

PROPORTIONAL REPRESENTATION AND EFFECTIVE VOTING BILL
(No. 2).

EXPLANATORY MEMORANDUM.

IN this Bill the quota of votes necessary to ensure the election of a candidate is that known as the Droop quota, first explained by Mr. H. R. Droop in a paper read before the Statistical Society in 1881. Mr. Hare proposed to ascertain the quota by dividing the number of votes cast by the number of members to be elected. Mr. Droop's method is to divide the number of votes cast by one more than the number of members. His was the method adopted in the Legislative Council Act, 1914. It is preferred by the majority of proportionalists, and its chief advantage probably is that it ensures representation for a smaller minority than is possible under the Hare quota. In a three-member constituency, for example, one-fourth of the electors would be assured of representation.

The elector is left free to mark as many preferences as he pleases. Should he mark only one preference his vote cannot be used (that is to say, transferred) in the event of the candidate he prefers being elected without his vote, and it is apprehended that voters will soon realize that their ballots will be more effective by marking more than one candidate. On the other hand it is not consistent with the principles of proportional representation to compel the voter, on pain of invalidating his ballot-paper, to mark every name on the list, and on the whole the vast majority of proportionalists agree that it is preferable to leave the voter free to record as many transfers as he pleases. In Ireland, where this method was adopted in connection with the local elections held in January, 1920, the number of invalid ballot-papers was one per cent., but in New South Wales, where proportional representation was applied at the general election last year, the voter was compelled to mark every name on the ballot-paper, with the result that there were seven per cent. of invalid votes.

The method of transferring surplus votes provided for in the Bill is that adopted in the English Municipal Representation Bill, 1910, and recommended by the English Proportional Representation Society. The method in force in Tasmania eliminates all possibility of chance results, but it involves delay in counting, and the possibility of a different result being obtained by counting the surplus votes in manner herein provided is so remote that it may be disregarded altogether.

In the matter of vacancies necessitating by-elections—in this Bill called “particular vacancies”—proportionalists have differed among themselves. The Bill proposes that, on a vacancy arising, the ballot-papers used at the previous general election in the same district should be re-examined, and the next candidate who polls the quota declared elected. This plan presupposes that a sufficient number of unsuccessful candidates is available, and such would no doubt usually be the fact. If, however, by reason of an insufficient number of unsuccessful candidates, this method is impracticable, a by-election must be held, and in that event the voters' task of marking the ballot-papers is precisely the same as at a general election, but the quota is ascertained, unless some candidate has secured an absolute majority on the first count, by eliminating the candidate polling the fewest votes and distributing his votes over the continuing candidates.

Mr. McCombs.

PROPORTIONAL REPRESENTATION AND EFFECTIVE VOTING (No. 2).

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A BILL INTITULED

AN ACT to consolidate 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.) This Act may be cited as the Proportional Representation and Effective Voting Act, 1922, and it shall be deemed to be an amendment of the Legislature Act, 1908 (hereinafter referred to as the principal Act). Short Title

PART I.

ELECTORAL DISTRICTS.

Adjustment of electoral districts.

2. For the purposes of this Act the Dominion shall be divided into fourteen electoral districts as shown in the *Second* Schedule hereto.

Repeals.

3. Sections sixteen to twenty-three of the principal Act are hereby repealed. 5

PART II.

EFFECTIVE VOTING AND PROPORTIONAL REPRESENTATION.

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

4. Each voter shall have one vote only, but he may vote in the alternative for as many other candidates as he pleases, and his vote shall be deemed to be given to the candidate opposite whose name is placed the figure "1," but in the event of its not being required for the election of that candidate, it shall be transferable to other candidates in the order of preference indicated by the figure set opposite their respective names. 10

Repeal.

5. Subsection one of section one hundred and thirty of the principal Act is hereby repealed, and in lieu thereof the following is substituted, namely :— 15

Method of voting.

"(1.) The voter, having received a ballot-paper, shall retire into one of the inner compartments provided, and shall there, alone and secretly, insert opposite the names of the candidates for whom he wishes to vote the figures '1,' '2,' '3,' '4,' '5,' *et cetera*, in the order of his preference as shown in the *First* Schedule hereto." 20

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

6. If any voter who desires to vote is blind or otherwise incapacitated from reading or writing, the Returning Officer, and, if necessary, an interpreter, shall retire with him into the inner compartment, and there mark the ballot-paper according to the instruction of the voter; and such Returning Officer shall sign his own name at the foot thereof. 25

Counting the Votes.

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

7. (1.) Immediately after the closing of the poll, the Deputy Returning Officer shall forward to the Returning Officer in each electoral district the whole of the ballot-papers made up in packets, and thereupon 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, he shall mix them together and place them in an open box. 35

(2.) The ballot-papers, having been mixed as aforesaid, 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 as aforesaid shall sign a document stating the total number of the ballot-papers received from the various Returning Officers, which document shall be preserved by the said Returning Officer for production if and when by lawful authority required. 40 45

8. (1.) The Returning Officer shall then deal with the ballot-papers as follows :— Method of counting the votes.

- 5 (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, but, subject to these provisions, no ballot-paper shall be rejected on which the voter has clearly indicated one or more preferences.
- 10 (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.
- 15 (c.) He shall then add together the number of the papers in all the packets or parcels, and divide the total by a number exceeding by one the number of vacancies to be filled, and the result increased by one (disregarding any fractional remainder) shall be the number of votes sufficient to secure the return of a candidate (herein called the quota). Ascertainment of quota.
- 20 (d.) Any candidate whose packet contains a number of papers equal to or greater than the quota shall be declared elected. Candidates with quota elected.
- 25 (e.) If the number of candidates elected shall not equal the number of vacancies, the Returning Officer shall as far as possible transfer from each elected candidate the votes (if any) in excess of the quota (herein called the "surplus votes") to the candidates indicated on the ballot-papers in order of the voters' preference, excluding the candidates already elected. The votes of the candidate having the largest number of votes shall be dealt with first, and the particular votes to be transferred shall be determined in manner following :— Transfer of surplus votes.
- 30 (i.) The Returning Officer shall arrange all the ballot-papers in the packets of the elected candidates on which votes capable of transfer are given, filing on a separate sub-packet those on which a next preference is indicated for some one continuing candidate.
- 35 (ii.) The Returning Officer shall also make a separate sub-packet of the ballot-papers in the parcel on which the votes given are not capable of transfer.
- 40 (iii.) The Returning Officer shall count the ballot-papers in each sub-packet and also the total of the ballot-papers containing votes capable of transfer.
- 45 (iv.) If the total number of votes capable of transfer is equal to or less than the surplus votes, the Returning Officer shall transfer all the votes capable of transfer.
- 50 (v.) If the total number of votes capable of transfer is greater than the surplus votes, the Returning Officer shall transfer from each sub-packet of all votes capable of transfer the number of votes which bears the same proportion to the total of the sub-packet as the number of surplus votes bears to the total of all the votes capable of transfer.
- (vi.) The number of votes to be transferred from each sub-packet under the *last preceding* subparagraph shall be

ascertained by multiplying the total of the sub-packet by the number of surplus votes and dividing the result by the total number of votes capable of transfer. Fractional remainders shall be disregarded.

(vii.) The particular votes transferred from each sub-packet shall be those last filed in the sub-packet. 5

(2.) The transfer of surplus votes shall be effected by making new sub-packets of the ballot-papers on which those votes are given and adding those sub-packets to the packets (if any) of the candidates to whom transfers are made, or, where any such candidate has as yet no packet, a new packet shall be formed for him from the papers transferred. 10

(3.) All ballot-papers in a packet of an elected candidate not transferred as herein provided shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account. 15

(4.) If two or more packets of elected candidates are equal in size, the Returning Officer shall decide by lot with which he will first deal.

(5.) A transfer of votes as herein provided shall not be made unless the surplus votes of the elected candidate, together with any other surplus votes not transferred, exceed the difference between the totals of the votes of the two continuing candidates lowest on the poll. 20

(6.) These provisions shall take effect subject to those hereinafter contained for filling the last vacancy and if at any time it shall be possible to fill the last vacancy under these provisions no further transfer shall be made. 25

Result of transfer.

9. After the transfer of the surplus votes of an elected candidate, any candidate who shall, as a result of the transfer, obtain the quota of votes, shall be declared elected.

Further transfer of surplus votes.

10. (1.) Unless and until the last vacancy shall have been filled under the provisions hereinafter contained, if, after the transfers in manner hereinbefore prescribed, there shall still remain a vacancy and the votes of any elected candidate to whom a transfer has been made are in excess of the quota, the Returning Officer shall, as far as possible, take from the sub-packet last transferred to that candidate a number of votes equal to the surplus. 30 35

(2.) The particular votes to be taken shall be determined in accordance with the provisions of section *eight* hereof, in the same manner as if the votes included in the sub-packet last transferred has been the only votes given to the candidate, and the ballot-papers so taken shall be added in separate sub-packets to the packets of the continuing candidates (if any) indicated thereon as next in order of the voters' preference, and votes given thereon shall be transferred to those candidates accordingly. Where any such candidate has yet no packet a new packet shall be formed for him from the papers transferred. 40

(3.) The remaining ballot-papers in the packet of the elected candidate (including ballot-papers taken from the packet under subsection *one* of section *eight* hereof on which the votes given are not capable of transfer), shall be set aside as finally dealt with, and votes given thereon shall thenceforth not be taken into account. 45

(4.) After any transfer of votes under this section, any candidate who shall, as a result of the transfer, obtain a quota of votes shall be declared elected. 50

(5.) The process directed by this section shall be repeated until the last vacancy shall have been filled or until no candidate shall have any surplus votes, whichever shall have first happened.

5 (6.) If two or more packets shall be equal in size, regard shall be had to the number of votes counted to each candidate under subsection one of section eight hereof, and the packet of the candidate higher on that count shall first be dealt with, but, if the number of votes on that count were equal, the Returning Officer shall decide by lot which packet he will first deal with hereunder.

10 (7.) A transfer of votes under this section shall not be made unless the surplus votes of the elected candidate, together with any other surplus votes not transferred, exceed the difference between the totals of the two continuing candidates lowest on the poll.

15 11. (1.) Unless and until the last vacancy shall have been filled under the provisions hereinafter contained, if, after the transfers under the preceding provisions there shall still remain one or more vacancies, or if no candidate shall have been declared elected in manner hereinbefore prescribed, the Returning Officer shall exclude from the poll the candidate having the lowest number of votes, and shall distribute the votes capable
20 of transfer on the ballot-papers in his packet among the continuing candidates next in order of the voters' preference. Any ballot-papers in the packet on which votes not capable of transfer are given shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

Distribution of votes of lowest candidates.

25 (2.) If the total number of votes of two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes of the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and distribute their votes in accordance with the foregoing provisions.

30 (3.) After the distribution under this section of votes capable of transfer, any candidate who has received the quota shall be declared elected.

35 (4.) The surplus votes of any candidate elected under this rule who has received more than the quota shall be distributed in the manner directed by and subject to the conditions hereinbefore described.

40 12. The process directed by the last preceding section shall be repeated on the successive exclusions one after another of the candidates with the lowest number of votes, until the last vacancy shall have been filled either by election of the candidate with the quota or under the provisions next following.

Further distributions.

13. (1.) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled the continuing candidates shall be declared elected.

Filling the last vacancy.

45 (2.) When only one vacancy remains unfilled and the votes of some one continuing candidate exceed the total of the votes of the other continuing candidates, together with any surplus votes not transferred, that candidate shall be declared elected.

50 (3.) When more than one vacancy remains unfilled and the votes of the candidate (who, if all the vacancies were filled by the successive elections of the continuing candidates with the largest number of votes, would be the last to be elected) exceed the total of all the votes of the continuing candidates with fewer votes than himself, together with any

surplus votes not transferred, that candidate and all the other continuing candidates who have not less votes than himself shall be declared elected.

(4.) When only one vacancy remains unfilled and there are only two remaining candidates and those two candidates have each the same number of votes and no surplus votes remain capable of transfer, one candidate shall be declared excluded under the provisions of the *next succeeding* section, and the other declared elected. 5

Provisions for exclusion of candidates in special cases.

14. If at any time when a candidate has to be excluded under these provisions two or more candidates have each the same number of votes, regard should be had to the number of votes counted to each candidate under subsection *five* of section *eight* hereof, and the candidate lowest on that count shall be excluded, but if the number of votes on that count were equal, the Returning Officer shall decide by lot which candidate shall be excluded. 10

Public notice of transfers.

15. The Returning Officer shall record and give public notice of any transfer of votes made under these provisions and of the total number of votes counted to each candidate after any such transfer as hereinbefore prescribed. 15

Recounts.

16. (1.) Any candidate or his agent may at any time during the counting of the votes, either before the commencement or after the completion of the transfer of the votes (whether surplus or otherwise of any candidate), request the Returning Officer to recount the papers then comprised in the packets of all or any packets (not being papers set aside as finally dealt with), and the Returning Officer shall forthwith recount the same accordingly. The Returning Officer may also, at his discretion, recount those either once or more often in any case on which he is not satisfied as to the accuracy of any previous count : 20

Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same votes more than once. 30

(2.) If upon any election petition—

(a.) Any ballot-papers counted by the Returning Officer are rejected as invalid ; or

(b.) Any ballot-papers rejected by the Returning Officer are declared valid, the Court may direct the whole or any part of the ballot-papers to be recounted and the result of the election ascertained in accordance with these provisions. 35

(3.) Except as in this section expressly provided, no recount shall be had whether on an election petition or otherwise.

Determination of questions as to transfers.

17. (1.) If any question shall arise in relation to any transfer, the decision of the Returning Officer (whether expressed or implied by his acts) shall be final, unless objection is made by any candidate or his agent before the declaration of the poll, and in that event the decision of the Returning Officer may be reversed upon an election petition. 40

(2.) If any decision of the Returning Officer is so reversed, the transfer in question and all operations subsequent thereto shall be void, and the Court shall direct what transfer is to be made in place thereof, and shall cause the subsequent operations to be carried out and the result of the election to be ascertained in accordance with the foregoing provisions. 45

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18. For the purposes of this Part of this Act—

Interpretation.

(a.) The expression "votes capable of transfer" means votes given on ballot-papers on which a further preference is indicated for a continuing candidate :

5 (b.) The expression "continuing candidates" means candidates not already declared elected or excluded from the poll.

Result of Poll.

19. The Returning Officer, as soon as conveniently may be after the counting shall have been completed, shall make out a list of the candidates who have received the votes equal to the quota or nearest thereon, 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 have been duly elected as members of the House of Representatives for the district, giving its name, and he shall give public notice of the result by advertisement in one or more newspapers circulating in the district as he shall deem best calculated to give full publicity to the same.

Notice of result of poll.

PART IV.

PARTICULAR VACANCIES.

20. In respect of by-elections (in this Act called particular vacancies), the following provision shall apply :—

Particular vacancies, how filled.

(1.) The Returning Officer shall as soon as conveniently may be on the occurrence of any such vacancy cause to be inserted in three consecutive issues of at least one daily paper published in the district 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 or, having been elected at such general election, have since the time of such election vacated their seats (all hereinafter referred to as candidates eligible for renomination).

(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.

(3.) If the number of candidates re-nominated as aforesaid exceeds the number of vacancies to be filled, the Returning Officer for the purpose of ascertaining what candidate or candidates shall be elected to fill such vacancy or vacancies shall proceed to count the votes cast at the last general election, and he shall ascertain the result of such last 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 for the district, but subject to the following modifications, namely :—

(a.) 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 such candidates shall be transferred as if each such candidate were the

candidate lowest on the poll, and the votes obtained by him were votes obtained by the candidate lowest on the poll and were being transferred in manner hereinbefore prescribed in respect of general elections, and all votes so transferred to any candidate shall be and be deemed to be in the number of his first-choice votes, and the expression "first-choice votes" shall for the purposes of this Act be deemed to include such votes. 5

(b.) If and when the number of votes obtained by a candidate renominated as aforesaid is equal to or above the quota, he shall thereupon be declared elected to fill a vacancy; and when the number of candidates renominated as aforesaid and declared elected is equal to the number of vacancies to be filled, the Returning Officer shall declare such candidates elected to fill such vacancies. 10 15

(c.) Nothing hereinbefore contained shall have or be construed to have the effect of unseating any person who shall, at the time of such election to fill a vacancy, be a member of the House of Representatives.

Poll to be taken if too few candidates at previous general election.

21. (1.) If by reason of there having been an insufficient number of candidates at the previous general election it is not possible to fill a particular vacancy in accordance with the provisions of the *last preceding* section, then and in every such case a by-election shall be held, for which nominations shall be called in the prescribed manner, and the provisions of this Act and the principal Act in respect to general elections shall apply thereto in so far as the same are applicable. 20 25

Candidate having fewest first-choice votes eliminated.

(2.) If on counting the votes in the prescribed manner it shall be found that no candidate shall have obtained an absolute majority of first-choice votes, then and in such case the candidate having the fewest first-choice votes shall be declared not elected, with the effect of raising by so in the order of preference all votes given to the continuing candidates, and the Returning Officer shall then transfer the votes given to that candidate in the order indicated by each voter, and the votes thus transferred shall be deemed to have been given to the continuing candidates respectively, and shall be deemed to be first-choice votes. 30 35

His votes transferred.

(3.) The accumulated votes given each continuing candidate, made up of original and transferred first-choice votes (if any) shall be counted again, and if it be found that no candidate shall yet have obtained an absolute majority of the total votes polled, then the candidate having the least number of first-choice votes shall be declared not elected, and the process prescribed by subsection *two* hereof repeated. 40

Candidate having absolute majority elected.

(4.) When by successive applications of the rules hereby prescribed a candidate shall have obtained an absolute majority of the total votes polled, he shall be declared elected.

(5.) In applying the aforesaid rules, if two or more candidates having the least number of first-choice votes shall have received an equal number, and one is to be declared not elected, the Returning Officer shall decide by lot which of them shall first be eliminated. 45

(6.) The counting of votes under this section shall be continuous as in the case of general elections. 50

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PART V.
GENERAL.

22. The principal Act is hereby modified in so far as its provisions are in conflict with the provisions of this Act. Principal Act modified.

5 23. The Governor-General may from time to time, by Order in Council, make regulations for the more efficient carrying-out of this Act. Regulations.

24. Nothing in this Act contained shall affect the provisions of the Licensing Act, 1908, or any amendments thereof, and the polls thereby authorized shall be taken, and the provisions of the said Act shall apply in all respects as if this Act had not been passed. This Act not to affect provisions of Licensing Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

EXAMPLES OF MARKING A BALLOT-PAPER.

BROWN	4
FITZGERALD	8
HARRISON	1
KING	7
McGREGOR	2
SAUNDERSON	6
SMITH	3
WILLIAMSON	5

Voters may mark as many or as few preferences as they please, but marking every possible preference ensures their vote being effective.

SECOND SCHEDULE.

NORTH ISLAND.

North Auckland District (three members)—	Taranaki District (seven members)—
Bay of Islands.	Waitomo.
Marsden.	Waimarino.
Kaipara.	Stratford.
Auckland District (nine members)—	Taranaki.
Eden.	Egmont.
Waitemata.	Patea.
Auckland East.	Wanganui.
Auckland West.	Hawke's Bay District (three members)—
Auckland Central.	Hawke's Bay.
Grey Lynn.	Napier.
Roskill.	Waipawa.
Parnell.	Manawatu District (five members)—
Manukau.	Rangitikei.
Waikato-Thames District (seven members)—	Orua.
Franklin.	Manawatu.
Raglan.	Palmerston North.
Waikato.	Otaki.
Hamilton.	Wairarapa District (three members)—
Tauranga.	Pahiatua.
Ohinemuri.	Masterton.
Thames.	Wairarapa.
East Coast District (three members)—	Wellington District (six members)—
Rotorua.	Wellington Suburbs.
Bay of Plenty.	Wellington North.
Gisborne.	Wellington Central.
	Wellington East.
	Wellington South.
	Hutt.

SOUTH ISLAND.

Nelson and West Coast Districts (five members)—	South Canterbury District (five members)—
Nelson.	Ashburton.
Wairau.	Temuka.
Motueka.	Timaru.
Buller.	Waitaki.
Westland.	Oamaru.
Canterbury District (nine members)—	Otago District (six members)—
Hurunui.	Chalmers.
Kaiapoi.	Dunedin North.
Riccarton.	Dunedin West.
Christchurch North.	Dunedin Central.
Christchurch East.	Dunedin South.
Christchurch South.	Clutha.
Avon.	Southland District (five members)—
Lyttelton.	Wakatipu.
Ellesmere.	Mataura.
	Wallace.
	Invercargill.
	Awarua.