

New Zealand.

AMENDED: See Act, 1919 No. 36, 51

AMENDED: See Act, 1920 No. 82

WHOLE ACT REPEALED

AMENDED: See ACT, 1924 NO 61



ANALYSIS.

Title.

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| <ol style="list-style-type: none"> 1. Short Title. 2. Section 35 of principal Act amended. 3. Section 39 of principal Act amended. 4. Enrolment of members of the theatrical profession and commercial travellers. 5. Repeals. 6. Section 60 of principal Act amended. 7. Provision for purging the rolls prior to general election. 8. Section 87 of principal Act amended. 9. Special provisions as to seamen who have no settled residence. 10. All registered seamen required to make written application for ballot-papers. 11. Where seaman records vote for district other than district for which he is registered, notice to be sent to Registrar of last-mentioned district. | <ol style="list-style-type: none"> 12. Electoral districts comprising ports. 13. Section 39 of principal Act amended. 14. Section 91 of principal Act amended. Repeals. 15. Section 92 of principal Act amended. 16. Section 105 of principal Act amended. 17. Repeal. 18. Persons struck off roll in error entitled to vote. 19. Section 38 of Amendment Act, 1910, amended. 20. Section 40 of Amendment Act, 1910, amended. 21. Section 41 of Amendment Act, 1910, amended. 22. Second Schedule to principal Act amended. 23. Third Schedule to principal Act amended. 24. Schedule to Amendment Act, 1910, amended. 25. Registration of Maori electors under Part IV. Schedule. |
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REPE. by s. 252 (Schd.)
of 1927, No. 44.

1914, No. 33.

AN ACT to amend the Legislature Act, 1908.

[27th October, 1914.]

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, 1914, and shall form part of and be read together with the Legislature Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section thirty-five of the principal Act is hereby amended by omitting from paragraph (b) the words "during the three months," and substituting the words "for one month."

Section 35 of principal Act amended.

3. Section thirty-nine of the principal Act is hereby amended by inserting, after the word "Deputy" in subsections two and three thereof, the word "Chief."

REFER TO INSET APPENDED
Section 39 of principal Act amended.

4. (1.) Every member of the theatrical profession who has resided in New Zealand for not less than one year immediately prior to his application shall, if otherwise qualified to be enrolled as an elector, be entitled, notwithstanding that he has not resided in any electoral district for ~~one month~~ immediately preceding his registration, to be enrolled in the district in which he is residing at the time of his making a claim for enrolment.

Enrolment of members of the theatrical profession and commercial travellers.

REFER TO INSET APPENDED

(2.) Every person who is engaged as a commercial traveller and has resided in New Zealand for not less than one year immediately prior to his application shall, if otherwise qualified to be enrolled as an elector, be entitled, notwithstanding that he has not resided in any electoral district for ~~one month~~ immediately preceding his registration, to be enrolled in the district in which the headquarters of his business are situated.

Repeals.

5. Section forty-three of the principal Act and section ten of the Legislature Amendment Act, 1910, are hereby repealed.

Section 60 of principal Act amended.

6. Section sixty of the principal Act is hereby amended, by repealing paragraph (e) of subsection one, and by inserting after the said subsection the following new subsection:—

“(1A.) The Registrar shall, at any time before the expiration of six days after the issue of a writ for the election of a member for any district, remove from the roll of the district the name of every person entered thereon whose subsequent registration in any other district is notified to him by the Registrar of that district.”

Provision for purging the rolls prior to general election.

7. (1.) The Chief Electoral Officer may in any year in which a general election is to be held direct an inquiry to be made in such manner as he thinks fit as to the residential qualifications of all persons whose names appear on the rolls then in force.

(2.) If on such inquiry any person whose name appears on the roll for any district cannot be found within the district, the Registrar shall apply to a Magistrate exercising jurisdiction in the district for an order directing the removal of the said name from the roll; and the Magistrate shall, on being satisfied that inquiry has been duly made as aforesaid, and that the said person cannot be found within the district, make an order directing that the name in respect of which such application is made be removed from the roll, and the said name shall be removed accordingly.

Section 87 of principal Act amended.

8. (1.) Section eighty-seven of the principal Act is hereby amended—

(a.) By omitting the words “owned or” in paragraph (a):

(b.) By inserting after paragraph (a) the following paragraph:—

“(aa.) Every seaman qualified to be enrolled as an elector and having a settled residence in any electoral district shall be enrolled in that district.”

(2.) The said section is hereby further amended by adding the following subsection:—

“(2.) Without restricting the meaning of the expression ‘settled residence’ as used in this section, a seaman shall be deemed to have a settled residence in an electoral district if in fact he has in that district a home at which he habitually resides when not engaged in any ship.”

Special provisions as to seamen who have no settled residence.

9. (1.) This section applies only to seamen who are enrolled as electors, but who on the date of their enrolment have no settled residence in any electoral district.

(2.) In the case of every such seaman the following provisions shall apply:—

(a.) If the seaman on the date when he records his vote at any election is engaged on any ship pursuant to an agreement under section forty-one of the Shipping and Seamen Act, 1908, he shall for all purposes be deemed to be an elector

of the district comprising the port at which he signed that agreement.

(b.) If the seaman on the date when he records his vote at any election is not engaged on any ship, he shall for all purposes be deemed to be an elector of the district comprising the port at which he was last discharged.

(c.) In every other case a seaman shall be deemed to be an elector of the district for which he is actually registered.

(3.) Where any port referred to in paragraph (a) or paragraph (b) of the last preceding subsection is comprised in more electoral districts than one the seaman shall be deemed to be an elector of such one of those districts as he may elect :

Provided that where one of such districts is the district for which he is actually registered he shall be deemed for all purposes to be an elector of that district.

(4.) Where pursuant to this section a seaman is deemed to be an elector of a district other than the district for which he is registered, he shall for all purposes cease to be an elector of the last-mentioned district.

10. (1.) Every seaman entitled to vote at any election shall, before receiving a ballot-paper, produce to the Deputy Returning Officer or Collector of Customs, as the case may be, an application for a ballot-paper in the form numbered (5) in the Schedule hereto.

All registered seamen required to make written application for ballot-papers.

(2.) Section ninety-one of the principal Act is hereby amended by omitting from paragraph (a) all words after the words "his elector's right."

(3.) The form numbered (10) in the Second Schedule to the principal Act is hereby repealed.

11. Where a seaman has pursuant to section nine hereof exercised a vote for an electoral district other than the district for which he is registered, the Deputy Returning Officer shall forthwith notify the Registrar of the district for which the seaman is actually registered of—

Where seaman records vote for district other than district for which he is registered, notice to be sent to Registrar of last mentioned district.

(a.) The fact that the seaman has exercised his vote ; and

(b.) The name of the electoral district for which the vote was recorded.

12. For the purposes of section eighty-seven of the principal Act and of section nine of this Act a port shall be deemed to be comprised within those electoral districts any part of which is contiguous to the harbour of the said port :

Electoral districts comprising ports.

Provided that the Governor may, by notice in the *Gazette*, declare that any other electoral district shall, in addition to the districts hereinbefore referred to, be deemed to be an electoral district comprising the said port.

13. Section eighty-nine of the principal Act is hereby amended by repealing subsection three, and substituting the following :—

Section 89 of principal Act amended.

"(3.) An elector's right shall cease to be in force immediately on the close of the first election at which the holder is entitled to vote after the issue of the right."

14. (1.) Section ninety-one of the principal Act as amended by section twenty-six of the Legislature Amendment Act, 1910, is hereby amended as follows :—

Section 91 of principal Act amended.

(a.) By repealing paragraph (b), and substituting the following:—

“(b.) The Collector shall thereupon fill up a blank ballot-paper with the names of the candidates for the district for which the holder is entitled to vote, and shall enter on both the counterfoil and the top right-hand corner of the back of the ballot-paper a number (called a consecutive number) beginning with the number one in the case of the first ballot-paper issued by him, and on all succeeding ballot-papers issued by him the numbers shall be consecutive, so that no two ballot-papers issued by him shall bear the same number; he shall then fold over the corner of the ballot-paper so as to conceal the consecutive number, and shall secure the corner by gum or other effective means; on the counterfoil of the ballot-paper he shall also write his initials and the number of the elector’s right in respect of which the ballot-paper is given, and shall then, on both the counterfoil and the back of the ballot-paper, place his official mark, and shall give the ballot-paper to the voter.”

(b.) By omitting from paragraph (d) the words “return the right to the voter,” and substituting the words “attach the right to the voter’s application for a ballot-paper.”

(2.) Subsection one of section twenty-six of the Legislature Amendment Act, 1910, is hereby repealed.

Repeal.

Section 92 of principal Act amended.

15. Section ninety-two of the principal Act is hereby amended by omitting the words “then return the right to the voter,” and substituting the following: “in the case where the holder of the right has voted as an absent voter attach the right to his application for a ballot-paper.”

Section 105 of principal Act amended.

16. Section one hundred and five of the principal Act is hereby amended by adding to subsection seven the following words: “and in the same advertisement shall notify the polling-places for the district.”

Repeal.

17. Subsection two of section one hundred and sixteen of the principal Act is hereby repealed.

Persons struck off roll in error entitled to vote.

18. (1.) If at any election any person whose name is removed from any certified copy of the roll supplied to the Returning Officer in pursuance of section twenty-four of the Legislature Amendment Act, 1910, or who voted at the last preceding election in the district but whose name does not appear on the said roll, applies to vote, he shall be given a ballot-paper on his making a declaration in the form numbered (2) in the Schedule hereto.

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

19. (1.) Subsection one of section thirty-eight of the Legislature Amendment Act, 1910, is hereby amended—

(a.) By inserting, before the words “back of the ballot-paper,” the words “top right-hand corner of the”; and

(b.) By inserting, after the words “the same number,” the words “he shall then fold over the corner of the ballot-paper so as to conceal the consecutive number, and shall secure the corner by gum or other effective means.”

Section 38 of Amendment Act, 1910, amended.

REPEALED: Vide Inset

(2.) Subsection two of the said section thirty-eight is hereby amended by adding thereto the following proviso:—

“Provided that, in so far as relates to the duty of securing the corner of the ballot-paper by gum or other effective means, it shall be a sufficient defence if he satisfies the Court that he took all reasonable precautions to secure the same.”

20. Section forty of the Legislature Amendment Act, 1910, is hereby amended by repealing subsection six, and substituting the following:—

Section 40 of
Amendment Act,
1910, amended.

“(6.) A voting-permit shall cease to be in force immediately on the close of the first election at which the holder is entitled to vote after the issue of such permit.”

21. Section forty-one of the Legislature Amendment Act, 1910, is hereby amended—

Section 41 of
Amendment Act,
1910, amended.

(a.) By repealing subsection two, and substituting the following:—

“(2.) The Deputy Returning Officer shall thereupon fill up a blank ballot-paper with the names of the candidates for the district for which the holder of the voting-permit is entitled to vote, and shall enter on both the counterfoil and the top right-hand corner of the back of the ballot-paper the proper consecutive number; he shall then fold over the corner of the ballot-paper so as to conceal the consecutive number, and shall secure the corner by gum or other effective means; on the counterfoil of the ballot-paper he shall also write his initials, the number of the voting-permit, and the name of the electorate in respect of which the ballot-paper is given, and shall then, on both the counterfoil and the back of the ballot-paper, place his official mark, and shall give the ballot-paper to the voter”:

REFER TO INSET APPENDED

(b.) By inserting, after the words “who shall” in subsection three, the words “in the presence of the voter”:

(c.) By omitting from subsection four the words “return the permit to the voter,” and substituting the words “attach the voting-permit to the voter’s application for a ballot-paper.”

22. The Second Schedule to the principal Act is hereby amended—

Second Schedule to
principal Act
amended.

(a.) By repealing the form numbered (21), and substituting the form numbered (3) in the Schedule hereto:

(b.) By repealing the form numbered (9), and substituting the form numbered (4) in the Schedule hereto.

REFER TO INSET APPENDED

23. The Third Schedule to the principal Act is hereby amended by omitting the words “Caversham” and “Newtown,” and inserting the words “Manukau,” “Dunedin West,” “Wellington South,” and “Wellington Suburbs and Country District.”

Third Schedule to
principal Act
amended.

24. The Schedule to the Legislature Amendment Act, 1910, is hereby amended—

Schedule to
Amendment Act,
1910, amended.

(a.) By repealing the form numbered (1), and substituting the form numbered (1) in the Schedule hereto;

(b.) By omitting from the form numbered (5) the words “The following are the polling-places for the Electoral District of [Insert list of polling-places]”; and

REFER TO INSET APPENDED

(c.) By omitting from the form numbered (10) the figures "51," and substituting the figures "52."

Registration of
Maori electors under
Part IV.

25. (1.) The provisions of the principal Act relating to the registration of electors shall, with the necessary modifications, extend and apply to the registration of electors under Part IV of that Act.

(2.) This section shall come into operation immediately on the completion of the general election of members under the said Part held next after the passing of this Act.

REPEALED, and substitution therefor:
Vide Inset.

Schedule.

SCHEDULE.

(1.) CLAIM FOR ENROLMENT.

To the Registrar for the Electoral District of

I, [*Name in full*], hereby claim to have my name inserted on the electoral roll of the above district, and I declare that the answers to the following questions are true and correct in every particular:—

- (1.) Are you twenty-one years of age, or over that age? [*Answer "Yes" or "No."*]
- (2.) Are you a British subject by birth? "
- (3.) Are you a British subject by naturalization in New Zealand? "
- (4.) Have you resided in New Zealand for twelve months? "
- (5.) Are you already enrolled in this electoral district? "
- (6.) Are you enrolled in any other electoral district? "
- (7.) On what electoral roll (if any) does your name now appear?
- (8.) What was your address on the roll of that electoral district? [*State full address.*]
- (9.) How long immediately preceding this application have you been residing in the district for which you are now claiming enrolment?
- (10.) What is your present full residential address? [*Number in street, where possible.*]
- (11.) What is your occupation? [*In the case of female elector insert "Spinster," "Married," or "Widow."*]

REFER TO INSET APPENDED

Where the applicant is a seaman—

- (12.) Have you a settled residence in any electoral district? [*Answer "Yes" or "No."*]

[NOTE.—A seaman is deemed to have a settled residence in a district if in fact he has in that district a home at which he habitually resides when not engaged in any ship.]

- (13.) What is your full residential address when not on ship? [*Number in street, where possible.*]

Signature of Claimant:

Signed and declared by the claimant, this _____ day of _____, 19____, before me—

Witness:

Full residential address of witness:

Registrar

[or Deputy Registrar, or Authorized Agent of Registrar, or Justice,
or Postmaster, or an Elector of the District].

CAUTION.—Any person making a false declaration is liable to a fine of £20, or to three months' imprisonment.

(2.) DECLARATION BY PERSON APPLYING TO VOTE WHOSE NAME IS RULED OUT ON CERTIFIED COPY OF THE ROLL

I, , do hereby declare as follows:—

(1.) I am the person whose name appears on the certified copy of the Electoral Roll as , and which name is ruled out thereon [or I was enrolled as an elector of the Electoral District, and duly voted at the last election for the said district, and my name does not appear on the certified copy of the roll for the present election].

(2.) I was legally qualified to be enrolled as an elector for the aforesaid district, and am still so qualified.

(3.) I am not registered on any other electoral roll, and I am not aware of the circumstances that have caused my name to be so ruled out [or to be omitted from the roll].

(4.) I have not already voted at this election.

Signature of Elector :
Full Postal Address :
Occupation :

Declared before me, this day of , 19 , Deputy Returning Officer, Polling-place.

REPEALED: Vide Inset

(3.) ABSENT VOTER'S PERMIT.

Permit No.

Electoral District of

Roll No.

THE holder hereof, of , whose name appears on the roll for the above electoral district and whose name is signed hereunder, is entitled to vote at the first election of a member of the House of Representatives for the above electoral district held after the date hereof.

REFER TO INSET APPENDIX

[Signature of the above-named elector at time of making application for permit.]

[Signature of the above-named elector at time of making application for ballot-paper.]

Dated this day of , 19

(4.) ELECTOR'S RIGHT.

Electoral District of

THE holder hereof [Name in full], of [Address in full], whose name appears on the roll for the above electoral district and whose name is signed hereunder, is entitled to vote at the first election of a member of the House of Representatives for the above electoral district.

, Registrar.

[Signature of the above-named elector at time of making application for right.]

[Signature of the above-named elector at time of making application for ballot-paper.]

Dated this day of , 19

NOTE.—The Collector of Customs or Deputy Returning Officer is to retain this right after the elector has recorded his vote.

NOTE.—This right is subject to the provisions of section 9 of the Legislature Amendment Act, 1914.

Endorsed— Voted at , this day of , 19 , Deputy Returning Officer [or Postmaster].

Endorsed— Voted at this day of , 19 , Collector of Customs.

(5.) APPLICATION FOR BALLOT-PAPER.

To the Collector of Customs at the Port of [or to the Deputy Returning Officer, Electoral District of].

I, [*Name in full*], hereby claim to have a ballot-paper issued to me for the purpose of voting at the election now being held for the Electoral District of , and I declare—

1. [*Where the seaman is the holder of an elector's right*] That I am the person named in the elector's right herewith, No. , and that I am entitled to vote at such election.
2. [*In the case of a seaman with a settled residence*] That I have a settled residence at [*Particulars as to place of residence, including number in street, where possible.*]
3. [*In the case of a seaman with no settled residence*] That I have no settled residence in any electoral district in New Zealand, and—
 - (a.) That I am engaged on the [*Name of ship*] under articles signed at ; or
 - (b.) That I am engaged on the [*Name of ship*] without articles; or
 - (c.) That I am not engaged on any ship, and was last discharged at [*Name of port of discharge*].

Dated at , this day of , 19

[*Signature, address or ship.*]