

Mr. Fowlds.

PROPORTIONAL REPRESENTATION AND EFFECTIVE VOTING.

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A BILL INTITULED

AN ACT to constitute Electoral Districts and to secure Proportional Representation and Effective Voting. Title.

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

1. (1.) The Short Title of this Act is "The Proportional Representation and Effective Voting Act, 1904." Short Title.

(2.) This Act shall not come into force until the day of the dissolution or expiry of the present Parliament (which day is herein referred to as "the commencement of this Act"). Commencement of Act.

PART I.

ELECTORAL DISTRICTS.

2. The colony shall be divided into six electoral districts as per Schedule hereto. Adjustment of representation.

3. The Registrar-General shall, on the commencement of this Act, and within six months after the taking of each subsequent census, ascertain the number of representatives to which each district is entitled on the basis of population, as follows :— Registrar-General to ascertain number of representatives to each district,

- (a.) The Registrar-General shall divide the total European population, as shown by the last preceding census, by eighty (the number of representatives to be elected), and thus find the quota for each representative.
- (b.) There shall be assigned to each electoral district a number of members equal to the number of times such quota is wholly contained in the population of such electoral district :

Provided that in any district where the fraction resulting from such calculations exceeds one-half there shall be an additional member assigned to that district.

- (c.) The Registrar-General, having thus ascertained the number of representatives for each electoral district, shall notify the same to the Colonial Secretary, who shall publish them in the *Gazette*, and supply the Returning Officer of each electoral district with a copy.

Repeal.

4. Sections five to thirteen of "The Electoral Act, 1902," are hereby repealed.

PART II.

EFFECTIVE VOTING AND PROPORTIONAL REPRESENTATION.

Voter to have one vote only, but vote to be transferable if not required for first candidate marked.

5. Each voter shall have one vote only, but may vote in the alternative for as many other candidates as he pleases not exceeding four ; and his ballot-paper shall be deemed to be given to the candidate opposite whose name is placed the figure "1" ; but it shall be transferable to the other candidates in succession, in the order of priority designated by the figure set opposite their respective names, in the event of its not being required to be used for the return of any prior candidate.

Method of voting.

6. Subsection one of section one hundred and twenty-four of "The Electoral Act, 1902," is hereby repealed, and in lieu thereof the following is substituted, namely :—

"The voter, having received a ballot-paper, shall retire into one of the inner compartments provided, and shall there, alone and secretly, insert opposite to the names of the candidates for whom he wishes to vote the figures '1,' '2,' '3,' '4,' '5,' in the order of his preference, but shall not place the same figure opposite more than one name. He shall not erase from the ballot-paper the name of any candidate."

Provision where voter is blind or incapacitated from reading or writing.

7. If any voter is blind or physically incapacitated from reading or writing, and so desires, the Returning Officer, and, if necessary, an interpreter, shall retire with him into the inner compartment, and there make up the ballot-paper according to the instruction of the voter ; and such Returning Officer shall sign his own name at the foot thereof.

Amendment of "The Electoral Act, 1902."

8. "The Electoral Act, 1902," is hereby amended as follows :—
- (a.) Sections one hundred and twenty-nine, one hundred and thirty, and one hundred and thirty-seven are hereby repealed, except subsection three of section one hundred and thirty-seven.
- (b.) As to section one hundred and thirty-one thereof, by repealing the words "after ascertaining the total number of votes as mentioned in section one hundred and twenty-nine hereof,"

(c.) As to subsection one of section one hundred and thirty-two thereof, by repealing paragraphs (a) and (b).

9. If it shall be established to the satisfaction of the Returning Officer that any packet of ballot-papers sent to him by any Deputy Returning Officer is lost, he shall telegraph the fact to the Clerk of the Writs, who shall issue a new writ for the district to which such packet relates.

Provision in case of loss of ballot-papers.

A packet shall be deemed to be lost when the Election Officer shall be satisfied that it will fail to reach his hands within a reasonable time.

Such writ shall be made returnable within such number of days, not exceeding thirty, as the Returning Officer shall deem sufficient to insure a proper election.

If, however, the lost packet of ballot-papers shall at any time before the day of election come to his hands, and he is fully satisfied that it has not been tampered with, he shall forthwith telegraph notice to the Clerk of the Writs, who shall issue a *supersedeas* of the new writ, which shall at once stop all further proceedings thereon.

Counting the Votes.

10. As soon as all the packets of ballot-papers are received from the Deputy Returning Officers, and not before, the Returning Officer shall open the same in the presence of the Stipendiary Magistrate of the district or any two Justices of the Peace, who shall attend for that purpose at the request of the said Returning Officer, and, taking all the ballot-papers from the several packets, shall mix them up together and place them in an open box.

Ballot-papers to be examined before the Stipendiary Magistrate or Justices.

The ballot-papers, having been all mixed, shall be drawn out of the box in succession without being unfolded, each paper as it is drawn being marked or stamped with a number in arithmetical series, beginning with the number one, and so that no two papers shall have the same number; and the Stipendiary Magistrate or Justices aforesaid shall sign a document stating the entire number as a whole of the ballot-papers received from the various Deputy Returning Officers, which shall be carefully preserved by the said Returning Officer for production when required by lawful authority.

11. The Returning Officer shall then deal with the ballot-papers as follows:—

Method of counting votes.

(a.) He shall first reject all ballot-papers on which anything is written or marked by which the voter can be identified, and all ballot-papers on which no numbers have been placed by the voter to designate the priority of the candidates for whom he wishes to vote, and all ballot-papers on which the same number of designation has been placed against more names than one; but he shall not reject any ballot-paper whereon the numbers of designation are fewer than, or in excess of, the number of members to be elected.

(b.) He shall then arrange the ballot-papers by placing on separate files those given for the several candidates, appropriating to each those ballot-papers in which the figure "1" is set opposite to his name thereon.

- (c.) He shall then proceed to ascertain the "quota" as follows:—

He shall divide the aggregate number of all the unrejected ballot-papers by the number of members to be elected, *plus one*, and to the quotient (or the integral part of the quotient where this is fractional) he shall add one. The result shall be the "quota."

- (d.) Every candidate who has a number of first votes equal to or greater than the quota shall be declared elected, and so many of the ballot-papers containing those votes as shall be equal in number to the quota (being those marked with the lowest numerals) shall be set aside as of no further use.

On all other ballot-papers the names of the elected candidate shall be deemed to be cancelled, with the effect of raising by so much in the order of preference all votes given to other candidates after him, and the Returning Officer shall then transfer such ballot-papers to the candidates (if any) designated thereon next after the elected candidate, and the votes thus transferred shall be deemed to have been given for them respectively, and shall be deemed to be first votes.

This process shall be repeated until no candidate has more than a quota of first votes or votes deemed first.

- (e.) If by the application of the last foregoing rule a sufficient number of candidates do not obtain the quota necessary for their election, then and in such cases the candidate or candidates having the fewest first votes, or votes deemed first, shall be declared not to be elected, with the effect of raising by so much in the order of preference all votes given to candidates after him or them, which shall accordingly be transferred by the Returning Officer in the manner as prescribed under the last preceding rule to the designated candidates, and counted for them, together with their original first votes or votes deemed first.
- (f.) When, by successive application of the rules contained in the *two last preceding* subsections, the number of candidates is reduced to the number of members remaining to be elected, the remaining candidates shall be declared elected.
- (g.) An example of marking ballot-papers in order of preference, as aforesaid, is set forth in the Appendix at the end of this Act.

The Returning Officer shall not count the votes on any ballot-papers which he may reject as invalid, but collect the same together, to be sealed up in a separate parcel after the counting of the votes.

Counting to proceed continuously except during time for refreshment.

12. The Returning Officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment.

Result of Poll.

Public notice of result of election.

13. The Returning Officer shall, as soon as conveniently may be on or after the day of the poll, make out a list of the candidates who have received votes equal to the quota, or nearest thereto, ascer-

tained as hereinbefore mentioned, and shall post the said list in a conspicuous place at the nearest principal polling-place of the district, with a declaration at the foot thereof that the several persons mentioned therein are duly elected as members of the House of Representatives for the district, giving its name, and giving public notice thereof by advertisement in one or more newspapers circulating in the district, as he shall deem best calculated to give full publicity to the same.

Particular Vacancies.

10 14. Section ninety-seven of "The Electoral Act, 1902," is hereby repealed, and in lieu thereof the following is substituted:—

Repeal.

15 "If there is more than one vacancy to be supplied at the same time in any district, the election of the members shall be conducted in manner hereinbefore provided in regard to general elections; but in every case of a single vacancy the election shall be conducted in the same manner as hereinbefore mentioned, with the exception that the poll shall be ascertained and publicly notified as in the next two following sections provided."

Provisions applicable to particular elections.

20 15. In case of a poll being required at any election to supply a single vacancy, then as soon as all the packets of ballot-papers are received from the Deputy Returning Officers, and not before, the Returning Officer shall open the same in the presence of the Stipendiary Magistrate of the district, or any two Justices of the Peace who shall attend for that purpose at the request of the said Returning Officer, and, taking all the ballot-papers from the several packets, shall then deal with the ballot-papers as follows:—

Provision for single vacancy.

30 (a.) He shall first reject all ballot-papers which have not the official mark on the back, or wherever anything is written or marked by which the voter can be identified, and all ballot-papers on which no numbers have been placed by the voter to designate the priority of the candidates for whom he wishes to vote, and all ballot-papers on which the same number of designation has been placed against more names than one; but he shall not reject any ballot-paper whereon the numbers of designation are fewer than or in excess of the number of members to be elected.

35 (b.) He shall then arrange the ballot-papers by placing in separate parcels those given for the several candidates, appropriating to each candidate those ballot-papers in which the figure "1" is set opposite to his name.

40 (c.) He shall then count the first votes given for each candidate, and if any candidate has an absolute majority of the total votes counted he shall be declared elected.

45 (d.) If, on counting the votes as aforesaid, it is found that no candidate has obtained an absolute majority of first votes, then and in such case the candidate having the fewest first votes shall be declared not to be elected, with the effect of raising by so much in the order of preference all votes given to candidates after him; and the Returning Officer shall then transfer such ballot-papers to the candidates (if any) designated thereon next after the candidate declared not elected; and the votes thus transferred shall be deemed to have been given for them respectively, and shall be deemed to be first votes.

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(e.) The accumulated votes of each candidate, made up of original first votes and transferred votes (if any), are now again counted, and if on such second count it is again found that no candidate has obtained an absolute majority of the total votes polled, then the candidate who has the least number of accumulated votes shall be declared not to be elected, with the effect of transferring all the accumulated votes of such candidate to the candidates (if any) whose names appear next after him on such papers respectively; and the Returning Officer shall accordingly transfer such votes to the designated candidates, and count them together, their original first vote or votes deemed first. 5

(f.) When, by successive applications of the rules contained in the two *last preceding* subsections, a candidate is found to obtain an absolute majority of the total votes polled at the election he shall be declared elected. 15

In applying the aforesaid rules, if on any occasion two or more candidates having the least number of votes equal each other, and one is to be declared not elected, the Returning Officer shall decide by lot which of them shall be declared for such occasion to be not elected. 20

The Returning Officer shall not count the votes on any ballot-papers which he may reject as invalid, but collect the same together to be sealed up in a separate parcel after the counting of the votes. 25

The counting of the votes under this section shall be continuous, as provided by section *twelve* hereof.

16. The Returning Officer shall, as soon as conveniently may be on or after the day of the poll, post the name of the elected candidate in a conspicuous place at the nearest principal polling-place of the district, with a declaration at the foot thereof that the said person is duly elected as a member of the House of Representatives for the 30

District; and shall thereupon indorse on the writ a certificate stating the name of the person elected, and shall forthwith return the writ to the Clerk of the Writs. He shall also, as soon as practicable, enclose and seal up in one parcel all the ballot-papers used at the election, and deal with them, as well as other packets of books and documents relating to the election, as provided by this Act in the case of a general election. 35

Name of elected
candidate to be
posted.

Appendix.

APPENDIX.

EXAMPLE OF MARKING A BALLOT-PAPER.

4. King.
Smith.
1. Harrison.
Browne.
2. Fitzgerald.
McGregor.
3. Williamson.
5. Saunderson.

SCHEDULE.

Schedule.

Auckland Province	...	...	...	One district.
Taranaki and Hawke's Bay Provinces	...	...	...	One district.
Wellington Province	...	...	...	One district.
Marlborough, Nelson, and Westland Provinces	...	...	...	One district.
Canterbury Province	...	...	...	One district.
Otago Province	...	...	...	One district.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1904.

Mr. Fowlds.

PROPORTIONAL REPRESENTATION AND EFFECTIVE VOTING.

ANALYSIS.

Table with 2 columns: Description of Act sections and corresponding page numbers. Includes sections for Title, Commencement of Act, Electoral Districts, Adjustment of representation, Registrar-General, Repeal, and various provisions regarding voting and election results.

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PART I.

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2. The colony shall be divided into six electoral districts as per Schedule hereto.

3. The Registrar-General shall, on the commencement of this Act, and within six months after the taking of each subsequent census, ascertain the number of representatives to which each district is entitled on the basis of population, as follows :—

- (a.) The Registrar-General shall divide the total European population, as shown by the last preceding census, by eighty (the number of representatives to be elected), and thus find the quota for each representative.
- (b.) There shall be assigned to each electoral district a number of members equal to the number of times such quota is wholly contained in the population of such electoral district :

Provided that in any district where the fraction resulting from such calculations exceeds one-half there shall be an additional member assigned to that district.

- (c.) The Registrar-General, having thus ascertained the number of representatives for each electoral district, shall notify the same to the Colonial Secretary, who shall publish them in the *Gazette*, and supply the Returning Officer of each electoral district with a copy.

Repeal.

4. Sections five to thirteen of "The Electoral Act, 1902," are hereby repealed.

PART II.

EFFECTIVE VOTING AND PROPORTIONAL REPRESENTATION.

Voter to have one vote only, but vote to be transferable if not required for first candidate marked.

5. Each voter shall have one vote only, but may vote in the alternative for as many other candidates as he pleases not exceeding four ; and his ballot-paper shall be deemed to be given to the candidate opposite whose name is placed the figure " 1 " ; but it shall be transferable to the other candidates in succession, in the order of priority designated by the figure set opposite their respective names, in the event of its not being required to be used for the return of any prior candidate.

Method of voting.

6. Subsection one of section one hundred and twenty-four of "The Electoral Act, 1902," is hereby repealed, and in lieu thereof the following is substituted, namely :—

"The voter, having received a ballot-paper, shall retire into one of the inner compartments provided, and shall there, alone and secretly, insert opposite to the names of the candidates for whom he wishes to vote the figures ' 1,' ' 2,' ' 3,' ' 4,' ' 5,' in the order of his preference, but shall not place the same figure opposite more than one name. He shall not erase from the ballot-paper the name of any candidate."

Provision where voter is blind or incapacitated from reading or writing.

7. If any voter is blind or physically incapacitated from reading or writing, and so desires, the Returning Officer, and, if necessary, an interpreter, shall retire with him into the inner compartment, and there make up the ballot-paper according to the instruction of the voter ; and such Returning Officer shall sign his own name at the foot thereof.

Amendment of "The Electoral Act, 1902."

8. "The Electoral Act, 1902," is hereby amended as follows :—
- (a.) Sections one hundred and twenty-nine, one hundred and thirty, and one hundred and thirty-seven are hereby repealed, except subsection three of section one hundred and thirty-seven.
- (b.) As to section one hundred and thirty-one thereof, by repealing the words "after ascertaining the total number of votes as mentioned in section one hundred and twenty-nine hereof."

(c.) As to subsection one of section one hundred and thirty-two thereof, by repealing paragraphs (a) and (b).

Provision in case of loss of ballot-papers.

9. If it shall be established to the satisfaction of the Returning Officer that any packet of ballot-papers sent to him by any Deputy Returning Officer is lost, he shall telegraph the fact to the Clerk of the Writs, who shall issue a new writ for the district to which such packet relates.

A packet shall be deemed to be lost when the Election Officer shall be satisfied that it will fail to reach his hands within a reasonable time.

Such writ shall be made returnable within such number of days, not exceeding thirty, as the Returning Officer shall deem sufficient to insure a proper election.

If, however, the lost packet of ballot-papers shall at any time before the day of election come to his hands, and he is fully satisfied that it has not been tampered with, he shall forthwith telegraph notice to the Clerk of the Writs, who shall issue a *supersedeas* of the new writ, which shall at once stop all further proceedings thereon.

Counting the Votes.

10. As soon as all the packets of ballot-papers are received from the Deputy Returning Officers, and not before, the Returning Officer shall open the same in the presence of the Stipendiary Magistrate of the district or any two Justices of the Peace, who shall attend for that purpose at the request of the said Returning Officer, and, taking all the ballot-papers from the several packets, shall mix them up together and place them in an open box.

Ballot-papers to be examined before the Stipendiary Magistrate or Justices.

The ballot-papers, having been all mixed, shall be drawn out of the box in succession without being unfolded, each paper as it is drawn being marked or stamped with a number in arithmetical series, beginning with the number one, and so that no two papers shall have the same number; and the Stipendiary Magistrate or Justices aforesaid shall sign a document stating the entire number as a whole of the ballot-papers received from the various Deputy Returning Officers, which shall be carefully preserved by the said Returning Officer for production when required by lawful authority.

11. The Returning Officer shall then deal with the ballot-papers as follows:—

Method of counting votes.

(a.) He shall first reject all ballot-papers on which anything is written or marked by which the voter can be identified, and all ballot-papers on which no numbers have been placed by the voter to designate the priority of the candidates for whom he wishes to vote, and all ballot-papers on which the same number of designation has been placed against more names than one; but he shall not reject any ballot-paper whereon the numbers of designation are fewer than, or in excess of, the number of members to be elected.

(b.) He shall then arrange the ballot-papers by placing on separate files those given for the several candidates, appropriating to each those ballot-papers in which the figure "1" is set opposite to his name thereon.

- (c.) He shall then proceed to ascertain the "quota" as follows:—

He shall divide the aggregate number of all the unrejected ballot-papers by the number of members to be elected, *plus* one, and to the quotient (or the integral part of the quotient where this is fractional) he shall add one. The result shall be the "quota."

- (d.) Every candidate who has a number of first votes equal to or greater than the quota shall be declared elected, and so many of the ballot-papers containing those votes as shall be equal in number to the quota (being those marked with the lowest numerals) shall be set aside as of no further use.

On all other ballot-papers the names of the elected candidate shall be deemed to be cancelled, with the effect of raising by so much in the order of preference all votes given to other candidates after him, and the Returning Officer shall then transfer such ballot-papers to the candidates (if any) designated thereon next after the elected candidate, and the votes thus transferred shall be deemed to have been given for them respectively, and shall be deemed to be first votes.

This process shall be repeated until no candidate has more than a quota of first votes or votes deemed first.

- (e.) If by the application of the last foregoing rule a sufficient number of candidates do not obtain the quota necessary for their election, then and in such cases the candidate or candidates having the fewest first votes, or votes deemed first, shall be declared not to be elected, with the effect of raising by so much in the order of preference all votes given to candidates after him or them, which shall accordingly be transferred by the Returning Officer in the manner as prescribed under the last preceding rule to the designated candidates, and counted for them, together with their original first votes or votes deemed first.
- (f.) When, by successive application of the rules contained in the *two last preceding* subsections, the number of candidates is reduced to the number of members remaining to be elected, the remaining candidates shall be declared elected.

- (g.) An example of marking ballot-papers in order of preference, as aforesaid, is set forth in the Appendix at the end of this Act.

The Returning Officer shall not count the votes on any ballot-papers which he may reject as invalid, but collect the same together, to be sealed up in a separate parcel after the counting of the votes.

Counting to proceed continuously except during time for refreshment.

12. The Returning Officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment.

Result of Poll.

Public notice of result of election.

13. The Returning Officer shall, as soon as conveniently may be on or after the day of the poll, make out a list of the candidates who have received votes equal to the quota, or nearest thereto, ascer-

tained as hereinbefore mentioned, and shall post the said list in a conspicuous place at the nearest principal polling-place of the district, with a declaration at the foot thereof that the several persons mentioned therein are duly elected as members of the House
 5 of Representatives for the district, giving its name, and giving public notice thereof by advertisement in one or more newspapers circulating in the district, as he shall deem best calculated to give full publicity to the same.

Particular Vacancies.

10 **14.** Section ninety-seven of "The Electoral Act, 1902," is hereby repealed, and in lieu thereof the following is substituted:—

Repeal.

"If there is more than one vacancy to be supplied at the same time in any district, the election of the members shall be conducted in manner hereinbefore provided in regard to general elections; but
 15 in every case of a single vacancy the election shall be conducted in the same manner as hereinbefore mentioned, with the exception that the poll shall be ascertained and publicly notified as in the next two following sections provided."

Provisions applicable to particular elections.

20 **15.** In case of a poll being required at any election to supply a single vacancy, then as soon as all the packets of ballot-papers are received from the Deputy Returning Officers, and not before, the Returning Officer shall open the same in the presence of the Stipendiary Magistrate of the district, or any two Justices of the Peace who shall attend for that purpose at the request of the said Returning
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Provision for single vacancy.

(a.) He shall first reject all ballot-papers which have not the official mark on the back, or wherever anything is written or marked by which the voter can be identified, and all
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 40 which the figure "1" is set opposite to his name.

(c.) He shall then count the first votes given for each candidate, and if any candidate has an absolute majority of the total votes counted he shall be declared elected.

(d.) If, on counting the votes as aforesaid, it is found that no
 45 candidate has obtained an absolute majority of first votes, then and in such case the candidate having the fewest first votes shall be declared not to be elected, with the effect of raising by so much in the order of preference all votes given to candidates after him; and the Returning Officer shall then transfer such ballot-papers to the candidates (if any) designated thereon next after the candidate
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(e.) The accumulated votes of each candidate, made up of original first votes and transferred votes (if any), are now again counted, and if on such second count it is again found that no candidate has obtained an absolute majority of the total votes polled, then the candidate who has the least number of accumulated votes shall be declared not to be elected, with the effect of transferring all the accumulated votes of such candidate to the candidates (if any) whose names appear next after him on such papers respectively; and the Returning Officer shall accordingly transfer such votes to the designated candidates, and count them together, their original first vote or votes deemed first. 5 10

(f.) When, by successive applications of the rules contained in the two *last preceding* subsections, a candidate is found to obtain an absolute majority of the total votes polled at the election he shall be declared elected. 15

In applying the aforesaid rules, if on any occasion two or more candidates having the least number of votes equal each other, and one is to be declared not elected, the Returning Officer shall decide by lot which of them shall be declared for such occasion to be not elected. 20

The Returning Officer shall not count the votes on any ballot-papers which he may reject as invalid, but collect the same together to be sealed up in a separate parcel after the counting of the votes. 25

The counting of the votes under this section shall be continuous, as provided by section *twelve* hereof.

16. The Returning Officer shall, as soon as conveniently may be on or after the day of the poll, post the name of the elected candidate in a conspicuous place at the nearest principal polling-place of the district, with a declaration at the foot thereof that the said person is duly elected as a member of the House of Representatives for the 30

District; and shall thereupon indorse on the writ a certificate stating the name of the person elected, and shall forthwith return the writ to the Clerk of the Writs. He shall also, as soon as practicable, enclose and seal up in one parcel all the ballot-papers used at the election, and deal with them, as well as other packets of books and documents relating to the election, as provided by this Act in the case of a general election. 35

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