

Mr Terris

PROPORTIONAL REPRESENTATION INDICATIVE REFERENDUM

ANALYSIS

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A BILL INTITULED

An Act to provide for the holding, in conjunction with the 1990 general election, of a poll to decide whether members of Parliament should be elected by proportional representation

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BE IT ENACTED by the Parliament of New Zealand, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Proportional Representation Indicative Referendum Act 1990.

10 (2) This Act shall come into force on the 1st day of May 1990.

2. Special poll of electors as to proportional representation—(1) On the day appointed in 1990 for the taking of the poll (in this Act called the electoral poll) of the electors of each electoral district for the return of a member of Parliament for the district, a poll (in this Act called the

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Indicative poll) of the electors of each such district shall also be taken on the proposal.

(2) The proposal shall be submitted in the voting paper in form 1 in the Schedule to this Act.

(3) The Indicative poll shall be taken in every electoral district, notwithstanding that in any such district no electoral poll may be required to be taken. 5

(4) Subject to the provisions of this Act and of any regulations made under this Act, the following provisions shall apply to the Indicative poll: 10

(a) The provisions of the Electoral Act 1956 and of any regulations made under that Act shall, as far as they are applicable and with the necessary modifications, apply as if the Indicative poll were the electoral poll, and the Indicative poll shall be taken in the manner prescribed by that Act for the taking of the electoral poll: 15

(b) The electoral rolls for the time being in force under that Act shall be deemed to be the rolls of electors for the purposes of the poll. 20

3. Provisions subject to which indicative poll to be taken—The Indicative poll shall be taken as follows:

(a) The Returning Officer of the electoral district shall be the Returning Officer and the Deputy Returning Officers appointed by the Returning Officer for the taking of the electoral poll shall be the Deputy Returning Officers for the taking of the Indicative poll: 25

(b) The Returning Officer shall take the Indicative poll in the manner provided for taking the electoral poll, and shall provide voting papers and all things necessary for taking the Indicative poll. 30

(c) The poll clerks, interpreters, and ushers appointed for the taking of the electoral poll shall by virtue of being so appointed, be, in addition, poll clerks, interpreters, and ushers for the taking of the Indicative poll: 35

(d) The polling booths in each electoral district for the taking of the Indicative poll shall be the same as those used at the taking of the electoral poll:

(e) The voting paper for the Indicative poll shall be issued in the same manner as the ballot paper for the electoral poll, and the voting paper and the ballot paper shall be given simultaneously to the elector. 40

(f) The elector shall tick one of the proposals on the voting paper; and the vote shall be deemed to be given in favour of the proposal which the elector ticks.

5 **4. Appropriation**—All expenses incidental to the taking of the Indicative poll shall be paid out of money appropriated by Parliament for the purpose.

10 **5. Nomination of scrutineers by electors in favour of proposal**—Any 10 or more electors who are in favour of the proposal that Parliament be elected by proportional representation may, by nomination paper under their hands, nominate any 2 specified persons to appoint one scrutineer to act at each polling booth in the district in the interest of all electors who are in favour of the proposal.

15 **6. Nomination of scrutineers by electors not in favour of proposal**—Any 10 or more electors who are not in favour of the proposal referred to in **section 5** of this Act may, in like manner, nominate any 2 specified persons to appoint one scrutineer to act at each such polling booth in the interest of all electors who are not in favour of the proposal.

20 **7. Form of nomination paper**—The nomination paper shall be in **form 2** in the Schedule to this Act.

25 **8. Nomination paper to be lodged with Returning Officer**—The nomination paper shall be lodged with the Returning Officer of the electoral district not later than the twelfth day before polling day, and shall be open to public inspection.

30 **9. Returning Officer to select fit persons to appoint scrutineers**—On a day to be publicly notified by the Returning Officer of the electoral district, being not earlier than the tenth nor later than the fifth day before polling day, the Returning Officer shall publicly consider all the nomination papers duly lodged, and, after hearing all objections select 2 fit persons to appoint one scrutineer, and 2 fit persons to appoint the other scrutineer, to act at each polling booth in the
35 respective interests as aforesaid; and the persons so selected may appoint accordingly.

10. Selection to be in writing—The selection shall be by writing under the hand of the Returning Officer, and shall be in **form 3** in the Schedule to this Act.

11. Appointments of scrutineers to be in writing—The appointment shall in each case be by writing under the hands of the persons selected, and shall be in form 4 in the Schedule to this Act.

12. Powers and rights of scrutineers—Every scrutineer so appointed shall, for the purposes of the Indicative poll, have all the powers and rights of a scrutineer under the Electoral Act 1956, and shall make a declaration in form 1 in the Schedule to the Electoral Act 1956 (which form shall be used with all necessary modifications). 5
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13. Remuneration of scrutineers not expenses of poll—The remuneration (if any) of the scrutineers shall not be expenses incidental to the taking of the Indicative poll.

14. Application to District Court Judge for recount—If the result of any Indicative poll is disputed on the ground that the public declaration by the Returning Officer in accordance with section 116 (1) of the Electoral Act 1956 (as applied by this Act) was incorrect, the following provisions shall apply: 15

(a) Any 6 electors may, within 3 working days after the public declaration, apply to a District Court Judge for a recount of the votes: 20

(b) Every such application shall be accompanied by a deposit of \$200 (which deposit is inclusive of goods and services tax):

(c) The District Court Judge shall cause a recount of the votes to be commenced within 3 working days of receiving the application, and shall give notice in writing to the applicants and to any scrutineers appointed under section 11 of this Act of the time and place at which the recount will be made: 25
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(d) Section 117 (4)–(9) and section 118 of the Electoral Act 1956, so far as they are applicable and with the necessary modifications, shall apply to the recount.

15. Declaration of result—(1) After the Returning Officer has made a public declaration in accordance with section 116 (1) of the Electoral Act 1956 (as applied by this Act) and after the time for an application for a recount has elapsed, the Returning Officer shall send to the Chief Electoral Officer a statement of the number of informal votes, and of the total number of valid votes recorded, and of the number of valid votes recorded for and against the proposal. 35
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(2) On receipt of the statements from all Returning Officers, and on or before a day to be fixed by the Governor-General by Order in Council, the Chief Electoral Officer shall ascertain and declare—

- 5 (a) The total number of valid votes recorded for the proposal;
and
(b) The total number of valid votes recorded against the proposal; and
(c) The result of the poll as determined thereby.
- 10 (3) The Chief Electoral Officer shall notify in the *Gazette* the numbers of the votes as finally ascertained by the Chief Electoral Officer and the result of the poll as determined thereby.

16. Election expenses—For the purposes of section 139 of the Electoral Act 1956, “election expenses”, in relation to a candidate at an election in any district, includes expenses that relate to the promotion by the candidate of any of the proposals on the voting paper for the Indicative poll.

6 *Proportional Representation Indicative Referendum*

SCHEDULE

Section 2 (2)

Form 1

Voting Paper

Electoral District

POLL ON PROPOSAL FOR PROPORTIONAL REPRESENTATION

1. Vote by putting a tick in the circle immediately after the proposal you choose.
2. After voting, fold this voting paper so that its contents cannot be seen and place it in the ballot box.
3. If you spoil this voting paper, return it to the officer who issued it and apply for a fresh one.
4. You must not take this voting paper out of the polling booth.



Vote Here

I agree that Parliament should be elected by proportional representation.	<input type="radio"/>
I agree that Parliament should be elected in the same way it is now.	<input type="radio"/>

NOTE*

This form shall be joined by perforations to the ballot paper for the electoral poll.

*Not to be printed as part of the form.

SCHEDULE—continued

Form 2

Section 7

NOMINATION OF SCRUTINEERS FOR PURPOSES OF INDICATIVE POLL

1. For the purposes of the term poll to be taken in the Electoral District on the day of 1990, we, the undersigned electors of the district, hereby nominate [*Full names, addresses, and occupations of the 2 persons nominated*] as fit persons to appoint one scrutineer to act at each polling booth in the interest of all electors who are in favour [*or, as the case may be, not in favour*] of the proposal.
2. In support of our nomination we hereby severally, each for himself or herself, solemnly and sincerely declare that we are, and we believe each of the persons nominated to be, honestly in favour [*or, as the case may be, not in favour*] of the proposal.

We severally make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Severally declared by each of the [<i>Number</i>] declarants whose signa- tures are subscribed hereto, this day of 1990, before me— J.P. [<i>Solicitor,</i> <i>or as the case may be</i>].	Signature, Address, and Occupation 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.
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NOTE—Not less than 10 electors must sign.

RETURNING OFFICER'S SELECTION FOR THE PURPOSES OF THE
INDICATIVE POLL

Having considered the nominations duly lodged in this behalf, and having heard all objections thereto, I hereby select [*Full names, addresses, and occupations of the 2 persons elected, etc. (as above)*] as fit persons to appoint one scrutineer to act at each polling booth at the term poll for the Electoral District on the day of 1990, in the interest of all electors who are in favour [*or, as the case may be, not in favour*] of the proposal.

Dated at this day of 1990.

_____, Returning Officer.

APPOINTMENT OF SCRUTINEERS FOR THE PURPOSES OF THE INDICATIVE POLL

To the Returning Officer.

For the purposes of the term poll for the Electoral District to be taken on the day of 1990, we, the undersigned, being duly authorised in this behalf, hereby appoint the persons named in the Schedule hereto to act as scrutineers at the polling booths named in the Schedule, in the interest of all electors who are in favour [*or, as the case may be, not in favour*] of the proposal.

SCHEDULE

Scrutineer [<i>Full name, address, and occupation of the scrutineer</i>]	Polling Booth [<i>Name of polling booth</i>]
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Dated atthis day of 1990.

[*Signatures of the 2 persons
authorised to appoint.*]