

[AS REPORTED FROM COMMITTEE OF THE WHOLE HOUSE, 18TH NOVEMBER, 1879.]

(Hon. Mr. Hall.)

Registration of Electors.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Appointment of officers.</p> <p>4. Tenure of office. Salaries.</p> <p>5. Salaries.</p> <p>6. Registrars to form electoral rolls.</p> <p>7. Claims to have name placed on roll. First Schedule.</p> <p>8. Penalty for false declaration.</p> <p>9. Registrar to inquire into claims. Objections.</p> <p>10. Claimant may withdraw application.</p> <p>11. Summons to claimant to substantiate claim. Second Schedule.</p> <p>12. Service of summons.</p> <p>13. Parties may appear by counsel or agent.</p> <p>14. If Registrar absent, name to be placed on roll.</p> <p>15. If claimant absent, name not to be placed on roll.</p>	<p>16. Onus of proof on claimant.</p> <p>17. Power to compel attendance.</p> <p>18. Costs at discretion of Court.</p> <p>19. Objections. Onus of proof on person objected to.</p> <p>20.</p> <p>21. Rolls to be arranged alphabetically, and numbered consecutively.</p> <p>22. The legal roll for the district. Custody thereof.</p> <p>23. Place of custody to be advertised.</p> <p>24. Roll to be open for inspection.</p> <p>25. Roll to be printed. Periodical reprints with additional names.</p> <p>26.</p> <p>27.</p> <p>28. Schedules.</p>
--	--

A BILL INTITULED

AN Act to provide for the Registration of Persons qualified to Vote at Elections of Members of the House of Representatives. Title.

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

- 5 Act, 1879." Short Title.
- 2. In this Act, if not inconsistent with the context,— Interpretation.
 - “Registrar” means any person appointed to that office under this Act :
 - “Electoral district,” or “district,” means a division of the colony in respect of which one or more members are returned to serve in the House of Representatives :
 - “Claim” means a claim made by any person to have his name placed on an electoral roll formed under this Act :
 - “Claimant” means a person making such claim :
 - “Roll” means a roll of electors formed for an electoral district.
- 3. It shall be lawful for the Governor from time to time to appoint such Registrars, clerks, and other officers as may be required to carry the provisions of this Act into execution. Appointment of officers.
- 4. Every person appointed under this Act shall hold office during the Governor’s pleasure. Tenure of office.
- 5. Such salaries shall be paid to the several persons appointed under this Act as shall be from time to time appropriated for that purpose by the General Assembly. Salaries.

Registrars to form electoral rolls.

6. As soon as conveniently may be after the commencement of this Act, the Registrar of every electoral district shall form a new roll for such district, by placing thereon the names of all persons who are qualified in respect of such district to vote for members of the House of Representatives, and who are on the roll of any electoral district in force at the time of the commencement of this Act. 5

Forthwith, after a new division of the colony into electoral districts, in pursuance of any law for the time being in force for the constitution of such districts, new rolls shall be formed in like manner as is prescribed for the formation of the first roll. 10

It shall be the duty of every Registrar to make the rolls as complete as possible, and with that object from time to time to place thereon, or add thereto, the name of every person of whose qualification as an elector he is satisfied.

Provided that no name shall be placed on any roll until the expiration of ~~three~~ *one* calendar months after the Registrar has given such person notice *in writing* that he intends to place such person's name on the roll, and he has made no objection thereto in writing. *A notice delivered at or addressed through the post office to any person's last known place of abode shall be sufficient.* 15 20

Claims to have name placed on roll.

First Schedule.

7. Every person qualified to be an elector, ~~and not being on any roll,~~ desiring to have his name placed on the roll of any district, may make a claim and declaration in the form or to the effect set forth in the *First Schedule* to this Act. *Such claim and declaration may be delivered at the office of the Registrar, or sent through the post directed to him.* 25

Penalty for false declaration.

8. Any person who wilfully makes a false declaration in respect of any of the particulars required to be stated in any such claim and declaration shall be liable to a penalty not exceeding *twenty* pounds.

Registrar to inquire into claims.

9. It shall be the duty of the Registrar, during the fifteen days following the receipt of any such claim, to make inquiries as to the truth of the particulars therein stated. 30

If he shall satisfy himself that the particulars stated in the claim are true, he shall, at the expiration of the said fifteen days, add the name of the claimant to the roll. 35

Objections.

If he shall satisfy himself that any of the particulars ~~are not true~~ require proof, he shall, within the said fifteen days, cause notice in writing to be given to the claimant, setting forth the objection and the grounds thereof.

Claimant may withdraw application.

10. It shall be competent for the claimant to withdraw his claim. 40
If he fail to do so within ten days, *or fail within the same time to satisfy the Registrar that his claim is correct*, the Registrar shall, as soon as conveniently may be thereafter, apply to a Resident Magistrate or a Justice of the Peace for a summons. *If he satisfy the Registrar that his claim is valid, the Registrar shall forthwith place the name of the claimant on the roll.* 45

Summons to claimant to substantiate claim. Second Schedule.

11. The Resident Magistrate or Justice of the Peace so applied to shall forthwith issue a summons, in the form or to the effect set forth in the *Second Schedule* to this Act.

Service of summons.

12. The summons shall be served by the Bailiff of the Resident Magistrate's Court or his assistant, or by any other person the Resident Magistrate or Justice of the Peace may direct. 50

The service of the summons may be proved by oath at the hearing, or by affidavit sworn before a solicitor of the Supreme Court or a Justice of the Peace. *The case shall be heard by the Resident Magistrate.* 55

Parties may appear by counsel or agent.

13. It shall be lawful for the Registrar or claimant to appear and act personally, or by an agent, or by a barrister or solicitor of the Supreme Court holding a certificate to practise.

14. If at the time and place specified in the summons the Registrar shall fail to appear, the case shall be dismissed, and the Registrar shall forthwith place the name of the claimant on the roll.

If Registrar absent, name to be placed on roll.

5 15. If the claimant fail to appear, the Resident Magistrate shall make an order that the name of the claimant shall not be placed on the roll, and the Registrar shall act accordingly.

If claimant absent, name not to be placed on roll.

16. If both Registrar and claimant appear, the claimant shall be required to prove his claim.

Onus of proof on claimant.

10 If he do so to the satisfaction of the Resident Magistrate, an order shall be made directing the Registrar to place the name of the claimant on the roll, and such name shall be placed on the roll accordingly.

If he fail to do so, an order shall be made directing the Registrar not to place the claimant's name on the roll.

15 17. The Resident Magistrate shall have the same power of summoning and compelling the attendance of witnesses and examining them on oath, and of compelling the production of documents, and of punishing persons summoned for non-attendance or for refusing to give evidence or to produce documents, and the same means of enforcing the observance of order and of punishing for contempt, as is possessed by a Resident Magistrate or by a Resident Magistrate's Court under "The Resident Magistrate's Court Act, 1867."

Power to compel attendance.

20 18. The Resident Magistrate may at his discretion give or refuse costs to either party, as he may think fit.

Costs at discretion of Court.

25 If costs are given in favour of either party, the Resident Magistrate shall fix the amount, and payment thereof may be enforced in like manner as a judgment of the Resident Magistrate's Court.

30 19. The Registrar or any person whose name is on the roll of any district of the colony may object to the name of any other person being retained thereon, and in such case, *mutatis mutandis*, a like notice may be given as hereinbefore provided in respect of objections made to a claimant.

Objections.

In every case of objection, the person objected to shall be required to prove his claim to have his name retained on the roll.

Onus of proof on person objected to.

35 *Provided that the objector, unless he be the Registrar, shall in each case deposit one pound as security for any costs that may be awarded, and such one pound may, by the direction of the Resident Magistrate, be applied in payment or part payment of any costs allowed by him.*

40 *Provided further that no ground of objection shall be entertained except such as shall have been mentioned in the summons.*

Objections may be made in the form contained in the Third Schedule to this Act or to the like effect.

New clause.

45 20. The Registrar shall remove the name of every person from the roll who requests in writing that his name shall be removed therefrom, and the name of every person whose death shall be proved to the satisfaction of the Registrar; but no name shall be so removed from the roll of any district after the issue of a writ for the election of a member for the said district until the completion of the said election.

50 A name shall be deemed to be removed when a line in red ink is drawn through the same and a note made opposite thereto, stating the ground of removal, initialled by the Registrar.

55 21. The names on every roll shall be placed thereon in alphabetical order and numbered consecutively, commencing with the number one.

Rolls to be arranged alphabetically, and numbered consecutively.

Provided that names after the first formation of a roll shall be numbered consecutively in the order in which they are added, commencing with the number immediately following the number affixed to the last preceding name on the roll.

The legal roll for the district.

21. 22. The roll so formed, added to, and altered from time to time as aforesaid shall for the time being be the roll for the district for which it is made.

And the several persons whose names are on the said roll, and no other person, shall be entitled to vote at any election of a member of the House of Representatives for such district. 5

Custody thereof.

The roll of every district shall be kept at some convenient office or offices, to be from time to time fixed by the Registrar and approved of by the Chief Registrar Colonial Secretary.

Place of custody to be advertised.

22. 23. Notice of the situation of such registered office or offices and of every change thereof shall be given by the Registrar by advertisement, and the name of the district and a notice that the roll of such district is kept there shall be printed or affixed outside the office or offices in a conspicuous place in letters easily legible. 10

Roll to be open for inspection.

23. 24. Any person desirous of inspecting the roll shall be entitled to do so without any payment on at least two days in every week between the hours of ten o'clock in the morning and two o'clock in the afternoon, of which days notice shall be painted or affixed as aforesaid: 15

And shall be entitled to copies thereof or extracts therefrom on prepayment of one shilling for every copy or extract containing less than seventy-two words, and of one shilling for every seventy-two words and fraction of seventy-two words additional. 20

Roll to be printed.

24. 25. At the expiration of four months after the first roll of any district is formed as hereinbefore provided, the same shall be printed with the names subsequently added inserted therein in alphabetical order. 25

Periodical reprints with additional names.

At any time thereafter immediately previous to a general election, or when a vacancy shall occur in any district, or whenever not less than one hundred names are added to any roll as herein provided, a new roll shall be formed by inserting therein the additional names in alphabetical order, and be reprinted, provided that it has not been reprinted within the preceding twelve months; if the roll has been reprinted within that time, then it shall be reprinted at the end of twelve months from the last reprinting thereof: Provided that it shall be lawful at any time instead of reprinting the roll to print a supplementary roll thereto. 30

Any person shall be entitled to a copy of any printed roll at a reasonable price, to be from time to time fixed by the Chief Registrar, the following prices, for every printed copy of any electoral roll containing any number of persons' names:— 40

Not exceeding one thousand ... One shilling.

Exceeding one thousand ... One shilling and sixpence.

The form contained in the Fourth Schedule to this Act, or a similar form, shall be the form for the electoral roll of every district. 45

New clauses.

TRANSFER OF QUALIFICATION.

26. Notwithstanding anything in "The Qualification of Electors Act, 1879," or in this Act contained, any person whose name may for the time being be upon the roll of any district (hereinafter called "the original district") in respect of a residential qualification, and who shall have ceased to reside in such district, shall be entitled to have his name inserted in the roll of the district in which he is then resident; and, after residing one month therein, shall, on written application in the form in the Fifth Schedule, obtain from the Registrar of the original district a certificate in the form of the Sixth Schedule, addressed to the Registrar of the district in which he is then resident. 50

27. Upon delivery of such certificate to such Registrar to whom the same is addressed, accompanied with a declaration in the form in the *Seventh* Schedule, the person named therein shall be entitled to have his name inserted on the roll for the last-mentioned district according to the tenor of such certificate; and the Registrar of such district shall insert the name of such person accordingly, and thereupon such person shall be entitled to vote in like manner as though his name had been originally inserted on such last-mentioned roll: Provided that the Registrar shall not insert the name of any person on any roll, after the issue of a writ for the election of a member of the House of Representatives for the district to which such application relates, until after the return of such writ.

28. Every Registrar upon giving such certificate shall strike the name of the person to whom the same is issued off the roll for the original district, and shall make a memorandum against such name as follows:—"Transferred to [*naming the district*] District," and shall initial the same; and every Registrar inserting the name of any person upon an electoral roll by virtue of such certificate, shall make a memorandum against such name as follows:—"Transferred from [*naming the district*] District," and shall initial the same. Any person who knowingly and wilfully makes any false statement in any application in the form contained in the *Fifth* Schedule, or shall falsely make the declaration contained in the *Sixth* Schedule, shall be guilty of a misdemeanour.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

CLAIM FOR ENROLMENT.

To the Registrar of the Electoral District of .
 I HEREBY claim to have my name inserted on the Electoral Roll of ; and I declare that my name, place of abode, and (occupation [or addition] are correctly stated at the foot hereof; and that I have resided within the said district for the six months immediately preceding the date hereof,) (and the particulars of my qualification are stated at foot hereof.)

Dated the day of 188 .

(Name.)
(Address.)
(Occupation.)

Signed and declared by the claimant this }
 day of , in the year 18 , before me. }

(Signed)
 An Elector of the district
 [or Registration Officer, or J.P.]

SECOND SCHEDULE.

SUMMONS TO PROVE CLAIM.

To .
 You are hereby summoned to attend at the Resident Magistrate's Court, to be held at , on , the day of , at the hour of o'clock, in the noon, to prove your claim to have your name inserted on the electoral roll for the District of . Herein fail not, or your claim will be disallowed.

R.M.

Given under my hand at , this day of , 188 .

New Schedules.

THIRD SCHEDULE.

FORM OF OBJECTION.

To the Registrar of the Electoral District of .
 I HEREBY give you notice that I object to the name of (*State name and address of person objected to*) being retained on the list of voters for the Electoral District of , and that the following are the grounds of my objection:—

Dated the day of , 18 .

G.H.
(Place of abode.)

FOURTH SCHEDULE.
FORM OF ELECTORAL ROLL.

Christian Name and Surname of each Elector at full length.	Nature of Qualification.	Place of Residence.	Occupation.	For Property Qualification, state Description and Situation of Property.

N.O.,
Registrar.

FIFTH SCHEDULE.

To the Registrar for the Electoral District of

I [*Insert name, abode, and occupation, as in roll*], have ceased to reside in the Electoral District of _____, and am now a *bonâ fide* resident in the Electoral District of _____, and I request you to remove my name from the roll in force in the Electoral District of _____, and grant me a certificate of registration, according to the provisions of "The Registration of Electors Act, 1879."

Dated the _____ day of _____, 18 _____.

[*Signature and present address.*]

SIXTH SCHEDULE.

I, _____, Registrar for the Electoral District of _____, do hereby certify that the following is a true extract from the roll now in force in this district.

Surname of Elector in full.	Christian Name of Elector in full.	Place of Abode.	Occupation.

Dated this _____ day of _____, 18 _____.

Registrar.

SEVENTH SCHEDULE.

1. I [*Christian and surname in full*] do hereby declare that I am the person named in the above written certificate.

2. I have ceased to reside in the Electoral District of _____, and I am now a *bonâ fide* resident in the Electoral District of _____, and have resided therein for *one* month.

3. I am desirous of being registered on the roll for the District of _____, and request the Registrar to register me in accordance with the provisions of section _____ of "The Registration of Electors Act, 1879."

[*Signature and address.*]

Signed and delivered this _____ day of _____, 18 _____,
before me

a Justice of the Peace,
[*or an elector of the district in which claimant then resides.*]