

New Zealand.

ANALYSIS.

- | | |
|--|---|
| <p>Title.</p> <p>1. Short Title.</p> <p>2. Temporary modification of statutory disqualification of defaulting rate-payers.</p> <p>3. Altering date of elections of members of Town Boards, Road Boards, and Drainage Boards.</p> <p>4. Altering dates of triennial elections of Mayors and Councillors under Municipal Corporations Act, 1933.</p> | <p>5. Notice of election or poll may be withdrawn and fresh notice substituted.</p> <p>6. Method of voting at local elections and polls conducted by Dunedin City Council.</p> <p>7. Postponement of election of Thames Harbour Board (with consequential extension of time within which Commissioner may be appointed).</p> <p>8. Consequential amendments of various Acts.</p> <p>Schedule.</p> |
|--|---|

1934-35, No. 43.

AN ACT for the Temporary Modification of certain Statutory Provisions disqualifying Defaulting Rate-payers from voting at Elections and Polls, and from nominating or being nominated as Candidates for Election as Members of certain Local Authorities; to alter the Dates for the holding of the Election of Members of various Local Authorities; to authorize the Dunedin City Council to adopt a Special System of Voting at Elections and Polls; and to make certain Consequential Amendments to various Acts. Title.

[2nd April, 1935.]

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

Short Title.

1. This Act may be cited as the Local Elections and Polls Amendment Act, 1934-35.

Temporary
modification of
statutory
disqualification
of defaulting
ratepayers.

2. (1) While this section remains in force no person shall be disqualified to vote at any election or poll or to nominate or be nominated as a candidate for election at any election by reason of the fact that he has made default in the payment of any rates becoming due by him at any time after the thirty-first day of March, nineteen hundred and thirty-three :

Provided that the foregoing provisions of this section shall not apply with respect to any ratepayer who has made default as aforesaid if any rates owing by him during the financial year ended on the said thirty-first day of March (whether accruing in that year or in any former year) have at any time before or after the said date been remitted or compounded by the local authority concerned. For the purposes of this subsection the remission or postponement by any local authority of any additional charge in respect of unpaid rates, imposed pursuant to section seventy-six of the Rating Act, 1925, shall not be deemed to be the remission or compounding of rates.

See Reprint
of Statutes,
Vol. VII, p. 1007

(2) The name of any person who, but for the provisions of this section, would be disqualified to vote at any election or poll, or to nominate or be nominated as a candidate for election at any election, shall not be entered on any list prepared for the purposes of any election or poll pursuant to the provisions of section fifty-seven of the Counties Act, 1920, or section one hundred and seven of the Electric-power Boards Act, 1925, or the like provisions of any other Act.

Ibid., Vol. V,
p. 202

Ibid., Vol. III,
p. 51

(3) This section shall remain in force until the thirty-first day of March, nineteen hundred and thirty-six, and shall then be deemed to be repealed.

3. (1) Except as provided in the next succeeding subsection, the next general election of members of all Town Boards, Road Boards, and Drainage Boards, to be held after the passing of this Act, shall be held on the second Wednesday in May, nineteen hundred

Altering date of
elections of
members of
Town Boards,
Road Boards,
and Drainage
Boards.

and thirty-eight, and subsequent general elections shall be held on the same day in every third year thereafter.

(2) Where an election of all the members of any such Board has been held within twelve months before the date fixed pursuant to the last preceding subsection for the holding of a general election, it shall not be necessary to hold a general election of members of that Board on the date so fixed, and the members of the Board in office on that date shall remain in office in all respects as if they were elected at a general election held on the said date.

4. The Municipal Corporations Act, 1933, is hereby amended as follows:—

- (a) By omitting from subsection one of section twenty-three the words “first Wednesday in May”, and substituting the words “second Wednesday in May”; and
- (b) By omitting from subsection two of section twenty-three the words “six months”, and substituting the words “twelve months”; and
- (c) By omitting from paragraph (a) of subsection six of section twenty-three the words “second Wednesday in May”, and substituting the words “third Wednesday in May”; and
- (d) By omitting from paragraph (a) of subsection one of section forty-two the words “first Wednesday in May”, and substituting the words “second Wednesday in May”; and
- (e) By omitting from subsection one of section forty-four the words “first Wednesday in May”, and substituting the words “second Wednesday in May”; and
- (f) By omitting from subsection two of section forty-four the words “six months”, and substituting the words “twelve months”.

Altering dates of triennial elections of Mayors and Councillors under Municipal Corporations Act, 1933.

5. (1) Notwithstanding anything contained in any other Act, any notice published before the passing of this Act and relating to the date of any poll to be taken during the month of May, nineteen hundred and thirty-five, or of any election to be held during that month, may be withdrawn and a fresh notice published in substitution therefor.

Notice of election or poll may be withdrawn and fresh notice substituted.

(2) Upon publication of a fresh notice in accordance with the last preceding subsection the notice first published shall be deemed to be revoked.

(3) In this section the term "local authority" has the same meaning as in the Local Elections and Polls Act, 1925.

6. (1) Notwithstanding the provisions of section five of the Local Elections and Polls Amendment Act, 1926, it shall be lawful for the Dunedin City Council from time to time, by resolution, to determine that at elections for the Mayor and Councillors of the City of Dunedin, and at polls taken by the said Council, the method of voting shall be by marking a cross in a square opposite to the name of the candidate for whom or the proposal for which the voter desires to vote and not by striking out the names of candidates or words of the proposal.

(2) While any such resolution remains in force, the method of voting at all elections conducted by the said Council on behalf of any other local authority or public body, the members of which are elected wholly or partly by electors or ratepayers of the City of Dunedin, shall be as determined by such resolution.

(3) While any such resolution remains in force,—

(a) The forms numbered five and six in the First Schedule to the Local Elections and Polls Act, 1925, shall, for the purposes of this section, be deemed not to have been repealed, and the voting-papers to be used at every election or poll to which such resolution applies shall be in such one of those forms as the case may require, instead of in the form numbered one or the form numbered two in the Schedule to the Local Elections and Polls Amendment Act, 1926 :

Provided that every such voting-paper shall have a counterfoil, and shall have printed on the back thereof and on the counterfoil respectively the matter contained in the form numbered three in the Schedule to the Local Elections and Polls Amendment Act, 1926 :

(b) Section twenty-five of the Local Elections and Polls Act, 1925, shall be read as if the words

See Reprint
of Statutes,
Vol. V, p. 447

Method of
voting at
local elections
and polls
conducted by
Dunedin City
Council.

Ibid., p. 481

Ibid., p. 486

Ibid., p. 487

Ibid., p. 453

“marking a cross in a square set opposite to the name of each such candidate” were substituted for the words “striking out the name of every candidate for whom he does not desire to vote” in subsection one thereof.

7. (1) Section eleven of the Thames Harbour Board Loans Adjustment Act, 1932-33, is hereby amended by repealing subsection three, and substituting the following subsection:—

Postponement of election of Thames Harbour Board (with consequential extension of time within which Commissioner may be appointed).

“(3) The first general election of members of the Board to be held after the passing of this Act shall be held on the second Wednesday in May, nineteen hundred and thirty-eight.”

(2) The Order in Council dated the twenty-fifth day of March, nineteen hundred and thirty-five, and published in the *Gazette* of the twenty-eighth day of the same month, fixing the days for holding the next general election of members of the Thames Harbour Board, is hereby revoked.

8. The enactments mentioned in the Schedule hereto are hereby consequentially amended to the extent indicated in that Schedule.

Consequential amendments of various Acts.

SCHEDULE.

Schedule.

Title of Enactment.	Number of Section affected.	Nature and Extent of Amendment.
1908, No. 96— The Land Drainage Act, 1908— (Reprint of Statutes, Vol. IV, p. 468)	Section six ..	By omitting from subsection one the words “thirty-first day of August in every year”, and substituting the words “thirty-first day of January in every year in which a triennial general election is to be held”.
	Section ten ..	By repealing subsection one.

Title of Enactment.	Number of Section affected.	Nature and Extent of Amendment.
1908, No. 166— The Road Boards Act, 1908— (Reprint of Statutes, Vol. V, p. 281)	Sections thirty-two and thirty-three Section sixty-one Section one hundred and three	By repealing these sections. By omitting the words "in the first week". By omitting from subsection one the words "in the first week".
1908, No. 195— The Town Boards Act, 1908— (Reprint of Statutes, Vol. V, p. 333)	Section thirteen Section sixteen Section twenty Section twenty-one Section twenty-four Section twenty-nine	By omitting from subsection three the words "and they shall hold office for two years". By omitting from subsection one the words "during the month of April in each year", and substituting the words "during the month of January in each year in which a triennial general election of members of the Board is to be held". By repealing this section. By omitting the words "as prescribed by the last-mentioned Act". By repealing this section. By omitting the word "biennial", and substituting the word "triennial".
1929, No. 21— The Local Legislation Act, 1929—	Section thirty-five	By omitting from subsection three the proviso thereto.
1934, No. 10 (Local)— The Thames Borough Commissioner Amendment Act, 1934	Section three	By omitting the reference to the first Wednesday in May, 1938, and substituting a reference to the second Wednesday of that month.