

New Parliament.]

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
21st November, 1879.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Hall.

Registration of Electors.

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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:—

1. The Short Title of this Act is "The Registration of Electors Act, 1879." Short Title.

2. In this Act, if not inconsistent with the context,—
"Registrar" means any person appointed to that office under this Act: Interpretation.

10 "Person" does not include female:
"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:

15 "Claimant" means a person making such claim:
"Roll" means a roll of electors formed for an electoral district. Appointment of officers.

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.

20 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.

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.

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; and it shall further be his duty to assure himself of the right of every man to have his name retained upon the roll.

First Schedule.

The roll shall be made out and kept up in the form set forth in the First Schedule to this Act.

Struck out.

Provided that no name shall be placed on any roll until the expiration of one calendar month 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.

Claims to have name placed on roll.

Second Schedule.

7. Every person qualified to be an elector, 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 Second 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.

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. 8. 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.

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.

Objections.

If he shall satisfy himself that any of the particulars 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 *particulars of which proof is required.*

New clause.

If Registrar satisfied name may be placed on roll.

9. If the claimant satisfy the Registrar that his claim is valid, the Registrar shall forthwith place the name of the claimant on the roll.

Claim may be withdrawn.

It shall be lawful for the claimant by writing to withdraw his claim.

If proof not given or claim withdrawn summons to issue.

If within ten days after proof shall be required as aforesaid, the claimant shall fail to satisfy the Registrar that his claim is valid, and shall fail to withdraw his claim, the Registrar shall, as soon as conveniently may be thereafter, apply to a Resident Magistrate or a Justice of the Peace for a summons.

Struck out.

10. It shall be competent for the claimant to withdraw his claim. 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.

11-10. 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 Third Schedule* to this Act. Summons to claimant to substantiate claim. Third Schedule.

5 12-11. 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. Service of summons.

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 *a* Resident Magistrate.

10 13-12. 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. Parties may appear by counsel or agent.

15 14-13. 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.

15-14. 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.

20 16-15. If both Registrar and claimant appear, the claimant shall be required to prove ~~his claim~~ *the particulars of which proof had been required by the Registrar.* Onus of proof on claimant.

25 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.

30 17-16. 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 Magistrates Act, 1867." Power to compel attendance.

35 18-17. The Resident Magistrate may at his discretion give or refuse costs to either party, as he may think fit. Costs at discretion of Court.

40 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.

New clause.

45 18. The Registrar, or any person whose name is on the electoral roll of any district, may object to the name of any other person being retained thereon by giving notice in writing to the person objected to, setting forth the objection and the grounds thereof, in the form or to the effect specified in the *Fourth Schedule* to this Act. Name may be objected to.

If the person objected to shall not, within *fifteen* days after the receipt of such notice, cause his name to be removed from the roll, the objector may apply to a Resident Magistrate or a Justice of the Peace for a summons. Fourth Schedule. Person objected to may cause his name to be erased from roll.

50 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 *Fifth Schedule* to this Act. Summons to be issued. Fifth Schedule.

Struck out.

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. 5

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

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. 10

Provided further that no ground of objection shall be entertained except such as shall have been mentioned in the summons. 15

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

New Clauses 19 to 24.

Sections 11, 16, and 17 to apply.

19. The several sections *eleven, twelve, sixteen and seventeen* shall, *mutatis mutandis*, apply, and the proceedings to be taken on such summons shall be as near as may be in conformity therewith. 20

If at the time and place specified in the summons the Registrar fails to appear, the case shall be dismissed.

If the person objected to fails to appear, the Resident Magistrate shall make an order that such person's name shall be struck off the roll. 25

If both Registrar and person objected to appear, the case shall be heard and determined by a Resident Magistrate, and the roll amended if necessary according to such determination.

Grounds of objection.

No grounds of objection shall be entertained, except such as are specifically set forth in the summons. 30

Deposit for costs.

20. If the objector be other than the Registrar, he shall deposit with the Clerk of the Resident Magistrate's Court the sum of *one* pound, as security for any costs that may be awarded by the Resident Magistrate against him; and such *one* pound may be applied in payment or part payment of any such costs. 35

Name may be transferred from one roll to another.

21. Whenever any person whose name is on any roll of any district in respect of a residential qualification shall have removed therefrom and resided in another district for one month, he may make a written application in the form or to the effect set forth in the *Sixth* Schedule to this Act, to the Registrar of the district in which he has ceased to reside, for a certificate in the form or to the effect set forth in the *Seventh* Schedule to this Act, which shall be granted accordingly. 40

Sixth and Seventh Schedules.

Certificate to be granted. Eighth Schedule.

22. Upon delivery of such certificate, and a declaration in the form or to the effect set forth in the *Eighth* Schedule to this Act, the Registrar of the district to which such person has removed shall thereupon insert the name of such person in the electoral roll of such district. 45

No Registrar shall so insert any name after the issue of a writ for the election of a member of the House of Representatives for such district, until after the return of the writ. 50

Name to be struck off.

23. Every Registrar, on giving such certificate as aforesaid, shall strike the name of the person named therein off the roll of the district in which such person has ceased to reside, and shall make a memorandum against such name as follows:—"Certificate of transfer granted," and shall initial the same. 55

Name to be inserted.

Every Registrar so inserting the name of any person as aforesaid on any roll shall make a memorandum against such name as follows:—"Transferred from [*name*] District," and shall initial the same.

24. Any person who knowingly and wilfully makes a false statement in any application, certificate, or declaration mentioned in sections *twenty-one* and *twenty-two* of this Act shall be liable to a penalty not exceeding *twenty* pounds.

Penalty for false declaration.

5 20. 25. 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
10 member for the said district until the completion of the said election.

Removal of names from roll.

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.

15 21. 26. 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
20 to the last preceding name on the roll.

22. 27. 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.

The legal roll for the district.

25 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.

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

Custody thereof.

30 23. 28. Notice of the situation of such 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 *painted* or affixed outside the office or offices in a conspicuous place in letters easily legible.

Place of custody to be advertised.

35 24. 29. 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:

Roll to be open for inspection.

40 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.

45 25. 30. 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.

Roll to be printed.

50 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
55 shall be lawful at any time instead of reprinting the roll to print a supplementary roll thereto; *and a supplemental roll shall be printed immediately previous to a general election, or when a vacancy shall occur in the representation of any district.*

Periodical reprints with additional names.

Any person shall be entitled to a copy of any printed roll at the following prices, for every printed copy of any electoral roll containing any number of persons' names:—

Not exceeding one thousand ... One shilling.

Exceeding one thousand ... One shilling and sixpence. 5

~~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.~~

New clauses.

How notices may be given.

31. Notices under this Act may be given by delivering the same to the person to whom they are addressed, or by leaving the same at his place of residence as stated on the roll, or by sending the same addressed to him at such place through the post as a registered letter. 10

Registrars exempt from Court fees, &c.

32. Registrars shall be exempt from the payment of any Court fees in respect of any proceedings under this Act, and are authorized to send registered letters free of charge in conformity with instructions to be issued by the Postmaster-General. 15

Penalty on misfeasance of Registrar.

33. Any Registrar who shall knowingly and wilfully do any matter or thing contrary to the provisions of this Act, or who shall knowingly and wilfully omit to do any matter or thing required by this Act to be done by him, shall be liable to a penalty not exceeding fifty pounds. 20

Struck out.

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 *Sixth* Schedule, obtain from the Registrar of the original district a certificate in the form of the *Seventh* Schedule, addressed to the Registrar of the district in which he is then resident. 25

27. Upon delivery of such certificate to such Registrar to whom the same is addressed, accompanied with a declaration in the form in the *Eighth* 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. 35

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 *Sixth* Schedule, or shall falsely make the declaration contained in the *Eighth* Schedule, shall be guilty of a misdemeanour. 40

SCHEDULES.

~~FOURTH~~ FIRST 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.

~~FIRST~~ SECOND 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 Colony of New Zealand for twelve months and within the said district for the six months immediately preceding the date hereof] [~~the particulars of my qualification are stated at foot hereof.~~]

[Note.—When the claim is in respect of a qualification other than residence, state particulars of same, and omit reference to residence.]

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 THIRD 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 .

THIRD FOURTH SCHEDULE.
FORM OF OBJECTION.

To the Registrar of the Electoral District of [*State name and address of person objected to*].

I HEREBY give you notice that I object to the *your* 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.)

New Schedule.

FIFTH SCHEDULE.

SUMMONS TO ANSWER OBJECTION.

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 right to have your name retained on the electoral roll of the District of _____. Herein fail not or your name will be removed from the said roll.

R.M. [or J.P.]

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

The grounds of objection to your name remaining on the roll are as follow:—

[Here set out grounds of objection as stated in Notice of Objection.]

