

ELECTORAL AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Electoral Act 1927.

Clause 2 amends section 103 of the principal Act in relation to vacancies occurring in the House of Representatives during a recess. *Subclause (1)* makes it clear that the Speaker's duty to cause a notice of any vacancy to be published in the *Gazette* is to be carried out *forthwith* upon it appearing to the Speaker that the vacancy has occurred. *Subclause (2)* provides that the Speaker's warrant directing the Clerk of the Writs to issue a writ for a by-election is to be issued *forthwith upon the publication of the notice in the Gazette*.

Clause 3 provides that on receipt of the Speaker's warrant the Clerk of the Writs is to issue a writ for a by-election as soon as reasonably practicable, but in any case within twenty-one days, instead of *forthwith* as at present provided. The clause also provides that where it is considered necessary for special reasons the Governor-General in Council may authorize the Clerk of the Writs to postpone the issue of a writ to a specified day, not later than forty-two days after the date of the receipt of the Speaker's warrant by the Clerk of the Writs.

Clause 4 provides that persons who are entitled to vote on making a declaration that they are qualified to be registered as electors may vote as absent voters or postal voters. Under the existing law only registered electors may vote as absent voters or postal voters, and a person may vote on declaration only in the district of which he is qualified to be registered as an elector. This has the effect of disfranchising qualified electors who are away from their own districts and discover that their names have been purged from the roll when it is too late to apply for re-registration, and also those who vote as absent voters or postal voters without knowing that their names have been purged from the roll. The clause is designed to remedy this position.

Clause 5 re-enacts subsection (1) of section 141 of the principal Act (prescribing the classes of persons who are entitled to vote on declaration) for the purpose of making three amendments.

(a) The words "but being qualified to be so registered" have been inserted after the words "not being registered as electors".

This amendment makes it clear that persons who vote by declaration must not only declare that they are qualified to be registered as electors but must actually be qualified.

- (b) In paragraph (b) the words "but whose name does not appear on the printed roll" have been substituted for the words "has not been so registered".

This amendment brings in persons who have applied for registration and been informed by the Registrar of Electors that they have been registered, but whose names have since been purged from the roll. At present paragraph (b) is limited to persons who were not in fact registered.

- (c) In paragraph (d) the words "for the district in which his place of residence is situated or, as the case may be, for the district in which that place of residence was then situated" have been substituted for the words "for the district in which he is resident".

This amendment brings in persons who voted at the last election for one district and have since become qualified to be registered in another district by reason of a change in the electoral districts. At present paragraph (d) is limited to persons who have remained qualified for the same district.

Hon. Mr Webb

ELECTORAL AMENDMENT

ANALYSIS

Title.	3. Issue of writ by Clerk of the Writs.
1. Short Title.	4. Persons entitled to vote on declaration may vote as absent voters or postal voters.
2. Notice of vacancy to be gazetted forthwith, and Speaker's warrant for writ to be issued forthwith thereafter.	5. Persons entitled to vote on making declaration.

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 of the same, as follows:

1. This Act may be cited as the Electoral Amendment Act 1954, and shall be read together with and deemed part of the Electoral Act 1927 (hereinafter referred to as the principal Act).

Short Title.

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

2. Section one hundred and three of the principal Act is hereby amended as follows:

Notice of vacancy to be gazetted forthwith, and Speaker's warrant for writ to be issued forthwith thereafter.

(a) By inserting in subsection one, after the word "shall", the word "forthwith":

15 (b) By inserting in subsection two, after the word "forthwith", the words "upon the publication of the notice in the *Gazette*".

Issue of writ
by Clerk of
the Writs.

3. The principal Act is hereby amended by repealing section one hundred and six, and substituting the following section:

“ 106. The Clerk of the Writs shall as soon as reasonably practicable after receiving a warrant, but in any case not later than twenty-one days after the date of the receipt of the warrant, issue a writ to the Returning Officer of the district in which the vacancy has occurred, in the form numbered (12) in the First Schedule to this Act: 5
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“ Provided that, in any case in which it appears to the Governor-General to be necessary for special reasons, the Governor-General may, by Order in Council, authorize the Clerk of the Writs to postpone the issue of a writ until such day as may be specified in the Order in Council, not being later than forty-two days after the date of the receipt of the warrant.” 15

Persons entitled
to vote on
declaration
may vote as
absent voters
or postal voters.

4. (1) Section one hundred and thirty-nine of the principal Act is hereby amended by inserting in subsection one, after the words “ Any registered elector who retains his qualification for registration as an elector of the district for which he is registered ”, the words “ or any person who is entitled to vote as an elector of any district on declaration under section one hundred and forty-one of this Act ”. 20
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(2) Section one hundred and forty of the principal Act is hereby amended by inserting in subsection one, after the words “ any registered elector ”, the words “ or any person entitled to vote on declaration under section one hundred and forty-one of this Act ”. 30

Persons entitled
to vote on
making
declaration.
1948, No. 71

5. (1) Section one hundred and forty-one of the principal Act is hereby amended by repealing subsection one (as amended by section ten of the Electoral Amendment Act 1948), and substituting the following subsection: 35

“(1) The following classes of persons, not being registered as electors of any district but being qualified to be so registered, may, on making a declaration in the prescribed form that they are qualified to be registered as electors, vote as electors of the district in which they are resident, namely: 40

“(a) Any person whose name is ruled out of any certified copy of the roll supplied to the Returning Officer under section seventy-five of this Act; or 45

- 5 “(b) Any person who has applied for registration as an elector at any time before six o’clock in the afternoon of the day of the issue of the writ, and has been informed by the Registrar that he has been registered, but whose name does not appear on the printed roll; or
- 10 “(c) Any person who, having become qualified to be registered as an elector on or after the day of the issue of the writ or within one month before that day, has applied for registration as an elector after that day but before the day appointed in the writ for the taking of the poll; or
- 15 “(d) Any person who, being qualified, voted at the last preceding election for the district in which his place of residence is situated or, as the case may be, for the district in which that place of residence was then situated.”
- 20 (2) Section ten of the Electoral Amendment Act 1948 is hereby repealed.