

New Zealand.



ANALYSIS.

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1890, No. 12.

Title. AN ACT to amend the Electoral Acts.
[3rd September, 1890.]

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 Acts Amendment Act, 1890.”

PART I.

REGULATION OF ELECTIONS.

Regulation of Elections Act incorporated.

2. This Part of this Act shall be read together with “The Regulation of Elections Act, 1881” (herein referred to as “the said Act”), and be deemed to form part thereof.

Repeals.

3. Sections ten to sixteen, and the Third, Fourth, and Fifth Schedules of the said Act, and section six of “The Electoral Acts Amendment Act, 1887,” are hereby respectively repealed.

Returning Officer to give notice of election day.

4. Every Returning Officer, on the receipt of a writ, shall indorse thereon the date of its receipt, and shall forthwith give at least fifteen days' notice of the day of election, in the form or to the effect set forth in the Form A of the First Schedule.

5. Any duly-registered elector, with his consent, may be nominated as a candidate for election for any district, by not less than two electors for the last-mentioned district, by a nomination-paper in the form or to the effect set forth in the Form B of the First Schedule, given or transmitted to the Returning Officer so as to reach him not less than seven days before the day appointed for the poll.

Nominations.
Candidates to be nominated by two electors.

The consent of any person 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.

Consent may be sent by telegraph.

6. 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; but the same electors, or any of them, may subscribe as many nomination-papers as there are vacancies to be filled, but no more.

Candidates to be nominated by separate nomination-paper.

7. 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 such Returning Officer until after the official notification of the poll, and in case such candidate, not having been elected, has not polled as many votes as shall equal in number one-tenth of the number of votes polled by the successful candidate, or if there be more than one, by the successful candidate who has been returned by the fewest number of votes at such election, the same shall be forfeited and paid into the Consolidated Fund, but shall otherwise be returned to the person who has paid the same.

Deposit by candidate.

8. 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 clear days before the day appointed for the poll.

Objections to nominations.

9. On receipt of every such notice or nomination the Returning Officer shall immediately advertise the names of the several candidates in such newspaper circulating within the district as he shall deem best calculated to give full publicity to the same.

Nominations to be advertised.

10. Any candidate may withdraw, but not later than five clear days before the day of polling, by giving or transmitting to the Returning Officer a notice in the form or to the effect set forth in the Form C of the First Schedule, signed by the candidate and attested by a Justice of the Peace.

Candidate may withdraw.

Any 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.

11. The Returning Officer shall forthwith publish such notice in such manner as he shall deem best calculated to give full publicity to the same, and shall omit from the voting-papers to be printed as in the said Act provided the names of every candidate who has so withdrawn; or, if such voting-papers be already printed, he shall erase therefrom the name of every candidate so withdrawn.

Names to be omitted from voting-papers.

12. If no more candidates than the number to be elected are nominated, or if any candidate who has been nominated withdraws, in

Proceeding where elections not contested.

manner hereinbefore provided, so that there shall remain no more candidates than the number to be elected, the Returning Officer shall, by public notice to be given on or before the day appointed for taking the poll, declare such candidates duly elected.

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

13. 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.

If election contested, a poll to be taken.

14. If more candidates than the number to be elected are nominated, and a sufficient number do not withdraw so as to leave the required 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.

When elector cannot read or write.

15. Every elector who is unable to read or write may request a scrutineer or scrutineers to accompany the Returning Officer when such elector desires to record his vote, and thereupon such scrutineer or scrutineers may inspect the same after the Returning Officer shall have struck out the names of the candidates for whom he declared his intention not to vote.

In case of death before poll, proceedings *de novo*.

16. If a duly-nominated candidate shall die after the last day on which nomination-papers can be sent in, and before the day appointed for the poll at an election, the Returning Officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by him on the day on which proof was given him of such death :

Provided that no fresh notice shall be necessary in the case of a candidate who at the time of the countermand of the poll has given the notice required by section ten of this Act.

Whenever 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 of the poll in consequence.

Public notice to be given of result of election.

17. Section forty-five of the said Act is hereby repealed, and in lieu thereof it is enacted as follows :—

The Returning Officer shall make up, from the list made out by him as last 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 number of votes received by each candidate, and declare those 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 as members for the district.

Ad interim notice of state of the poll.

18. Where the Returning Officer of any district is unable to complete the state of the poll on the evening of the closing thereof, by reason of his not having received the votes of seamen exercised for the district, he may, on the said evening or thereafter, in such manner as he thinks fit, make known unofficially the state of the poll so far as he can make it up to such time, and may state what number of seamen's votes are in transit and have not been received by him,

and in no case shall the official declaration be delayed for longer than seven days after the day of polling, and any votes which shall not have been received within such seven days shall not be counted.

And in the case of an election for the supplying a vacancy whilst the House of Representatives is in session, if the Returning Officer shall find that the candidate having a majority of votes given in his favour would still have a majority of votes if all the seamen's votes to arrive were given against him, then and in such case the Returning Officer may declare such candidate to be elected, and he shall be qualified to take his seat.

PART II.

VOTING BY SEAMEN.

19. In this Part of this Act, if not inconsistent with the Interpretation. context,—

“Collector” means the Collector of Customs at any port or place, and includes the principal officer of Customs at any port or place :

“Master” means and includes every person (except a pilot) having command or charge of any vessel :

“Seaman” means and includes every person who has been engaged at sea for not less than two years, and who for the most part of the six months immediately preceding the date of making his claim for an elector's right has been employed or engaged in any capacity on board any vessel or vessels, of any tonnage, used in navigation, not propelled by oars, registered in or owned in New Zealand.

20. Every duly-registered elector whose name appears on the electoral roll of any district, who is a seaman as defined by this Act, 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 enrolment as aforesaid, and for such purpose shall appear personally before the Registrar for the electoral district for which he is enrolled, and in his presence shall make and sign a claim and declaration to the effect in the Form A of the Second Schedule of this Act. Seaman to make declaration and claim for an elector's right.

21. The Registrar, on being satisfied that the claimant is duly enrolled as an elector of the district,— Issue of elector's right.

(1.) Shall fill up a Form B in the Second Schedule of this Act, purporting to entitle such claimant to vote as a seaman 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, shall deliver the same to the claimant ; and

(2.) Shall write opposite to the name of the claimant, on the roll of the district, the words “Seaman's electoral right issued,” shall erase from the said roll any other qualification in respect whereof such claimant is registered, and shall initial such entry and erasure and insert the date of the issue of such right and the number of such right.

The said 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, together with the original applica-

tions, signed by such seamen, for the said rights, and the Returning Officer shall keep the said applications for the purpose of verification of signatures as hereinafter mentioned.

Seamen not to vote in respect of any other qualification.

22. No person to whom an elector's right is issued as a seaman shall 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.

Vote may be given in any part of the colony.

23. Every seaman being 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, and for such purpose—

(1.) 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, to the Collector of Customs at any port, and produce to him his elector's right, and sign an application in the Form C in the Second Schedule for a voting-paper in respect of the aforesaid district.

(2.) The Collector shall thereupon fill up a blank voting-paper 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 voting-paper his initials and the number of the elector's right produced to him in respect of which the voting-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, shall give the same to the voter, who shall, without leaving the room, erase in pencil or in ink the names of the 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, who shall in the presence of the voter enclose the voting-paper in an envelope addressed to the Returning Officer of the district for which the vote is exercised, and, having closed the envelope, shall enclose the first envelope, together with the aforesaid application of the voter for a voting-paper, in a second envelope similarly addressed, and shall forthwith post it to its address.

The Collector 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.

Every such letter shall go free by post.

(3.) In the event of any such seaman applying for a voting-paper for any district after the issue of a writ, but before the names of the candidates have been published, the Collector shall prepare a blank voting-paper as aforesaid, excepting the names of the candidates, and give such blank voting-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, who shall deal with such voting-paper in the manner herein provided in all respects.

- (4.) Every Collector 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 voting-papers applied for, exercised, and transmitted by him to such Returning Officer, together with the number of the respective electors' rights in respect whereof the said voting-papers were issued by him.

The Returning Officer, on receiving such telegram, shall place against the name of every person on the roll to whom a voting-paper has been issued as aforesaid a note indicating that such person has voted or has proposed to vote.

- (5.) Every Returning Officer, on receiving a voting-paper transmitted to him as in this section mentioned, shall compare the signature of the voter, in his application for a voting-paper transmitted to him by the Collector, 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; but if he finds the signature dissimilar shall reject the voting-paper as informal.

And every voting-paper given in favour of any person who has not been duly nominated shall be rejected as informal by the Returning Officer.

24. Notwithstanding anything contained 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 shall be 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 mark a voting-paper as in ordinary cases and give it to the voter, and, having indorsed the elector's right as mentioned in the last section, shall return it to such voter.

Seamen may vote in district where registered whenever present there in election time.

25. Every person who loses his electoral right shall, on personal application to the Registrar of the district from whom he received it, and making the declaration in the Form D in the Second Schedule hereto, and on payment to him of the sum of two shillings, be entitled to have a duplicate of such right granted to him.

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

26. Every person who wilfully makes a false declaration in respect of any particulars required to be stated in any claim or declaration under this Part of this Act is liable to a penalty not exceeding twenty pounds, or to imprisonment for any period not exceeding three months.

Penalty for making false claim.

27. Every master of a ship which happens to be in any port of the colony at the time of any general or particular election, at the request of any of the crew being electors at such election, and on production of their respective elector's right in respect of the said election,

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

shall allow such person or persons to go ashore at a proper time to admit of their voting for such election; and every master refusing as aforesaid to permit any of his crew to vote is liable to one month's imprisonment with hard labour.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

FORM A.

Notice of Polling-day.

IN pursuance of "The Regulation of Elections Act, 1881," and "The Electoral Acts Amendment Act, 1890," I, _____, Returning Officer for the Electoral District of _____, do hereby give notice that, by virtue of a writ bearing date the day of _____, 18____, under the hand of the Clerk of Writs, an election will be held for the return of a qualified person to serve as a member [or members] for the said electoral district; and that the poll, if necessary, will be taken at the several polling-places of the said district on the _____ day of _____, 18____.

Every person 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 five of the Amendment Act, delivered to the Returning Officer on or before the day of _____, 18____.

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

A.B.,
Returning Officer.

FORM B.

Nomination-paper.

To the Returning Officer for the Electoral District of _____ .
We, the undersigned electors for the Electoral District of _____, do hereby nominate 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 _____, 18____.

C.D.
E.F.

[Full names, residence, and occupation of two electors nominating.]

I consent.

A.B., Candidate.

FORM C.

Notice of Withdrawal from Candidature.

To the Returning Officer for the Electoral District of _____ .
I [name in full], 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.)
(Abode.)
(Qualification.)

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