

## New Zealand



### ANALYSIS

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1940, No. 21

AN ACT to amend the Electoral Act, 1927, for the Title.

Purpose of preserving the Electoral Rights of Members of the Forces. [4th October, 1940

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

1. This Act may be cited as the Electoral Amendment Act, 1940, and shall be read together with and deemed part of the Electoral Act, 1927 (hereinafter referred to as the principal Act).

2. For the purposes of this Act, unless the context otherwise requires, the expression "member of the Forces" means any person ordinarily resident in New Zealand who is for the time being a member of any

Short Title.

See Reprint of Statutes, Vol. VI, p. 469

Interpretation.

of His Majesty's Naval, Military, or Air Forces, and includes any such person who has not returned to New Zealand since his discharge from any such Force after service overseas in connection with the present war, and also includes any person ordinarily resident in New Zealand who is actually serving with any of His Majesty's Forces as a member of any voluntary aid or other voluntary organization.

Members of Forces not disqualified from being members of Parliament.

See Reprint of Statutes, Vol. VI, p. 446

3. (1) Notwithstanding anything to the contrary in the principal Act or in the Legislature Act, 1908, the seat of a member of the Legislative Council or of the House of Representatives shall not become vacant, nor shall any person be incapable of appointment to the Legislative Council or of election to the House of Representatives, by reason of his being a member of the Forces or by reason of his receipt of pay as a member of the Forces.

(2) Every person who for the time being is serving or has served outside New Zealand as a member of the Forces in connection with the present war shall be qualified to be a candidate and to be elected a member of Parliament for any electoral district, whether or not he is registered as an elector of any electoral district. Subject to any regulations under this Act, the consent of any such person to be nominated may be signified to the Returning Officer in any manner approved by the Chief Electoral Officer.

(3) No person shall, by reason of his being a member of the Forces, be deemed to be a Civil servant or a public servant or a contractor within the meaning of the principal Act or of the Legislature Act, 1908, notwithstanding the receipt by him of pay as a member of the Forces.

(4) The foregoing provisions of this section shall not apply with respect to any person who receives an annual or permanent salary as a member of the Forces.

(5) This section is in substitution for section forty-two of the Finance Act (No. 2), 1939, and that section is hereby accordingly repealed.

Repeal.  
1939, No. 38

4. (1) Every member of the Forces who is for the time being outside New Zealand shall in accordance with this section be qualified to vote at every election of members of Parliament and at every licensing poll under the Licensing Act, 1908, whether or not he is registered as an elector of any electoral district.

Voting at elections and licensing polls by members of Forces who are serving overseas or have served overseas.

(2) Every such person who is registered as an elector of any electoral district shall be qualified to vote as an elector of that district.

See Reprint of Statutes, Vol. IV, p. 234

(3) Every such person who is not registered as an elector of any electoral district shall be qualified to vote as an elector of the electoral district (as existing at the date of the election or poll) in which is situated his usual place of residence immediately before he last left New Zealand.

(4) Every person who at the time of any election or poll is in New Zealand after service overseas as a member of the Forces in connection with the present war and is not registered as an elector of any electoral district shall be deemed to be qualified to be registered as an elector of the electoral district in which is situated his usual place of residence immediately before he last left New Zealand, and shall be entitled to vote accordingly.

(5) Subject to the provisions of this Act and of the regulations made under this Act, all the provisions of the principal Act and of the Licensing Act, 1908, shall, so far as they are applicable and with the necessary modifications, apply with respect to voting by members of the Forces and with respect to their votes.

5. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as he deems necessary or expedient for the purpose of giving effect to the provisions of this Act.

Regulations.

(2) Any regulations made under this Act shall have effect notwithstanding anything inconsistent therewith contained in the principal Act or in any other Act other than this Act.

(3) No regulations made under this Act shall be deemed to be invalid on the ground that they delegate to or confer on the Governor-General or any other person any discretionary authority.

(4) All regulations made under this Act shall have effect as if enacted in this Act, but may be added to, altered, or revoked by subsequent regulations under this Act.

(5) All regulations made under this Act shall be laid before Parliament as soon as may be after they are made.

Validity of elections or polls not affected by anything done or omitted under this Act.

6. The validity of any election or of any licensing poll shall not be questioned on the ground that anything required to be done by this Act or by any regulations under this Act has been irregularly done, or has been omitted to be done, or that for any reason it has been found impracticable for any member of the Forces to vote, or for the vote of any member of the Forces to be counted, or that any person who has voted under this Act was not entitled to vote.

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