

New Zealand.



ANALYSIS.

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1914, No. 18.

AN ACT to amend the Local Elections and Polls Act, 1908. Title.  
[28th September, 1914.]

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 (Proportional Representation) Act, 1914, and shall form part of and be read together with the Local Elections and Polls Act, 1908 (hereinafter referred to as the principal Act). Short Title.

2. (1.) The Council of an undivided borough may by special order adopt the provisions of this Act with respect to all general elections of Councillors held after three months from the making of the order. Adoption of Act.

(2.) Any such special order may be revoked by a special order made not later than three months before the day fixed for any general election of Councillors.

3. At elections held under this Act the voting-papers shall be in the form numbered (1) in the First Schedule hereto. Form of voting-paper.

4. In lieu of marking his voting-paper in the manner prescribed by the principal Act, the voter at an election pursuant to this Act shall place in the squares respectively opposite the names of three candidates the figures 1, 2, and 3, so as to indicate the order of his preference. He may also indicate the order of his preference for as Method of recording votes.

many of the other candidates (if any) as he pleases by placing in the squares respectively opposite their names other figures next in numerical order after those already used by him.

Number of first-preference votes recorded at each polling-place for each candidate to be ascertained.

5. (1.) Immediately on the close of the poll the Returning Officer or Deputy Returning Officer presiding at each polling-place shall, in the presence of the poll-clerks (if any) and of such of the scrutineers as may be present, open the ballot-box and, after setting aside all informal voting-papers, ascertain in respect of each candidate the number of voting-papers which are marked with the figure 1 opposite the name of such candidate.

(2.) The number so ascertained in respect of each candidate shall be deemed provisionally, and until the official count, to be the number of first-preference votes recorded for that candidate at the polling-place at which they were so recorded.

Informal ballot-papers.

6. (1.) A voting-paper is informal—

(a.) If there is reasonable cause to believe that it was not issued to a voter by the Returning Officer or Deputy Returning Officer; or

(b.) If it has upon it any unauthorized mark or writing by which the voter can be identified; or

(c.) If it has no vote indicated on it; or

(d.) If it has the same figure (being one of the figures 1, 2, or 3) opposite the names of more than one candidate; or

(e.) If the number of candidates marked in the order of the voter's preference is less than three.

(2.) A voting-paper shall not be rejected as informal on any ground other than those stated in the last preceding subsection.

(3.) In particular a voting-paper shall not be informal by reason only of—

(a.) A figure (not being one of the figures 1, 2, or 3) being placed opposite the names of more than one candidate; but the votes indicated by that figure or any higher figure shall not be effectual; or

(b.) A figure (not being one of the figures 1, 2, or 3) being omitted in the numerical sequence of the order of the voter's preference; but the votes indicated by any figure higher than the figure so omitted shall not be effectual.

Result of voting to be announced.

7. Immediately after ascertaining the number of first-preference votes recorded for each candidate the Returning Officer or Deputy Returning Officer shall announce the result at the polling-place at which he presides, and, in the case of a Deputy Returning Officer, shall transmit the result by telegraph or other expeditious means to the Returning Officer, who on receipt of all such returns shall ascertain therefrom the total number of first-preference votes recorded for each candidate respectively.

Official count of the votes.

8. On completion of the scrutiny of the rolls, as directed by sections eight and nine of the *Local Elections and Polls Amendment Act, 1913*, the Returning Officer, with such assistance as he deems necessary, shall open separately each of the parcels of voting-papers used at the election, and shall count the votes in accordance with the rules set out in the *Second Schedule* hereto.

9. (1.) The count of the votes by the Returning Officer may be adjourned from time to time as the Returning Officer deems necessary. **Count may be adjourned.**

(2.) Each adjournment and also the time and place for the continuation of the count shall be announced to the scrutineers and officers by the Returning Officer.

(3.) Before any such adjournment all voting-papers and other documents connected with the count shall be locked up by the Returning Officer in one or more ballot-boxes or other safe receptacle under seal.

10. As soon as conveniently may be after the counting of the votes has been completed the Returning Officer shall publicly declare in the form numbered (2) in the First Schedule hereto the result of the poll, and the persons therein declared to be elected shall be deemed to be elected accordingly. **Public declaration of the poll.**

11. Except as provided by this Act, the provisions of the principal Act relating to the election of members of a local authority shall apply to elections held under this Act. **Principal Act to apply.**

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

(1.) VOTING-PAPER.

*(Front.)*

	<b>BROWN, Charles James.</b>
	<b>CAMPBELL, Arthur Peter.</b>
	<b>CLARK, Alfred.</b>
	<b>EVANS, John George.</b>
	<b>GIBBS, Mark John.</b>
	<b>JONES, Thomas.</b>
	<b>LEWIS, Edward William.</b>
	<b>MASON, Frederick.</b>
	<b>MURPHY, Samuel John.</b>
	<b>REID, Herbert Thomas.</b>
	<b>SMITH, Joseph</b> [ <i>Contractor</i> ].
	<b>SMITH, William</b> [ <i>Solicitor</i> ].

## DIRECTIONS.

The voter must not strike out the name of any candidate.

The voter must place within the squares respectively opposite the names of three candidates the numbers 1, 2, and 3, so as to indicate the order of his preference.

The voter may, in addition, indicate the order of his preference for as many more candidates as he pleases by placing within the squares respectively opposite their names other numbers next in numerical order after those already used by him.

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

This voting-paper is not to be taken out of the polling-place.

(Back.)

Consecutive No. :

To be entered here and also on the top left-hand corner of the back of voting-paper.

No. on Roll :

To be entered here **only**.

Stamp across the perforation so that the number of the polling-place shall appear on both the counterfoil and the voting-paper

Official

Mark.

Initials of Deputy Returning Officer :

(2.) DECLARATION OF RESULT OF POLL.

I, A. B., Returning Officer for the Borough of \_\_\_\_\_, do hereby declare that at the poll taken on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for the election of members of the Council for the said borough the following candidates secured the quota (or as the case may be) :—

[Set out names of candidates as appearing on voting-paper.]

I therefore declare the said candidates to be duly elected.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A. B.,  
Returning Officer.

SECOND SCHEDULE.

METHOD OF COUNTING VOTES.

In this Schedule, unless the contrary intention appears,—

“Quota” means the number of votes sufficient to elect a candidate :

“Surplus” means the number of votes which a candidate has obtained, at any stage of the scrutiny, over and above the quota :

“First choice recorded for a candidate” means a voting-paper on which the number 1 is placed in the square opposite his name :

“Second choice recorded for a candidate” means a voting-paper on which the number 2 is placed in the square opposite his name :

“Transfer value” means that portion of a vote which is unused by—

(a.) An elected candidate who has obtained a surplus :

(b.) A candidate excluded on account of his being lowest on the poll, and which is therefore transferred to the candidate next in order of the voter's preference. The transfer value of all votes is either 1 or some fraction of 1.

1. The number of first choices recorded for each candidate shall be counted, and all informal voting-papers shall be rejected.

2. The aggregate number of such first choices shall be divided by one more than the number of candidates required to be elected, and the quotient increased by one,

First choice of each candidate to be counted.

To find the quota.

- disregarding any remainder shall be the quota, and (except as hereinafter provided in Rule 10) no candidate shall be elected until he obtains a number of votes equal to or greater than the quota.
- Candidates who have the quota to be declared elected.
- If first choices exactly equal to quota, voting-papers to be set aside.
- If a surplus, surplus to be transferred.
- Voting-papers re-examined and second choices counted.
- Find the transfer value.
- Multiply second choices by transfer value.
- Add result on.
- If more than one surplus, largest to be first dealt with.
- If surpluses equal, last difference to decide.
- If transfer raises candidate up to or above quota, he to be declared elected.
- If votes exactly equal to quota, voting-papers to be set aside.
- If surplus created, surplus to be transferred.
- Voting-paper of last transfer re-examined and third choices counted.
- Find the transfer value.
- Multiply third choices by transfer value.
- Add result on.
- When all surpluses dealt with candidate lowest on poll to be excluded and his votes transferred.
3. Any candidate who has, upon the first choices being counted, a number of such votes equal to or greater than the quota shall be declared elected.
4. Where the number of such votes obtained by any candidate is equal to the quota, the whole of the voting-papers on which a first choice is recorded for such elected candidate shall be set aside as finally dealt with.
5. Where the number of such votes obtained by any candidate is in excess of the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet declared elected, next in the order of the voters' respective preferences, in the following manner:—
- (i.) All the voting-papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of second choices, or (in the case provided for in Rule 12) third or next consecutive choices, recorded for each unelected candidate thereon shall be counted :
  - (ii.) The surplus of the elected candidate shall be divided by the total number of votes obtained by him on the counting of the first choices, and the resulting fraction shall be the transfer value :
  - (iii.) The number of second or other choices, ascertained in paragraph (i) to be recorded for each unelected candidate, shall be multiplied by the transfer value :
  - (iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes obtained by him on the counting of the first choices.
6. (a.) Where, on the counting of the first choices or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then more than one candidate has a surplus, the then largest surplus shall be dealt with, and so on: Provided that if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with.
- (b.) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with; and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate's surplus shall be first dealt with.
7. (a.) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer as aforesaid, he shall thereupon be declared elected; and in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no votes of any other candidate shall be transferred to him.
- (b.) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by a transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with.
- (c.) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences, in the following manner:—
- (i.) The voting-papers on which are recorded the votes obtained by the elected candidate in the last transfer shall be re-examined, and the number of third, or (in the case provided for in Rule 12) next consecutive choices recorded for each unelected candidate thereon counted :
  - (ii.) The surplus of the elected candidate shall be divided by the total number of voting-papers mentioned in paragraph (i), and the resulting fraction shall be the transfer value :
  - (iii.) The number of third (or other) choices, ascertained in paragraph (i) to be recorded for each unelected candidate, shall be multiplied by the last-mentioned transfer value :
  - (iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by him.
8. (a.) Where, after the first choices have been counted and all surpluses (if any) have been transferred as hereinbefore directed, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is lowest on the poll shall be excluded, and all the votes obtained by

him shall be transferred to the candidates next in the order of the voters' respective preferences, in the same manner as is directed in Rule 5.

(b.) The votes obtained by such excluded candidate as first choices shall first be transferred, the transfer value of each vote in this case being 1.

First choices to be transferred first.

(c.) The other votes of such excluded candidate shall then be dealt with in the order of the transfers in which, and at the transfer value at which, he obtained them.

Then other votes in order.

(d.) Each of the transfers which takes place under the two previous clauses of this rule shall be deemed for all purposes to be a separate transfer.

Each transfer deemed a separate transfer.

9. (a.) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid, he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no other votes shall be transferred to him.

If transfer raises candidate up to quota, he to be declared elected.

(b.) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by any such transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with.

If votes exactly equal to quota, voting-papers to be set aside.

(c.) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed in Rule 7, clause (c): Provided that such surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.

If surplus created, surplus to be transferred.

(d.) Where any surplus exists it shall be dealt with before any other candidate is excluded.

Surpluses to be dealt with before further exclusion.

10. The same process of excluding the candidate lowest on the poll and transferring to other candidates his votes shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the unexcluded candidates who have not already been so declared shall then be declared elected.

Process of exclusion to be repeated until there remains number of candidates required.

11. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide which candidate shall be first excluded.

If lowest candidates equal, last difference to decide.

12. In determining what candidate is next in the order of the voters' preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voters' preference shall be determined as if the names of such candidates had not been on the voting-paper.

If a candidate elected or excluded, his name not considered on voting-paper.

13. Where on any transfer it is found that on any voting-paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared elected or excluded, such voting-paper shall be set aside as exhausted.

Exhausted votes.