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**THE POTATO BOARD ELECTION REGULATIONS 1951**


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B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 25th day of  
July, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Potato Growing Industry Act, 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. These regulations may be cited as the Potato Board Election Regulations 1951.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Potato Growing Industry Act, 1950 :

“Board” means the Potato Board established under the Act :

“Contract grower” means a grower who is for the time being a party to a contract under section 19 of the Act with the Board or with one of its authorized agents :

“Election” means an election held under these regulations to elect members of the Board to represent growers :

“Grower” means a person engaged in the business of growing potatoes for sale :

“Season” means the period of twelve months commencing on the 1st day of August in any year :

3. On the fourth Wednesday in September in the year 1951 an election for the purpose of electing three members of the Board shall be held in each ward, and on the corresponding day in every year thereafter an election to elect one member shall be held in the ward to be represented by that member.

4. For the purpose of elections there shall be appointed a Returning Officer, and the Returning Officer shall make all necessary arrangements for the conduct of every election.

*Voting Qualifications*

5. Every person who, on the 1st day of March in any year, is a contract grower in respect of the season commencing in the last preceding year shall be entitled to vote at the election to be held in that year.

6. (1) If two or more growers occupy land jointly or in common for the purpose of growing potatoes and have entered into a joint contract under the Act with the Board, only one of such growers shall be entitled to a vote.

(2) If a contract grower is a corporate body, that corporate body may, by writing under its seal delivered to the Returning Officer, appoint some person whose name shall be entered on the rolls as voter on behalf of that corporate body.

(3) At every election each contract grower carrying on business as a grower in any ward shall be entitled to exercise one vote in that ward :

Provided that a person who is appointed as a voter for a corporate body and who is also a contract grower may exercise one vote in each capacity.

(4) Any person who is a contract grower in more than one ward may exercise a vote in one ward only to be nominated by the voter.

#### Wards

7. (1) For the purposes of these regulations there shall be three wards, to be known as the Northern Ward, the Central Ward, and the Southern Ward.

(2) The Northern Ward shall comprise the North Island, the Central Ward shall comprise the Westland Land District together with that part of the South Island north of the Rakaia River, and the Southern Ward shall comprise that part of the South Island, excluding any part of the Westland Land District, south of the Rakaia River.

8. There shall be a member for each ward referred to in regulation 7 hereof, and at any election only those persons qualified to vote and carrying on business as growers in the ward in respect of which the election is being held shall be entitled to vote for any candidate for election for that ward.

#### Rolls

9. (1) As soon as practicable after the 1st day of July in any year the Returning Officer shall prepare separate rolls of growers entitled to vote in each ward referred to in regulation 7 hereof.

(2) Each such roll shall be compiled from a list of contract growers supplied by the Board.

(3) Each such roll shall contain in alphabetical order the surnames of the qualified electors entered therein, including the names of persons entitled to vote on behalf of corporate bodies, together with the Christian names and addresses of those persons so far as known to the Returning Officer, and the names so entered shall be numbered consecutively.

10. Where the name of any person entitled to vote by virtue of the provisions of subclause (2) of regulation 6 hereof is entered on the roll, the entry shall be followed by the words " Appointed by [*Name of corporate body*] ".

11. (1) The said rolls shall be deposited in the Head Office of the Board, and in such other place or places as the Returning Officer may appoint and notify in the *Gazette*, not later than the third Wednesday in the month of August in each year, and shall thereupon be open for public inspection during ordinary office hours for a period of seven days from the said third Wednesday.

(2) Any person may, during the said seven days, lodge with the Returning Officer an objection in writing signed by him to any entry on any roll on either of the following grounds :—

(a) That any person whose name is on the roll, or as the case may be, the corporate body on behalf of which the name of any person is on the roll, is not a contract grower qualified to vote :

- (b) That any person whose name is not on the roll is a contract grower qualified to vote or, as the case may be, is appointed by a corporate body which is a contract grower qualified to vote.
- (3) The Returning Officer shall, with or without calling upon or hearing any objector or person affected by the objection, decide the matter of any such objection and make such amendment to the roll as may be necessary in consequence of his decision.
- (4) At the expiration of the said period of seven days the rolls shall be closed and no further amendment thereof shall be made.

#### *Nominations*

12. No person shall be eligible for election unless he is a contract grower and has been nominated in writing by two contract growers carrying on business as growers in the ward in respect of which the candidate seeks election and whose names appear on the roll for that ward compiled under regulation 9 hereof and unless he has accepted nomination by letter or telegram to the Returning Officer.

13. The form of nomination shall be in or to the effect of the form numbered 1 in the Schedule hereto.

14. The last hour and day for receiving nominations in respect of the election held in any year shall be noon on the first Wednesday in the month of September in that year.

15. No contract grower shall be entitled to nominate more than one person as a candidate for election.

16. If in respect of any ward only one person has been duly nominated for election, that person shall be deemed to have been duly elected, and shall be declared elected by the Returning Officer by notice published in the *Gazette*, and the person so declared elected shall be deemed to be a member of the Board from the date of the fourth Wednesday in September in the year in which the notice is published.

#### *Polls*

17. If in respect of any ward more than one person has been duly nominated for election, a poll shall be taken, and the Returning Officer shall cause voting papers to be printed in the form numbered 2 in the Schedule hereto.

18. The Returning Officer shall forward by post, addressed to each voter at the address appearing on the roll, a voting paper in the prescribed form bearing on its face the consecutive number appearing on the roll against the name of the voter to whom the voting paper is forwarded, together with an envelope addressed to the Returning Officer and bearing the same consecutive number.

19. On proof to his satisfaction, by statutory declaration or otherwise, that a voter has not received his voting paper in due course of post, or that any voting paper received by a voter or its addressed envelope was accidentally destroyed before being used, the Returning Officer may issue a further voting paper to the voter bearing the appropriate number with an additional distinguishing mark to indicate its issue under this regulation, together with an envelope addressed as aforesaid and bearing the same number and distinguishing mark.

20. Any poll to be taken in any year shall close at noon on the fourth Wednesday in the month of September in that year.

21. Voting papers may be delivered to the Returning Officer by hand or sent by post addressed as indicated in the form numbered 2 in the Schedule hereto.

22. (1) No voting paper shall be valid unless it is received by the Returning Officer in the envelope issued by him with the voting paper.

(2) No voting paper shall be valid—

(a) If it is not received by the Returning Officer at or before the time fixed pursuant to regulation 20 hereof for the closing of the poll ; or

(b) If anything not authorized by these regulations is written or marked thereon by which the voter can be identified ; or

(c) If the number of candidates for whom the elector has voted exceeds one ; or

(d) If the voting paper does not, in the opinion of the Returning Officer, indicate the candidate for whom the elector desired to vote.

#### *Scrutineers*

23. (1) Any candidate for election may, by writing under his hand addressed to the Returning Officer and delivered to him not less than two clear days before the closing of the poll, appoint a scrutineer for the purpose of the poll.

(2) Every scrutineer shall, before being allowed to act, make and sign before the Returning Officer a declaration in the form numbered 3 in the Schedule hereto.

(3) Every scrutineer who discloses any fact coming to his knowledge at any election in breach of his declaration commits an offence and shall be liable on summary conviction to a fine not exceeding £20.

#### *Result of Election*

24. (1) Forthwith upon the closing of the poll the Returning Officer shall compare the numbers on the envelopes received by him with the numbers on the roll and shall reject any envelope not appearing to him to be issued in connection with the election or not appearing to contain the genuine voting paper of a person enrolled as a voter.

(2) The Returning Officer shall then open the remaining envelopes and reject any voting papers which in his opinion are invalid, and shall then ascertain the number of votes received by each candidate.

(3) Any duly appointed scrutineer may be present when the Returning Officer opens the envelopes and counts the votes in accordance with this regulation.

25. Where there is an equality of votes between the two candidates receiving the greatest number of votes, the Returning Officer shall give a casting vote.

26. The candidate who has received the greatest number of valid votes shall be declared elected by the Returning Officer, and a notice to that effect shall be published by him in the *Gazette*, and that candidate shall be deemed to be a member of the Board from the date of the closing of the poll.

27. The Returning Officer shall be the sole and absolute judge of the regularity and propriety of all matters connected with any election, and no election shall be called in question on the ground that a voting paper or an addressed envelope was not forwarded to any

voter, or that a voting paper from any voter was not received by the Returning Officer, or that a voting paper prepared by the Returning Officer was irregular in form, or that any vote was irregularly cast, or that any voting paper was wrongly accepted or wrongly rejected, or that any other irregularity occurred in connection with any election, unless, in the opinion of the Returning Officer, any such irregularity materially affected the result of the election and occurred otherwise than in good faith.

*Elections to fill Extraordinary Vacancies*

28. (1) Where in accordance with the Act an election to fill an extraordinary vacancy in the membership of the Board is to be held, the following provisions shall apply:—

- (a) The persons qualified to vote at any such election shall be the contract growers carrying on business as growers in the ward represented by the member whose membership has become vacant:
- (b) The times for the closing of the roll, the date for the deposit of the roll for inspection, the date of the closing of the poll, and such other times and dates as may be required to be fixed for the purposes of any such election shall be determined by the Returning Officer and published by him by notice in the *Gazette*.

(2) Except as otherwise provided by this regulation, the provisions of these regulations shall, as far as they are applicable, and with the necessary modifications, apply to elections to fill extraordinary vacancies in the membership of the Board.

*Powers of Minister to Extend Times*

29. Where by the provisions of these regulations anything is to be done at or within or after a certain day or time the Minister of Marketing, if he is satisfied that no person will be prejudicially affected by the exercise of the power conferred by this regulation, may, by public notice, extend any such time or validate anything done after the time required, or make such other provision for the case as he thinks fit.

SCHEDULE

Reg. 13.]

[Form No. 1

NOMINATION OF GROWERS' REPRESENTATIVES ON THE POTATO BOARD

To the Returning Officer,  
Potato Board Election, Wellington.

I (We), the undersigned contract grower (growers) within the meaning of the Potato Board Election Regulations 1951, do hereby nominate [*Full name*], of [*Residence and occupation*], with his consent, as a candidate at the election of the member for the (Northern) (Central) (Southern) Ward on the Potato Board established by the Potato Growing Industry Act, 1950.

Dated at ..... this ..... 195...

*Signature* : .....

*Residence* : .....

[Full names and residences of one or more contract growers.]

I, [*Full name*], do hereby consent to the above nomination.

*Signature of Candidate* : .....

Reg. 17.]

[Form No. 2.]

## VOTING PAPER

## Potato Board

ELECTION of growers' representatives for the (Northern) (Central) (Southern)  
Ward :—

Desmond Reilly  
John McDonald

*Directions.*—The voter shall leave uncanceled the name of the candidate for whom he desires to vote and must strike out the names of all candidates not voted for. If anything not authorized by the Potato Board Election Regulations 1951 is written or marked thereon by which the voter can be identified the voting paper is invalid. If a voter leaves more than one name uncanceled, his voting paper is invalid. A voter is entitled to one vote only. After indicating the vote in the manner aforesaid, this voting paper is to be transmitted to the Returning Officer, Potato Board Election, Wellington, so as to be delivered at his office at or before noon on the ..... day of ....., 19...

An addressed official envelope is enclosed for use in transmitting the voting paper. A voting paper not transmitted in the official envelope is invalid.

Reg. 23.]

[Form No. 3.]

## DECLARATION OF SCRUTINEER

I, [Full name], scrutineer for [Full name], a candidate at the present election for the office of contract growers' representative on the Potato Board established by the Potato Growing Industry Act, 1950, do hereby solemnly promise and declare that I will not, directly or indirectly, disclose any fact coming to my knowledge at the election.

Signature : .....

Scrutineer.

Declared and signed before me, this ..... day of ....., 19...

.....

Returning Officer.

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations provide for the election, in accordance with the Potato Growing Industry Act, 1950, of members of the Potato Board to represent growers.

Persons qualified to vote are those growers who are for the time being parties to contracts with the Board for the growing of potatoes. For the purposes of elections New Zealand is divided into three wards. On the first election date elections will be held in all wards, and thereafter one elected member will retire each year and his successor be elected in the ward which the retiring member represented.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 26th day of July, 1951.

These regulations are administered in the Marketing Department.