

Hon. Mr. Seddon.

SECOND BALLOT.

ANALYSIS.

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A BILL INTITULED

AN ACT to better secure the Proper Representation of the People in Parliament, by providing for a Second Ballot in certain Cases of Contested Elections. Title.

5 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 Second Ballot Act, 1896"; and it shall form part of and be read together with "The Electoral Act, 1893" (hereinafter called "the principal Act"). Short Title.

2. No candidate shall be deemed to be elected for any district as the result of the ballot taken at the poll under the principal Act (hereinafter called "the first ballot") unless the number of valid votes he received at such first ballot is at least equal to the minimum hereinafter prescribed. Number of votes necessary for election at first ballot.

3. (1.) Such minimum shall be computed as follows:—
From the total number of all the voters whose votes were recorded at the poll there shall be deducted one-tenth thereof, and the prescribed minimum shall be— How necessary minimum to be computed.

20 The number that is equal to half the residue remaining after such deduction.

(2.) In computing the prescribed minimum any fraction of a number shall be rejected.

4. If, as the result of the first ballot at any election for the return of a single member for any district, the candidate receiving the greatest number of votes receives less than the prescribed minimum. When second ballot necessary in single electorate.

mum of votes, then a second ballot shall be taken between him and the candidate who is next to him on the poll.

Second ballot where several members to be elected.

5. If, as the result of the first ballot at any election for the return of more members than one for any district, the number of members elected is less than the total number of members to be returned, then a second ballot shall be taken between such of the unsuccessful candidates at the first ballot (being one more in number than the number of members still to be returned) as received the greatest number of votes. 5

Provisions as to taking second ballot.

6. For the purposes of the second ballot the following provisions shall apply:— 10

(1.) The Returning Officer and every Deputy, in addition to counting the votes recorded at the poll taken at the first ballot, shall also count the voters whose votes are recorded; and all the provisions of the principal Act relating to the counting of votes shall, *mutatis mutandis*, apply to the counting of voters. 15

(2.) If the Returning Officer, on making up the general state of the poll taken at the first ballot, as provided by section one hundred and twenty of the principal Act, finds a second ballot to be necessary, he shall forthwith declare the same by public notice, and shall in the same notice fix the day for the taking of such second ballot, being not later than seven days after the day on which the first ballot was taken. 20 25

Such notice shall be given according to the forms in the Schedule hereto, with such modifications as the circumstances require.

(3.) No person (other than the Returning Officer in the case of his casting-vote) shall be entitled to vote at the second ballot who did not vote at the first. 30

(4.) Fresh ballot-papers shall be prepared, and each voter shall have as many non-cumulative votes as there are members to be returned.

(5.) The rolls to be used at the second ballot shall be prepared as follows:— 35

(a.) Before sealing up the certified copies of the rolls received at the close of the first ballot from the various Deputies, as mentioned in section one hundred and twenty-six of the principal Act, the Returning Officer shall compile a second ballot roll by erasing from a fair copy of the electoral roll of the district the name of every voter who, according to such certified copies, has not voted at the first ballot. 40

(b.) The Returning Officer shall sign the second ballot roll as accurate with his name and title of office, and shall supply to the various Deputies as many certified copies thereof as are required for the purposes of the second ballot. 45

(6.) No person shall vote at the second ballot unless it appears from the second ballot roll that he voted at the first ballot. 50

7. In lieu of the questions prescribed by section ninety-six of the principal Act, the Returning Officer may, if he thinks fit, and shall, if so required by any scrutineer, put the following questions to any person before allowing him to vote at the second ballot :—

Questions to be put to voters.

- 5 (a.) Are you the person whose name appears as A.B. on the electoral roll now in force for the Electoral District of [name of district]?
- (b.) Did you vote at the first ballot taken for the purposes of this election in the said district?
- 10 (c.) Have you already voted at the present election in any electoral district in the colony, except at the first ballot taken for the purposes of this election in the said district?

8. If any person to whom, when he tenders his vote, the afore-
15 said questions are put—

Penalty for refusing to answer questions.

Refuses or omits to distinctly answer the same or any of them, or does not answer the first two of them absolutely in the affirmative, and the third of them absolutely in the negative,—

20 he shall be and be deemed to be prohibited from voting then or afterwards at such second ballot, and shall be guilty of an offence and be liable in respect of such offence to a penalty not exceeding fifty pounds.

25 9. After making up in manner prescribed by section one hundred and twenty of the principal Act the general result of the poll taken on the second ballot, the Returning Officer shall, as soon as conveniently may be on or after the day of such poll, give public notice of the number of votes received by each candidate, and declare the candidate or candidates, not exceeding the number
30 to be elected at such ballot, who have received in the aggregate at all the polling-places the greatest number of votes at such ballot, to be duly elected as member or members for the district.

Returning officer to give notice of members elected.

10. Subject to the foregoing provisions of this Act, every second ballot shall be taken at the same polling-places, in the same
35 manner, and subject to the same conditions and consequences as the first ballot.

Place and manner of taking second ballot.

11. The principal Act is hereby modified in so far as it is in any way inconsistent with this Act.

Principal Act modified.

SCHEDULE.

Schedule.

DECLARATION OF RESULT OF POLL AT FIRST BALLOT.

I, A.B., Returning Officer for the Electoral District of _____, do hereby declare the result of the poll taken at the first ballot on the _____ day of _____, 18 _____, for the return of—

(A.)

[In case of a single electorate, or a single by-election in a city electorate, where none of the candidates obtains the prescribed minimum of votes at the first ballot:]

one member for the district to the House of Representatives, to be as follows :—

Second Ballot.

Candidates.						Votes polled.
C.D.	...	...	...	...	...	2,000
E.F.	...	...	...	...	...	1,500
G.H.	...	...	...	...	...	1,000
Total of valid votes polled...						<u>4,500</u>
Total of voters ...						4,500
Less 10 per cent. ...						450
						<u>4,050</u>
Less one-half ...						2,025
Prescribed minimum ...						<u>2,025</u>

And I further declare that, as none of the candidates obtained the prescribed minimum of votes, a second ballot will be taken between the said C.D. and E.F. on the day of , 18 .

The said second ballot will be taken in the same polling-places as the first ballot; and no person will be entitled to vote at the second ballot who did not vote at the first.

Dated at , this day of , 18 .

(B.)

[In case of a double by-election in a city electorate, where only one candidate obtains the prescribed minimum of votes at the first ballot:]

two members for the said district to the House of Representatives, to be as follows:—

Candidates.						Votes polled.
I.J.	...	...	...	...	...	8,000
K.L.	...	...	...	...	...	7,000
M.N.	...	...	...	...	...	6,000
O.P.	...	...	...	...	...	5,000
R.S.	...	...	...	...	...	4,000
Total of valid votes polled...						<u>30,000</u>
Total of voters ...						17,321
Less 10 per cent. (<i>rejecting the fraction</i>)						<u>1,732</u>
						15,589
Less one-half (<i>rejecting the fraction</i>) ...						7,794
Prescribed minimum ...						<u>7,795</u>

I further declare that the said I.J., having obtained the prescribed minimum of votes, is duly elected by the first ballot as a member of the House of Representatives for the district; and also that, none of the other candidates having obtained the prescribed minimum of votes, a second ballot will be taken between the said K.L. and M.N. on the day of , 18 .

The said second ballot will be taken in the same polling-places as the first ballot, and no person will be entitled to vote at the second ballot who did not vote at the first.

Dated at , this day of , 18 .

(C.)

[In the case of a double by-election in a city electorate where none of the candidates obtains the prescribed minimum at the first ballot, a treble by-election, or a general election in a city electorate: as in (A) or (B), with such modifications as the circumstances require.]