



The radical journalist Henry Samuel Chapman championed the cause of the secret ballot throughout the British Empire in the mid nineteenth century. An associate of John Stuart Mill and Edward Gibbon Wakefield, he was active in Canada's struggle for self-government in the 1830s, and was the driving force behind Victoria's secret ballot legislation in 1856. In New Zealand, he served as a judge of the Supreme Court from 1843 to 1852 and again from 1864 to 1875.

T. Lawrence. The Honorable H. S. Chapman, ATL B-039-010

Victoria – where it had first appeared – exerted a particularly strong influence on New Zealand during the gold-rush era. The architect of Victoria's landmark 1856 ballot legislation, the journalist, lawyer and politician Henry Samuel Chapman, had served as a judge of the New Zealand Supreme Court between 1843 and 1852, and returned to the bench in Dunedin in 1864; another prominent advocate, former Victorian Legislative Councillor (and future New Zealand MHR) Vincent Pyke, was also now in Otago.² By this time the secret ballot was even being seriously considered in Britain, where this supposedly 'un-

English' innovation was eventually introduced in 1872. Gold Fields district member George Brodie raised the issue in New Zealand's Parliament again in 1865, but it was quickly dismissed.³ Two years later, the City of Dunedin MHR William Reynolds began a determined campaign for the adoption of the ballot. The arguments were essentially the same as in 1858. Supporters maintained that the vote was a right that citizens should be free to exercise according to their conscience, without fear of intimidation or reprisal. Opponents replied that secret voting would foster hypocrisy and suspicion, and that electors did not need protection in a free and open society like New Zealand. Moreover, as in 1858, they insisted that the vote was 'not an individual and inherent right' but 'an important trust' granted to certain citizens to exercise on behalf of their community.⁴ Open voting, it was claimed, ensured that the holders of this trust were accountable to those who remained disfranchised – including, for example, women.

In 1867, despite the personal support of Premier Edward Stafford (who

had backed the ballot in 1858), Reynolds's bill was defeated in the House by two votes. The following year it got through the House but lapsed in the Legislative Council. In 1869 his measure was passed in both houses, but dropped after the Council made amendments that the government considered unworkable. A year later the ballot was back before Parliament, this time as a government measure introduced by Premier William Fox. Now the timing was right, and the Regulation of Elections Bill 1870 was passed by handsome majorities in both houses.⁵ The ballot, based on the Victorian model, would be used for the first time at the general election in January-February 1871.

The old rituals of verbal nomination on the hustings and voting by show of hands were retained, but when a poll was demanded – as it inevitably was in all contested seats – a radically different procedure would be followed. At the polling booth, each elector would receive a printed ballot paper listing the names of the candidates. He would then enter a private compartment, strike out the names of those he did not wish to vote for, and deposit the paper in a locked ballot box. Electors in multi-member districts could still select more than one candidate, but could not give more than one vote to the same man.⁶ Unlike some American states where the ballot operated as a de facto literacy test, polling officials were allowed to assist illiterate (and blind) voters. Offences such as entering a compartment while an elector was voting, removing a ballot paper from the booth, personation and double voting were punishable by fines of up to £50 or two years' imprisonment with hard labour. In addition, the 1870 Act provided for the appointment of a Clerk of the Writs, who was to issue and return the writs for each electoral district. From the outset, this position was filled by the Under-Secretary to the Colonial Secretary (this office was later retitled Under-Secretary for Internal Affairs).⁷

One of the most important electoral reforms in New Zealand's history, the Regulation of Elections Act 1870 established a mode of voting that has survived largely unchanged to the present day. But its significance went far beyond the conduct of elections, as diehard opponents of the ballot realised. If the vote was a right, John Hall asked in 1870, 'why was it not extended to every man and even to every woman? Why should there be given to perhaps an ignorant and corrupt man a right to vote, and it be at the same time denied to an intelligent and educated woman?'⁸ At the time, Hall was trying to prove that the vote was clearly not a right, but the argument could easily be reversed. Once Parliament acknowledged that the vote was an individual right rather than a public trust, one of the strongest arguments against universal suffrage was gone. The adoption of the secret ballot opened the door for the progressive extension of the franchise to all adult men and – eventually – to women. While the former goal would be achieved later that decade, the struggle for women's suffrage would continue for another 23 years.

(Atkinson, 2003)