

Mr. McCombs.

POPULAR INITIATIVE AND REFERENDUM.

ANALYSIS.

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A BILL INTITULED

Title. AN Act to provide for Legislation and the Repeal or Rejection of Laws or Proposed Legislation by Means of the Popular Initiative and Referendum, and for other Relative Purposes.

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

PART I.

PRELIMINARY.

Short Title and commencement.	1. This Act may be cited as the Popular Initiative and 10 Referendum Act, 1925.
Parts and divisions of Act.	2. This Act is divided into Parts and Divisions, as follows:—
	PART I.—Preliminary.
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	Division 1.—Writs for Referendum.
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Interpretation.	3. (1.) In this Act, subject to the context,—
	“Court” means the Election Court under the Legislature Act:
	“Electoral district” means an electoral district under the Legislature Act: 30
	“Elector” means an elector qualified to vote at an election under the Legislature Act:
	“Legislature Act” means the Legislature Act, 1908, and includes all amendments thereof:

- “ Minister ” means the Minister charged with the administration of the Legislature Act :
- “ Petition ” means a petition under this Act, and includes any copies or duplicates thereof :
- 5 “ Prescribed ” means prescribed by this Act or by any regulation :
- “ Proposed law ” means a law proposed in a petition as set out in section *five* :
- 10 “ Referendum ” means the submission to the electors of a Bill, Act, or proposed law :
- “ Regulations ” means regulations made under the authority of this Act :
- “ Speaker ” means the Speaker of the House of Representatives.
- 15 (2.) Save as in this Act otherwise provided, the mention of any official by a name or style of office mentioned in the Legislature Act shall be taken as referring to the official or one of the officials of that name or style appointed for the purposes of that Act.

PART II.

THE PETITION FOR THE REFERENDUM.

- 20 4. Petition under this Act may be presented to the Governor-General or to the House of Representatives or the Legislative Council. Petitions, to whom presented.
5. A petition to the Governor-General may pray— Prayer of petition to Governor-General.
- 25 (a.) That any proposed law set out in detail in the petition may, unless the Parliament passes a Bill for an Act to give effect thereto within the time limited by section *fourteen* of this Act, be submitted to the electors ; or
- (b.) That any Act or any Bill presented to the Governor-General for His Majesty’s assent may be submitted to the electors.
- 30 6. (1.) A petition to the House of Representatives or the Legislative Council may pray that a Bill for giving effect to a project of a law annexed to the petition may be prepared and passed. Prayer of petition to House of Representatives or Legislative Council.
- (2.) Such project need not set out in detail the provisions of the desired law ; but it shall be sufficient to set out in general terms the
- 35 substance and effect thereof.
7. (1.) All petitions presented under this Act to the Governor-General must be signed by at least fifteen per centum of the electors (registered on the official rolls hereinafter mentioned) entitled to vote at elections for the House of Representatives, and all petitions to
- 40 either House of Parliament shall be signed by at least ten per centum of such electors as aforesaid. Petitions, by whom signed.
- (2.) No petition which is not signed as herein provided, or which in any other respect does not comply with this Act, shall be presented to the Governor-General or either House of Parliament.
- 45 8. (1.) The persons concerned in promoting any petition (hereinafter called the promoters) shall send notice of their names and addresses and of the proposed petition to the Chief Electoral Officer, who shall thereupon— Proposed petition to be submitted to Chief Electoral Officer.

- (a.) Authorize publication of a copy of the petition in the *Gazette* and in a daily newspaper or daily newspapers approved by him ; and
- (b.) Approve of the places where and the witnesses before whom the petition may be signed, in each electoral district, but so that no place shall be approved which is licensed for the sale of any intoxicating liquor or is used for the sale of goods :

Provided that when a petition contains a prayer that any proposed law set out in detail therein be submitted to the electors, the Chief Electoral Officer may refuse to give any authority or approval under this section if the proposed law is so framed as not to be clearly intelligible, or to be of doubtful or ambiguous meaning, or if it has no title, or if the title is not a fair indication of the contents thereof.

(2.) An appeal shall lie on the part of the promoters from any act, decision, or refusal of the Chief Electoral Officer under this section to the Court, whose decision shall be final and binding on all persons concerned. The Chief Electoral Officer shall be heard by the Court before the appeal is determined.

Conditions precedent to the signing of petitions.

9. (1.) On receipt of the necessary authority and approvals, but not before, the promoters shall publish in the *Gazette* and in the approved newspaper or newspapers a copy of the proposed petition and notice of the approved places where and the approved witnesses before whom the petition may be signed in each electoral district.

(2.) The Chief Electoral Officer shall send to each such approved witness a certified copy of the electoral roll for the district in which such witness is to act, and each such copy shall be deemed an official roll for the purposes of this Part of this Act.

(3.) Subject as hereinafter provided, any person whose name is on an official roll, but no person whose name is not on such a roll, shall be entitled to sign the petition.

(4.) No person shall sign the petition in any district before the publication of the copy thereof in the *Gazette*, and until all the conditions of this section have been complied with so far as regards that district.

Signing of petitions.

10. The following provisions shall apply with regard to the signing of petitions :—

(a.) No person shall sign except before an approved witness and at an approved place.

(b.) Every person claiming to sign a petition shall—

(i.) State his surname and Christian name to the approved witness ; and

(ii.) If so desired by such approved witness, state any other particulars necessary for the purpose of identifying his name on the roll.

(c.) Before any person signs, the approved witness shall put to him the following question :—

“Do you live in this electoral district ?”

And unless such question is answered in the affirmative, the person shall not be permitted to sign.

(d.) The approved witness shall attest the signature, and shall write opposite thereto the number of the signer's name on the official roll, and shall make a mark opposite such number on the roll to show that such person has signed.

5 (e.) No person shall sign any petition more than once, or at any place outside the electoral district in which he lives.

10 (f.) Every signature shall be written upon the sheets bearing or attached to the petition itself, and not pasted upon or otherwise transferred thereto; but signatures may be obtained to several copies or duplicates, and all such copies and duplicates shall be deemed to constitute one petition.

15 (g.) All signatures to a petition must be obtained within three months from the date of the publication of the copy thereof in the *Gazette*.

11. Not later than thirty days after the expiry of the time allowed for obtaining signatures, the promoters shall lodge at the office of the Chief Electoral Officer—

Petitions and other documents to be lodged with Chief Electoral Officer.

(a.) The petition as signed;

20 (b.) A statutory declaration from each approved witness verifying the signatures witnessed by him, and deposing to the best of his knowledge, information, and belief that this Act has been duly complied with as regards each such signature; and

25 (c.) The official rolls issued by the Chief Electoral Officer:

30 Provided that the said period of thirty days may, before the expiry thereof, be extended by the Court on the application of the promoters, and the Court shall have power to dispense with compliance with any of the conditions of paragraph (b) or (c) of this section, on such terms (if any) as the Court shall think just.

12. (1.) The Chief Electoral Officer shall examine the documents lodged with him, and if he is satisfied that the requisite number of signatures has been obtained, and that the relevant provisions of this Act have been complied with, shall make out and sign a certificate to that effect, and shall publish the certificate in the *Gazette*.

Chief Electoral Officer to examine documents and grant certificate if in order.

(2.) Such certificate shall be conclusive evidence of the matters stated therein.

40 (3.) An appeal shall lie on the part of the promoters to the Court against any refusal of the Chief Electoral Officer to grant a certificate hereunder, and the Court may dismiss the appeal or direct the certificate to be granted, and the decision of the Court shall be final and binding on all persons.

45 13. As soon as may be after the signing of the certificate the Chief Electoral Officer shall present the petition together with a copy of the certificate—

Petition and certificate to be forwarded to proper quarter.

(a.) To the Governor-General, in the case of a petition addressed to him:

50 (b.) To the House of Representatives, through the Speaker, in the case of a petition addressed to the House of Representatives:

(c.) To the Legislative Council, through the Speaker, in the case of a petition addressed to the Legislative Council.

PART III.

PROCEEDINGS ON THE PETITION.

Petition for submission of proposed law to be communicated to Parliament.

14. (1.) When any petition praying for the submission of a proposed law to the electors has been presented to the Governor-General he shall, during a session of Parliament, transmit a copy thereof to the Speaker with a message certifying the number of signatures to the same, and conveying any other information which he may think fit to communicate. 5

(2.) Such copies shall be so transmitted within thirty days after the presentation of the petition if Parliament is in session at any time during that period, and, if not, then within thirty days after the next meeting of Parliament. 10

(3.) Unless Parliament shall, within the time hereinafter limited, pass a Bill for an Act to give effect to the proposed law without any substantial alteration or addition, the Governor-General shall, within three months after the expiration of such time, authorize the submission of the proposed law to the electors. 15

(4.) The time limited for the passing of such Bill shall be as follows:—

(a.) When the Speaker has received the copy of the petition not less than two months before the end of a session, then the Bill is required to be passed during such session. 20

(b.) In any other case the Bill is required to be passed not later than two months after the commencement of the next ensuing session. 25

(5.) If within the time aforesaid Parliament passes a Bill for an Act to give effect to the proposed law with any substantial alteration or addition, the Governor-General shall, when authorizing the submission of the proposed law also authorize the submission of the Bill to the electors at the same time under rules for preferential voting. 30

Submission of Act or Bill in accordance with petition.

15. When a petition praying for the submission of an Act or Bill to the electors has been presented to the Governor-General, he shall, within two months after the presentation, authorize the submission of the Act or Bill to the electors in accordance with the prayer of the petition. 35

Method of authorizing submission.

16. In order to authorize the submission of an Act, Bill, or proposed law to the electors, the Governor-General shall issue his warrant according to the Form 1 in the Schedule hereto. 35

Proceedings on petition presented to either House.

17. When a petition has been presented to either House of Parliament under this Act, then the House of Representatives or the Legislative Council may by resolution direct any member thereof to prepare and introduce a Bill for an Act to carry into effect the project of the law annexed to the petition, and such Bill may be proceeded with according to the practice observed in the case of other Bills. 40

Proceedings when Bill is passed by one House and not passed by the other.

18. (1.) If a Bill to give effect to such a project of a law is passed by one House, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the Bill with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House 45 50

will not agree, then the Speaker of such first-mentioned House may, if authorized so to do by a resolution passed by an absolute majority of the members thereof, issue his warrant, according to the Form 1 in the Schedule hereto, authorizing the Clerk of the Writs to submit the Bill as last passed by such first-mentioned House to the electors in each electoral division :

Provided that no such warrant shall be issued after the expiry of one month from the time when the authority to issue it shall have been given.

(2.) For the purposes of this section either House shall be deemed to have failed to pass a Bill if the Bill, having been transmitted thereto at least forty days before the end of the session, has not been passed during such session.

19. The vote of the electors on any submission under this Part shall take place at the next general election of members for the House of Representatives held after the expiration of forty days from the issue of the warrant :

Time for taking vote on submission.

Provided that at any time before the issue of the warrant the House of Representatives may, if the Governor-General by message so recommends, direct, by a resolution of an absolute majority of its members, that the vote shall take place at some other time before the next general election, and it shall in such case so take place accordingly.

20. The validity of any warrants shall not be questioned in any proceedings or by any person whatsoever except as hereinafter provided, that is to say—

Method of questioning validity of warrant.

(a.) Within twenty days after the issue of any warrant any electors not being less than one hundred in number may, on depositing with any Registrar of the Supreme Court the sum of one hundred pounds as security for costs, move the Court to quash the warrant on the ground that any condition necessary to authorize the issue thereof or the submission of the Act, Bill, or proposed law has not been fulfilled.

(b.) Notice of such motion shall be addressed to and served on the Attorney-General and one or more of the promoters.

(c.) The Court, on the hearing, may either quash the warrant, which shall thereupon become null and void, or dismiss the motion, and may make such order as to costs and as to the disposal of the money deposited as shall be just.

PART IV.

THE REFERENDUM.

Division 1.—Writs for Referendum.

21. (1.) On receipt of the requisite warrant the Clerk of the Writs shall forthwith cause writs to be issued under his hand and seal to the several Returning Officers.

Issue of writs.

(2.) Every writ shall be according to the Form 2 in the Schedule hereto, and shall state the dates for taking the votes of the electors and for the return of the writ.

(3.) No writ shall be issued more than eighty or less than forty days before the day on which the vote is to be taken.

- Copy of Act, Bill, or proposed law to be attached.
Duty of Returning Officer on receipt of writ.
22. The Clerk of the Writs shall cause to be attached to the writ a copy of the Act, Bill, or proposed law.
23. On receipt of a writ the Returning Officer to whom it is directed shall—
- (a.) Endorse thereon the date of its receipt; 5
 - (b.) Give notice of the receipt and particulars of the writ by advertisement in one or more newspapers circulating in the district; and
 - (c.) Cause copies of such Act, Bill, or proposed law to be exhibited at all local Courthouses within the district, and at such other places (if any) therein as the Chief Electoral Officer shall direct. 10

Division 2.—Voting on the Referendum.

- Polling-places. 24. The polling-places appointed for the election at which a referendum is to be voted on shall be polling-places for the purposes of such referendum. When the voting is not to take place at an election, the Governor-General shall fix the polling-places. 15
- Vote only once. 25. Each elector shall vote only once on a referendum.
- Mode of voting. 26. The voting on a referendum shall be by ballot, and each elector shall indicate his vote by marking it on the ballot-paper in accordance with the directions thereon. 20
- Answers to questions put for purposes of election may be accepted for purposes of referendum. 27. The answers by a person claiming to vote to any questions put to him in pursuance of the Legislature Act may be accepted as sufficient to enable him to vote for the purposes of any referendum to be voted on at an election, if they are satisfactory as regards the election, but the Deputy Returning Officer may, if he thinks fit (whether the referendum is being voted on at an election or otherwise), in addition to the said questions put to the person claiming to vote the following question:— 25
- “Have you already voted either here or elsewhere on the referendum?” [or “these referendums?” as the case may be]. 30

And if the person claiming to vote does not answer the question, or admits that he has already voted on the referendum or referendums, the Deputy Returning Officer shall refuse to allow him to vote. 35

- Use of same ballot-boxes and polling-booths for election and referendum. 28. The same ballot-boxes and polling-booths may be used for the purposes of the referendum and any election at which the votes on the referendum are being taken; but in that case the ballot-papers for the referendum shall be of a different colour to the ballot-papers for the election. 40

- Electoral officers may act for purposes of referendum. 29. Officers appointed for the purposes of the Legislature Act may, subject to this Act and the regulations, perform and discharge in reference to a referendum and the voting thereon such duties and functions as substantially correspond to those which they are authorized to perform or discharge in relation to elections. 45

Division 3.—The Scrutiny.

- Scrutiny. 30. Where one proposal is submitted as under Form 3 the result of the referendum shall be ascertained by scrutiny conducted by Returning Officers and Assistant Returning Officers, as hereinafter provided; but nothing in this Act shall make it obligatory to appoint an Assistant Returning Officer in any district. 50

31. The scrutiny shall be conducted in accordance with the following provisions :— Conduct of scrutiny.

(a.) The scrutiny shall commence as soon as practicable after the closing of the poll ;

6 (b.) Scrutineers and any person authorized by the Returning Officer or Assistant Returning Officer may be present.

(c.) All the proceedings at the scrutiny shall be subject to the inspection of the scrutineers ;

(d.) The scrutiny may be adjourned from time to time ;

10 (e.) Each Assistant Returning Officer shall open all ballot-boxes for polling-places in respect of which he exercises his powers ; and

(f.) The Returning Officer shall open all ballot-boxes not opened by an Assistant Returning Officer.

15 32. The Minister may appoint one scrutineer, the promoters or a majority of them one scrutineer, and the Speaker one scrutineer to represent him or them at any polling-place. Power to appoint scrutineers.

20 33. (1.) If a scrutineer objects to a ballot-paper as being informal, the officer conducting the scrutiny shall mark the ballot-paper " admitted " or " rejected " according to his decision to admit or reject the ballot-paper. Action on objection to ballot-papers.

(2.) Nothing in this section shall prevent the officer from rejecting any ballot-paper as being informal, although it is not objected to.

34. A ballot-paper shall be informal if—

25 (a.) It is not initialled by a Deputy Returning Officer ; or

(b.) It has no vote indicated on it ; or

(c.) It has more than one vote indicated on it ; or

30 (d.) It has upon it some mark or writing not authorized by this or the Legislature Act to be put on it which would in the opinion of the Returning Officer or Assistant Returning Officer enable any person to identify the voter. Informal ballot-papers.

35 35. (1.) Except as authorized by this or the Legislature Act, an officer shall not place upon any ballot-paper any mark or writing which would enable any person to identify the voter by whom it is used. Officers not to mark ballot-papers so that voters can be identified.

(2.) Any person is liable to a fine of *ten* pounds for a breach of this section.

36. All ballot-papers used for voting shall be preserved as and in such custody as shall be prescribed until the voting on the referendum can be no longer challenged, when they shall be destroyed. Preservation of ballot-papers.

40 37. Each Assistant Returning Officer shall, in the presence of such scrutineers as choose to be present, open all ballot-boxes containing the ballot-papers received from any polling-place in respect of which he exercises his powers, and shall— Assistant Returning Officers to count votes.

45 (a.) Arrange the ballot-papers by placing in a separate parcel all those which have a cross set opposite the word " Yes," and in another parcel all those which have a cross set opposite the word " No," rejecting all informal ballot-papers :

(b.) Place in a separate parcel all the ballot-papers which have been rejected as informal :

50 (c.) Transmit the following information by telegram or some other expeditious manner to the Returning Officer, that is to say,—

- (i.) The number of affirmative votes ;
 - (ii.) The number of negative votes ;
 - (iii.) The number of ballot-papers rejected as informal :
- (d.) Seal up all parcels and transmit them to the Returning Officer. 5

Ascertainment of result by Returning Officer.

38. The Returning Officer shall, in the presence of such scrutineers as choose to be present,—

- (a.) Open all ballot-boxes not opened by Assistant Returning Officers ;
- (b.) Arrange the ballot-papers found therein by placing in a separate parcel all those which have a cross set opposite the word " Yes," and in another parcel all those which have a cross set opposite the word " No," rejecting all informal ballot-papers. 10
- (c.) On receipt of the information giving the results of the counting of the ballot-papers by the Assistant Returning Officers in the district, proceed to ascertain the result of the voting on the referendum so far as regards that district. 15

Return of result of submission by Returning Officer.

39. Each Returning Officer shall forthwith, after he has counted the votes on the ballot-papers taken from the ballot-boxes opened by him and has received from each Assistant Returning Officer a statement showing the voting on the ballot-papers from the ballot-boxes opened by him, endorse on the copy of the writ a statement certifying in relation to the votes given at the polling-places in or for his district— 20

- (a.) The number of votes given in favour of the proposed law ; 25
- (b.) The number of votes given not in favour of the proposed law ; and

(c.) The number of ballot-papers rejected as informal ; and shall transmit the copy of the writ so endorsed together with all sealed parcels of ballot-papers to the Chief Electoral Officer. 30

Recount.

40. (1.) The Chief Electoral Officer may direct a recount by the Returning Officer of the ballot-papers from any district, or portion of a district, or of the ballot-papers contained in any parcel.

(2.) The Returning Officer shall, in relation to the recount, have the same powers as if the recount were the scrutiny, and may reverse any decision, whether of himself or an Assistant Returning Officer, in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper. 35

(3.) The Chief Electoral Officer shall have authority to alter any return in such manner as may be shown by any recount to be right. 40

Division 4.—Preferential Voting.

Preferential voting.

41. (1.) If more than one requisition is received containing different proposals with respect to the same subject, or the Legislature decides to submit an alternative proposal, the Chief Electoral Officer may ascertain the decision of the electors by submitting all the proposals on one ballot-paper, when the following provision shall apply:— 45

(2.) A voter giving his vote—

Method of recording preferential votes.

(a.) Must place on his ballot-paper the figure " 1 " in the square opposite the proposal for which he votes ; and

(b.) May, in addition, place on his ballot-paper the figure " 2," or the figures " 2" and " 3," or " 2," " 3," and " 4," and so on, in the squares opposite the several proposals in the order of his preference. 50

(3.) A ballot-paper shall be informal—

Informal
ballot-papers.

(a.) Upon which a voter signs his name or writes any word or makes any mark by which it becomes recognizable; or

(b.) On which the figure "1" is not marked; or

5 (c.) On which the figure "1" is set opposite more than one proposal; or

(d.) On which the figure "1" and some other figure is set opposite the same proposal; or

(e.) Which is unmarked or void for uncertainty.

10 (4.) A voting-paper shall not be informal by reason only of—

(a.) A figure (not being the figure "1") being placed opposite more than one proposal, but the votes indicated by that figure or any higher figure shall not be effectual; or

15 (b.) A figure (not being the figure "1") being 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.

42. (1.) The Returning Officer at each polling-booth, as soon as practicable after the closing of the poll, in the presence of the poll-clerks, if any, and of such officers as are present, but not of any other person, shall open the ballot-box, and taking therefrom the ballot-papers shall set aside all informal ballot-papers, and shall ascertain in respect of each proposal the number of ballot-papers which are marked with the figure "1" opposite the name of such proposal.

Opening ballot-box.

25 (2.) The number so ascertained in respect of each proposal shall be deemed, provisionally and until the official count, to be the number of first-preference votes recorded for that proposal at the polling-booth at which they were so recorded.

43. Immediately after ascertaining the number of first-preference votes recorded for each proposal, the 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 of the electorate, who, on receipt of all such returns, shall ascertain therefrom the total number of first-preference votes received by each proposal within the electorate, and transmit the result by telegraph or other expeditious means to the Chief Electoral Officer.

Result of voting
to be announced.

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

Deputies to make
up books and papers
in parcels.

40 (a.) The used ballot-papers, together with (but in a separate enclosure) the ballot-papers set aside as informal;

(b.) The ballot-papers, in separate bundles, on which first choices are recorded for each proposal;

(c.) The unused and spoilt ballot-papers;

45 (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

50 (e.) (i.) A statement, in the prescribed form, of the number of first-preference votes received for each proposal, and of the number of ballot-papers set aside as informal; and

(ii.) A statement in the prescribed form, of the number of ballot-papers originally delivered to the Re-

turning 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 this section shall be prepared by the Returning Officer, and shall be signed by him. 5

(3.) Every parcel made up pursuant to this section shall be sealed by the Returning Officer with his own seal, and shall be endorsed by him with a description of the contents thereof, the name of the electorate, the name of the polling-booth, and the date of the polling; and such endorsement shall be signed by the Returning Officer. 10

(4.) The Returning Officer shall with all possible despatch deliver or transmit all the separate parcels referred to in the *last preceding* subsection to the Returning Officer of the electoral district, who, on receipt of all such parcels, shall with all possible despatch transmit the same to the Chief Electoral Officer. 15

Official Count of the Votes and Declaration of Poll.

Official count of the votes.

45. (1.) On completion of the scrutiny of the rolls, as directed by sections one hundred and forty-two and one hundred and forty-three of the Legislature Act, the Returning Officer shall, in the prescribed form, forward the result thereof to the Chief Electoral Officer. 20

(2.) On receipt of the results of every such scrutiny conducted within each electorate the Chief Electoral Officer, with such assistance as he deems necessary, shall proceed as follows:— 25

(a.) He shall open separately each of the parcels of ballot-papers, and, after setting aside all informal ballot-papers, shall count the number of first-preference votes recorded for each proposal on the ballot-papers contained therein, and shall compare the results of the count in respect of each parcel with the corresponding statement mentioned in paragraph (e) 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 Chief Electoral Officer. 30 35

(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 proposal.

(c.) The Returning Officer shall then count the votes in accordance with the following rules in section *forty-six* hereof. 40

46. The result of the poll shall be ascertained as follows:—

(a.) The number of first choices recorded for each proposal shall be counted and all informal ballot-papers shall be rejected. The aggregate number of such first choices shall be divided by two and the quotient increased by one, the resulting number, disregarding any fractional remainder, shall be the quota. 45

(b.) Any proposal which has, upon the first choices being counted, received a number of such votes equal to or greater than the quota shall be deemed to be carried. 50

(c.) When after the first choices have been counted no proposal has obtained the quota the proposal which is lowest on the

Ascertaining result of poll.

poll shall be excluded, and all the votes obtained for it shall be transferred to the proposal next in the order of the voter's respective preferences.

5 (d.) If at any time when a proposal has to be excluded under these rules two or more proposals have each the same number of votes, the Returning Officer shall decide which proposal shall be excluded.

(e.) The same process of excluding the proposal lowest on the poll and transferring the votes to other proposals shall be repeated until the proposal receives the quota.

10 (f.) When the number of votes obtained for a proposal is raised up to or above the quota by any such transfer as aforesaid, that proposal shall thereupon be declared to be carried.

15 47. (1.) The count of the votes by the Returning Officer may be adjourned from time to time as the Returning Officer deems necessary. Count may be adjourned.

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

20 (3.) Before any such adjournment the room containing all ballot-papers and other documents connected with the count shall be securely locked up by the Returning Officer, and all receptacles containing such ballot-papers and other documents shall also be securely locked up within such room under the seal of the Returning Officer.

25 48. As soon as conveniently may be after the counting of the votes has been completed the Returning Officer shall publicly declare, in the form numbered (5) in the Schedule hereto, the result of the poll, and the proposal or Bill therein declared to be carried shall come into effect as set forth in Part V hereof. Public declaration of poll.

Division 5.—Certifying the Result of the Voting.

35 49. (1.) The Chief Electoral Officer shall, from the returns to the writs, prepare a statement showing as regards the whole of New Zealand— Certificate of result of poll.

(a.) The number of votes given in favour of the Act, Bill, or proposed law;

(b.) The number of votes given not in favour of the Act, Bill, or proposed law; and

40 (c.) The number of ballot-papers rejected as informal; and shall sign and certify the statement and publish a copy thereof in the *Gazette*.

(2.) The certificate of the Chief Electoral Officer so published shall (except in so far as the Court otherwise orders under the provisions hereinafter contained) be conclusive evidence of the result of the referendum and of the validity and regularity of all antecedent proceedings, and of the fulfilment of and compliance with all necessary conditions.

(3.) The vote on the referendum shall take effect from the publication of the certificate in the *Gazette*.

50 *Division 6.—Review of Certificate.*

50. The certificate of the result of the voting on any referendum may be questioned or reviewed by the Court, on petition filed therein, within forty days after the publication thereof in the *Gazette*. Provision for challenging the certificate of result of voting.

- (2.) Every such petition shall—
- (a.) Set out the facts relied on ;
 - (b.) Contain a prayer asking for the relief to which the petitioner claims to be entitled ;
 - (c.) Be signed and presented by—
 - (i.) The Attorney-General ; or
 - (ii.) The promoters or a majority of them ; or
 - (iii.) The Speaker of the House of Representatives.
 - (d.) Be published in the *Gazette* and in one daily newspaper.

5

Who may be
respondent when
petition presented
to the Court.

51. Every person who might have been a petitioner may, on entering an appearance to a petition in the prescribed manner, become a respondent thereto, and shall be entitled to take part in the proceedings and be heard thereon. 10

Security for costs

52. At the time of filing the petition the petitioner shall deposit with the Registrar of the Supreme Court the sum of *one hundred* pounds as security for costs. 15

Powers of the Court.

53. (1.) The Court on the hearing of a petition shall have power—

- (a.) To adjourn :
- (b.) To compel the attendance of witnesses and the production of documents : 20
- (c.) To examine witnesses on oath :
- (d.) To declare that a certificate does not truly state the result of the voting, and either to annul the certificate or amend it in any particular : 25
- (e.) To declare the voting on the referendum and the certificate of the result thereof to be absolutely void :
- (f.) To dismiss or uphold any petition, in whole or in part :
- (g.) To award costs.

(2.) The Court may (subject as hereinafter provided) exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks fit and sufficient : 30

Provided that the Court shall not invalidate or vary the certificate in any way on the ground of anything that has happened or been omitted or is alleged to have happened or been omitted prior to the issue of the writs, or for any informality in any writ. 35

Inquiries by Court.

54. (1.) The Court shall inquire whether the requisites of section *thirty-five* have been observed, and so far as the voting is concerned may inquire into the identity of persons and whether their votes were improperly admitted or rejected, and whether the result of the voting was correctly ascertained ; but the Court shall deem the roll conclusive evidence that the persons enrolled were, at the date of the completion of the roll, entitled to be enrolled. 40

Rolls conclusive.

(2.) The qualification of any person enrolled shall not be questioned ; and no polling on any referendum or the certificate of the result thereof shall be in any way invalidated or varied on the ground that any person whose name appears on the roll for a district, and who has voted as an elector for such district, was not qualified to be enrolled or to continue enrolled as such elector. 45

Immaterial errors
not to vitiate
election.

55. No polling on any referendum or the certificate of the result thereof shall be in any way invalidated or varied on account of any delay in the polling, or the return of any writ, or on account of the absence or error of any officer which shall not be proved to have affected the result of the election. 50

56. All decisions of the Court shall be published in the *Gazette* and shall be final and conclusive without appeal, and shall not be questioned in any way, and the certificate, if varied, shall have effect as if it had been originally signed and gazetted as varied.

Decisions of Court to be final.

57. The Court may award costs against an unsuccessful party to the petition, to be taxed by the Registrar of the Supreme Court.

Costs.

58. If costs are awarded to any party against the petitioner, the deposit shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

Deposits applicable for costs.

10 *Division 7.—Application of the Legislature Act.*

59. (1.) The provisions of the Legislature Act shall, subject to this Act and so far as they are applicable, apply to a referendum as if it were an election for a member of the House of Representatives.

Application of Legislature Act.

15 (2.) The application of the Legislature Act to a referendum shall be subject to the following provisions:—

(a.) A reference to a writ shall be read as a reference to a writ for a referendum ;

(b.) A reference to an election shall be read as a reference to a referendum ;

20 (c.) A reference to a polling-day shall be read as a reference to the day fixed by a writ for a referendum for the taking of the votes of the electors ;

(d.) A reference to a poll shall be read as a reference to the taking of the votes of the electors for the purposes of a referendum ;

25 (e.) Ballot-papers shall be according to the Form 3 or 4 in the Schedule hereto ;

(f.) A ballot-paper used for the purposes of a referendum shall only be rejected as informal for the reasons specified in this Act ;

30 (g.) The vote of an elector shall be marked on his ballot-paper in the manner directed in Form 3 or 4 in the Schedule hereto ;

35 (h.) A reference to scrutineers or to a scrutineer shall be read as a reference to scrutineers or to a scrutineer appointed in pursuance of this Act, as the case requires ;

(i.) A reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to a referendum ;

40 (j.) A reference to a ballot-paper, ballot-box, or other thing shall be read as a reference to a ballot-paper, ballot-box, or corresponding thing in relation to a referendum ;

(k.) Any reference to this " Act " shall be read as a reference to the provisions of the said Act (as hereby adapted) which are applicable to a referendum.

45

PART V.

THE EFFECT OF THE VOTE.

60. When any Act has been submitted to the electors, and a majority of the electors casting valid votes thereon have disapproved such Act, then the Act shall be deemed to be repealed.

Effect of disapproval of Act.

Savings in case of
repeal of Act by vote
of electors.

61. Any repeal of any Act effected under the provisions of this Act shall be subject to such and the like savings and provisions as apply in the case of a repeal effected by Act of Parliament:

Provided that any enactment repealed by the repealed Act shall be deemed to be revived.

Effect of disapproval
of Bill.

62. When any Bill has been submitted to the electors, and a majority of the electors casting valid votes thereon have disapproved such Bill, then—

(a.) If such Bill has not been assented to, it shall not be assented to;

(b.) If such Bill has been assented to, and become an Act, such Act shall be deemed to be repealed.

Effect of approval of
proposed law.

63. When any proposed law or any Bill is being submitted to the electors, and a majority of the electors casting valid votes thereon have approved of the proposed law or Bill, it may be assented to by or on behalf of the King, and if assented to shall have the force of law.

Effect of approval of
proposed law, and
also of Bill to give
effect thereto with
alteration.

64. When any proposed law has been submitted to the electors, and there has also been submitted at the same time a Bill for an Act to give effect to such proposed law with any substantial alteration or addition, or if any alternative proposals have been submitted as provided for in Division 4 of Part IV of this Act, the proposal receiving the "quota" of votes shall be deemed to be carried.

PART VI.

OFFENCES.

Penalty for
supplying meat,
drink, &c., to an
elector.

65. Whoever, after the issue of a writ for a referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, drink, or entertainment, or horse- or carriage-hire, with a view to influence his vote in connection with the referendum, shall be guilty of an offence, and shall be liable to a fine of *one hundred* pounds or to imprisonment for *six* months.

Bribery.

66. Whoever gives, confers, or procures, or promises or offers to give or confer or to procure or attempt to procure, any money, property, or benefit of any kind, to, upon, or for any elector or any other person—

(a.) In order to influence the elector in his vote in connection with a referendum; or

(b.) In order to induce the elector to refrain from voting at a referendum; or

(c.) In order to induce the elector to sign or abstain from signing any petition.

shall be guilty of an offence, and shall be liable to a fine of *one hundred* pounds or to imprisonment for *six* months.

Receipt of bribe by
elector.

67. Any elector who asks for, receives, or obtains, or agrees or attempts to receive or obtain, any money, property, or benefit of any kind for himself or any other person upon the understanding that his vote in connection with any referendum shall be influenced thereby, or shall be given in any particular manner, or that he will refrain from voting at any referendum, or that he will sign or abstain from signing any petition, shall be guilty of an offence, and shall be liable to a fine of *one hundred* pounds or to imprisonment for *six* months.

68. Whoever by fraud, or by unlawful threats, or intimidation of any kind,— Undue influence.

(a.) Endeavours to influence any elector in his vote in connection with a referendum ; or

5 (b.) Endeavours to induce any elector not to vote at a referendum ; or

(c.) Endeavours to induce any elector to sign or abstain from signing any petition,

shall be guilty of an offence, and shall be liable to a fine of *one hundred* 10 pounds or to imprisonment for *six* months.

69. (1.) Every advertisement, and every handbill or pamphlet, relating to a referendum and intended or calculated to affect the result thereof shall have the name and address of the person authorizing it at the end thereof, and every such advertisement (other than an advertisement in a newspaper), handbill, or pamphlet, if printed, shall 15 in addition have printed thereon the name and place of business of the printer who printed it. Advertisement relating to referendum.

(2.) Every person who prints or publishes or authorizes the printing or publication of any such advertisement, handbill, or 20 pamphlet, which does not comply with this section shall be guilty of an offence, and shall be liable to a fine of *fifty* pounds.

70. (1.) After the issue and before the return of any writ for the submission of any Act, Bill, or proposed law to any electors under this Act, every article, report, letter, or other matter commenting upon 25 the issues being submitted to the electors printed and published in any newspaper, circular, pamphlet, or “*dodger*” shall have the name and address of the author printed at the foot or end thereof ; and the original shall, before publication, be signed by such author. Articles commenting on issues submitted to electors to be signed.

(2.) The editor and the proprietor of any newspaper in which any 30 such article, report, letter, or other matter appears without the name and address of the author as required by this section commits an offence against this Act, and shall be liable to a fine of *fifty* pounds.

71. (1.) Any person who, at a public meeting to which this section applies, acts in a disorderly manner for the purpose of pre- 35 venting the transaction of the business for which the meeting is held shall be guilty of an offence, and shall be liable to fine of *five* pounds. Misconduct at public meetings.

(2.) This section applies to any lawful public meeting held in relation to a referendum between the dates of issue of any writs for the referendum and the date of the return of the writ.

40 72. (1.) No person shall—

(a.) Sign any petition in the name of another person ; or

(b.) Wilfully make any false statement in reply to any question put to him by an approved witness pursuant to this Act.

(2.) Any person is liable to a fine of *twenty-five* pounds for a 45 breach of this section. Signing petition in another person's name, and making false statement.

73. If any person shall—

(a.) Sign any petition in any other than an approved place ;

(b.) Sign any petition whilst he is not an elector qualified to sign the same ;

50 (c.) Not being an approved witness, sign his name as a witness to any signature to a petition ; or

(d.) Do or fail to do any act for the doing or failure to do which no special penalty is provided, he shall be liable to a penalty not exceeding *five* pounds. Various offences.

PART VII.

MISCELLANEOUS.

- Regulations. 74. The Governor-General may, for the purpose of carrying out this Act, by regulations prescribe all matters which by this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Act, and may by any such regulations impose a penalty not exceeding *twenty* pounds for any breach thereof. 5
- Enforcement of orders for costs. 75. All costs awarded by the Court in any proceedings under this Act, shall be recoverable as if the order of the Court were a judgment of the Supreme Court, and such order certified by the Court may be entered as a judgment of the Supreme Court, and enforced accordingly. 10
- Bill for repeal or amendment of this Act or of Act approved hereunder to be submitted to electors. 76. Every Bill for the repeal or amendment of this Act, or of any law which has been approved by a majority of the electors under this Act, shall be submitted to the electors and a warrant authorizing such submission shall be issued as if the petition praying for such submission had, immediately after the passing thereof, been duly presented to the Governor-General under this Act, and it shall not be lawful for such Bill to be assented to unless it is so submitted, or if, on such submission, a majority of the electors casting valid votes disapprove of such Bill. 15 20
- Interpretation Act to apply to laws passed under this Act. 77. Except as herein otherwise provided, the provisions of the Acts Interpretation Act, 1908, shall apply to any law enacted under this Act as if it were an Act passed through Parliament in the usual manner. 25
- Exceptions as to measures for imposing taxation or appropriating revenue. 78. No proposed law appropriating revenue or moneys shall be submitted to the electors under this Act. But a proposed law shall not be taken to appropriate revenue or moneys by reason only of its containing provisions for the appropriation of fines or other pecuniary penalties or for the appropriation of fees for licenses or fees or payments for services under the proposed law. 30
- (2.) It shall not be lawful to present any petition under this Act for the submission to the electors of any Bill or Act, the sole purpose whereof is the appropriation of revenue or moneys for the ordinary annual services of the Government. 35
- Constitution may be amended by proposed law or Bill passed hereunder. 79. A Bill or proposed law approved under this Act on submission to the electors may be assented to, and shall be valid and effectual notwithstanding that it is an amendment of the Constitution Act or of any amendment thereof, or that its enactment, by means of Parliament, would have required the concurrence of an absolute majority of both Houses, or would have been subject to any other special provisions. 40
- Act to be submitted to electors. 80. The foregoing provisions of this Act, apply to this Act itself as to other Acts : 45
- Provided that notwithstanding anything therein the Governor-General shall authorize the submission of this Act to the electors as if a petition had, immediately after the commencement thereof, been duly presented to the Governor-General praying for such submission; and the submission shall take place whether the date of such commencement is within one hundred days from the passing of the Bill for this Act through Parliament or not. 50

SCHEDULE.

Schedule.

Form 1.

WARRANT AUTHORIZING THE SUBMISSION OF A BILL, ACT, OR PROPOSED LAW TO THE ELECTORS.

To the Clerk of the Writs.

You are hereby authorized and directed to proceed forthwith to issue writs for the submission of a Bill, Act, or proposed law [as the case may be] intituled [Here set out title of Bill, Act, or proposed law] to the electors in each district at the next general election for the House of Representatives after the expiration of forty days from the date hereof [or on the day of , 19 (Here mention day fixed by resolution passed pursuant to section 19)].

A copy of the said Act, Bill, or proposed law is attached hereto.

Dated the day of , 19

Governor-General [or Speaker].

Form 2.

WRIT FOR A REFERENDUM.

To the Returning Officer for the Electoral District of : IN pusuance of the Popular Initiative and Referendum Act, 1925, I hereby authorize and require you that you cause a proposed law [or Bill, or Act] intituled [Here set out title], a copy of which is attached hereto, to be submitted according to law to the electors in the electoral district of qualified to vote for the election of members of the House of Representatives; and that you make return of this writ and certify the result of the voting to the Chief Electoral Officer. And we appoint the following dates for the purposes of the said submission :

- 1. For taking the votes of the electors : , the day of , 19 .
2. For the return of the writ: On or before , the day of 19

Witness , the Governor-General [or the Speaker of the Legislative Council, or the Speaker of the House of Representatives] of New Zealand, at Wellington, this day of , 19 .

[L.S.] Clerk of Writs.

Form 3.

The Popular Initiative and Referendum Act, 1925.

Electoral District of , SUBMISSION OF A BILL, ACT, OR PROPOSED LAW [as the case may be] TO THE ELECTORS.

Directions to Voter.—The voter shall indicate his vote as follows: If he approves of the Bill, Act, or proposed law, [as the case may be] he shall make a cross in the square opposite the word "Yes." If he does not approve of the Bill, Act, or approved law [as the case may be] he shall make a cross in the square opposite the word "No."

Question.—Do you approve of the Bill, Act, or proposed law [as the case may be] entitled [Here set out the title] as passed by Parliament [or by the Legislative Council or House of Representatives] on the day of , 19 , or as set out in a petition of electors presented to the Governor-General on the day of , 19 [as the case may be]?

[] YES.

[] NO.

Form 4.

PREFERENTIAL VOTING.

Form of Ballot-paper.

Numbers and Titles of Proposals.	Order of Preference.
PROPOSAL NO. 1: [<i>Title and brief statement of proposal.</i>]	
PROPOSAL NO. 2: [<i>Title, &c.</i>]	
PROPOSAL NO. 3: [<i>Title, &c.</i>]	
PROPOSAL NO. 4: [<i>Title, &c.</i>]	
<p>PROPOSAL NO. 5: <i>The elector who wishes to vote No to all the above proposals will indicate his vote by placing the figure "1" in the opposite square. He may indicate his further order of preference as between the other proposals. The elector who wishes to vote No as a second, third, or fourth preference must indicate it by using the corresponding numeral. [See instructions below].</i></p>	

INSTRUCTIONS TO VOTERS.

- (1.) Each elector has one vote, and one vote only.
- (2.) The elector votes—
 - (a.) By placing the figure "1" opposite the title of the proposal he likes best. He is also invited to place—
 - (b.) The figure "2" opposite the title of his second choice.
 - (c.) The figure "3" opposite the title of his third choice, and so on, numbering as many proposals as he pleases in the order of his preference.

N.B.—The vote will be spoilt if the figure "1" is placed opposite more than one proposal.

Form 5.

PUBLIC NOTICE OF THE RESULT OF THE POLL AND OF THE TRANSFER OF VOTES.
 Total number of valid votes Quota

Proposals: Number and Short Title.	First Preference Votes.	First Transfer of Votes.	Result.	Second Transfer of Votes.	Result.	Third Transfer of Votes.	Result.
No. 1: [<i>Short Title.</i>]							
No. 2:							
No. 3:							
No. 4:							
No. 5:							
Effective votes:							
Preferences exhausted:							
Total valid votes:							

I hereby declare that Proposal No. [*Short Title*] has been carried.

Signature: . Chief Electoral Officer.