

Mr. Veitch.

PROPORTIONAL REPRESENTATION AND EFFECTIVE VOTING.

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A BILL INTITULED

AN ACT to provide a System of Proportional Representation for Title
the Election of Members of the House of Representatives.

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

1. This Act may be cited as the Proportional Representation Short Title
and Effective Voting Act, 1918, and shall form part of and be read
together with the Legislature Act, 1908 (hereinafter referred to as the
10 principal Act).

2. (1.) The Governor may from time to time, by Order in Regulations.
Council gazetted, make such regulations as he deems necessary or
expedient for the general administration of this Act.

(2.) In particular, but without limiting the operation of the foregoing provisions of this section, the Governor may make regulations providing in exceptional cases for the recording of votes otherwise than at a polling-place.

PART I.

5

CONSTITUTION OF THE HOUSE OF REPRESENTATIVES.

Electoral divisions.

3. (1.) For the purpose of the election of members of the House of Representatives, New Zealand is hereby divided into four electoral divisions, to be known respectively as the First Electoral Division, the Second Electoral Division, the Third Electoral Division, and the Fourth Electoral Division. 10

(2.) The said electoral divisions shall, until altered by the Representation Commissions as provided by this Act, respectively comprise the electoral districts specified in the *second* column of the *First* Schedule hereto, opposite the name of each such electoral division. 15

(3.) The electoral districts referred to in the said *First* Schedule are the electoral districts as defined in the several Proclamations made by the Governor in pursuance of section twenty-two of the principal Act, and dated the twenty-sixth day of September, nineteen hundred and eleven. 20

Number of members to be elected at subsequent elections.

4. At every election of members of the House of Representatives after the commencement of this Act there shall be elected eighty members from the four electoral divisions in the numbers ascertained in the manner hereinafter provided. Until the Representation Commissions alter the boundaries of the electoral divisions the numbers to be elected shall be twenty-one from each of the First and Second Electoral Divisions and nineteen from each of the Third and Fourth Electoral Divisions. 25

Rules for determining number of members for North and South Islands respectively.

5. In lieu of dividing New Zealand into electoral districts as provided in the principal Act, the Representation Commissions shall, after the commencement of this Act, divide New Zealand into electoral divisions, as hereinafter provided, and in every such case the following provisions shall apply:— 30

(a.) The number of the European population in each Island being ascertained by the last preceding census, the number eighty shall be divided into such two even numbers as most nearly represent the proportion which the number of the population in one Island bears to the number of the population in the other Island. 35

(b.) The Governor shall cause such division of the number eighty to be made in such manner as he thinks fit, and shall cause notice of the result to be gazetted. 40

(c.) The total number of members to be elected for both Islands being eighty, the total number to be elected from each Island shall be ascertained by the notice so gazetted. 45

6. The Representation Commissions for each Island shall respectively determine the boundaries of the electoral divisions in each Island, and the number of members to be elected by each electoral division, according to the following rules:—

Rules for determining the boundaries of electoral divisions and the number of members to be returned by each such division respectively.

- 5 (a.) There shall be in each Island two electoral divisions.
- (b.) The boundary between the First and Second and between the Third and Fourth Electoral Divisions respectively shall be one continuous line from sea to sea, consisting of the boundary or boundaries of one or more electoral districts, so that every electoral district shall be entirely within an electoral division.
- 10 (c.) The boundary shall be such as, in the opinion of the Commissions, provides, with the nearest approximation, that the proportion of the population in one electoral division to the population in the other electoral division in the same Island shall be the same as the proportion which the number of members to be elected for the first-mentioned electoral division bears to the number to be elected for the other electoral division in the same Island.
- 15 (d.) The number to be elected in every electoral division shall be an odd number.
- (e.) When the total number to be elected by both electoral divisions from either Island is not a multiple of four, the number of members to be elected in each electoral division of that Island shall be the same.
- 25 (f.) When the total number to be elected by both electoral divisions from either Island is a multiple of four, the number of members to be elected by one of the electoral divisions in that Island shall exceed the number to be elected by the other electoral division in that Island by two.
- 30

7. The Representation Commissions shall report to the Governor the boundaries of the electoral divisions fixed by them, and also the number of members ascertained and determined by them to be elected by each electoral division; and the Governor shall cause such report to be published in the *Gazette*, and such report shall have the force of law as from the date of such publication for the purposes of the election of members of the House of Representatives.

Commissions to report to Governor, and report to be gazetted.

8. If at any election under this Act the number of candidates for any electoral division does not equal the number to be elected for that division, the House of Representatives shall, within twenty-one days from the day when it is next in session after such election, choose by ballot of all the members of the House then present such number of male persons, not being members of either House of Parliament, as will, with the candidates elected, make up the number required, and such persons so chosen shall be and continue members of the House of Representatives for the same period as the candidates who were declared elected at such election after nomination.

Failure to elect sufficient number of members.

9. If the seat of any member of the House becomes vacant during the term for which such member was elected, the Returning Officer shall forthwith, on the occurrence of any such vacancy, cause to be inserted in three consecutive issues of a daily paper published in the electoral division (the last of such insertions to be within six days after

Casual vacancies.

receipt by him of such notice as aforesaid) a public notice that such vacancy has occurred and that nominations of candidates to fill the vacancy will be received by him, not later than seven days from and exclusive of the day of the last publication of the said public notice, from and on behalf of persons who were either unsuccessful candidates at the last preceding general election of members of the House or, having been elected at such general election, have since the time of such election vacated office (all hereinafter referred to as candidates eligible for renomination). 5

House may fill vacancy in certain circumstances.

10. (1.) If no such candidate shall be nominated, or if at the last preceding general election of members of the House the number of candidates for election was not greater than the number of seats to be filled, the House shall, within twenty-one days from the day when it is next in session after the occurrence of such vacancy, choose, by ballot of all the members of the House then present, a male person, not being a member of either House of Parliament, to fill such vacancy. A member so chosen shall retain his seat for as long as the member whose seat became vacant would have retained it if such vacancy had not occurred. 15

(2.) If the number of candidates renominated as aforesaid does not exceed the number of vacancies to be filled, the Returning Officer shall declare such candidates to have been duly elected. 20

(3.) If the number of candidates renominated as aforesaid exceeds the number of vacancies to be filled, the Returning Officer shall, for the purpose of ascertaining what candidate or candidates shall be elected to fill such vacancy or vacancies, proceed to count the votes cast at the last general election, and ascertain the result of such general election in accordance with the foregoing provisions of this Act as if the same had not previously been ascertained, and as if the number of candidates to be elected was the number of members of the House under the provisions of this Act, but subject to the following modifications, namely:— 25 30

(a.) The following rule shall be read immediately after Rule 1 of the *Third* Schedule hereto, and immediately before Rule 2 thereof:— 35

“1A. The candidate or candidates eligible for renomination who shall not have been renominated as aforesaid shall then be excluded from the poll, and all the votes obtained by all such candidates shall be transferred in the same way as if such candidates were the candidate lowest on the poll, and the votes obtained by such candidates were votes obtained by the candidate lowest on the poll, and were being transferred under the provisions of Rule 8 of this Schedule; all votes transferred under this rule to any candidate shall be and be deemed to be in the number of his first choices, and the term ‘first choices’ used in this Schedule shall for the purposes of this rule be deemed to include such votes.” 40 45

(b.) If and when the number of votes obtained by a candidate renominated as aforesaid is equal or is raised up to or above the quota, he shall thereupon be declared elected to fill a vacancy; and when the number of candidates renominated 50

means, the names of the several candidates nominated who have not withdrawn as hereinafter mentioned; and shall also advertise in the *Gazette* and in at least two newspapers circulating in the principal city or borough of each provincial district which is, or any part of which is, within the electoral division, in such manner as he deems most likely to give full publicity thereto, the names of those candidates, the number of members to be elected, and the day appointed for the poll. 5

Candidates may withdraw by notice to Returning Officer.

13. (1.) Any candidate may withdraw not later than the time limited for making nominations by giving or transmitting by letter to the Returning Officer a notice in the form numbered (2) in the *Second* Schedule hereto, signed by the candidate and attested by a Justice of the Peace. 10

(2.) The Returning Officer shall forthwith publish such notice in such manner as he deems most likely to give full publicity thereto, and shall omit the name of every candidate whose name is withdrawn from the ballot-papers hereinafter mentioned. 15

(3.) For the purposes of the subsequent provisions of this Act a candidate who has withdrawn in manner aforesaid shall be deemed not to have been nominated.

Procedure where number of nominations does not exceed number of members required.

14. (1.) If the number of candidates nominated for any electoral division is equal to or less than the number to be elected by that division, the Returning Officer shall, by public notice on or before the day appointed for taking the poll, declare those candidates to be duly elected, and shall endorse their names on the writ, and forthwith return the writ to the Clerk of the Writs. 20 25

(2.) If the number of candidates is less than the number to be elected, the number required shall be made up in the manner prescribed by section *eight* hereof.

Procedure for taking poll where required.

15. (1.) If more candidates are nominated than the number to be elected, then a poll for deciding between the candidates shall be taken on the day fixed by the principal Act for the general election of members. 30

(2.) For the purposes of such poll the Returning Officer of the electoral division shall make provision for the supply to each Assistant Returning Officer within the electoral division of a sufficient number of ballot-papers for use at each polling-booth. 35

(3.) The ballot-papers shall be in the form numbered (3) in the *Second* Schedule hereto, and shall contain a list of the surnames and Christian names of all the persons nominated as candidates (each name being inserted once only, whether nominated in one or more nomination-papers), and of no other persons. The names shall be arranged alphabetically in order of the surnames, the surnames being printed in larger characters than the Christian names. Where two or more candidates have the same surname, they may be distinguished on the ballot-papers by the addition of such other matter as may be necessary to distinguish them. 40 45

Scrutineers not to be appointed.

16. (1.) No scrutineers shall be appointed by or to act on behalf of any candidate at any election of members of the House under this Act; and the principal Act shall, with respect to such elections, be read and interpreted as if all references to the appointment, rights, and duties of scrutineers were excluded therefrom. 50

(2.) The House shall from time to time as required nominate *eight* persons, *two* for each electoral division, to be Supervisors, and the Governor may appoint such persons to be Supervisors accordingly. The appointment of every Supervisor shall continue in force until another is appointed in his place.

Appointment, &c.,
of Supervisors.

(3.) The Supervisors for an electoral division shall, whenever practicable, be present at the official count by the Returning Officer of that electoral division, and shall have the rights, powers, and duties conferred and imposed on scrutineers appointed under the principal Act. Each of the Supervisors for an electoral division shall be deemed to act on behalf of all the candidates at and in relation to the official count for that electoral division; and the Returning Officer shall consider and determine every question relating to the ballot-papers or the official count submitted by the Supervisors, or either of them.

(4.) No election shall be void or in any manner affected by reason only of any failure to duly appoint Supervisors or of any failure of both or of one of the Supervisors for an electoral division to be present at the official count.

17. In lieu of marking his ballot-paper in the manner prescribed by the principal Act, the voter at an election under this Act shall place in the squares opposite the respective names of three candidates the figures 1, 2, and 3, so as to indicate the order of his preference. He may also indicate the order of his preference for as many of the other candidates (if any) as he pleases by placing in the squares opposite their respective names other figures next in numerical order after those already used by him.

Method of recording
votes.

18. (1.) As soon as practicable after the closing of the poll the Deputy Returning Officer shall make up into a separate parcel the counterfoils of all the ballot-papers that have been issued by him in respect of an election under this Act, and shall also, as soon as practicable, open the House ballot-box, and, taking therefrom the ballot-papers, shall set aside all informal ballot-papers, and shall ascertain in respect of each candidate the number of ballot-papers which are marked with the figure 1 opposite the name of such candidate.

Procedure after
closing of poll.

(2.) The number so ascertained in respect of each candidate shall be deemed, provisionally and until the official count, to be the number of first-preference votes recorded for that candidate at the polling-booth at which they were so recorded.

19. (1.) A voting-paper shall be informal—

Informal voting-
papers.

(a.) Upon which a voter signs his name or writes any word or makes any mark by which it becomes recognizable; or

(b.) On which the figure 1 is not marked; or

(c.) On which the figure 1 is set opposite the name of more than one candidate; or

(d.) On which the figure 1 and some other figure is set opposite the name of the same candidate; or

(e.) Which is unmarked or void for uncertainty.

(2.) A voting-paper shall not be informal by reason only of—

(a.) A figure (not being the figure 1) being placed opposite the names of more than one candidate, but the votes indicated by that figure or any higher figure shall not be effectual; or

- (b.) A figure (not being the figure 1) being omitted in the numerical sequence of the order of the voter's preference, but the votes indicated by any figure higher than the figure so omitted shall not be effectual.

Result of voting to be announced.

20. Immediately after ascertaining the number of first-preference votes recorded for each candidate, the Deputy Returning Officer shall announce the result at the polling-booth at which he presides, and shall transmit the result by telegraph or other expeditious means to the appropriate Assistant Returning Officer, who, on receipt of all such returns, shall ascertain therefrom the total number of first-preference votes received by each candidate within his district, and shall transmit the result by telegraph or other expeditious means to the Returning Officer of the electoral division.

Deputies to make up books and papers in parcels.

21. (1.) The Deputy Returning Officer shall then forthwith make up into separate parcels—

- (a.) The used ballot-papers together with (but in a separate enclosure) the ballot-papers set aside as informal under section *eighteen* hereof ;
- (b.) The ballot-papers set aside under section one hundred and thirty-two of the principal Act in its application to elections under this Act ;
- (c.) The unused and spoilt ballot-papers ;
- (d.) All books and papers kept and used by him during the polling, except the certified copy of the roll supplied to him on which is noted the fact that any elector has tendered his vote ; and
- (e.) (i.) A statement, in the prescribed form, of the number of first-preference votes received by each candidate, and of the number of ballot-papers set aside as informal under section *eighteen* hereof, or set aside as aforesaid under section one hundred and thirty-two of the principal Act ; and
- (ii.) A statement, in the prescribed form, of the number of ballot-papers originally delivered to the Deputy Returning Officer, the number thereof delivered to and used by voters, the number of spoilt ballot-papers, and the number of ballot-papers not delivered to and used by voters.

(2.) The statements referred to in paragraph (e) of this section shall be prepared by the Deputy Returning Officer, and shall be signed by him.

(3.) Every parcel made up pursuant to section *eighteen* hereof or to this section shall be sealed by the Deputy Returning Officer with his own seal, and shall be endorsed by him with a description of the contents thereof, the name of the electoral division, the name of the polling-booth, and the date of the polling ; and such endorsement shall be signed by the Deputy Returning Officer.

(4.) The Deputy Returning Officer shall with all possible despatch deliver or transmit all the separate parcels referred to in the *last preceding* subsection to the Assistant Returning Officer, who, on receipt of all such parcels, shall, with all possible despatch, transmit the same to the Returning Officer of the electoral division.

Provisions of principal Act applied to elections under this Act.

22. (1.) Except where expressly provided in this Act, the procedure prescribed by the principal Act and its amendments for the conduct

of elections shall extend and apply to elections under this Act; and, in particular, the following provisions shall, *mutatis mutandis*, so apply:—

- 5 (a.) Sections eighty-seven to ninety-six, relating to seamen's rights;
- (b.) Sections one hundred and three and one hundred and four, relating to the issue of the writ:
 Provided that in lieu of the notice required by section one hundred and four, notice shall be given in the form numbered (4) in the *Second* Schedule hereto;
- 10 (c.) Section one hundred and twelve, relating to candidates' meetings;
- (d.) Sections one hundred and eighteen and one hundred and nineteen, relating to Deputy Returning Officers;
- 15 (e.) Sections one hundred and twenty-four to one hundred and twenty-eight, one hundred and thirty-one, and one hundred and thirty-two, relating to the ballot;
- (f.) Sections one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty-one to one hundred and fifty-three, relating to proceedings after the poll;
- 20 (g.) Sections one hundred and fifty-four and one hundred and fifty-five, relating to the maintenance of order at elections;
- (h.) Section one hundred and fifty-six, relating to the custody of ballot-papers;
- 25 (i.) Sections one hundred and fifty-seven to one hundred and sixty-four, relating to offences at elections;
- (j.) Sections one hundred and sixty-nine to one hundred and seventy-six, relating to candidates' expenses;
- (k.) Section thirty-eight of the Legislature Amendment Act, 1910, relating to the method of marking ballot-papers by Deputy Returning Officers; and
- 30 (l.) Sections forty to forty-three of the last-mentioned Act, relating to voting-permits.
- (2.) In the application of the said provisions to elections under 35 this Act—
- (a.) Each electoral district constituted pursuant to the principal Act shall be deemed to be an electoral ward of the electoral division in which it is situated, and the provisions relating to seamen's rights and to absent voters' permits shall apply as if they were expressed to relate to electoral wards.
- 40 (b.) Unless the context otherwise requires, references to a Returning Officer shall be deemed to be references to a Returning Officer appointed under this Act.
- (c.) Forms prescribed by the principal Act and its amendments 45 may be so altered as to adapt them to the circumstances under this Act.

23. Part V of the principal Act shall apply, *mutatis mutandis*, to the election of members under this Act, with the following amendments and modifications, that is to say:—

- 50 (a.) The specific grounds on which the complaint of an election petition is founded shall be one or both of the following grounds, and no other:—

Election petitions in cases of elections under this Act

- (i.) Corrupt or illegal practice by one or more candidate or candidates, or by an agent or agents of a candidate or candidates :
- (ii.) That a member elected was not duly qualified to be so elected. 5
- (b.) The Election Court shall not examine or inquire into any matter relating to the constitution of electoral divisions, the number of members to be elected, the rolls, the acts or defaults of a Returning Officer, an Assistant Returning Officer, or a Deputy Returning Officer, or the official count ; 10
nor shall the Election Court hold or direct any recount or scrutiny of votes.
- (c.) The Election Court shall not have power to disallow any vote.
- (d.) Paragraphs (f) and (g) of section one hundred and ninety-six and section two hundred and twelve shall not apply. 15
- (e.) Subject to the provisions of the principal Act as modified and amended by this Act, the Election Court shall have jurisdiction to inquire into and adjudicate on any matter relating to a petition as it thinks fit, and at the conclusion of the trial shall determine, as the case may require, according to the specific grounds alleged in the petition, whether the member whose return or election is complained of was or was not guilty, by himself or his agent, of any corrupt or illegal practice, or was or was not a person qualified to be elected, and shall forthwith certify in writing such determination to the Speaker of the House of Representatives, and upon such certificate being given such determination shall be final and conclusive to all intents and purposes. 25

Official Count of the Votes and Declaration of the Poll.

Official count of the votes.

24. (1.) On completion of the scrutiny of the rolls, as directed 30
by sections one hundred and forty-two and one hundred and forty-three of the principal Act, the Assistant Returning Officer shall, in the prescribed form, forward the result thereof to the Returning Officer of the electoral division.
- (2.) On receipt of the results of every such scrutiny conducted 35
within the electoral division, the Returning Officer, with such assistance as he deems necessary, shall proceed as follows :—
- (a.) He shall open separately each of the parcels of ballot-papers mentioned in paragraph (a) of section *twenty-one*, and, after setting aside all informal ballot-papers, shall count the 40
number of first-preference votes recorded for each candidate on the ballot-papers contained therein, and shall compare the result of the count in respect of each parcel with the corresponding statement mentioned in paragraph (e) of the last-mentioned section. The Returning Officer shall, where 45
necessary, amend any such statement, and every such statement (whether amended or not) shall be initialled by the Returning Officer.
- (b.) The Returning Officer shall then deal in like manner with all absent-voters' ballot-papers and seamen's ballot-papers, and 50

shall count the number of first-preference votes recorded thereon for each candidate.

(c.) The Returning Officer shall then count the votes in accordance with the rules set out in the *Third* Schedule hereto.

5 25. (1.) The count of the votes by the Returning Officer may be adjourned from time to time as the Returning Officer deems necessary. Count may be adjourned.

(2.) Each adjournment and also the time and place for the continuation of the count shall be announced to the Supervisors and officers by the Returning Officer.

10 (3.) Before any such adjournment all ballot-papers and other documents connected with the count shall be locked up by the Returning Officer in one or more ballot-boxes or other safe receptacle under seal.

15 26. As soon as conveniently may be after the counting of the votes has been completed the Returning Officer shall publicly declare in the form numbered (5) in the *Second* Schedule hereto the result of the poll, and the persons therein declared to be elected shall be deemed to be elected accordingly. Public declaration of the poll.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ELECTORAL DIVISIONS FOR ELECTIONS OF MEMBERS OF HOUSE OF REPRESENTATIVES.

| Names of Electoral Divisions. | Electoral Districts comprised in Electoral Divisions. |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Electoral Division | Bay of Islands, Marsden, Kaipara, Waitemata, Parnell, Auckland West, Auckland Central, Auckland East, Grey Lynn, Eden, Manukau, Thames, Franklin, Raglan, Ohinemuri, Tauranga, Waikato, Taumarunui, Bay of Plenty, Gisborne, Hawke's Bay. |
| Second Electoral Division | Stratford, Taranaki, Egmont, Patea, Waimarino, Wanganui, Rangitikei, Oroua, Waipawa, Napier, Pahiatua, Palmerston, Otaki, Masterton, Wairarapa, Hutt, Wellington Suburbs and Country District, Wellington North, Wellington Central, Wellington East, Wellington South. |
| Third Electoral Division | Motueka, Nelson, Wairau, Buller, Grey, Westland, Hurunui, Kaiapoi, Riccarton, Avon, Christchurch East, Christchurch North, Christchurch South, Lyttelton, Ellesmere, Selwyn, Ashburton. |
| Fourth Electoral Division | Temuka, Timaru, Waitaki, Wakatipu, Otago Central, Oamaru, Chalmers, Dunedin North, Dunedin West, Dunedin Central, Dunedin South, Bruce, Clutha, Mataura, Invercargill, Awarua, Wallace. |

SECOND SCHEDULE.

(1.) NOMINATION-PAPER.

To the Returning Officer for the Electoral Division.

WE, the undersigned electors of the Electoral Division, do hereby nominate A.B., of [*Address and occupation*], with his consent, as a candidate at the election of members of the House of Representatives for the aforesaid electoral division, the poll whereof is appointed for the day of , 19 .

Dated at , this day of , 19 .

C.D. } [*Full names, addresses, and occupations*
E.F. } [*of two or more electors nominating.*]

I, A.B., do hereby consent to the above nomination.

A.B., of [*Residence and occupation.*]

(2.) NOTICE OF WITHDRAWAL FROM CANDIDATURE.

To the Returning Officer for the Electoral Division.

I, the undersigned, hereby give notice that I withdraw my name as a candidate at the election of members of the House of Representatives for the Electoral Division.

Dated at , this day of , 19 .

[*Signature.*]

[*Address.*]

Signed in the presence of—

[*Occupation.*]

C. D. Justice.

(3.) BALLOT-PAPER.
(Front.)

| | |
|--|------------------------------------------------------|
| | BROWN, Charles James, Nelson. |
| | CAMPBELL, Arthur Peter, Hokitika. |
| | CLARK, Alfred, Ashburton. |
| | EVANS, John George, Dunedin. |
| | GIBBS, Mark John, Dunedin. |
| | JONES, Thomas, Christchurch. |
| | LEWIS, Edward William, Lawrence. |
| | MASON, Frederick, Invercargill. |
| | MURPHY, Samuel John, Christchurch. |
| | REID, Herbert Thomas, Motueka. |
| | SMITH, Joseph, Kaiapoi [<i>Contractor</i>]. |
| | SMITH, William, Riccarton [<i>Solicitor</i>]. |

DIRECTIONS.

The voter must not strike out the name of any candidate.

The voter must place on his ballot-paper the figure 1 in the square opposite the name of the candidate for whom he votes.

The voter may, in addition, place on his voting-paper the figure 2, or the figures 2 and 3, or 2, 3, and 4, and so on, in the squares opposite the names of the several candidates in the order of his preference.

The voting-paper is to be folded so that the contents cannot be seen, and the official mark on the back having been shown to the Deputy Returning Officer, the voting-paper is to be put into the proper ballot-box by the voter.

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

(Back.)

Consecutive No. :

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

No. on Roll :

To be entered here only.

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

Official

Mark.

Initials of
Deputy Returning Officer :

(4.) NOTICE OF POLLING-DAY.

IN pursuance of the Proportional Representation and Effective Voting Act, 1917, I, A.B., Returning Officer for the Electoral Division, do hereby give notice that, by virtue of a writ bearing date the day of , 19 , under the hand of the Clerk of the Writs, an election will be held for the return of qualified persons to serve as members of the House of Representatives for the said division.

Every man desirous of becoming a candidate must be nominated by not less than two electors of the division by a nomination-paper as prescribed by section 11 of the said Act, delivered to me on or before noon on the day of , 19 .

The poll, if necessary, will be taken on the day of , 19 , at the polling-places following, that is to say:—

Dated this day of , 19 .

A.B.,
Returning Officer for the Electoral Division.

(5.) DECLARATION OF RESULT OF POLL.

I, A.B., Returning Officer for the Electoral Division, do hereby declare that at the poll taken on the day of , 19 , for the election of members of the House of Representatives for the said electoral division the following candidates secured the quota:—

[Set out names of candidates, and other particulars, as appearing on ballot-paper.]

I therefore declare the said candidates to be duly elected.

Dated at , this day of , 19 .

A.B.,
Returning Officer

THIRD SCHEDULE.

METHOD OF COUNTING VOTES.

IN this Schedule, unless the contrary intention appears,—

“Quota” means the number of votes sufficient to elect a candidate :

“Surplus” means the number of votes which a candidate has obtained, at any stage of the scrutiny, over and above the quota :

“First choice recorded for a candidate” means a voting-paper on which the number 1 is placed in the square opposite the name :

“Second choice recorded for a candidate” means a voting-paper on which the number 2 is placed in the square opposite his name :

“Transfer value” means that portion of a vote which is unused by—

(a.) An elected candidate who has obtained a surplus :

(b.) A candidate excluded on account of his being lowest on the poll, and which is therefore transferred to the candidate next in order of the voter's preference. The transfer value of all votes is either 1 or some fraction of 1.

1. The number of first choices recorded for each candidate shall be counted, and all informal voting-papers shall be rejected.

First choice of each candidate to be counted.

2. The aggregate number of such first choices shall be divided by one more than the number of candidates required to be elected, and the quotient increased by one, disregarding any remainder, shall be the quota, and (except as hereinafter provided in Rule 10) no candidate shall be elected until he obtains a number of votes equal to or greater than the quota.

To find the quota.

3. Any candidate who has, upon the first choices being counted, a number of such votes equal to or greater than the quota shall be declared elected.

Candidates who have the quota to be declared elected.

4. Where the number of such votes obtained by any candidate is equal to the quota, the whole of the voting-papers on which a first choice is recorded for such elected candidate shall be set aside as finally dealt with.

If first choices exactly equal to quota, voting-papers to be set aside.

5. Where the number of such votes obtained by any candidate is in excess of the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet declared elected, next in the order of the voters' respective preferences, in the following manner :—

If a surplus, surplus to be transferred.

(i.) All the voting-papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of second choices, or (in the case provided for in Rule 12) third or next consecutive choices, recorded for each unelected candidate thereon shall be counted :

Voting-papers re-examined and second choices counted.

(ii.) The surplus of the elected candidate shall be divided by the total number of votes obtained by him on the counting of the first choices, and the resulting fraction shall be the transfer value :

Find the transfer value.

(iii.) The number of second or other choices, ascertained in paragraph (i) to be recorded for each unelected candidate, shall be multiplied by the transfer value :

Multiply second choices by transfer value.

(iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes obtained by him on the counting of the first choices.

Add result on.

6. (a.) Where, on the counting of the first choices or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then more than one candidate has a surplus, the then largest surplus shall be dealt with, and so on : Provided that if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with.

If more than one surplus, largest to be first dealt with.

(b.) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with ; and if they have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide which candidate's surplus shall be first dealt with.

If surpluses equal, last difference to decide.

7. (a.) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer as aforesaid he shall thereupon be declared elected ; and in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no votes of any other candidate shall be transferred to him.

If transfer raises candidate up to or above quota, he to be declared elected.

(b.) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by a transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with.

If votes exactly equal to quota, voting-papers to be set aside.

If surplus created, surplus to be transferred.

Voting-paper of last transfer re-examined and third choices counted. Find the transfer value.

Multiply third choices by transfer value.

Add result on.

When all surpluses dealt with candidate lowest on poll to be excluded and his votes transferred.

First choices to be transferred first.

Then other votes in order.

Each transfer deemed a separate transfer.

If transfer raises candidate up to quota, he to be declared elected.

If votes exactly equal to quota, voting-papers to be set aside.

If surplus created, surplus to be transferred.

Surpluses to be dealt with before further exclusion.

Process of exclusion to be repeated until there remains number of candidates required.

If lowest candidates equal, last difference to decide.

If a candidate elected or excluded, his name not considered on voting-paper.

Exhausted votes.

(c.) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences, in the following manner:—

(i.) The voting-papers on which are recorded the votes obtained by the elected candidate in the last transfer shall be re-examined, and the number of third, or (in the case provided for in Rule 12) next consecutive choices recorded for each unelected candidate thereon counted:

(ii.) The surplus of the elected candidate shall be divided by the total number of voting-papers mentioned in paragraph (i) and the resulting fraction shall be the transfer value:

(iii.) The number of third (or other) choices, ascertained in paragraph (i) to be recorded for each unelected candidate, shall be multiplied by the last-mentioned transfer value:

(iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by him.

8. (a.) Where, after the first choices have been counted and all surpluses (if any) have been transferred as hereinbefore directed, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is lowest on the poll shall be excluded, and all the votes obtained by him shall be transferred to the candidates next in the order of the voters' respective preferences, in the same manner as is directed in Rule 5.

(b.) The votes obtained by such excluded candidate as first choices shall first be transferred, the transfer value of each vote in this case being 1.

(c.) The other votes of such excluded candidate shall then be dealt with in the order of the transfers in which, and at the transfer value at which, he obtained them.

(d.) Each of the transfers which takes place under the two previous clauses of this rule shall be deemed for all purposes to be a separate transfer.

9. (a.) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no other votes shall be transferred to him.

(b.) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by any such transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with.

(c.) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed in Rule 7, clause (c): Provided that such surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.

(d.) Where any surplus exists it shall be dealt with before any other candidate is excluded.

10. The same process of excluding the candidate lowest on the poll and transferring to other candidates his votes shall be repeated until all the candidates, except the number required to be elected have been excluded, and the unexcluded candidates, who have not already been so declared, shall then be declared elected.

11. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide which candidate shall be first excluded.

12. In determining what candidate is next in the order of the voters' preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voters' preference shall be determined as if the names of such candidates had not been on the voting-paper.

13. Where on any transfer it is found that on any voting-paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared elected or excluded, such voting-paper shall be set aside as exhausted.