

New Zealand



ANALYSIS

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1944, No. 6

Title.

AN ACT to amend the Local Elections and Polls Act, 1925. [4th April, 1944]

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, 1944, and shall be read together with and deemed part of the Local Elections and Polls Act, 1925.

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

2. For the purposes of this Act the expression “roll of electors”, in relation to any local authority, means any list or roll which is used or prepared in connection with any election of members of that local authority.

“Roll of electors” defined.

3. (1) Without affecting any other qualification for enrolment, it is hereby declared that every person of or over the age of twenty-one years shall be qualified to be an elector and to have his name entered on any roll of electors of any riding of a county, or of any road district or subdivision thereof, who possesses a residential qualification, meaning thereby—

Residential qualification of electors of counties and road districts.

- (a) That he is a British subject either by birth or by naturalization having effect in New Zealand:
- (b) That he has resided for one year in New Zealand:
- (c) That he has resided in the riding, road district, or subdivision, as the case may be, for not less than three months immediately preceding his enrolment or claim for enrolment as an elector; or that he has served outside New Zealand in connection with the present war with His Majesty’s Naval, Military, or Air Forces, or in any British ship which was not a home-trade ship within the meaning of the Shipping and Seamen Act, 1908, and is residing in the riding, road district, or subdivision, as the case may be, and is not enrolled by virtue of a residential qualification on any other roll of electors within the meaning of this Act:

See Reprint of Statutes, Vol. VIII, p. 249

Provided that nothing in this subsection shall be construed to entitle any person to have his name appearing more than once on any roll of electors:

Provided also that where any person who is entitled under this subsection to have his name entered on any roll of electors is also entitled to have his name so entered by virtue of his being a ratepayer of any district, his name shall be entered on the roll in respect of that rating qualification only.

(2) It shall be the duty of the Clerk of every county or road district to enter on the roll of electors of any riding of the county, or of the road district or any subdivision thereof, as the case may be,—

(a) The name of every person who makes a claim in the form set out in the Schedule to this Act for enrolment on that roll, unless to the Clerk's knowledge any statement made by the applicant in his claim is untrue:

(b) The name of every other person who to the Clerk's knowledge is entitled by virtue of this section to have his name entered on that roll.

(3) Every person who wilfully makes a false statement in any claim for enrolment under this section commits an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(4) For the purposes of this section a person shall be deemed to reside in the place in which he has his permanent home.

(5) No person shall by virtue of this section have more than one vote at any election.

(6) Nothing in this section shall be construed to entitle any person to vote at any poll of ratepayers other than an election.

(7) Nothing in this section shall be construed to impose any liability on any person for the payment of rates.

4. Nothing in any of the following enactments, namely:—

(a) Section fifty-seven of the Counties Act, 1920;

(b) Section five of the Counties Amendment Act, 1921-22;

(c) The proviso to section forty of the Road Boards Act, 1908; and

(d) Section one hundred and seven of the Electric-power Boards Act, 1925,—

shall, in relation to any election, apply with respect to any ratepayer who, if he had not been a ratepayer, would have been entitled by virtue of section three of this Act to vote at that election.

Special provisions as to defaulting ratepayers. See Reprint of Statutes, Vol. V, pp. 202, 268, 296
Ibid., Vol. III, p. 51

5. Section six of the Municipal Corporations Act, 1933, is hereby amended by inserting in paragraph (c) of subsection one, after the words "three months then last past", the words "or has served outside New Zealand in connection with the present war with His Majesty's Naval, Military, or Air Forces, or in any British ship which was not a home-trade ship within the meaning of the Shipping and Seamen Act, 1908, and is residing in the ward or borough to which the list relates and is not enrolled by virtue of a residential qualification on any other list or roll of electors of a local authority".

Residential qualification of returned servicemen in boroughs and town districts.

1933, No. 30
See Reprint of Statutes, Vol. VIII, p. 249

6. Without affecting any other qualification for membership, it is hereby declared that every person who is qualified under section three hereof to be an elector of any local authority shall be qualified to be elected or appointed as and to be a member of that local authority, unless he is disqualified under any enactment otherwise than on the ground that he is not a ratepayer.

Residential qualification for membership of local authorities.

7. (1) Every person who at any time after the passing of this Act—

Compulsory enrolment of residential electors in boroughs and town districts.

- (a) Is entitled by virtue of a residential qualification to be enrolled on any roll of electors of any borough or town district; and
- (b) Is not possessed of any other qualification for enrolment thereon; and
- (c) Is not enrolled thereon—

shall, forthwith after the passing of this Act or after the date on which he becomes so entitled (whichever is the later), make a claim in the form prescribed in that behalf under the Municipal Corporations Act, 1933, to be enrolled on that roll of electors.

1933, No. 30

(2) Every such person commits an offence if, for twenty-one days after the passing of this Act or after the date on which he becomes so entitled (whichever is the later), he fails to become enrolled on the roll of electors, unless he proves that he duly made a claim for enrolment thereon or that his failure to make a claim for enrolment was not due to wilful default.

(3) Every such offence shall be a continuing offence until a claim for enrolment has been duly made.

(4) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding five shillings on a first conviction and to a fine not exceeding twenty shillings on any subsequent conviction.

(5) The burden of proof that a person against whom proceedings are taken for an offence against this section was not a person to whom paragraphs (a) and (b) of subsection one of this section applied at any time when he was alleged to have been such a person shall be on that person.

8. (1) Notwithstanding anything to the contrary in section forty-eight of the Counties Act, 1920, every county electors roll required by that section to come into force on the first Wednesday in April in the year nineteen hundred and forty-four shall come into force on the nineteenth day of April in that year.

(2) Notwithstanding anything to the contrary in section thirteen of the Municipal Corporations Act, 1933, every district electors roll prepared in a borough, the population of which exceeds five thousand, for the purposes of the general election to be held in the year nineteen hundred and forty-four shall be deemed to be closed at five o'clock in the afternoon of the twenty-ninth day of April in that year.

9. Except as otherwise provided in this Act, every general election of members of any local authority that is required by any enactment to be held on the third Saturday in May in the year nineteen hundred and forty-four shall be held on the fourth Saturday in May in that year.

10. (1) Notwithstanding anything to the contrary in this or any other Act, no person shall be incapable of being elected or appointed as or of being a member of any local authority by reason of his employment by that local authority.

(2) For the purposes of this section the expression "local authority" means a local authority within the

Extending dates for closing of rolls in the year 1944.

See Reprint of Statutes, Vol. V, p. 200 1933, No. 30

Postponing general elections for one week in the year 1944.

Employees of local authorities to be qualified for membership thereof.

meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act, or of any Order in Council thereunder, or by virtue of the provisions of any other Act.

See Reprint
of Statutes,
Vol. V, p. 415

(3) Section twenty-three of the Hospitals and Charitable Institutions Act, 1926, is hereby amended by omitting from paragraph (e) of subsection one the words "or who holds a paid office under any contributory local authority within the hospital district".

Ibid., Vol. III,
p. 734

11. Section twelve of the Local Elections and Polls Amendment Act, 1926, is hereby amended by repealing subsection three, and substituting the following subsection:—

Amending
provisions
as to
voting by
declaration.

Ibid., Vol. V,
p. 483

"(3) After the close of the poll the declarations, with the relative voting-papers, shall be forwarded to the Returning Officer for verification, and in no case shall any vote be counted unless the Returning Officer is satisfied that the relative declaration has been properly made."

12. (1) Section eight of the Christchurch District Drainage Act, 1907, is hereby amended by repealing subsection one, and substituting the following subsection:—

Date of
general
elections
of Christchurch
Drainage
Board.

1907 (Local),
No. 30

"(1) In each of the several subdistricts of the district the electors shall for their subdistrict, on the last Saturday in November in the year nineteen hundred and forty-four, and on the same day in every succeeding third year thereafter, elect one person (being an elector) to be a member of the Board."

(2) So much of the First Schedule to the Local Elections and Polls Amendment Act, 1941, as relates to the said section eight is hereby repealed.

1941, No. 2

(3) The Christchurch Drainage Board Elections Emergency Regulations 1943 are hereby revoked.

Gazette,
23rd December,
1943, p. 1518

(4) All notices issued, all nominations received, and all declarations of election to office made, in respect of the general election of members of the Christchurch Drainage Board which was required by the Christchurch Drainage Board Elections Emergency Regulations 1943 to be held on the third Saturday in May, nineteen hundred and forty-four, are hereby revoked, and no member of the Board shall be deemed to have vacated his office by reason of any such notice or declaration.

Date of
general
elections
of Christchurch
Tramway
Board.

13. (1) The next general election of the whole of the members of the Christchurch Tramway Board shall be held on the last Saturday in November in the year nineteen hundred and forty-four, and on the same day in every succeeding third year thereafter all members of the Board shall go out of office, and on every such day a fresh general election of members of the Board shall be held.

1939 (Local),
No. 4
1941, No. 2

(2) The Christchurch Tramway District Amendment Act, 1939, and so much of the First Schedule to the Local Elections and Polls Amendment Act, 1941, as relates to that Act are hereby repealed.

Schedule.

SCHEDULE

Section 3

FORM OF CLAIM FOR ENROLMENT

Under the Local Elections and Polls Amendment Act, 1944

CLAIM FOR ENROLMENT AS AN ELECTOR OF RIDING
OF COUNTY (*or* SUBDIVISION OF ROAD
DISTRICT)

To the Clerk.

1. I, [*State full name, occupation, and place of residence*], hereby claim to be enrolled as an elector of the Riding of the County (*or* the Subdivision of the Road District), on the grounds hereinafter set forth.

2. I am a British subject by birth [*or* by naturalization having effect in New Zealand].

3. I have resided for one year in New Zealand.

4. I have resided in the Riding of the County (*or* in the Subdivision of the Road District) for not less than three months immediately preceding the date of this claim.

[*Or* I have served outside New Zealand in connection with the present war with His Majesty's Naval, Military, or Air Forces or in a British ship which was not a home-trade ship within the meaning of the Shipping and Seamen Act, 1908, and I reside in the Riding of the County (*or* in the Subdivision of the Road District), and am not enrolled by virtue of a residential qualification on any other roll of electors within the meaning of the Local Elections and Polls Amendment Act, 1944.]

I hereby declare that the foregoing statements are true, and that I believe myself to be entitled to be enrolled in terms of this claim.

Dated at _____, this _____ day of _____, 19____. _____, Claimant.

Signed by the above-named in the presence of me—

Justice of the Peace.

Postal official.

Minister of religion.

Solicitor.

Elector of the _____ County

(*or* _____ Road District).

Registrar (*or* Deputy Registrar) of Electors.

County Clerk (*or* a person authorized by the County Clerk to take this declaration).

NOTE.—Under section 3 of the Local Elections and Polls Amendment Act, 1944, every person who wilfully makes a false statement in any claim to have his name entered on any roll of electors commits an offence and is liable to a fine not exceeding £5.