

SESSION II.
1923.
NEW ZEALAND.

LEGISLATURE AMENDMENT BILL.

Laid on the Table of the House of Representatives by Leave.

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A BILL INTITLED

AN ACT to amend the Legislature Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Legislature Amendment Act, 1923, and shall be read together with and deemed part of the Legislature Act, 1908 (hereinafter referred to as the principal Act).

PART I.

COMPULSORY REGISTRATION OF ELECTORS.

Compulsory
registration of
electors.

2. Save as otherwise provided in this Act, every person qualified to be registered as an elector for any district (whether or not he is registered as an elector at the commencement of this Act) shall forthwith after the commencement of this Act, or after he first becomes qualified to be registered as an elector, make application in the prescribed form to the Registrar of the district for registration as an elector of that district.

Penalty for failure
to register.

3. (1.) Every person qualified to be registered as an elector for any district who fails for *four* months after the commencement of this Act, or after the date on which he thereafter becomes qualified to be registered as an elector for that district, to become so registered shall be guilty of an offence unless he proves that he duly applied for registration, or that his failure to apply for registration was not due to wilful default.

(2.) Every such offence shall be a continuing offence until application for registration has been duly made.

(3.) Every person who commits an offence against this section shall be liable to a fine of *five* shillings on a first conviction and to a fine of *twenty* shillings on any subsequent conviction.

Changes of address
to be notified.

4. (1.) Every registered elector who, while remaining resident within an electoral district, changes his place of residence within that district, and who has failed for two months to notify the Registrar of his new address, commits an offence which shall be a continuing offence while such default continues.

(2.) Every person who commits an offence against this section shall be liable to a fine of *five* shillings on a first conviction, and to a fine of *twenty* shillings on any subsequent conviction.

Elector not
disqualified for
failure to notify
change of address.

5. A registered elector who has changed his residence within the district as aforesaid shall not be disqualified from voting at an election for that district, notwithstanding that he has not given notice of such change of address as hereinbefore required.

Temporary absence
from district not a
disqualification.

6. (1.) A person who is registered as an elector of any district shall not be deemed to have forfeited his qualification for registration as an elector of that district by reason of absence therefrom unless he becomes registered in another district or is qualified to become so registered.

(2.) It shall be the duty of every registered elector who may be temporarily absent from the district for a period of not less than three months to give notice of his absence to the Registrar before the expiry of the said period.

Notification of death
of registered elector.

7. Every Registrar of Births and Deaths shall forthwith after the registration of the death of any adult person notify the Registrar of Electors of the district in which the deceased person resided of the fact of the death, together with such particulars known to the Registrar of Births and Deaths as may be required to enable the Registrar of Electors to amend the roll if necessary.

Notification of
marriages for
purpose of
amending rolls.

8. (1.) Every Registrar of Marriages, forthwith after receipt of a notice given pursuant to the Marriage Act, 1908, of the intended marriage of any woman registered as an elector of any district, shall send notice thereof to the Registrar of Electors of that district.

(2.) On receipt of such notice the Registrar of Electors shall take all proper steps, after verification of the particulars contained in the notice, to amend the roll if necessary.

(3.) If for any reason such alteration, is not made in the roll before the issue of the writ, the elector shall, if otherwise qualified, be entitled to vote in respect of her former name as appearing on the roll.

9. As soon as practicable after the expiration of *four* months from the commencement of this Act, the Registrar of each electoral district shall compile a new roll of the electors of that district for the purposes of the principal Act, from particulars supplied pursuant to the foregoing provisions of this Act.

Preparation of
new rolls.

10. (1.) On the completion of the preparation of new rolls, as provided for in the *last preceding* section, the Governor-General shall, by Order in Council, declare the existing rolls to be abolished as from a date to be therein specified in that behalf (being not later than six months after the passing of this Act), and the new rolls prepared as aforesaid shall thereupon be deemed to be the several electoral rolls for the purposes of the principal Act.

Abolition of existing
rolls

(2.) The new rolls prepared as aforesaid shall be printed as required by section twenty-three of the Legislature Amendment Act, 1910 :

Provided that, in the event of a by-election being held for any district after the date when the new roll for that district has come into force, and before the same has been printed, the Minister may fix the date on which the main roll shall be closed, and shall cause the same to be printed forthwith.

PART II.

PREFERENTIAL VOTING.

11. Nothing in this Part of this Act shall apply with respect to a general election of members for any electoral division to which Part III of this Act applies, but this Part of this Act shall apply to by-elections for any such electoral division.

This Part not
applicable to general
elections in certain
urban districts.

12. The system of voting for one candidate only prescribed by the principal Act with respect to elections thereunder shall not apply with respect to any election (whether a general election or a by-election) to be held thereunder after the commencement of this Act, but, in lieu thereof, the system of preferential voting hereinafter prescribed shall, save so far as otherwise provided in Part III of this Act, be adopted and shall apply.

Preferential-voting
system to apply to
future elections.

13. For the purpose of giving effect to the *last preceding* section, section one hundred and thirty of the principal Act is hereby amended by omitting from subsection one all words after the word "secretly," and substituting therefor the following: "mark the ballot-paper by placing the figure 1 in the square opposite the name of the candidate whom he desires to be elected. He may also, if he so desires, indicate the order of his preference for as many of the other candidates as he pleases by placing in the squares opposite their respective names, other figures next in numerical order after the figure 1."

Mode of marking
ballot-paper.

14. The ballot-paper to be used at any election under this Part of this Act shall be in the form numbered (1) in the *First Schedule* hereto.

Form of ballot-
paper for
preferential voting.

Preliminary Count of the Votes.

15. (1.) Every Deputy Returning Officer at the polling-booth at which he presides shall, as soon as practicable after the close of the poll, make up into separate parcels—

Counterfoils and
marked rolls to be
sealed up.

(a.) The certified copy of the roll supplied to him on which is noted the fact that any elector has tendered his vote; and

(b.) The counterfoils of all the ballot-papers that have been issued to voters.

(2.) The Deputy Returning Officer shall then in the presence of such of the scrutineers as choose to be present (including those appointed under section nineteen of the Licensing Act, 1908) and the poll-clerks (if any), but of no other person, open the ballot-box, and,

Number of first-
preference votes
counted.

taking therefrom all the ballot-papers therein, shall set aside all informal ballot-papers, and ascertain, in respect of each candidate, the number of ballot-papers which are marked with the figure 1 opposite his name, or which in any other manner indicate the desire of the elector that that candidate should be elected.

(3.) The number so ascertained in respect of each candidate shall be deemed to be the number of first-preference votes recorded for that candidate.

Informal votes.

16. (1.) A ballot-paper is informal—

- (a.) If there is reasonable cause to believe that it was not issued to a voter by the Deputy Returning Officer ; or
- (b.) If it has upon it any mark or writing by which the voter can be identified ; or
- (c.) If it has no vote indicated on it ; or
- (d.) If it has the figure 1 opposite the names of more than one candidate ; or
- (e.) If it does not clearly indicate the candidate whom the elector desires to be elected.

(2.) A ballot-paper shall not be rejected as informal on any ground other than those stated in the *last preceding* subsection.

(3.) In particular, a ballot-paper shall not be informal by reason only—

- (a.) That a figure (not being the figure 1) has been placed opposite the names of more than one candidate, but the votes indicated by that figure or any higher figure shall not be effectual ; or
- (b.) That a figure (not being the figure 1) has been omitted in the numerical sequence of the order of the voter's preference, but the votes indicated by any figure higher than the figure so omitted shall not be effectual ; or
- (c.) That the voter has not placed any figures in the squares opposite the names of the candidates, but has indicated his preference by placing a cross in the square opposite the name of any one candidate. In any such case he shall be deemed to have indicated his first preference for the candidate opposite whose name he has placed such cross ; or
- (d.) That the voter has struck out the name or names of all candidates save one, and in that case he shall be deemed to have indicated his preference for the candidate whose name has not been struck out.

Result of voting to be announced.

17. Immediately after ascertaining the number of first-preference votes recorded for each candidate, the Deputy Returning Officer shall announce the result at the polling-booth at which he presides, and shall transmit the result by telegraph or other expeditious means to the Returning Officer.

Deputies to make up books and papers in parcels.

18. (1.) The Deputy Returning Officer shall then forthwith make up into separate parcels—

- (a.) The used ballot-papers, together with (but in a separate enclosure) the ballot-papers set aside as informal under section *fifteen* hereof ;
- (b.) The ballot-papers set aside under section one hundred and thirty-two of the principal Act ;
- (c.) The unused and spoilt ballot-papers ;
- (d.) All books and papers kept and used by him during the polling, except the certified copy of the roll supplied to him on which is noted the fact that any elector has tendered his vote ; and
- (e.) (i.) A statement of the number of first-preference votes received by each candidate, and of the number of ballot-papers set aside as informal under section *fifteen* hereof, or set aside under section one hundred and thirty-two of the principal Act ; and

(ii.) A statement of the number of ballot-papers originally delivered to the Deputy Returning Officer, the number thereof delivered to and used by voters, the number of spoilt ballot-papers, and the number of ballot-papers not delivered to and used by voters.

(2.) The statements referred to in paragraph (e) of the *last preceding* subsection shall be prepared by the Deputy Returning Officer, and shall be signed by him and by such of the scrutineers as are present and consent to sign the same.

(3.) Each parcel made up pursuant to section *fifteen* hereof, or this section, shall be sealed by the Deputy Returning Officer with his own seal, and by such scrutineers present as desire to affix their seals, and shall be endorsed by the Deputy Returning Officer with a description of the contents thereof, the name of the district, the name of the polling-booth, and the date of the polling; and such endorsement shall be signed by the Deputy Returning Officer.

(4.) The Deputy Returning Officer shall with all possible despatch deliver or transmit to the Returning Officer all the separate parcels referred to in the *last preceding* subsection.

Official Count of the Votes and Declaration of Poll.

19. On completion of the scrutiny of the rolls, as directed by section one hundred and forty-two of the principal Act, the Returning Officer, with such assistance as he deems necessary, and in the presence of such of the scrutineers appointed under section forty-eight of the Legislature Amendment Act, 1910, as choose to be present, shall proceed as follows:—

Official count of the votes.

(a.) He shall open separately each of the parcels of ballot-papers mentioned in paragraph (a) of subsection *one* of the *last preceding* section and, after setting aside all informal ballot-papers, shall count the number of first-preference votes recorded for each candidate on the ballot-papers contained therein, and shall compare the result of the count in respect of each parcel with the corresponding statement mentioned in paragraph (e) of subsection *one* of the *last preceding* section. The Returning Officer shall, where necessary, amend any such statement, and every such statement (whether amended or not) shall be initialled by the Returning Officer.

(b.) The Returning Officer shall then deal in like manner with all absent-voters' ballot-papers and seamen's ballot-papers, and shall count the number of first-preference votes recorded thereon for each candidate.

(c.) The Returning Officer shall then ascertain the total number of first-preference votes recorded at the election for each candidate.

20. If the total number of first-preference votes so recorded for any candidate constitutes an absolute majority (that is, is greater than one-half of the number of all the valid votes recorded at the election, including the casting-vote of the Returning Officer, when given), the Returning Officer shall declare that candidate to be duly elected.

Declaration of the poll where absolute majority obtained.

21. If no candidate has received an absolute majority of first-preference votes, the Returning Officer shall proceed as follows:—

Provisions to apply where absolute majority not obtained.

(a.) He shall declare the candidate who has received the fewest first-preference votes to be a defeated candidate, and shall distribute among the remaining candidates all the ballot-papers previously counted to the defeated candidate according to the indication (if any) of the voters' next preference, and shall add the number so distributed to each candidate to the first-preference votes previously counted to that candidate.

- (b.) If any candidate has then, with such addition as aforesaid, received an absolute majority of votes, the Returning Officer shall declare him to be elected.
- (c.) If no candidate has, with such addition as aforesaid, received an absolute majority of votes, the procedure of declaring the candidate who has received the fewest votes to be a defeated candidate, of distributing his ballot-papers among the then remaining candidates according to the indication (if any) of the voters' next preference, and of adding the number so distributed to each candidate to the number then last counted to that candidate, shall be repeated until one candidate has received an absolute majority of votes, and that candidate shall then be declared duly elected.
- (d.) If on any count two or more candidates have an equal number of votes, and one of them has to be declared a defeated candidate, the Returning Officer shall decide by lot which is to be so declared.

Subsequent dealings
with ballot-papers.

22. (1.) The Returning Officer shall then seal up into separate parcels the ballot-papers counted to each candidate, and endorse on each parcel a memorandum specifying the name of the candidate and the number of ballot-papers contained in the parcel: and shall sign the endorsement.

(2.) The Returning Officer shall also seal up into a separate parcel all the informal ballot-papers, and endorse the same with a note of its contents, and shall sign the endorsement.

Count may be
adjourned.

23. (1.) The count of the votes by the Returning Officer may be adjourned from time to time as the Returning Officer deems necessary.

(2.) Each adjournment and also the time and place for the continuation of the count shall be announced to the scrutineers and officers by the Returning Officer.

(3.) Before any such adjournment all ballot-papers and other documents connected with the count shall be locked up by the Returning Officer in one or more ballot-boxes or other safe receptacle under seal; and any scrutineer who may desire to do so shall be permitted by the Returning Officer to place his special seal upon the outer cover of the receptacle or receptacles in which such ballot-papers and documents are locked up.

Declaration of result
of poll.

24. As soon as conveniently may be after the Returning Officer has ascertained the total number of votes received by each candidate, he shall, if any candidate has received an absolute majority of first-preference votes, publicly declare, in the form numbered (22) in the Second Schedule to the principal Act, that candidate to be elected, and in any other case shall publicly declare the result of the poll in the form numbered (2) in the *First* Schedule hereto.

PART III.

PROPORTIONAL REPRESENTATION.

Proportional
representation in
certain urban
districts.

25. (1.) For the purposes of this Part of this Act there shall be four electoral divisions, to be known respectively as the Auckland Electoral Division, the Wellington Electoral Division, the Christchurch Electoral Division, and the Dunedin Electoral Division.

Constitution of
electoral divisions
for purposes of
proportional
representation.

(2.) The said electoral divisions shall, until altered by the Representation Commissions, as provided by this Part of this Act, be constituted as follows:—

- (a.) The Auckland Electoral Division shall comprise the Electoral Districts of Auckland West, Auckland Central, Auckland East, Grey Lynn, and Parnell:

- (b.) The Wellington Electoral Division shall comprise the Electoral Districts of Wellington North, Wellington Central, Wellington East, Wellington South, and Wellington Suburbs :
- (c.) The Christchurch Electoral Division shall comprise the Electoral Districts of Christchurch North, Christchurch East, Christchurch South, and Avon :
- (d.) The Dunedin Electoral Division shall comprise the Electoral Districts of Dunedin North, Dunedin West, Dunedin Central, and Dunedin South.

(3.) The electoral districts referred to in the *last preceding* subsection are the electoral districts as defined, with the same names respectively, in the several Proclamations made by the Governor-General pursuant to section twenty-two of the principal Act, and dated the twentieth day of February, nineteen hundred and twenty-two.

26. Whenever the Representation Commissions divide New Zealand into electoral districts as provided in the principal Act, they shall determine for each electoral division what electoral districts respectively correspond to the electoral districts specified in the *last preceding* section, and the electoral divisions aforesaid shall, as from the expiry of the then existing Parliament, comprise the electoral districts so determined.

Alteration of electoral divisions by Representation Commissions.

27. (1.) For each electoral division there shall be elected, by the electors of all the constituent electoral districts within the electoral division, as many representatives as there are electoral districts within that division.

Representation of electoral divisions.

(2.) At every general election held after the commencement of this Act the representatives of the several electoral divisions shall be elected in accordance with the provisions of this Part of this Act relating to proportional representation.

(3.) If the seat of any member elected to represent an electoral division becomes vacant during the term for which such member was elected, the vacancy shall be filled by an election conducted for the electoral division in accordance with the provisions of Part II of this Act, relating to preferential voting.

28. (1.) For every electoral division there shall be appointed a Returning Officer and such Assistant Returning Officers and other officers as may be necessary.

Returning Officer for each electoral division.

(2.) The Returning Officer appointed for an electoral division shall be the Returning Officer for the several licensing districts comprised in the electoral division.

29. (1.) The electoral districts comprised in any electoral division are herein referred to as electoral subdivisions, and the rolls of such electoral districts as subdivisational rolls.

Electoral subdivisions and subdivisational rolls.

(2.) Every elector for an electoral division who votes within that electoral division shall be entitled to vote only within the electoral subdivision for which he is registered as an elector.

30. At any general election for the election of members for an electoral division, the voter shall mark his ballot-paper in the manner prescribed by Part II of this Act (relating to preferential voting).

Mode of marking ballot-paper.

31. The ballot-paper to be used at any election under this Part of this Act shall be in the form numbered (1) in the *First Schedule* hereto.

Form of ballot-paper for proportional representation.

Preliminary Count of the Votes.

32. (1.) Every Deputy Returning Officer at the polling-booth at which he presides shall, as soon as practicable after the close of the poll, make up into separate parcels---

Counterfoils and marked rolls to be sealed up.

- (a.) The certified copy of the roll supplied to him on which is noted the fact that any elector has tendered his vote ; and
- (b.) The counterfoils of all the ballot-papers that have been issued to voters.

Number of first-
preference votes
counted.

(2.) The Deputy Returning Officer shall then, in the presence of such of the scrutineers as choose to be present (including those appointed under section nineteen of the Licensing Act, 1908), and the poll-clerks (if any), but of no other person, open the ballot-box, and, taking therefrom all the ballot-papers therein, shall set aside all informal ballot-papers, and ascertain, in respect of each candidate, the number of ballot-papers which are marked with the figure 1 opposite his name, or which in any other manner indicate the desire of the elector that that candidate should be elected.

(3.) The number so ascertained in respect of each candidate shall be deemed to be the number of first-preference votes recorded for that candidate.

Informal votes.

33. (1.) A ballot-paper is informal—

- (a.) If there is reasonable cause to believe that it was not issued to a voter by the Deputy Returning Officer; or
- (b.) If it has upon it any mark or writing by which the voter can be identified; or
- (c.) If it has no vote indicated on it; or
- (d.) If it has the figure 1 opposite the names of more than one candidate; or
- (e.) If it does not clearly indicate a candidate or candidates whom the elector desires to be elected.

(2.) A ballot-paper shall not be rejected as informal on any ground other than those stated in the *last preceding* subsection.

(3.) In particular, a ballot-paper shall not be informal by reason only—

- (a.) That a figure (not being the figure 1) has been placed opposite the names of more than one candidate; but the votes indicated by that figure or any higher figure shall not be effectual; or
- (b.) That a figure (not being the figure 1) has been omitted in the numerical sequence of the order of the voter's preference; but the votes indicated by any higher figure than the figure so omitted shall not be effectual; or
- (c.) That the voter has not placed any figures in the squares opposite the names of the candidates, but has indicated his preference by placing a cross in the square opposite the name of any one candidate. In any such case he shall be deemed to have indicated his first preference for the candidate opposite whose name he has placed such cross; or
- (d.) That the voter has struck out the name or names of all candidates save one, and in that case he shall be deemed to have indicated his first preference for the candidate whose name has not been struck out.

Result of voting to
be announced.

34. Immediately after ascertaining the number of first-preference votes recorded for each candidate the Deputy Returning Officer shall announce the result at the polling-booth at which he presides; and shall transmit the result by telegraph or other expeditious means to the Assistant Returning Officer of the electoral subdivision, who, on receipt of all such returns, shall ascertain therefrom the total number of first-preference votes received by each candidate within the electoral subdivision and transmit the result by telegraph or other expeditious means to the Returning Officer of the electoral division.

Deputies to make up
books and papers in
parcels.

35. (1.) The Deputy Returning Officer shall then forthwith make up into separate parcels,—

- (a.) The used ballot-papers, together with (but in a separate enclosure) the ballot-papers set aside as informal under section *thirty-two* hereof;
- (b.) The ballot-papers set aside under section one hundred and thirty-two of the principal Act;

- (c.) The unused and spoilt ballot-papers ;
- (d.) All books and papers kept and used by him during the polling, except the certified copy of the roll supplied to him on which is noted the fact that any elector has tendered his vote ; and
- (e.) (i.) A statement of the number of first-preference votes received by each candidate and of the number of ballot-papers set aside as informal under section *thirty-two* hereof, or set aside under section one hundred and thirty-two of the principal Act ; and
- (ii.) A statement of the number of ballot-papers originally delivered to the Deputy Returning Officer, the number thereof delivered to and used by voters, the number of spoilt ballot-papers, and the number of ballot-papers not delivered to and used by voters.

(2.) The statements referred to in paragraph (e) of the *last preceding* subsection shall be prepared by the Deputy Returning Officer, and shall be signed by him and by such of the scrutineers as are present and consent to sign the same.

(3.) Each parcel made up pursuant to section *thirty-two* hereof or this section shall be sealed by the Deputy Returning Officer with his own seal and by such scrutineers present as desire to affix their seals, and shall be endorsed by the Deputy Returning Officer with a description of the contents thereof, the name of the electoral subdivision, the name of the polling-booth, and the date of the polling, and such endorsement shall be signed by the Deputy Returning Officer.

(4.) The Deputy Returning Officer shall, with all possible despatch, deliver or transmit to the Assistant Returning Officer of the electoral subdivision all the separate parcels referred to in the *last preceding* subsection.

Official Count of the Votes and Declaration of Poll.

36. (1.) On completion of the scrutiny of the rolls as directed by section one hundred and forty-two of the principal Act the Assistant Returning Officer shall forward the result thereof to the Returning Officer of the electoral division. Official count of the votes.

(2.) On receipt of the results of every such scrutiny conducted within the electoral division, the Returning Officer, with such assistance as he deems necessary, and in the presence of such of the scrutineers appointed under section forty-eight of the Legislature Amendment Act, 1910, as choose to be present, shall proceed as follows :—

- (a.) He shall open separately each of the parcels of ballot-papers mentioned in paragraph (a) of subsection *one* of the *last preceding* section, and, after setting aside all informal ballot-papers, shall count the number of first-preference votes recorded for each candidate on the ballot-papers contained therein, and shall compare the result of the count in respect of each parcel with the corresponding statement mentioned in paragraph (e) of subsection *one* of the *last preceding* section. The Returning Officer shall, where necessary, amend any such statement, and every such statement (whether amended or not) shall be initialled by the Returning Officer.
- (b.) The Returning Officer shall then deal in like manner with all absent voters' ballot-papers and seamen's ballot-papers, and shall count the number of first-preference votes recorded thereon for each candidate.
- (c.) The Returning Officer shall then count the votes in accordance with the rules set out in the Third Schedule to the Legislative Council Act, 1914.

Count may be
adjourned.

37. (1.) The count of the votes by the Returning Officer may be adjourned from time to time as the Returning Officer deems necessary.

(2.) Each adjournment and also the time and place for the continuation of the count shall be announced to the scrutineers and officers by the Returning Officer.

(3.) Before any such adjournment all ballot-papers and other documents connected with the count shall be locked up by the Returning Officer in one or more ballot-boxes or other safe receptacle under seal; and any scrutineer who may desire to do so shall be permitted by the Returning Officer to place his special seal upon the outer cover of the receptacle or receptacles in which such ballot-papers and documents are locked up.

Declaration of
result of poll.

38. As soon as conveniently may be after the counting of the votes has been completed the Returning Officer shall publicly declare the result of the poll, and the persons declared to be elected shall be deemed to be elected accordingly.

PART IV.

MISCELLANEOUS.

Section 40
of principal Act
amended.

39. Section forty of the principal Act is hereby amended by repealing subsection four, and substituting the following subsections:—

“(4.) Save as otherwise provided in the *next succeeding* subsection, there shall be a separate Registrar for every electoral district, who may also be the Returning Officer for the same district.

“(4A.) One Registrar may be appointed for any two or more districts in each of which is comprised any part of the cities of Auckland, Wellington, Christchurch, and Dunedin.”

Section 52 of
Amendment Act,
1910, amended.

40. Section fifty-two of the Legislature Amendment Act, 1910, is hereby amended, by repealing subsections three to seven thereof, and substituting the following subsection:—

“(3.) The Returning Officer shall transmit to the Registrar of the district the copy of the roll marked in accordance with the provisions of subsection *one* hereof, and the Registrar shall, as and when directed by the Chief Electoral Officer, make inquiries with respect to the persons shown thereon as not having voted; and no such person shall have his name removed from the roll unless it is proved to the satisfaction of the Registrar that he has ceased to be qualified as an elector of the district.”

Absent voters

41. (1.) Any registered elector who retains his qualification for registration as an elector of the district for which he is registered shall, in the case of a general election, be entitled to vote at any polling-place outside that district in such manner and on such conditions as may be prescribed by regulations in that behalf; and, in the case of a by-election, may vote at any post-office outside the district at any time while that post-office is open for the transaction of ordinary business.

(2.) Nothing in this section shall apply with respect to seamen.

(3.) The foregoing provisions of this section shall apply with respect to any poll taken under the Licensing Act, 1908.

Certain persons
entitled to vote on
making declaration
as to qualifications.

42. (1.) The following classes of persons, not being registered as electors of any district, may, on making a declaration in the prescribed form that they are qualified to be enrolled as electors, vote as electors of the district in which they are resident, namely:—

(a.) Any person whose name is ruled out on any certified copy of the roll supplied to the Returning Officer pursuant to section twenty-four of the Legislature Amendment Act, 1910; or

(b.) Any person who, having applied for enrolment as an elector at any time before six o'clock in the afternoon of the day of the issue of the writ, and having been informed by the Registrar that he has been enrolled, has not been so enrolled.

(2.) Every person who votes under the authority of this section shall enclose his voting-papers in an envelope which shall be sealed by the voter in the presence of the Deputy Returning Officer. The envelope and declaration shall be numbered by the Deputy Returning Officer, and the voting-papers shall then be deposited by the elector in the ballot-box.

(3.) After the close of the poll the declarations, with the relative voting-papers, shall be forwarded to the Returning Officer for verification, and the votes shall be counted only if the Returning Officer is satisfied that the declarations have been properly made.

(4.) Where the Returning Officer is satisfied that a declaration has been properly made, he shall forward the same to the Registrar for the district, who shall thereupon take all necessary steps for the registration of the declarant as an elector.

(5.) Every person who knowingly and wilfully makes a false statement in any declaration under this section shall be liable to a fine of *fifty* pounds.

(6.) Section thirteen of the Expeditionary Forces Voting and Electoral Rights Amendment Act, 1919, is hereby repealed. Consequential repeal.

43. (1.) Section thirty-five of the principal Act is hereby amended by repealing paragraph (b) of subsection one and substituting the following paragraph:— Residential qualifications of electors.

“(b.) Every person lawfully on the existing roll of the district as provided by the *next succeeding* subsection.”

(2.) The said section thirty-five is hereby further amended by inserting after subsection one the following subsection:—

“(1A.) Every adult person who has resided for one year in New Zealand and who has resided in any electoral district for not less than three months immediately preceding the date of his application for registration as an elector of that district, and who is a British subject either by birth or by naturalization in New Zealand, is entitled, subject to the provisions of this Act, to be registered as an elector of that district:

“Provided that Maoris (other than half-castes) shall not be entitled to be registered as electors under this subsection.”

(3.) Section two of the Legislature Amendment Act, 1914, is hereby repealed. Consequential repeal.

(4.) Section four of the Legislature Amendment Act, 1914, is hereby amended by omitting from subsection one and also from subsection two the words “one month” and substituting the words “three months.”

44. Section one hundred and ten of the principal Act is hereby amended by omitting from subsection one the words “in the form numbered (17) in the Second Schedule hereto.” Section 110 of principal Act amended.

45. The enactments mentioned in the *Second* Schedule hereto are hereby repealed to the extent indicated in that Schedule. Repeals.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

(1.) BALLOT-PAPER.

(Front.)

	BROWN.
	JONES.
	ROBINSON.
	WILLIAMS, JAMES.
	WILLIAMS, JOHN.

DIRECTIONS.

1. The voter must **not** strike out the name of any candidate.
2. The voter must place the figure 1 in the square opposite the name of the candidate whom he desires to be elected.
3. The voter may also, if he so desires, indicate the order of his preference for as many of the other candidates as he pleases, by placing in the squares opposite their respective names other figures next in numerical order after the figure 1.
4. The ballot-paper is to be folded up so that the contents cannot be seen, and the official mark on the back having been shown to the Deputy Returning Officer, the ballot-paper is to be put into the ballot-box by the voter.
5. The ballot-paper is not to be taken out of the polling-booth.

(Back.)

Consecutive No. :

To be entered here and also on the top left-hand corner of the back of ballot-paper.

No. on Roll :

To be entered here **only**.

Stamp across the perforation so that the number of the booth appears on both the counterfoil and the ballot-paper.

Official

Mark.

Initials of
Deputy Returning Officer :

(2.) DECLARATION OF RESULT OF POLL.

I, A. B., Returning Officer for the Electoral District of _____, do hereby declare the result of the poll taken on the _____ day of _____, 19____, for the election of a member of Parliament for the said district to be as follows:—

Candidates.	First-preference Votes.	Second or other Preference Votes.	Total Votes.
C. D. 			
E. F. 			
G. H. 			
I. J. 			

Total number of valid ballot-papers.. ..
Number of ballot-papers rejected as informal ..

I hereby declare C.D. to be duly elected.
Dated at _____, this _____ day of _____, 19____.
A. B.,
Returning Officer.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Title of Enactment.	Extent of Repeal.
1908, No. 101.—The Legislature Act, 1908	Sections 42, 44, 46, 48, 61, 137, and sub-section (2) of section 233.
1910, No. 59.—The Legislature Amendment Act, 1910	Sections 12, 13, 31 (2), 40, 41, 42, 43, 44, 45, 46, 47, 49, and 53; Schedule, Forms Nos. (6), (7), (8), (9), and (10).
1914, No. 33.—The Legislature Amendment Act, 1914	Sections 20, 21, 22 (a), 24 (a), and 24 (c); Schedule, Forms Nos. (1) and (3).
1919, No. 51.—The Expeditionary Forces Voting and Electoral Rights Amendment Act, 1919	Subsections (1) and (2) of section 17.

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