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ANALYSIS

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1996, No. 54

An Act to amend the Electoral Act 1993

[1 July 1996]

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) 1996, and shall be read together with and deemed part of the Electoral Act 1993 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the day on which this Act receives the Royal assent.

2. Functions—Section 5 of the principal Act (as substituted by section 3 of the Electoral Amendment Act (No. 2) 1995) is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) To carry out such duties in relation to Parliamentary election programmes as are prescribed by Part VI of the Broadcasting Act 1989.”.

3. Membership—Section 8 of the principal Act (as amended by section 5 of the Electoral Amendment Act (No. 2) 1995) is hereby amended by adding the following subsection:

“(4) The Electoral Commission shall, for the purposes of its jurisdiction under Part VI of the Broadcasting Act 1989, consist of—

“(a) The members who hold office under subsection (1) of this section; and

“(b) Two persons (not being public servants directly connected with the administration of this Act or the Broadcasting Act 1989 or members of the House of Representatives), who shall be appointed by the Governor-General on the nomination of the House of Representatives, as members of the Electoral Commission, one of those members being nominated to represent the Government and one to represent Opposition parties.”

4. Term of office—(1) Section 10 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Every member of the Electoral Commission appointed under section 8 (4) (b) of this Act shall be appointed for such term, not exceeding 12 months, as the Governor-General on the recommendation of the Minister shall specify in the instrument appointing that member.”

(2) Section 10 (3) of the principal Act is hereby amended by inserting, after the words “a Commissioner”, the words “(not being a member of the Electoral Commission appointed under section 8 (4) (b) of this Act)”.

5. Vacation of office—Section 11 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Any member of the Electoral Commission who holds office by virtue of section 8 (4) (b) of this Act may at any time resign his or her office by notice in writing addressed to the Minister.”

6. Maximum amount of parties' election expenses—Section 214B of the principal Act (as inserted by section 79 of the Electoral Amendment Act (No. 2) 1995) is hereby amended by adding the following subsections:

“(4) Where any activity of the kind described in paragraphs (a) to (c) of the definition of the term ‘election activity’ (as set out in subsection (1) of this section) is, in relation to a party that is registered under Part IV of this Act, carried on both before and within the 3 months immediately preceding

polling day, the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the party) shall be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in those 3 months, and the fair proportion of those expenses, but no other portion of those expenses, shall be election expenses.

“(5) Nothing in this section shall be construed as validating any use of public money that would otherwise be unlawful.”

7. Electoral petitions to Court of Appeal—Section 258 of the principal Act is hereby amended by omitting from subsection (1), and also from subsection (3), the words “Part B of the ballot paper”, and substituting in each case the words “the part of the ballot paper that relates to the party vote”.

8. Provisions applied—Section 261 of the principal Act is hereby amended—

- (a) By inserting, after the expression “sections 245 to 250,”, the expression “and”; and
- (b) By omitting the expression “and section 256”.

9. Meetings of Commission—The First Schedule to the principal Act is hereby amended by inserting, after clause 2, the following clause:

“2A. (1) Meetings of the Commission shall be held at such times and places as the Commission or its President from time to time appoints.

“(2) A meeting of the Commission may be held either—

“(a) By a number of the members who constitute a quorum being assembled together at the place, date, and time appointed for the meeting; or

“(b) By means of audio, or audio and visual, communication by which all members participating and constituting a quorum, can simultaneously hear each other throughout the meeting.

“(3) Subject to subclause (4) of this clause, the quorum necessary for the transaction of business at any meeting of the Commission shall be 2 members.

“(4) At any meeting of the Commission the quorum necessary for the transaction of business under Part VI of the Broadcasting Act 1989 shall be 3 members.

“(5) At all meetings of the Commission its President shall preside if he or she is present.

“(6) In the absence of the President from any meeting, the members present shall elect one of their number to preside at that meeting.

“(7) All questions arising at any meeting shall be decided by a majority of the votes cast by the members present.

“(8) At any meeting the President or other person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

“(9) A resolution in writing signed, or assented to by letter or telegram or facsimile transmission or telex, by all members of the Commission shall be as valid and effectual as if it had been passed at a meeting of the Commission duly called and constituted.”

10. Transitional provision in relation to membership of Electoral Commission—Every person who holds office as a member of the Broadcasting Standards Authority under section 26 (3) (b) of the Broadcasting Act 1989 immediately before the commencement of this section, shall be deemed, as from the commencement of this section, to have vacated office as a member of the Broadcasting Standards Authority and to have been appointed as a member of the Electoral Commission under section 8 (4) (b) of the principal Act (as added by section 3 of this Act) for a term beginning with the commencement of this section and ending with the close of the 11th day of December 1996.

This Act is administered in the Ministry of Justice.

**NEW
DOCUMENT**

New Zealand
Electoral Amendment Act (No. 2) 1996 054

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member of the Electoral Commission appointed under section 8 (4) (b) of this Act)''.

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6. Maximum amount of parties' election expenses---Section 214B of the principal Act (as inserted by section 79 of the Electoral Amendment Act (No. 2) 1995) is hereby amended by adding the following subsections:

``(4) Where any activity of the kind described in paragraphs (a) to (c) of the definition of the term 'election activity' (as set out in subsection (1) of this section) is, in relation to a party that is registered under Part IV of this Act, carried on both before and within the 3 months immediately preceding polling day, the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the party) shall be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in those 3 months, and the fair proportion of those expenses, but no other portion of those expenses, shall be election expenses.

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