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Mr. O'Regan.

PREFERENTIAL VOTING AND PROPORTIONAL REPRESENTATION.

ANALYSIS.

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A BILL INTITULED

An Act to constitute Electoral Districts and to secure Proportional Representation. Title.

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

1. The Short Title of this Act is "The Preferential Voting and Proportional Representation Act, 1896." 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.

3. The colony shall be divided into fourteen electoral districts, according to the following basis, that is to say,— Adjustment of representation.

(1.) The total population of the colony (other than Maoris) shall be divided by the number of electoral districts, and the quotient thus obtained shall be the district quota.

(2.) The extent of each of the said electoral districts shall respectively be such that the population thereof shall, subject to the provisions as to allowances hereinafter specified, be equal to the district quota.

(3.) In forming the several districts due consideration shall be given to community of interest, facilities of communication, and topographical features.

(4.) Where in the opinion of the Commissioners districts cannot be formed consistently with the above considerations so as to contain exactly the district quota, the Commissioners may, for each district, make an allowance, by way of addition or deduction, of population to the extent of one thousand five hundred.

Repeal.

4. Section two of "The Representation Act Amendment Act, 1889," is hereby repealed.

PART II.

PROPORTIONAL REPRESENTATION.

Voter to have one vote only, but 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 for 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. Section one hundred and one of "The Electoral Act, 1893," 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, 1893."

8. "The Electoral Act, 1893," is hereby amended as follows:—

- (1.) Section one hundred and twelve is hereby repealed.
- (2.) Section one hundred and thirteen is hereby amended by the omission of the words "after ascertaining the total number of votes as mentioned in the last-preceding section."
- (3.) Section one hundred and fourteen is hereby amended by the omission of the words "a list of the total number of votes received by each candidate and."
- (4.) Sections one hundred and sixteen, one hundred and twenty, and one hundred and twenty-one are hereby repealed.

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, 5 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 10 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 15 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 Stipendiary Magistrate or Justices.

20 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 afore- 25 said 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 30 as follows:—

Method of counting votes.

(1.) 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- 35 paper whereon the numbers of designation are fewer than, or in excess of, the number of members to be elected.

(2.) 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 hereon.

(3.) 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."

(4.) Every candidate who has a number of first votes equal to or 50 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 name 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.

- (5.) 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.
- (6.) When, by successive applications 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.
- (7.) 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 refreshments.

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, ascertained 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.

14. Section one hundred and thirty-eight of "The Electoral Act, 1893," is hereby repealed, and in lieu thereof the following is substituted:—

Provisions applicable to particular elections.

5 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

10 the poll shall be ascertained and publicly notified as in the next *two following* sections provided.

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

15 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.

20 (1.) 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

25 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

30 elected.

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

35 (3.) 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.

(4.) 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.

45 (5.) 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

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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

(6.) 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. 10

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. 15

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. 20

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 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 all other packets of books and documents relating to the election, as provided by this Act in the case of a general election. 25 30 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.