

1944
NEW ZEALAND

SERVICEMEN'S VOTES (1943) COMMITTEE

(REPORT OF THE)

(MR. A. G. OSBORNE, CHAIRMAN)

Laid on the Table of the House of Representatives

ORDERS OF REFERENCE

Extracts from the Journals of the House of Representatives

WEDNESDAY, THE 15TH DAY OF MARCH, 1944

Ordered, "That a Select Committee, consisting of ten members, be appointed to inquire into and report upon the organization set up and the methods employed for recording and dealing with votes of servicemen in the recent general election pursuant to the requirements of the Electoral Act, 1927, the Electoral Amendment Act, 1940, the Licensing Acts, and the Electoral (Members of Forces) Regulations 1941: the Committee to consist of Mr. Bodkin, Mr. Connolly, Mr. Goosman, Mr. Macdonald, Mr. Macfarlane, Mr. Osborne, Mr. Richards, Hon. Mr. Skinner, Mr. Watts, and the Mover."—(Right Hon. Mr. FRASER.)

THURSDAY, THE 16TH DAY OF MARCH, 1944

Ordered, "That for the remainder of the session all Select Committees of the House have leave to sit on days on which the House is not sitting."—(Right Hon. Mr. FRASER.)

By direction of the Servicemen's Votes (1943) Committee, I have the honour to present the report of the Committee on the matters referred to it by order of the House dated the 15th day of March, 1944.

The order directed the Committee "to inquire into and report upon the organization set up and the methods employed for recording and dealing with votes of servicemen in the recent general election pursuant to the requirements of the Electoral Act, 1927, the Electoral Amendment Act, 1940, the Licensing Acts, and the Electoral (Members of the Forces) Regulations 1941."

The Committee heard lengthy evidence, and the conclusions it reached thereon are as follows:—

(1) ORGANIZATION

The Select Committee is satisfied that adequate arrangements were made for the conduct of the general election among servicemen. Special Returning Officers were appointed to be based in the United Kingdom, Canada, the Middle East, and the Pacific Area. There was also a Special Returning Officer for servicemen in New Zealand. The Special Returning Officers overseas were responsible for enabling the maximum number of persons spread over very wide areas to record their votes. As a result of their organization, of the estimated voting strength in each area, the number of votes cast represented the following percentages:—

						Per Cent.
United Kingdom	..	..	..	..	..	75
Canada	..	..	..	..	..	76
Middle East	..	..	..	..	..	88
Pacific Area	..	..	..	..	..	97

These percentages compare favourably with the corresponding percentage of civilian votes cast to the roll strength in New Zealand, which was 82.8 per cent. The heavy polling among servicemen overseas reflects the adequacy of the facilities made available.

The Select Committee inquired into particular instances in which servicemen had been unable to vote. The most important of these related to servicemen in India. The Committee is satisfied that the Special Returning Officer made thorough preparations to provide for servicemen in India, and that the failure of the arrangements was due to Post Office officials, not under New Zealand control, sending material by surface mail instead of air mail as instructed.

Selection of Returning Officers.—The Special Returning Officers selected were appointed by the Chief Electoral Officer with the concurrence of the Government, and the Select Committee is satisfied that they were well fitted by their experience to conduct the work for which they were sent.

The Select Committee considers that the success of the Special Returning Officers, despite many difficulties, in enabling such heavy polling to take place is a tribute to their efficiency and that their diligence is worthy of great praise.

The Polling Officers were the officers commanding the respective Service units, or officers delegated by them, except that in the Middle East two travelling polling-booths were organized to cover small isolated groups and these booths were in the charge of officials deputed by the Special Returning Officer.

The Chief Electoral Officer was in charge of the arrangements for the despatch of propaganda material in support of the candidature of members of each political party and of Independents. Nominations of candidates closed at midday on 9th September. The official list of candidates was thereupon despatched to the Special Returning Officers in the United Kingdom, Canada, Middle East, and the Pacific Area. The propaganda material printed for despatch to the Pacific by air mail left Wellington on 11th September. The same material was transmitted by cable to the Middle East and Canada on Sunday, 12th September.

In the Middle East arrangements had been made for 12th September to be free of manoeuvres to facilitate voting. On that date, owing to the non-arrival of the propaganda material, voting was stopped till 19th September at the instance of General Freyberg, so that the men could have the opportunity of prior perusal of the electioneering material. Some six thousand votes had been cast, however, before the signal stopping the voting was received by units.

(2) METHODS EMPLOYED FOR RECORDING VOTES

The voting was carried out in accordance with the requirements of the Electoral (Members of the Forces) Regulations 1941, and the evidence before the Committee indicated that it was conducted in a proper manner and that there was no unfair practice, breach of secrecy, negligence, or other irregularity.

(3) METHODS OF DEALING WITH VOTES

(a) *Counting the Votes.*—The evidence indicated that the preliminary and official counts were conducted in a proper manner, that there was no unfair practice, breach of secrecy, negligence, or other irregularity. The scrutiny of the rolls revealed only two cases of dual voting, these being in the Middle East, and the necessary disciplinary action was taken and the votes disallowed. In the absence of scrutineers appointed by political parties, official witnesses in the Middle East were nominated by 2nd New Zealand Expeditionary Force Headquarters in accordance with the regulations. These officers certified that, as witnesses of the scrutiny of the rolls and scrutineers of the official count, to the best of their knowledge and belief all requirements of the regulations were carried out in every respect and that they were entirely satisfied that the figures contained in the official count of the Special Returning Officer were accurate. These witnesses also verified that the results were faithfully transmitted by cable to New Zealand.

In the Pacific, representatives of political parties were able to attend the scrutineering and official count. The party scrutineers assured the Special Returning Officer that they had no objections to offer regarding the conduct of the election.

(b) *Disposal of Voting-papers.*—The Electoral Act, 1927, section 155, provides that used ballot-papers are to be forwarded to the Clerk of the House of Representatives to be stored for twelve months before being destroyed. They are thus available in the event of any recount. The Electoral (Members of the Forces) Regulations 1941, clause 27 (2), provides—

“The result of the count as so notified by the Special Returning Officer shall for all purposes be deemed to be correct and shall be accepted accordingly for the purposes of any recount.”

This clause contemplates the circumstance that voting-papers might be destroyed by enemy action, and consequently the Special Returning Officer's declaration was deemed to be final.

Servicemen's voting-papers were thus by law not available for the purposes of a recount.

In the Magisterial recount in the Eden Electorate it was held by the Magistrate that servicemen's voting-papers were not available for the purposes of a recount.

Used ballot-papers, counterfoils, and rolls were returned to New Zealand to be dealt with in accordance with section 155 of the Electoral Act by the Special Returning Officers in the United Kingdom, Canada, and the Pacific Area, but not in the Middle East. In this case the Special Returning Officer, on his own discretion, ordered the used voting material to be burnt. The electoral material was completely destroyed by placing it in the incinerator provided for the disposal of secret material. The operation was supervised by Captain Bolland, of the Special Returning Officer's staff, and other members of his staff were present. A guard was provided by the Provost Corps.

In making his decision the Special Returning Officer was powerfully influenced by the following considerations:—

- (a) The count had been properly conducted, the results had been faithfully transmitted to New Zealand, the voting material was not available for the purposes of a recount, and his declaration was final:
- (b) The fact that an extremely difficult shipping situation existed at the time, and the advice from Brigadier Weir, the Officer in Charge of the Administration of the 2nd New Zealand Expeditionary Force, that there was no possibility whatever of being able to ship electoral material back to New Zealand:
- (c) The fact that the 2nd New Zealand Expeditionary Force was not prepared to accept responsibility for the custody of the material, in view of its pending departure for Italy, and that other safe storage was not available:
- (d) The fact that the election material contained information valuable to the enemy, and that security would be endangered by incurring any risk that it might fall into enemy hands.

The Special Returning Officer made his decision on his own responsibility after seeking the advice of Brigadier Weir on the question of shipping, storage, and security. In evidence before the Select Committee Brigadier Weir confirmed that the shipping position then was more acute than it had been before or has been since, and that the prospect of shipping-space to New Zealand was very uncertain and remote. Brigadier Weir confirmed that the 2nd New Zealand Expeditionary Force could not have accepted responsibility for storage in view of the pending departure of the Division for Italy. Brigadier Weir also stated before the Committee that particulars from the electoral material would have been of value to the enemy, because the enemy was under the impression that New Zealand had two Divisions in the Middle East, and not one. Access to the electoral material would have enabled him to assess the strength correctly.

It was stated in Captain Bolland's evidence that 2nd New Zealand Expeditionary Force was very insistent that the information supplied to the Special Returning Officer about the strength and location of units should be carefully guarded. The electoral material was therefore kept under lock and key and guarded day and night.

The foregoing factors alone led Major Bryan to make his decision—factors associated with the military environment.

Nevertheless, the Select Committee considers that the Special Returning Officer in the Middle East committed an error of judgment in deciding to burn the electoral material, contrary to the requirements of the Electoral Act, 1927.

(4) CONCLUSION

The Select Committee, having inquired into the organization set up, the methods employed for recording and dealing with votes of servicemen in the recent general election, has to report to the House that it is satisfied—

- (a) That the organization set up for the conduct of the general election among servicemen was adequate and that the Special Returning Officers performed their duties efficiently:
- (b) That proper methods were employed for recording and counting the votes of servicemen and that there was no unfair practice, breach of secrecy, negligence, or other irregularity in the performance of these functions:
- (c) That the Special Returning Officer in the Middle East, who in all other matters carried out his duties with outstanding ability and efficiency, committed an error of judgment in deciding to burn used electoral material, contrary to the requirements of the Electoral Act, 1927:
- (d) That the Special Returning Officer in the Middle East, in arriving at his decision to burn used electoral material, acted in good faith, having regard to the difficulties in returning the material to New Zealand due to shipping, storage, and security factors, and in the knowledge that the count had been properly conducted and the results of the voting faithfully transmitted to New Zealand, and that his declaration was final:
- (e) That there were no circumstances which it would be in the interests of any person to conceal, and that the burning of the electoral material was not for the purpose of concealing, and did not, in fact, conceal any irregularity.
- (f) That the burning of the ballot-papers did not in any way affect the validity or the result of the election.

6th December, 1944.

A. G. OSBORNE, Chairman.

Approximate Cost of Paper.—Preparation, not given printing (358 copies), £5.

By Authority: E. V. PAUL, Government Printer, Wellington.—1945.

Price 3d.]

