

New Zealand



ANALYSIS

- | | |
|--|--|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. General elections of local authorities to be held on third Wednesday in November. 3. Notice of general election, and date for nominations. Repeal. 4. Time for election to extraordinary vacancy, and date for nominations. Repeal. 5. Closing-hour of poll. Repeal. 6. Closing of rolls of electors. | <ol style="list-style-type: none"> 7. Supplementary rolls in counties. 8. County Councils and Road Boards to provide forms of claims for enrolment. 9. Abolition of occupier's qualification and of qualification as a wife or husband. 10. Enrolment on roll of electors of persons on electoral rolls in respect of addresses in district of local authority. Schedules. |
|--|--|

1946, No. 27

AN ACT to amend the Local Elections and Polls Act, 1925. **Title.**
[12th October, 1946

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 Local Elections and Polls Amendment Act, 1946, and shall be read together with and deemed part of the Local Elections and Polls Act, 1925 (hereinafter referred to as the principal Act). **Short Title.**

See Reprint of Statutes, Vol. V, p. 447

2. (1) Every general election of members of any local authority shall be held on a Wednesday. **General elections of local authorities to be held on third Wednesday in November.**

(2) Every such general election that, if this section had not been passed, would have been required to be held in the month of May in any year shall be held on the third Wednesday in November in that year.

1941, No. 2

(3) Where, if this subsection and subsection three of section two of the Local Elections and Polls Amendment Act, 1941, had not been passed, any other general election of members of any local authority would have been required to be held on any day not being a Wednesday, that election shall be held on the first Wednesday following that day.

(4) The next general election of members of the Auckland Electric-power Board shall be held on the third Wednesday in November in the year nineteen hundred and forty-eight, and on the same day in every third year thereafter a general election of members of the Board shall be held.

(5) The next general election of members of the Auckland Transport Board shall be held on the third Wednesday in November in the year nineteen hundred and forty-eight, and on the same day in every third year thereafter a general election of members of the Board shall be held.

(6) In each of the several subdistricts of the Christchurch Drainage District the electors shall for their subdistrict, on the third Wednesday in November in the year nineteen hundred and forty-eight, and on the same day in every third year thereafter, elect one person (being an elector) to be a member of the Christchurch Drainage Board.

(7) On the third Wednesday in November in the year nineteen hundred and forty-eight, and on the same day in every third year thereafter, all members of the Christchurch Tramway Board shall go out of office and a general election of members of the Board shall be held.

(8) Where the first election of a Mayor of a new borough or the first or any other general election of the whole Council of any borough has been held within eighteen months before the date fixed for the first triennial election of a Mayor or Borough Councillors to be held after the passing of this Act, it shall not be necessary to hold that triennial election in that borough, but the Mayor or Councillors, as the case may be, shall remain in office in all respects as if duly elected at that triennial election.

(9) The enactments specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule.

3. (1) Section seven of the principal Act, as amended by section two of the Local Elections and Polls Amendment Act, 1926, is hereby further amended as follows:—

Notice of
general
election, and
date for
nominations.

(a) By omitting the words “twenty-one clear days”, and substituting the words “twenty-eight clear days”:

(b) By omitting the words “not less than ten nor more than fourteen days (exclusive of the day of election)”, and substituting the words “being the twenty-first day”.

(2) Section two of the Local Elections and Polls Amendment Act, 1926, is hereby consequentially repealed.

Repeal.

4. (1) Section forty-two of the principal Act, as amended by section fifteen of the Local Elections and Polls Amendment Act, 1926, is hereby further amended as follows:—

Time for
election to
extraordinary
vacancy, and
date for
nominations.

(a) By omitting from subsection one the words “not less than twenty-five nor more than twenty-eight clear days”, and substituting the words “not less than thirty-five nor more than forty-two clear days”:

(b) By omitting from subsection one the words “not less than ten nor more than twelve days”, and substituting the words “not less than seventeen nor more than twenty-one days”.

(2) Section fifteen of the Local Elections and Polls Amendment Act, 1926, is hereby consequentially repealed.

Repeal.

5. (1) Section eighteen of the principal Act is hereby amended as follows:—

Closing-hour
of poll.

(a) By omitting from subsection one the words “six o'clock”, and substituting the words “seven o'clock”:

(b) By repealing the proviso to subsection one:

(c) By repealing subsection two.

Repeal.

1941, No. 2

(2) Section nine of the Local Elections and Polls Amendment Act, 1941, is hereby consequentially repealed.

Closing of rolls of electors.

6. (1) Every roll containing the names of the persons entitled to vote at any election or poll shall be deemed to be closed at five o'clock in the afternoon of the twenty-eighth day preceding the day appointed for that election or poll, and shall continue closed until the election is completed or the poll is taken.

(2) Except pursuant to appeal under any provisions applying in that behalf, in cases where the appeal was pending at the time when the roll was closed, or for the purpose of complying with a claim for enrolment or of an application for the alteration of an entry in the roll, delivered to the Clerk or Secretary of the local authority before the closing of the roll, no alteration or addition shall be made in or to any roll while it is closed as aforesaid.

(3) The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

Supplementary rolls in counties.

See Reprint of Statutes, Vol. V, p. 200

7. Section forty-eight of the Counties Act, 1920, is hereby amended by adding the following subsection as subsection two thereof:—

“(2) All corrections and additions required to be made after the completion of the county electors roll for any riding shall be made on a supplementary county electors list, which shall be corrected, completed, and authenticated in the same manner as in the case of the county electors roll, and thereupon shall become a supplementary county electors roll, and shall form part of the county electors roll for the riding.”

County Councils and Road Boards to provide forms of claims for enrolment.

8. It shall be the duty of every County Council or Road Board to keep at its office and at such other places as it thinks fit a supply of forms of claims for enrolment on any roll of electors prepared by the Council or Board, as the case may be, and to make them available for the free use of claimants.

Abolition of occupier's qualification and of qualification as a wife or husband.

9. (1) No person shall be entitled to have his or her name entered on any roll of electors by virtue of an occupier's qualification, or by virtue of any qualification possessed by his wife or her husband, as the case may be.

(2) The enactments specified in the Third Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

10. (1) Where persons are entitled to be enrolled on the roll of electors for any district of a local authority by virtue of a residential qualification as defined in any Act, the Clerk or other proper officer of the local authority may, without any application in that behalf, enter on the roll of electors the name of any person whose name is on any electoral roll within the meaning of the Electoral Act, 1927, in respect of an address within the district to which the roll of electors relates.

Enrolment on roll of electors of persons on electoral rolls in respect of addresses in district of local authority.

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

(2) Where any person, on making application for a voting-paper at any election or poll at which electors may vote by virtue of a residential qualification, is informed by the Returning Officer or a Deputy Returning Officer that it does not appear from the official copy of the roll of electors in the possession of that officer that he is entitled to vote, that person may vote at the election or poll on making a declaration, in the Form in the Fourth Schedule to this Act, that his name is on any electoral roll in respect of an address within the district to which the roll of electors relates.

(3) The provisions of subsections two to five of section twelve of the Local Elections and Polls Amendment Act, 1926, as from time to time amended, shall, with the necessary modifications, apply in every case where any person votes under the authority of the last preceding subsection.

Ibid., Vol. V, p. 483

Schedules.

SCHEDULES

Section 2

FIRST SCHEDULE

AMENDMENTS CONSEQUENTIAL ON ALTERATION OF DAY FOR ELECTIONS

Title of Act.	Number of Section affected.	Nature of Amendment.
1907 (Local), No. 30— The Christchurch District Drainage Act, 1907	Section 8 (1), as set out in section 12 (1) of the Local Elec- tions and Polls Amendment Act, 1944 Section 19, as amended by section 9 of the Christchurch District Drainage Amendment Act, 1914	By repealing this subsection. By omitting the word "Febru- ary", and substituting the word "December".
1908, No. 96— The Land Drainage Act, 1908 (Reprint of Statutes, Vol. IV, p. 466)	Section 6, as amended by section 8 of the Local Elections and Polls Amendment Act, 1934-35	By omitting the word "Janu- ary", and substituting the word "October".
1908, No. 165— The River Boards Act, 1908 (Reprint of Statutes, Vol. IV, p. 526)	Section 47, as amended by section 2 (4) of the Local Elections and Polls Amend- ment Act, 1941	By omitting the words "third Saturday in May", and sub- stituting the words "third Wednesday in November".
1908, No. 166— The Road Boards Act, 1908 .. (Reprint of Statutes, Vol. V, p. 281)	Section 41 (1) ..	By omitting the word "April", and substituting the word "October".
	Section 61 ..	By omitting the word "May", and substituting the word "December".
1908, No. 195— The Town Boards Act, 1908 .. (Reprint of Statutes, Vol. V, p. 333)	Section 16 (1), as amended by section 8 of the Local Elec- tions and Polls Amendment Act, 1934-35	By omitting the word "Janu- ary", and substituting the word "July".
1908, No. 205— The Water-supply Act, 1908 .. (Reprint of Statutes, Vol. VIII, p. 1125)	Section 67 (4) ..	By omitting the words "some day in the last week of April in the year one thousand nine hundred and nine as is fixed by the Board", and substituting the words "the third Wed- nesday in November in the year nineteen hundred and forty-seven".

FIRST SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL ON ALTERATION OF DAY FOR ELECTIONS—*ctd.*

Title of Act.	Number of Section affected.	Nature of Amendment.
1914 (Local), No. 9— The Christchurch District Drainage Amendment Act, 1914	Section 9	By repealing this section.
1920, No. 47— The Counties Act, 1920 .. (Reprint of Statutes, Vol. V, p. 180)	Section 41	By omitting the word "January", and substituting the word "July".
	Section 42	By omitting the word "January", and substituting the word "July"; by omitting the words "thirtieth day of September", and substituting the words "last day of March".
	Section 44	By omitting the word "January", and substituting the word "July"; by omitting the word "February", and substituting the word "August".
	Section 45 (1)	By omitting the word "February", and substituting the word "August".
	Section 48	By omitting the word "April", and substituting the word "October".
	Section 60	By omitting the word "September", and substituting the word "March".
	Section 65 (1), as amended by section 2 (4) of the Local Elections and Polls Amendment Act, 1941	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
	Section 77, as amended by the said section 2 (4)	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
1923, No. 40— The Harbours Act, 1923 .. (Reprint of Statutes, Vol. III, p. 583)	Section 40 (2)	By omitting the words "thirty days after the second Wednesday in May", and substituting the words "sixty days after the third Wednesday in November".
1925, No. 38— The Electric-power Boards Act, 1925 (Reprint of Statutes, Vol. III, p. 22)	Section 33 (1), as set out in section 22 of the Statutes Amendment Act, 1944	By omitting the words "thirty days after the third Saturday in May", and substituting the words "sixty days after the third Wednesday in November".
1926, No. 18— The Hospitals and Charitable Institutions Act, 1926 (Reprint of Statutes, Vol. III, p. 738)	Section 31 (1), as set out in section 33 (1) of the Statutes Amendment Act, 1945	By omitting the word "June", and substituting the word "December".

FIRST SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL ON ALTERATION OF DAY FOR ELECTIONS—*ctd.*

Title of Act.	Number of Section affected.	Nature of Amendment.
1928, No. 44— The Auckland Transport Board Act, 1928	Section 7 (1) ..	By omitting the word "four", and substituting the word "three".
	Section 7 (2) ..	By repealing this subsection.
1930 (Local), No. 16— The Hawke's Bay Rivers Amendment Act, 1930	Section 9 (1), as amended by the said section 2 (4)	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
1932-33, No. 47— The Local Legislation Act, 1932-33	Section 10 (11), as amended by the said section 2 (4)	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
1932 (Local), No. 2— The Ohai Railway Board Act, 1932	Section 13, as amended by the said section 2 (4)	By omitting the words "last Saturday in January", and substituting the words "last Wednesday in January".
1933, No. 30— The Municipal Corporations Act, 1933, as amended by the said section 2 (4)	Section 6 (1) ..	By omitting the word "January", and substituting the word "July".
	Section 10 (4) ..	By omitting the word "March", and substituting the word "September".
	Section 12 (1) ..	By omitting the word "April", and substituting the word "October".
	Section 23 (1) ..	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
	Section 23 (6) (a) ..	By omitting the words "fourth Saturday in May", and substituting the words "fourth Wednesday in November".
	Section 42 (1) (a) ..	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
	Section 44 (1) ..	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
1933 (Local), No. 17— The Waimakariri River Improvement Amendment Act, 1933	Section 4, as amended by the said section 2 (4)	By omitting the words "third Saturday in the month of May", and substituting the words "third Wednesday in November".
	Section 5	By omitting the word "May", and substituting the word "November".

FIRST SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL ON ALTERATION OF DAY FOR ELECTIONS—*ctd.*

Title of Act.	Number of Section affected.	Nature of Amendment.
1934, No. 23— The River Boards Amendment Act, 1934	Section 2 (1), as amended by the said section 2 (4)	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
1934-35, No. 43— The Local Elections and Polls Amendment Act, 1934-35	Section 3 (1), as amended by the said section 2 (4)	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
1934 (Local), No. 3— The Hawke's Bay Rivers Amendment Act, 1934	Section 4, as amended by the said section 2 (4)	By omitting the words "third Saturday in May", and substituting the words "third Wednesday in November".
1937 (Local), No. 11— The Auckland Electric-power Board Amendment Act, 1937	Section 2 (1) ..	By omitting the word "January", and substituting the word "July".
	Section 5 (4) ..	By omitting the word "March", and substituting the word "September".
	Section 7 (1) ..	By omitting the word "April", and substituting the word "October".
	Section 9 (1) ..	By omitting the word "January", and substituting the word "July".
	Section 13	By repealing this section.
1937 (Local), No. 18— The Ashley River Improvement Amendment Act, 1937	Section 2 (1), as amended by the said section 2 (4)	By omitting the words "third Saturday in the month of May", and substituting the words "third Wednesday in November".
1941, No. 2— The Local Elections and Polls Amendment Act, 1941	Sections 2 and 3 ..	By repealing these sections.
	First Schedule ..	By repealing this schedule.
1944, No. 6— The Local Elections and Polls Amendment Act, 1944	Sections 9, 12, and 13	By repealing these sections.
1945, No. 29— The Local Legislation Act, 1945	Section 22	By repealing this section.

Section 6

SECOND SCHEDULE

AMENDMENTS CONSEQUENTIAL ON PROVISIONS AS TO CLOSING OF ROLLS

Title of Act.	Number of Section affected.	Nature of Amendment.
1914, No. 32— The Local Railways Act, 1914 (Reprint of Statutes, Vol. VII, p. 939)	Section 11	By repealing this section
1920, No. 47— The Counties Act, 1920 .. (Reprint of Statutes, Vol. V, p. 200)	Section 47 (3) ..	By repealing the proviso to this subsection, and substi- tuting the following pro- viso:— “Provided that in the case of every appeal that is pending at the time when the roll is closed for the purposes of any election or poll the Magistrate shall appoint a day, being not later than three days after the day on which the roll is so closed, for the hearing and determining of the appeal, and notice of the day so appointed shall be given to the County Clerk and to the appellant.”
1920 (Local), No. 15— The Christchurch Tramway District Act, 1920	Section 49	By repealing this section.
1925, No. 30— The Rating Act, 1925 .. (Reprint of Statutes, Vol. VII, p. 993)	Section 15	By repealing this section.
1927 (Local), No. 21— The Christchurch Tramway District Amendment Act, 1927	Section 40 (2) ..	By omitting the words “twenty-one nor more than twenty-eight” and substi- tuting the words “thirty- five nor more than forty- two”; by omitting from paragraph (b) the word “twenty-eighth”, and sub- stituting the word “forty- second”.
1933, No. 30— The Municipal Corporations Act, 1933	Section 10	By repealing this section.
1937 (Local), No. 11— The Auckland Electric-power Board Amendment Act, 1937	Section 13	By repealing this section.
1944, No. 6— The Local Elections and Polls Amendment Act, 1944	Section 141 (1) (b) ..	By omitting the words “within thirty days”, and substi- tuting the words “on a day not less than thirty-five nor more than forty-two clear days”.
1937 (Local), No. 11— The Auckland Electric-power Board Amendment Act, 1937	Section 8	By repealing this section.
1944, No. 6— The Local Elections and Polls Amendment Act, 1944	Section 8	By repealing this section.

THIRD SCHEDULE

Section 9

AMENDMENTS CONSEQUENTIAL ON ABOLITION OF OCCUPIER'S QUALIFICATION

Title of Act.	Number of Section affected.	Nature of Amendment.
1920 (Local), No. 15— The Christchurch Tramway District Act, 1920	Section 9 (1) (d) .. Section 9 (2) ..	By repealing this paragraph. By repealing this subsection.
1932-33 (Local), No. 14— The Christchurch Tramway District Amendment Act, 1932-33	Section 4	By repealing this section.
1933, No. 30— The Municipal Corporations Act, 1933	Section 6 (1) (d) .. Section 6 (2) .. Section 15 (1) ..	By repealing this paragraph. By repealing this subsection. By omitting from the proviso the words "or an occupier's qualification".
1937 (Local), No. 11— The Auckland Electric-power Board Amendment Act, 1937	Section 2 (1) (d) .. Section 2 (2) .. Section 10 (1) ..	By repealing this paragraph. By repealing this subsection. By omitting from the proviso the words "or an occupier's qualification".
1941, No. 2— The Local Elections and Polls Amendment Act, 1941	Section 8 (1) (b) ..	By repealing this paragraph.

Section 10

FOURTH SCHEDULE

DECLARATION BY PERSON APPLYING TO VOTE BY VIRTUE OF
ENROLMENT ON ELECTORAL ROLL*Consecutive No. of Voting-paper:**Consecutive No. of Declaration:*I, [*Name in full, and occupation*], do hereby declare as follows:—

- (1) That my name is enrolled on the electoral roll for the Electoral District of _____ in respect of the following address: _____
- (2) That the above address is within the [*Name of district of local authority*] * [*and is within the ward (or riding, or subdivision, or special rating area, or as the case may be) of the said district.*]
- (3) That when the roll prepared for this election (or poll) was closed I resided—

† At the above address.

† At an address within the said district (or ward, or riding, or subdivision, or special rating area, or as the case may be), namely,—

Signature:

Declared before me, this _____ day of _____, 19 _____.

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

..... Polling-place.

..... [*Name of Local Authority.*]

* Delete if inapplicable.

† Delete whichever is inapplicable.