

Mr. Clinkard.

ELECTORAL AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Electoral Act, 1927.

Title.

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

1. This Act may be cited as the Electoral Amendment Act, 1934, and shall be read together with and deemed part of the Electoral Act, 1927 (hereinafter referred to as the principal Act).

Short Title.

10 2. In this Act an "absolute majority of votes" means a number greater than one-half the total number of ballot-papers other than informal and exhausted votes. An "exhausted vote" means a ballot-paper counted to a candidate subsequently declared defeated,
15 where there is not indicated upon it a consecutive preference for one undefeated candidate.

Interpretation.

3. The system of voting for one candidate only, prescribed by the principal Act with respect to elections thereunder, shall not apply with respect to any election

Preferential voting adopted.

(whether general election or by-election) to be held thereunder after the commencement of this Act, but in lieu thereof the system of preferential voting hereinafter prescribed shall be adopted and shall apply.

Mode of marking voting-paper.

4. For the purpose of giving effect to the *last preceding* section, section one hundred and thirty-six of the principal Act is hereby amended by omitting from subsection one all words after the words "secretly", and substituting the following: "mark the ballot-paper by placing the figure one in the square opposite the name of the candidate whom he desires to be elected, and the figure two in the square opposite the name of the candidate whom he desires to be elected in the event of the first-named candidate being defeated. In addition, he may, if he so desires, mark his preference for any or all of the remaining candidates by placing opposite their names respectively the figures next in numerical order after the figure two so as to indicate by such numerical order the order of his preference".

Form of voting-paper for preferential voting.

5. The ballot-paper to be used at any election under this Act shall be in the form numbered one in the Schedule hereto.

Preliminary count of votes.

6. (1) Subsection two of section one hundred and forty-two of the principal Act is hereby amended by deleting all the words after the word "therein" to the end of the subsection, and substituting the following: "shall set aside all informal ballot-papers and ascertain in respect of each candidate the number of ballot-papers which are marked with the figure one opposite his name or in which an indication of the voter's desire that that candidate should be elected is otherwise given in accordance with this Act".

(2) Subsection three is hereby repealed.

Informal votes.

7. (1) A ballot-paper is informal—

- (a) If there is reasonable cause to believe that it was not issued to a voter by the Deputy Returning Officer; or
- (b) If it has upon it any mark or writing by which the voter can be identified; or
- (c) If it has the figures one or two opposite the names of more than one candidate; or
- (d) If it does not clearly indicate the candidate whom the elector desires to be elected and also contain one contingent vote for another candidate:

5 Provided that where there are not more than two candidates the voter's first preference and contingent votes shall be deemed to be sufficiently indicated in the case of a ballot-paper marked so as to indicate the voter's first preference only :

10 Provided further that for the *first preceding* proviso a cross in the square opposite the name of one candidate shall be deemed to indicate the voter's first preference for that candidate and his contingent vote for the other candidate :

15 Provided further that a line drawn through the name of one candidate shall be deemed to indicate a contingent vote for such candidate and a first-preference vote for the other candidate.

(2) Section one hundred and forty-three and paragraph (e) of subsection one of section one hundred and forty-four of the principal Act is hereby amended by
20 inserting before the word "votes" the words "first-preference".

8. (1) On completion of the scrutiny of the rolls, as directed by section one hundred and forty-five of the principal Act, the Returning Officer, with such assistance
25 as he deems necessary, and in the presence of such of the scrutineers appointed under section one hundred and forty-five of the principal Act as are present, and also in the presence of some Justice (who shall attend at the request of the Returning Officer), shall select one of the
30 parcels of used ballot-papers, as described in paragraph (a) of subsection one of section one hundred and forty-four of the principal Act, and having taken the ballot-papers therefrom shall mark each such paper on the back with a number in arithmetical series beginning with the number
35 one and so that no two ballot-papers in that parcel shall bear the same number.

(2) He shall then set aside all informal ballot-papers and count the number of first-preference votes recorded for each candidate on the ballot-papers contained in
40 the parcel, and shall compare the result of the count with the corresponding statement mentioned in paragraph (e) of subsection one of section one hundred and

Duties of
Returning
Officer.

forty-four of the principal Act. The Returning Officer shall, where necessary, amend the statement, and every such statement (whether amended or not) shall be initialled by the Returning Officer and the Justice attending.

(3) The Returning Officer shall then, except where it appears that a count of second preference will be necessary, make up and seal the parcel and endorse thereon a memorandum specifying the number of ballot-papers contained in the parcel, the number of votes, and the name of the booth at which the votes were recorded, and such endorsement shall be signed by the Returning Officer and the Justice present.

(4) After the ballot-papers from one parcel have been dealt with in the manner aforesaid those from the remaining parcels shall be successively dealt with in like manner, the marking of the ballot-papers to commence with the number one in the case of each parcel.

(5) The absent-voter ballot-papers, the postal ballot-papers, and the seamen's ballot-papers shall then be dealt with in like manner, after which they shall be sealed together and endorsed in the manner hereinbefore described.

(6) When all the ballot-papers have been dealt with in the prescribed manner the Justice attending shall sign a certificate stating the total number of ballot-papers used at the election, and such certificate shall be preserved by the Returning Officer for production when required. Where at any count of ballot-papers under this section the numbering of the ballot-papers extends beyond one day, the Justice attending shall give his certificate day by day showing the progress of such numbering and describing the parcels counted in his presence.

(7) When the ballot-papers have been dealt with in the manner hereinbefore described the Returning Officer shall ascertain the total number of first-preference votes received by each candidate, and if such number constitutes an absolute majority shall declare that candidate to be duly elected.

9. If no candidate has received an absolute majority of first-preference votes, the Returning Officer shall proceed as follows:—

(a) He shall declare the candidate who has received the fewest first-preference votes to be a defeated candidate, and shall distribute amongst the

Declaring
candidate
defeated or
elected.

- 5 remaining candidates all the ballot-papers previously counted to the defeated candidate, according to the indication of the voter's next preference, and shall add the number so distributed to each candidate to the first-preference votes previously counted to that candidate.
- 10 (b) If any candidate has then, with each addition as aforesaid, received an absolute majority of votes, the Returning Officer shall declare him elected.
- 15 (c) If no candidate has, with such addition as aforesaid, received an absolute majority of votes, the procedure of declaring the candidate who has received the fewest votes to be a defeated candidate and distributing his ballot-papers amongst the then remaining candidates according to the indication (if any) of the voter's next preference, and of adding the number so distributed to each candidate to the number then last counted to that candidate, shall be repeated until one candidate has received an absolute majority of votes, and that candidate shall then be declared to be elected.
- 20 (d) If on any count two or more candidates have an equal number of votes and one of them has to be declared a defeated candidate, the Returning Officer shall decide by lot which is to be so declared. Equality of votes.
- 30 (e) If there is an equality of votes between any candidates and the addition of a vote would entitle one of such candidates to be declared elected in the final count, the Returning Officer (whether an elector of the district or not) shall give a casting-vote, and such casting-vote shall be included in reckoning an absolute majority of votes.
- 35 10. The Returning Officer shall then seal up into separate parcels the ballot-papers counted to each candidate, and endorse on each parcel a memorandum specifying the name of the candidate and the number of ballot-papers contained in the parcel, and such endorsement shall be signed by the Returning Officer and the Justice attending. Subsequent dealings with voting-papers.
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Schedule.

SCHEDULE.

(1) BALLOT-PAPER.

(Front.)

	BROWN.
	JONES.
	ROBINSON.
	WILLIAMS, JAMES.
	WILLIAMS, JOHN.

DIRECTIONS.

THE voter must **NOT** strike out the name of any candidate.

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

Where the ballot-paper contains the names of more than two candidates 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 ballot-paper is to be folded so that the contents cannot be seen, and, having shown the official mark on the back to the Deputy Returning Officer, the ballot-paper is to be put in the ballot-box by the voter.

This ballot-paper is not to be taken out of the polling-booth.

(Back.)

Consecutive No. :

To be entered here, and also on the top right-hand corner of the back of ballot-paper.

No. on Roll :

To be entered here only.

Stamp across the perforation so that the number of the booth shall appear on both the counterfoil and the ballot-paper.

Official

Mark.

Initials of
Deputy Returning Officer :