

Mr. McCombs.

PREFERENTIAL VOTING.

ANALYSIS

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A BILL INTITULED

AN ACT prescribing the Method of Voting at National Referendum Polls. Title.

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

1. This Act may be cited as the Preferential Voting Act, 1927. Short Title.

2. (1) The provisions of this Act shall apply to all national polls held for the purpose of obtaining the determination of the electors on all questions which may be submitted to a national referendum : Scope of Act.

10 Provided always that such proposals submitted exceed two in number on any one voting-paper.

(2) The method of voting and of counting the votes at any such national referendum shall be as prescribed in this Act, anything to the contrary in any other Act notwithstanding.

15 *Preferential Voting.*

3. At each national referendum poll held under the provisions of this Act the method of voting shall be as hereinafter described. Mode of marking voting-paper.

4. The voter shall vote by placing the figure 1 in the square opposite the proposal which he desires to be carried. He may also, if he so desires, indicate the order of his preference for as many of the other proposals as he pleases by placing in the squares opposite such other proposals other figures next in numerical order after the figure 1. Marking further preferences.

Form of voting-
paper for
preferential voting.

5. The voting-paper to be used at any poll under this Act shall be in the form of the Schedule hereto.

Preliminary Count of the Votes.

Counterfoils and
marked rolls to be
sealed up.

6. (1) Every Deputy Returning Officer at the polling-booth at which he presides shall, as soon as practicable after the close of the poll, make up into separate parcels— 5

(a) The certified copy of the roll supplied to him on which is noted the fact that any elector has tendered his vote ; and

(b) The counterfoils of all the voting-papers that have been issued to voters. 10

(2) The Deputy Returning Officer shall then in the presence of such of the scrutineers as choose to be present and the poll-clerks (if any), but of no other person, open the ballot-box, and, taking therefrom all the voting-papers therein, shall set aside all informal voting-papers, and ascertain, in respect of each proposal, the number of voting-papers which are marked with the figure 1 opposite it, or which in any other manner indicate the desire of the elector that that proposal should be carried. 15

(3) The number so ascertained in respect of each proposal shall be deemed to be the number of first-preference votes recorded for that proposal. 20

Informal votes.

7. (1) A voting-paper is informal—

(a) If there is reasonable cause to believe that it was not issued to a voter by the Deputy Returning Officer ; or

(b) If it has upon it any mark or writing by which the voter can be identified ; or 25

(c) If it has no vote indicated on it ; or

(d) If it has the figure 1 opposite more than one proposal ; or

(e) If it does not clearly indicate the proposal which the elector desires to be carried. 30

(2) A voting-paper shall not be rejected as informal on any ground other than those stated in the *last preceding* subsection.

(3) In particular, a voting-paper shall not be informal by reason only—

(a) That a figure (not being the figure 1) has been placed opposite more than one proposal, but the votes indicated by that figure or any higher figure shall not be effectual ; or 35

(b) That a figure (not being the figure 1) has been 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 ; or 40

(c) That the voter has not placed any figures in the squares opposite the proposals, but has indicated his preference by placing a cross in the square opposite one of the proposals. In any such case he shall be deemed to have indicated his first preference for the proposal opposite which he has placed such cross ; or 45

(d) That the voter has struck out any proposal or all proposals save one, and in that case he shall be deemed to have indicated his preference for the proposal which has not been struck out. 50

8. Immediately after ascertaining the number of first-preference votes recorded for each proposal 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
 5 Returning Officer.

Result of voting to announced.

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

Deputies to make up books and papers in parcels.

(a) The used voting-papers, together with (but in a separate enclosure) the voting-papers set aside as informal under section *seven* hereof ;

10 (b) The voting-papers set aside under section one hundred and thirty-two of the Legislature Act, 1908 ;

(c) The unused and spoilt voting-papers ;

15 (d) All books and papers kept 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 of the number of first-preference votes received by each proposal, and the number of voting-papers set aside as informal under section *seven* hereof, or set aside under section one hundred and thirty-two of the
 20 Legislature Act, 1908 ; and

(ii) A statement of the number of voting-papers originally delivered to the Deputy Returning Officer, the number thereof delivered to and used by voters, the number
 25 of spoilt voting-papers, and the number of voting-papers not delivered to and used by voters.

(2) The statements referred to in paragraph (e) of the *last preceding* subsection shall be prepared by the Deputy Returning Officer, and shall be signed by him and by such of the scrutineers as are present
 30 and consent to sign the same.

(3) Each parcel made up pursuant to section *seven* hereof or this section shall be sealed by the Deputy Returning Officer with his own seal, and by such scrutineers present who desire to affix their seals, and shall be endorsed by the Deputy Returning Officer with a
 35 description of the contents thereof, the name of the district, 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 to the Returning Officer all the separate parcels
 40 referred to in the *last preceding* subsection.

Electoral District Count.

10. Upon receipt from Deputy Returning Officers of all parcels made up pursuant to the *last preceding* section the Returning Officer shall act as prescribed in the *next three succeeding* sections.

District count of votes.

45 11. On completion of the scrutiny of the rolls, as directed by section one hundred and forty-two of the Legislature Act, 1908, the Returning Officer, with such assistance as he deems necessary, and in the presence of such scrutineers as choose to be present, shall proceed as follows :—

Duties of Returning Officer.

- (a) He shall open separately each of the parcels of voting-papers mentioned in paragraph (a) of subsection *one* of section *nine* hereof, and, after setting aside all informal voting-papers, shall count the number of first-preference votes recorded for each proposal on the voting-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 subsection *one* of section *nine* hereof. The Returning Officer shall, where necessary, amend any such statement, and every such statement (whether amended or not) shall be initialled by the Returning Officer. 5
- (b) The Returning Officer shall then deal in like manner with all absent voters' voting-papers and seamen's voting-papers, and shall count the number of first-preference votes recorded thereon for each proposal. 15
- (c) The Returning Officer shall then ascertain the total number of first-preference votes recorded at the poll for each proposal. 15

Result of district voting to be announced.

12. Immediately after ascertaining the number of first-preference votes recorded for each proposal, the Returning Officer shall announce the result, and shall transmit the result by telegraph or other expeditious means to the Chief Returning Officer. 20

Voting-papers and statements to be forwarded to Chief Returning Officer.

13. The Returning Officer shall then forthwith forward to the Chief Returning Officer all parcels and statements (including absent-voters' papers and seamen's voting-papers) in the manner as is prescribed for Deputy Returning Officers, and shall act in all respects as if the Returning Officer were the Deputy Returning Officer and the Chief Returning Officer were the Returning Officer. 25

Official Count of the Votes and Declaration of Poll.

Official count of votes.

14. On receipt from Returning Officers of all parcels made up pursuant to the *last preceding* section, the Chief Returning Officer, with such assistance as he deems necessary, and in the presence of such scrutineers as may be appointed by the Minister from representatives nominated by interested organizations, shall proceed to count the votes. 30

Duties of Chief Returning Officer.

15. The Chief Returning Officer shall act as is prescribed for Returning Officers in paragraphs (a), (b), and (c) of section *eleven* hereof. 35

Method of counting votes.

16. If the total number of first-preference votes recorded for any proposal constitutes an absolute majority of votes, the Chief Returning Officer shall declare that proposal to be duly carried. 40

Declaring proposals defeated or carried.

17. If no proposal has received an absolute majority of first-preference votes, the Chief Returning Officer shall proceed as follows:—

- (a) He shall declare the proposal which has received the fewest first-preference votes to be a defeated proposal, and shall distribute among the remaining proposals all the voting-papers previously counted to the defeated proposal according to the indication (if any) of the voters next preference, and shall add the number so distributed to each remaining proposal to the first-preference votes previously counted to that proposal. 45

(b) If any proposal has then, with such addition as aforesaid received an absolute majority of votes, the Chief Returning Officer shall declare that proposal to be duly carried.

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(c) If no proposal has, with such addition as aforesaid, received an absolute majority of votes, the procedure of declaring the proposal which has received the fewest votes (including the votes added pursuant to the provisions of this section) to be a defeated proposal, of distributing its voting-papers (including the votes added pursuant to the provisions of this section) among the then remaining proposals according to the indication (if any) of the voters' next preference, and of adding the number so distributed to each remaining proposal to the number last counted to that proposal, shall be repeated until one proposal has received an absolute majority of votes, or until the number of proposals remaining is two, and that proposal which has received the greater number of votes shall be declared to be duly carried.

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(d) If on any count two or more proposals have an equal number of votes, and one of them has to be declared a defeated proposal, the Chief Returning Officer shall decide which is to be so declared.

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18. (1) The Chief Returning Officer shall then seal up into separate parcels the voting-papers counted to each proposal, and endorse on each parcel a memorandum specifying the proposal and the number of voting-papers contained in the parcel; and shall sign the endorsement.

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Subsequent dealings with voting-papers.

(2) The Chief Returning Officer shall also seal up into a separate parcel all the informal voting-papers, and shall endorse the same with a note of its contents, and shall sign the endorsement.

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

Count may be adjourned.

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

(3) Before any such adjournment all voting-papers and other documents connected with the count shall be locked up by the Chief Returning Officer in one or more safe receptacles under seal; and any scrutineer who may desire to do so shall be permitted by the Chief Returning Officer to place his special seal upon the outer cover of the receptacle or receptacles in which such voting-papers and documents are locked up.

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20. As soon as conveniently may be after the Chief Returning Officer has ascertained which proposal has been carried, he shall announce the result, and shall transmit to the Minister a statement showing which proposal has been carried.

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Declaration of result of poll.

21. The Minister shall forthwith notify in the *Gazette* the result of the poll as ascertained by the Chief Returning Officer.

Minister to notify in *Gazette*.

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22. Scrutineers may be appointed in respect to each proposal submitted in the same manner as is provided for in sections fifteen to twenty-three (both inclusive) of the Licensing Act, 1908.

Scrutineers.

Definitions.

23. For the purposes of this Act the following definitions shall obtain :—

- (a) "Deputy Returning Officer" means any officer presiding at a polling-booth.
- (b) "Returning Officer" means the Returning Officer of any electoral district.
- (c) "Chief Returning Officer" means the Chief Electoral Officer of the Dominion.
- (d) "Absolute majority of votes" means a number of votes greater than one-half of the number of all the voters who vote at a poll held under the provisions of this Act, exclusive of voters whose voting-papers are rejected and exclusive of voters whose voting-papers have been set aside under section *seventeen* of this Act by reason of there being no further effectual preference shown thereon."

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Schedule.

SCHEDULE.

VOTING-PAPER.

 (One of the proposals).
 (One of the proposals).
 (One of the proposals).
 (One of the proposals).

Directions.

1. The voter must **not** strike out any proposal.
2. The voter must mark the figure 1 in the square opposite the proposal which he desires to be carried.
3. The voter may also, if he so desires, indicate the order of his preference for as many of the other proposals as he pleases, by marking in the squares opposite them other figures next in numerical order after the figure 1.
4. 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 ballot-box by the voter.
5. This voting-paper is not to be taken out of the polling-booth.

Electoral District of.....