(3.) The holder of an elector's right issued to him for any district shall be qualified, by virtue of such right, to vote in any part of the colony at an election of a member or members of the House of Representatives for the aforesaid district.

List of rights issued to be sent to Returning Officer.

82. The Registrar shall forthwith after the issue of a writ for an election transmit to the Returning Officer of the district a list of all electors' rights issued to seamen, commercial travellers, and shearers, together with the original signed applications for the said rights, and the Returning Officer shall keep the said applications for the purpose of verifying the signatures as hereinafter mentioned.

Holder of elector's right not to vote unless he produces such right.

83. A person to whom an elector's right is issued as aforesaid shall not be entitled to vote at any election for the district where the said right was issued unless he produces his elector's right and has the same indorsed as hereinafter provided.

Mode of exercising vote.

84. For the purpose of exercising an elector's right the following provisions shall apply:—

(1.) The holder of the right shall apply in person, at any time after the issue of a writ for an election in such district, and before the hour of closing the poll on the polling-day, if a seaman to the Collector of Customs at any port, if a commercial traveller or shearer to the Postmaster at any post-office, and produce to him his elector's right, and sign an application in the form numbered (11) in the First Schedule hereto for a ballot-paper in respect of the aforesaid district.

(2.) The Collector or Postmaster, as the case may be, shall thereupon fill up a blank ballot-paper (which need not be in the form of a ballot-paper as provided by this Act) with the names of the candidates of such district, and shall then write upon the bottom of the left-hand corner of the back of the ballot-paper his initials and the number of the elector's right produced to him in respect of which the ballot-paper is given, and, after securing the said corner by gum or otherwise, shall sign his name near such corner, together with the name of his office, and shall give the ballot-paper to the voter.

(3.) The voter shall, without leaving the room, erase in pencil

or in ink the name or names of the candidate or candidates for whom he does not wish to vote, and, having folded the paper so that the contents cannot be seen, shall return it to the Collector or Postmaster, who shall in the presence of the voter enclose it in an envelope addressed to the Returning Officer of the district for which the vote is exercised, and, having closed the envelope, shall enclose it, together with the aforesaid application of the voter for a ballot-paper, in a second envelope similarly addressed, and shall forthwith post it to its address; and every such letter shall go free by post.

- (4.) The Collector or Postmaster shall then indorse the elector's right with a note of the exercise thereof, and shall sign and date the same, and then return it to the voter.
- (5.) In the event of any such seaman or commercial traveller or shearer applying for a ballot-paper for any district after the issue of a writ, but before the names of the candidates have been published, the Collector or Postmaster shall prepare a blank ballot-paper as aforesaid, excepting the names of the candidates, and give such blank ballot-paper to the applicant, who may write thereon the name of any person for whom he may wish to vote in case of his becoming a candidate, and, having folded the paper so that the contents cannot be seen, shall return it to the Collector or Postmaster, who shall deal with such ballot-paper in the manner herein provided in all respects.
- (6.) Every Collector and Postmaster shall telegraph to the Returning Officer of every district day by day from the day of the issue of the writ to the day of the closing of the poll at an election the number of ballot-papers applied for, exercised, and transmitted by him to such Returning Officer, together with the number on each elector's right in respect whereof the said ballot-papers were issued by him.
- (7.) The Returning Officer, on receiving such telegram, shall place against the name of every person on the roll to whom a ballot-paper has been issued as aforesaid a note indicating that such person has voted or has proposed to vote.
- (8.) Every Returning Officer, on receiving a ballot-paper transmitted to him as mentioned in this section, shall compare the signature of the voter in his application for a ballot-paper transmitted to him by the Collector or Postmaster with the signature on the original application for an elector's right made by such voter transmitted to him by the Registrar of the district, and, if he finds the signatures to be identical, shall allow the vote and have it duly recorded, and shall put the ballot-paper among the ballot-papers recorded at the principal polling-place; but if he

finds the signature dissimilar he shall reject the ballot-paper as informal.

- (9.) Every ballot-paper exercised in virtue of an elector's right which has been cancelled or has expired shall be rejected by the Returning Officer to whom it is transmitted; and every ballot-paper given in favour of any person who has not been duly nominated shall be rejected as informal by the Returning Officer.

Seaman may vote in district where registered whenever present in election-time.

85. (1.) Notwithstanding anything in the last preceding section, every seaman as aforesaid who at the time of any election for the district where an elector's right has been issued to him is present within such district may vote therein, by applying to and producing to any Returning Officer the elector's right issued to him; and the Returning Officer, on being satisfied that the applicant is entitled to vote at such election, shall, after marking a ballot-paper, as in ordinary cases, give such ballot-paper to the voter, and, having indorsed the elector's right, as mentioned in the last preceding section, shall return it to such voter.

Commercial travellers may vote in district of registration on surrender of elector's right.

(2.) Every person to whom an elector's right has been issued as a commercial traveller or shearer, if present during the time of an election in the district for which such right was issued, shall, if the said right be unexpired, on surrender thereof to the Returning Officer be entitled to vote in the said district in virtue of his registration on the roll for such district, but not otherwise.

In case of loss, duplicate elector's right may be issued.

86. Every person who loses his elector's right shall, on personal application to the Registrar of the district from whom he received it, and making the declaration in the form numbered (12) in the First Schedule hereto, be entitled to have a duplicate of such right granted to him.

Penalty on master of ship refusing permission to crew to vote.

87. Every master of a ship which happens to be in any port of the colony at the time of any general or by-election for any district, at the request of any of the crew being electors at such election for such district, and on production of their respective elector's right in respect of the said election, shall allow such person or persons to go ashore at a proper time to admit of their voting for such election; and every master who without reasonable cause commits any breach of this section is liable to a fine not exceeding fifty pounds, or to imprisonment with hard labour for a period not exceeding one month.

On removal from roll of name, elector's right cancelled.

88. The erasure, under the provisions of this Act, of the name of any person who is the holder of an elector's right from the roll of the district wherein he was registered shall *ipso facto* annul and cancel the elector's right issued to that person by virtue of the aforesaid registration; but in the event of such person being again registered, either in the same or in any other district, he may obtain a new elector's right under the provisions of this Part of this Act.

Elector's right not to be granted after issue of writ.

89. An elector's right shall not be granted in any district after the day of issue of a writ for any election in such district until the completion of that election.

Members of the theatrical profession.

90. (1.) Every member of the theatrical profession who has resided in New Zealand for a period of not less than one year shall,

if otherwise qualified to be enrolled as an elector, be entitled, notwithstanding that he has no settled residence in any electoral district, to be enrolled in any district in which he is engaged.

(2.) Every duly registered elector whose name appears on the electoral roll of any district who is a member of the theatrical profession, and not disqualified by any law for the time being in force, shall be entitled to receive an elector's right.

(3.) The provisions of sections seventy-nine to eighty-nine hereof shall, *mutatis mutandis*, apply to persons claiming to be enrolled under this section and to the elector's right issued to them.

(4.) For the purposes of this section, "members of the theatrical profession" includes every person usually employed in any capacity with and accompanying a theatrical company on tour in New Zealand.

PART III.

REGULATION OF ELECTIONS.

General Elections.

91. (1.) The Governor shall from time to time, by Warrant under his hand, appoint some fit person to be Clerk of the Writs, by whom writs for the election of members of the House of Representatives shall in all cases be issued, and to whom such writs shall also be returnable. Appointment of Clerk of the Writs.

(2.) There shall be a deputy of the said Clerk, to be appointed in like manner, who shall act when the said Clerk is unable to act.

92. (1.) For every general election the Governor shall, not later than seven days after the day of the dissolution or expiry of the then last previous Parliament, as the case may be, by Warrant under his hand in the form numbered (13) in the First Schedule hereto, direct the Clerk of the Writs to proceed with the elections. Writs for general election to issue within seven days after dissolution.

(2.) On the receipt of such Warrant the Clerk of the Writs shall within three days cause writs to be issued to the several Returning Officers, in the form numbered (14) in the First Schedule hereto. Clerk of Writs to issue writs to Returning Officers of districts.

(3.) The writs shall be made returnable within twenty-one days.

(4.) In the writs to be issued a day shall be named for the polling (if a poll is required) to take place, and the same day for the polling shall be appointed in each writ.

By-elections.

93. (1.) Where during a recess of the House, whether by prorogation or adjournment, it appears to the Speaker that a vacancy exists, he shall cause a notification thereof, and of its cause, to be inserted in the *Gazette*. During recess vacancy to be gazetted.

(2.) Where such vacancy arises from death or resignation the Speaker shall issue his warrant to the Clerk of the Writs forthwith, directing him to issue a writ to supply the vacancy.

(3.) Where such vacancy arises from any cause other than death or resignation, then as soon as conveniently may be after the expira- Ten days thereafter Speaker directs writ to issue.

tion of ten days after such notification has appeared in the *Gazette*, the Speaker, on its being established to his satisfaction that a vacancy does exist, shall issue his warrant to the Clerk of the Writs, directing him to issue a writ to supply the vacancy.

During session
Speaker by warrant
directs issue of writ.

(4.) Where a vacancy exists at the commencement of any session and no writ has been issued to supply the same, or if a vacancy occurs during a session, the Speaker shall forthwith, upon being ordered to do so by the House, issue his warrant to the Clerk of the Writs directing him to issue a writ to supply the vacancy.

When no Speaker,
Governor to act in
lieu of Speaker.

94. Where a vacancy occurs at a time when there is no Speaker, or he is absent from the colony, the Governor shall cause a like notification to be inserted in the *Gazette* and the like proceedings to be taken as are provided for in the last preceding section.

No writ to issue
pending decision on
election petition.

95. If after a petition is presented against the return of any member his seat becomes vacant on any of the grounds mentioned in section twenty-one hereof, no writ to supply the vacancy shall be issued until after the petition is disposed of, and not then if the Judges trying the petition determine that such member was not duly elected or returned, and that some other person was duly elected or returned.

Clerk of Writs to
issue writ.

96. (1.) On receipt of a warrant the Clerk of the Writs shall forthwith cause a writ to be issued to the Returning Officer of the district in which the vacancy has occurred, in the form numbered (14) in the First Schedule hereto.

Previous provisions
of Act to apply to
by-elections.

(2.) The writ shall be made returnable within twenty-one days.
97. Sections ninety-nine to one hundred and forty-four hereof shall, where applicable, apply to all by-elections.

Issue of the Writs.

Clerk of Writs to
notify issue of writ
to all Registrars in
districts.

98. (1.) The Clerk of the Writs shall forthwith on the signing of a writ for an election to be held in any district cause a notification of the issue of such writ to be sent by letter or telegram to the Registrar of the district.

Returning Officer
give notice of
election-day.

(2.) Every Returning Officer on the receipt of a writ shall indorse thereon the date of its receipt, and shall forthwith give at least ten days' public notice of the day of polling, in the form numbered (15) in the First Schedule hereto, and the said ten days shall be inclusive both of the first day on which the notice is published and of the day of polling.

Nominations.

Nominations to be
sent to Returning
Officer.
Candidate to be
nominated by
two electors.

99. (1.) Any man qualified as provided in section fourteen hereof may, with his consent, be nominated as a candidate for election for any district, by not less than two electors of that district, by a nomination-paper in the form numbered (16) in the First Schedule hereto given or transmitted to the Returning Officer so as to reach him not later than five o'clock in the afternoon of the seventh day before the day appointed for the poll.

(2.) The consent of any man to be nominated may be signified to the Returning Officer by letter sent by post or affixed to the

nomination-paper, or by an ordinary message by telegraph, which shall be deemed to be delivered in time if delivered at the telegraph-office for transmission within the time hereinbefore limited.

(3.) Each candidate shall be nominated by a separate nomination-paper, in such manner as, in the opinion of the Returning Officer, is calculated to sufficiently identify such candidate.

Candidates to be nominated by separate nomination-paper.

(4.) The same electors, or any of them, may subscribe as many nomination-papers as there are vacancies to be filled, but no more.

(5.) No objection to a nomination-paper on the ground of the description of the candidate being insufficient, or not being in compliance with this Act, shall be allowed or deemed valid unless such objection is made in writing, and delivered to the Returning Officer not less than five days before the day appointed for the poll.

Objections to nominations.

(6.) On receipt of every such nomination the Returning Officer shall immediately advertise the names of the several candidates in such newspaper or newspapers circulating within the district as he deems best calculated to give full publicity thereto.

Nominations to be advertised.

(7.) Every nomination-paper of a woman as a candidate shall be absolutely void and of no effect, and shall be rejected by the Returning Officer without question.

100. (1.) Every candidate, or some person on his behalf, shall, at the time of sending to the Returning Officer his consent to be nominated deposit with or remit to the said officer the sum of ten pounds, which sum shall be retained by the Returning Officer until after the official notification of the poll.

Deposit by candidate.

(2.) If any candidate, not having been elected, has not received one-tenth of the number of votes received by the successful candidate, or, if there are more than one, by the successful candidate who received the fewest number of votes, the deposit shall be forfeited and paid into the Consolidated Fund, but shall otherwise be returned to the person who paid the same.

101. (1.) Any candidate may withdraw, but not later than five clear days before the day of polling, by giving or transmitting by letter to the Returning Officer a notice in the form numbered (17) in the First Schedule hereto, signed by the candidate and attested by a Justice.

Candidate may withdraw by notice to Returning Officer.

(2.) The Returning Officer shall forthwith publish such notice in such manner as he deems best calculated to give full publicity thereto, and shall omit the name of every candidate whose name is withdrawn from the ballot-papers to be printed as hereinafter mentioned, or, if such ballot-papers are already printed, shall erase therefrom the name of every candidate so withdrawn.

(3.) A candidate giving such notice shall not be capable of being elected, and all votes given for him (if any) shall be void and of no effect.

(4.) Where a candidate duly withdraws, the sum deposited or remitted by him or on his behalf, as prescribed in the last preceding section, shall be returned to the person who paid it.

102. (1.) If no more candidates are nominated than the number to be elected, or if any candidate who has been nominated withdraws in manner hereinbefore provided so that there remains only the number of candidates to be elected, the Returning Officer

Where election not contested, names of persons elected to be indorsed on writ, and writ returned.

shall, by public notice on or before the day appointed for taking the poll, declare such candidates to be duly elected.

(2.) The names of the persons so elected shall be indorsed on the writ by the Returning Officer, and the writ shall be by him returned to the Clerk of the Writs forthwith, and within the time specified therein.

Contested Elections.

If election contested,
a poll to be taken.

103. If more candidates are nominated than the number to be elected, and a sufficient number do not withdraw so as to leave only the number to be elected, then for deciding between such candidates a poll shall take place on the day named in the writ for that purpose, and at the several polling-places of the district.

Returning Officer to
have ballot-papers
printed.

104. (1.) Forthwith after the day of nomination the Returning Officer shall cause ballot-papers to be printed, in the form numbered (18) in the First Schedule hereto, in sufficient number for use in the district.

Form of
ballot-papers.

(2.) The ballot-papers shall contain a list of all the persons nominated as candidates, each name being inserted once only, whether nominated in one or more nomination-papers, and of no other persons, arranged alphabetically in order of their surnames, in large characters, the Christian names of such candidates being added in lesser characters; and if in any case the Christian names and surnames of any two or more candidates are the same, or in any way similar, they shall be distinguished upon such ballot-papers by the addition of their residence and occupation, or such other addition as is sufficient to distinguish them.

In case of death
before poll, or on
polling-day, pro-
ceedings *de novo*.

105. (1.) If a duly nominated candidate, who has not withdrawn, dies after the day of nomination and before the polling-day, or after the first polling-day and before the second polling-day, the Returning Officer shall, upon being satisfied of the fact of such death, countermand notice of the poll.

(2.) If any such candidate dies upon the polling-day, before the hour of closing the poll, the Returning Officer, upon being satisfied of the fact of such death, shall immediately close the poll, and declare the same to be null and of no effect.

(3.) All proceedings with reference to the election, in either of such cases, shall be commenced afresh in all respects as if the writ had been received by the Returning Officer on the day on which proof was given him of such death.

(4.) It shall not be necessary to nominate afresh any candidate who at the time of the countermand or closing of the poll was duly nominated.

Proceedings when
poll postponed or
interrupted by
death.

(5.) Where the proceedings in any election are to be commenced afresh in consequence of the death of a candidate, the Returning Officer shall, previous to their commencement, indorse on the writ the fact of such death, the date of the proof thereof, and of the countermand or interruption of the poll in consequence, as the case may be.

(6.) Where any poll is interrupted in consequence of the death of a candidate as aforesaid, all ballot-papers placed in the several ballot-boxes shall be taken out by the several Deputy Returning Officers, and, being made up into sealed packages, shall be sent by

them respectively unopened to the Returning Officer, who shall forthwith, in the presence of a Magistrate or a Justice, burn or otherwise destroy the sealed packages unopened.

Candidates' Meetings.

106. Any candidate at an election may, for the purpose of public meetings of electors convened or held for electoral purposes during the period of an election, use free of charge, other than the cost of lighting, and of cleaning after use, and of repairing any damage done, any suitable room in any primary school in respect of which a grant out of moneys provided by Parliament is received, after the ordinary school-hours, and any suitable room in any building the expense of maintaining which is wholly or partially payable out of any local rate, subject as follows, that is to say,—

Candidate may have free use of public schoolrooms, &c., for election meetings.

- (1.) Three days' notice of the proposed public meeting shall be given to the Committee or managers of such school or building.
- (2.) The use of the school or building shall be granted in the order of the receipt of the application by or on behalf of the candidates.
- (3.) No candidate shall have the use of the same hall or room on a second occasion if any other candidate desires to make use of it at the same time under the provisions of this section.
- (4.) If it is proved that any such meeting was not a public meeting within the meaning of this section it shall be an illegal practice; and the person by whom and the candidates on whose behalf the meeting was convened shall, on summary conviction, be liable to a penalty not exceeding one hundred pounds.
- (5.) For the purposes of this section, "candidate" includes any man who has publicly declared his intention of becoming a candidate.

Polling at Elections.

107. (1.) The Governor may from time to time appoint, alter, and abolish polling-places for each electoral district within the limits thereof.

Governor may appoint polling-places.

- (2.) A polling-place shall not be appointed—
 - (a.) Unless the Governor is first satisfied that the place to be appointed is more convenient than any other for at least fifteen electors to record their votes thereat; nor
 - (b.) In any house licensed for the sale of spirituous or fermented liquors, nor in any premises belonging to such house; nor
 - (c.) Upon any sheep-station, unless the homestead of such station is more than seven miles distant from the nearest primary school.

(3.) The Governor may appoint any primary school to be a polling-place, and in every such case it shall be the duty of the Committee of such school to place it at the free disposal of the Returning Officer from four o'clock in the afternoon of the day

Primary school may be appointed a polling-place.

preceding the election until ten o'clock on the evening of the day of the election.

(4.) The cost of cleaning such school after use as a polling-place, and of repairing any damage, shall be defrayed by the Returning Officer out of moneys to be appropriated by Parliament.

Polling-place not to be altered after writ issued.

108. (1.) After the issue of a writ for an election in any district and until such election is over no change shall be made in the polling-places appointed for that district, unless a polling-place becomes unavailable for the purpose for which it was appointed, or unless such election cannot be held without some such change being made.

(2.) Such changes shall be duly notified in one or more newspapers circulating in the district, at least seven clear days prior to the day of polling.

Poll to be by ballot.
Hours of polling.

109. (1.) The poll shall be taken by ballot; it shall commence at nine o'clock in the forenoon of the day appointed, and shall, unless lawfully adjourned, finally close at six o'clock in the afternoon of the same day, except in the electoral districts enumerated in the Second Schedule hereto (or in electoral districts at any time hereafter constituted within what is substantially the same geographical area), in which electoral districts the poll shall close at seven o'clock.

(2.) For the purpose of this section the Governor, as soon as conveniently may be after the constitution of new electoral districts, shall, by Order in Council gazetted, specify those in which the poll shall close at seven o'clock, and such notice shall be conclusive evidence of the matters stated therein.

Polling-booths.

110. The Returning Officer shall provide the following things for taking the poll:—

(1.) One or more rooms or compartments for polling-booths at each polling-place, and in each booth one or more inner compartments separated from but opening into the booth:

(2.) If there is more than one booth at any polling-place, there shall be fixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as denote the booth at which each elector, according to the initial letter of his surname, is to vote; and no elector shall be permitted to vote in any booth save that which is so denoted by the initial letter of his surname:

(3.) In each booth, one or more ballot-boxes, having a lock and key, and a slit in the upper side by which the ballot-papers may be put into the box:

(4.) A sufficient number of ballot-papers, in the form hereinbefore mentioned:

(5.) In each inner compartment, pencils for the use of the voters.

Deputy Returning Officers.

111. (1.) The Returning Officer is hereby empowered to appoint in writing as many Deputies as he deems necessary for the effective taking of the poll in every polling-booth, at every polling-place, including the principal polling-place of the district, or

he may himself preside and take the poll at some one of the polling-places of the district, which polling-place shall be deemed to be the principal polling-place of the district.

(2.) Every such Deputy shall have and discharge all the powers, duties, and functions at the polling-booth for which he is appointed as are given to or to be performed by the Returning Officer. Their duties and powers.

(3.) A Deputy Returning Officer shall be entitled to vote as an elector of the district on the roll whereof his name is duly entered as a qualified elector, but he shall not have the power hereinafter conferred upon the Returning Officer of giving a casting-vote. May vote as elector.

112. Every Returning Officer and Deputy Returning Officer may appoint in writing a substitute to act for him, in case of being prevented by illness or other sufficient cause from attending or from continuing to attend at his polling-place, or in the event of the death of his principal at any time on the polling-day before the conclusion of the election; and every such substitute shall have full power and authority to do all things required by this Act to be done by his principal, but at his polling-booth only; and such substitute shall take the poll at the polling-booth during any temporary absence of his principal from the polling-booth to which he is appointed. Substitutes may be appointed to temporarily relieve Returning Officers.

113. Every Deputy Returning Officer shall before the poll, and every substitute of any such officer shall before acting, make and subscribe before the Returning Officer or any Justice the declaration in the form numbered (19) in the First Schedule hereto. Deputies to make declaration.

114. Each candidate, or, if he omits to do so, his nominators together, may, by writing under his or their hands, appoint one scrutineer for each ballot-box used in the booth; and every such scrutineer shall be entitled to be present in that part of the booth in which the ballot-papers are received, as hereinafter mentioned. Scrutineers for each booth.

115. Every scrutineer and clerk shall make and subscribe before the Returning Officer or a Justice of the Peace the declaration in the form numbered (20) in the First Schedule hereto; and such declaration and appointment shall, before the scrutineer is allowed to act, be delivered to the Deputy Returning Officer at the polling-place in respect of which the scrutineer is appointed. To make declaration.

116. (1.) The candidate or a nominator of the candidate shall, where a poll is to be held, send to the Returning Officer, not later than three days before the day of the poll, a list containing the names and addresses of every person employed for hire or reward by or on behalf of the candidate as a scrutineer, clerk, or messenger, or from whom any committee-room has been hired on behalf of the candidate, and, if he is an elector, his number on the electoral roll. Provision to prevent paid scrutineers, &c., from voting.

(2.) A copy of such list shall be furnished by the Returning Officer to every Deputy Returning Officer.

(3.) If any person named in the list applies for a ballot-paper the Deputy Returning Officer shall warn him that he is not permitted to vote, and, if he marks and hands in a ballot-paper, shall cause the words "Disqualified by employment" to be placed upon the paper so handed in; and any ballot-paper with these words so placed on it shall not be counted, but shall be dealt with by the Deputy

Returning Officer as a rejected ballot-paper, and specified in any report of rejected ballot-papers under a separate head as rejected for disqualification.

(4.) Every candidate who fails to comply with the provisions of subsection one of this section is liable to a fine not exceeding fifty pounds.

Day of election to be half-holiday.

117. (1.) Every day on which any election takes place shall be and be deemed to be a public holiday after mid-day, and it shall not be lawful to sell intoxicating liquors in any licensed premises between the hours of twelve o'clock noon and seven in the evening.

(2.) In the case of a by-election this section shall only apply within the district in which such election is held.

The Ballot.

Ballot-boxes to be emptied before polling, then locked and kept so till after close of poll.

118. The Returning Officer shall, immediately before the opening of the poll, and in sight of any of the scrutineers present, see that the ballot-box is empty, and shall close and lock it, and retain the key in his possession; and the ballot-box shall not again be opened until after the close of the poll.

No persons permitted to remain in polling-booth.

119. (1.) Not more than six voters, to be if necessary designated by the Returning Officer, shall be allowed in a polling-booth at one and the same time, except that at the hour for closing the poll the Returning Officer may, in his discretion, admit into the booth a larger number of voters than six.

(2.) No person not actually engaged in voting shall be allowed to remain in a polling-booth except the Returning Officer and his clerks, any of the scrutineers, an interpreter, and as many constables as the Returning Officer thinks necessary to keep order.

Voters not to be spoken to in booth.

120. (1.) No scrutineer or other official or unofficial person shall speak to any voter in a polling-booth either before or after such voter has given his vote, except only the Returning Officer (with an interpreter, if necessary), who may ask the questions he is authorised to put, and give such general directions as may assist any voter to give his vote.

(2.) Every person who offends against this section is liable for each such offence to a fine not exceeding twenty pounds, and may be at once removed from the booth by order of the Returning Officer.

Ballot-paper to be given to voter within booth.

121. Every person proposing to vote shall state to the Returning Officer his name, and shall demand a ballot-paper; and the Returning Officer, having satisfied himself by reference to the roll that such person is entitled to vote, and has not already voted, shall deliver to him a ballot-paper.

Questions put to persons offering to vote.

122. (1.) The Returning Officer may, and if so required by any scrutineer shall, before allowing any person to vote, put to him the following questions:—

(a.) “Are you the person whose name appears as A. B. on the electoral roll now in force for the Electoral District of [Name of district]?”

(b.) “Have you, within the last three months, on your own application, been registered on the electoral roll of any other electoral district in the colony?”

(c.) "Have you already voted at the present election in this or any electoral district in the colony?"

(2.) Every person to whom the prescribed questions are so put as aforesaid who, having tendered his vote, fails distinctly to answer the same and each part thereof, or does not answer absolutely in the affirmative the first of the prescribed questions, and absolutely in the negative the second and third of the prescribed questions, commits an offence, and is liable to a fine not exceeding fifty pounds, and he shall be prohibited from voting then or afterwards at that election.

Omission or refusal to answer questions an offence.

(3.) Every person who wilfully and knowingly makes a false answer to any of the questions which the Returning Officer or Deputy Returning Officer may put to him under this Act is liable for every such offence to a fine not exceeding fifty pounds.

Penalty for making false answer.

123. (1.) Before giving a ballot-paper to an elector the Returning Officer shall write upon the bottom of the left-hand corner of the back thereof his initials, and the number appearing on the roll against the name of the elector to whom he gives such paper, and, after securing the said corner by gum or otherwise, shall stamp thereon an official mark, and shall draw a line in pencil or ink through the number and name of such elector on the roll as evidence that he has tendered his vote.

Before given, ballot-paper to be marked.

(2.) Every Returning Officer who fails to faithfully perform any duty imposed on him by this section, and by reason thereof any of the requirements of this section are not effectively fulfilled, is liable to a penalty not exceeding ten pounds:

Provided that, in so far as relates to the duty of securing the corner of the ballot-paper by gum or otherwise, it shall be a sufficient defence if he satisfies the Court that he took all reasonable precautions to secure the same.

124. (1.) The voter, having received a ballot-paper, shall retire into one of the inner compartments provided, and shall there, alone and secretly, strike out from the ballot-paper the names of the candidates for whom he does not wish to vote.

Voter to be alone when marking ballot-paper.

(2.) Every voter, before leaving the inner compartment, shall fold up his ballot-paper so that the contents cannot be seen, and, after showing the Returning Officer the official mark thereon, shall then deposit the ballot-paper, so folded, in the ballot-box.

Ballot-paper to be folded and put in the ballot-box by the voter.

125. If any voter is blind, or is unable to read or write, and so desires, the Returning Officer shall, together with not more than two scrutineers, retire with him into the inner compartment, and there make up the ballot-paper according to the instruction of the voter, and erase therefrom the names of the candidates for whom he does not wish to vote; and such Returning Officer shall sign his own name at the foot thereof, and, if so required by the voter, shall allow a scrutineer or scrutineers to inspect such ballot-paper before depositing it in the ballot-box.

Provision where voter is blind or disabled and cannot write.

126. (1.) Every voter for the district may vote for any number of candidates at an election not exceeding the number of members to be returned for the district, but may not give more than one vote to each such candidate.

Number of votes to be given by each voter.

(2.) Every ballot-paper recording more than the legal number of votes at any election shall be rejected at the close of the poll.

Proceeding where second vote tendered in same name.

127. If any person proposing to vote at any election tenders his name as of the same person to whom a ballot-paper has already been given at the same election, he shall be dealt with in all respects in like manner as any voter tendering his vote; but the ballot-paper of such person shall not be deposited in the ballot-box or allowed by the Returning Officer, who shall set the ballot-paper aside for separate custody.

Irregular ballot-papers to be rejected.

128. Every ballot-paper which has not on its back the official mark, or on which anything is written or marked by which the voter can be identified, except the writing in the corner sealed by the Returning Officer, shall be rejected at the close of the poll and not counted.

Counting the Votes.

Number of votes to be ascertained on close of poll.

129. The Returning Officer, and every Deputy, at the polling-place at which each presides, shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and the poll-clerks (if any), but of no other persons, open the ballot-boxes, and, taking therefrom all the ballot-papers therein, proceed to ascertain the number of votes for each candidate, and shall, upon and after such opening, both abstain himself from inspecting the writing upon the back of the ballot-papers and take care that the same is not seen by any person present before the papers are enclosed in a sealed parcel as hereinafter mentioned.

Deputy Returning Officers to announce result of voting.

130. Every Deputy Returning Officer, after the hour fixed for the close of the poll, shall, immediately after ascertaining the number of votes recorded for each candidate, announce the result of the voting at the polling-booth of which he is in charge.

Deputies to make up books and papers in parcels.

131. The Deputy Returning Officer of each polling-place shall, immediately after ascertaining the total number of votes as mentioned in section one hundred and twenty-nine hereof, make up the ballot-papers into a separate parcel, sealed with his own seal and the seals of such scrutineers as desire to affix their seals, and shall transmit the same to the Returning Officer, together with, in separate sealed parcels,—

- (1.) The unused and spoilt ballot-papers, placed together; and
- (2.) The ballot-papers set aside for separate custody as hereinbefore provided; and
- (3.) All books, rolls, and papers kept and used by him during the polling, except the certified copies of rolls supplied to the said Deputy on which the fact of any person having received a ballot-paper has been noted;

and shall indorse such parcels severally with a description of the contents thereof, and with the name of the district, the name of the place of polling, and the date of the polling, and sign the said indorsement with his name.

Deputies to make returns to Returning Officer.

132. (1.) Each Deputy shall, together with the parcels aforesaid, transmit to the Returning Officer—

- (a.) The certified copies of rolls supplied to the said Deputy on which the fact of any person having received a ballot-paper has been noted; and
- (b.) A list of the total number of votes received by each candidate; and

(c.) An account in which such Deputy charges himself with the number of ballot-papers originally delivered to him specified therein, the number thereof delivered to and used by voters, and the number thereof not so delivered or left unused, and the number thereof set aside for separate custody (which account is hereinafter referred to as "the ballot-paper account").

(2.) Every such list and account shall be verified as well by the signatures of the said Deputy and the poll-clerk (if any) as also by the signatures of such of the scrutineers as are present and consent to sign the same.

133. The Returning Officer shall, in the same manner as herein required in the case of Deputy Returning Officers, in respect of any polling-booth at which he himself presided,—

Returning Officer to make up parcels.

(1.) Make out the like list and ballot-paper account, which shall be verified by the signature of the Returning Officer, the poll-clerks (if any), and scrutineers, in manner aforesaid;

(2.) Make up in separate parcels, in like manner as is herein required of Deputy Returning Officers, all ballot-papers used, unused, or set aside as aforesaid, and all books, rolls, and papers kept or used by him at such polling-booth (except the certified copies of rolls on which the fact of any person having received a ballot-paper has been noted); and

(3.) Seal up, and also permit to be sealed up by the scrutineers, and indorse in like manner as aforesaid, the said several parcels, and deal with the same as hereinafter provided.

Scrutiny of the Rolls.

134. (1.) The Returning Officer shall make arrangements for a scrutiny of the rolls as soon as practicable after the close of the poll, in the presence of scrutineers appointed by the candidates for that purpose, and shall give notice in writing to the candidates or their scrutineers of the time and place at which he will commence the scrutiny.

Scrutiny of the rolls by Returning Officer.

(2.) No person, except one scrutineer appointed by each candidate, the Returning Officer, and his assistants and clerks, may be present at the scrutiny.

135. (1.) The Returning Officer shall, in the presence and hearing of such scrutineers as are present, compare with one another all the certified copies of rolls on which the fact of any person having received a ballot-paper has been noted by himself or any Deputy, as hereinbefore provided.

Returning Officer to compare rolls.

(2.) If on such comparison it appears that the same person has received a ballot-paper at two or more polling-places, and if satisfied beyond doubt of the identity of the person so voting, the Returning Officer shall, in the presence of such scrutineers as choose to be present, open the parcels of ballot-papers used at the several polling-places at which such person appears to have received any ballot-paper, and shall select therefrom the ballot-papers on which the number corresponding to the name of such person appears, and shall

May select ballot-papers, and disallow votes in certain cases.

disallow every vote appearing to have been given by means of the ballot-papers so selected.

(3.) Upon and after the opening of such parcel the Returning Officer shall both abstain himself from inspecting the faces of the ballot-papers in the several parcels so opened, other than the ballot-papers selected therefrom, and shall take care that the faces of the same are not seen by any person present.

After selection
parcels to be sealed
up.

(4.) When the Returning Officer has selected from any parcel all the ballot-papers he is required to select therefrom, he shall forthwith close and seal up the said parcel, and shall also permit the scrutineers to close and seal up the same, and shall indorse thereon a memorandum of the fact of ballot-papers having been selected from such parcel, specifying the same by the name of the person to whom the same appear to have been delivered, and shall sign the indorsement with his name.

Selected papers to
be sealed up.

136. The Returning Officer shall set aside all ballot-papers selected by him from any parcel as herein provided, and shall seal up the same in a separate parcel, and shall also permit the scrutineers to seal up the same, and shall indorse the same with a description of the contents thereof, and shall sign the indorsement with his name.

Declaration of Poll.

Public notice to be
given of result of
election.

137. (1.) The Returning Officer shall ascertain from the lists made out by him as aforesaid, and from the list so transmitted by the Deputy Returning Officers as aforesaid (corrected by disallowing votes if need be), the general state of the poll, and shall, as soon as conveniently may be on or after the day of the poll, give public notice of the total number of votes received by each candidate, and declare the candidate or candidates (not exceeding the number to be elected) who have received in the aggregate at all the polling-places the greatest number of votes to be duly elected.

(2.) In no case shall the official declaration be delayed for longer than seven days after the day of polling, and any votes given in any ballot-papers which are not received within that period shall be deemed to be informal, and shall not be counted.

Casting-vote of
Returning
Officer.

(3.) Where there is an equality of votes between candidates at an election, and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer (whether an elector of the district or not) shall give a casting-vote.

Recount.

Recount.

138. (1.) Where any candidate has reason to believe that the public notification by the Returning Officer of the number of votes received by each candidate is incorrect, and that on a recount thereof such first-mentioned candidate might be found to be elected, he may within three days after such public notification apply to a Stipendiary Magistrate for a recount of the votes received at all or any of the polling-places of the district.

(2.) Every such application shall be accompanied by a deposit of twenty pounds.

(3.) The Magistrate shall, as soon as practicable after receiving the application and deposit as aforesaid, cause a recount to be made

of the votes received at the polling-places specified in the application, and shall give at least two days' public notice of the time and place at which such recount will be made.

(4.) The recount shall be made in the presence of the Magistrate, or of an officer appointed by him for the purpose, and shall, as far as practicable, be made in the manner provided in the case of the original count, and the provisions of section one hundred and twenty-nine hereof relating to the secrecy of the ballot shall apply to such recount.

(5.) If on the recount the Magistrate finds that such public notification was incorrect, he shall order the Returning Officer to give an amended public notice of the total number of votes received by each candidate as disclosed by such recount, and the candidate then found to have received the highest number of votes shall be declared to be elected.

(6.) The Magistrate may make such order as to the costs of and incidental to the recount as he deems just, and, subject to any such order, shall direct the deposit made under this section to be returned to the person who made the same.

After the Poll.

139. (1.) The names of the persons declared to be elected shall be indorsed on the writ by the Returning Officer, and the writ shall be transmitted by him to the Clerk of the Writs forthwith, and within the time specified therein.

Names of persons elected to be indorsed on writ, and writ returned.

(2.) The day on which the writ so indorsed is transmitted as aforesaid by the Returning Officer shall be indorsed by him on the writ, and his signature subscribed thereto; and such day shall be deemed to be the day of the return thereof.

Date of return of writ.

(3.) As soon as conveniently may be after the return of the writs the Clerk of the Writs shall forward to the Speaker a list of the names of the members elected, together with a copy of the writs indorsed as aforesaid.

140. (1.) If at a general election any member is returned for two or more districts, he shall make his election for which he will serve within seven days after it appears that there is no question upon his return for the district for which he elects to serve.

A member returned for two districts at a general election to elect.

(2.) If a petition is presented against his return for either district he shall, if his return for both districts is valid, make his election within seven days after the petition has been disposed of.

141. (1.) The Returning Officer, after the day of polling at any general election where a poll has been taken, and before sealing up the certified copies of rolls received from the various Deputies, shall transfer from the said rolls on to a fair copy of the electoral roll of the district a distinguishing mark to indicate every voter who has voted at such poll, and shall write the word "Candidate" or "Prohibited from voting" opposite the names of such persons as were candidates or prohibited by law from voting, and shall sign the said roll as accurate, with his name and the title of his office, and the date of the polling-day.

Returning Officer to mark copy of roll of all persons who voted, and send to Registrar for correction of rolls.

(2.) The Returning Officer shall transmit the complete roll so marked to the Registrar of the district, who thereupon shall erase from the roll of the district the names of all the voters, other than

candidates and persons prohibited from voting, who are not indicated by the roll received from the Returning Officer as having voted; and for so doing this Act shall be sufficient warrant.

(3.) The said Registrar shall keep and produce to the Magistrate, on any revision of the roll, the marked copy of the roll received from the Returning Officer; and the said roll shall be sufficient evidence that any person, other than a candidate, not marked thereon as having voted at a general election did not vote at such election.

(4.) Every Returning Officer or Registrar is liable to a fine not exceeding ten pounds who fails to faithfully perform any duty imposed on him by this section and by reason thereof the name of any elector or voter is wrongfully retained on the roll, or is wrongfully erased from the roll.

(5.) Nothing in the last preceding subsection shall affect the liability of any Registrar under section seventy-eight hereof; but so that in no case shall any Registrar be punished twice for the same offence.

Notice to be given
when name erased.

142. It shall be the duty of the Registrar who erases any person's name from the roll, as prescribed by the last preceding section, to forthwith post to such person a notice in the form numbered (21) in the First Schedule hereto.

Disposal of Ballot-papers.

Parcels to be made
up in packets, and
sent to Clerk of
House of Repre-
sentatives.

143. (1.) The Returning Officer shall, as soon as practicable after the day of polling at any election, enclose in separate packets, in manner hereinafter mentioned, as well all the parcels so as aforesaid transmitted to him by the several Deputy Returning Officers as also those made up and sealed by himself; that is to say,—

(a.) He shall enclose in one separate packet all the used ballot-papers, in another all parcels of unused ballot-papers, in another all parcels set aside as aforesaid, and in another all parcels containing the ballot-paper accounts, copies of rolls, books, or other papers, as herein provided; and shall enclose in the same parcel all telegrams, letters, and other papers received from the Collectors and Postmasters under section eighty-four hereof:

(b.) He shall seal up the said several packets, and indorse the same with a description of the contents thereof respectively, and the name of the district and the date of the polling, and sign the indorsement with his name; and shall forthwith forward the said packets, and also the parcel of ballot-papers selected as aforesaid, to the Clerk of the House of Representatives:

(c.) And he shall also at the same time seal up and transmit to the said Clerk a parcel containing all ballot-papers printed for the said election and not used by the Returning Officer or distributed for use to his Deputies.

(2.) The said Clerk shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets and parcel.

(3.) The sealed packets and parcel shall be safely kept for one year, unopened, except by the command of a competent Court or the House of Representatives.

(4.) At the end of one year the packets and parcels shall be burnt unopened, in the presence of the said Clerk and the Clerk of the Writs.

144. (1.) Any ballot-paper, and any copy of a roll, and any book purporting to be taken from any such parcel as aforesaid, and having written thereon respectively, under the hand of the Clerk of the House of Representatives for the time being, a certificate of the several particulars hereby required to be indorsed upon such parcel, and that the same was so taken from such parcel, shall be conclusive evidence in any Court or before any Committee of the House of Representatives that the same was so taken, and that the same, if a ballot-paper, was deposited, and, if a roll or book, was kept or used at the election and booth to which such indorsement and writing relate.

Papers taken from parcels to be evidence in certain cases.

(2.) Every ballot-paper so certified shall be evidence of a vote given at such poll, and of the correspondence of the number appearing on such ballot-paper with the number appearing on any roll so certified as of the same election and booth, and according to the tenor of the said ballot-paper.

Of what a ballot-paper used at election shall be evidence.

(3.) But in the case of the ballot-papers set aside, or selected and set aside, by a Deputy Returning Officer or by the Returning Officer, such correspondence shall be evidence only of some person having voted in the name appearing on the roll.

Maintenance of Order at Elections.

145. (1.) Every Returning Officer shall maintain order and keep the peace at the polling-place where he is conducting the poll, and may, without any other warrant than this Act,—

Returning Officers to maintain order.

(a.) Cause to be arrested and taken before a Justice any person reasonably suspected of committing or attempting to commit at a polling-place any of the offences mentioned in section one hundred and fifty hereof; or

(b.) Cause to be removed any person who obstructs the approaches to a polling-booth, or wilfully and unnecessarily obstructs or delays the proceeding at the polling, or conducts himself in a disorderly manner, or causes a disturbance, or wilfully acts in any manner in defiance of the lawful directions of the Returning Officer.

(2.) All constables shall aid and assist the Returning Officer in the performance of his duty.

146. Where the proceedings for taking the poll at any election are interrupted or obstructed at any place by riot, open violence, or otherwise, the Returning Officer shall not for such cause finally close the poll, but shall adjourn the taking of the poll at the polling-place at which such interruption or obstruction happens to the following day, and, if necessary, from day to day until the poll can be taken without such interruption or obstruction, when the Returning Officer shall again proceed with taking the poll:

Poll to be adjourned in case of riot.

Provided that the poll shall not be kept open for more than ten hours on the whole in any city or borough having a population exceeding six thousand, and nine hours on the whole in any other place.

Offences at Elections.

Mock ballot-papers
illegal.

147. It shall not be lawful for any person to distribute or deliver to any person on the day of the poll any paper being or purporting to be in imitation of any ballot-papers to be used at any poll.

Publishing
defamatory matter
at election-time.

148. Every person who at any time between the issue of the writ and the day of the poll publishes or exposes, or causes to be published or exposed, to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector is liable to a penalty not exceeding fifty pounds or to imprisonment for any period not exceeding three months.

Erasing, &c.,
official mark on
ballot-paper.

149. Every person is liable to a fine not exceeding fifty pounds who erases, obliterates, or alters any official mark, stamp, or writing on the back of any ballot-paper, or places thereon any writing, print, or other matter calculated to lead persons to believe that the same was put thereon by any officer or person duly authorised in that behalf.

Offences in respect
of ballot-papers
and ballot-boxes.

150. (1.) Every person who—

- (a.) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys any ballot-paper, or the official mark on any ballot-paper; or
- (b.) Without due authority supplies any ballot-paper to any person; or
- (c.) Fraudulently puts into any ballot-box any paper other than the ballot-paper which he is authorised by law to put therein; or
- (d.) Fraudulently takes out of the polling-booth any ballot-paper; or
- (e.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot-box, or box or packet or parcel of ballot-papers, then in use for the purposes of the election, or in course of transmission by post or otherwise, or thereafter wherever the same may be kept as a record of such election,—

commits an offence, and is liable, if he is a Returning Officer or an officer or clerk in attendance at a polling-booth, to imprisonment for any term not exceeding two years, with or without hard labour, and, if any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

Attempt to commit
an offence.

(2.) An attempt to commit any offence specified in this section is punishable in the manner in which the offence is punishable.

Property may be
stated as being in
Returning Officer.

(3.) In any indictment or other prosecution for an offence in relation to the ballot-boxes, ballot-papers, or marking instrument at an election, the property in such papers, boxes, and instruments may be stated to be in the Returning Officer at such election.

Infringement of
secrecy.

151. (1.) Every officer, clerk, scrutineer, interpreter, and constable in attendance at a polling-booth shall maintain and aid in maintaining the secrecy of the voting in such booth, and shall not communicate, except for some purpose authorised by law, before

the poll is closed, to any person any information calculated to defeat the secrecy of the ballot.

(2.) No person, except as hereinbefore provided, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling-booth information as to the candidate for whom any voter in such booth is about to vote or has voted, or communicate at any time to any person any information obtained in a polling-booth as to the candidate for whom any voter at such booth is about to vote or has voted, or as to the number on the back of the ballot-paper given to any voter at such booth.

(3.) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot-paper.

(4.) No person shall, directly or indirectly, induce any voter to display his ballot-paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his or her vote.

(5.) Every person who acts in contravention of the provisions of this section is liable, on summary conviction before two Justices, to imprisonment with or without hard labour for any term not exceeding six months.

152. (1.) Every Returning Officer has power and authority, without any other warrant than this Act, to cause to be arrested and taken before a Justice any person reasonably suspected of committing or attempting to commit at a polling-place any act of personation.

Returning Officer may arrest person guilty of personation.

(2.) All constables shall aid and assist the Returning Officer in the performance of his duty.

(3.) It shall be the duty of the Returning Officer to institute a prosecution against any person whom he believes to have committed the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence by any person, at the election for which he is Returning Officer.

(4.) Every person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence, is liable to imprisonment with or without hard labour for a term not exceeding two years.

Punishment of personation.

(5.) The costs and expenses of the prosecutor and the witnesses in such case, together with compensation for their trouble and loss of time, shall be allowed by the Court.

Costs and expenses of prosecution to be allowed.

153. If any Returning Officer wilfully delays or fails to return any person who ought to be returned, such person may, in case it is determined on the hearing of an election petition by a competent tribunal that such person was entitled to have been returned, sue that officer in the Supreme Court, and recover double the damages he has sustained by reason thereof, together with full costs of suit, provided such action is commenced within one year after the commission or omission of the act on which the said action is grounded, or within six months after the conclusion of the trial relating to such election.

Returning Officer refusing to return any person duly elected may be sued.

Notices by Telegraph.

Certain documents
may be transmitted
by telegraph under
restrictions.

154. (1.) The Governor, the Speaker, the Clerk of the Writs and his Deputy, any member desiring to resign his seat, and any Returning Officer or substitute for a Returning Officer, may cause to be transmitted by telegram the contents of any writ, warrant, return, notice, nomination-paper, authority, or other communication required or authorised to be made or issued under the provisions of this Act by the Governor, Speaker, or any such other officer or person as aforesaid, whether requiring signature or seal or not, subject to the provisions following, that is to say, —

- (a.) The original document shall be delivered at a telegraph-station, and, in the case of any officers and persons as aforesaid other than the Governor or Speaker, such delivery shall be made in the presence and under the inspection of some Justice.
- (b.) The person to whom the contents of any such document are sent shall forthwith, in the presence and under the supervision of a Justice, cause to be sent back by telegram a copy of the message received by him; and, in the event of any error appearing therein, the process shall be repeated, under the like supervision, until it appears that a true copy of such document has been received by the person to whom it was sent.
- (c.) When it appears that such true copy has been received, the officer or person who delivered the original document to the telegraph officer shall indorse upon the original document a certificate that a true copy thereof has been sent, under the provisions of this section, to the person to whom the same was so sent, and shall forthwith by telegram inform that person that such certificate has been so indorsed; and, in the case of every officer or person other than the Governor or Speaker, the certificate shall be indorsed in the presence of the Justice who was present at the delivery of the original document.
- (d.) The person so receiving such true copy shall, upon receiving information of such certificate, indorse upon the copy of the original document received by him a certificate that the same has been duly received under the provisions of this section, which certificate shall be signed by him and by the Justice so supervising the receipt of such copy as hereinbefore provided.
- (e.) Forthwith upon making such indorsement the person who made the same shall by telegram notify the fact to the officer or person who delivered the original document to the telegraph officer.
- (f.) In the case of a writ, the officer or person to whom such telegram as last aforesaid is addressed shall forthwith upon receipt thereof deposit the same with the aforesaid telegraph officer, who thereupon, and notwithstanding anything to the contrary in this Act, shall forthwith transmit the original writ by post to the Returning Officer to whom it is addressed.

(g.) Forthwith upon receipt of such original writ the Returning Officer shall annex it to the telegraphic copy thereof previously received by him; and shall, when the result of the election is ascertained, indorse such original writ, and transmit it (together with such telegraphic copy) to the Clerk of the Writs, as required by section one hundred and thirty-nine hereof.

(2.) Every copy so indorsed and certified shall be as valid to all intents and purposes as the original whereof it purports to be a copy would have been, and shall be admissible in evidence in any case in which the original would have been so admissible; and any person by whom such copy is so received, or who is thereby authorised, instructed, or commanded, or who is lawfully charged with any duty in respect thereof, shall have and become liable to the same rights and duties in respect thereof as if he had received such original document duly signed and sealed, or signed or sealed, as the case may be.

Copies so transmitted to be as valid as originals.

(3.) Every original document (other than a writ) a copy whereof has been transmitted under this section shall be kept at the telegraph-station at which it was delivered for the purposes of such transmission, and shall, after the expiration of two days from the date of the certificate under paragraph (c) of subsection one of this section being indorsed upon it, be open within reasonable hours to the inspection of any person upon the payment of a fee of one shilling.

Original documents of which copies transmitted to be open to inspection.

155. Every person who, being charged with the delivery of any such telegram as aforesaid, wilfully delivers the same to any person other than the person to whom it is addressed commits an offence, and is liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Penalty for wilful delivery of message to wrong person.

156. Every person who—

(1.) Without lawful authority or excuse (the proof whereof shall be on the person accused) signs the name of any other person to any such telegraphic message as aforesaid, with intent to procure such message to be sent as a message from such other person, commits an offence, and is liable to imprisonment, with or without hard labour, for any term not exceeding two years; or who

Penalty for signing another's name to message to be sent.

(2.) Wilfully and falsely indorses upon any original document delivered at a telegraph-station for the purpose of being transmitted under the provisions of this Act a certificate that a true copy thereof has been sent under section one hundred and fifty-four hereof, or who by telegraph wilfully and falsely informs any person to whom such document is so sent that a certificate under the provisions of this Act has been indorsed thereon, is liable to a fine not exceeding one hundred pounds, which may be sued for and recovered by the first person who, for his own benefit and without collusion, sues for the same.

Penalty for false certificate of sending message under provisions of this Act.

157. Every person required by this Act to sign any certificate upon any copy of a document that such copy has been duly received, under the provisions of section one hundred and fifty-four hereof,

Signing false certificate upon copy.

who wilfully signs any such certificate knowing the same to be false commits a crime, and is liable at the discretion of the Court to imprisonment with hard labour for any term not exceeding fourteen years and not less than three years, or to imprisonment for any term not exceeding two years, with or without hard labour and with or without solitary confinement.

Candidate's Election Expenses.

Periods for sending in claims and payment of election expenses.

158. Subject to such exceptions as are permitted by this Act, it is hereby declared as follows:—

- (1.) Every claim against a candidate, or against any agent of the candidate, in respect of any expenses incurred is barred, and shall not be paid unless it is sent in to the candidate within thirty days after the day on which the candidate returned is declared elected.
- (2.) All expenses incurred by or on behalf of a candidate shall be paid within sixty days after the day on which the candidate returned is declared elected, and not otherwise.
- (3.) Every person who makes any payment in breach of any of the provisions of this section commits an illegal practice.

Procedure where claim disputed.

159. If the candidate, in the case of a claim sent in to him within the time limited in this Act, disputes it, or fails to pay it within the said period of sixty days, such claim shall be deemed to be a disputed claim, and the following provisions shall apply:—

- (1.) The claimant may, if he thinks fit, within thirty days after the expiration of the said sixty days, bring an action for the disputed claim in any competent Court;
- (2.) Any sum paid by the candidate in pursuance of the judgment or order of such Court shall be deemed to be paid within the time limited by this Act.

Court may grant leave to pay claim after time limited.

160. (1.) On cause shown to the satisfaction of a Magistrate's Court, such Court may, on application by the claimant or by the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any such expenses as aforesaid, although sent in after the time hereinbefore limited for sending in claims.

(2.) Any sum specified in the order granting such leave may be paid by the candidate, and when so paid shall be deemed to be within the time limited by this Act.

Payments to be vouched by bill.

161. Every payment made in respect of any expenses incurred shall, except when less than two pounds, be vouched for by a bill stating the particulars, and by a receipt.

Return and declaration respecting election expenses.

162. (1.) Within seventy days after the day on which the candidate returned at an election is declared elected, every candidate at that election shall transmit to the Returning Officer a true return in the form numbered (22) in the First Schedule hereto, or to the like effect, containing a statement of all payments made by the candidate.

Return when candidate out of colony.

(2.) Where the candidate is out of the colony on the day when the poll takes place, the aforesaid return shall be transmitted by him to the Returning Officer within twenty-one days after the candidate's arrival in the colony.

(3.) Every candidate who fails to transmit such return to the Returning Officer within the time prescribed is liable to a fine not exceeding twenty pounds, and, if he is an elected candidate, to a further fine not exceeding twenty pounds for every day thereafter on which he sits or votes in the House of Representatives until such return is transmitted.

Penalty for neglect to furnish return, or for transmitting false return.

(4.) Every candidate who transmits a return which is false in any material point commits a corrupt practice, unless he satisfies the Court that he had no intention to misstate or conceal the facts.

(5.) It shall be the duty of the Returning Officer to see that the provisions of this section are faithfully complied with, or, if not faithfully complied with, then that proceedings are taken for the recovery of the fine imposed by this section.

163. The Returning Officer shall keep such return in his office, or at some other convenient place to be appointed by the Colonial Secretary, for a period of twelve months after it is received by the Returning Officer, and during that period such return shall be open to inspection by any person on payment of a fee of one shilling; and at the expiration of such period of twelve months the Returning Officer shall cause the said return to be destroyed.

Return and declaration to be open for public inspection for twelve months.

164. (1.) The total expenses of a candidate shall in no case exceed the sum of two hundred pounds.

Limit of election expenses.

(2.) Every candidate or person who directly or indirectly pays, or knowingly aids and abets any person in paying, for or on account of such expenses sums which in the aggregate exceed the sum of two hundred pounds commits a corrupt practice.

(3.) In this and the six last preceding sections the words "payment," "advance," "deposit," "expenses," and "sum" are used in relation to the conduct and management of the election.

Validity of Elections.

165. An election shall not be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such election or any polling was held, if such person was actually appointed or was acting in the office giving a right to preside at such election or polling.

Election not to be invalid for defect in appointment of person taking the poll.

166. An election shall not be void in consequence of there being no Returning Officer for any district at the time of the issue of the writ, or of any delay in the return of the writ.

Election not to be void for want of appointment of Returning Officer.

167. An election shall not be declared invalid by reason of any irregularity in any of the proceedings preliminary to the polling, or by reason of a failure to hold a poll at any place appointed for holding a poll, or by reason of a non-compliance with the directions contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the First Schedule hereto, if it appears to the Court having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such failure, non-compliance, or mistake did not affect the result of the election.

Election not invalid by reason of irregularities which do not affect result.

PART IV.

MAORI REPRESENTATION.

Four Maori members to be elected.

168. (1.) In addition to the number of members of which it is provided that the House of Representatives shall consist, there shall be four members of the said House to represent therein the inhabitants of the colony of the Maori race.

How chosen.

(2.) Such members shall be chosen respectively from amongst and by the votes of the Maoris inhabiting each of the several Maori electoral districts hereinafter mentioned, who have not at any time theretofore been attainted or convicted of treason, or of any offence punishable by imprisonment with hard labour for three years or upwards, and are otherwise qualified as hereinafter provided.

Qualification of Maori electors.

169. Every adult Maori (not being registered under Part II. of this Act) who is not disqualified under some provision of this Act or any other Act is entitled, subject to the provisions of this Act, to vote as an elector at any election of a member of the House of Representatives for the Maori electoral district in which he resides.

Qualification of Maori members.

170. Every such male elector is qualified to be a member of the House of Representatives for any Maori electoral district of the colony.

Members not to hold office of emolument under Government.

171. (1.) A member elected under the provisions of this Part of this Act shall not be capable of being appointed to any office of emolument under the Government of the colony so long as he is a member of the General Assembly.

(2.) If any such member at the time of his election holds any such office of emolument as aforesaid, the salary or emolument of such office shall neither be increased nor diminished during such time as he is a member.

(3.) The provisions of this section shall not apply to the holding a seat in the Executive Council, or to an appointment as adviser or Assessor of or in connection with the Executive Council, and receiving salary only in respect of such seat or such appointment, such seat or appointment being held on the ordinary tenure of responsible government.

Maori electoral districts, and number of members to be returned.

172. (1.) For the purpose of this Part of this Act the colony shall be divided into four Maori electoral districts.

(2.) The names of such electoral districts and the numbers of the members to be returned by each such district respectively shall be as follow :—

The Northern Maori Electoral District, one member.

The Eastern Maori Electoral District, one member.

The Western Maori Electoral District, one member.

The Southern Maori Electoral District, one member.

Governor may alter the same.

(3.) The Governor may at any time by Proclamation redefine and declare, and from time to time alter and vary, the boundaries of the several Maori electoral districts; and such boundaries so from time to time redefined and declared shall be taken and deemed to be the boundaries of the said Maori electoral districts as fully as if the same had been set forth in this Part of this Act.

(4.) The person who at the time of the making and publication of any Proclamation altering the boundaries of any Maori electoral district is the member of the House of Representatives for such district shall (if in all other respects duly qualified) be and be deemed to be the member for such one of the Maori electoral districts affected by such alteration as the Governor in and by any such Proclamation determines, as if such member had been originally elected for such electoral district so altered as aforesaid.

Members for districts to remain although districts altered.

173. All elections of Maori members shall be conducted according to the following regulations :—

Regulations for conduct of elections.

- (1.) There shall be one Returning Officer, appointed by the Governor, for each electoral district, and the said Returning Officer shall have power to appoint, on the occasion of any election, such Deputy Returning Officers as he deems necessary; and if, owing to illness or other misadventure, such officer is unable personally to attend on such occasion he shall be empowered to appoint a substitute to act in his stead.
- (2.) Every Returning Officer and Deputy Returning Officer, and every substitute appointed hereunder, shall, before acting in his office, make and subscribe before a Justice the declaration set forth in the form numbered (1) in the Third Schedule hereto.
- (3.) Polling-places shall be appointed in each electoral district by the Governor, and notice of the places appointed shall be published in the *Kahiti* and *Gazette* for at least eight days previous to the day of nomination.
- (4.) The Clerk of the Writs shall, when authorised, issue a writ in the form numbered (2) in the Third Schedule hereto, specifying the day and place of nomination, and the day on which the poll, if necessary, shall take place.
- (5.) The writ shall be forwarded to each Returning Officer, and a copy thereof shall be published in the *Kahiti* and *Gazette*, and posted in such public places as is thought desirable by the Returning Officer.
- (6.) On the day of nomination so to be fixed as aforesaid the Returning Officer shall preside at a meeting to be held at noon at the appointed place, and shall declare the purpose for which the meeting is held.
- (7.) The Returning Officer may declare the meeting adjourned from day to day till the election is completed.
- (8.) Every candidate shall be proposed by one and seconded by another elector, who shall each previously obtain from the Returning Officer a certificate that he is qualified to vote at the election; and if no more than one candidate is so proposed and seconded the Returning Officer shall declare such candidate duly elected, and make his return accordingly.
- (9.) In the event of there being two or more candidates proposed and seconded, the Returning Officer shall call for a show of hands, separately, in favour of each candidate, and after such show shall (unless a poll is demanded by one of the

- candidates, or by some elector, duly certified as such, on his behalf) declare the person in whose favour the show of hands appears to have been largest to be duly elected.
- (10.) The name of the person so declared to be elected shall be indorsed on the writ by the Returning Officer as the person duly elected in pursuance thereof, and the writ shall be returned by him forthwith to the Clerk of the Writs, to be by him forwarded to the Speaker; and the Returning Officer shall forthwith publish a notice of the result of the poll in the *Kahiti* and *Gazette*.
 - (11.) If a poll is demanded as aforesaid, the Returning Officer shall then declare the day on which the same shall be taken, being the day fixed by the writ as aforesaid, and on that day the poll shall be taken at the places appointed as aforesaid, and shall commence at nine o'clock in the forenoon of the day appointed and shall close at four o'clock in the afternoon of the same day, unless otherwise ordered by the Returning Officer.
 - (12.) If a poll is demanded, the Returning Officer shall immediately make arrangements for the issue to electors at each polling-place of voting-papers, which shall be in the form numbered (3) in the Third Schedule hereto, and such papers may be issued at any time or times appointed by the Returning Officer until the close of the poll.
 - (13.) Before giving a voting-paper to any Maori the Returning Officer shall put the following question to him: "Are you registered as an elector in respect of a qualification for any electoral district other than a Maori electoral district?" and if such question is not answered in the negative he shall not give the applicant a voting-paper.
 - (14.) On the day of the poll the electors shall enter the polling-booth one by one, and shall each present his voting-paper, and, when requested to do so, shall state the name of the candidate for whom he intends to vote, and his own name.
 - (15.) The Returning Officer or his Deputy shall thereupon write the name of such candidate on the voting-paper and sign the same, and pass it to a Maori, to be appointed by him, to be associated with him for this purpose, who shall place his initials or name on such voting-paper as witness.
 - (16.) Each candidate may, by writing under his hand, appoint one scrutineer, who if he chooses may, after the closing of the poll, be present at the counting of the votes given to each candidate.
 - (17.) The Returning Officer shall, as soon as conveniently may be after the closing of the poll, and in the presence of such scrutineers as choose to be present, ascertain the numbers polled for each candidate, and shall sign a notice and declaration stating the number of votes polled for each candidate, and declare the person found to have the

greatest number of votes to be duly elected, and shall indorse, return, and forward the writ accordingly, and publish a notice of the result of the poll, as provided in subsection ten of this section.

- (18.) If two or more candidates have received an equal number of votes the Returning Officer shall give a casting-vote.
- (19.) The Returning Officer or his Deputy shall have power to appoint a sufficient number of officers to keep order, and to make and enforce such regulations for insuring the orderly, effective, and impartial conduct of the election as he thinks fit.
- (20.) The provisions of this Act relating to electors' rights and to notices by telegraph shall, *mutatis mutandis*, be deemed to be implied herein as fully and effectually as if they were expressly set forth.
- (21.) Where by this section it is directed that any notice or copy of any instrument is to be published in the *Kahiti*, such publication shall be in the Maori language; and where it is directed that any notice or copy of any instrument is to be published in the *Gazette*, such publication shall be in the English language.
- (22.) In any case not provided for in this section the Returning Officer or his Deputy or substitute shall, as far as possible, be guided by the law and practice which obtains in relation to elections of members of the House of Representatives for other electoral districts, and to the general law relating to Parliament.

PART V.

ELECTION PETITIONS.

174. A petition complaining of an undue return or an undue election of a member of the House of Representatives (hereinafter referred to as an "election petition") may be addressed to the Chief Justice of the Supreme Court by one or more of the following persons:—

To whom and by whom election petition may be presented.

- (1.) Some person who voted, or had a right to vote, at the election to which the petition relates; or
- (2.) Some person claiming to have had a right to be returned or elected at such election; or
- (3.) Some person alleging himself to have been a candidate at such election.

Procedure.

175. Every election petition shall allege the specific grounds on which the complaint is founded, and no other grounds than those stated shall be investigated.

Petition to allege specific grounds of complaint.

176. With respect to the presentation of an election petition the following provisions shall apply:—

Regulations as to presentation of election petition.

- (1.) The petition shall be presented within twenty-eight days after the day on which the Returning Officer has declared

the candidate to be duly elected, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges payment of money or other reward to have been made by any member, or on his account, or with his privity, since the time of such publication, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented within twenty-eight days after the date of such payment.

- (2.) Presentation of a petition shall be made by delivering it to the Returning Officer.
- (3.) At the time of the presentation of the petition, or within three days afterwards, security shall be given on behalf of the petitioner to the amount of two hundred pounds, to the satisfaction of the Returning Officer, for payment of all costs, charges, and expenses that may become payable as herein provided,—
 - (a.) To any person summoned as a witness on his behalf; or
 - (b.) To the member whose election or return is complained of, who is hereinafter referred to as “the respondent.”
- (4.) The security shall be given by a bond to His Majesty, to be entered into by any number of sureties not exceeding three, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.
- (5.) On presentation of the petition the Returning Officer shall forward the same, together with the bond, to the Registrar of the Supreme Court at Wellington.

Returning Officer if complained of, to be respondent.

177. Where an election petition complains of the conduct of a Returning Officer or Registrar, such officer shall, for all the purposes of this Act except the admission of respondent in his place, be deemed to be respondent.

Petition complaining of no return.

178. A petition complaining of no return may be presented to the Chief Justice, and shall be deemed to be an election petition within the meaning of this Act; and the Chief Justice may make such order thereon as he thinks expedient for compelling a return to be made, or may direct such petition to be heard before the Election Court in manner provided with respect to ordinary election petitions.

Form and service of petition.

179. An election petition shall be in such form and state such matters as are prescribed, and shall be served as nearly as may be in the manner in which a writ or summons is served, or in such other manner as is prescribed.

Joint respondent to petition.

180. (1.) Two or more candidates may be made respondents to the same petition, and their cases may for the sake of convenience be tried at the same time, but for all the purposes of this Act such petition shall be deemed to be a separate petition against each respondent.

Petitions relating to same election treated as one petition.

(2.) Where more petitions than one are presented relating to the same election or return, all such petitions shall be dealt with as one petition.

181. (1.) The Judges of the Supreme Court, or the Chief Justice and any other two of such Judges, may from time to time make general rules and orders (in this Act referred to as "rules of Court") for the regulation of the practice, procedure, and costs of election petitions, and the trial thereof, and the certifying and reporting thereon.

Rules to be made
by Court.

(2.) Any general rules and orders made as aforesaid shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted herein.

(3.) Any general rules and orders made under this section shall, within three weeks after they are made, be laid before Parliament if sitting, and if not, then within three weeks after the beginning of the next session thereof.

CORRUPT AND ILLEGAL PRACTICES AT ELECTIONS.

Corrupt Practices.

182. Every person commits the offence of bribery, and shall be punishable accordingly, who— "Bribery" defined.

- (1.) Directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election; or
- (2.) Directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election; or
- (3.) Directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the House of Representatives, or the vote of any elector at any election; or
- (4.) Upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures, or engages or endeavours to procure, the return of any person to serve in the House of Representatives, or the vote of any elector at any election; or

- (5.) Advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election ; or
- (6.) Being an elector, directly or indirectly, by himself or by any other person on his behalf, before or during any election, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election ; or
- (7.) After any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting, at any election.

“Treating” defined.

183. Every person commits the offence of treating who—

- (1.) Being a candidate at any election, directly or indirectly, by himself or by or with any person, or by any other ways or means on his behalf, on the polling-day of any election, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, entertainment, or provision to or for any person in order to be elected or for being elected, or for the purpose of influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting, at such election ; or
- (2.) Being the holder of a license for the sale by retail of intoxicating liquor, knowingly supplies any meat, drink, entertainment, or provision—
 - (a.) To any person in case the supply thereof is demanded for the purpose of treating, or any corrupt or illegal practice ; or
 - (b.) To any persons, whether electors or not, for the purpose of promoting or procuring the election of a candidate at an election, and supplies the same without receiving payment for the same at the time when the same is so supplied.

“Undue influence” defined.

184. Every person commits the offence of undue influence who, directly or indirectly, by himself or by any other person on his behalf, makes use or threatens to make use of any force, violence, or restraint, or inflicts or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain

from voting, or on account of such person having voted or refrained from voting, at any election, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents, or otherwise interferes with the free exercise of the franchise by any elector, or thereby compels, induces, or prevails upon any elector either to give or to refrain from giving his vote at any election.

185. Every person commits the offence of personation who at any such election applies for a voting-paper in the name of some other person, living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a voting-paper in his own name.

“Personation”
defined.

Illegal Practices.

186. (1.) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment—

Certain employment
to be illegal practice.

- (a.) As agent, clerk, or messenger, except as mentioned in Part I. of the Fourth Schedule hereto; or
- (b.) As committee-man, canvasser, watcher, guard, detective, or torch-bearer; or
- (c.) To act or render service in any capacity, except one for which payment is authorised by Parts I. or II. of the Fourth Schedule hereto; or
- (d.) If an elector, as clerk or messenger.

(2.) Every person who engages or employs any person in breach of this section commits an illegal practice, and the person so engaged or employed also commits an illegal practice.

187. (1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made—

Certain expenditure
to be illegal practice.

- (a.) On account of the conveyance of electors to or from the poll, whether for the hiring of special trains, steam-boats, or carriages, or for railway fares, or otherwise; or
- (b.) For bands, torches, flags, banners, cockades, ribbons, or other marks of distinction; or
- (c.) For exhibiting bills, addresses, or notices, or for the use of any house, building, erection, place, board, or thing for the purpose of any such exhibition; or
- (d.) With the exceptions authorised by Parts I. and II. of the Fourth Schedule hereto, in respect of any matter whatever.

(2.) Every person who makes any payment or contract for payment in breach of this section, either before, during, or after an election, commits an illegal practice, and any person being a party to any such contract, or receiving such payment, also commits an illegal practice.

188. (1.) Premises licensed for the sale by retail of any intoxicating liquor, or any part of such premises, shall not be used as a committee-room for the purpose of promoting or procuring the election of a candidate at an election.

Use of committee
room in publichouse
to be illegal practice.

(2.) Every person who hires or uses any such premises or any part thereof for a committee-room commits an illegal practice, and the person letting such room also commits an illegal practice.

Providing of money for illegal practice.

189. Every person commits an illegal practice, and is liable for every such offence to a fine not exceeding twenty pounds, who—

(1.) Knowingly provides money for the purpose of any payment or expenditure, or for the repayment of any money so paid or expended, where the person who made such payment or incurred such expenditure thereby committed an illegal practice; or

Procurement of voting by un-qualified voters to be illegal practice.

(2.) Induces or procures any person to vote at any election whom at the time he knows to be disqualified or prohibited, whether under this Act or otherwise, from voting at such election; or

Wagers, &c., on result of election prohibited.

(3.) Makes any wager, bet, or other risk of any nature upon the result of any election under this Act.

No payment for election expenses to be made except by the candidate.

190. (1.) Except as permitted by this Act,—

(a.) No payment, and no advance or deposit in relation to the conduct or management of the election, shall be made by any agent on behalf of the candidate, or by any other person, at any time, whether before, during, or after the election, otherwise than by or through the candidate himself; and

(b.) All money provided by any person other than the candidate for any expenses incurred, whether as gift, loan, advance, or deposit, shall be paid to or on the order of the candidate, and not otherwise.

(2.) Every person who commits a breach of any of the provisions of this section commits an illegal practice.

(3.) This section shall not be deemed to apply to any sum disbursed by any person out of his own moneys for any small expense legally incurred by himself, if such sum is not repaid to him.

Trial of Election Petitions.

Mode of trial.

191. With respect to the trial of election petitions the following provisions shall apply:—

(1.) The trial shall take place before two of the Judges of the Supreme Court, to be named by the Chief Justice for that purpose (hereinafter called “the Election Court”).

(2.) If any such Judge, before the conclusion of the trial, is unable to act, the Chief Justice shall name another Judge who shall act in his place.

(3.) The trial shall take place within the district in respect of which the petition has arisen: Provided that, if it appears to the Election Court that special circumstances exist which render it desirable that the petition should be tried elsewhere than in such district, it shall be lawful for the Court to appoint such other place for the trial as appears most convenient.

(4.) Notice of the time and place at which an election petition will be heard shall be given not less than fourteen days before the day of trial.

- (5.) The Court may adjourn from time to time and from place to place as it deems expedient.
- (6.) Subject to this Act, the Court shall have jurisdiction to inquire into and adjudicate on any matter relating to a petition in such manner as it thinks fit, and, in particular, may at any time during the trial direct a recount or scrutiny of the votes given at the election to which the petition refers, and shall disallow the vote of every person found guilty of any corrupt or illegal practice, or whose name has been illegally placed or retained on the roll.
- (7.) At the conclusion of the trial the Court shall determine whether the member whose return or election is complained of, or any and what other person, was duly returned or elected, or whether the election was void, and shall forthwith certify in writing such determination to the Speaker; and upon such certificate being given such determination shall be final to all intents and purposes.
- (8.) Where a charge is made in an election petition of any corrupt or illegal practice having been committed at the election to which the petition refers, the Court shall, in addition to such certificate, and at the same time, report in writing to the Speaker as follows :—
 - (a.) Whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, and the nature of such corrupt or illegal practice ;
 - (b.) The names of all persons proved at the trial to have been guilty of any corrupt or illegal practice ;
 - (c.) Whether corrupt or illegal practices have, or whether there is reason to believe that corrupt or illegal practices have, extensively prevailed at the election to which the petition relates ;
 - (d.) Whether the candidate at such election has been guilty by his agents of any corrupt or illegal practice in reference to such election.
- (9.) The Court may at the same time make a special report to the Speaker as to any matters arising in the course of the trial an account of which, in the judgment of the Court, ought to be submitted to the House.
- (10.) Before a person is reported by an Election Court to have been guilty of any corrupt or illegal practice at an election the Court shall cause notice to be given to such person, and, if he appears in pursuance of the notice, shall give him an opportunity of making a statement to show cause why he should not be so reported.
- (11.) Every certificate and every report sent to the Speaker in pursuance of this Act shall be under the hands of both Judges ; and if the Court—
 - (e.) Differs as to whether the member whose return or election is complained of was duly returned or

elected, it shall certify that difference, and the member shall be deemed to be duly elected or returned; or

(*f.*) Determines that such member was not duly elected or returned, but differs as to the rest of the determination, it shall certify that difference, and the election shall be deemed to be void; or

(*g.*) Differs as to the subject of a report to the Speaker, it shall certify that difference, and make no report on the subject on which it so differs.

(12.) Save as aforesaid, any order, act, application, or thing for the purposes of this Act may be made or done by, to, or before one Judge.

Trial may proceed during recess.

(13.) The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation of Parliament.

Report of Judges thereon.

192. (1.) The House, on being informed by the Speaker of such certificate and report, if any, shall order the same to be entered on the Journals of the House, and shall give the necessary directions for confirming or altering the return, or for issuing a writ for a new election, or for carrying the determination into execution, as circumstances require.

(2.) When the Court makes a special report, the House may make such order in respect of such special report as it thinks proper.

Evidence of corrupt practices, how received.

193. On the trial of an election petition, unless the Court otherwise directs, any charge of a corrupt or illegal practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt or illegal practice.

Recrimination when petition for undue return.

194. On the trial of a petition under this Act complaining of an undue return, and claiming the seat for some person, the respondent may give evidence to prove that the election of such person was invalid, in the same manner as if he had presented a petition complaining of such election.

Powers of Court.

195. On the trial of an election petition the Court shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority as Judges of the Supreme Court have; and the Court shall be a Court of record.

Effect of Report.

Candidate personally guilty of corrupt or illegal practice.

196. Where, upon the trial of an election petition, it is reported to the Speaker by the Election Court—

(1.) That any corrupt or illegal practice has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, the election of that candidate, if he has been elected, shall be void; and he shall further be subject to the same incapacities as if at the date of the report he had been convicted on indictment of a corrupt or illegal practice, as the case may be:

Candidate guilty by his agent.

(2.) If such report is that a candidate at such election has been guilty by his agents of any corrupt or illegal practice in reference to such election, that candidate shall not be

capable of being elected to or of sitting in the House of Representatives for the same district during the Parliament for which the election was held, or for such less period as the Election Court in its report states that in its opinion he ought to be incapable, and if he has been elected his election shall be void.

197. (1.) Every person who commits any corrupt or illegal practice is liable on conviction, on indictment in the Supreme Court, to a fine not exceeding four hundred pounds in the case of a corrupt practice, and not exceeding one hundred pounds in the case of an illegal practice, and shall, whether a candidate or not, be subject to such of the incapacities (if any) specified in this section, and for such period not exceeding three years, as the Election Court in its report states in its opinion he should be subject to, or as the Judge presiding at the trial at which he is so convicted orders in writing such person to be subject to, as the case may be.

Person guilty of corrupt or illegal practice.

(2.) The incapacities herein referred to are:—

(a.) He shall not be capable of being registered as an elector or of voting at any election in New Zealand, whether it be a parliamentary election or an election for any public office within the meaning of this Act; or

(b.) Of holding any public or judicial office within the meaning of this Act, and if he holds any such office the office shall be vacated; and

(c.) In the case of a corrupt practice, of being elected to and of sitting in the House of Representatives, and if at the date of his conviction he has been elected to that House his election shall be vacated from the time of such conviction.

(3.) Where any person appears to the Election Court to have been guilty of any corrupt or illegal practice, the Court may order the whole or any part of the costs of or incidental to any proceedings before the Court in relation to that practice or to that person to be paid by that person.

(4.) Where costs are ordered by the Court to be paid by any person, those costs shall be a debt due from such person to the person to whom they are ordered to be paid, and may be recovered accordingly.

(5.) For the purposes of this Act,—

“Public office” means any office under any Act relating to local government, or under “The Education Act, 1877,” or “The Harbours Act, 1878,” whether the office is that of Mayor, Councillor, or member of any Board, or is the office of Town Clerk, clerk, or other officer under a Council or Board, or is any other office to which a person is elected or appointed under any of the said Acts:

“Judicial office” includes the office of a Justice.

198. (1.) Every person who is reported by an Election Court to have been guilty of any corrupt or illegal practice shall, whether or not he has obtained a certificate of indemnity as hereinafter mentioned, be subject to the same incapacity of being registered as an elector and of voting and of holding office as he would under

Incapacity of person reported guilty of corrupt or illegal practice.

this Act be subject to if he had at the date of the report been convicted of the corrupt or illegal practice of which he is reported to have been guilty.

Punishment for disqualified person voting.

(2.) If any person, while he is in consequence of conviction or on the report of an Election Court incapable, in pursuance of the provisions of this Act, of voting at any election, whether a parliamentary election or an election to any public office, votes or applies for a ballot-paper at any such election, he shall, notwithstanding his name is on the register of electors or of persons entitled to vote at the said election to any public office, be liable on summary conviction to a fine not exceeding one hundred pounds, and his vote shall be void.

Where person reported guilty is a Justice.

199. (1.) Where a Justice appears, from the evidence given before an Election Court, to have been guilty of or privy to any misconduct in reference to an election, it shall be the duty of the Minister of Justice to report the case to the Governor, with such evidence as may have been given of such misconduct.

Or a barrister or other professional man.

(2.) Where a person who is a barrister or solicitor, or who belongs to any profession the admission to which is regulated by law, appears from the evidence given before an Election Court to have been guilty of or privy to any misconduct in reference to an election, it shall be the duty of the Attorney-General to bring the matter before the tribunal having power to take cognisance of any misconduct of such person in his profession, and such tribunal may deal with such person in like manner as in any case of misconduct by such person in his profession.

Reversal of disqualification procured through perjury.

200. Where a person is subject to any incapacity under this Act by reason of any conviction or any report of an Election Court, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the Supreme Court, and the Court, if satisfied that the conviction or report so far as respects such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

Vote to be struck off for corrupt or illegal practices.

201. Where a candidate, on the trial of an election petition claiming the seat for any person, is proved to have been guilty, by himself or by any person authorised to act on his behalf, of bribery, treating, or undue influence in respect of any person who voted at such election, or where any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election, as scrutineer, agent, clerk, messenger, or in any other employment, is proved on such trial to have voted at such election, there shall, on a scrutiny, be struck off from the number of votes appearing to have been given to such candidate one vote for every person who voted at such election and is proved to have been so bribed, treated, or unduly influenced, or so retained or employed or reward as aforesaid.

Witnesses.

Summons of witnesses.

202. (1.) Witnesses may be summoned and sworn on the trial of an election petition in the same manner, as nearly as circumstances admit, as in a trial before the Supreme Court, and shall be subject to the same penalties for perjury.

(2.) The Court may, by order under its hand, compel the attendance of any person as a witness who appears to the Court to have been concerned in the election to which the petition refers; and every person who refuses to obey such order commits contempt of Court.

Court may
summon and
examine witnesses.

(3.) The Court may examine any witness compelled to attend, or any person in Court, although such witness is not called or examined by any party to the petition.

(4.) After the examination of a witness as aforesaid by the Court, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

203. (1.) A person who is called as a witness respecting an election before an Election Court shall not be excused from answering any question relating to any offence at or connected with such election on the ground that the answer thereto may tend to criminate himself, or on the ground of privilege :

Certificate of
indemnity to
witness.

Provided that—

(a.) An answer by a person to a question put by or before an Election Court shall not, except in the case of an indictment for perjury in respect of such answer, be admissible in evidence against him in any proceeding, civil or criminal; and

(b.) A witness who answers all questions so put to him shall be entitled to receive a certificate of indemnity, stating that such witness has so answered.

(2.) If any legal proceeding is at any time instituted against any person who has received such a certificate of indemnity for any offence committed by him previously to the date of the certificate at or in relation to the said election, the Court having cognisance of the case shall on proof of the certificate stay the proceeding, and may in their discretion award to the said person such costs as he has been put to in the proceeding.

204. On any prosecution in respect of any corrupt or illegal practice under this Act, whether on indictment or summarily, and in any action for a pecuniary forfeiture under this Act, the person prosecuted or sued, and the husband or wife of such person, may, if he or she think fit, be examined as an ordinary witness in the case.

Who to be com-
petent witnesses.

205. (1.) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed witnesses on the trial of civil actions in the Supreme Court, may be allowed to such person by a certificate under the hand of the Election Court.

Reasonable expenses
of witnesses to be
allowed.

(2.) Such expenses, if the witness was called and examined by the Court, shall be deemed part of the expenses of providing a Court, and in other cases shall be deemed to be costs of the petition.

Proceedings after Report.

206. Where an Election Court reports that certain persons named have been found guilty of any corrupt or illegal practice, it shall report whether those persons have or have not been furnished with certificates of indemnity; and such report shall be laid before the Attorney-General with a view to his instituting or directing a

Submission of report
to Attorney-
General.

prosecution against such persons as have not received certificates of indemnity, if the evidence, in his opinion, is sufficient to support a prosecution.

Persons charged with corrupt practice may be found guilty of illegal practice.

207. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice; and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice.

Court may order costs of prosecution to be paid to prosecutor.

208. Every indictment for corrupt practices shall be tried before the Supreme Court only, and the said Court may order payment to the prosecutor of such costs and expenses as appears to the Court to have been reasonably incurred in and about the conduct of such prosecution.

In case of private prosecution defendant may recover costs.

209. In case of any indictment or information by a private person for any offence against the provisions of this Act relating to corrupt or illegal practices, if judgment is given for the defendant he shall be entitled to recover from the prosecutor the costs (to be taxed by the proper officer of the Court) sustained by him by reason of such indictment or information.

Prosecutor not to be entitled to costs unless he enters into recognisance.

210. The said Court shall not order payment of the costs of a prosecution for any offence against the provisions of this Act unless the prosecutor, before or upon the finding of the indictment or the granting of the information, enters into a recognisance, with two sufficient sureties to be approved of by the Registrar of the Supreme Court, in the sum of one hundred pounds, to be acknowledged before a Judge of the Supreme Court, with the condition following, that is to say: that the prosecutor will conduct the prosecution with effect, and will pay to the defendant or defendants, in case he or they are acquitted, his or their costs.

Limitations of actions and prosecutions.

211. A person shall not be liable to any fine hereby imposed unless proceedings for the recovery thereof are taken within six months after such fine has been incurred, and unless such proceedings are proceeded with and carried out without any wilful delay.

Withdrawal and Abatement of Petitions.

Withdrawal of petition, and substitution of new petitioners.

212. (1.) An election petition shall not be withdrawn without the leave of the Court, upon special application to be made in and at the prescribed manner, time, and place

(2.) Such application shall not be made for the withdrawal of a petition until the prescribed notice has been given, in the district to which the petition relates, of the intention of the petitioner to make application for the withdrawal of his petition.

(3.) On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

(4.) The Court may, if it thinks fit, substitute as a petitioner any such applicant, and may, if the proposed withdrawal is in the opinion of the Court induced by a corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs incurred by the substituted petitioner, and that to the extent of the sum named in such security the original

petitioner shall be liable to pay the costs of the substituted petitioner.

(5.) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution.

(6.) Subject as aforesaid, a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities, as the original petitioner.

(7.) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

(8.) Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

(9.) In every case of the withdrawal of an election petition the Court shall report to the Speaker whether, in its opinion, the withdrawal of such petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and, if so, the circumstances attending such withdrawal.

Court to report to Speaker circumstances of withdrawal.

213. (1.) An election petition shall be abated by the death of a sole petitioner, or of the survivor of several petitioners.

Abatement of petition.

(2.) The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

(3.) On the abatement of a petition the prescribed notice of such abatement having taken place shall be given in the district to which the petition relates; and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court, in and at the prescribed manner, time, and place, to be substituted as a petitioner.

(4.) The Court may, if it thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition.

214. If before the trial of an election petition the respondent—

(1.) Dies; or

(2.) Is summoned to the Legislative Council; or

(3.) Gives, in and at the prescribed manner and time, notice to the Court that he does not intend to oppose the petition; or if

(4.) The House of Representatives resolves that his seat is vacant,—

Admission in certain cases of voters to be respondents.

then notice thereof shall be given in the district to which the petition relates, and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court to be admitted as a respondent to oppose the petition, and such person shall on such application be admitted accordingly, either with the respondent if there is a respondent, or in place of the respondent, and any number of persons not exceeding three may be so admitted.

Respondent not
opposing not to
appear as party or
to sit.

215. A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the House of Representatives until that House has been informed of the report on the petition; and the Court shall, in all cases in which such notice is given in the prescribed time and manner, report the same to the Speaker.

Costs.

General costs
of petition.

216. (1.) All costs, charges, and expenses of and incidental to the presentation of an election petition, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the Court determines, regard being had to the disallowance of any costs, charges, and expenses caused, in the opinion of the Court, by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it was caused, whether such parties are or are not on the whole successful.

(2.) The costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between solicitor and client in an action in the Supreme Court; and such costs may be recovered in the same manner as the costs in an action, or in such other manner as is prescribed.

Recognisance, when
to be estreated.

217. If a petitioner in an election petition fails for the space of six months after demand to pay any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges, and expenses, and if such failure is within one year after such demand proved to the satisfaction of a Judge of the Supreme Court, in any such case every person who has entered into a recognisance relating to such petition shall be held to have made default in his said recognisance, and the same shall be dealt with as provided by "The Crown Suits Act, 1881," in respect of recognisances.

PART VI.

MISCELLANEOUS.

Service of notices.

218. (1.) Any summons or notice under this Act may be served by delivering the same to the person to whom it is addressed, or by leaving the same at his place of residence as stated on the roll, or by sending the same to such residence through the post by registered letter, marked on the outside "Electoral Notice-letter," addressed to the person to or upon whom such summons or notice is required to be sent, delivered, or served, and the sending of such summons or notice in manner aforesaid shall be sufficient service.

Electoral notice-
letter.

(2.) If any letter marked as aforesaid is not claimed, notice of the said letter being at the post-office for delivery shall be sent to the other post-offices in the same electoral district, and posted on a notice-board at the said post-offices.

(3.) Where any notice or summons is sent by registered letter marked as aforesaid through the post, addressed to any person at his place of residence as stated on the roll, with a special request that such letter may be returned to the sender at the expiration of thirty days if the person to whom the letter is addressed cannot be found, the return of such letter by the Post Office shall be deemed sufficient proof that the aforesaid person has quitted such place of residence.

Return of registered letter to be evidence of person having left his residence.

(4.) The Post Office receipt for an electoral notice-letter shall be evidence of the posting thereof, but not of its contents.

219. In any proceedings before any Court or tribunal by a public officer or any other person on behalf of His Majesty for the recovery of any fine under this Act, the said Court or other tribunal, in awarding the amount thereof, may also in each case award to such public officer or other person the costs of recovering the same.

Costs may be granted to the Crown.

220. The Governor may from time to time, by Warrant under his hand, direct that all such moneys as are from time to time required for paying any expenses lawfully incurred or to be incurred under and in execution of this Act shall be paid out of the Public Account, and the same shall be so paid accordingly.

Expense of administration to be paid out of Public Account.

221. (1.) Where any accidental or unavoidable impediment, misfeasance, or omission happens, the Governor in Council may take such measures as are necessary for removing or rectifying the same, or may postpone the day on which any electoral roll may come into force, or may declare any such roll valid, or may declare any or all of the proceedings at or for any election valid, notwithstanding such impediment, misfeasance, or omission.

Unavoidable impediments may be removed by Governor in Council.

(2.) Every such Order in Council shall state specifically the nature of the impediment, misfeasance, or omission, and shall be forthwith published in the *Gazette*.

222. Within twenty-one days before or after the day appointed for doing any act, matter, or thing required by this Act to be done on or before a day certain, the Governor in Council may extend the time allowed for doing any such act, matter, or thing, and adopt or cause to be adopted such measures as are necessary to remove any obstacle or difficulty of a technical or formal nature by which the carrying-out of the provisions of this Act may be impeded, and supply any deficiency which may be required to be supplied in order to enable the said provisions to be carried out.

Time may be extended in cases of a technical nature.

223. This Act shall not apply to any of the outlying islands of New Zealand not now contained within any electoral district.

Application to outlying islands.

224. The enactments referred to in the Fifth Schedule hereto are hereby repealed: Provided that—

Repeals.
Saving.

(1.) All persons appointed under any Act hereby repealed shall be deemed to be appointed under this Act; and

(2.) Every roll existing at the commencement of this Act shall be deemed to have been made under this Act, and shall remain in force until a new roll is required to be made under this Act; and

(3.) All electors' rights issued under any repealed Act, and in force at the commencement of this Act, shall be deemed to be issued under and subject to the provisions of this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

(1.) FORM OF CLAIM FOR ENROLMENT.

To the Registrar of the Electoral District of
I, [Name in full], hereby claim to have my name inserted on the electoral roll
of

I do hereby declare as follows :—

My age is not under twenty-one years.

* I am a British subject by birth [or by virtue of naturalisation in New Zealand ;
or, if a half-caste, I am a half-caste aboriginal native of New Zealand].

I have resided within the Colony of New Zealand for twelve months,† and
within the said district for three months immediately preceding the day hereof.

I am not, within my knowledge, registered in any other district in the colony,
nor in the district for which I now claim to be registered.

[Signature.]

[Place of abode.]

[Occupation or addition.]

Signed and declared by the claimant, this day }
of in the year 19 , before me, }

E. F., Registrar

[or Deputy Registrar, or Justice, or Postmaster,
or an Elector of the district].

* Strike out the statements which are not applicable to the claimant.

† Omit, when necessary, in the case of a seaman or member of the theatrical profession.

(2.) FORM OF CLAIM FOR TRANSFER IN RESPECT OF RESIDENCE IN ANOTHER DISTRICT.

To the Registrar for the Electoral District of [Claimant's new electorate].
I, [Name in full], hereby claim to have my name inserted in the electoral roll of the
Electoral District of

I do hereby declare as follows :—

I am the person whose name is inserted in the electoral roll of [Claimant's
former electorate].

I have ceased to reside in the Electoral District of , and I am now a *boná*
fidé resident in the Electoral District of , and have resided therein for one
month.

I am not registered in the district for which I now claim, nor, except as afore-
said, in any other district.

[Signature.]

[Place of abode.]

[Occupation or addition.]

Signed and delivered, this day of , }
19 , before me— }

E. F., Registrar

[or Deputy Registrar, or Justice, or Postmaster, or an
Elector of the district in which claimant resides].

(3.) SUMMONS TO PROVE CLAIM.

To
You are hereby summoned to attend at the Magistrate's Court to be held at
on , the day of , at the hour of o'clock in the
noon, to prove your claim to have your name placed on the electoral roll
for the Electoral District of . If you do not attend your claim will be
disallowed.

Given under my hand, at , this day of , 19 .

A. B.,

Magistrate [or Justice].

(4.) NOTICE OF OBJECTION BY REGISTRAR.

Electoral District of

I HEREBY object to the name of A. B., described as _____ upon the general [or, as the case may be, supplementary] roll for the above district, being retained on such list or roll, and the grounds of my objection are the following: [*Here state grounds*].

Dated this _____ day of _____, 19 _____.

E. F., Registrar.

(5.) NOTICE OF OBJECTION BY ELECTOR.

To the Registrar of _____ District.

I HEREBY give you notice that I object to the name of A. B., of _____, being retained on the general [or supplementary] roll for the above district, and the grounds of my objection are the following: [*Here state grounds*].

G. H., [*Place of abode*].

(6.) SUMMONS TO ANSWER OBJECTION.

To

You are hereby summoned to attend at the Magistrate's Court to be held at _____ on the _____ day of _____, at the hour of _____ o'clock in the _____ noon, to prove your right to have your name retained on the electoral roll of the District of _____.

If you do not attend your name will be removed from the said roll.
Given under my hand, at _____, this _____ day of _____, 19 _____.
Magistrate [*or Justice*].

The grounds of objection to your name remaining on the roll are as follow:
[*Here set out grounds of objection as stated in Notice of objection*].

(7.) APPLICATION FOR CHANGE OF NAME ON ROLL BY REASON OF MARRIAGE.

Name now on roll: Annie C. [*Full name, occupation, and address, as appearing on roll*].

Date and place of marriage: 14th October, 1902, at Wellington.

Present name by marriage: Annie D. [*Full name, occupation, and address*].

I, the above-named Annie D., wife of B. D. [*Husband's full name, occupation, and address*], hereby apply to have my present name by marriage substituted in lieu of my former name, as now appearing on the roll, and I declare that all the above-mentioned particulars relate to myself, and are true.

Dated at _____, this _____ day of _____, 19 _____.

ANNIE D.

To the Registrar of Electors for the Electoral District of _____

(8.) GENERAL AND SUPPLEMENTARY ROLL.

Electoral District of [Wellington].

GENERAL [*or, as the case may be, Supplementary*] ROLL of Persons entitled to vote for Members of the House of Representatives of New Zealand.

No. on Roll.	Name in full, Residence, Occupation, and Property Qualification (if any).
6	Abrahamson, Joseph, Lambton Quay, storekeeper.
868	Smith, Ellen, Boulcott Street, milliner.

E. F., Registrar.

(9.) APPLICATION FOR AN ELECTOR'S RIGHT.

To the Registrar of the Electoral District of

I, [*Name in full*], being a registered elector whose name is on the electoral roll for this district [*or, the District of*], claim to have an elector's right issued to me in respect of a qualification as a seaman [*or a commercial traveller, or a shearer, or member of the theatrical profession*]; and I declare that I am employed at sea in a ship registered [*or owned*] in New Zealand [*or as a commercial traveller, or shearer, or member of the theatrical profession*].

[*Signature and Address.*]

Signed and declared by the claimant, this
day of , 19 , before me—

E. F.,

Registrar for the Electoral District of
[*or Collector of Customs, or Postmaster*].

(10.) ELECTOR'S RIGHT.

Electoral District of .—*Elector's Right No.*

THIS is to certify that is qualified as a seaman [*or member of the theatrical profession, or commercial traveller, or shearer*] to vote at all elections of members of the House of Representatives for the Electoral District of

Dated the day of , 19 .

E. F.,

Registrar for the Electoral District of

Indorsed: Voted at
day of , 19 , this

G. H., Collector of Customs [*or J. K., Postmaster*].

(11.) APPLICATION FOR BALLOT-PAPER.

To the Collector of Customs at the Port of [*or, the Postmaster at the Post-office*].

I, [*Name in full*] hereby claim to have a ballot-paper issued to me for the purpose of voting at the election now being held for the Electoral District of ; and I declare that I am the person named in the elector's right herewith, No. , and am still entitled to vote at such election.

Witness—

[*Signature.*]

[*Address, or Ship.*]

(12.) DECLARATION OF LOSS OF ELECTOR'S RIGHT.

I, [*Name in full*] do hereby declare that I am the [*Name of declarant*] whose name is on the electoral roll for the Electoral District of , and that I have not parted with my elector's right to any person for any purpose, but that the same has been lost [*or mislaid, or destroyed*].

[*Signature and Address.*]

Declared by the said , this day of }
, 19 , in the presence of—

E. F.,

Registrar for the Electoral District of

(13.) WARRANT FOR ISSUE OF WRITS.

To the Clerk of the Writs.

You are hereby authorised and directed to proceed forthwith to issue writs for the election of members for the House of Representatives for all the electoral districts within the Colony of New Zealand.

Dated this day of , 19 .

Governor,

(14.) WRIT FOR GENERAL OR BY-ELECTION.

Writ for Election.

To the Returning Officer for the Electoral District of
 IN pursuance of "The Electoral Act, 1902," I hereby authorise and require you to
 proceed, according to law, to the election of member to serve in the House of
 Representatives for the Electoral District of

In the event of the election being contested, the poll shall be taken on the
 day of , 19 .

You are further required to indorse on this writ the name of the person so
 elected, and then to return the writ to me on or before the day of ,
 19 , unless a second poll is required, when you are to return the writ to me on or
 before the day of , 19 .

Dated at , this day of , 19 .

A. B.,
 Clerk of the Writs.

(15.) NOTICE OF POLLING-DAY.

IN pursuance of "The Electoral Act, 1902," I, , Returning Officer for the
 Electoral District of , do hereby give notice that, by virtue of a writ bearing
 date the day of , 19 , under the hand of the Clerk of the Writs,
 an election will be held for the return of qualified person to serve as member for
 the said district; and that the latest day for receiving nominations of candidates
 will be the day of , 19 ; and that the poll, if necessary, will be
 taken at the several polling-places of the said district on the day
 of , 19 .

Every man desirous of becoming a candidate must be nominated by not less
 than two electors of the district, by a nomination-paper as prescribed by section
 99 of the said Act, delivered to the Returning Officer on or before the day
 of , 19 .

The following are the polling-places for the Electoral District of :
 [Insert list of polling-places.]

Returning Officer.

(16.) NOMINATION-PAPER.

To the Returning Officer for the Electoral District of
 WE, the undersigned electors for the Electoral District of , do hereby nomi-
 nate A. B., of [residence, occupation], with his consent, as a candidate at the election
 of member of the House of Representatives for the aforesaid electoral
 district, the poll wherefor is appointed for the day of , 19 .

C. D. } [Full names, residence, and occupation
 E. F. } of two or more electors nominating.]

I, A. B., do hereby consent to the above nomination.

A. B., of [Residence and occupation].

(17.) NOTICE OF WITHDRAWAL FROM CANDIDATURE.

To the Returning Officer for the Electoral District of
 I, THE undersigned, hereby give notice that I withdraw my name as a candidate at
 the election of member of the House of Representatives for the Electoral
 District of

[Signature.]

[Address.]

[Description.]

Signed in the presence of—
 C. D., Justice.

(18.) BALLOT-PAPER.

Electoral District of

BROWN, JAMES

HUNTER, RICHARD CHARLES

MORGAN, EDWARD

} [Names of Candidates
 arranged in alphabetical
 order of surnames.]

Directions.

The voter is to strike out the name of every candidate for whom he or she does not intend to vote, by drawing a line through the name with a pen or pencil.

The voter must take care not to leave uncanceled the names of more than candidate , or this paper will be invalid.

The ballot-paper is to be folded up so that the contents cannot be seen, and, having shown the official mark on the back to the Returning Officer, the ballot-paper is to be put in the ballot-box by the voter.

No ballot-paper is to be taken out of the polling-booth.

(19.) DECLARATION BY DEPUTY RETURNING OFFICER.

I, A. B., do solemnly declare that I will well and truly serve our Sovereign King Edward the Seventh in the office of Deputy Returning Officer for the Electoral District of ; and that I will not do anything forbidden by section 151* of "The Electoral Act, 1902," which has been read to me.

A. B.

Declared before me, this day of , 19 .

C. D.,

Returning Officer [*or a Justice*].

* This section must be read to the declarant by the person taking the declaration.

(20.) DECLARATION BY CLERK OR SCRUTINEER.

I, E. F., Clerk [*or Scrutineer for X.Y., a candidate*] at the present election for the Electoral District of , do solemnly declare that I will not, at this election, do anything forbidden by section 151* of "The Electoral Act, 1902," which has been read to me.

E. F.

Declared before me, this day of , 19 .

C. D.,

Returning Officer [*or Deputy Returning Officer or Justice*].

* This section must be read to the declarant by the person taking the declaration.

(21.) NOTICE TO ELECTOR OF ERASURE OF NAME.

To

I, E. F., Registrar of Electors for the District of , hereby notify you that, in pursuance of section 141 of "The Electoral Act, 1902," your name has been struck off the electoral roll for that district in consequence of your not having voted at the election held on the day of , 19 .

If you desire to be reinstated on the said electoral roll you must lodge a new claim to be enrolled, in the manner provided by that Act.

Dated this day of , 19 .

E. F., Registrar.

(22.) RETURN OF EXPENSES.

I, A. B., a candidate at the election for the Electoral District of , held in the month of , hereby make the following return respecting election expenses incurred by me, or on my behalf, at the election :—

1. RECEIPTS.

[*Here set out the name and description of every person, club, society, or association from whom or which any money, securities, or equivalent of money was received by the candidate or by any other person on his behalf, or for the purpose of being used in the interest of such candidate at such election, each amount received to be stated separately.*]

2. EXPENDITURE.

[*The name and description of every person to whom any sum was paid, and the reason for which it was paid, must be here set out separately. Sums paid for printing, advertising, postage, telegrams, hire of rooms, &c., must be set out separately, and under separate headings.*]

In addition to the above, I am aware of the following disputed and unpaid claims :—

[*Here set out particulars of disputed claims, if any.*]

SECOND SCHEDULE.

ELECTORAL DISTRICTS IN WHICH POLL CLOSES AT 7 O'CLOCK.

Auckland, City of.	Invercargill.	Riccarton.
Avon.	Lyttelton.	Thames.
Caversham.	Motueka.	Timaru.
Chalmers.	Napier.	Waikouaiti.
Christchurch, City of.	Nelson, City of.	Waitaki.
Dunedin, City of.	Newtown.	Waitemata.
Eden.	Oamaru.	Wanganui.
Grey Lynn.	Palmerston.	Wellington, City of.
Hutt.	Parnell.	

THIRD SCHEDULE.

ELECTIONS OF MAORI MEMBERS.

(1.) DECLARATION OF RETURNING OFFICER.

I, A. B., Returning Officer for the Maori Electoral District [or one of the Deputy Returning Officers, or substitute], do solemnly declare that I will faithfully perform the duties of such office to the best of my ability.

A. B.

Declared before me, this day of , 19 .
C. D., Justice.

(2.) WRIT.

To the Returning Officer for the Maori Electoral District.

IN pursuance of Part IV. of "The Electoral Act, 1902," I hereby authorise and require you to proceed, according to law, to the election of a member to serve in the House of Representatives for the Maori Electoral District, and that you cause the nomination of the said member to be at on the day of , and, in the event of the election being contested, that the poll shall be taken on the day of .

You are further required to indorse on this writ the name of the person so elected, and then to return the writ to me on or before the day of , 19 .

Dated at , this day of , 19 .

A. B.,
Clerk of the Writs.

(3.) VOTING-PAPER.

Pukapuka Pooti.

Ko te tangata Maori kei raro nei tona ingoa e marama ana ia kia pooti a te whakatunga o te tangata mo te Takiwa Pooti Maori Whaka-te hei reo mo ratou Whaka-Maori ki roto ki te Runanga Nui o Niu Tireni :—

Voting-paper.

THE undermentioned person is entitled to vote at the election of a member of the House of Representatives for the Maori Electoral District :—

Ko te Ingoa Iriiri, Maori hoki, o te Tangata Pooti. Christian Name and Surname of Elector.	Iwi Tribe.	Hapu. Hapu.	Kainga. Abode.

Tangata e pootitia ana :

Kai-titiro :

Candidate voted for :

Witness :

R. O., Returning Officer.

FOURTH SCHEDULE.

PART I.—PERSONS LEGALLY EMPLOYED FOR PAYMENT.

- (1.) One scrutineer for each ballot-box in each polling-place, and no more, who may or may not be an elector.
- (2.) A number of clerks and messengers for conducting business in the committee-rooms, not exceeding one clerk and one messenger for each polling-place in an electoral district.

PART II.—LEGAL EXPENSES.

- (1.) The personal expenses of the candidate.
- (2.) The expenses of printing, and the expenses of advertising in newspapers.
- (3.) The expenses of stationery, postage, and telegrams.
- (4.) The expenses of holding public meetings.
- (5.) The expenses of a number of committee-rooms, not exceeding one committee-room for each polling-place in an electoral district.
- (6.) Expenses in respect of miscellaneous matters, not exceeding twenty-five pounds, so nevertheless that such expenditure is not incurred under this head in respect of any matter constituting an offence under this Act, or in respect of any matter or thing payment for which is expressly prohibited by this Act.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

- 15 and 16 Vict. c. 72.—“The New Zealand Constitution Act, 1852”: Sections 40 and 48.
- 1878, No. 30.—“The Disqualification Act, 1878”: So far as it relates to the House of Representatives.
- 1879, No. 43.—“The Triennial Parliaments Act, 1879.”
- 1880, No. 36.—“The Election Petitions Act, 1880.”
- 1881, No. 13.—“The Corrupt Practices Prevention Act, 1881.”
- 1882, No. 2.—“The Corrupt Practices Prevention Act 1881 Amendment Act, 1882.”
- 1887, No. 7.—“The Representation Act, 1887.”
- 1887, No. 23.—“The Representation Acts Amendment Act, 1887.”
- 1889, No. 6.—“The Representation Act Amendment Act, 1889.”
- 1893, No. 18.—“The Electoral Act, 1893”: Except so much of sections 9 and 152 as relate to the Legislative Council.
- 1893, No. 54.—“The Electoral Law Amendment Act, 1893.”
- 1895, No. 31.—“The Corrupt Practices Prevention Amendment Act, 1895.”
- 1896, No. 2.—“The Representation Act Amendment Act, 1896.”
- 1896, No. 49.—“The Electoral Act Amendment Act, 1896.”
- 1897, No. 11.—“The Members of the House of Representatives Disqualification Act, 1897.”
- 1900, No. 44.—“The Representation Act, 1900.”
- 1900, No. 46.—“The Electoral Act Amendment Act, 1900”: Except section 19.