

LOCAL ELECTIONS AND POLLS AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Local Elections and Polls Act 1966.

Clause 1 relates to the Short Title.

Clause 2: The effect of the amendments made by this clause to the several enactments specified in the First Schedule is to reduce from 21 years to 20 years the minimum age for voting at local authority elections and polls and the minimum age for elective members of local authorities.

Clause 3: Section 49 (2) of the principal Act provides that where, in the case of an election in a combined district, the Returning Officer for any constituent district has been appointed to conduct the election in that constituent district, an elector of one constituent district may not vote in a polling booth in another constituent district, either as an ordinary voter or as a special voter.

This subsection does not meet the position where, under section 21 (2) of the principal Act, the Returning Officer for a constituent district has appointed any place outside that constituent district to be a polling place, and section 49 (2) would prohibit electors of the constituent district from voting at such a polling place if that polling place were situated in another constituent district. This clause provides that for the purposes of section 49 (2) such a polling place is to be treated as if it were in the constituent district for which it is appointed.

Clause 4 re-enacts in an amended form section 51 of the principal Act, which prescribes the cases in which a by-election to fill an extraordinary vacancy in a local authority other than a Borough Council or Town Council need not be held.

The present section 51 provides that where the vacancy occurs within 12 months before the date fixed for the next triennial general election, the local authority may decide to hold a by-election to fill the vacancy or may decide to appoint a qualified person to fill the vacancy. Where the vacancy occurs within 6 months before the date fixed for the next triennial general election, the local authority may decide to leave the vacancy unfilled.

The new section 51 provides that where an extraordinary vacancy occurs at any time, the local authority may decide to hold a by-election to fill the vacancy or may decide to appoint a qualified person to fill the vacancy. If it decides to fill the vacancy by appointment, it must give public notice of its

decision and must hold a by-election to fill the vacancy if within 30 days not less than 5 percent of the electors or 500 electors of the local authority or subdivision concerned, whichever is the less, demand a by-election. As at present, if the vacancy occurs within 6 months before the date fixed for the next triennial general election, the local authority may decide to leave the vacancy unfilled.

Clause 5: Section 54 (1) (c) of the principal Act makes it an offence for any person on polling day before the close of voting to make any statement having direct or indirect reference to the election by means of any loud-speaker or public-address apparatus or voice-amplifying apparatus or cinematograph or television apparatus.

This clause removes the reference to television, so that it will no longer be an offence to refer to an election on polling day by means of television. It will still be an offence under paragraph (e) of section 54 (1) to use television on polling day for the purpose of influencing voters as to how they should vote.

Clause 6: Section 86 of the principal Act authorises the introduction of experimental procedures by Order in Council. Those procedures may include voting over several days, postal voting, and the use of mobile polling booths. Pursuant to that section, the Local Elections and Polls (Experimental Procedures) Order 1968 (S.R. 1968/109) authorised certain specified local authorities to conduct on an experimental basis the 1968 local authority elections over a period of 6 consecutive days or by postal vote or to use mobile polling booths.

This clause inserts new Parts IIA, IIB, and IIC in the principal Act making permanent provision for the adoption of these procedures.

The new Part IIA, comprising new sections 64A to 64M of the principal Act, provides for the holding of elections and polls by postal vote.

Section 64A is an interpretation section defining the terms "close of voting", which is the hour of 2.30 p.m. on election day, and "election", which is defined as meaning any election or poll conducted by postal vote.

Section 64B provides that any County Council may decide to conduct any specified election or poll by postal vote, and any other kind of local authority may do so if authorised by Order in Council.

Where any local authority conducts an election or poll by postal vote, any other election or poll conducted by its Returning Officer in its district at the same time is also to be conducted by postal vote.

Section 64C provides that for the purposes of any election conducted by postal vote, the principal Act is to apply as if it had been modified as set out in the new Fourth Schedule to that Act, which is set out in the Second Schedule to this Bill.

Section 64D prescribes the procedure for the issue of voting papers by posting them to electors on the roll.

Section 64E prescribes the method of voting, including cases where an elector is blind, disabled, or illiterate.

Section 64F prescribes the manner in which voting papers are to be returned to the Returning Officer.

Section 64e provides that no voting paper is to be valid unless it is delivered to the Returning Officer before the close of voting, that is, 2.30 p.m. on polling day. What constitutes delivery is defined in *section 64f (2)*.

Section 64h defines the procedure to be followed by the Returning Officer on receipt of an envelope containing a voting paper.

Section 64i provides that an elector on the roll who claims not to have received his voting papers or to have spoilt or destroyed them may vote as a special voter.

Section 64j provides that the Returning Officer is to provide in his office one or more locked ballot boxes into which all envelopes containing voting papers delivered to him before the close of voting are to be placed. No ballot box is to be opened until after the close of voting, and outside ordinary office hours all ballot boxes are to be kept in a locked and fireproof room.

Section 64k authorises the Returning Officer to announce from time to time the number of persons to whom voting papers have been sent and the number of envelopes containing voting papers delivered to him.

Section 64l prescribes the procedure to be followed by the Returning Officer after the close of voting, including the preliminary count of the votes and the provisional announcement of the result of the poll.

Section 64m prescribes the procedure for the scrutiny of the roll.

The new Part IIB, comprising new *sections 64n to 64u* of the principal Act, provides for the holding of elections and polls over consecutive days.

Section 64n is an interpretation section defining the terms "election" as being an election or poll conducted over consecutive days, and "polling period" as being the period commencing at 9 a.m. on the first of the consecutive days over which the election is to be conducted and ending at 7 p.m. on the last of those days.

Section 64o provides that any local authority may decide to hold any specified election or poll over such number of consecutive days (excluding Sundays and public holidays), not exceeding 6, as it determines.

Where any local authority conducts an election or poll over consecutive days, any other election or poll conducted by its Returning Officer in its district at the same time is also to be conducted over the same consecutive days.

Section 64p provides that for the purposes of any election conducted over consecutive days, the principal Act is to apply as if it had been modified as set out in the new Fifth Schedule to the principal Act, set out in the Second Schedule to this Bill.

Section 64q provides that the hours of voting each day are from 9 a.m. to 5.30 p.m. except on a Saturday, when the hours of voting are from 9 a.m. to 7 p.m. The local authority may fix a closing hour not later than 9 p.m. on any one day other than a Saturday.

Section 64r authorises the Returning Officer to appoint polling places for each day of the polling period. Different places may be appointed for different days.

Section 64s provides that all ballot boxes containing votes exercised and all rolls, unused voting papers, counterfoils, and other material used in connection with the election must, immediately after the close of voting each day, be placed in a locked and fireproof room, and must not be removed from the room until they are required on the following day.

Section 64t authorises the Returning Officer to announce from time to time the number of voting papers issued.

Section 64u provides that sections 82 and 85 of the principal Act, which provide that employees are to have time off to vote and that State primary schools are to be available as polling places, will apply only in respect of the last day of the polling period.

The new Part IIc, comprising *sections 64v to 64zc* of the principal Act, provides for the use of mobile polling booths.

Section 64v is an interpretation section defining the term "election" as being an election or poll at which one or more mobile polling booths are used.

Section 64w provides that any local authority may authorise its Returning Officer to use one or more mobile polling booths at any specified election or poll. In the case of an election or poll held over consecutive days, mobile polling booths may be used only on the last day of the polling period. Mobile polling booths may not be used in the case of an election or poll conducted by postal vote.

Where the Returning Officer uses any mobile polling booth at any election, he shall also use that booth for the purposes of any other election conducted by him in the district at the same time.

Section 64x provides that subject to this Part the principal Act is to apply to every mobile polling booth as if it were a polling place established under the Act.

Section 64y provides that, except while in transit from one place to another, every mobile polling booth is to be open for voting at such times between the hours of 9 a.m. and 7 p.m. on polling day as the Returning Officer determines.

Section 64z provides that every place where a mobile polling booth is for the time being stationed is to be a polling place for the purposes of the principal Act.

Section 64za provides that public notice must be given of the places at which a mobile polling booth will be stationed and the times at which it will be stationed at those places.

Section 64zb enables a mobile polling booth to be stationed adjacent to any ordinary polling booth.

Section 64zc prescribes the procedure to be followed at the close of voting in cases where any mobile polling booth has been used.

Clause 7 consequentially amends section 86 of the principal Act, adds to that Act the new Fourth and Fifth Schedules referred to in the foregoing notes, and revokes the Local Elections and Polls (Experimental Procedures) Order 1968, which, as it applied to the 1968 local authority elections only, is now spent.

Clause 8 inserts a new section 89A in the principal Act making it clear that if, acting under the authority of the local authority, the Returning Officer conducts any referendum in conjunction with any election or poll, this will not be a ground on which the validity of the election or poll may be questioned.

Hon. Mr Seath

LOCAL ELECTIONS AND POLLS AMENDMENT

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A BILL INTITULED

An Act to amend the Local Elections and Polls Act 1966

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

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1. Short Title—This Act may be cited as the Local Elections and Polls Amendment Act 1970, and shall be read together with and deemed part of the Local Elections and Polls Act 1966* (hereinafter referred to as the principal Act).

2. Age of electors and of members of local authorities— 10
The enactments specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule.

3. Conduct of elections in combined districts—Section 49 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection: 15

“(2A) For the purposes of subsection (2) of this section, a polling booth at any place outside the district of a local authority which, under subsection (2) of section 21 of this Act, has been appointed to be a polling place for that district shall be deemed to be situated within that district.” 20

4. Election to fill extraordinary vacancy in local authority other than Borough Council or Town Council—The principal Act is hereby further amended by repealing section 51, and substituting the following section:

“51. (1) Except where otherwise provided in any other Act, 25
where it comes to the knowledge of the Clerk or other principal administrative officer of any local authority (other than a Borough Council or Town Council), whether by notice or otherwise, that an extraordinary vacancy has occurred in the office of an elected member of the local authority, he shall 30
forthwith notify the local authority of the vacancy, and the local authority shall at its next ordinary meeting or, if that is not practicable, at its next subsequent ordinary meeting, by resolution determine—

“(a) That the vacancy shall be filled in the manner pre- 35
scribed by the provisions in that behalf of this Act;
or

*1966, No. 101

Amendments: 1967, No. 44; 1968, No. 91; 1969, No. 91

“(b) That the vacancy shall be filled by the appointment to be made by the local authority of a person qualified to be elected to be a member thereof, and any person so appointed shall for all purposes be deemed to have been elected to fill the vacancy:

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“Provided that where any such vacancy occurs within 6 months before the date fixed for the next triennial general election, the local authority may by resolution determine that the vacancy shall not be filled.

10 “(2) Where under paragraph (b) of subsection (1) of this section a local authority determines that a vacancy shall be filled by an appointment to be made by the local authority, it shall forthwith give public notice of its decision, and not less than the specified number of electors for the time being on the roll of the local authority, by notice in writing on their hands delivered at the office of the local authority not later than 30 days after the date of the giving of that public notice, may demand that an election be held to fill the vacancy. If such a demand is made, an election shall be held accordingly.

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20 “(3) The Clerk or other principal administrative officer shall forthwith give notice to the Returning Officer of every decision of the local authority under paragraph (a) of subsection (1) of this section and of every demand received by the local authority under subsection (2) of this section and of every decision of the local authority under the proviso to subsection (1) of this section.

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30 “(4) For the purposes of subsection (2) of this section, the term ‘specified number’ means a number equal to 5 percent of the number of electors who were on the roll of electors of the local authority, or of the subdivision in the case of a vacancy in the office of a member representing a subdivision of a district, for the immediately preceding general election of members of the local authority or representing that subdivision, as the case may be, or 500, whichever is the less.

35 “(5) Nothing in subsection (1) of this section shall apply in any case where an election of Councillors is required to be held under section 43 of the Counties Act 1956.”

5. Interfering with or influencing voters—Section 54 of the principal Act is hereby amended by omitting from paragraph
40 (c) of subsection (1) the words “or television”.

6. Holding of elections and polls by postal vote or over consecutive days, and use of mobile polling booths—The principal Act is hereby further amended by inserting, after section 64, the following new Parts:

“PART IIA

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“ELECTIONS AND POLLS BY POSTAL VOTE

“64A. **Interpretation**—In this Part of this Act and in the Fourth Schedule to this Act, unless the context otherwise requires,—

“‘Close of voting’, in relation to any election, means the hour of 2.30 p.m. on the date of the election: 10

“‘Election’ means an election or poll conducted by postal vote pursuant to section 64B of this Act.

“64B. **Local authority may hold election or poll by postal vote**—(1) Any County Council may, by resolution, determine that any specified election or poll to be held in the county shall be conducted by postal vote, and the Returning Officer shall conduct that election or poll by postal vote accordingly. 15

“(2) The Governor-General may at any time, by Order in Council made at the request of a local authority (other than a County Council) received by the Minister not later than 6 months before the date of the election or poll, authorise the Returning Officer at any specified election or poll to be held in the district of the local authority under this Act to conduct that election or poll by postal vote, and the Returning Officer shall conduct that election or poll by postal vote accordingly. 20 25

“(3) As soon as possible after every election or poll conducted by postal vote pursuant to an Order in Council under subsection (2) of this section, the Returning Officer shall forward to the Minister a full report as to that election or poll. 30

“(4) Where the Returning Officer conducts any election or poll by postal vote, he shall also at the same time conduct within the district by postal vote the election of members of any other local authority of which he is Returning Officer which he is required to conduct at the same time as the first-mentioned election or poll and any poll that is required to be held in the district at the same time as the first-mentioned election or poll: 35

“Provided that nothing in this subsection shall be construed to affect the provisions of section 49 of this Act. 40

“(5) Subject to this Part of this Act, every election or poll conducted by postal vote shall be conducted in accordance with the provisions of Part II of this Act.

“64c. **Modification of other provisions of this Act**—For the purposes of any election conducted by postal vote,—

5 “(a) This Act shall have effect as if it had been amended in the manner indicated in the Fourth Schedule to this Act:

“ (b) Section 67 of this Act shall have effect as if the place where the preliminary count of the votes is to take place were a polling booth within the meaning of that section.

10 “64d. **Issue of voting papers**—(1) As soon as practicable after the sixteenth day before the date on which the election is to be held and in any case not later than the eighth day before that date, the Returning Officer shall forward by post
15 addressed to each elector at the address shown against that elector’s name on the roll, or at his residential address in New Zealand, if to the knowledge of the Returning Officer that address is different from the address shown on the roll, one
20 voting paper for every vote that he is entitled to give at the election of a member of the local authority and at every other election or poll held concurrently with that election, together with an envelope stamped and addressed to the Returning Officer.

“ (2) Every such envelope shall, in addition to the address of the Returning Officer, bear on its face the consecutive
25 number of the elector’s name on the roll, the number of votes to which he is entitled at that election, and, in the case of a local authority whose district is subdivided for electoral purposes, the name of the subdivision of the district in which the elector is entitled to vote at that election.

30 “ (3) In any case where the Returning Officer considers it desirable to do so, he may also include on the envelope the names of any other elections which he is required to conduct at the same time and the number of votes to which the elector is entitled at each of those other elections:

35 “ Provided that where in any case the elector is not entitled to vote at any such other election, the name of that other election shall be struck out on the face of the envelope.

40 “ (4) Notwithstanding anything in subsection (2) or subsection (3) of this section, where in respect of any election an elector is not entitled to exercise more than one vote, it shall not be necessary for the number of votes to which he is entitled at the election to be shown on the face of the envelope.

“(5) The accidental omission by the Returning Officer to forward voting papers to any elector whose name appears on the roll shall not be a ground on which a petition for an inquiry into the conduct of the election may be founded.

“64E. **Method of voting**—(1) On receipt by him of the voting papers forwarded by the Returning Officer, the elector shall alone and secretly on each voting paper exercise his vote in accordance with the instructions on the voting paper and in accordance with any additional instructions that the Returning Officer may deem it advisable to give to the elector.

“(2) Where any elector is wholly or partially blind, or is unable to read or write (whether because of physical handicap or otherwise), or is not sufficiently familiar with the English language to vote without assistance, each voting paper may be marked by the voter with the assistance of an elector of the local authority or may be marked by an elector of the local authority in accordance with the instructions of the voter.

“(3) The person assisting the voter in accordance with subsection (2) of this section shall sign his name on the back of each voting paper, and shall add the words ‘Witness for blind or partially blind person’ or ‘Witness for person unable to read or write’ or ‘Witness for person not familiar with the English language’, as the case may be. The witness shall print his full name and address after the words added as aforesaid.

“(4) Notwithstanding anything in the Fourth Schedule to this Act, subsection (6) of section 36 of this Act shall apply with respect to every person assisting any person to vote under subsection (2) of this section.

“64F. **Return of voting papers to Returning Officer**—(1) After the votes of an elector have been exercised as provided in section 64E of this Act, the elector shall enclose the voting papers in the envelope addressed to the Returning Officer, taking care to ensure that only his own voting papers are included in that envelope, and shall by hand or post deliver that envelope to the Returning Officer or to any Deputy Returning Officer appointed by the Returning Officer.

“(2) For the purposes of this Part of this Act, delivery into the private receiving box or private mail bag of the Returning Officer at a post office shall be deemed delivery to the Returning Officer, but any other delivery to any office of the post

office or delivery to any other person except a Deputy Returning Officer shall not be deemed delivery to the Returning Officer.

“64G. Voting papers to be returned before close of voting—

5 No voting paper shall be valid unless it is delivered to the Returning Officer or any Deputy Returning Officer before the close of voting.

“64H. Voting papers returned to be marked—(1) Every envelope containing voting papers delivered to the Returning
10 Officer or any Deputy Returning Officer before the close of the voting shall be marked with his official mark.

“(2) Any envelope delivered after the close of voting to the Returning Officer or any Deputy Returning Officer shall be marked ‘Delivered after the close of voting’, and shall be
15 signed by the Returning Officer or the Deputy Returning Officer and marked with his official mark and shall be set aside unopened.

“64I. Right of elector to vote as special voter—Any elector whose name appears on the copy of the roll used at the
20 election who claims not to have received his voting papers or to have spoilt or destroyed them shall be entitled to vote as a special voter, and for this purpose section 37 of this Act shall be deemed to be extended to include such electors in the
25 classes of electors who may vote at any election as special voters.

“64J. Ballot boxes—(1) The Returning Officer shall provide in his office one or more locked ballot boxes, or, in the case of a district that is subdivided for electoral purposes, one or more locked ballot boxes for each subdivision of the district
30 in which an election is conducted, and shall forthwith place unopened in that ballot box, or, as the case may be, in one of those ballot boxes, all envelopes, or, as the case may be, all envelopes bearing the name of that subdivision, received by him before the close of voting. No such ballot box shall be
35 opened until after the close of voting.

“(2) Any ballot box containing envelopes delivered to the Returning Officer before the close of voting shall, except during ordinary office hours, be kept by him in a locked and fireproof room.

40 **“64K. Returning Officer may announce number of voting papers sent and returned—**The Returning Officer may from time to time, on any day up to and including the day

preceding the date of the election, publicly announce the total number of persons to whom voting papers have been sent and the number of envelopes containing voting papers delivered to him.

“64L. Procedure after close of voting—(1) From time to 5
time but before taking action pursuant to subsection (2) of
this section, the Returning Officer shall cause to be made up
into separate parcels all the counterfoils of voting papers that
have been used at the election, all spoilt voting papers, and
all the unused voting papers with their counterfoils attached. 10

“(2) After the close of voting, the Returning Officer and
such members of his staff as are authorised by him shall open
the ballot boxes and extract the envelopes. 10

“(3) Each envelope shall then be opened and the voting
papers extracted therefrom, and the envelope shall be placed 15
to one side.

“(4) In any case where it appears that the number of
voting papers contained in the envelope is more or less than
the number which the elector is entitled to exercise at the
election, the voting papers shall be replaced in the envelope 20
and that envelope shall also be placed on one side.

“(5) Where any envelope has been set aside under sub-
section (4) of this section, the Returning Officer, taking care
to ensure that the voting papers contained in that envelope
are so covered that the votes recorded thereon are not seen 25
by any person present, shall take such steps as he considers
necessary to ascertain whether any additional voting papers
included in that envelope are those of some other elector or
whether any voting papers that have been omitted from that
envelope are included in some other envelope. Where the 30
Returning Officer is satisfied that those votes should be
allowed, he shall include them in the preliminary count of
the votes under this section, and those voting papers and the
envelope in which they were contained shall be placed on one
side. Those voting papers shall be included in the official 35
count.

“(6) All voting papers which do not clearly indicate the
candidate or candidates for whom the voter desired to vote
shall be set aside as informal.

“(7) When all envelopes have been dealt with, the total 40
number of votes recorded for each candidate at the election
shall be ascertained.

“(8) The Returning Officer shall provisionally announce
the total number of votes received by each candidate at the
election, including special votes allowed by him. 45

“(9) Immediately after ascertaining the number of votes recorded for each candidate, the Returning Officer shall make up into separate parcels the used voting papers, together with (but in separate enclosures) the voting papers set aside under
5 subsections (5) and (6) of this section; and shall seal each parcel and endorse it with a description of its contents, the name of the district and, where applicable, the name of the subdivision, and the date of the polling; and each endorsement shall be signed by the Returning Officer and by such of
10 the scrutineers as are present and consent to sign it.

“(10) The Returning Officer may request a Justice to attend at the preliminary count of votes pursuant to this section.

“64M. **Scrutiny of the roll**—(1) After the completion of
15 the preliminary count of the votes pursuant to section 64L of this Act, and not sooner, the Returning Officer shall in the presence and the hearing of such scrutineers as are present, from the envelopes delivered to him and from the records of special votes exercised, conduct a scrutiny of the roll by
20 drawing on a copy of the roll (called the master roll) a line in pencil or ink through the number and name of every elector who appears to have voted.

“(2) If, from the marking of the master roll and all the records of special votes exercised in respect of the district and
25 after such inquiry as the Returning Officer thinks necessary, it appears that any person has voted more than once at the election, the Returning Officer shall, in the presence of such scrutineers as choose to be present, extract the voting papers on which the number corresponding to the name of that
30 person appears and, taking care to ensure that the voting papers so extracted are so covered that the votes recorded thereon are not seen by any person present, shall disallow every vote appearing to have been given by means of the voting papers so extracted:

35 “Provided that, if the Returning Officer is satisfied that the voter lawfully received and returned a voting paper or voting papers and that he was not in any way concerned in the issue or return of any other voting paper or voting papers, the Returning Officer shall allow the valid vote or votes given by
40 means of the voting paper or voting papers lawfully received and returned by the voter, and shall disallow the other vote or votes.

“PART II_B

“HOLDING OF ELECTIONS AND POLLS OVER CONSECUTIVE DAYS

“64N. Interpretation—In this Part of this Act and in the Fifth Schedule to this Act, unless the context otherwise requires,—

“‘Election’ means an election or poll conducted over consecutive days pursuant to section 64o of this Act:

“‘Polling period’, in relation to any election, means the period commencing at the hour of 9 a.m. on the first of the consecutive days over which the election is to be conducted pursuant to section 64o of this Act and ending at the hour of 7 p.m. on the last of those days.

“64o. Local authority may hold election or poll over consecutive days—(1) Any local authority may, by resolution, determine that any specified election or poll to be held in its district shall be conducted over such number of consecutive days (excluding Sundays and days that are public holidays in the district), not exceeding 6, as the local authority determines, and the Returning Officer shall conduct that election or poll accordingly.

“(2) Where the Returning Officer conducts any election or poll over consecutive days, he shall also at the same time conduct within the district over the same consecutive days the election of members of any other local authority of which he is the Returning Officer which he is required to conduct at the same time as the first-mentioned election or poll and any poll that is required to be held in the district at the same time as the first-mentioned election or poll:

“Provided that nothing in this subsection shall be construed to affect the provisions of section 49 of this Act.

“(3) Subject to this Part of this Act, every election or poll conducted over consecutive days shall be conducted in accordance with the provisions of Part II of this Act.

“64p. Modification of other provisions of this Act—For the purposes of any election conducted over consecutive days, this Act shall have effect as if it had been amended in the manner indicated in the Fifth Schedule to this Act.

“64q. Hours of polling—The voting at any election conducted over consecutive days shall commence and close at the following hours on the days specified:

	Commence	Close
Monday to Friday	9 a.m.	5.30 p.m.
Saturday	9 a.m.	7 p.m.:

5 “Provided that the local authority may, by resolution, fix a closing hour not later than 9 p.m. for any one day other than a Saturday. Different days may be so fixed in respect of different polling places.

10 “64R. **Polling places**—The Returning Officer may appoint such number of polling places for each day of the polling period as he thinks fit for the taking of the election on that day, and he may, if he so desires, appoint different polling places for different days of the polling period.

15 “64s. **Ballot boxes, rolls, etc.**—Ballot boxes containing votes exercised, and all rolls, unused voting papers, counterfoils, and other material used in connection with the election, shall immediately on the close of the voting on each day of the polling period, except the last day of the polling period, be placed in a locked and fireproof room by the Returning Officer, or by the Deputy Returning Officer in charge of any
20 polling place in accordance with the directions given him by the Returning Officer, and shall not be removed from that room until they are required for the conduct of the election on the following day.

25 “64T. **Returning Officer may announce number of voting papers issued**—The Returning Officer may, after 1 p.m. and after the time of the close of the voting on each day of the polling period, publicly announce the number of voting papers that have been issued up to any such time on that day, and, where the election has then extended over more than one
30 day, the total number of voting papers that have been issued up to that time.

“64U. **Application of sections 82 and 85 of Act**—Sections 82 and 85 of this Act shall have effect only in respect of the last day of the polling period.

35

“PART IIc

“MOBILE POLLING BOOTHS

40 “64v. **Interpretation**—In this Part of this Act the term ‘election’ means any election or poll at which one or more mobile polling booths are used pursuant to section 64w of this Act.

“64w. **Mobile polling booths**—(1) Any local authority may, by resolution, authorise the Returning Officer to use one or more mobile polling booths at any specified election or poll, including the last day of the polling period, but no other day, in the case of an election or poll conducted over consecutive days, but not including an election or poll conducted by postal vote, in addition to the polling places required by this Act. 5

“(2) Where the Returning Officer uses any mobile polling booth at any election or poll, he shall also use that booth for the purposes of every election of members of any other local authority of which he is Returning Officer which he is required to conduct at the same time as the first-mentioned election or poll, and any poll that is required to be held at the same time as the first-mentioned election or poll. 10 15

“(3) Subject to this Part of this Act, every election or poll at which one or more mobile polling booths are used shall be conducted in accordance with the provisions of Part II of this Act.

“64x. **Part II to apply to mobile polling booths**—For the purposes of any election, and subject to this Part of this Act, Part II of this Act shall apply to every mobile polling booth as if the mobile polling booth were a polling booth in a polling place established under the said Part II. 20

“64y. **Hours of voting at mobile polling booth**—Notwithstanding anything in section 28 of this Act, every mobile polling booth shall be open for voting at such times between the hours of 9 a.m. and 7 p.m. on polling day and at such places as the Returning Officer determines: 25

“Provided that a mobile polling booth shall not be open for voting while in transit to or from any polling place. 30

“64z. **Mobile booth a polling place**—Every place at which a mobile polling booth is for the time being stationed pursuant to section 64y of this Act shall be deemed to be a polling place for the purposes of this Act. 35

“64za. **Notice of polling places**—(1) The public notice of polling places required to be given under section 21 of this Act shall, in addition to containing the information required to be given under that section, describe the places at which every mobile polling booth used at the election will be stationed and the times between which the booth will be open at those places for the purposes of polling. 40

“(2) A mobile polling booth shall not depart from any such place before the time advertised for its departure from that place:

5 “Provided that the failure to station a mobile polling booth at any place for the full period notified shall not affect the results of the election.

“64zB. **Stationing of mobile booth adjacent to ordinary booth**—The Returning Officer may, if he thinks fit, station any mobile polling booth at or adjacent to any other polling place at such times as he may determine between the hours of 9 a.m. and 7 p.m. on polling day, not being times of which public notice has been given pursuant to section 64ZA of this Act; and, for the purposes of this Act, the mobile polling booth shall be deemed to be a polling booth at that other polling place while so stationed there.

“64zC. **Procedure at close of voting**—(1) As soon as practicable after the close of voting, the Deputy Returning Officer in charge of a mobile polling booth shall, if so directed by the Returning Officer, transfer unopened every ballot box, together with all voting papers, rolls, and other papers and equipment used or issued for use in the mobile polling booth in connection with the election, to another polling place used for the election, and shall there undertake, in the presence of such scrutineers as are appointed to the mobile polling booth as are present and such poll clerks as are likewise appointed, the duties imposed upon him by section 39 of this Act.

25 “(2) For the purposes of the election, subsection (2) of section 39 of this Act shall have effect as if the words ‘the name of the polling place’ were omitted in respect of parcels made up by the Deputy Returning Officer at a mobile polling booth.”

7. Amendments consequential on section 6—(1) The principal Act is hereby further amended—

35 (a) By repealing paragraphs (a) to (c) of subsection (1) of section 86:

(b) By adding the Fourth and Fifth Schedules set out in the Second Schedule to this Act.

(2) The Local Elections and Polls (Experimental Procedures) Order 1968 is hereby revoked.

8. Holding of referendum in conjunction with election or poll not to invalidate election or poll—The principal Act is hereby further amended by inserting, after section 89, the following section:

“89A. The validity of an election or poll shall not be questioned on the ground that the Returning Officer, acting with the authority of the local authority, conducts in conjunction with the election or poll any referendum, not being an election or a poll within the meaning of this Act.” 5

SCHEDULES

FIRST SCHEDULE

Section 2

ENACTMENTS AMENDED

Enactment	Amendment
1908, No. 96—The Land Drainage Act 1908 (1957 Reprint, Vol. 7, p. 471)	By omitting from section 9 (1) the words “of full age”, and substituting the words “of or over the age of 20 years”.
1908, No. 165—The River Boards Act 1908 (1957 Reprint, Vol. 13, p. 397)	By omitting from section 30 the words “of the full age of twenty-one years”, and substituting the words “of or over the age of 20 years”.
1914, No. 32—The Local Railways Act 1914 (1931 Reprint, Vol. VIII, p. 935)	By repealing paragraph (a) of section 5 (1), and substituting the following paragraph: “(a) A person under the age of 20 years.”
1921–22, No. 17 (Local)—The Auckland Electric Power Board Act 1921–22	By repealing paragraph (a) of section 11 (2), and substituting the following paragraph: “(a) A person under the age of 20 years.”
1925, No. 38—The Electric Power Boards Act 1925 (1957 Reprint, Vol. 4, p. 441)	By repealing paragraph (a) of section 21, and substituting the following paragraph: “(a) A person under the age of 20 years.”
1937, No. 11 (Local)—The Auckland Electric Power Board Amendment Act 1937	By omitting from section 2 (1) the words “of the full age of twenty-one years”, and substituting the words “of or over the age of 20 years”.
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted, 1969, Vol. 4, p. 00)	By repealing paragraph (a) of section 54 (1), and substituting the following paragraph: “(a) A person under the age of 20 years.”
1950, No. 34—The Harbours Act 1950 (Reprinted, 1966, Vol. 3, p. 2395)	By repealing paragraph (b) of section 31 (1), and substituting the following paragraph: “(b) A person under the age of 20 years.”
1954, No. 76—The Municipal Corporations Act 1954 (Reprinted, 1969, Vol. 4, p. 00)	By omitting from subsection (1) of section 29 the words “of the full age of twenty-one years”, and substituting the words “of or over the age of 20 years”.

FIRST SCHEDULE—continued

ENACTMENTS AMENDED—continued

Enactment	Amendment
1956, No. 64—The Counties Act 1956 (Reprinted, 1969, Vol. 2, p. 00)	<p>By omitting from section 46 the words “of the full age of twenty-one years”, and substituting the words “of or over the age of 20 years”.</p> <p>By omitting from section 50 (1) the words “of the full age of twenty-one years”, and substituting the words “of or over the age of 20 years”.</p> <p>By omitting from section 51 (1) the words “of the full age of twenty-one years”, and substituting the words “of or over the age of 20 years”.</p>
1962, No. 139—The Sale of Liquor Act 1962 (Reprinted, 1969, Vol. 4, p. 00)	<p>By omitting from section 92 (5) the words “adult person”, and substituting the words “person of or over the age of 20 years”.</p> <p>By omitting from paragraph (a) of section 104 (1) the words “twenty-one years”, and substituting the words “20 years”.</p> <p>By omitting from section 109 (1) the words “twenty-one years”, and substituting the words “20 years”.</p> <p>By omitting from section 115 (1) the words “twenty-one years”, and substituting the words “20 years”.</p> <p>By omitting from section 131 (1) the words “twenty-one years”, and substituting the words “20 years”.</p> <p>By omitting from section 141A (1) (as inserted by section 5 of the Sale of Liquor Amendment Act 1964) the words “twenty-one years”, and substituting the words “20 years”.</p> <p>By omitting from section 141B (1) (as inserted by section 6 of the Sale of Liquor Amendment Act 1964) the words “twenty-one years”, and substituting the words “20 years”.</p> <p>By omitting from section 157B (1) (as inserted by section 6 of the Sale of Liquor Amendment Act 1965) the words “twenty-one years”, and substituting the words “20 years”.</p>

FIRST SCHEDULE—continued

ENACTMENTS AMENDED—continued

Enactment	Amendment
1964, No. 135—The Education Act 1964	By omitting from paragraph (a) of the definition of the term “householder” in section 2 (1) the words “adult male or adult female”, and substituting the words “person of or over the age of 20 years”. By omitting from paragraph (c) of the same definition the words “adult holder of a miner’s right”, and substituting the words “holder of a miner’s right who is of or over the age of 20 years”. By omitting from section 17 the words “twenty-one years”, and substituting the words “20 years”.
1967, No. 147—The Agricultural Pests Destruction Act 1967	By omitting from section 42 (1) the words “twenty-one years of age”, and substituting the words “20 years of age”.

SECOND SCHEDULE

Section 7 (1) (b)

FOURTH AND FIFTH SCHEDULES TO PRINCIPAL ACT

“FOURTH SCHEDULE

Section 64c (a)

MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN BY POSTAL VOTE

Section or Schedule of Act Amended	Amendment
Section 21	By omitting from subsection (1) all words after the words “several candidates”.
Section 25	By omitting subsection (2).
Section 27	By omitting this section.
	By omitting from subsection (1) the words “each polling booth at any election”, and substituting the words “the place at which the preliminary count of the votes is to take place”.
	By omitting from subsection (2) the words “the Deputy Returning Officer at the polling booth for which he is appointed”, and substituting the words “a Deputy Returning Officer”.
Sections 28 to 31	By omitting subsection (3).
	By omitting these sections.

SECOND SCHEDULE—*continued*"FOURTH SCHEDULE—*continued*MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN BY POSTAL
VOTE—*continued*

Section or Schedule of Act Amended	Amendment
Section 32	<p>By omitting subsections (1), (2), and (3). By omitting from subsection (4) all words down to the words "has prepared", and substituting the words "Before posting any voting paper to a voter, the Returning Officer or Deputy Returning Officer shall prepare".</p> <p>By omitting from subsection (4) (a) the words "in the same booth".</p> <p>By omitting from subsection (4) (d) the words "so that the booth in which the voting paper was issued may be identified".</p> <p>By omitting from subsection (4) (e) the words "papers given to him", and substituting the words "papers posted to him".</p>
Sections 34 to 36	By omitting these sections.
Section 39	By omitting this section.
Section 41	By omitting subsections (1) to (5).
Section 42	<p>By omitting from subsection (1) the words "referred to in subsection (1) of section 39 of this Act".</p> <p>By omitting from subsection (2) (b) the words "and the number of the booth at which they were recorded".</p>
Section 45	<p>By omitting from subsection (1) (a) the words "section 41", and substituting the words "section 64M".</p> <p>By inserting in subsection (1) (a) after the words "votes of special voters", the words "and all envelopes containing voting papers delivered to the Returning Officer within 7 days after the close of the election".</p>
Section 46	<p>By omitting subsections (1) and (2). By omitting from subsection (3) the words "used at the polling booth at which he presides", and substituting the words "received by him".</p> <p>By omitting from subsection (3) all words after the words "section 45 of this Act".</p>

SECOND SCHEDULE—*continued*

“FOURTH SCHEDULE—*continued*”

MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN BY POSTAL
VOTE—*continued*

Section or Schedule of Act Amended	Amendment
Section 46— <i>continued</i>	By omitting from subsection (4) the words “or Deputy Returning Officer”.
Sections 47 and 48	By omitting these sections.
Section 54	By omitting from subsection (1) (a) the words “either in a polling place or while on his way thereto”.
	By omitting from subsection (1) (d) the words “three days”, and substituting the words “14 days”.
	By omitting paragraphs (f) and (g) of subsection (1).
Section 63	By omitting from paragraph (b) the words “close of voting”, and substituting the words “the hour of 7 p.m. on the date of the election”.
Section 67	By omitting from subsection (1) (a) the words “for each or any polling booth”, and substituting the words “the place at which the preliminary count of the votes is to take place”.
First Schedule	By omitting from form 5 the words “on [Date] at the following polling places”, and substituting the words “by postal vote”.
	By omitting from form 5 the words “Polling hours, 9 a.m. to 7 p.m.”.
	By omitting from the note to form 5 all words down to and including the words “polling day”.
	By omitting clause 3 of the Directions to Voter in form 6, and substituting the following clause: “(3) After voting, fold the voting paper, enclose it in and seal the envelope addressed to the Returning Officer, and post the envelope or deliver it by hand to the Returning Officer or any Deputy Returning Officer.”
	By omitting from clause 4 of the Directions to Voter in form 6 the words “fresh one”, and substituting the words “special voting paper”.
	By omitting clause 5 of the Directions to Voter in form 6.

SECOND SCHEDULE—*continued*"FOURTH SCHEDULE—*continued*MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN BY POSTAL
VOTE—*continued*

Section or Schedule of Act Amended	Amendment
First Schedule— <i>continued</i>	By amending the Directions to Voter in forms 9, 10, and 11 in the manner corresponding to that provided in this Schedule in relation to form 6.

Section 64P

"FIFTH SCHEDULE

MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN OVER
CONSECUTIVE DAYS

Section or Schedule of Act Amended	Amendment
Section 12	By omitting the words "the day fixed by law for the triennial general election of the members of any local authority", and substituting the words "the last day of the polling period".
Section 19	By omitting the words "the elections", and substituting the words "the last day of the polling period".
Section 20	By omitting the words "polling day", and substituting the words "the commencement of the polling period".
Section 21	By omitting the words "polling day", and substituting the words "the last day of the polling period".
Section 21	By omitting from subsection (1) the words "day on which the election is to be held", and substituting the words "polling period".
Section 22	By omitting from the proviso to subsection (1) the words "before polling day", and substituting the words "before the commencement of the polling period".
Section 22	By omitting the words "before polling day" wherever they occur, and substituting in each case the words "before the commencement of the polling period".
Section 22	By omitting from subsection (2) (b) the words "on polling day or".

SECOND SCHEDULE—*continued*"FIFTH SCHEDULE—*continued*MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN OVER CONSECUTIVE DAYS—*continued*

Section or Schedule of Act Amended	Amendment
Section 23	By omitting from subsection (1) the words "polling day", and substituting the words "the commencement of the polling period".
	By omitting from subsection (2) the words "on polling day before the hour of seven o'clock in the afternoon", and substituting the words "during the polling period".
	By omitting from subsection (3) the words "polling day", and substituting the words "the last day of the polling period".
Section 24	By omitting from subsection (1) the words "polling day", and substituting the words "the commencement of the polling period".
	By omitting from subsection (2) and also from subsection (3) the words "on polling day", and substituting in each case the words "during the polling period".
Section 27	By omitting from subsection (3) the words "at any time after voting has commenced and before the Deputy Returning Officer has signed the certificate referred to in paragraph (f) of subsection (1) of section 39 of this Act", and substituting the words "during the hours of polling or while action is being taken pursuant to subsection (1) of section 39 of this Act".
Section 28	By omitting subsection (1).
	By omitting from subsection (2) the words "at seven o'clock in the afternoon of polling day", and substituting the words "at the close of voting on any day during the polling period".
	By adding to subsection (2) the words "on that day".
Section 37	By omitting from paragraph (b) the words "polling day" wherever they occur, and substituting in each case the words "the day on which he applies to vote".
	By omitting from paragraph (c) and also from paragraphs (d), (e), and (f) the words "on polling day", and substituting in each case the words "during the polling period".

SECOND SCHEDULE—*continued*"FIFTH SCHEDULE—*continued*MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN OVER
CONSECUTIVE DAYS—*continued*

Section or Schedule of Act Amended	Amendment
Section 37— <i>continued</i>	By omitting paragraph (j).
Section 39	By inserting in subsection (1), after the words "the close of voting", the words "on the last day of the polling period".
	By omitting from subsection (2) the words "the date of the voting", and substituting the words "the date of the last day of the polling period".
Section 40	By inserting in subsection (1), after the words "close of voting", the words "on the last day of the polling period".
Section 44	By inserting, after the words "close of voting", the words "on the last day of the polling period".
Section 46	By adding the following subsection: "(5) This section shall be read subject to section 64s of this Act."
Section 54	By omitting from paragraph (b) of subsection (1) and also from paragraphs (c) and (e) of that subsection the words "polling day", and substituting in each case the words "the last day of the polling period".
	By omitting from subsection (1) (d) the words "on polling day before the close of voting, or at any time on any of the three days immediately preceding polling day", and substituting the words "during the polling period".
	By omitting from subsection (1) (g) the words "on polling day before the close of voting", and substituting the words "during the hours of voting on any day that is part of the polling period".
Section 65	By omitting all the words after the words "clear days before", and substituting the words "the commencement of the polling period, the Returning Officer shall give public notice of any poll to be held".
Section 67	By omitting from paragraph (a) the words "before the poll", and substituting the words "before the commencement of the polling period".

SECOND SCHEDULE—*continued*

“FIFTH SCHEDULE—*continued*”

MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN OVER
CONSECUTIVE DAYS—*continued*

Section or Schedule of Act Amended	Amendment
Section 80	By omitting from subsection (1) the words “polling day”, and substituting the words “the last day of the polling period”.
First Schedule	<p>By omitting from form 2 the words “on the day of 19.....”, and substituting the words “during the period commencing on the day of 19..... and ending with the day of 19.....”.</p> <p>By omitting from form 5 the words “on [Date]”, and substituting the words “during the period commencing on the day of 19..... and ending with the day of 19.....”.</p> <p>By omitting from form 5 the words “9 a.m. to 7 p.m.”, and substituting the words “[Insert the times specified in or fixed pursuant to <u>section 64Q</u> of this Act]”.</p>
Second Schedule	<p>By omitting from form 8 the words “on the day of 19.....”, and substituting the words “during the period commencing on the day of 19..... and ending with the day of 19.....”.</p> <p>By omitting from paragraph 1 of form (1) the words “on the day of 19.....”, and substituting the words “during the period commencing on the day of 19..... and ending with the day of 19.....”.</p> <p>By omitting from paragraph 1 of form (2) the words “on the day of 19.....”, and substituting the words “during the period that commenced on the day of 19..... and ended with the day of 19.....”.</p>