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New Zealand
Electoral Amendment Act (No. 2) 1995 061
Commenced: 6 December 1995

1995, No. 61

An Act to amend the Electoral Act 1993

[6 December 1995]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement---(1) This Act may be cited as the Electoral Amendment Act (No. 2) 1995, and shall be read together with and deemed part of the Electoral Act 1993 (hereinafter referred to as the principal Act).

(2) Except as provided in sections 8 (2), 9 (2), 11 (2), 51 (3), and 80 of this Act, this Act shall come into force on the date on which this Act receives the Royal assent.

2. Interpretation---(1) Section 3 (1) of the principal Act is hereby amended by inserting, after the definition of the term ``Clerk of the Writs'', the following definition:

``Component party' means, in relation to a registered political party (in this definition called 'the registered party') or in relation to a political party that is applying for registration (in this definition called the 'applicant party'),---

``(a) A political party that is a member of the registered party or of the applicant party; or

``(b) A political party that has combined some or all of its membership with that of another political party and thereby formed the registered party or the applicant party or augmented the membership of such a party, as the case may be:``.

(2) Section 3 (1) of the principal Act is hereby further amended by repealing the definition of the term ``eligible political party'', and substituting the following definition:

``Eligible political party' means a political party that has at least 500 current financial members who are eligible to enrol as electors:``.

3. Functions---The principal Act is hereby amended by repealing section 5, and substituting the following section:

``5. The principal functions of the Electoral Commission shall be---

``(a) To carry out such duties in relation to the registration of political parties and political party logos as are prescribed by Part IV of this Act:

``(b) To supervise political parties' compliance with the financial

disclosure requirements of this Act:

- ``(c) To supervise political parties' compliance with the requirements of this Act relating to the filing of returns of election expenses:
- ``(d) To promote public awareness of electoral matters by means of the conduct of education and information programmes or by other means:
- ``(e) To consider and report to the Minister or to the House of Representatives on electoral matters referred to the Electoral Commission by the Minister or the House of Representatives.''

4. Powers---Section 6 (2) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

- ``(a) To initiate, sponsor, and carry out such studies and research as the Commission thinks necessary for the proper discharge of its functions:
- ``(aa) To make such inquiries as the Commission thinks necessary for the proper discharge of its functions:''

5. Membership---Section 8 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

- ``(d) One person who shall be---
 - ``(i) A Judge of the District Court or of the High Court or of the Court of Appeal; or
 - ``(ii) A retired Judge of any of the Courts specified in subparagraph (i) of this paragraph.''

6. Vacation of office---Section 11 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

``(1) No Commissioner who holds office by virtue of section 8 (1) (c) or section 8 (1) (d) (ii) of this Act shall be removed from the office of Commissioner except by the Sovereign or the Governor-General, acting upon an address from the House of Representatives, which address may be moved only on the grounds of that person's misbehaviour or of that person's incapacity to discharge the functions of the office of Commissioner.

``(2) No Commissioner who holds office by virtue of section 8 (1) (d) (i) of this Act shall be removed from the office of Commissioner, unless that Commissioner is removed or suspended from the Commissioner's judicial office.''

7. Delegation of functions of Returning Officers---The principal Act is hereby amended by inserting, after section 20, the following section:

``20A. (1) Every Returning Officer may, by writing under his or her hand, delegate to any other person (being an official appointed for the purposes of this Act under the State Sector Act 1988) any of the Returning Officer's functions, powers, rights, and duties under sections 175, 176, 177, and 178 of this Act or under regulations made under this Act in relation to the allowance or disallowance of special votes.

``(2) The Returning Officer may revoke at any time, by written notice to the delegate, any delegation made under this section.

``(3) Every person to whom any function, power, right, or duty is delegated under this section may exercise or perform the function, power, right, or duty in the same manner and with the same effect as the Returning Officer could himself or herself have exercised or performed it.

``(4) Every person purporting to act under a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

``(5) A delegation under this section does not affect or prevent the performance or exercise of any function, power, right, or duty by the Returning Officer.''

8. Submissions---(1) Section 34 of the principal Act is hereby amended by adding, after the words ``section 35 (3) of this Act'', the words ``or section 45 (6) of this Act''.

(2) This section shall be deemed to have come into force on the 17th day of December 1993.

9. Notice of proposed boundaries and classification---(1) Section 38 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

``(1) When the Commission proposes to make a division under section 35 or section 45 of this Act, it shall publish in the Gazette a notice---

``(a) Stating places at which the public may inspect, without charge,---

``(i) The names, and a description of the boundaries, of the proposed districts; and

``(ii) Any classification of the proposed districts that is required for the purposes of the Higher Salaries Commission Act 1977; and

``(iii) A summary, in respect of each proposed district, of the reasons why the boundaries described are being proposed; and

``(b) Stating the last date on which the Commission will receive written objections to the proposed boundaries or any of them and to the proposed names or any of them and to the proposed classification (if any) (which date shall be not less than one month after the date of the publication of the notice in the Gazette).

``(1A) The boundaries fixed by the Commission in respect of the proposed districts shall be defined by the Commission by the use of such words, maps, and graphic means as are sufficient to define those proposed boundaries accurately.''

(2) This section shall be deemed to have come into force on the 17th day of December 1993.

10. Report and maps to be laid before House of Representatives---Section 41 (1) of the principal Act is hereby amended by omitting the words ``28 days'', and substituting the words ``3 sitting days''.

11. Maori representation---(1) Section 45 of the principal Act is hereby amended by repealing subsections (8) and (9), and substituting the following subsections:

``(8) Due notice of the issuing of the proposed names and boundaries of the Maori electoral districts shall be given in the Gazette and section 38 of this Act, with all necessary modifications, shall apply accordingly.

``(9) The Commission shall, in every case within 6 months after the date of the meeting of the Commission called pursuant to section 35 (7) of this Act or, in the case of the meeting called pursuant to section 269 (4) of this Act, within 8 months after the date of that meeting,---

``(a) Report to the Governor-General the names and boundaries of the Maori electoral districts fixed by the Commission; and

``(b) Publish in the Gazette a notice---

``(i) Stating that the Commission has fixed the names and boundaries of the Maori electoral districts; and

``(ii) Stating that the names and boundaries of the Maori electoral districts fixed by the Commission are available for public inspection; and

``(iii) Stating places at which copies of the names and boundaries fixed by the Commission are available for public inspection without charge (which places shall include the office of each Registrar of Electors).''

(2) This section shall be deemed to have come into force on the 17th day of December 1993.

12. No person to be candidate for more than one district or on more than one list---The principal Act is hereby amended by repealing section 59, and substituting the following section:

``59. (1) No person shall at any general election be---

``(a) A candidate for more than one electoral district; or

``(b) A candidate whose name is included on more than one party list submitted pursuant to section 127 of this Act.

``(2) If 2 or more by-elections are held on the same polling day, no person shall be a candidate at more than one of those by-elections.

``(3) At any general election, any person may be both---

``(a) A candidate for any one electoral district; and

``(b) A candidate whose name is included on any one party list submitted pursuant to section 127 of this Act.

``(4) If any person breaches subsection (1) or subsection (2) of this section, all nominations of that person as a candidate for those districts, party lists, or by-elections, as the case may be, shall be void, and any deposits made by him or her shall be forfeited and be paid into the Crown Bank Account.''

13. Who may vote---(1) Section 60 of the principal Act is hereby amended by repealing paragraphs (a) to (d), and substituting the following paragraphs:

``(a) Any person whose name lawfully appears on the main roll or any

supplementary roll for the district and who is qualified to be registered as an elector of the district:

“(b) Any person---

“(i) Who is qualified to be registered as an elector of the district; and

“(ii) Who is registered as an elector of the district as a result of having applied for registration as an elector of the district before polling day:

“(c) Any person who is qualified to be registered as an elector of the district, and was at the time of the last preceding election duly registered as an elector of the district or, where a change of boundaries has intervened, of some other district in which his or her then place of residence within the first-mentioned district was then situated:

“(d) Any person---

“(i) Who is qualified to be registered as an elector of the district; and

“(ii) Who is registered as an elector of the district as a result of having applied, since the last preceding election and before polling day, for registration as an elector of the district or, where a change of boundaries has intervened, of some other district in which that person's then place of residence within the first-mentioned district was then situated:”.

(2) Section 60 (f) of the principal Act is hereby amended by omitting the words “Armed Forces”, and substituting the words “Defence Force”.

14. Heading to Part IV---The principal Act is hereby amended by adding to the heading to Part IV the words “AND PARTY LOGOS”.

15. Application for registration---(1) Section 63 (2) (c) of the principal Act is hereby amended by repealing subparagraph (v), and substituting the following subparagraph:

“(v) Be accompanied by a declaration, made by the applicant in the manner provided by section 9 of the Oaths and Declarations Act 1957, that the party has at least 500 current financial members who are eligible to enrol as electors; and”.

(2) Section 63 (2) of the principal Act is hereby further amended by adding the following paragraph:

“(d) Shall be accompanied by a declaration made by the Secretary of the party in the manner provided by section 9 of the Oaths and Declarations Act 1957, which declaration shall---

“(i) State whether the party is a party in respect of which there are one or more component parties; and

“(ii) Where the party has one or more component parties, state the name of each component party.”

(3) Section 63 of the principal Act is hereby further amended by adding the following subsection:

“(4) Notwithstanding subsection (3) of this section, the Electoral Commission shall not be obliged to deal with any application for registration if it receives notice in writing withdrawing the

application from a person entitled to apply for the registration of that party and the Electoral Commission is satisfied that the application is made by that person on behalf of the party.'

(4) Where a political party has obtained registration under Part IV of the principal Act in the period beginning with the coming into force of section 63 of the principal Act and ending with the coming into force of section 63 (2) (d) of the principal Act (as inserted by subsection (2) of this section), the Secretary of the party shall forward to the Electoral Commission, within 3 months of section 63 (2) (d) of this Act coming into force, the declaration required by that section.

(5) Where the Secretary of a political party fails to comply with subsection (4) of this section, the Electoral Commission shall---

- (a) Cancel the registration of that party; and
- (b) As soon as reasonably practicable, give written notice of the cancellation to the Secretary of the political party; and
- (c) Cause notice of the cancellation to be published in the Gazette.

16. Application for registration of party logo---The principal Act is hereby amended by inserting, after section 63, the following section:

63A. (1) An application for the registration for the purposes of this Act of a party logo of a political party may be made to the Electoral Commission---

- (a) By the Secretary of the party; or
- (b) By any member of Parliament who is a current financial member of that party.

(2) An application for the registration for the purposes of this Act of the logo of a political party---

- (a) Shall be in writing; and
- (b) Shall be signed by the applicant; and
- (c) Shall be accompanied---
 - (i) By two identical representations of the party logo, which representations shall be in a form satisfactory to the Electoral Commission and shall show the parts of the logo that are to be in colour and the PMS (Pantone Matching System) colours that are to be used for those parts when the logo is reproduced on the ballot paper; and
 - (ii) By a black and white reproduction of the party logo, which reproduction shall be in a form satisfactory to the Electoral Commission; and
- (d) Shall be accompanied by a declaration, made by the applicant in the manner prescribed by section 9 of the Oaths and Declarations Act 1957, that the use of that logo by that political party will not be an infringement of an intellectual property right of any person or a breach of any enactment; and
- (e) Shall---

- (i) Set out the name and address of the applicant and the capacity in which he or she makes the application; and
- (ii) Where the applicant is not the Secretary of the party, set out the name and address of the Secretary of the party.

(3) Upon receipt of an application for registration of a party logo, the Electoral Commission shall deal with the application in accordance with this Part of this Act and determine whether the party logo can be

registered.

“(4) Notwithstanding subsection (3) of this section, the Electoral Commission shall not be obliged to deal with any application for registration of a party logo if it receives notice in writing withdrawing the application from a person entitled to apply for the registration of that party logo and the Electoral Commission is satisfied that the application is made by that person on behalf of the party.”

17. Times when registration prohibited---The principal Act is hereby amended by repealing section 64, and substituting the following section:

“64. (1) At no time in the period that, in relation to a general election,---

“(a) Commences on the date beginning with the issue of writs for the election of members of Parliament for all electoral districts within New Zealand; and

“(b) Ends with the day appointed as the latest day for the return of writs containing the names of constituency candidates who are elected,---

shall action be taken in relation to any application for the registration of a political party or any application for the registration of the logo of a political party.

“(2) At no time in the period that, in relation to a by-election,---

“(a) Commences on the date beginning with the issue of the writ for the by-election; and

“(b) Ends with the day appointed as the latest day for the return of the writ for the by-election,---

shall action be taken in relation to any application for the registration of the logo of a political party.”

18. Certain logos not to be registered---The principal Act is hereby amended by inserting, after section 65, the following section:

“65A. The Electoral Commission shall refuse an application for the registration of the logo of a political party---

“(a) If the application is not accompanied by both the representations and the black and white reproduction required by section 63A (2) (c) of this Act or by the declaration required by section 63A (2) (d) of this Act; or

“(b) If the Electoral Commission has reasonable cause to believe that the declaration supplied under section 63A (2) (d) of this Act is not correct; or

“(c) If, in the opinion of the Electoral Commission, the logo submitted by the party---

“(i) Is indecent or offensive; or

“(ii) Is likely to cause confusion or mislead electors; or

“(iii) Contains any reference to a title or honour or similar form of identification; or

“(d) If the application for registration of a party logo is made by a political party that is not registered under Part IV of this Act and the Electoral Commission has reasonable cause to believe that the name of the political party would, if

submitted by a candidate for inclusion on the ballot paper, be likely to be rejected by a Returning Officer under section 151 (2) of this Act.'

19. Other grounds on which registration may be refused---Section 66 (1) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:

``(b) If it is satisfied that the party does not have 500 current financial members who are eligible to enrol as electors.''

20. New sections substituted---The principal Act is hereby amended by repealing section 67, and substituting the following sections:

``67. Registration---(1) Where the Electoral Commission determines that a political party should be registered, the Electoral Commission shall---

``(a) Register the party by entering in the register---

``(i) The name of the party; and

``(ii) If an abbreviation of the name of the party was set out in the application, that abbreviation; and

``(iii) The names of any separate political parties that are component parties of the party; and

``(b) Give written notice to the applicant that the Electoral Commission has registered the party; and

``(c) Cause notice of the registration of the party, including details of any component parties of the party, to be published in the Gazette; and

``(d) Forward to the Chief Electoral Officer written notice of the registration of the party, which notice shall include details of any component parties of the party.

``(2) Where the Electoral Commission determines that an application for the registration of a political party should be refused, the Commission shall, as soon as reasonably practicable, and in any case not later than 10 working days after the date of the determination, give the applicant written notice that the Commission has refused the application, setting out the reasons for the refusal.

``(3) It shall be the duty of the Secretary of any political party registered under this Act---

``(a) To supply the Electoral Commission with an address for service of all correspondence under this Part of this Act; and

``(b) To notify the Electoral Commission of any changes in the address for service of correspondence; and

``(c) To notify the Electoral Commission whenever a new Secretary of the party is appointed; and

``(d) To notify the Electoral Commission if the number of current financial members of the party who are eligible to enrol as electors falls below 500; and

``(e) Subject to subsection (4) of this section, to notify the Electoral Commission by way of a declaration in the manner provided by section 9 of the Oaths and Declarations Act 1957 whenever there is any change in the details recorded in the Register of Political Parties in respect of the party under subsection (1) (a) (iii) of this section.

``(4) Where changes in the description of component parties are

notified to the Chief Electoral Officer under section 127 (3A) or section 128A of this Act, it shall not be necessary for the Secretary of the party also to notify those changes to the Electoral Commission in accordance with subsection (3) (e) of this section.

``67A. Registration of party logos---(1) Where the Electoral Commission determines that the logo of a political party should be registered, the Electoral Commission shall---

- ``(a) Register the logo of the political party by recording the fact that the logo of the political party is registered with the Electoral Commission; and
- ``(b) Give written notice to the applicant that the Electoral Commission has registered the logo of the political party; and
- ``(c) Cause notice of the registration of the logo of the political party to be published in the Gazette; and
- ``(d) Give written notice to the Chief Electoral Officer that the Electoral Commission has registered the logo of the political party; and
- ``(e) Provide to the Chief Electoral Officer from time to time at his or her request such copies of the logo and such information with regard to the logo as the Chief Electoral Officer requires for the purpose of showing the logo on ballot papers.

``(2) Where the Electoral Commission registers the logo of a political party that is registered under this Act, the registration of the logo shall be recorded in the Register of Political Parties, established under section 62 (2) of this Act.

``(3) Where the Electoral Commission determines that an application for the registration of the logo of a political party should be refused, the Commission shall, as soon as reasonably practicable, and in any case not later than 10 working days after the date of the determination, give the applicant written notice that the Commission has refused the application, setting out the reasons for the refusal.

``(4) It shall be the duty of the Secretary of any political party that has a logo registered under this Act---

- ``(a) To supply the Electoral Commission with an address for service of all correspondence under this Part of this Act; and
- ``(b) To notify the Electoral Commission of any changes in the address for service of correspondence; and
- ``(c) To notify the Electoral Commission whenever a new Secretary of the party is appointed."

21. Inspection of party logos---The principal Act is hereby amended by inserting, after section 68, the following section:

``68A. (1) The Electoral Commission shall hold, at the office of the Commission, a copy of every political party logo that has been registered by the Commission.

``(2) Members of the public shall be entitled, at any time between 9.00 a.m. and 4.00 p.m., on any day on which the office of the Electoral Commission is open, to inspect without payment any party logo registered by the Electoral Commission."

22. Changes to register---The principal Act is hereby amended by repealing section 69, and substituting the following section:

69. (1) Where a political party is registered, any person who would be entitled to make an application for registration on behalf of that party may instead make an application for variation of any of the details contained in the Register, and the provisions of sections 63 to 67 of this Act, with any necessary modifications, shall apply to an application for variation.

(2) Where the Electoral Commission receives notification under section 67 (3) (e) of this Act of any changes to the details recorded in the Register in respect of that party pursuant to section 67 (1) (a) (iii) of this Act, that notification shall be deemed to be an application for variation of the details recorded in the Register pursuant to section 67 (1) (a) (iii) of this Act, and the provisions of section 63 to 67 of this Act, with any necessary modifications, shall apply accordingly."

23. Changes to party logos---The principal Act is hereby amended by inserting, after section 69, the following section:

69A. (1) Where the logo of a political party is registered under section 67A of this Act, any person who would be entitled to make, on behalf of that party, an application for registration of a party logo may instead make---

- (a) An application for variation of the form of the logo or for the substitution of a new logo for the registered logo; or
- (b) On any change in the name of the party, an application that the registration of the logo be amended by substituting for the reference to the former name of the party a reference to the new name of the party.

(2) The provisions of sections 63A, 64, 65A, and 67A of this Act shall, with any necessary modifications, apply to every application under paragraph (a) or paragraph (b) of subsection (1) of this section."

24. Cancellation of registration---Section 70 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

(1) The Electoral Commission shall cancel the registration of a political party at the request of one of the persons specified in section 63 (1) of this Act if satisfied that the request for cancellation is made by the applicant on behalf of the party.

(2) The Electoral Commission shall cancel the registration of any political party on being satisfied that the number of current financial members of the party who are eligible to enrol as electors has fallen below 500."

25. Cancellation of registration of party logo---The principal Act is hereby amended by inserting, after section 70, the following section:

70A. (1) The Electoral Commission shall cancel the registration of the logo of a political party at the request of one of the persons

specified in section 63A (1) of this Act if satisfied that the request for cancellation is made by the applicant on behalf of the party.

“(2) The Electoral Commission shall cancel the registration of the logo of a political party on being satisfied that the use of the logo by that political party constitutes an infringement of an intellectual property right or a breach of an enactment.

“(3) Where the Electoral Commission cancels the registration of the logo of any political party, it shall, as soon as reasonably practicable, and in any event not later than 10 working days after the date of the cancellation,---

“(a) Give written notice of the cancellation to---

“(i) The applicant; and

“(ii) The Secretary of the political party; and

“(iii) The Chief Electoral Officer; and

“(b) Cause notice of the cancellation to be published in the Gazette.

“(4) The Electoral Commission shall give, in the written notice of cancellation, the reasons for the cancellation.”

26. Revision of electoral rolls---(1) Section 83 (8) of the principal Act is hereby amended by omitting the expression “paragraphs (a) to (f) and (h)”, and substituting the expression “paragraphs (a) to (h)”.

(2) Section 83 of the principal Act is hereby further amended by repealing subsection (9).

27. Applications received after issue of writ---The principal Act is hereby amended by repealing section 88, and substituting the following section:

“88. (1) Where a writ has been issued for an election in a district, then, subject to subsections (2) and (3) of this section, the Registrar shall not, at any time in the period beginning on polling day and ending with the day of the return of the writ, register any application for registration as an elector that the Registrar receives on or after polling day.

“(2) For the purposes of subsection (1) of this section, an application for registration shall be deemed to have been received before polling day if---

“(a) The application or the envelope in which it is contained bears a postmark or date stamp impressed at any New Zealand Post outlet or agency before polling day; or

“(b) The applicant for registration produces a receipt which relates to the application and which was issued by any New Zealand Post outlet or agency before polling day.

“(3) Where any person applies for registration after a writ has been issued for an election in a district and before polling day,---

“(a) The Registrar shall, if the Registrar is satisfied that that person is qualified to be registered, forthwith enter the name of that person on the electoral roll; and

“(b) The Registrar shall not be required to enter the name of that person on the main roll or any supplementary roll or composite roll used at that election; and

“(c) That person may, at that election, vote only by way of a special vote.”

28. New sections substituted---The principal Act is hereby amended by repealing sections 95 and 96, and substituting the following sections:

“95. Elector's objection---(1) Any elector may at any time object to the name of any person being on the roll for any district on the ground that that person is not qualified to be registered as an elector of that district.

“(2) Every such objection---

“(a) Shall be made in writing to the Registrar for the district; and

“(b) Shall specify---

“(i) The name of the objector; and

“(ii) Sufficient particulars to inform the person objected to of the ground for the objection and the reason or reasons, supporting the ground for objection.

“(3) Where the Registrar considers that the particulars included in an objection are insufficient to inform the person objected to of the ground for the objection or the reason or reasons supporting that ground, the Registrar shall by written notice require the objector to provide within 14 days of the giving of the notice such further particulars as the Registrar thinks fit.

“(4) Where any objector fails to comply with a notice given under subsection (3) of this section, the Registrar shall give a second such notice to the objector and, if the objector fails to comply with the second such notice, the Registrar shall take no further action in relation to the objection and shall notify the objector accordingly.

“95A. Notice of elector's objection---(1) Subject to subsections (3) and (4) of section 95 of this Act, the Registrar shall, on receipt of an objection under section 95 of this Act, forthwith serve on---

“(a) The person objected to; or

“(b) The person who, under section 12 (1) of the Protection of Personal and Property Rights Act 1988, is the welfare guardian for the person objected to; or

“(c) The attorney appointed by the person objected to under an enduring power of attorney,---

notice in writing of the objection, which notice shall include both the name of the objector and the particulars specified by the objector (being particulars sufficient to inform the person objected to of the ground for the objection and the reason or reasons supporting the ground for objection).

“(2) Any notice issued under subsection (1) of this section shall be served personally in accordance with the rules governing personal service contained in the District Courts Rules 1992.

“(3) The notice issued by the Registrar under subsection (1) of this section shall also inform the person objected to---

“(a) That he or she may forward to the Registrar a statement signed by him or her giving reasons why his or her name should be retained on the roll; and

“(b) That his or her name will be retained on the roll if he or she

provides the Registrar with evidence that satisfies the Registrar that the name of the person objected to should be retained on the roll; and

- ``(c) That if he or she fails to forward a statement to the Registrar within 14 days after the day on which that notice is served on the person objected to, the Registrar will, under section 95B of this Act, remove from the roll the name of the person objected to.

``(4) Where, after making such inquiry as he or she thinks fit, or the Chief Registrar directs, the Registrar is unable, after making at least 2 attempts to do so, to serve the notice of objection on that person personally, the Registrar shall remove the name of that person from the roll and include the name in the dormant file created under section 109 of this Act.

``95B. Power to remove name from roll---Where, within 14 days after the day on which a notice under section 95A (1) or section 96 (2) of this Act is served on the person objected to,---

- ``(a) The person objected to; or
- ``(b) The person who, under section 12 (1) of the Protection of Personal and Property Rights Act 1988, is the welfare guardian for the person objected to; or
- ``(c) The attorney appointed by the person objected to under an enduring power of attorney,---

either fails to provide evidence of eligibility to be on the roll or notifies the Registrar that he or she consents to the removal from the roll of the name of the person objected to, the Registrar shall, unless the objection has been withdrawn by the objector, remove from the roll the name of the person objected to and shall notify the parties accordingly.

``95C. Power to retain name on roll---Where, within 14 days after the day on which a notice under section 95A (1) or section 96 (2) of this Act is served on the person objected to,---

- ``(a) The person objected to; or
- ``(b) The person who, under section 12 (1) of the Protection of Personal and Property Rights Act 1988, is the welfare guardian for the person objected to; or
- ``(c) The attorney appointed by the person objected to under an enduring power of attorney,---

provides the Registrar with evidence that satisfies the Registrar that the person objected to is qualified to be on the roll, the name of the person objected to shall be retained on the roll and the Registrar shall notify the parties accordingly.

``95D. Reference of elector's objection to District Court---(1) Unless,---

- ``(a) Within 14 days after the day on which a notice under section 95A (1) or section 96 (2) of this Act is served on the person objected to, the objection is withdrawn; or
- ``(b) The name of the person who is objected to is removed from the roll under section 95B of this Act or retained on the roll under section 95C of this Act,---

the Registrar shall refer the objection to a District Court, and shall notify the parties of the time and place appointed for the hearing.

“(2) Subject to subsection (3) of this section, where any party notifies the Registrar that the party is dissatisfied with a decision of the Registrar made under section 95B or section 95C of this Act, the Registrar shall refer the objection to a District Court, and shall notify the parties of the time and place appointed for the hearing.

“(3) Any notification given by a party under subsection (2) of this section shall be in writing and shall be given within 14 days after the day on which the party is notified by the Registrar under section 95B or section 95C of this Act, as the case may be.

“96. Registrar's objection---(1) The Registrar for any district may at any time object to the name of any person being on the roll for the district on the ground that the person is not qualified to be registered as an elector of that district.

“(2) The Registrar shall forthwith give to---

“(a) The person objected to; or

“(b) The welfare guardian appointed for the person objected to under section 12 (1) of the Protection of Personal and Property Rights Act 1988; or

“(c) The attorney appointed by the person objected to under an enduring power of attorney,---

notice in writing of the objection and of such particulars of the objection as are sufficient to inform the person objected to of the ground for the objection and the reason or reasons supporting the ground for objection.

“(3) The notice issued by the Registrar under subsection (2) of this section shall be served personally in accordance with the rules governing personal service contained in the District Courts Rules 1992.

“(4) The notice issued by the Registrar under subsection (1) of this section shall also inform the person objected to---

“(a) That he or she may forward to the Registrar a statement signed by him or her giving reasons why his or her name should be retained on the roll; and

“(b) That his or her name will be retained on the roll if he or she provides the Registrar with evidence that satisfies the Registrar that the name of the person objected to should be retained on the roll; and

“(c) That if he or she fails to forward a statement to the Registrar within 14 days after the day on which that notice is served on the person objected to, the Registrar will, under section 95B of this Act, remove from the roll the name of the person objected to.

“(5) Where, after making such inquiry as he or she thinks fit, or as the Chief Registrar directs, the Registrar is unable, after making at least 2 attempts to do so, to serve notice of objection on that person personally, the Registrar shall remove the name of that person from the roll and include the name in the dormant file created under section 109 of this Act.

“(6) Nothing in this section affects the provisions of this Act as to the removal of names from the roll by the Registrar.”

29. Dormant file---Section 109 of the principal Act is hereby amended by repealing subsections (1) to (4), and substituting the following subsections:

``(1) The Registrar shall create a dormant file showing the particulars of those persons whose names have been removed from the roll for the district---

``(a) As a result of the latest revision of the roll under section 83 of this Act; or

``(b) As a result of the removal of the name of that person from the roll under section 95A (4) or section 96 (5) of this Act.

``(2) The Registrar shall remove from the dormant file---

``(a) The name of any person---

``(i) Who registers as an elector after the revision of the roll under section 83 of this Act has been completed; or

``(ii) Who, being a person whose name has been removed from the roll under section 95A (4) or section 96 (5) of this Act, registers as an elector both after his or her name has been so removed and after he or she has satisfied the Registrar of his or her right to register as an elector:

``(b) The name of every person of whose identity the Registrar is satisfied and whose death has been notified to the Registrar---

``(i) By any Registrar of Births and Deaths; or

``(ii) By the father, mother, or spouse of that person or by a sister or brother of that person; or

``(iii) By the administrator of the estate of that person.

``(3) The Registrar shall keep, for the purposes of the next election to be held in the district to which the dormant file relates, a copy of the dormant file as it exists on the day before polling day.

``(4) Where more than one revision of the roll takes place under section 83 of this Act between 2 successive elections in a district, the Registrar shall keep, for the purposes of the later of those 2 elections, copies of each of the dormant files as they exist on the day before polling day.''

30. Removal of names from roll by Registrar---Section 98 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

``(4) Where---

``(a) A person has been registered as an elector of a district other than the district in which the person should have been registered; and

``(b) The person's name has, pursuant to subsection (1) (h) or subsection (1) (i) of this section, been removed from the roll of the district for which the person was correctly registered,---

the Registrar of the district in which the person should have been registered may, subject to subsection (6) of this section, place that person's name on the roll for that district.''

31. Notice of alterations to roll---Section 99 (2) of the principal Act is hereby amended by omitting the expression ``section 98 (1) (i)'',

and substituting the expression ``section 98 (1) (h) or section 98 (1) (i)''.

32. Supply of information on age and Maori descent---Section 112 (2) of the principal Act is hereby amended by inserting, after the words ``occupation (if any)'' , the words ``preferred honorific (if any),''.

33. Supply of computer-compiled lists and computer tapes to local authorities and other bodies---(1) Section 113 of the principal Act is hereby amended by inserting, after subsection (9), the following new subsections:

``(9A) Any officer of a local authority (as defined in section 2 of the Local Government Act 1974) may, on payment of the prescribed fee, and in accordance with regulations made under this Act, obtain from the Chief Registrar of Electors a computer-compiled list or computer tape, disk, or diskette containing specified information, for the purpose of conducting an election for any body, where the Chief Registrar is satisfied that---

``(a) The body is established by statute or is a corporate or unincorporate body established by a local authority or local authorities or is a body contracted by a local authority or local authorities to provide services to some or all local residents or is a body that provides health or disability services or electricity supply or is a trust that owns shares in a body or bodies involved in electricity supply to some or all local residents; and

``(b) The body has in place procedures for the democratic conduct of its elections; and

``(c) It is in the public interest that the election be conducted by a local authority.

``(9B) Nothing in subsection (9A) or subsection (9D) of this section requires a local authority to conduct an election on behalf of any other body but, where a local authority conducts an election for another body, the local authority may impose a charge in respect of the conduct of the election.

``(9C) Where any officer of a body designated by notice in writing pursuant to subsection (9D) of this section wishes to obtain, for the purpose of compiling a roll of electors for an election and for no other purpose, any specified information, the Chief Registrar may, in accordance with regulations made under this Act, give that officer, on payment of the prescribed fee, a computer-compiled list or computer tape, disk, or diskette containing that information.

``(9D) The Minister may, by notice in writing, designate bodies for the purposes of subsection (9C) of this section if the Minister is satisfied that---

``(a) The body has in place procedures for the democratic conduct of its elections; and

``(b) It is in the public interest that the elections are conducted using the specified information.''

(2) Section 113 of the principal Act is hereby further amended by repealing subsection (10), and substituting the following subsection:

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``(10) For the purposes of this section, the term 'specified information' means, in respect of each elector appearing to reside in the appropriate area and entitled to vote in the election, by-election, or poll, so much of the following information as is requested by the principal administrative officer or designated body:

- ``(a) The elector's name, including first names, surname, and preferred honorific (if any):
- ``(b) The elector's residential address and postal address (if different):
- ``(c) The elector's occupation (if any):
- ``(d) The elector's electoral district (whether Maori or General):
- ``(e) Statistical meshblock details:
- ``(f) A description of each---
 - ``(i) Region or constituency of a region; or
 - ``(ii) Territorial authority district; or
 - ``(iii) Ward; or
 - ``(iv) Community board area; or
 - ``(v) Other local authority and, where appropriate, local authority subdivision,---

in respect of which the elector appears to be entitled to vote.'

34. Supply of computer tapes and computer-compiled lists to candidates and political parties---The principal Act is hereby amended by repealing section 114, and substituting the following section:

``114. (1) A computer-compiled list, tape, disk, or diskette may have recorded on it by the Chief Registrar,---

- ``(a) The names, residential addresses, occupations (if any), preferred honorifics (if any), meshblock, and postal addresses of any or all of the following persons:
 - ``(i) The electors of an electoral district:
 - ``(ii) The persons whose names are on the dormant file for an electoral district:
 - ``(iii) The electors of an electoral district who were registered as electors for that district on or after the date fixed for the closing of the main roll for the district pursuant to section 104 of this Act, or on or after a date nominated by the applicant, such date being not earlier than the date on which the roll was last closed for printing:
 - ``(iv) The electors of an electoral district whose names have been removed from the electoral roll for that district on or after a date nominated by the applicant, such date being a date not earlier than the date on which the roll was last closed for printing; and
- ``(b) If the person to whom the information is being supplied is one described in subsection (6) (b) of this section, the electors of a local authority district or subdivision of a local authority district.

``(2) Where information recorded under subsection (1) of this section is supplied under this section to any person, the Chief Registrar may, if the person to whom that information is to be supplied under this section so requests, record on the computer-compiled list, computer tape, disk, or diskette, in addition to the information described in subsection (1) of this section,---

- ``(a) Whether the elector is of Maori descent; or

- ``(b) A list of electors of Maori descent; or
- ``(c) The age group within which the elector appears; or
- ``(d) A list of electors in a particular age group; or
- ``(e) Any or all of the above.

``(3) A tape, disk, diskette, or computer-compiled list with information recorded on it under subsection (1) or subsection (2) of this section may be supplied to the persons described in subsection (6) of this section, and to no other persons.

``(4) The Chief Registrar shall supply the information described in subsections (1) and (2) of this section to the persons described in paragraphs (a) and (b) of subsection (6) of this section if---

- ``(a) In a case where the information is sought on a tape, disk, or diskette, the person seeking the information supplies the Chief Registrar with a computer tape, disk, or diskette that complies with the prescribed requirements; and
- ``(b) The person seeking the information pays the prescribed fee; and
- ``(c) The person seeking the information states on a form to be provided by the Chief Registrar that the information is required for purposes permitted by this section and will not be used for any purpose other than those for which it is supplied; and
- ``(d) The request for the information is otherwise in accordance with regulations made under this Act.

``(5) The Chief Registrar shall supply the information described in subsections (1) and (2) of this section to the persons described in paragraphs (c) and (d) of subsection (6) of this section if---

- ``(a) In a case where the information is sought on a tape, disk, or diskette, the person seeking the information supplies the Chief Registrar with a computer tape, disk, or diskette that complies with the prescribed requirements; and
- ``(b) The request for the information is otherwise in accordance with regulations made under this Act.

``(6) The information supplied pursuant to any provision of subsection (1) or subsection (2) of this section shall be supplied to the following persons and to no other persons:

- ``(a) Any candidate or any person acting on behalf of a political party who wishes to obtain the information for the purposes of the candidate or the political party;
- ``(b) Any candidate or any person acting on behalf of a political party who wishes to obtain the information for the purposes of the candidate or the political party in connection with any local authority elections;
- ``(c) Any Commissioner or officer of the Electoral Commission for the purposes of assisting the Electoral Commission to exercise its functions under section 5 (d) of this Act;
- ``(d) Any other person charged with responsibilities in relation to the conduct of any official publicity or information campaign to be conducted on behalf of the Government of New Zealand and relating to electoral matters or the conduct of any general election or by-election.

``(7) Regulations made under section 267 of this Act may---

- ``(a) Prescribe requirements in respect of computer tapes, disks, or

diskettes supplied to the Chief Registrar under this Act:

- “(b) Prescribe fees, or a scale of fees, for the supply of computer-compiled lists, computer tapes, disks, or diskettes by the Chief Registrar to any person under subsection (6) of this section.

“(8) For the purposes of this section and section 112 (1) (a) of this Act,---

“ ‘Age group’ means, in relation to electors, those whose birthdays fall within a period of 5 years (being the first half or the second half of a decade):

“ ‘Decade’ means a period of 10 years that begins with a year that is divisible, without remainder, by 10.”

35. Election of list candidates---(1) Section 127 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Every list submitted under this section shall be accompanied by a declaration, made by the Secretary of the party in the manner provided by section 9 of the Oaths and Declarations Act 1957, which declaration shall---

“(a) State whether the party is a party in respect of which there are one or more component parties; and

“(b) Where the party has one or more component parties, state the name of each component party.”

(2) Section 127 of the principal Act is hereby further amended by adding the following subsections:

“(7) Where a list under this section is submitted by a political party that has a logo registered under section 67A of this Act, the Secretary of that political party may submit with the list a copy of the logo so registered for inclusion---

“(a) On the left-hand side of the ballot paper beside the name of that party on the party vote part of the ballot paper; and

“(b) On the right-hand side of the ballot paper beside the name of any constituency candidate of that party (if any) on the electorate vote part of the ballot paper.

“(8) Every logo submitted under this section shall be lodged with or given to the Chief Electoral Officer not later than noon on the date specified in the writs for the election of constituency candidates as the latest date for nomination of constituency candidates.”

36. Acceptance or rejection of lists by Chief Electoral Officer---Section 128 (1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraphs:

“(c) Does not contain the name of at least one candidate; or

“(d) Is not accompanied by the declaration required by section 127 (3A) of this Act.”

37. New sections inserted---The principal Act is hereby amended by inserting, after section 128, the following sections:

“128A. Notice of change in component parties---(1) Where the list of any political party has been accepted by the Chief Electoral Officer

under section 127 (6) of this Act, it shall be the duty of the Secretary of that political party to notify the Chief Electoral Officer by a declaration in the manner provided for by section 9 of the Oaths and Declarations Act 1957 of any change occurring before polling day in the details recorded in the declaration made under section 127 (3A) of this Act.

“(2) Every change to which subsection (1) of this section applies shall be notified under that subsection as soon as practicable after the time at which the change occurs.”

“128B. Supply of particulars of component parties to Electoral Commission---(1) The Chief Electoral Officer shall, as soon as practicable after receiving any declaration under section 127 (3A) or section 128A of this Act forward to the Chief Executive of the Electoral Commission a copy of that declaration.

“(2) If the component parties of a political party listed in the copy of any declaration forwarded to the Chief Executive of the Electoral Commission under subsection (1) of this section differ from those recorded in the Register of Political Parties established by section 62 (2) of this Act, the Chief Executive of the Electoral Commission---

“(a) Shall amend the register so that the component parties recorded in the register are the same as those recorded in the declaration made to the Chief Electoral Officer; and

“(b) Shall, forthwith after amending the register under paragraph (a) of this subsection, publish in the Gazette notice of the amendment made under that paragraph.

“128C. Withdrawal of list of candidates---(1) Any secretary of a political party may withdraw a list of candidates submitted by him or her under section 127 of this Act by notice in form 4A signed by him or her and witnessed by a Justice of the Peace or solicitor.

“(2) No withdrawal of a list of candidates under subsection (1) of this section shall have any effect unless it is lodged with the Chief Electoral Officer not later than noon on the date specified in the writs for the election of constituency candidates as the latest date for the nomination of constituency candidates.

“(3) Where a list of candidates is withdrawn under subsection (1) of this section, the party secretary may submit another list of candidates in accordance with section 127 of this Act.”

38. Method of supplying vacancy---The principal Act is hereby amended by repealing section 137, and substituting the following section:

“137. (1) On receipt of any direction under section 134 or section 135 of this Act, the Chief Electoral Officer shall proceed to fill the vacancy in the manner prescribed in this section.

“(2) The Chief Electoral Officer shall determine which of the unelected candidates whose name was included in the same party list as the member whose seat has been declared vacant stood highest in the order of preference.

“(3) If that candidate is still alive, the Chief Electoral Officer

shall inquire of the Secretary of the political party on whose list the candidate appeared, whether the candidate remains a member of that party.

“(4) If that candidate is still alive and remains a member of that political party, the Chief Electoral Officer shall then inquire of that candidate whether that candidate is willing to be a member of Parliament, and if that candidate so indicates his or her willingness, the Chief Electoral Officer shall declare that person to be elected.

“(5) If that person has died or is no longer a member of the political party or does not signify his or her willingness to be a member of Parliament, the Chief Electoral Officer shall proceed to make the inquiries described in subsections (3) and (4) of this section in respect of the following candidate in order of preference on the party list, and so on, in descending order of preference, until one of the candidates who remains a member of the party signifies his or her willingness to be a member of Parliament, in which case the Chief Electoral Officer shall declare that person to be elected.

“(6) If---

“(a) No candidate signifies his or her willingness to be a member of Parliament; or

“(b) There is no candidate lower in the order of preference on the party list than the member of Parliament whose seat has been declared vacant,---

the vacancy shall not be filled until the next general election.”

39. Nominations of candidates for electoral districts---(1) Section 143 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Where a nomination paper is lodged with the Returning Officer under subsection (1) of this section in respect of a candidate for a political party which is not registered under Part IV of this Act and which has a logo registered under section 67A of this Act, a copy of the logo so registered may be submitted to the Returning Officer for inclusion on the ballot paper in accordance with section 150 (13) of this Act.”

(2) Section 143 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsection:

“(4) Every nomination paper and every consent and every logo submitted under subsection (3A) of this section for inclusion on the ballot paper shall be lodged with or given to the Returning Officer for the district not later than noon on nomination day. The Returning Officer shall give a receipt in writing for every nomination accepted by him or her.”

40. Advertisement of nomination and polling places---The principal Act is hereby amended by repealing section 147, and substituting the following section:

“147. (1) After the close of nominations in any district the Returning Officer shall forthwith forward to the Chief Electoral Officer at Wellington---

- ``(a) The names of the constituency candidates who have been nominated and who have not withdrawn their nominations; and
- ``(b) The party affiliations (if any) of the candidates referred to in paragraph (a) of this subsection and copies of the party logos (if any) submitted under section 143 (3A) of this Act in respect of those candidates.

``(2) The Chief Electoral Officer shall forthwith notify to every Returning Officer---

- ``(a) The names of the constituency candidates who have been nominated for each district in which a poll is required to be taken and who have not withdrawn their nominations; and
- ``(b) The party affiliations (if any) of the candidates referred to in paragraph (a) of this subsection, and copies of the party logos (if any) submitted in accordance with section 143 (3A) of this Act in respect of those candidates; and
- ``(c) The names of the political parties that have submitted lists in accordance with section 127 of this Act and the party logos (if any) submitted in accordance with subsections (7) and (8) of that section in respect of those parties; and
- ``(d) The names of the candidates on the lists referred to in paragraph (c) of this subsection or, where the names of more than 65 candidates are included on any such list, the first 65 of those names.

``(3) Subject to subsection (4) of this section, the Returning Officer for each district in which a poll is required to be taken shall, not later than the day before polling day, publish---

- ``(a) The names of constituency candidates contesting the district and their party affiliations (if any); and
- ``(b) The name of each political party that submitted a list in accordance with section 127 of this Act and, under the name of each political party, the names of the political party's list candidates in the political party's order of preference (up to a maximum of 65 candidates); and
- ``(c) The polling places for the district; and
- ``(d) The polling places in the district that have suitable access for persons who are physically disabled---

in at least one newspaper circulating in the district in such manner as the Returning Officer considers most likely to give full publicity thereto.

``(4) The Returning Officer for a district in which a poll is required to be taken shall not be obliged to comply with subsection (3) of this section if the Chief Electoral Officer exercises, in respect of that district, the power conferred on the Chief Electoral Officer by subsection (5) of this section.

``(5) The Chief Electoral Officer may, by such methods as the Chief Electoral Officer considers appropriate (including by post), send to every residential address in an electoral district at which one or more electors reside the information specified in paragraphs (a) to (d) of subsection (3) of this section.''

41. Form of ballot papers---The principal Act is hereby amended by repealing section 150, and substituting the following section:

150. (1) Subject to subsection (18) of this section, the ballot papers to be used at any election shall be in form 11.

(2) Forthwith after nomination day for an election, the Returning Officer shall cause ballot papers to be printed in sufficient numbers for the election.

(3) Subject to subsection (4) of this section, each ballot paper in form 11 shall comprise 2 votes, namely, a party vote and an electorate vote.

(4) If only one constituency candidate is nominated or if the withdrawal of one or more nominations results in a declaration under section 148 of this Act, the part of the ballot paper that relates to the electorate vote shall not be printed and the ballot paper shall thereafter be treated as if it comprised only the party vote.

(5) If more than one constituency candidate is nominated, and a sufficient number of constituency candidates do not withdraw their nominations so as to leave only one constituency candidate, the part of the ballot paper relating to the electorate vote shall contain a list of all the persons nominated as constituency candidates who have not withdrawn their nominations (which list shall be arranged in the manner prescribed by this section).

(6) On the part of the ballot paper relating to the electorate vote---

(a) The names of the constituency candidates shall be arranged alphabetically in order of their surnames:

(b) The other names of each constituency candidate that are required to appear on the ballot paper shall follow the candidate's surname:

(c) The surnames of the constituency candidates shall (except in the case of a special ballot paper that is not fully printed) be in large characters and bold type:

(d) The name of the political party of the constituency candidate, if any,---

(i) Shall be shown immediately below the candidate's name; and

(ii) Shall be in characters that are smaller than those used for the surname of the constituency candidate; and

(iii) Shall not be in bold type:

(e) Such other matter (if any) as may be necessary to distinguish the names of the constituency candidates shall be shown.

(7) A constituency candidate (other than an independent candidate) who seeks election shall not use the name of any political party that contested the last general election or any by-election held since the last general election unless that political party has endorsed that candidate as one of its candidates.

(8) No constituency candidate who seeks election as an independent candidate shall use the name of any political party that contested the last general election or any by-election held since the last general election but shall have the word 'INDEPENDENT', without further qualification or addition, shown on the ballot paper immediately below that candidate's name.

“(9) On the part of the ballot paper relating to the party vote the name of each political party that has submitted a list in accordance with section 127 of this Act (not being a political party that has submitted a list that has been rejected under section 128 of this Act) shall be shown.

“(10) The names of the political parties that, pursuant to subsection (9) of this section, are required to be shown on the part of the ballot paper that relates to the party vote, shall be arranged so that---

“(a) Where the name of any such political party is shown, immediately below the name of a constituency candidate whose name appears on the part of the ballot paper that relates to the electorate vote, the name of that political party shall be shown on the part of the ballot paper that relates to the party vote in a box that is aligned with the box that contains, on the part of the ballot paper that relates to the electorate vote, the name of that constituency candidate and the name of that political party; and

“(b) Where the names of any such political parties are not shown on the part of the ballot paper that relates to the electorate vote, the names of those political parties shall be shown in alphabetical order on the part of the ballot paper that relates to the party vote, with each such name being placed after the names of the political parties shown on that part of the ballot paper under paragraph (a) of this subsection and in a box that is aligned with an empty box on the part of the ballot paper that relates to the electorate vote.

“(11) Subject to subsections (6) (e), 12 (b), and 13 (b) of this section, no other identification, such as an occupation, title, honour, or degree shall be included on the ballot paper in relation to any candidate's name or political party.

“(12) On the part of the ballot paper that relates to the party vote,---

“(a) A circle shall be shown on the ballot paper to the right of the name of each political party; and

“(b) The party's logo, if registered by the Electoral Commission and submitted to the Chief Electoral Officer for inclusion on the ballot paper, shall be shown to the left of the name of the political party.

“(13) On the part of the ballot paper that relates to the electorate vote,---

“(a) A circle shall be shown on the ballot paper to the left of each candidate's name; and

“(b) The party's logo, if registered by the Electoral Commission and submitted to the Chief Electoral Officer in accordance with subsections (7) and (8) of section 127 of this Act or to the Returning Officer in accordance with subsections (3A) and (4) of section 143 of this Act for inclusion on the ballot paper, shall be shown to the right of the name of the candidate.

“(14) Every ballot paper shall have a counterfoil in form 13.

“(15) There shall also be printed---

``(a) On the ballot paper; and
``(b) In the space provided in the counterfoil attached to the ballot paper,---
a number (called a consecutive number) beginning with the number 1 in the case of the first ballot paper printed, and on all succeeding ballot papers printed the numbers shall be consecutive so that no two ballot papers for the district shall bear the same number.

``(16) Where any question arises concerning the order or manner in which the names of the constituency candidates or the names of the political parties are to be shown on the ballot paper, the Returning Officer shall decide the question.

``(17) At any by-election no ballot paper shall contain more than one part and the provisions of subsections (3), (9), (10), and (12) of this section shall not apply.

``(18) Every ballot paper used at a by-election shall be in form 12.

``(19) Where the name or names given by a candidate as the name or names to be used on the ballot paper are too long to fit on the ballot paper, the Returning Officer may abbreviate the name or names to be shown in such manner as will enable them to fit on the ballot paper."

42. Death after close of nominations---(1) Section 153 (3) of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

``(3) Where a constituency candidate dies before polling day, the Returning Officer shall, upon being satisfied of the fact of death,---

``(a) Either---

``(i) Issue a notice countermanding that part of the poll that relates to the part of the ballot paper that relates to the electorate vote; or

``(ii) Where the poll is to be conducted as a consequence of a by-election, countermand the notice of the poll; and

``(b) Report the death to the Chief Electoral Officer; and

``(c) Either---

``(i) Endorse on the writ the fact of the death, the date of the proof thereof, and the date of the issue of the notice countermanding that part of the poll that relates to the part of the ballot paper that relates to the electorate vote; or

``(ii) Where the poll is to be conducted as a consequence of a by-election, endorse on the writ the fact of the death, the date of the proof thereof, and the date of the countermand of the notice of the poll; and

``(d) Return the writ so endorsed to the Clerk of the Writs; and

``(e) Except where the poll was to be conducted as a consequence of a by-election, proceed to conduct the poll on the part of the ballot paper that relates to the party vote, which shall be treated for these purposes as if it were the only part of the ballot paper, and this Part of this Act shall apply with any necessary modifications."

(2) Section 153 (4) of the principal Act is hereby amended---

(a) By omitting from paragraph (a) (i) the words "Part A of the ballot paper", and substituting the words "the part of the

- ballot paper that relates to the electorate vote''; and
- (b) By omitting from paragraph (e) the words ``Part B of the ballot paper'', and substituting the words ``the part of the ballot paper that relates to the party vote''.

(3) Section 153 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsection:

``(7) Where, in the case of a by-election, the poll is interrupted in consequence of the death of a constituency candidate, all ballot papers that have been placed in the several ballot boxes shall be taken out by the several Deputy Returning Officers and, being made up into secured packages, shall be sent unopened to the Returning Officer, who shall forthwith destroy them in the presence of a District Court Judge or a Justice of the Peace.''

43. Power to appoint polling places---(1) Section 155 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

``(3) No polling place shall be appointed in any licensed premises under the Sale of Liquor Act 1989 that will, at any time on polling day, be open for the sale, supply, or consumption of liquor.''

(2) Section 155 (4) of the principal Act is hereby amended by omitting the number ``6'', and substituting the number ``12''.

44. Polling booths, ballot boxes, ballot papers, etc.---Section 157 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

``(3) The Returning Officer shall ensure that there is displayed prominently in every polling booth either---

- ``(a) The lists of candidates to be elected from lists submitted under section 127 of this Act, each of which lists of candidates shall show the names of the candidates in the political party's order of preference (up to a maximum of 65 candidates); or
- ``(b) Copies of the information provided to electors by the Chief Electoral Officer under section 147 (5) of this Act.''

45. Issue of ballot papers---The principal Act is hereby amended by repealing section 167, and substituting the following section:

``167. (1) Every Deputy Returning Officer or a poll clerk authorised by the Deputy Returning Officer to issue ordinary ballot papers shall, in accordance with the provisions of this section, issue ballot papers to all electors who apply to vote at the booth in respect of which the Deputy Returning Officer is appointed.

``(2) The elector shall state his or her name to the Deputy Returning Officer or poll clerk and shall give such particulars as may be necessary to identify the entry in the printed rolls relating to the elector.

``(3) If the name of the elector appears in the rolls, a line shall be drawn through the elector's name and number.

((4) If the name of the elector appears in the rolls, the Deputy Returning Officer or a poll clerk authorised by the Deputy Returning Officer to issue ordinary voting papers shall then issue to the elector a ballot paper after the Deputy Returning Officer or poll clerk has prepared it in the following manner:

- ((a) Unless a consecutive number has been printed on the ballot paper and on the counterfoil, the Deputy Returning Officer or poll clerk shall enter on both the counterfoil and the ballot paper in the spaces provided a number (called a consecutive number), beginning with the number 1 in the case of the first ballot paper issued by or on behalf of the Deputy Returning Officer, and on all succeeding ballot papers issued by or on behalf of the Deputy Returning Officer the numbers shall be consecutive, so that no two ballot papers issued in the same booth shall bear the same number:
- ((b) The Deputy Returning Officer or poll clerk shall firmly fix a piece of gummed paper over the consecutive number on the ballot paper so as to conceal it effectively:
- ((c) On the counterfoil of the ballot paper the Deputy Returning Officer or poll clerk shall write his or her initials, and the number appearing in the roll against the name of the elector preceded by the number of the page on which that name appears:
- ((d) The Deputy Returning Officer or poll clerk shall place the official mark of the Deputy Returning Officer on the ballot paper so that the booth in which the ballot paper was issued may be identified.

((5) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$1,000 who, being a Deputy Returning Officer or a poll clerk, fails faithfully to perform the duty imposed on that person by this section, by reason whereof any of the requirements of this section are not effectively fulfilled:

((Provided that, so far as the failure relates to the duty of fixing a piece of gummed paper over the consecutive number so as to conceal it effectively, it shall be a sufficient defence if the person satisfies the Court that he or she took all reasonable precautions to secure the same.))

46. Method of voting---The principal Act is hereby amended by repealing section 168, and substituting the following section:

- ((168. (1) The voter, having received a ballot paper,---
 - ((a) Shall immediately retire into one of the inner compartments provided for the purpose; and
 - ((b) Shall there alone and secretly vote---
 - ((i) By marking the party vote with a tick within the circle immediately after the name of the party for which the voter wishes to vote; and
 - ((ii) By marking the electorate vote with a tick within the circle immediately before the name of the constituency candidate for whom the voter wishes to vote.

((2) Where the ballot paper comprises only a party vote or only an electorate vote, the provisions of subsection (3) of this section shall apply instead of subsection (1) of this section.

- ``(3) The voter, having received a ballot paper,---
- ``(a) Shall immediately retire into one of the inner compartments provided for the purpose; and
- ``(b) Shall there alone and secretly vote either---
 - ``(i) By marking the party vote with a tick within the circle immediately after the name of the party by which the voter wishes to vote; or
 - ``(ii) By marking the electorate vote with a tick within the circle immediately before the name of the constituency candidate for whom the voter wishes to vote.

``(4) Every voter shall, before leaving the inner compartment, fold the ballot paper so that the contents cannot be seen, and shall then deposit it so folded in the ballot box.

``(5) Nothing in this section limits the provisions of section 178 (5) (a) (ii) of this Act.'

47. Spoilt ballot papers---The principal Act is hereby amended by repealing section 169, and substituting the following section:

``169. (1) Any voter who, not having deposited his or her ballot paper, in the ballot box, satisfies the Deputy Returning Officer that the voter has spoilt it by inadvertence may be supplied with a fresh ballot paper, but only after the spoilt one has been returned to the Deputy Returning Officer.

- ``(2) The Deputy Returning Officer shall---
- ``(a) Cancel every such spoilt ballot paper by writing across the face thereof the words 'Spoilt by voter, and a fresh ballot paper issued' and writing his or her initials thereon:
- ``(b) If any ballot paper is inadvertently spoilt by the Deputy Returning Officer or any other official, cancel it by writing across the face thereof the words 'Spoilt by official' and also the words 'and a fresh ballot paper issued' if that is the case, and writing his or her initials thereon:
- ``(c) Retain all spoilt ballot papers in his or her possession until the close of the poll.'

48. Blind, disabled, or illiterate voters---Section 170 (5) of the principal Act is hereby amended by omitting the words 'to imprisonment for a term not exceeding 3 months'', and substituting the words 'to a fine not exceeding \$1,000'.

49. Procedure where second vote given in same name---Section 171 of the principal Act is hereby amended by omitting from the proviso the words 'and any piece thereof'.

50. Voting by special voters---Section 172 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

``(3A) The special vote ballot papers may contain the logos submitted in accordance with subsections (7) and (8) of section 127 or subsections (3A) and (4) of section 143 of this Act or a depiction of those logos in black and white; but nothing in this Act requires the inclusion of those

logos on the special vote ballot papers.''

51. Voting by special voters on Tokelau, Campbell Island, and Raoul Island, in Ross Dependency, and on fishing vessels---(1) Section 173 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

``(1) The Chief Electoral Officer---

``(a) Shall appoint Deputy Returning Officers for the issuing of ballot papers to special voters on Tokelau and on Raoul Island, and in the Ross Dependency; and

``(b) May appoint Deputy Returning Officers for the issuing of ballot papers for special voters on Campbell Island.

``(1A) The Chief Electoral Officer may appoint Deputy Returning Officers for the issuing of ballot papers to special voters on any fishing vessel that is not scheduled to return to port during the period beginning with the close of nominations and ending with the close of the poll.

``(1B) Deputy Returning Officers appointed under subsection (1) or subsection (1A) of this section are referred to in this section as 'Special Deputy Returning Officers'.''

(2) Section 173 of the principal Act is hereby amended by repealing subsections (2) to (6), and substituting the following subsections:

``(2) No Special Deputy Returning Officer shall be a person in charge of a base at which special voters are living or the master of a fishing vessel upon which special voters are working.

``(3) A Special Deputy Returning Officer may, with the consent of the special voter and in accordance with regulations made under this Act,---

``(a) Inspect the special voter's---

``(i) Marked ballot paper; and

``(ii) Completed declaration; and

``(b) Dictate the contents of---

``(i) The ballot paper; and

``(ii) Declaration---

to the Chief Electoral Officer or to a person authorised by the Chief Electoral Officer in that behalf.

``(4) The Chief Electoral Officer or the person authorised by the Chief Electoral Officer in that behalf shall mark a ballot paper, and complete a declaration in accordance with the dictation of the Special Deputy Returning Officer so as to provide a true and faithful copy of the special voter's ballot paper and of the special voter's declaration.

``(5) Any copy of a declaration or ballot paper, made pursuant to subsection (4) of this section shall, unless it is proved not to be a true and faithful copy of the declaration or ballot paper, have effect as if it were the original declaration and the original ballot paper.

``(6) Regulations made under section 267 of this Act may make

provision for the transmission of the original ballot papers, and declarations and any related lists from the Special Deputy Returning Officer to the Chief Electoral Officer and from the Chief Electoral Officer to the Clerk of the House of Representatives.'

(3) Subsection (1) of this section shall come into force on the 1st day of January 1996.

52. Special voting by facsimile---The principal Act is hereby amended by inserting, after section 173, the following section:

''173A. (1) Where the Chief Electoral Officer is satisfied that a special voter who is overseas during the period between nomination day and polling day has, by reason of his or her remote location, no access at any time during that period to special voting facilities, other than those provided by this section, the Chief Electoral Officer may, with the consent of the special voter, make arrangements for the special voter to vote in accordance with the provisions of this section and regulations made under this Act.

''(2) Special voters on Tokelau, Campbell Island, and Raoul Island, in the Ross Dependency, and on fishing vessels not scheduled to return to port during the period beginning with the close of nominations and ending with the close of the poll may, with the agreement of the Chief Electoral Officer, vote in accordance with the provisions of this section and regulations made under this Act.

''(3) The Chief Electoral Officer shall appoint Deputy Returning Officers (in this section called Special Deputy Returning Officers) for the issuing of ballot papers to special voters under this section unless a Special Deputy Returning Officer has already been appointed to serve the special voters under section 173 of this Act, in which case the Special Deputy Returning Officer appointed under section 173 shall be a Special Deputy Returning Officer for the purposes of this section.

''(4) A Special Deputy Returning Officer may, with the consent of the special voter and in accordance with regulations made under this Act, forward by facsimile machine to the Chief Electoral Officer or to a person authorised by the Chief Electoral Officer in that behalf the special voter's marked ballot paper and a completed declaration.

''(5) Any facsimile copy of a declaration or ballot paper forwarded to the Chief Electoral Officer or to a person authorised by the Chief Electoral Officer in that behalf pursuant to subsection (4) of this section shall, unless it is proved not to be a true and faithful copy of the declaration or ballot paper, have effect as if it were the original declaration and the original ballot paper.

''(6) Regulations made under section 267 of this Act may make provision for the transmission of the original ballot papers, declarations, and any related lists from the Special Deputy Returning Officer to the Chief Electoral Officer and from the Chief Electoral Officer to the Clerk of the House of Representatives.'

53. Procedure after close of poll---The principal Act is hereby amended by repealing section 174, and substituting the following section:

174. (1) At each polling booth the Deputy Returning Officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers (including those lawfully in the polling booth under any other Act) as choose to be present, and the polling clerks, but of no other person, perform the following duties:

(a) He or she shall make up into separate parcels---

(i) The certified copies of the main roll and supplementary rolls on which the fact of any person having received a ballot paper has been noted; and

(ii) All the counterfoils of ballot papers that have been issued to voters and all the unused ballot papers; and

(iii) All the spoilt ballot papers:

(b) He or she shall then open the ballot boxes and, taking therefrom all the ballot papers therein, proceed to ascertain, as the case may require,---

(i) The number of votes received by each party listed in the part of the ballot paper that relates to the party vote; or

(ii) The number of votes received by each candidate listed in the part of the ballot paper that relates to the electorate vote; or

(iii) Both:

(c) He or she shall set aside as informal all party votes that do not clearly indicate the party for which the voter desired to vote:

(d) He or she shall set aside as informal all electorate votes that do not clearly indicate the candidate for whom the voter desired to vote:

(e) He or she shall arrange for the result of the voting to be transmitted as soon as possible to the Returning Officer:

(f) He or she shall make up into separate parcels---

(i) The used ballot papers together with (but in separate bundles) the ballot papers on which only the party vote is informal, the ballot papers on which only the electorate vote is informal, the ballot papers on which both the party vote and the electorate vote are informal, and the ballot papers set aside under section 171 of this Act; and

(ii) A certificate signed by the Deputy Returning Officer and by such of the scrutineers as are present and consent to sign it of the number of votes received by each party or each candidate, the number of ballot papers on which only the party vote is informal, the number of ballot papers on which only the electorate vote is informal, the number of ballot papers on which both the party vote and the electorate vote are informal, the number of ballot papers set aside under section 171 of this Act, the number of spoilt ballot papers, the number of ballot papers delivered to special voters, the number of unused ballot papers, and the number of ballot papers originally delivered to the Deputy Returning Officer.

(2) Each parcel made up under this section shall be endorsed by the Deputy Returning Officer with a description of its contents, the name of the district, the name of the polling place, the number of the booth and the date of the polling; and the endorsement shall be signed by the Deputy Returning Officer and by such of the scrutineers as are present and desire to sign it; and the parcel shall be enclosed in paper or

similar material and shall be properly secured.

“(3) The Deputy Returning Officer shall forthwith forward all the parcels mentioned in this section to the Returning Officer.”

54. Marked copies of rolls to be compared---The principal Act is hereby amended by repealing section 176, and substituting the following section:

“176. (1) The Returning Officer---

“(a) Shall, in the presence and hearing of his or her assistants (if any) and such scrutineers as are entitled to be present under this Act or any other Act, but of no other person, compare one with another---

“(i) All the certified copies of the main roll and supplementary rolls on which the fact of any person having received a ballot paper has been noted; and

“(ii) All records of special votes exercised in respect of the district; and

“(iii) The list of post-writ day deletions supplied to the Returning Officer by the Registrar of Electors pursuant to section 123 (b) of this Act; and

“(b) Shall on an unmarked copy of the main roll and every supplementary roll (called the master roll) draw a line through the number and name of any elector---

“(i) Who is shown on any of the certified copies of the rolls as having received a ballot paper; or

“(ii) Who is shown in any record of special votes issued as having received a ballot paper; or

“(iii) Whose name is shown on the list of post-writ day deletions.

“(2) If on that comparison, or from the checking of declarations in respect of special votes, or from the report of a Deputy Returning Officer on the ballot papers set aside under section 171 of this Act, and after such inquiry as the Returning Officer considers necessary, it appears that the same voter has received more than one ballot paper, the Returning Officer---

“(a) Shall, in the presence of his or her assistants (if any) and such scrutineers as choose to be present, but of no other person, open the parcel or parcels of ballot papers used at the polling booth or polling booths at which that voter appears to have received a ballot paper; and

“(b) Shall select from the parcel or parcels the ballot papers which appear from their consecutive numbers and counterfoils to have been issued to that voter; and

“(c) Shall, subject to subsection (3) of this section, disallow every vote appearing to have been given by means of the ballot papers so selected.

“(3) Notwithstanding subsection (2) (c) of this section, if the Returning Officer is satisfied---

“(a) That one and only one of the ballot papers was lawfully received by the voter entitled thereto; and

“(b) That the voter entitled thereto was not in any way concerned in the issue of the other ballot paper or ballot papers,---

the Returning Officer shall allow the vote of that voter and shall

disallow the other vote or votes.

((4) If, on the comparison with all the certified copies of the main roll and supplementary rolls on which the fact of any person having received a ballot paper has been noted, and all records of special votes exercised in respect of the district, and the list of post writ day deletions, it appears that any person has received a ballot paper by giving a name shown on the list of post-writ day deletions, the Returning Officer---

- ((a) Shall, in the presence of his or her assistants (if any) and such scrutineers as choose to be present, but of no other person, open the parcel or parcels of ballot papers used at the polling booth or polling booths at which any such ballot paper appears to have been received; and
- ((b) Shall select from the parcel or parcels every ballot paper which appears from its consecutive number and counterfoil to have been so received; and
- ((c) Subject to subsections (5) and (6) of this section, shall disallow every vote appearing to have been given by means of any ballot paper so selected.

((5) Notwithstanding subsection (4) (c) of this section, but subject to subsection (6) of this section, if the Returning Officer is satisfied that the name by which a ballot paper selected under subsection (4) (b) of this section was received was entered on the list of post-writ day deletions by mistake or clerical error or as a result of false information, he or she shall allow each vote given by means of that ballot paper.

((6) Notwithstanding subsections (4) and (5) of this section, if---

- ((a) The Returning Officer is satisfied that the name by which a ballot paper selected under subsection (4) (b) of this section was received was entered on the list of post-writ day deletions by mistake or clerical error or as a result of false information; and
- ((b) More than one ballot paper was received by the giving of a name shown on the list of post-writ day deletions; and
- ((c) The Returning Officer is satisfied---
 - ((i) That one and only one of the ballot papers was lawfully received by the voter entitled thereto; and
 - ((ii) That the voter entitled thereto was not in any way concerned in the issue of the other ballot paper or ballot papers,---

the Returning Officer shall allow the vote of that voter and shall disallow the other vote or votes.

((7) For the purposes of subsections (2) and (4) of this section, every ballot paper issued to a special voter shall be deemed to have been issued at a polling booth.

((8) Except in the case of the ballot papers so selected therefrom, the Returning Officer shall inspect only the consecutive numbers on the ballot papers in the several parcels so opened, and shall so cover the ballot papers that no person present shall have the opportunity of determining the party or constituency candidate for whom any particular voter has voted.''

55. Parcels to be secured after scrutiny---Section 177 of the principal Act is hereby amended by omitting the words ``or pieces thereof'' wherever they appear.

56. Counting the votes---The principal Act is hereby amended by repealing section 178, and substituting the following section:

``178. (1) On completion of the scrutiny hereinbefore directed the Returning Officer, with such assistants as the Returning Officer considers necessary, and in the presence of such of the scrutineers appointed under section 175 of this Act as are present (not exceeding, unless the Returning Officer otherwise permits, one scrutineer for each candidate), and also in the presence of some Justice (who shall attend at the request of the Returning Officer), but of no other person, shall select and open one of the parcels of used ballot papers referred to in section 174 (1) (f) of this Act.

``(2) The procedure set out in subsection (1) of this section need not be delayed until the inquiries under section 176 (2) of this Act, or the inquiries as to the qualifications of persons casting a special vote at the election, have been completed, and the ballot papers from any particular polling booth may be counted while any inquiries in respect of ballot papers from that booth or in respect of the qualifications of persons casting a special vote at the election are being completed, but the count shall not be completed until those inquiries have been completed.

``(3) No special vote shall be disallowed by reason only of some error or omission on the part of an official, if the Returning Officer is satisfied that the voter was qualified to vote at the election.

``(4) Where a person who has voted in an election dies before the close of the day before polling day, the Returning Officer shall, on receiving from a Registrar of Births and Deaths notification of that person's death, disallow that person's vote.

``(5) When the parcel selected under subsection (1) of this section has been opened, the Returning Officer shall, in the presence of his or her assistants (if any) and the scrutineers and Justice as aforesaid, but of no other person, deal with the ballot papers as follows:

``(a) He or she shall reject as informal---

``(i) Any ballot paper that does not bear the official mark if there is reasonable cause to believe that it was not issued to a voter by any Deputy Returning Officer or a poll clerk authorised by a Deputy Returning Officer to issue ordinary ballot papers; and

``(ii) A ballot paper that does not clearly indicate the constituency candidate or the party, as the case may require, for which the voter desired to vote:

``Provided that no ballot paper or part of the ballot paper shall be rejected as informal by reason only of some informality in the manner in which it or any other part of the ballot paper has been dealt with by the voter if the ballot paper or part of the ballot paper being considered is otherwise regular, and if, in the opinion of the Returning Officer, the intention of the voter is clearly indicated:

``Provided also that no ballot paper or part of a ballot

paper shall be rejected as informal by reason only of some error or omission on the part of an official, if the Returning Officer is satisfied that the voter was qualified to vote at the election:

``(b) The Returning Officer shall then---

``(i) Count, as the case may require, the number of votes received by each party or the number of votes received by each constituency candidate or both; and

``(ii) Count the number of party votes rejected as informal; and

``(iii) Count the number of electorate votes rejected as informal; and

``(iv) Compare the results of the counts conducted under subparagraphs (i) to (iii) of this paragraph with the certificate of the Deputy Returning Officer in respect of the preliminary count; and

``(c) The Returning Officer shall then, where necessary, amend the certificate of the Returning Officer in respect of the preliminary count; and every such certificate shall be initialled by the Returning Officer and the Justice attending:

``(d) The Returning Officer shall then make up and secure anew, and endorse thereon a memorandum specifying the number of ballot papers contained in the parcel, the number of votes received by each party or constituency candidate, as the case may require, the number of ballot papers on which only the party vote is informal, the number of ballot papers on which only the electorate vote is informal, the number of ballot papers on which both the party vote and the electorate vote are informal, and the number of the booth at which the votes were recorded; and the endorsement shall be signed by the Returning Officer and the Justice attending.

``(6) The ballot papers from all the parcels shall be dealt with in the manner aforesaid and the ballot papers from one parcel may be so dealt with while those from another parcel or parcels are also being so dealt with.

``(7) The ballot papers of special voters shall be dealt with in like manner, after which they shall be made up together into a parcel which shall be properly secured and shall be endorsed in the manner hereinbefore described.

``(8) When all the ballot papers have been dealt with in the prescribed manner, the Justice attending shall sign a certificate stating the total number of ballot papers used at the election, the number of votes received by each party or constituency candidate, as the case may require, and the number of informal votes, and that certificate shall be preserved by the Returning Officer for production when required.

``(9) Where at any count of the ballot papers under this section counting of the ballot papers extends beyond one day, the Justice attending shall give his or her certificate day by day showing the progress of that counting and describing the parcels counted in his or her presence.''

57. Declaration of result of poll---(1) Section 179 (1) of the principal Act is hereby amended by omitting the words ``or pieces thereof''.

(2) Section 179 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

``(4) Upon declaring the result, the Returning Officer shall, where applicable, forward to the Chief Electoral Officer a certificate of the party votes received by each of the parties listed on that part of the ballot paper that relates to the party vote.''

58. Application to District Court Judge for recount---(1) Section 180 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

``(1) Any constituency candidate for a district may, within 3 working days after the public declaration made under section 179 of this Act in respect of that district, apply to a District Court Judge for the conduct, in respect of that district, of a recount of the electorate votes.

``(2) Any Secretary of a political party that is listed on the part of the ballot paper that relates to the party vote may, within 3 working days after the public declaration made under section 179 of this Act in respect of a district, apply to a District Court Judge for the conduct, in respect of that district, of a recount of the party votes.''

(2) Section 180 (5) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

``(a) Shall cause a recount of the electorate votes or the party votes, as the case may require, to be commenced within 3 working days after receiving the application; and''.

(3) Section 180 (7) of the principal Act is hereby amended by repealing paragraphs (d) and (e), and substituting the following paragraphs:

``(d) In the case of a recount of electorate votes, the scrutineers appointed under section 175 of this Act or section 183 (1) of this Act (not exceeding, unless the District Court Judge or the officer appointed by the District Court Judge otherwise permits, one scrutineer for each constituency candidate); and

``(e) In the case of a recount, made on an application under subsection (2) of this section, of party votes, the scrutineers appointed under section 183 (2) (a) of this Act (not exceeding, unless the District Court Judge or the officer appointed by the District Court Judge otherwise permits, one scrutineer for each political party); and

``(f) In the case of a recount, made on an application under section 181 (1) of this Act, of party votes, the scrutineers appointed under section 183 (2) (b) of this Act (not exceeding, unless the District Court Judge or the officer appointed by the District Court Judge otherwise permits, one scrutineer for each political party).''

59. Application by political party for recount in every electoral

district---(1) Section 181 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Any Secretary of a political party listed on the part of the ballot paper that relates to the party vote may, instead of making one or more separate applications for recounts under section 180 (2) of this Act, apply to the Chief District Court Judge for recounts of the party votes to be conducted in every electoral district.”

(2) Section 181 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsection:

“(4) The Chief District Court Judge shall cause a separate recount of the party votes to be conducted for each electoral district and, for that purpose, shall, within 3 working days after receiving the application for the recounts, arrange, in respect of each recount, for a District Court Judge to conduct it.”

60. Ability to combine recounts---The principal Act is hereby amended by repealing section 182, and substituting the following section:

“182. Nothing in section 180 or section 181 of this Act requires the electorate votes or the party votes to be the subject of more than one recount and, where more than one application is received that would involve recounts of the same votes or of both parts of the same ballot papers, those applications may be combined by the District Court Judge conducting the recount.”

61. Scrutineers for recounts and allocation of list seats---The principal Act is hereby amended by repealing section 183, and substituting the following section:

“183. (1) Any constituency candidate affected by an application under section 180 (1) of this Act for a recount of electorate votes in an electoral district may appoint one or more scrutineers to be present at the recount.

“(2) Any political party affected---

“(a) By an application under section 180 (2) of this Act for a recount of party votes in an electoral district; or

“(b) By an application under section 181 (1) of this Act for recounts of the party votes in every electoral district,---
may appoint one or more scrutineers to be present at any such recount.

“(3) Any political party listed in the part of the ballot paper that relates to the party vote may appoint one or more scrutineers to be present during the allocation of list seats by the Chief Electoral Officer under sections 191 to 193 of this Act.

“(4) Every scrutineer appointed under this section shall, before being allowed to act, make a declaration in form 1 before the Returning Officer or the Deputy Returning Officer or a Justice of the Peace or a Solicitor.

“(5) Where a political party appoints more than one scrutineer to be present during the allocation of list seats, only one scrutineer for that political party, or such greater number as is permitted by the

Chief Electoral Officer, shall be present at any one time.

“(6) No candidate shall act as a scrutineer under this section.

“(7) A scrutineer appointed under this section may be appointed by facsimile transmission.”

62. Ballot papers and certificate to be compared on recount---Section 184 of the principal Act is hereby amended by omitting the words “or pieces thereof” wherever they appear.

63. Disposal of ballot papers, rolls, etc.---(1) Section 187 (1) (a) of the principal Act is hereby amended by omitting from subparagraph (i), and also from subparagraph (iv), the words “or pieces of ballot papers” wherever they appear.

(2) Section 187 (1) (a) (iii) of the principal Act is hereby amended by omitting the words “or pieces of spoilt ballot papers”.

64. Papers taken from parcels as evidence in certain cases---(1) Section 190 of the principal Act is hereby amended by omitting from subsections (1) and (2) the words “or piece thereof” wherever they appear.

(2) Section 190 (3) of the principal Act is hereby amended by omitting the words “or pieces thereof”.

65. Election of other members---(1) Section 191 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Chief Electoral Officer shall first ascertain from the certificates the total number of all the party votes received by each of the parties listed on the part of the ballot paper that relates to the party vote.”

(2) Section 191 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsections:

“(4) The Chief Electoral Officer shall disregard any total under the name of any party that---

“(a) Has not achieved a total that is at least 5 percent of the total number of all the party votes received by all the parties listed on the part of the ballot paper that relates to the party vote; and

“(b) Is a party in respect of which no constituency candidate who is either---

“(i) A candidate for that party; or

“(ii) A candidate for a component party of that party (being a component party that is not listed on the part of the ballot paper that relates to the party vote but is, in accordance with the details held by the Chief Electoral Officer under any of the provisions of sections 127 (3A) and 128A of this Act, a component party of that party)---

has had his or her name endorsed on a writ pursuant to section 185 of this Act as a person declared to be elected as a member

of Parliament.

“(4A) Where the Chief Electoral Officer disregards the name of a party in accordance with subsection (4) of this section, that party shall, for the purpose of this section and sections 192 and 193 of this Act, be deemed to have been deleted from the list of parties included in the part of the ballot paper that relates to the party vote.”

(3) Section 191 of the principal Act is hereby further amended by repealing subsection (8), and substituting the following subsection:

“(8) If any person whose name is endorsed on a writ pursuant to section 185 of this Act as a person declared to be elected as a member of Parliament, is---

“(a) An independent; or

“(b) A member of a political party that did not appear on the list of parties in that part of the ballot paper that relates to the party vote (not being a political party that is, in accordance with the details held by the Chief Electoral Officer under any of the provisions of sections 127 (3A) and 128A of this Act, a component party of a political party that did appear on that list),---

the Chief Electoral Officer shall, for the purposes of applying subsection (7) of this section, deduct from the number of 120 the number of any such persons.

66. Determination of party eligibility for list seats---The principal Act is hereby amended by repealing section 192, and substituting the following section:

“192. (1) Having ascertained the numbers required by section 191 (7) of this Act, the Chief Electoral Officer shall then proceed to ascertain the number of seats in Parliament to which each remaining party listed in the part of the ballot paper that relates to the party vote is entitled by adding the number of circles in the column of numbers under the name of that party.

“(2) Subject to subsection (3) of this section, the Chief Electoral Officer shall then proceed, in respect of each remaining party listed in the part of the ballot paper that relates to the party vote, to deduct from the number of seats to which each party is entitled under subsection (1) of this section---

“(a) The number of persons who stood as constituency candidates for that party and whose names were endorsed on a writ pursuant to section 185 of this Act as having been elected as members of Parliament; and

“(b) The number of persons who stood as constituency candidates for a party that is, in accordance with the details held by the Chief Electoral Officer under any of the provisions of sections 127 (3A) and 128A of this Act, a component party of that party and whose names were endorsed on a writ pursuant to section 185 of this Act as having been elected as members of Parliament.

“(3) The deduction described in subsection (2) (b) of this section shall not be made in respect of constituency seats gained by a component party that is listed on the part of the ballot paper that relates to the party vote.

“(4) Subject to subsection (5) of this section, after the process of deduction described in subsection (2) of this section has been completed in respect of each party, the remainder derived therefrom shall be the number of seats to be allocated to that party from the list of candidates submitted pursuant to section 127 of this Act.

“(5) If any party listed in the part of the ballot paper that relates to the party vote has obtained, through the election of any of its constituency candidates or any of the constituency candidates for any party that is, in accordance with the details held by the Chief Electoral Officer under any of the provisions of sections 127 (3A) and 128A of this Act, a component party of that party or both, a number of seats that is equal to or greater than the total number of seats in Parliament to which it would be entitled under subsection (1) of this section, that party shall not be allocated any seats from the list of candidates submitted by that party pursuant to section 127 of this Act, but the seats of the constituency candidates of that party who have been elected as members of Parliament shall not be affected.”

67. Selection of candidates---(1) Section 193 (1) of the principal Act is hereby amended by omitting the words “Part B of the ballot paper”, and substituting the words “the part of the ballot paper that relates to the party vote”.

(2) Section 193 of the principal Act is hereby further amended by repealing subsection (5), and substituting the following subsection:

“(5) The Chief Electoral Officer shall, as soon as practicable after selecting the names of those candidates entitled to be elected,---

“(a) Declare those candidates to be elected by publishing in the Gazette the names of the members elected; and

“(b) Forward to the Clerk of the House of Representatives a return listing the names of the members elected.”

68. Prevention of irregularities as to ballot papers---The principal Act is hereby amended by repealing section 196, and substituting the following section:

“196. In order to prevent the commission at any election of irregularities in respect of the improper possession of ballot papers, the following provisions shall apply:

“(a) The Returning Officer shall give to the person printing the ballot papers a receipt specifying the total number of ballot papers received by the Returning Officer, and it shall be the duty of the printer to see that all copies of the ballot paper other than those delivered to the Returning Officer are immediately destroyed:

“(b) Every Deputy Returning Officer shall give to the Returning Officer a receipt specifying the total number of ballot papers received by the Deputy Returning Officer, and shall be personally responsible for the safe custody of all such ballot papers from the time they are received by the Deputy Returning Officer until they are issued or otherwise disposed of in accordance with this Act:

“(c) Every Deputy Returning Officer shall be personally responsible for the safe custody of all ballot papers used at the polling

booth at which he or she presides from the time each ballot paper was placed in the ballot box by the voter until the parcel of used ballot papers has been delivered to the Returning Officer as in this Act provided and the Deputy Returning Officer has obtained from the Returning Officer a receipt in writing for the parcel, which receipt the Returning Officer is in all cases required to give on such delivery:

- “(d) In like manner every Returning Officer shall be personally responsible for the safe custody of all ballot papers used at the polling booth at which he or she presides until they have been sent to the Clerk of the House of Representatives as hereinbefore provided, and also for the safe custody of all parcels of used ballot papers for which he or she has given a receipt to a Deputy Returning Officer, until they have been sent by the Returning Officer to the Clerk of the House of Representatives as aforesaid:
- “(e) Every Returning Officer or Deputy Returning Officer who fails to take reasonable steps to secure the safe custody of all ballot papers for which he or she is responsible, with the result that any such ballot paper is removed from his or her custody, shall be liable on summary conviction to a fine not exceeding \$2,000:
- “(f) Every person shall be liable on summary conviction to a fine not exceeding \$2,000 who wilfully or negligently allows any copy of a ballot paper printed by that person to come into the possession of any person other than the Returning Officer:
- “(g) Every person shall be liable on summary conviction to a fine not exceeding \$2,000 who, except in accordance with any regulations made under this Act in relation to special voters, obtains possession of or has in his or her possession any ballot paper other than the ballot paper given to that person by the Returning Officer or Deputy Returning Officer for the purpose of recording his or her vote, or retains any ballot paper in his or her possession after leaving the polling booth.”

69. Interfering with or influencing voters---(1) Section 197 (1) (f) of the principal Act is hereby amended by omitting the words “or piece of a ballot paper”.

(2) Section 197 (1) (h) of the principal Act is hereby amended by omitting the words “or imitation piece of a ballot paper”.

70. Erasing and altering official mark on ballot paper---Section 200 of the principal Act is hereby amended by omitting the words “or piece of a ballot paper”.

71. Offences in respect of ballot papers and ballot boxes---(1) Section 201 (1) of the principal Act is hereby amended by omitting from paragraphs (a) to (d) the words “or piece of a ballot paper”, wherever they appear.

(2) Section 201 (1) (e) of the principal Act is hereby amended by omitting the words “or of pieces of ballot papers”.

72. Property to be stated as being in Returning Officer---Section 202 of the principal Act is hereby amended by omitting the words “pieces of ballot papers,” in both places where they appear.

73. Infringement of secrecy---(1) Section 203 (2) (c) of the principal Act is hereby amended by omitting the words ``or any piece of the ballot paper''.

(2) Section 203 (4) of the principal Act is hereby amended by omitting the words ``or any piece of his or her ballot paper''.

74. Distribution of page and line numbers---The principal Act is hereby amended by repealing section 205.

75. Return of election expenses---The principal Act is hereby amended by repealing section 210, and substituting the following section:

``210. (1) Within 70 days after the day on which the constituency candidate returned at any election is declared elected, every constituency candidate at the election shall transmit to the Returning Officer a return setting out---

``(a) The constituency candidate's election expenses; and

``(b) The name and address of each person who made an election donation to the constituency candidate and the amount of each such election donation; and

``(c) Where an election donation of money or of the equivalent of money is made to the constituency candidate anonymously and the amount of that donation exceeds \$1,000, the amount of each such donation and the fact that it has been received anonymously.

``(2) Every return under subsection (1) of this section shall be in form 16 or to the like effect.

``(3) Where the candidate is outside New Zealand on the day on which the candidate returned is declared elected, the return shall be transmitted by the candidate to the Returning Officer within 21 days after the date of the candidate's return to New Zealand.

``(4) Every candidate who fails to transmit the return to the Returning Officer within the time prescribed by this section shall be liable on summary conviction to a fine not exceeding \$1,000, and, if he or she has been elected, to a further fine not exceeding \$400 for every day on which he or she sits or votes in the House of Representatives until the return is transmitted.

``(5) Every candidate who transmits a return that is false in any material particular---

``(a) Is, if the candidate transmits the return knowing that the return is false in any material particular, guilty of a corrupt practice; and

``(b) Is, in any other case, guilty of an illegal practice, unless the candidate proves---

``(i) That he or she had no intention to mis-state or conceal the facts; and

``(ii) That he or she took all reasonable steps in the circumstances to ensure that the information was accurate.

``(6) Every person charged with an offence against subsection (5) (a) of this section may be convicted of an offence against subsection (5) (b) of this section.

“(7) It shall be the duty of the Returning Officer to see that the provisions of this section are faithfully complied with.

“(8) Where the Returning Officer believes that any person has committed an offence against this section, the Returning Officer shall report the facts on which that belief is based to the Police.

“(9) In subsection (1) of this section, the term ‘election donation’, in relation to a constituency candidate at an election,---

“(a) Means a donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things) of a sum or value of more than \$1,000 (such amount being inclusive of any goods and services tax and of a series of donations made by or on behalf of any one person that aggregate more than \$1,000) made to the constituency candidate, or to any person on the constituency candidate's behalf, for use by or on behalf of the constituency candidate in the campaign for his or her election; and

“(b) Includes, where goods or services are provided to the constituency candidate, or to any person on the constituency candidate's behalf, under a contract at 90 percent or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services; but

“(c) Does not include the labour of any person which is provided to the constituency candidate free of charge by that person.”

76. Transmission of copy of return to Chief Electoral Officer and Electoral Commission---Section 212 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Returning Officer shall, as soon as practicable after receiving a return under section 210 of this Act, send---

“(a) A copy of that return to the Chief Electoral Officer; and

“(b) A copy of that return to the Electoral Commission.”

77. Maximum amount of election expenses---(1) Section 213 (1) of the principal Act is hereby amended by omitting the expression ‘section 214’, and substituting the expression ‘sections 214 and 214A’.

(2) Section 213 (1) of the principal Act is hereby amended by omitting from the definition of the term ‘election activity’---

(a) The words ‘and in relation to a candidate included in a list submitted pursuant to section 127 of this Act’; and

(b) The words ‘or as a candidate included in a list submitted under section 127 or both capacities’.

(3) Section 213 (1) of the principal Act is hereby amended by inserting in paragraph (c) of the definition of the term ‘election expenses’, after the words ‘free of charge’, the words ‘or below reasonable market value’.

(4) Section 213 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

- ``(2) The total election expenses of a candidate shall not,---
- ``(a) In the case of a candidate at a general election, exceed \$20,000
(which sum shall be inclusive of goods and services tax); or
- ``(b) In the case of a candidate at a by-election, exceed \$40,000
(which sum shall be inclusive of goods and services tax).''

78. Advertisements for party lists---The principal Act is hereby amended by inserting, after section 214, the following heading and section:

``Advertising

``214A. Where any advertisement that is published or caused or permitted to be published in any newspaper, periodical, or handbill, or is broadcast or caused or permitted to be broadcast over any radio or television station,---

- ``(a) Encourages or persuades or appears to encourage or persuade voters to vote for any party listed on the part of the ballot paper that relates to the party vote; and
- ``(b) Gives more than 10 percent of the coverage provided in the advertisement to a person who is a candidate at any election in any district in a manner which either---
 - ``(i) Features that candidate in his or her capacity as a list candidate; or
 - ``(ii) Features that candidate as endorsing or supporting the party or its party list; and
- ``(c) Is or is to be published or broadcast in the district in which the person described in paragraph (b) of this section is a candidate,---

the cost of the publishing or broadcasting of that advertisement shall form part of the candidate's election expenses unless that advertisement is published or broadcast to more or less the same extent in 10 other electoral districts in addition to the electoral district referred to in paragraph (c) of this subsection.''

79. New sections inserted---The principal Act is hereby amended by inserting, after section 214A (as inserted by section 38 of this Act), the following heading and sections:

``Political Parties' Election Expenses

``214B. Maximum amount of parties' election expenses---(1) Subject to this section, in this Act,---

- ``'Election activity', in relation to a party that is registered under Part IV of this Act, means an activity---
 - ``(a) Which is carried out by the party or with the party's authority; and
 - ``(b) Which comprises---
 - ``(i) Advertising of any kind; or
 - ``(ii) Radio or television broadcasting; or
 - ``(iii) Publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; and
 - ``(c) Which---
 - ``(i) Encourages or persuades or appears to encourage or persuade voters to vote for the party; or
 - ``(ii) Encourages or persuades or appears to encourage or

persuade voters not to vote for any other party registered under Part IV of this Act; or

“(iii) Both; and

“(d) Which takes place within the 3 months immediately preceding polling day:

“Election expenses’, in relation to a party that is registered under Part IV of this Act,---

“(a) Means expenses that are incurred by or on behalf of the party in respect of any election activity; and

“(b) Includes expenses that are incurred by or on behalf of the party, before or after the 3 months immediately preceding polling day, in respect of any election activity; and

“(c) Includes the reasonable market value of any materials applied in respect of any election activity which are given to the party or which are provided to the party free of charge or below reasonable market value; and

“(d) Includes the cost of any printing or postage in respect of any election activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the party; but

“(e) Does not include the labour of any person which is provided to the party free of charge by that person; and

“(f) Does not include expenditure relating exclusively to the election expenses of any of that party's individual constituency candidates under section 213 of this Act; and

“(g) Does not include allocations of time and money made to political parties by the body responsible for such allocations under the Broadcasting Act 1989.

“(2) In the case of a general election, the total election expenses of a party that is registered under Part IV of this Act shall not,---

“(a) If the party is listed in the part of the ballot paper that relates to the party vote, exceed \$1,000,000 plus \$20,000 for each constituency contested by a candidate for that party (which sum shall be inclusive of goods and services tax); and

“(b) If the party is not listed in the part of the ballot paper that relates to the party vote, exceed \$20,000 for each constituency contested by a candidate for that party (which sum shall be inclusive of goods and services tax).

“(3) Every person who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any election expenses any sum in excess of the maximum amount prescribed by this section is,---

“(a) If the act is done with knowledge that the payment is in excess of the maximum amount prescribed by this section, guilty of a corrupt practice; and

“(b) In any other case, guilty of an illegal practice unless the person proves that he or she took all reasonable steps to ensure that the election expenses did not exceed the maximum amount prescribed by this section.

“214C. Return of election expenses---(1) Within 70 days after the day on which the result of an election of candidates whose names appear on the party lists is declared by the Chief Electoral Officer in accordance with section 193 (5) of this Act, the Secretary of each political party

registered under Part IV of this Act shall forward to the Electoral Commission, a return of the party's election expenses (which return shall be on a form provided by the Electoral Commission) and the auditor's report which has been obtained under section 214E of this Act and which relates to that return.

((2) Every Secretary of a political party registered under Part IV of this Act commits an offence and shall be liable on summary conviction to a fine not exceeding \$20,000 who fails, without reasonable excuse, to forward to the Electoral Commission, within the time prescribed by subsection (1) of this section, the return and the auditor's report relating to the return.

((3) Every Secretary of a political party registered under Part IV of this Act who forwards to the Electoral Commission under subsection (1) of this section a return that is false in any material particular---

((a) Is, if the Secretary forwards the return knowing that the return is false in any material particular, guilty of a corrupt practice and is liable on conviction on indictment to imprisonment for a term not exceeding one year or to a fine not exceeding \$20,000, or to both; and

((b) Is, in any other case, guilty of an illegal practice and is liable on conviction on indictment to a fine not exceeding \$20,000, unless the Secretary proves---

((i) That he or she had no intention to mis-state or conceal the facts; and

((ii) That he or she took all reasonable steps in the circumstances to ensure that the information in the return was accurate.

((4) Every person charged with an offence against subsection (3) (a) of this section may be convicted of an offence against subsection (3) (b) of this section.

((5) It shall be the duty of the Electoral Commission to see that the provisions of this section are complied with.

((6) Where the Electoral Commission believes that any person has committed an offence against subsection (2) or subsection (3) of this section, the Electoral Commission shall report the facts on which that belief is based to the Police.

214D. Appointment of auditors---(1) Every party registered under Part IV of this Act shall appoint an auditor.

((2) None of the following persons may be appointed or act as an auditor under subsection (1) of this section:

((a) An employee or partner of a candidate:

((b) An officer or employee of a political party:

((c) A body corporate:

((d) A person who, by virtue of section 199 (1) of the Companies Act 1993, may not be appointed or act as auditor of a company:

((e) A Returning Officer or Deputy Returning Officer:

((f) A candidate or agent of a candidate.

((3) Where an auditor appointed by a party pursuant to subsection (1) of this section ceases for any reason to hold office as such or becomes

ineligible as provided in subsection (2) of this section, the party shall appoint another auditor forthwith.

``214E. Auditor's report---(1) Every Secretary of a political party registered under Part IV of this Act shall, before transmitting to the Electoral Commission the return required by section 214C (1) of this Act, obtain from the auditor appointed by the party under section 214D of this Act a report on that return.

``(2) The auditor shall state in the report whether or not, in the auditor's opinion, the return fairly reflects the election expenses of the party.

``(3) The auditor shall make such examinations as the auditor considers necessary.

``(4) The auditor shall specify in the report any case in which---

``(a) The return does not, in the auditor's opinion, fairly reflect the election expenses of the party:

``(b) The auditor has not received from the party or the Secretary of the party all the information that the auditor requires to carry out his or her duties:

``(c) Proper records of the party's election expenses have not, in the auditor's opinion, been kept by the party or the Secretary of the party.

``(5) The auditor---

``(a) Shall have access at all reasonable times to all records, documents, and accounts which relate to the party's election expenses and which are held by the party or the Secretary of the party; and

``(b) May require the party or the Secretary of the party to provide such information and explanations as, in the auditor's opinion, may be necessary to enable the auditor to prepare the report.

``Disclosure of Donations to Political Parties

``214F. Interpretation--- In sections 214G to 214L of this Act,---

`` 'Electorate donation', in relation to a party registered under Part IV of this Act,---

``(a) Means a donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things)---

``(i) Which is received on behalf of the party by any person or body of persons involved in the administration of the affairs of the party within an electorate; and

``(ii) Which, either on its own or when aggregated with all other such donations made in the same year by the same person within the same electorate, exceeds \$1,000 in sum or value (which sum shall be inclusive of goods and services tax); and

``(b) Includes, where goods or services are provided to the party under a contract at 90 percent or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services; but

``(c) Does not include the labour of any person which is provided to the party free of charge by that person; and
``(d) Does not include any election donation that is included in a return made by a constituency candidate under section 210 of this Act:

`` 'National donation', in relation to a party registered under Part IV of this Act,---

``(a) Means a donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things)---

``(i) Which is received by or on behalf of the party by any person or body of persons involved in the administration of the affairs of the party over more than one electorate; and

``(ii) Which, either on its own or when aggregated with all other such donations made in the same year by the same person, exceeds \$1,000 in sum or value (which sum shall be inclusive of goods and services tax); and

``(b) Includes, where goods or services are provided to the party under a contract at 90 percent or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services; but

``(c) Does not include the labour of any person which is provided to the party free of charge by that person; and

``(d) Does not include any election donation that is included in a return made by a constituency candidate under section 210 of this Act:

`` 'Year' means a period of 12 months beginning on the 1st day of January and ending with the 31st day of December.

``214G. Appointment of electorate agent---(1) Every Secretary of a party registered under Part IV of this Act shall---

``(a) Appoint for each electorate in which persons are engaged in the administration of the affairs of the party within that electorate, an electorate agent, who shall be the person responsible for providing a return and a declaration in accordance with section 214H (1) of this Act; and

``(b) Supply the Electoral Commission with the name and residential address of every person appointed under paragraph (a) of this subsection and a copy of the appointee's consent to his or her appointment.

``(2) Where an electorate agent appointed under subsection (1) (a) of this section ceases for any reason to hold office as such, the Secretary of the party shall, unless the administration of the affairs of the party are no longer carried on within that electorate,---

``(a) Appoint another electorate agent forthwith; and

``(b) Supply the Electoral Commission with the name and residential address of every person appointed under paragraph (a) of this subsection and a copy of the appointee's consent to his or her appointment.

``214H. Return of electorate donations---(1) Every electorate agent appointed under section 214G (1) (a) of this Act, shall, not later than the 31st day of March in each year, forward to the Secretary of the political party by which the electorate agent was appointed---

“(a) A return (which shall be on a form provided by the Electoral Commission) setting out---

“(i) The name and address of each person who made an electorate donation in the year ending with the immediately preceding 31st day of December and the amount of each such donation; and

“(ii) The amount of each anonymous electorate donation made in the year ending with the immediately preceding 31st day of December (being a donation that, by virtue of paragraph (a) (ii) of the definition of the term ‘electorate donation’ in section 214F of this Act, is an electorate donation) and the fact that that donation has been received anonymously; and

“(b) A declaration in form 17.

“(2) Every electorate agent commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who fails without reasonable excuse to comply with subsection (1) of this section.

“(3) Every electorate agent who forwards to the Secretary of the political party under subsection (1) (a) of this section a return that is false in any material particular---

“(a) Commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000, or to both, if the electorate agent forwards the return knowing that the return is false in any material particular; and

“(b) In any other case, commits an offence and is liable on summary conviction to a fine not exceeding \$5,000, unless he or she proves---

“(i) That he or she had no intention to mis-state or conceal the facts; and

“(ii) That he or she took all reasonable steps in the circumstances to ensure that the information in the return was accurate.

“(4) Every person charged with an offence against subsection (3) (a) of this section may be convicted of an offence against subsection (3) (b) of this section.

“(5) Notwithstanding anything in subsection (1) of this section, where an electorate agent for a political party is required to make under that subsection a return of electorate donations that relates to the year in which the political party became registered under Part IV of this Act, that return shall relate to the period beginning with the date of the registration of that political party under Part IV of this Act and ending with the 31st day of December of that year.

“214I. Return of national donations---(1) Every Secretary of a political party registered under Part IV of this Act shall, not later than the 30th day of April in each year, forward to the Electoral Commission---

“(a) A return (which shall be on a form provided by the Electoral Commission) setting out---

“(i) The name and address of each person who made a national donation in the year ending with the immediately preceding 31st day of December and the amount of each such donation; and

“(ii) The amount of each anonymous donation made in the year

ending with the immediately preceding 31st day of December (being a donation that, by virtue of paragraph (a) (ii) of the definition of the term 'national donation' in section 214F of this Act, is a national donation) and the fact that that donation has been received anonymously; and

“(b) The auditor's report on the return referred to in paragraph (a) of this subsection (being the report obtained under section 214J of this Act); and

“(c) The returns received by the Secretary of the political party under section 214H (1) of this Act in respect of the period of 12 months ending with the immediately preceding 31st day of December.

“(2) Every Secretary of a political party registered under Part IV of this Act who fails, without reasonable excuse, to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.

“(3) Every Secretary of a political party registered under Part IV of this Act who forwards to the Electoral Commission under subsection (1) (a) of this section a return that is false in any material particular---

“(a) Is, if the Secretary forwards the return knowing that the return is false in any material particular, guilty of a corrupt practice and is liable on conviction on indictment to imprisonment for a term not exceeding one year or to a fine not exceeding \$20,000, or to both; and

“(b) Is, in any other case, guilty of an illegal practice and is liable on conviction on indictment to a fine not exceeding \$20,000, unless the Secretary proves---

“(i) That he or she had no intention to mis-state or conceal the facts; and

“(ii) That he or she took all reasonable steps in the circumstances to ensure that the information in the return was accurate.

“(4) Every person charged with an offence against subsection (3) (a) of this section may be convicted of an offence against subsection (3) (b) of this section.

“(5) Notwithstanding anything in subsection (1) of this section, where a Secretary of a political party is required to make under that subsection a return of national donations that relates to the year in which the political party became registered under Part IV of this Act, that return shall relate to the period beginning with the date of the registration of that political party under Part IV of this Act and ending with the 31st day of December of that year.

“214J. Auditor's report---(1) Every Secretary of a political party registered under Part IV of this Act shall, before forwarding to the Electoral Commission, the return required by section 214I (1) (a) of this Act, obtain from the auditor appointed under section 214D of this Act a report on the return.

“(2) The auditor shall state in the report whether or not, in the auditor's opinion, the return fairly reflects the national donations received by the party.

``(3) The auditor shall make such examinations as the auditor considers necessary.

``(4) The auditor shall specify in the report any case in which---

``(a) The return does not, in the auditor's opinion, fairly reflect the national donations received by the party:

``(b) The auditor has not received from the party or the Secretary for the party all the information that the auditor requires to carry out his or her duties:

``(c) Proper records of national donations received by the party have not, in the auditor's opinion, been kept by the party or the Secretary for the party.

``(5) The auditor---

``(a) Shall have access at all reasonable times to all records, documents, and accounts which relate to the national donations received by the party and which are held by the party or the Secretary of the party; and

``(b) May require the party or the Secretary of the party to provide such information and explanations as, in the auditor's opinion, may be necessary to enable the auditor to prepare the report.

``214K. Duties of Electoral Commission---(1) It shall be the duty of the Electoral Commission to see that the provisions of sections 214H (1) and 214I (1) of this Act are complied with.

``(2) Where the Electoral Commission believes that any person has committed an offence against section 214H (2) or section 214H (3) or section 214I (2) or section 214I (3) of this Act, the Electoral Commission shall report the facts upon which that belief is based to the Police.

``214L. Inspection of returns and audit reports---Members of the public shall be entitled, at any time between 9.00 a.m. and 4.00 p.m., on any day on which the office of the Electoral Commission is open, to inspect without payment---

``(a) Returns and auditors' reports forwarded to the Electoral Commission under section 214C (1) of this Act (being returns of election expenses):

``(b) Returns forwarded to the Electoral Commission under section 212 (1) (b) of this Act (being returns of constituency candidate election expenses):

``(c) Returns forwarded to the Electoral Commission under section 214I (1) (a) of this Act (being returns of national donations):

``(d) Returns forwarded to the Electoral Commission under section 214I (1) (c) of this Act (being returns of electorate donations):

``(e) Auditors' reports forwarded to the Electoral Commission under section 214I (1) (b) of this Act.''

80. Commencement of provisions relating to auditors, electorate agents, and donations---(1) Sections 214D to 214L of the principal Act (as inserted by section 79 of this Act) shall come into force on the 1st day of April 1996.

(2) Notwithstanding anything in section 214C of the principal Act (as

inserted by section 79 of this Act), in respect of the period beginning with the commencement of section 214C of the principal Act (as so inserted) and ending with the close of the 31st day of March 1996, that section shall be read---

- (a) As if the words ``and the auditor's report which has been obtained under section 214E of this Act and which relates to that return'' were omitted from subsection (1); and
- (b) As if the words ``and the auditor's report relating to the return'' were omitted from subsection (2).

(3) Notwithstanding anything in sections 214H and 214I of the principal Act (as inserted by section 79 of this Act),---

- (a) The return of electorate donations to be made in respect of the year ending on the 31st day of December 1996, by every electorate agent under section 214H (1) (a) of the principal Act shall relate to the period beginning with the 1st day of April 1996 and ending with the 31st day of December 1996; and
- (b) The return of national donations to be made in respect of the year ending on the 31st day of December 1996, by every party secretary under section 214I (1) (a) of the principal Act shall relate to the period beginning with the 1st day of April 1996 and ending with the 31st day of December 1996.

81. Advertisements for candidates and political parties---The principal Act is hereby amended by repealing section 221, and substituting the following section:

``221. (1) Subject to subsections (2) and (3) of this section, no person shall publish or cause or permit to be published in any newspaper, periodical, poster, or handbill, or broadcast or cause or permit to be broadcast over any radio or television station, any advertisement which---

- ``(a) Is used or appears to be used to promote or procure the election of a constituency candidate; or
- ``(b) Encourages or persuades or appears to encourage or persuade voters to vote for a party registered under Part IV of this Act.

``(2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) (a) of this section if---

- ``(a) The publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than one candidate, the candidates or the party to which they belong; and
- ``(b) The advertisement contains a statement setting out the true name of the person for whom or at whose direction it is published and the address of his or her place of residence or business.

``(3) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) (b) of this section if---

- ``(a) The publication of that advertisement is authorised in writing by the Secretary of the party or his or her delegate; and
- ``(b) The advertisement contains a statement setting out the true name of the person for whom or at whose direction it is published and the address of his or her place of residence or business.

“(4) Subject to subsections (2) and (3) of this section, every person is guilty of an illegal practice who wilfully contravenes any provision of subsection (1) of this section.

“(5) A candidate or the Secretary of a party or his or her delegate shall not be liable for an illegal practice under this section committed by an agent without the consent or connivance of the candidate or of the Secretary of a party or his or her delegate, as the case may be.

“(6) Nothing in this section shall restrict the publication of any news or comments relating to an election in a newspaper or other periodical or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.”

82. Electoral advertisements---The principal Act is hereby amended by inserting, after section 221, the following section:

“221A. (1) Subject to subsection (2) of this section, no person shall publish or cause or permit to be published in any newspaper, periodical, poster, or handbill, or broadcast or cause or permit to be broadcast over any radio or television station, any advertisement relating to an election unless the advertisement contains a statement setting out the true name of the person for whom or at whose direction it is published and the address of that person's place of residence or business.

“(2) Subsection (1) of this section shall not apply to any advertisement published or broadcast, or caused or permitted to be published or broadcast, by the Chief Electoral Officer, the Chief Registrar of Electors, the Electoral Commission, or any other agency charged with responsibilities in relation to the conduct of any official publicity or information campaign to be conducted on behalf of the Government of New Zealand and relating to electoral matters or the conduct of any general election or by-election and which either contains a statement indicating that the advertisement has been authorised by that officer or agency, or contains a symbol indicating that the advertisement has been authorised by that officer or agency.

“(3) Every person is guilty of an illegal practice who wilfully contravenes any provision of subsection (1) of this section.

“(4) Nothing in this section shall restrict the publication of any news or comments relating to an election in a newspaper or other periodical or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.”

83. Punishment for corrupt or illegal practice---Section 224 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Nothing in this section applies in relation to a corrupt practice under any provision of sections 201, 214C, and 214I of this Act, or under section 43 of the Citizens Initiated Referenda Act 1993.”

84. Time for presentation of election petition---Section 231 of the principal Act is hereby amended by omitting the expression “49 days” in both places where it appears, and substituting in each case the

expression ``28 days''.

85. Time for presentation of election petition to Court of Appeal---Section 259 of the principal Act is hereby amended by omitting the expression ``49 days'', and substituting the expression ``28 days''.

86. New section inserted---The principal Act is hereby amended by inserting, after section 263, the following section:

``263A. Disclosure of immigration information for matching purposes---(1) In this section, 'immigration information', in relation to any person, means---

``(a) Information concerning---

``(i) Any person whom the Secretary of Labour believes is in New Zealand unlawfully; or

``(ii) Any person who is in New Zealand lawfully but only by virtue of being the holder of a temporary permit of whatever type; and

``(b) Information that, in relation to any person described in paragraph (a) (i) or paragraph (a) (ii) of this definition, is as follows:

``(i) The person's full name:

``(ii) Any aliases known to be used by that person:

``(iii) The person's date of birth:

``(iv) The person's address (if known):

``(v) The expiry date of any permit granted to the person.

``(2) The purpose of this section is to facilitate the disclosure of information from the Department of Labour to the Chief Registrar for the purposes of---

``(a) Verifying, for the purposes of this Act, that any person registered as an elector of an electoral district is qualified to be registered as an elector of that electoral district:

``(b) Verifying that a person registered as an elector is a person whom the Secretary of Labour believes to be either---

``(i) A person who is in New Zealand unlawfully; or

``(ii) A person who is in New Zealand lawfully but only by virtue of being the holder of a temporary permit of whatever type.

``(3) For the purposes of this section, any officer or employee or agent of the Department of Labour authorised in that behalf by the Secretary of Labour may from time to time, at the request of the Chief Registrar, supply to the Chief Registrar any immigration information held by that department.

``(4) Where, in relation to any person, immigration information is supplied to the Chief Registrar pursuant to subsection (3) of this section, the Chief Registrar may cause a comparison of that information to be made with any information which is held by the Chief Registrar and which relates to that person.

``(5) Where the result of a comparison carried out pursuant to subsection (4) of this section indicates that any person on the electoral roll is---

``(a) A person whom the Secretary of Labour believes is in New Zealand

unlawfully; or

“(b) A person who is in New Zealand lawfully but only by virtue of being the holder of a temporary permit of whatever type,--- the Chief Registrar shall advise the Registrar of the electoral district in which that person is registered as an elector accordingly.

“(6) Where any Registrar receives advice from the Chief Registrar under subsection (5) of this section that, in relation to any person, either of the circumstances referred to in subsection (5) applies, the Registrar shall, under section 96 of this Act, object to the name of that person being on the roll for the district.”

87. Declaration by polling officer or scrutineer---The Second Schedule to the principal Act is hereby amended by repealing form 1, and substituting the form 1 set out in the Schedule to this Act.

88. Notice of withdrawal of party list---The Second Schedule to the principal Act is hereby amended by inserting, after form 4, the form 4A set out in the Schedule to this Act.

89. Ballot paper for general election---The Second Schedule to the principal Act is hereby amended by repealing form 11, and substituting the form 11 set out in the Schedule to this Act.

90. Ballot paper for by-election---The Second Schedule to the principal Act is hereby amended by repealing form 12, and substituting the form 12 set out in the Schedule to this Act.

91. Counterfoil---The Second Schedule to the principal Act is hereby amended by repealing form 13, and substituting the form 13 set out in the Schedule to this Act.

92. Declaration of result of poll---Form 14 in the Second Schedule to the principal Act is hereby amended by omitting the expression “Part B”, and substituting the expression “the party vote part”.

93. Working sheet in relation to candidates whose names are included in party lists---Form 15 in the Second Schedule to the principal Act is hereby amended by omitting the expression “Part B”, and substituting the expression “party vote part of the ballot paper”.

94. Return of election expenses---The Second Schedule to the principal Act is hereby amended by repealing form 16, and substituting the form 16 set out in the Schedule to this Act.

95. Return of electorate donations---The Second Schedule to the principal Act is hereby amended by adding the form 17 set out in the Schedule to this Act.

Amendments to Privacy Act 1993

96. Public register provisions---Part I of the Second Schedule to the Privacy Act 1993 is hereby consequentially amended by omitting the item relating to the Electoral Act 1956, and substituting the following item:

``Electoral Act 1993 | Sections 100, 101, 103, 104, 105, 106, 107, 108,
| 109, 211, and 212'!.

97. Information matching provisions---The Third Schedule to the
Privacy Act 1993 is hereby amended by adding the following item:

``Electoral Act 1993 | Section 263A'!.

|

SCHEDULE

Sections 87, 88, 89, 90, 91, 94, 95

NEW FORMS 1, 4A, 11, 12, 13, 16, and 17

Form 1

Sections 26, 159, 160, 172 (5), 175

Declaration by Polling Officer or Scrutineer

I, A.B., [Insert place of abode and description], solemnly and sincerely
declare that I will well and truly serve in the office of---

*Returning Officer.

*Deputy Returning Officer.

*Poll Clerk.

*Usher.

*Interpreter.

*Scrutineer for C.D., a candidate,

at the poll in the Electoral District, and that I will not
do anything forbidden by section 203+ of the Electoral Act 1993.

Declared at this }

day of 19 } A.B.

before me: }

.....

C.D.

*Justice of the Peace.
*Solicitor.
*Returning Officer.
*Deputy Returning Officer.
*Registrar of Electors.

NOTE:

(1) Declarations by Returning Officers must be made before a Justice of the Peace or a Solicitor.

(2) Registrars of Electors may take declarations only pursuant to section 172 (5) of the Electoral Act 1993.

*Delete whichever do not apply
+Section 203 of the Electoral Act 1993 is printed on the back of this form and must be read by or to the declarant.

Form 4A

Section 128C (1)

Notice of Withdrawal of Party List

To the Chief Electoral Officer

I, the undersigned Secretary of the [Specify] political party, hereby give notice that I withdraw the list of candidates submitted under section 127 of the Electoral Act 1993 as the party's candidates for election pursuant to sections 191 to 193 of the Electoral Act 1993.

The form to which that list was annexed was dated the day of
19 .

Dated at this day of 19 .

.....
[Signature of the Secretary of the political party]

Form 11

Section 150

Ballot Paper for General Election

NOTES*

1. As to the insertion of names of political parties, see ss. 150 (6)

- (d), 150 (10), and 151 of the Act.
2. As to the insertion of the word ``independent'', see s. 150 (8) of the Act.
- *Not to be printed as part of the form.

Form 12

Section 150 (18)

Ballot Paper For By-Election

.....

[Consecutive Number]

Election of Member of Parliament for the [Insert Name] ELECTORATE

Directions

Vote by putting a tick in the circle immediately before the name of the candidate you choose.

Form 12

Section 150 (18)

Ballot Paper For By-Election

***** TAKE IN FORM 12 *****

NOTES*

1. As to the insertion of names of political parties, see ss. 150 (6) (d), 150 (10), and 151 of the Act.
2. As to the insertion of the word ``independent'', see s. 150 (8) of the Act.

*Not to be printed as part of the form.

Form 13

Section 150 (14)

Counterfoil

Consecutive No.

Form 16

Section 210

Return of Election Expenses and Election Donations

Pursuant to Section 210 of the Electoral Act 1993

I, A. B., a candidate at the election held on the day of
19 , hereby make the following return of all election expenses
incurred by me or on my behalf at the election and of all election
donations made to me or to any person on my behalf.

ELECTION EXPENSES

[Here set out separately the name and description of every person or body of persons to whom or which any sum was paid, and the reason for, which it was paid. Sums paid for radio broadcasting, television broadcasting, newspaper advertising, posters, pamphlets, etc., must be set out separately and under separate headings.]

ELECTION DONATIONS

[Here set out the name and description of every person or body of persons from whom or which any donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things) of a sum or value of more than \$1,000 (such amount being inclusive of any goods and services tax and of a series of donations made by or on behalf of any one person that aggregate more than \$1,000 (inclusive of any goods and services tax)) was received by the candidate or by any other person on the candidate's behalf for use by or on behalf of the candidate in the campaign for his or her election. The amount of each donation received is to be set out separately. If a donation of a sum of more than \$1,000 was received from an anonymous person, the amount of the donation shall be stated and the fact that the person who made the donation is anonymous shall also be stated.]

Dated at this day of 19 .

A.B.

Form 17

Section 214H (1) (b)

Return of Electorate Donations

Pursuant to Section 214H of the Electoral Act 1993

I, A.B, of [Residential address], being the duly appointed electorate agent of the [Insert name] party in the electoral district, hereby submit a return of electorate donations.

I solemnly and sincerely declare that to the best of my knowledge the electorate return so submitted is a true and fair report of electorate donations received on behalf of the [Insert name] party by any person involved in the administration of the affairs of the party within the electoral district.

Declared at this day of 19 .

.....
[Signature]

This Act is administered in the Ministry of Justice.