

Mr. Steward.

SCHOOL COMMITTEES ELECTION.

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A BILL INTITLED

AN ACT to regulate the Election of School Committees.

Title.

WHEREAS it is expedient to make other provision in the matter of the election of School Committees :

Preamble.

5 BE IT THEREFORE 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 School Committees Election Act, 1884."

Short Title.

10 2. The term "the said Act," wherever in this Act occurring, shall mean "The Education Act, 1877."

Interpretation.

15 3. Three of the members of every School Committee presently existing shall continue to hold office until the thirtieth day of April, one thousand eight hundred and eighty-six, and four of the members of each Committee shall retire from office on the thirtieth day of April, one thousand eight hundred and eighty-five, the names of the four retiring members to be decided by the Committee by ballot, and the result of such ballot shall be notified in manner prescribed (in respect of nominations) in section *four* of this Act not later than the thirty-first day of March, one thousand eight hundred and eighty-five; and on the thirtieth day of April, one thousand eight hundred and eighty-six, and thereafter on the thirtieth day of April in every year, the three, or four, members of Committee, as the case may be, who have been longest in office shall be the retiring members.

Time of retiring from office.

20 4. The Board of every educational district shall, not later than the thirty-first day of the month of March in every year, publicly notify, in manner prescribed by section four of the said Act, the times and places appointed for the annual meetings of householders by the next succeeding section of this Act required to be held, and shall call upon the householders entitled

Nominations.

to vote to send to the Chairmen of the respective School Committees written nominations of persons qualified in accordance with the provisions of this Act and of section fifty-eight of the said Act to be elected members of the School Committee; and all or any of the retiring members of any Committee shall be eligible for re-election. Such nominations shall be signed by the proposer and by the candidate, and shall be in the form of the Schedule to this Act or to the general effect thereof, and shall be sent to the Chairman of the School Committee, so that he may receive the same not later than the fifteenth day of the month of April; and such Chairman shall, so soon as possible after the said fifteenth day of April, cause a list of all nominations received by him to be displayed conspicuously on the outer door of the main entrance of every school-house within the school district, and of any courthouse or post office within such district:

Provided always that if the Committee of any school district in which there are less than two hundred children in average attendance at the public school or schools shall, on or before the first day of March in any year, signify to the Board their desire that the sending in of nominations prior to the date of election may be dispensed with, then the Board shall, in publishing the notification hereinbefore prescribed, declare that so much thereof as relates to the sending in of nominations shall not apply to such school district; and in the case of any such excepted district the nominations shall be made and received at the householders' meeting, subject to the provisions relating to nominations contained in section *five* of this Act.

Elections by ballot
at householders'
meeting.

5. On the thirtieth day of the month of April, or if that date fall upon a Sunday or Saturday, then on the Friday next preceding, a public meeting of the householders in every school district shall be held at the time and place appointed by the Board, as in section *four* of this Act provided. At such meeting a Chairman shall be chosen, and the Committee for the preceding year shall give a full report of its proceedings, and present a duly-audited balance-sheet of its accounts up to the thirty-first day of March next preceding the date of such meeting, and thereupon the election of as many members of Committee as are required to fill the places of those retiring from office shall be proceeded with.

If the required number of persons, and no more, shall have been nominated as hereinbefore provided, the Chairman shall declare such persons to be duly elected.

If less than the required number of persons shall have been so nominated, the persons nominated shall be declared duly elected as members of the Committee, and the vacant seat or seats shall be filled up by the Committee at their first meeting under the powers conferred by this section and section *nine* of this Act.

If more than the required number of persons shall have been nominated, a ballot shall be taken, and the three, or four, persons, as the case may be, who shall receive the largest number of votes shall be duly elected.

How tie decided.

6. In the case of a tie between any two or more candidates, the Chairman shall have a casting vote, or may decide such tie by lot.

Limitation of votes.

7. At any election held in accordance with the provisions of this Act every elector may exercise as many votes as there are persons required to be elected; but, except as provided in the next succeeding section of this Act, no elector shall be entitled to record more than one vote for any one candidate.

Provision for cumulative voting in certain cases.

8. If any School Committee, by resolution affirmed by a majority of the whole number of such Committee, shall decide that the cumulative vote may be

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exercised at the then next occurring election within its school district, such Committee shall, not less than fourteen days before the date appointed for the householders' meeting, notify such resolution in manner prescribed in section *four* of this Act; and at the election to which such resolution relates every voter

5 shall be entitled to a number of votes equal to the number of persons to be elected, and may give all such votes to one candidate, or may distribute them among the candidates as such voters shall think fit.

9. If any vacancy shall occur in any Committee by death, resignation, or otherwise than by effluxion of time, the remaining members of the Committee

Vacancies.

10 shall elect a qualified person to fill such vacancy, and the person so appointed shall hold office until the date at which the member whose seat he or she has been elected to fill would by effluxion of time have vacated office.

10. If a member of a School Committee be absent during three consecutive months from all meetings of the Committee, except from temporary illness or other cause to be approved by the Committee, such person shall cease to be a member of the Committee, and his or her office shall thereupon be vacant.

Disqualification.

11. If by any means the number of members of a School Committee be reduced to less than the number required for a quorum, or if five or more members of any Committee shall signify to the Education Board their desire to be relieved from office, the Board may declare their seats vacant, and may direct an election to be held to fill up the vacancies; and the proceedings in connection with such election shall be the same as in the case of an annual election.

Special elections.

12. If, after any such special election as in the last preceding clause provided for, any question shall arise as to which of the members so elected shall retire at the next succeeding annual election, such question shall be decided by the Committee by ballot, and the result notified to the Board, as provided in section *three* of this Act.

Priority of retirement.

13. If any dispute shall arise respecting the validity of the proceedings at the annual or other election of a member or members of any Committee, the matter in dispute shall be submitted to the judgment of the Board of the district, whose decision therein shall be final and conclusive.

Settlement of disputes respecting validity of proceedings.

14. If in any case the householders in any school district shall, from any cause whatever, fail to carry out any annual or other election at the date appointed for the same, it shall be lawful for the Board, if it shall see fit, to fix another date for such election, and the same notice shall be given and, as nearly as may be, the same proceedings taken thereat, as are prescribed in sections *four* to *eight*, inclusive, of this Act.

Provision if election not carried out at appointed time.

15. If at such last-mentioned meeting the householders neglect or refuse to elect a Committee, or, without such meeting having been held, the Board may, if it shall see fit, appoint a Commissioner for the purposes hereinafter mentioned.

In case of neglect or refusal, Commissioner appointed.

16. The Commissioner so appointed shall exercise all powers and duties by this Act imposed and conferred on Committees of school districts at any time after he shall have assumed the place and duties of the Committee as aforesaid; and a salary to be paid to the Commissioner shall be fixed by the Board, if it shall see fit, and shall be paid out of any moneys available for distribution in the school district for or to which such Commissioner is appointed.

Duties of Commissioner.

But such Commissioner shall only hold office from the date of appointment to the thirtieth day of the month of April next ensuing, and he shall be guided in the performance of his duties by instructions to be given him by the Board from time to time.

The power to appoint a Commissioner shall include a power to appoint more than one Commissioner, if the Board see fit, and the foregoing provision shall take effect accordingly.

Definition of "householder."

17. The definition of the word "householder" as given in section *four* of the said Act is hereby repealed, and for the purposes of the said Act and of this Act the word "householder" shall mean and include every male or female person of the age of twenty-one years or upwards who is the resident owner, lessee, or tenant of any dwelling situate within the school district; and every lodger who has resided in such district for the space of not less than three months next before any election of a School Committee or the date of any memorial praying for the constitution of a school district; and every parent or guardian who is liable to maintain or has the actual custody of any child attending the school. 5 10

First elections of Committees for new school districts.

18. Sections *three* to *five* of this Act shall not apply to a first election of a Committee for a new school district established in pursuance of sections sixty and sixty-one of the said Act, nor to an annual election held in a district in and for which a Commissioner or Commissioners shall have been appointed, in pursuance of sections *fifteen* and *sixteen* of this Act; but in either of such cases the number of members of Committee to be elected shall be *seven*, and the sending in of nominations prior to the date of election shall not be required: Provided always that, if in either of such cases more candidates than seven be proposed, the election shall be conducted by ballot, and that no householder shall be entitled to poll more than one vote for any one candidate. 15 20

Retirement.

19. Retiring members of Committee shall continue to hold office until the appointment of their successors, or until the appointment of a Commissioner or Commissioners, as the case may be.

Act to be read as part of "Education Act, 1877."

20. This Act shall be read with and as part of "The Education Act, 1877."

Repeal.

21. Sections sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, and sixty-eight of the said Act are hereby repealed. 25

Schedule.

SCHEDULE.

SCHOOL COMMITTEE ELECTION.

District of .

I, the undersigned, propose [*Candidate's name in full*] for election as a member of the School Committee for the District of [*Name of district*].

A.B., Proposer.

I hereby consent to the above nomination.

C.D., Candidate.

Dated this day of , 188 .