

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

*House of Representatives, 22 November 1973*

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

*House of Representatives, 28 March 1974.*

Words struck out by the Committee are shown in italics within double bold round brackets; words inserted are shown in roman underlined with a triple rule, or with triple rule before first line and after last line.

*Hon. Mr May*

**LOCAL ELECTIONS AND POLLS AMENDMENT**

**ANALYSIS**

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**A BILL INTITULED**

**An Act to amend the Local Elections and Polls Act 1966**

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

No. 97—3

**1. Short Title and commencement**—(1) This Act may be cited as the **(Local Elections and Polls Amendment Act 1973)** Local Elections and Polls Amendment Act 1974, and shall be read together with and deemed part of the Local Elections and Polls Act 1966\* (hereinafter referred to as the principal Act). 5

*New*

(2) This Act shall come into force on the 1st day of April 1974:

Provided that where notice of an election to fill an extraordinary vacancy or notice of a poll has been given before the commencement of this Act, nothing in this Act shall apply with respect to that election or poll and that election or poll shall be held in accordance with the provisions of the principal Act as if this Act had not been passed. 10 15

*New*

**1A. Age of electors and members of local authorities**—

(1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule. 20

(2) The First Schedule to the Local Elections and Polls Amendment Act 1970 is hereby amended by repealing so much thereof as relates to the enactments specified in the Schedule to this Act.

(3) Notwithstanding anything in subsections (1) and (2) of this section, the provisions of the enactments specified in the Schedule to this Act shall continue to apply, as if those subsections had not been enacted, for the purposes of any election to fill an extraordinary vacancy on any local authority and of any poll, if that election or poll is held before the 12th day of October 1974. 25 30

**2. Interpretation**—Section 2 of the principal Act is hereby amended—

(a) By omitting from the definition of the expression “local authority” the words “the Waiheke Road Board”: 35

(b) By omitting from the same definition the words “the Waimakariri-Ashley Water Supply Board, and the Ohai Railway Board”, and substituting the words “and the Waimakariri-Ashley Water Supply Board”. 40

**3. Date of triennial general elections**—Section 4 of the principal Act is hereby amended by omitting the words “in the case of the local authorities mentioned in section 5 of this Act or”.

**4. Appointment of interpreters**—(1) Section 10 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), after the words “and poll clerks”, the words “and such interpreters”:  
5 (b) By inserting in subsection (3), after the words “poll clerk” in both places where they occur, the words “or interpreter”.

(2) Section 11 of the principal Act is hereby amended by inserting in subsection (2), after the words “every poll clerk”,  
10 the words “and every interpreter”.

(3) Section 30 of the principal Act is hereby amended by inserting, after the words “poll clerks”, the words “any interpreters,”.

(4) Form 1 in the First Schedule to the principal  
15 Act is hereby amended—

- (a) By inserting in the heading, after the words “POLL CLERK”, the word “INTERPRETER”:  
(b) By inserting, after the word “\*Scrutineer”, the word “\*Interpreter”:  
20 (c) By adding to note (3) the words “and Interpreters”.

**5. Nomination of candidates**—Section 13 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) If a candidate is nominated, with his consent, for  
25 election to more than one seat on any local authority, all such nominations shall be void:

“Provided that a person may be nominated as a candidate for both mayor and councillor of a borough council.”

**6. Rejection of nominations**—The principal Act is hereby  
30 further amended by inserting, after section 13, the following section:

“13A. The Returning Officer shall not accept the nomination of any candidate if the Returning Officer is not satisfied, by such evidence (if any) as he requires, that the  
35 name under which the candidate is nominated is—

- “(a) The name under which his birth was registered, with any alteration or addition made thereto under section 17 of the Births and Deaths Registration Act 1951; or  
40 “(b) In the case of a person who has been adopted, the name conferred on him by the adoption order; or  
“(c) The name by which he was commonly known on the date 6 months immediately preceding nomination day; or

\*1966, No. 101

Amendments: 1967, No. 44; 1968, No. 91; 1969, No. 91; 1970, No. 30

“(d) The name which he had adopted by deed poll registered under section 17A of the Births and Deaths Registration Act 1951 (as inserted by section 2 of the Births and Deaths Registration Amendment Act 1953) at least 6 months before nomination day: 5

“Provided that in the case of any female candidate who is or has been married, her husband’s surname may be substituted for her surname in any of the cases specified in paragraphs (a) to (d) of this section, unless, if her husband 10 were nominated as a candidate under that surname, the Returning Officer would be required to reject his nomination under the provisions of this section:

“Provided also that the Returning Officer may accept the nomination of any candidate under a name that does not 15 comply with the foregoing provisions of this section, if the Returning Officer is satisfied that the candidate has publicly announced before notice of the election was given under section 12 of this Act his intention to become a candidate under that name, and that the name has been adopted by the 20 candidate in good faith and for good reason and is not indecent or offensive or likely to deceive or cause confusion.”

**7. Deposit by candidates**—(1) Section 14 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting from subsection 25 (1) the words “six dollars”, and substituting the expression “\$10”.

(2) Section 14 of the principal Act is hereby further amended by repealing the proviso to subsection (2).

(3) Form 2 in the First Schedule to the principal Act is 30 hereby amended—

(a) By inserting, after the words “prescribed deposit”, the words “of \$10 (or, in the case of a candidate for Mayor, of \$20)†”:

(b) By adding the following additional note: “† The words 35 in brackets are to be included only in case of a general election in a borough or a by-election for Mayor.”

**8. Forfeiture of deposit, and refund of deposit**—Section 15 of the principal Act is hereby amended by omitting the words 40 “one-eighth of the votes”, and substituting the words “one-quarter of the votes”.

**9. If number of candidates does not exceed number of vacancies, candidates to be declared elected—**(1) Section 19 of the principal Act is hereby amended by omitting the words “by public notice given before polling day”, and substituting  
5 the words “immediately after the close of nominations, by public notice”.

(2) The Fifth Schedule to the principal Act (as added by section 7 (1) (b) of the Local Elections and Polls Amendment Act 1970) is hereby consequently amended by omitting so  
10 much thereof as relates to section 19 of the principal Act.

**10. Notice of nominations and election—**(1) The principal Act is hereby further amended by repealing section 21, and substituting the following section:

“21. (1) If the number of candidates exceeds the number  
15 of offices to be filled, the Returning Officer shall, immediately after the close of nominations, give public notice in form 5 in the First Schedule to this Act of the day on which the election is to be held and of the names of the several candidates, the party affiliations claimed by any of them  
20 (not being affiliations that the Returning Officer considers are indecent, offensive, or likely to cause confusion to or mislead electors), and, where the party affiliations of any one or more candidates are shown on the notice, showing which of the candidates are independent:

25 “Provided that in the case of an election in the Chatham Islands, the Returning Officer shall in addition, immediately after the close of nominations, post a copy of that notice so that it can be seen in or from a conspicuous public place outside the place appointed for the receipt of nominations.

30 “(2) The Returning Officer may at the time he gives notice in accordance with subsection (1) of this section of the day on which the election is to be held, and shall not later than 2 clear days before polling day, give public notice of the polling places appointed by him for the holding of the  
35 election:

“Provided that additional polling places may be provided on polling day without public notice being given should the Returning Officer consider this to be necessary.

40 “(3) The Returning Officer may appoint any place outside the district of the local authority to be a polling place if in his opinion the appointment is necessary to facilitate the holding of the election.”

(2) Section 18 of the principal Act is hereby consequentially repealed.

*New*

(2A) Form 5 in the First Schedule to the principal Act is hereby amended by inserting in the second paragraph, after the words "*each candidate specifying*" the words "*, in any case where a candidate has in his nomination paper claimed a party affiliation (not being an affiliation disallowed by the Returning Officer under section 25 (3) of the Act) the party affiliations of the several candidates and which of them are 'Independent', and specifying also*". 5

(2B) Form 5 in the First Schedule to the principal Act is hereby further amended by omitting the first paragraph of the note to that form, and substituting the following paragraph: 10

"Pursuant to section 21 (2) of the Act, notice of the polling places or any of them may be given subsequently, but not later than 2 clear days before polling day, but additional polling places may be provided on polling day without public notice being given should the Returning Officer consider this to be necessary." 15

(3) The Fourth Schedule to the principal Act (as added by section 7 (1) (b) of the Local Elections and Polls Amendment Act 1970) is hereby consequentially amended by omitting the items in the second column relating to section 21 of the principal Act, and substituting the following item: 20

"By omitting subsections (2) and (3)." 25

(4) The Fifth Schedule to the principal Act (as added by section 7 (1) (b) of the Local Elections and Polls Amendment Act 1970) is hereby consequentially amended by omitting from the second column the second item relating to section 21 of the principal Act, and substituting the following items: 30

*New*

"By omitting from subsection (2) the words 'day on which the election is to be held', and substituting the words 'polling period'." 35

"By omitting from subsection (2) the words 'before polling day', and substituting the words 'before the commencement of the polling period'.

"By omitting from the proviso to subsection (2) the words 'on polling day', and substituting the words 'on the last day of the polling period'." 40

**11. Booths, ballot boxes, voting papers, etc.**—(1) Section 25 of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) Where he considers it desirable, translations in whatever languages he considers necessary of the ‘Directions to Voter’ section of the voting paper in those polling booths where he considers that such translations may be of assistance to voters:”.

(2) Section 25 of the principal Act is hereby further amended by inserting in paragraph (c), after the words “main roll and”, the word “any”.

(3) Section 25 of the principal Act is hereby further amended by adding [(as subsection (2)), the following new subsection:] (as subsections (2) and (3)) the following subsections:

“(2) In any case where a candidate has shown his party affiliation on the nomination paper, the Returning Officer shall, unless he considers that the party affiliation claimed on the nomination paper is indecent or offensive or likely to cause confusion to or mislead electors, provide in each polling booth a list in large print showing in alphabetical order the names of all the candidates together with the party affiliations claimed by them:

“Provided that in such any case where any other candidate has not claimed any party affiliation ([he shall be shown in the list as being Independent]) he may elect to be shown in the list as being independent or to have no reference to party or other affiliation shown against his name.”

*New*

“(3) Where the Returning Officer considers that the party affiliation claimed on the nomination paper is indecent or offensive or likely to cause confusion to or mislead electors,—

“(a) He shall, after consultation with the candidate, show the affiliation of the candidate on any such list to be such as the Returning Officer and the candidate agree upon in place of that shown on the nomination paper unless he has elected to have no reference to party or other affiliation shown against his name:

“(b) If on such consultation the Returning Officer and the candidate cannot agree, or if consultation is not reasonably practicable, the Returning Officer shall show the candidate on any such list as ‘Independent’.”

(4) Form 3 in the First Schedule to the principal Act is hereby amended—

(a) By inserting, after the words “consent to the above nomination”, the words “In the public notice given under section 21 (1) of the Local Elections and Polls Act 1966 and in any list of candidates provided in each polling booth I wish my party affiliation to be shown as\*.....”:

(b) By adding to the note to that form the following paragraph:

“\*When no affiliation is shown, and any other candidate has shown a party affiliation in his nomination paper, the candidate will be shown in the said public notice and in any such list as ‘Independent’ unless he elects to have no reference to party or other affiliation shown against his name.”

**12. Issue of voting papers**—Section 32 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) If the name of the elector appears on the roll and it appears from the roll that he is qualified to vote on the issue, a line shall be drawn through his name and number.”

**13. Blind, disabled, or illiterate voter**—Section 36 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The Deputy Returning Officer shall fold the voting paper so that its face cannot be seen, and shall deposit it in the ballot box.”

**14. Special voters**—(1) Section 37 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) His name does not appear on the electoral roll in use for that election but it is included on the **(current) most recently published** electoral roll for the Parliamentary election, or he has enrolled on that roll since it was published, and the address shown thereon is within the district and is his present residential address:”.

(2) Section 37 of the principal Act is hereby further amended by omitting from paragraph (c) the words “two miles”, and substituting the words “3 kilometres”.



15. **Election to fill extraordinary vacancy in borough council or town council**—Section 52 of the principal Act is hereby amended by inserting in paragraph (a) of subsection (3) (as substituted by section 3 (1) of the Local Elections and Polls Amendment Act 1967), after the words “of Mayor),” the words “then, unless an election is required to be held pursuant to subsection (1) of this section”.

16. **Interfering with or influencing voters**—(1) Section 54 of the principal Act is hereby amended by adding to paragraph (d) of subsection (1) the following proviso:

15 “Provided that any person may print, publish, distribute, or deliver a card or ticket (not being an imitation voting paper) on which is printed the names of all or any of the candidates and the elective offices for which they are candidates, with or without the name of the party or parties to which those candidates belong and including those who are independent, and nothing else.”

(2) Section 54 of the principal Act is hereby further amended—

- 20 (a) By adding to the first proviso to subsection (1) (e) the words “or to the wearing or displaying (whether on the person or not) of any party emblem”:
- 25 (b) By omitting from the third proviso to subsection (1) (e) the words “half a mile”, and substituting the words “800 metres”:
- (c) By repealing subsection (2).

17. **Compulsory enrolment of residential electors in boroughs, counties, and town districts**—Section 79 of the principal Act is hereby amended by omitting from subsection (1) (a) the words “or the Waiheke Road District”.

*Elections and Polls by Postal Vote*

18. **Interpretation**—(1) Section 64A of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended by omitting from paragraph (a) of the definition of the term “close of voting”, the expression “2.30 p.m.”, and substituting the words “12 noon”.

40 (2) The Fourth Schedule to the principal Act (as added by section 7 (1) (b) of the Local Elections and Polls Amendment Act 1970) is hereby consequentially amended by omitting from the item in that part of the second column that relates to form 6 in the First Schedule to the principal Act the expression “2.30 p.m.”, and substituting the words  
45 “12 noon”.

**19. Local authority may hold election or poll by postal vote**—Section 64B of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended by repealing subsection (2), and substituting the following subsection: 5

“(2) The Governor-General may at any time, by Order in Council made on the advice of the Minister given at the request of a local authority (other than a county council), authorise the Returning Officer at any specified election or poll to be held under this Act in the district of that local authority to conduct that election or poll by postal vote, and the Returning Officer shall conduct that election or poll by postal vote accordingly: 10

“Provided that in the case of an election, except an election to fill an extraordinary vacancy, every such request must be received by the Minister at least 6 months before the date of the election.” 15

**20. Issue of voting papers**—Section 64D of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended by omitting from subsection (1) the words “or at his residential address”, and substituting the words “or at his usual postal address”. 20

**21. Method of voting**—Section 64E of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended by repealing subsection (3). 25

**22. Voting papers returned to be marked**—(1) Section 64H of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended by repealing subsection (1). 30

(2) Section 64H of the principal Act (as so inserted) is hereby further amended by inserting in subsection (2), after the word “envelope”, the words “containing voting papers”.

**23. Sorting of envelopes on return**—The principal Act is hereby further amended by inserting, after section 64I (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970), the following section: 35

“64IA. (1) At any time before the close of voting, the Returning Officer may, if he thinks fit, sort the envelopes containing voting papers into numerical sequence of the consecutive numbers as they are returned, so as to facilitate the preliminary count of votes. 40

*Struck Out*

“(2) The Returning Officer may also carry out a preliminary scrutiny of the roll from those unopened envelopes.”

*New*

5 “(2) The Returning Officer may also commence a scrutiny of the roll from those unopened envelopes.”

“(3) Any such sorting or (*preliminary*) scrutiny shall be conducted at preappointed times arranged with all the scrutineers appointed in accordance with section 27 of this Act and in the presence of such of those scrutineers as choose to be present.

10

“(4) The envelopes so sorted shall be deposited unopened in locked ballot boxes in accordance with section 64J of this Act, and shall not be removed except for further sorting or  
15 the (*preliminary*) scrutiny, and shall immediately thereafter be returned unopened to those ballot boxes, which shall be again locked.”

**24. Ballot boxes**—Section 64J of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended by adding the following subsection:

20

“(3) Notwithstanding anything in the foregoing provisions of this section, any ballot box may be unlocked for the purpose of removing and sorting under section 64IA of this Act the  
25 envelopes contained therein and undertaking a (*preliminary*) scrutiny of the roll under that section and of replacing those envelopes, and the provisions of this section shall be deemed to be modified accordingly.”

**25. Procedure after close of voting**—Section 64L of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended—

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(a) By omitting from subsection (4) the words “or less”;

(b) By omitting from subsection (5) the words “or whether any voting papers that have been omitted from that  
35 envelope are included in some other envelope”.

**26. Scrutiny of the roll**—Section 64M of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended by inserting in subsection (1), after the words “scrutiny of the roll”, the  
40 words “, or, if a (*preliminary*) scrutiny of the roll has been (*taken*) commenced under section 64IA of this Act, complete the scrutiny of the roll,”.

**27. Modification of principal Act where election taken by postal vote**—(1) The Fourth Schedule to the principal Act (as added by section 7 (1) (b) of the Local Elections and Polls Amendment Act 1970) is hereby amended by adding to the part of the second column of so much thereof as relates to section 54 of the principal Act the following item: 5

“By omitting from paragraph (b) of subsection (1) and also from paragraphs (c), (d), and (e) of that subsection the words ‘polling day’, and substituting in each case the words ‘the day of the close of voting’.” 10

*New*

(2) The said Fourth Schedule to the principal Act is hereby further amended by inserting in the second column of so much thereof as relates to the First Schedule to the principal Act, before the item relating to form 5 in the said First Schedule, the following items: 15

“By omitting from form 3 (as amended by section 11 (4) (a) of the Local Elections and Polls Amendment Act 1974), the words ‘and in any list of candidates provided in each polling booth’.”

“By omitting from the note to form 3 (as amended by section 11 (4) (b) of the Local Elections and Polls Amendment Act 1974) the words ‘and in any such list’.”

*Holding of Elections and Polls Over Consecutive Days*

**28. Hours of voting**—Section 64Q of the principal Act (as inserted by section 6 of the Local Elections and Polls Amendment Act 1970) is hereby amended by repealing paragraph (a), and substituting the following paragraph: 20

“(a) On any day other than a Saturday, the voting shall be conducted over such period, being not less than 8 consecutive hours, as the local authority may by resolution determine. This period may coincide with the normal office hours of the local authority and shall end not later than 7.00 p.m.: 25

“Provided that the local authority may, by resolution, fix a longer period of voting for any one of those days closing not later than 9.00 p.m., and different days may be fixed under this proviso in respect of different polling places.” 30

## New

## SCHEDULE

Section 1A

## ENACTMENTS AMENDED

Enactment	Amendment
1908, No. 96—The Land Drainage Act 1908 (1957 Reprint, Vol. 7, p. 471)	By omitting from section 9 (1) (as amended by section 2 of the Local Elections and Polls Amendment Act 1970) the words “of or over the age of 20 years”, and substituting the words “of or over the age of 18 years”.
1908, No. 165—The River Boards Act 1908 (1957 Reprint, Vol. 13, p. 397)	By omitting from section 30 (as amended by section 2 of the Local Elections and Polls Amendment Act 1970) the words “of or over the age of 20 years”, and substituting the words “of or over the age of 18 years”.
1914, No. 32—The Local Railways Act 1914 (1931 Reprint, Vol. VII, p. 935)	By repealing paragraph (a) of section 5 (1) (as substituted by section 2 of the Local Elections and Polls Amendment Act 1970), and substituting the following paragraph: “(a) A person under the age of 18 years:”.
1921–22, No. 17 (Local)—The Auckland Electric Power Board Act 1921–22	By repealing paragraph (a) of section 11 (2) (as substituted by section 2 of the Local Elections and Polls Amendment Act 1970), and substituting the following paragraph: “(a) A person under the age of 18 years:”.
1925, No. 38—The Electric Power Boards Act 1925 (1957 Reprint, Vol. 4, p. 441)	By repealing paragraph (a) of section 21 (as substituted by section 2 of the Local Elections and Polls Amendment Act 1970), and substituting the following paragraph: “(a) A person under the age of 18 years:”.
1937, No. 11 (Local)—The Auckland Electric Power Board Amendment Act 1937	By omitting from section 2 (1) (as amended by section 2 of the Local Elections and Polls Amendment Act 1970), the words “of or over the age of 20 years”, and substituting the words “of or over the age of 18 years”.

*New*SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted, 1969, Vol. 4, p. 3063)	By repealing paragraph (a) of section 54 (1) (as substituted by section 2 of the Local Elections and Polls Amendment Act 1970), and substituting the following paragraph: “(a) A person under the age of 18 years:”.
1950, No. 34—The Harbours Act 1950 (Reprinted, 1966, Vol. 3, p. 2395)	By repealing paragraph (b) of section 31 (1) (as substituted by section 2 of the Local Elections and Polls Amendment Act 1970), and substituting the following paragraph: “(b) A person under the age of 18 years:”.
1964, No. 135—The Education Act 1964	By omitting from paragraph (a) of the definition of the term “householder” in section 2 (1) (as amended by section 2 of the Local Elections and Polls Amendment Act 1970) the words “person of or over the age of 20 years”, and substituting the words “person of or over the age of 18 years”. By omitting from section 17 (as amended by section 2 of the Local Elections and Polls Amendment Act 1970) the words “20 years”, and substituting the words “18 years”.
1967, No. 147—The Agricultural Pests Destruction Act 1967	By omitting from section 42 (1) (as amended by section 2 of the Local Elections and Polls Amendment Act 1970) the words “20 years of age”, and substituting the words “18 years of age”.