

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 25 June 1970.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 30 September 1970.

Words struck out by the Committee are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a triple rule, or with triple rule before first line and after last line.

Hon. Mr Seath

LOCAL ELECTIONS AND POLLS AMENDMENT

ANALYSIS

Title	PART IIB
1. Short Title	HOLDING OF ELECTIONS AND POLLS OVER CONSECUTIVE DAYS
2. Age of electors and of members of local authorities	64N. Interpretation
3. Conduct of elections in combined districts	64O. Local authority may hold election or poll over consecutive days
4. Election to fill extraordinary vacancy in local authority other than Borough Council or Town Council	64P. Modification of other provisions of this Act
5. Interfering with or influencing voters	64Q. Hours of polling
6. Holding of elections and polls by postal vote or over consecutive days, and use of mobile polling booths	64R. Polling places
	64S. Ballot boxes, rolls, etc.
	64T. Returning Officer may announce number of voting papers issued
	64U. Application of sections 82 and 85 of Act
PART IIA	PART IIC
ELECTIONS AND POLLS BY POSTAL VOTE	MOBILE POLLING BOOTHS
64A. Interpretation	64V. Interpretation
64B. Local authority may hold election or poll by postal vote	65W. Mobile polling booths
64C. Modification of other provisions of this Act	64X. Part II to apply to mobile polling booths
64D. Issue of voting papers	64Y. Hours of voting at mobile polling booth
64E. Method of voting	64Z. Mobile booth a polling place
64F. Return of voting papers to Returning Officer	64ZA. Notice of polling places
64G. Voting papers to be returned before close of voting	64ZB. Stationing of mobile booth adjacent to ordinary booth
64H. Voting papers returned to be marked	64ZC. Procedure at close of voting
64I. Right of elector to vote as special voter	7. Amendments consequential on section 6
64J. Ballot boxes	8. Holding of referendum in conjunction with election or poll not to invalidate election or poll
64K. Returning Officer may announce number of voting papers sent and returned	Schedules
64L. Procedure after close of voting	
64M. Scrutiny of the roll	

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:

5

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— The enactments specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule. 10

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, 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 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— 25 30

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

*1966, No. 101

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

5 “(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)*:

“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
15 roll of the local authority, by notice in writing under 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.

20 *New*

“(2A) Where no demand for a poll is received by the local authority pursuant to subsection (2) of this section, the local authority shall, at a meeting held not later than 30 days after the expiration of the time specified in that subsection for
25 demanding a poll, by resolution make an appointment to fill the vacancy, and shall forthwith give public notice of that appointment. The person so appointed shall for all purposes be deemed to have been elected to fill the vacancy on the date on which that resolution is made.”

30 “(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
35 every decision of the local authority under the proviso to subsection (1) of this section.

New

“(3A) Where under paragraph (a) of subsection (1) or under subsection (2) of this section an election to fill an extraordinary vacancy is required to be held, then, for the purposes of subsection (1) of section 50 of this Act, the vacancy shall be deemed to have occurred— 5

“(a) In the case of an election pursuant to a resolution of the local authority, on the date on which the resolution is made:

“(b) In the case of an election pursuant to a demand of the electors, on the last day on which the notice in respect of the demand may be delivered in accordance with subsection (2) of this section. 10

“(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. 20

“(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 (c) of subsection (1) the words “or television”. 25

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: 30

“PART IIA

“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,— 35

Struck Out

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

“‘Election’ means an election or poll conducted by postal vote pursuant to section 64B of this Act. 40

New

“Close of voting’, in relation to any election, means—
“ (a) In the case of an election the date of which
falls on a Saturday, the hour of 2.30 p.m. on the date
of the election:
“ (b) In the case of any other election, the hour
of 5 p.m. on the date of the election:
“ Election’ means an election conducted by postal vote
pursuant to section 64B of this Act; and includes
a poll so conducted.”

“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.

“(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.

“(3) As soon as possible after every election or poll con-
ducted 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.

“(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:

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

“(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,—

“(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.

“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 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 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. 5
10
15

“(2) Every such envelope shall, in addition to the address of the Returning Officer, bear on its face the consecutive 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. 20

“(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: 25

“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. 30

“(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. 35

“(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. 40

“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. 55

“(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
5 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
10 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.

15 “(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—

20 (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
25 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
30 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.

35 **“64G. Voting papers to be returned before close of voting—**
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
40 envelope containing voting papers delivered to the Returning 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 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 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 classes of electors who may vote at any election as special voters. 5 10

"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 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 opened until after the close of voting. 15 20

"(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, or in a fireproof container in a locked room. 25

"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. 30

"64l. **Procedure after close of voting**—(1) From time to 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. 35

"(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. 40

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

5 “(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 and that envelope shall also be placed on one side.

10 “(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 by any person present, shall take such steps as he considers necessary to ascertain whether any additional voting papers
15 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 Returning Officer is satisfied that those votes should be allowed, he shall include them in the preliminary count of
20 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 count.

25 “(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 number of votes recorded for each candidate at the election shall be ascertained.

30 “(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.)* and may include in that total the number of special votes received by the candidate and allowed by the Returning Officer up to the
35 time of the announcement.

“(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
40 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
45 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 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 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 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 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:

“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 means of the voting paper or voting papers lawfully received and returned by the voter, and shall disallow the other vote or votes.

“PART IIB

“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.) the day on which the election would be held if it were not held over consecutive days.

5 "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
10 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
15 conduct within the district over the same consecutive days 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:

20 "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.

25 "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.

Struck Out

30 "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
35	Monday to Friday	9 a.m.	5.30 p.m.
	Saturday	9 a.m.	7 p.m.:

"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.

New

“64Q. Hours of voting—The hours of voting at any election conducted over consecutive days shall be as follows:

“(a) On any day other than a Saturday, the voting shall be conducted over 9 consecutive hours commencing at such hour and ending at such hour, being not later than 7 p.m., as the local authority, by resolution, determines: 5

“Provided that the local authority may, by resolution, fix a longer period of voting for any one of those days closing not later than 9 p.m., and different days may be fixed under this proviso in respect of different polling places: 10

“(b) On a Saturday, the voting shall commence at 9 a.m. and end at 7 p.m. 15

“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. 20

“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 or in one or more fireproof containers in a locked room by the Returnings Officer, or by the Deputy Returning Officer in charge of any 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 30

Struck Out

“64r. 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 day, the total number of voting papers that have been issued up to that time. 35 40

New

“64T. **Returning Officer may announce number of voting papers issued**—The Returning Officer may at any time during the polling period publicly announce the 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.

“PART IIc

10 “MOBILE POLLING BOOTHS

“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.

15 “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*) not being an election or poll
20 conducted by postal vote, in addition to the polling places required by this Act.

“*(2)* Where the Returning Officer uses any mobile polling booth at any election or poll, he shall also use that booth for
25 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.

30 “*(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.

New

“(4) Where any mobile polling booth is used at an election or poll held under Part II_B of this Act, and is not used solely on the last day of the polling period, the provisions of section 64_P of this Act (including the Fifth Schedule to this Act) and of section 64_S of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to that mobile polling booth. 5

“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. 10

“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: 15

“Provided that a mobile polling booth shall not be open for voting while in transit to or from any polling place. 20

New

“Provided also that where a mobile polling booth is being used at an election conducted pursuant to Part II_B of this Act, it shall be open for voting at such times and at such places within the hours specified in or fixed pursuant to section 64_Q of this Act as the Returning Officer determines. 25

“64z. **Mobile booth a polling place**—Every place at which a mobile polling booth is for the time being stationed pursuant to section 64_Y of this Act shall be deemed to be a polling place for the purposes of this Act. 30

“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. 35

“(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.

10 “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, or, in the case of an election conducted pursuant to Part II B of this Act, at any time within the hours specified in or fixed pursuant to section 64Q of this Act, not being times of which public
15 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.

20 “64zc. **Procedure at close of voting**—(1) As soon as practicable after the close of voting or, in the case of an election conducted pursuant to Part II B of this Act, the close of voting on the last day of the polling period, the Deputy Returning Officer in charge of a mobile polling booth shall, if so directed by the Returning Officer, transfer unopened every ballot box,
25 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
30 as are present and such poll clerks as are likewise appointed, the duties imposed upon him by section 39 of this Act.

“(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
35 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—

(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. 5

(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: 10

“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.” 15

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	<p>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".</p> <p>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".</p> <p>By omitting from section 17 the words "twenty-one years", and substituting the words "20 years".</p>
1967, No. 147—The Agricultural Pests Destruction Act 1967	<p>By omitting from section 42 (1) the words "twenty-one years of age", and substituting the words "20 years of age".</p>

SECOND SCHEDULE

Section 7 (1) (b)

FOURTH AND FIFTH SCHEDULES TO PRINCIPAL ACT

"FOURTH SCHEDULE

Section 64a (a)

MODIFICATIONS OF THIS ACT WHERE ELECTION TAKEN BY POSTAL VOTE

Section or Schedule of Act Amended	Amendment
Section 21	<p>By omitting from subsection (1) all words after the words "several candidates".</p> <p>By omitting subsection (2).</p>
Section 25	<p>By omitting this section.</p>
Section 27	<p>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".</p> <p>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".</p>
Sections 28 to 31	<p>By omitting subsection (3).</p> <p>By omitting these sections.</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 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>
<i>New</i>	
Section 43	By omitting the words "subsection (5) of section 41", and substituting the words " <u>subsection (2) of section 64M</u> ".
Section 45	<p>By omitting from subsection (1) (a) the words "section 41", and substituting the words "<u>section 64M</u>".</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).</p> <p>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".
Section 63	By omitting from subsection (1) (d) the words "three days", and substituting the words "14 days".
Section 63	By omitting paragraphs (f) and (g) of subsection (1).
Section 67	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 in sufficient time for it to be received by him before <u>[Insert '2.30 p.m.' or '5 p.m.', as the case may require. See section 64A] on [Date of election].</u> "
	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 22	By omitting from subsection (1) the words “day on which the election is to be held”, and substituting the words “polling period”.
	By omitting from the proviso to subsection (1) the words “before polling day”, and substituting the words “before the commencement of the polling period”.
	By omitting the words “before polling day” wherever they occur, and substituting in each case the words “before the commencement of the polling period”.
	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	<p>By omitting from subsection (1) the words “polling day”, and substituting the words “the commencement of the polling period”.</p> <p>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”.</p> <p>By omitting from subsection (3) the words “polling day”, and substituting the words “the last day of the polling period”.</p>
Section 24	<p>By omitting from subsection (1) the words “polling day”, and substituting the words “the commencement of the polling period”.</p> <p>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”.</p>
Section 27	<p>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”.</p>
Section 28	<p>By omitting subsection (1).</p> <p>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”.</p> <p>By adding to subsection (2) the words “on that day”.</p>
Section 37	<p>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”.</p> <p>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”.</p>

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 <u>section 64s</u> 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 (<i>commencement</i>) <u>last day</u> 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 3 the words “is appointed for day, the day of 19.....”, and substituting the words “is to be held 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 section 64Q of this Act]”.</p> <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 form (1) the words “held on , the day of 19.....”, and substituting the words “held during the period that commenced on the day of 19..... and ended with the day of 19.....”.</p>

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

Section or Schedule of Act Amended	Amendment
Second Schedule	<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>