

50
39
25
12
3
25
3
4
40

NEW ZEALAND.



ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

No.

ANALYSIS:

- Title.
1. Governor to appoint Returning Officers.
 2. Returning Officer to conduct Election at principal Polling Place, and to appoint Deputies.
 3. Returning Officer and Deputy Returning Officer to take Oath.
 4. Governor to appoint Polling Places.
 5. Returning Officer to indorse on Writ day of receiving same, and to give notice of Election.
 6. Candidates may be nominated by two Electors.
 7. Mode of Nomination.
 8. If no more Candidates nominated than Members to be elected, such Candidates to be declared duly elected.
 9. Names of persons elected to be endorsed on Writ, and Writ returned to Governor.
 10. In case of contest names of Candidates to be published.
 11. Any Candidate may withdraw.
 12. Candidates or their proposers may appoint Scrutineers.
 13. Poll to open at 9 a.m. and close at 4 p.m.
 14. Voting to be by Ballot.
 15. Returning Officer to provide ballot votes and voting papers.
 16. Mode of preparing voting papers.
 17. Ballot boxes and voting papers entrusted to any person must be accounted for.
 18. Accommodation for taking the Poll to be provided.
 19. Copy of Electoral Roll to be given to each Deputy Returning Officer and Poll Clerk.
 20. Persons who may remain in ballot room.
 21. Mode of conducting Election.
 22. Cases of persons who cannot read or are blind.
 23. Elector to retire when voting paper deposited.
 24. Elector contravening Regulations liable to a penalty of £100.
 25. What enquiries may be made at time of Polling.
 26. Oaths may be administered by Returning Officer or his Deputy.
 27. No person to vote till questions answered and Oaths taken. Penalty for false answers or Oath.
 28. No other Oath to be required, and persons answering questions and taking Oaths to be permitted to vote.
 29. Returning Officer may order persons charged with Personation to be taken into custody.
 30. Persons charged with Personation to be taken before two Justices, and bail to be taken by one Justice in certain cases.
 31. If Justices are satisfied of guilt, on Oath, of two credible witnesses, they are to commit for trial.
 32. If Justices satisfied that charge is unfounded, they are to order compensation.
 33. Proceedings in case of riot or violence.
 34. Ballot boxes to be sealed up at close of Poll.
 35. Ballot boxes to be delivered to Returning Officer.
 36. Persons tampering with ballot boxes guilty of a Misdemeanor.
 37. Returning Officer to fix time and place for opening ballot boxes.
 38. Writ to be endorsed.
 39. Voting papers to be compared with names marked off on Electoral Roll. Penalty for discrepancy.
 40. Voting papers to be destroyed.
 41. Returning Officer to cause state of Poll to be published.
 42. Delay or technical objections not to invalidate proceedings.
 43. Penalty on Returning Officers, &c., neglecting duty.

- 44. Governor may authorise payment of necessary expenses.
- 45. Matters required to be done on a certain day, and that day Sunday, &c., may be done on following day.

- 46. Election not to be valid by reason of delay in holding same or any formal impediment.
- 47. Interpretation clause.
- 48. Short title.
- Schedule Forms.

Title.

A BILL to make provision for the Regulation and Conduct of Elections of Members of the House of Representatives.

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

Governor to appoint Returning Officers.

read

I. The Governor by Warrant under his hand shall appoint a Returning Officer for each of the Electoral Districts within the Colony, for the Election of Members of the House of Representatives, and may from time to time by Warrant as aforesaid, remove any Returning Officer, and fill up any vacancy that may at any time occur by death, removal, resignation, or otherwise, in the office of Returning Officer for any Electoral District.

Returning Officer to conduct Election at Principal Polling Place, and to appoint Deputies.

read

II. The Returning Officer of each Electoral District shall conduct the Election at the Principal Polling Place with such Clerks to be appointed by him as may be required, and shall appoint in writing on the occasion of each Election a sufficient number of Deputies, one of whom shall conduct the Election at each of the several other Polling Places in the District; and such Deputies shall appoint such Clerks as may be required to assist in taking the Poll.

Returning Officer & Deputy Returning Officer to take Oath.

*Amended in order.
read*

III. Every Returning Officer and Deputy Returning Officer shall, before acting in his Office, make and subscribe an Oath in the form numbered 1 in the Schedule to this Act annexed, before any Justice of the Peace, who is hereby authorised to administer the same, and is hereby required to transmit the record of the same by the first convenient opportunity to the Colonial Secretary. And every Returning Officer or Deputy-Returning Officer acting in any manner in contravention of such an Oath shall be guilty of a misdemeanour, and liable, at the discretion of the Court by which he may be tried, to such fine and imprisonment, ~~with or without hard labour~~, not exceeding two years as the Court shall think fit.

Governor to appoint Polling Places.

read

IV. It shall be lawful for the Governor by Warrant under his hand from time to time to appoint Polling Places for each Electoral District within or without the limits thereof, and to appoint any one of such Places to be the Principal Polling Place for the District, and all or any of such Polling Places at any time to abolish, and if he shall think fit, to appoint other Polling Places in lieu of those abolished; and every such Warrant shall be published in the *New Zealand Gazette*. *or in some*

Have reconsidered

Prov. Govern. Gazette

V. Whenever a Writ for the Election of a Member of the House of Representatives shall be received by any Returning Officer, he shall endorse thereon the day on which he shall have received it, and shall forthwith give notice of the last day and hour on which nominations may be made, such day not being less than five days before the day to be fixed for taking the Poll, and shall also give not less than ten or more than fifty days notice of the day on which a Poll, if necessary, will be taken, in the form numbered 2 in the said Schedule, by publishing the same together with the notice at the foot thereof, in the said form numbered 2, twice in one or two newspapers published within the Electoral District for which such Writ shall have been issued, and if there be no such newspaper, then in one or two newspapers, published at the place nearest to the principal polling place of the District, or in some other convenient manner within the Electoral District, calculated to give, in the opinion of the Returning Officer, full publicity to the same.

Returning Officer to endorse on Writ day of receiving same, and to give notice of Election.

read subject to resolution of committee

VI. Any two Electors of any Electoral District may nominate as Candidates, any persons not exceeding the number to be elected by virtue of such Writ, who are legally qualified to be elected as Members of the House of Representatives.

Candidates may be nominated by two Electors.

read

VII. Such proposers shall, on or before the day and hour fixed by the Returning Officer, deliver or cause to be delivered to the Returning Officer, or left at such place as he shall appoint, a nomination in writing together with the assent in writing of the person proposed in the form numbered 3 in the said Schedule, or to the like effect: Provided always that in lieu of delivering, or causing to be delivered, the assent in writing of the person proposed, the proposers may deposit with the Returning Officer the sum of £25; and in the event of the person proposed being elected and refusing to serve the said sum shall, in consideration of the expense of a new Election, be paid over to the Colonial Treasurer, otherwise shall be returned to the depositors.

Mode of Nomination.

read subject to the above resolution

VIII. The Returning Officer shall, on the day following the last day upon which nominations may be made, examine the nomination papers which shall have been so delivered as aforesaid, and if the number of Candidates duly proposed and qualified shall not exceed the number of Members to be returned, the Candidates proposed shall be declared duly elected in the form numbered 4 in the said Schedule, to be forthwith affixed in some public place calculated to give full publicity to the same, and also to be published in some newspaper published within the Electoral District for which the Election shall be held, and if there be no such newspaper, then in the Provincial Government Gazette, or in some newspaper published at the place nearest to the principal Polling place of the district.

If no more Candidates nominated than Members to be elected, such Candidates to be declared duly elected.

ditto

Names of Persons
elected to be endorsed
on Writ, and Writ re-
turned to Governor.

was

IX. The names of the persons so declared to be elected shall be endorsed on the Writ by the Returning Officer as the persons duly elected in pursuance thereof, and the Writ returned to the Governor forthwith.

In case of contest,
names of Candidates
to be published.

*subject to
writ*

X. If on examination of the nomination papers as aforesaid by the Returning Officer, it shall be found that the number of Candidates duly proposed and qualified as aforesaid shall exceed the number to be elected, a Poll shall be taken on the day fixed for the same as hereinbefore provided; and the Returning Officer shall forthwith give notice thereof in the form numbered 5 in the said Schedule to be affixed and published in the same manner as is hereinbefore prescribed in Section No. 8, in reference to Candidates declared to be duly elected.

Any Candidate may
withdraw.

read

XI. It shall be lawful for any Candidate, so nominated as aforesaid, at any time thereafter to withdraw his name as a Candidate by giving a notice in the form numbered 6, in the said Schedule or to the like effect, signed by the said Candidate in the presence of and attested by a Justice of the Peace; and whenever any Candidate shall so withdraw the Returning Officer shall forthwith publish such notice in such manner as he shall deem best calculated for giving full publicity to the same, and if after such withdrawal there shall be no more Candidates than persons to be elected, he shall declare at the foot of such last mentioned notice in the form numbered 7 in the said Schedule, or to the like effect that such Candidates are duly elected, and shall endorse the Writ accordingly, and return the same to the Governor within the time by which the same shall have been made returnable.

Candidates or their
proposers may appoint
Scrutineers.

*Amended
read*

XII. Every person who shall have been duly proposed as a Candidate, and shall not have withdrawn as hereinbefore provided, or in default of his doing so either of the persons by whom he shall have been proposed, may appoint one Scrutineer to attend at each Polling Place on behalf of such Candidate, and every Scrutineer shall before acting make and subscribe in the presence of the Returning Officer or of his Deputy appointed for the Polling Place for which any such Scrutineer is appointed to act, a declaration in the form numbered 8 in the said Schedule; and every Scrutineer who shall do any act whatever in contravention of such declaration shall be guilty of a misdemeanour and be liable at the discretion of the Court by which he shall be tried to such fine and imprisonment ~~with or without hard labour~~ not exceeding two years, as the Court shall think fit.

Poll to open at 9 a.m.
and close at 4 p.m.

was

XIII. At every Polling-place the Poll shall be opened at 9 o'clock in the morning of the day fixed for the Election, and shall finally close at 4 o'clock in the afternoon of the same day, unless adjourned as hereinafter provided by reason of riot or other interruption.

Voting to be by Ballot.

was

XIV. The Voting at every Election shall be conducted by Ballot in manner hereinafter provided.

XV. The Returning Officer shall provide for each Polling Place a Ballot Box, made in such form as shall from time to time be prescribed by the Governor, and also a sufficient number of Voting Papers.

Returning Officer to provide ballot boxes & voting papers.
read

XVI. The Voting Papers at every Election shall be prepared in manner following:—

Mode of preparing Voting Papers.
read

1. All the Voting Papers shall be ~~exactly~~ alike in all respects in their appearance on the outside, and shall have no external mark or other indication by which any one can be distinguished from any others.
2. The person who shall have charge of the Ballot Box shall sign his name on the outside of every Voting Paper, in the place most convenient for the same, to be readily seen when the Voting Paper is folded up.
3. The name of one Candidate only shall be printed, in an easily legible form, on each Voting Paper.
4. The name of every Candidate shall be printed with ink of a colour differing from that with which the name of any other Candidate is printed, so that the Voting Paper for one Candidate may be readily distinguished from the Voting Paper of any other Candidate by the colour of the Ink with which the same is printed.
5. All the Voting Papers shall have under the name of the Candidate the signature of the Returning Officer or of some person deputed by him to sign the same, and the Voting Papers prepared for use at each Polling Place shall be numbered consecutively, commencing with number one.

read

read

read

read

understand

other than the person deputed to have charge of the Ballot Box, to whom such voting papers are to be entrusted

Provided always that wherever it shall be found impracticable to print the names of the Candidates as hereinbefore provided, it shall be lawful to have them printed in the most convenient form, or legibly written.

read

XVII. A receipt for the same shall be given, by every person to whom is entrusted, any Ballot Box or Voting Papers, and every Ballot Box and Voting Paper shall be accounted for to the reasonable satisfaction of the Returning Officer, and in default thereof every such person shall be liable to a penalty not exceeding £100, to be recovered in a summary way before any two Justices of the Peace.

Ballot boxes & voting papers entrusted to any person must be accounted for.

RR

XVIII. The Returning Officer, or Deputy Returning Officer, shall at each Polling Place provide a Ballot Room and convenient accommodation for taking the Poll, and especially a private apartment or place into which the Voter may retire for the purpose of selecting, as hereinafter provided, the Voting Papers of the Candidates for whom he desires to poll.

Accommodation for taking the Poll to be provided.

such
reasonable time for as may be required for
read

XIX. Every Deputy Returning Officer and every Poll Clerk shall be supplied by the Returning Officer with a written or printed copy of the Electoral Roll authenticated by his signature; and every such Copy shall be deemed sufficient to determine all questions and disputes which may arise before such Deputy Returning Officer or Poll Clerk in reference to anything contained in the Electoral Roll.

Copy of Electoral Roll to be given to each Deputy Returning Officer and Poll Clerk.

read

Persons who may remain in ballot room.

XX. No other person except the Returning Officer or his Deputy and the necessary Poll Clerks and the Scrutineers, besides a sufficient number of Constables to keep order, if required, shall remain in the Ballot Room during the Polling, and no person shall be permitted to be with any Elector in the private apartment or place when he shall go there to select his Voting Paper as hereinafter provided.

Read amended

Mode of conducting Election.

XXI. On the day of Election the Voting at each Polling place shall be conducted in manner following:—

RC

1. The Ballot Box shall be fixed in some convenient place in the Ballot Room so as to be plainly seen by the Returning Officer, Deputy Returning Officer, or Poll Clerk, and also by all the Scrutineers.
2. Whenever any Elector shall offer himself to record his Vote the Returning Officer, Deputy Returning Officer, or Poll Clerk, as the case may be, shall deliver to the Elector one Voting Paper for each Candidate. ** O*
3. The Elector shall then retire to the private apartment or place provided for the purpose, and shall select from the Voting Papers so delivered to him as aforesaid, those containing the names of the Candidates for whom he desires to record his vote, not exceeding the number of persons to be elected, and shall then ~~fold up~~ *fold up separately* each Voting Paper so selected, so as to conceal the name of the Candidate and so as to exhibit plainly the signature of the Returning Officer, Deputy Returning Officer, or Poll Clerk on the back thereof.
4. The Elector shall then return to the place where the Ballot Box is fixed, and shall deliver to the Returning Officer, Deputy Returning Officer, or Poll Clerk, the Voting Papers of the Candidates for whom he intends to vote, folded as aforesaid, and the Returning Officer shall forthwith openly, and in the presence of the Elector and of the Scrutineers, deposit such Voting Papers, remaining folded as aforesaid, in the Ballot Box.
5. The Elector shall then in the presence of the Returning Officer, Deputy Returning Officer, or Poll Clerk, and of the Scrutineers destroy the Voting Papers containing the names of the Candidates for whom he has not recorded his vote by burning the same, or by tearing them in pieces and carrying away the pieces with him if he shall think fit.
6. As soon as any Elector has polled, the Returning Officer, Deputy Returning Officer, or Poll Clerk, shall mark off the name of such Elector in the printed Copy of the Electoral Roll so authenticated as aforesaid, and shall write against such name the number of the Candidates for whom such Elector has voted; and no other person at the same Election shall be permitted to Poll in respect of any name which shall have been correctly so marked off.

Read amended
~~the name of the candidate and the number of the candidates for whom he desires to record his vote, not exceeding the number of persons to be elected, and shall then fold up each Voting Paper so selected, so as to conceal the name of the Candidate and so as to exhibit plainly the signature of the Returning Officer, Deputy Returning Officer or Poll Clerk on the back thereof.~~
 RC as amended

Read amended
 again separately fold up in manner of each paper to be selected

Cases of persons who cannot read or are blind.

XXII. In the case of any Elector who cannot read such information shall be afforded him by the Returning Officer, Deputy Returning Officer, or Poll Clerk, in the presence of the Scrutineers, as to the colours by which the several Candidates

** O* so folded as to conceal the names of the Candidates and so as to exhibit plainly the signature of the Returning Officer, Deputy Returning Officer or Polling Clerk on the back thereof

again separately fold up in manner aforesaid each voting paper so selected

are indicated in the printed Voting Papers as will enable him to record his Vote without further interference, and in the case of any person who is blind such assistance shall in like manner be given him as he may desire, to enable him to record his Vote.

Read

XXIII. As soon as the Voting Paper of any Elector shall have been deposited, and the Voting Papers not used, destroyed as aforesaid, he shall immediately leave the Ballot Room.

Elector to retire when voting paper deposited.

Read

XXIV. Any Elector who shall wilfully contravene or disobey any of the Regulations hereinbefore prescribed, as to the manner in which Electors shall record their Votes, or as to their conduct during such time as they shall be in the Ballot Room, or the private place or apartment hereinbefore mentioned, or as to leaving the said Ballot Room, shall be liable to a penalty not exceeding One Hundred Pounds, to be recovered in a summary way, and may at once be given into the custody of a Constable by the Returning Officer or his Deputy, to be conveyed as soon as conveniently may be before a Justice of the Peace: Provided always that no such person shall be kept in custody for more than three hours, and if a Justice of the Peace cannot be found within that time he shall be released, but shall be subject to be proceeded against at any time within three calendar months for the said penalty.

Elector contravening Regulations, liable to a penalty of £100.

Read

XXV. No enquiry shall be permitted at the time of Polling as to the right of any person to vote except only as follows, that is to say, the Returning Officer, or Deputy Returning Officer shall, if he think fit, or if required by any Candidate or his Agent, authorised in writing, or by any Scrutineer, [or by any two Electors of the Electoral District for which the Election is being held] put to any Elector before he shall have entered the private place or apartment hereinbefore mentioned, and not afterwards, the following questions, or either of them:

What enquiries may be made at time of Polling?

*No. 10. am.
Class then used as amended*

1. Are you the person whose name appears as (A. B.) in the Electoral Roll now in force for the Electoral District of *(here state the name of the District)?*
2. Have you already voted here or elsewhere at this present Election for the Electoral District of *(here state the name of the District)?*

XXVI. The Returning Officer or Deputy Returning Officer shall also, if he think fit, or if required as aforesaid, administer an oath in the form numbered 9 in the said Schedule to any person so claiming a right to vote as aforesaid; and such Returning Officer or his Deputy shall likewise, if he think fit, or if required as aforesaid, administer an Oath against Bribery, in the Form numbered 10 in the said Schedule.

Oaths may be administered by Returning Officer or his Deputy.

RE

XXVII. No person so required to answer any such Question or take any Oath as aforesaid shall be permitted to vote until he shall have answered such Question or taken such Oath, and if any person shall wilfully make a false answer to any such

No person to vote till questions answered & oaths taken. Penalty for false answers or oath.

Question, or shall upon any such Oath wilfully swear falsely, such person shall be deemed guilty of a misdemeanour, and on conviction thereof, shall suffer the like penalties as persons convicted of wilful and corrupt perjury.

hd

No other Oath to be required, and persons answering questions & taking Oaths to be permitted to vote

XXVIII. No Elector at any Election shall be required to take any oath except as aforesaid, either in proof of his qualification or right to vote or otherwise, and no persons claiming to vote at any Election shall be excluded from voting thereat, except it shall appear to the Returning Officer upon putting such questions as aforesaid, or either of them, that the person so claiming to vote is not the person whose name appears on such Electoral Roll as aforesaid, or that he has previously voted at the same Election; or except such person refuse or neglect to answer either of the said questions, or to take either of the said oaths, when required as aforesaid.

Read

Returning Officer may order persons charged with Personation to be taken in custody.

XXIX. If during the time any person shall be in the Ballot-room after he shall have received his voting paper as herein-before provided, and before leaving the Ballot-room after he shall have voted, ~~any~~ ~~[Candidate or any]~~ Scrutineer, ~~or any agent appointed in writing by any Candidate,~~ shall declare in writing to the Returning Officer or his Deputy that he verily believes and undertakes to prove that the said person is not in fact the person in whose name he assumes to vote, or to the like effect, then, and in such case, it shall be lawful for the said Returning Officer or his Deputy, and he is required, by word of mouth, to order any Constable (if any such be present) to take the said person into custody, which order shall be a sufficient warrant and authority to the said constable for so doing: Provided always that if such Person shall insist on voting notwithstanding such charge of personation is made against him, he shall be permitted to vote before he is removed, unless the Returning Officer, or Deputy Returning Officer, be fully satisfied that he is not the person he represents himself to be.

E
M. A. P. 2
RC

Persons charged with Personation to be taken before two Justices, and bail to be taken by one Justice in certain cases.

XXX. ^{Such} Every Constable shall take the person so in his custody at the earliest convenient time before two Justices of the Peace having jurisdiction at the Polling-place at which such person shall have voted as aforesaid. Provided always that in case the attendance of any such Justices cannot be procured within the space of three hours after the close of the Poll, on the same day on which such person shall have been taken into custody, it shall be lawful for the same Constable, and he is hereby required at the request of such person in his custody, to take him before any one Justice of the Peace having jurisdiction as aforesaid, and such Justice is hereby authorised and required to liberate such person on his entering into a recognizance with one sufficient surety conditioned to appear before any two such Justices as aforesaid, at a time and place to be specified in such recognizance, to answer the said charge; and if no such Justice shall be found within ~~two~~ hours after the closing of the said Poll, then such person shall be discharged from custody: Provided also that if in consequence of the absence of such Justice as aforesaid, or from any other cause, the said charge

Shuck out

002

cannot be inquired into within the time aforesaid, it shall be lawful nevertheless for any two such Justices as aforesaid, to enquire into the same on the next or some other subsequent day, and if necessary to issue the warrant for their apprehension of the person so charged.

And
XXXI. If on the hearing of the said charge, the said two Justices shall be satisfied upon the evidence on oath of not less than two credible witnesses that the said person so brought before them has knowingly personated and falsely assumed to vote in the name of some other person within the meaning of this Act, and is not in fact the person in whose name he voted, or has offered to vote, then it shall be lawful for the said two Justices to commit the said offender to any gaol, to take his trial according to law, and to bind over the witnesses in their respective recognizances to appear and give evidence on such trial as the case of other misdemeanours.

If Justices are satisfied of guilt on oath of two credible witnesses, they are to commit for trial.

*2 to all.
Amount put in
charge was
as amended*

XXXII. If the said Justices shall, on the hearing of the charge be satisfied that the person so charged with personation is really and in truth the person in whose name he voted or offered to vote, and that the charge of personation has been made against him without reasonable or just cause, or if the person so declaring as aforesaid, or some one on his behalf shall not appear to support such charge, then it shall be lawful for the said Justices, and they are hereby required to make an order in writing under their hands on the person so declaring as aforesaid to pay to the person so falsely charged, if he shall consent to accept the same, any sum not exceeding the sum of £20, nor less than £5 by way of damages and costs; and if the said sum shall not be paid within twenty-four hours after such order shall have been made, the same may be levied by warrant under the hand of any Justice of the Peace having jurisdiction as aforesaid, by distress and sale of the goods and chattels of the person so declaring as aforesaid, and in case no sufficient Goods and Chattels of the said person so declaring can be found on which such levy can be made, then it shall be lawful for the said person to whom the said sum of money was ordered to be paid to recover the same from the person so declaring with full Costs of Suit, in an Action or Suit to be brought in any Court within the Colony having jurisdiction to the amount of the said sum so ordered to be paid: Provided always that if the person so falsely charged shall consent in writing to accept such sum as aforesaid by way of damages and costs, and if the whole of the amount so ordered to be paid shall be paid or tendered to such person, in any such case, but not otherwise, the said person so declaring as aforesaid, and every other person shall be released from all actions suits and other proceedings civil or criminal, for or in respect of the said charge and apprehension.

If Justices satisfied that charge is unfounded they are to order compensation.

not found

XXXIII. When the proceedings at any Polling Place shall be interrupted by any riot or open violence, the Returning Officer or his Deputy, may from time to time adjourn the taking of the Poll, until after such interruption shall have ceased, when the Returning Officer or his Deputy shall again proceed with the taking of the Poll, at the point at which the same may have been interrupted, so that the Poll

Proceedings in case of riot or violence.

shall be kept open for seven hours in the whole; and all the Votes given under such circumstances, shall be as valid and effectual as if the same had been recorded during the regular hours on the day fixed for the Polling: Provided always, that no such adjournment shall extend beyond the day fixed for the return of the Writ, and if the Polling shall not have been completed by that day, or the election cannot be regularly completed within such time, from any cause whatever, the Returning Officer shall make a special return stating what has been done, and the facts which have prevented the Election from being duly completed.

Ballot boxes to be sealed up at close of Poll.

Read

XXXIV. The Returning Officer and every Deputy Returning Officer shall, immediately on the close of the Poll, in the presence of such of the Scrutineers as may think fit to attend, close and seal up the ballot boxes containing the voting papers which have been taken at the several Polling Places at which they shall have respectively presided, and each of the Scrutineers at such Polling Place may if he think fit also attach a seal, and all such seals shall be attached in the manner best calculated to lead to the discovery of any opening of or attempt to open any ballot box.

Ballot boxes to be delivered to Returning Officer.

Read

XXXV. As soon as any such ballot box shall have been sealed as aforesaid, the Deputy Returning Officer shall, with the least possible delay, deliver or cause to be delivered to the Returning Officer the said ballot box, together with the Electoral Roll on which the names of the Electors who have voted shall have been marked off as aforesaid, and also all the voting papers which shall not have been delivered to the Electors.

Persons tampering with ballot boxes guilty of a misdemeanour.

Read

XXXVI. If any person shall open or attempt to open any ballot box, after the same shall have been entrusted to any Deputy Returning Officer for the purpose of an election, or after the same shall have been used by the Returning Officer for the deposit of any voting papers, or shall in any manner whatever tamper with or falsify or attempt to tamper with or falsify any such ballot box or any voting papers deposited therein, or shall wilfully deposit or put in any such ballot box any paper or thing whatsoever other than voting papers, as provided by the 22nd Section of this Act, shall be guilty of a misdemeanour, and shall be liable, at the discretion of the Court by which he shall be tried, to fine and imprisonment not exceeding three years with hard labour.

Returning Officer to fix time and place for opening ballot boxes.

*400 m.
2 1/2 h
KE 1st part
no amended*

XXXVII. The Returning Officer for each Electoral District, as soon as may be practicable after he shall have received all the ballot boxes from the several Polling Places, shall fix some convenient time and place at the Principal Polling Place for opening the same, of which he shall give ~~twenty-four~~ hours' notice at least, in such manner as he may deem best calculated to give full publicity to the same, and shall at such time and place, in the presence of each Candidate, or of a Scrutineer to be appointed in writing by him, or by his two proposers, if he shall not make ~~any such appointment~~ open the said ballot boxes and examine the Voting Papers therein, and shall proceed to ascertain the numbers polled for each Candidate at each Polling Place, and also the number of Votes given for each Candidate at all the

*E
Otherwise than as to herein after provided
Read as amended*

No. 0. The Candidates or their respective Scrutineers to be appointed in writing by them respectively or as to such of them as shall not make any such appointment to their respective two proposers (if such Candidates or S^{rs} shall choose to be present).

Polling Places collectively, and shall publicly declare the person found by the Voting Papers to have the greatest number of Votes, to be duly elected: Provided always that if the number of Votes for any two or more Candidates be equal, the Returning Officer shall then and there decide which of the Candidates shall be elected: Provided also, that no Returning Officer shall vote at any Election for the Electoral District of which he is Returning Officer except as aforesaid: Provided also, that it shall be lawful for any Deputy Returning Officer notwithstanding his acting as such, to vote as an Elector for any Electoral District for which he may be duly registered: And provided also, that if the number of Voting Papers in any one Ballot Box for any Candidate shall exceed the total number of Electors polled at such Ballot Box, as shall appear by the said Electoral Roll, the number of votes for such Candidate, in respect of such Ballot Box, shall be reduced to the same number as the total number of Electors who shall appear by such Electoral Roll to have polled at the same Ballot Box. *

*Put as read down
to this proof*

*2 1/2 reconsider 19 line
Hall*

Remainder of clause

read & agreed

XXXVIII. Returning Officer on the day, on which such declaration is made, shall endorse on the Writ the names of the persons so declared to be elected as aforesaid, and shall add thereto a declaration that such persons are elected in pursuance of the said Writ, and shall also date such endorsement on the day on which the same is made; and shall then forthwith despatch the Writ to the Governor.

Writ to be endorsed.

Read

XXXIX. The Voting Papers in every Ballot Box, shall be compared with the names marked off, as aforesaid, on the Electoral Roll with a view to ascertain how the number so marked off corresponds with the number polled, and if there be any discrepancy between such numbers the Deputy Returning Officer or Poll Clerk who shall have had charge of the Ballot Box, in respect of which such discrepancy shall occur, shall be liable to a penalty not exceeding £100, to be recovered in a summary way: Provided always that it shall not be lawful for any other person than the Returning Officer to lay the information or complaint, and it shall be his duty to do so unless the said Deputy Returning Officer or Poll Clerk shall in the presence of the Scrutineers satisfactorily account for such discrepancy.

Voting papers to be compared with names marked off on Electoral Roll. Penalty for discrepancy.

*W. Osullivan
Read as amended*

XL. As soon as the state of the Poll and the names of the persons duly elected shall have been declared, and the Voting Papers compared as aforesaid, all the Voting Papers shall be destroyed by the Returning Officer in the presence of such of the persons, who may be in attendance, as were entitled to be present at the opening of the Ballot Boxes as hereinbefore provided; except any such Voting Papers as may be required as evidence in any prosecution to be instituted under this Act.

Voting papers to be destroyed.

*W. Osullivan
Read as amended*

XLI. The Returning Officer shall also as soon as conveniently may be, cause to be published in some newspaper published within the Electoral District, and if there be no such newspaper, then in some newspaper published at the place nearest to the principal Polling Place of the District, or in some other convenient manner for giving publicity to the same, the result of the Poll as taken at each Polling Place.

Returning Officer to cause state of Poll to be published.

Read

XLII. No election shall be held to be void in consequence of there being no Returning Officer at the time of the issue of any

Delay or technical objection not to invalidate proceedings.

Writ, or in consequence of the non-appointment or defective appointment, absence, or inability to be present, of the Scrutineers, or any of them, or in consequence of any delay in the holding of the Election at the time appointed, or in the taking of the Poll, or in the return of the Writ, such delay not extending beyond the day named for the return of the Writ, or in consequence of any impediment of a technical or formal nature.

Read

Penalty on Returning Officer for neglecting duty.

XLIII. Any Returning Officer, or Deputy Returning Officer, or Poll Clerk, or other person employed in the conduct of an Election, who shall neglect or refuse to perform any of the duties which, by the provisions of this Act he is required to perform, shall for each such offence forfeit and pay any sum not exceeding £50, to be recovered in a summary way before two Justices of the Peace.

Read

Governor may authorise payment of necessary expenses.

XLIV. It shall be lawful for the Governor to authorize the payment of all necessary expenses to be incurred in carrying the provisions of this Act into execution, to be defrayed out of the General Revenue of the Colony of New Zealand.

Matters requiring to be done on a certain day, and that day Sunday &c., may be done on following day.

XLV. When any matter or thing shall be required under the provisions of this Act, to be performed on a certain day, and that day happen to be Sunday, Christmas Day, or Good Friday, the said matter or thing shall be performed on the next succeeding day.

Elections not to be declared void by reason of delay in holding same or any formal impediment.

XLVI. And whereas divers of the Electoral Districts ~~under this Act are~~ far distant from the Seat of Government, and of great extent, and unforeseen difficulties or delays may arise in carrying into effect the several provisions herein contained with regard to Elections for the said Districts: Be it therefore enacted, that within the period of forty days, before or after the day appointed for the holding of any Election, it shall be lawful for the Governor in Council, to extend the time allowed for the holding of such Election, or for the return of the Writ issued for the same, notwithstanding the day may have passed on which such Writ shall be returnable, and to adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle of a technical or formal nature by which the due course of any such Election may be impeded, and to supply any deficiency that may otherwise affect the same: Provided always, that any such measures so adopted by the Governor, shall be duly notified in the ~~New~~ Zealand Gazette.

Interpretation clause.

XLVII. Throughout this Act in the construction thereof the day of the return of the Writ shall be deemed to be the day on which the Returning Officer shall have endorsed thereon the names of the persons declared to be duly elected, and not the day on which the Governor shall receive the same; and the day of Election shall mean the day for taking the Poll.

Commencement of Act.

XLVIII. This Act shall come into operation on the first day of January, 1859.

Short Title.

XLIX. This Act may, for all purposes, be cited as "The Regulation of Elections Act, 1858."

XLVII. It shall be lawful for the Governor from time to time to delegate to any person the performing of any act he is empowered or required to do and any delegation at any time to revoke

*Hall Parker and son
Public Money
and for R*

*maybe
Parker
as amended
RC*

Interpretation clause

Read

*RC
RC*

Read

SCHEDULE REFERRED TO IN THE ABOVE ACT.

FORM No. 1.

I, (A. B.) Returning Officer for the Electoral District of _____ (or one of the Deputy-Returning Officers for the Electoral District of _____) do promise and swear that I will faithfully perform the duties of Returning Officer (or of Deputy Returning Officer) to the best of my ability; and I do further promise and swear that if in the discharge of my duties I shall become acquainted with the name or names of a Candidate or Candidates for whom any Elector shall have voted I will not divulge the same, neither will I by any word or action, directly or indirectly, aid in the discovery thereof—So help me God.

Ked

FORM No. 2.

ELECTION NOTICE.

Electoral District of (Name)

In pursuance of the provisions of an Act of the General Assembly of New Zealand intituled "The Regulation of Elections Act, 1858," I _____, Returning Officer for the Electoral District of _____, do hereby give notice that by virtue of a Writ, bearing date the _____ day of _____ 185____, issued under the hand of his Excellency the Governor of New Zealand, an Election will be held for the return of a (or _____) duly qualified person (or persons) to serve as a member (or as members) of the House of Representatives for the said Electoral District and that every nomination of Candidates must be made by delivering, or causing the same to be delivered to me, or left at (place to be designated) before four o'clock in the afternoon of (Monday) the _____ day of _____ 185____; and that the Poll (if necessary) will be taken on (Tuesday) on the _____ day of _____ 185____.

Provisioned

Dated this _____ day of _____ 185____.

A. B.,
Returning Officer.

In pursuance of the provisions of "The Regulation of Elections Act, 185____," the following extracts from the said Act, and the list of polling places for the Electoral District of _____ are published for the information of the Electors of the said District:

(Insert here sections 7 and 8, and Form No. 3, of "The Regulation of Elections Act, 185____.")

The following places are polling places for the Electoral District of _____

_____ Polling place _____

(Insert here a list of the Polling places of the Electoral District.)

A. B.,
Returning Officer.

Dated the _____ day of _____ 185____.

FORM No. 3.

We, the undersigned, being two Electors of the Electoral District of _____, do hereby propose (Christian name and surname in full) of (place of abode and addition) as a Candidate at the election of a member (or members) of the House of Representatives for the said Electoral District of _____, to be held on the _____ day of _____ 185____.

(Names, places of abode, and nature of qualification of persons as stated in Electoral Roll.)

I, the person proposed in the above nomination paper as a Candidate for the Electoral District of _____, do hereby express my assent to be elected a member of the House of Representatives for the said District.

(Signature of Candidate.)

Provisioned

FORM No. 4.

I, (A. B.) Returning Officer for the Electoral District of _____, do hereby declare that in pursuance of the Writ to me directed, bearing date the _____ day of _____ 185____, the undermentioned person (or persons) has (or have) been duly elected a member (or members) of the House of Representatives for the Electoral District of _____.

Dated this _____ day of _____ 185____.

A. B.,
Returning Officer.

Provisioned

Christian Name and Surname of each Candidate as stated in nomination paper.	Place of Abode of each Candidate as stated in nomination paper.	Nature of qualification as stated in nomination paper.	Names of Proposers.

FORM No. 5.

I, (A. B.,) Returning Officer for the Electoral District of _____, do hereby give notice that the several duly qualified persons hereinafter named have been duly proposed as Candidates at the election of a member (or members) of the House of Representatives, to be held on the _____ day of _____ 185____, and the Poll will take place on that day accordingly.
 Dated this _____ day of _____ 185____ A. B.,
 Returning Officer.

Handwritten signature

Christian Name and Surname of each Candidate as stated in nomination paper.	Place of Abode of each Candidate as stated in nomination paper.	Nature of qualification as stated in nomination paper.	Names of Proposers.

FORM No. 6.

To the Returning Officer of the Electoral District of _____
 I, the undersigned, do hereby give notice that I withdraw my name as a Candidate at the Election to be held on the _____ day of _____ 185____ of a member (or members) of the House of Representatives for the Electoral District of _____
 Dated the _____ day of _____ 185____ (Signature.)
 (Place of abode, and nature of qualification, as stated in nomination paper.)

Handwritten signature

Signed in the presence of
 E. F.,
 J. P.

FORM No 7.

I, (A. B.,) the Returning Officer for the Electoral District of _____, do hereby declare, that in pursuance of the Writ to me directed, bearing date the _____ day of _____ 185____, the undermentioned Candidate (or Candidates) is (or are) duly elected a member (or Members) of the House of Representatives for the said District.
 Dated this _____ day of _____ 185____ (A. B.) Returning Officer.

Handwritten signature

Christian Name and Surname of Candidate, as stated in Nomination Paper.	Place of Abode, as stated in Nomination Paper.	Nature of Qualification, as stated in Nomination Paper.	Names of Proposers.

FORM No. 8.

I (A. B.) a Scrutineer appointed by (or on behalf of) (C. D.) a Candidate at the Election to be held on the _____ day of _____ 185____, of a Member of the House of Representatives for the Electoral District of _____ do solemnly declare that I will faithfully perform the duties of a Scrutineer in the said Election, and that I will not in any manner interfere with any Elector when filling up his ballot paper, or attempt to ascertain the name or names of the Candidate or Candidates for whom any Elector at such Election shall record his vote; and in case I should become acquainted with the name or names of the Candidate or Candidates for whom any Elector shall record his vote then, that I will not disclose to any person whomsoever the fact so coming to my knowledge.

A. B.,

Scrutineer.

Made and subscribed at _____ this _____ day of _____ 185____
before me _____ C. D.
Returning Officer (or Deputy Returning Officer.)

FORM No. 9.

I do swear that I am the person whose name appears as (here specify name) on the Electoral Roll now in force for the Electoral District of (here specify name) and that I have not already voted either at this polling-place or elsewhere at this present Election—So help me God.

FORM No. 10.

I (A. B.) do swear that I have not received or had by myself or any person whomsoever in trust for me, or for my use or benefit, or for the use or benefit of any member of my family or kindred, or any friend or dependent, directly or indirectly, any sum or sums of money, office, employment, gift, or reward, or any promise or security for any money, office, place of emolument, gift, or reward, by way of consideration, expressed or implied, for giving my vote at this Election—So help me God.