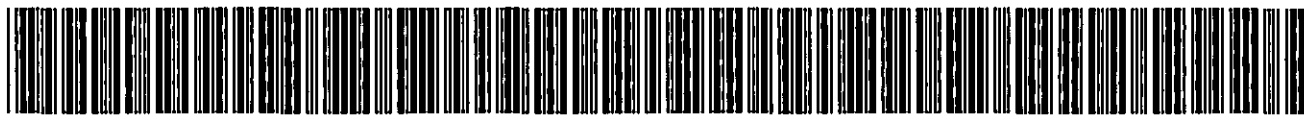


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REPRINTED ACT

[WITH AMENDMENTS INCORPORATED]

ELECTORAL

REPRINTED AS ON 1 APRIL 1996

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THE ELECTORAL ACT 1993
1993, No. 87

An Act to reform the electoral system and to provide, in particular, if the proposal for the introduction of the mixed member proportional system is carried at the referendum held under the Electoral Referendum Act 1993,—

- (a) For the introduction of the mixed member proportional system of representation in relation to the House of Representatives:**
- (b) For the establishment of an Electoral Commission:**
- (c) For the repeal of the Electoral Act 1956**

[17 August 1993]

1. Short Title—This Act may be cited as the Electoral Act 1993.

2. Commencement—(1) If the Chief Electoral Officer makes, in accordance with section 19 (5) of the Electoral Referendum Act 1993, a declaration that the proposal favouring the introduction of the proposed mixed member proportional system as provided in this Act is carried, Part IV and Parts VI to IX of this Act and the Second and Third Schedules to this Act shall, except as provided in subsection (2) of this section, come into force on the 1st day of July 1994.

(2) If the Chief Electoral Officer makes, in accordance with section 19 (5) of the Electoral Referendum Act 1993, a declaration that the proposal favouring the introduction of the proposed mixed member proportional system as provided in this Act is carried, section 3 of this Act and Parts I, II, III, and V of this Act and sections 267, 269, and 270 of this Act and the First Schedule to this Act shall come into force on the day after the date on which that declaration is published in the *Gazette*.

(3) If the Chief Electoral Officer makes, in accordance with section 19 (5) of the Electoral Referendum Act 1993, a declaration that the proposal favouring the introduction of the proposed mixed member proportional system as provided in this Act is not carried,—

- (a) Section 3 of this Act and Parts I to IX of this Act and the First, Second, and Third Schedules to this Act shall not come into force; and

(b) On the 1st day of July 1994, this Act shall be deemed to be repealed.

(4) Except as provided in subsections (1) to (3) of this section, this Act shall come into force on the day on which it receives the Royal assent.

As to subs (2), this declaration appears in *Gazette* 1993, p. 3753. The date of notification in *Gazette* was 16 December 1993 and hence the provisions mentioned in subs. (2) came into force on 17 December 1993.

3. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Adult”—

(a) Means a person of or over the age of 18 years; but

(b) Where a writ has been issued for an election, includes, on or after the Monday immediately before polling day, a person under the age of 18 years if that person’s 18th birthday falls in the period beginning on that Monday and ending on polling day:

“Bribery” has the meaning assigned to that term by section 216 of this Act:

“By-election” means any election other than a general election:

“Candidate” means any person who has been nominated as a candidate for a seat in the House of Representatives and any person whose name is specified in a party list; and, in Parts VII and VIII of this Act, includes any person who has declared his or her intention of becoming a candidate:

“Census” means the census of population and dwellings carried out by the Department of Statistics pursuant to the Statistics Act 1975:

“Chief Electoral Officer” means the Chief Electoral Officer appointed under this Act; and includes any person authorised to exercise the powers, duties, and functions of the Chief Electoral Officer:

“Chief Registrar” means the Chief Registrar of Electors holding office under section 21 of this Act; and includes his or her deputy:

“Clerk of the Writs” means the Clerk of the Writs appointed under this Act; and includes any person authorised to exercise the powers, duties, and functions of the Clerk of the Writs:

[“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.】

“Constituency candidate” means a person who has been nominated as a candidate for a seat in the House of Representatives representing an electoral district:

“Corrupt practice” means any act declared by this Act to be a corrupt practice:

“Corrupt Practices List”, in relation to any district, means the Corrupt Practices List made out for that district under section 100 of this Act:

“Costs” includes charges and expenses:

“Crown” means Her Majesty in respect of the Government of New Zealand:

“Deputy Returning Officer” means a Deputy Returning Officer appointed under this Act; and includes any person authorised to exercise the powers, duties, and functions of a Deputy Returning Officer:

“District” or “electoral district” or “electorate” means a General electoral district or a Maori electoral district constituted under this Act:

“Election” means an election of a member of the House of Representatives:

“Election expenses” has the meaning given to it by section 213 of this Act:

“Elector”, in relation to any district, means a person registered, or qualified to be registered, as an elector of that district:

“Electoral Commission” means the Commission established by section 4 of this Act:

“Electoral Commissioner” or “Commissioner” means any person who holds office as a member of the Electoral Commission under section 8 (1) of this Act, and includes any person authorised to exercise the powers, functions, and duties of an Electoral Commissioner:

“Electoral roll”, in relation to any district, means, subject to sections 101 to 103 of this Act, the forms of application for registration kept by the Registrar of persons registered as electors of that district (including the forms deemed by section 83 (6) of this Act to be applications for registration for the purposes of this definition):

["Eligible political party" means a political party that has at least 500 current financial members who are eligible to enrol as electors:]

“Enduring power of attorney” means a power of attorney described in section 95 of the Protection of Personal and Property Rights Act 1988:

“General election” means an election that takes place after the dissolution or expiration of Parliament:

“General electoral district” means an electoral district other than a Maori electoral district:

“General electoral population” means total ordinarily resident population as shown in the last periodical census of population and dwellings with the exception of the Maori electoral population:

“Government” means the Government of New Zealand:

“Hospital” means a licensed hospital within the meaning of the Hospitals Act 1957:

“Illegal practice” means any act declared by this Act to be an illegal practice:

“Main roll”, in relation to any district, means, subject to section 107 of this Act, the main roll printed for the district and for the time being in force:

“Maori” means a person of the Maori race of New Zealand; and includes any descendant of such a person:

“Maori electoral district” means an electoral district constituted under section 45 of this Act:

“Maori electoral population” means a figure representing both the persons registered as electors of the Maori electoral districts and a proportion of the persons of New Zealand Maori descent who are not registered as electors of any electoral district and a proportion of the persons of New Zealand Maori descent under the age of 18 years, which figure shall be fixed—

(a) By ascertaining a proportion (which shall be determined by dividing the total number of persons registered, as at the close of the last day of the period

specified in the last notice published under section 77 (2) of this Act, as electors of Maori electoral districts by the number of persons of New Zealand Maori descent registered, as at the close of that day, as electors of either General electoral districts or Maori electoral districts); and

(b) By applying the proportion ascertained under paragraph (a) of this definition to the total number of ordinarily resident persons of New Zealand Maori descent as determined by the last periodical census:

“Member of the Defence Force” means any person resident in New Zealand within the meaning of this Act who is for the time being a member of the New Zealand Defence Force constituted by section 11 (1) of the Defence Act 1990; and includes any person so resident who is attached to, or employed by, or carries out duties of the New Zealand Defence Force which necessitate his or her being outside New Zealand:

“Mental institution” means a hospital under the Mental Health (Compulsory Assessment and Treatment) Act 1992:

“Meshblock” means statistical meshblock:

“Minister” means the Minister of Justice:

“New Zealand Post” or “New Zealand Post Limited” means the company called New Zealand Post Limited, which is incorporated under the Companies Act 1955 pursuant to the State-Owned Enterprises Act 1986 [; and includes that company on its reregistration under the Companies Act 1993]:

“Nomination day”, in relation to any election, means the day appointed in the writ for that election as the latest day for the nomination of candidates:

“Penal institution” means a penal institution under the Penal Institutions Act 1954:

“Permanent resident of New Zealand” has the meaning assigned thereto by section 73 of this Act:

“Personation” has the meaning assigned to that term by section 215 of this Act:

“Polling day”, in relation to any election, means the day appointed in the writ for that election for the polling to take place if a poll is required:

“Prescribed” means prescribed by this Act or by regulations made thereunder or (for the purposes of Part VIII of this Act) by rules of Court:

“Public money” has the same meaning as in the Public Finance Act 1989:

“Public notice” or “public notification” means a notice printed in some newspaper circulating in the district intended to be affected by the notice:

“Public place” has the same meaning as in section 2 of the Summary Offences Act 1981:

“Public servant”—

(a) Means a person employed in the service of the Crown, not being honorary service; and

(b) Includes a person employed in—

(i) The Education service as defined in the Government Superannuation Fund Act 1956; or

(ii) The Cook Islands Public Service; or

(iii) The Western Samoan Public Service; but

(c) Does not include any person to whom subsection (2) or subsection (3) of this section applies; and

(d) Does not include—

(i) Any person by reason of his or her holding an office for which salary is payable under the Civil List Act 1979; or

(ii) Any person by reason of his or her being employed in any of Her Majesty’s forces except the Royal New Zealand Navy, the Regular Force of the New Zealand Army, or the Regular Air Force of the Royal New Zealand Air Force; or

(iii) Any person remunerated by fees or commission and not by wages or salary:

“Registrar”, in relation to any district, means the Registrar of Electors appointed for that district under section 22 of this Act; and includes his or her deputy:

“Residence” and “to reside” have the meanings assigned thereto by section 72 of this Act:

“Returning Officer” means a Returning Officer appointed under this Act; and includes any person authorised to exercise the powers, duties, and functions of a Returning Officer:

“Roll” means an electoral roll, a main roll, or a supplementary roll, as the case may be; and includes a composite roll printed under section 107 of this Act:

“Secretary”, in relation to a political party, means the person (whatever his or her designation or office) whose duties include responsibility for—

(a) Carrying out the administration of the party; and

(b) Conducting the correspondence of the party:

“Speaker” means the Speaker of the House of Representatives:

“Special voter”, in relation to any election, means a person qualified under this Act to vote as a special voter at that election:

“Statement” includes not only words but also pictures, visual images, gestures, and other methods of signifying meaning:

“Supplementary roll”, in relation to any district, means a supplementary roll printed for the district and for the time being in force:

“Treating” has the meaning assigned to that term by section 217 of this Act:

“Undue influence” has the meaning assigned to that term by section 218 of this Act:

“Working day” means any day of the week other than—

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day; and

(b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year:

“Writ” means a writ for an election issued under this Act:

“Writ day”, in relation to any election, means the day of the issue of the writ for that election.

A reference to a numbered form is a reference to the form so numbered in the Second Schedule to this Act.

(2) Where any person—

(a) Is appointed by the Crown, or the Government, or any Department or agency of the Government to be a member of any Commission, Council, Board, Committee, or other body; or

(b) Is a member of any Commission, Council, Board, Committee, or other body of which any members receive any payment out of public money,—
he or she shall not by reason of that membership be deemed to be a public servant, whether or not he or she receives any travelling allowances or travelling expenses.

(3) No person shall, by reason only of, being a head of mission or head of post within the meaning of the Foreign Affairs Act 1988, be deemed to be a State servant within the meaning of section 52 (1) of this Act or a public servant, whether or not that person receives any salary, allowances, or expenses.

Cf. 1956, No. 107, s. 2; 1975, No. 28, s. 6 (2) (a), (b); 1979, No. 12, s. 3 (a), (b); 1980, No. 29, ss. 2 (1)–(4), 3 (2), 5 (2), (3); 1981, No. 120, s. 44 (2); 1983, No. 104, s. 2 (1); 1986, No. 16, s. 7 (1); 1988, No. 34, s. 12; 1988, No. 159, s. 14 (1); 1990, No. 1, s. 2 (1), (3)–(6)

In subs. (1):

“Component party”: This item was inserted by s. 2 (1) of the Electoral Amendment Act (No. 2) 1995.

“Eligible political party”: This item was substituted for the original definition of that term by s. 2 (2) of the Electoral Amendment Act (No. 2) 1995.

“New Zealand Post”: The words in square brackets were added by s. 2 of the Company Law Reform (Transitional Provisions) Act 1994.

As to a candidate, see also s. 154 (3) of this Act.

As to Special Deputy Returning Officers, see s. 173 (1a) of this Act.

As to a special voter, see also s. 172 of this Act.

As to list candidates, see s. 127 of this Act.

As to constituency candidates, see s. 143 of this Act.

As to reserved provisions, see s. 268 of this Act.

As to an electoral vote and a party vote, see s. 150 (3) of this Act.

As to election activity and election expenses, see s. 213 (1) of this Act.

PART I

ELECTORAL COMMISSION

4. Electoral Commission—(1) For the purposes of this Act, there is hereby established a Commission to be called the Electoral Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and shall be capable of acquiring, holding, and disposing of real and personal property, of entering into contracts, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

[5. Functions—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.】

This section was substituted for the original s. 5 by s. 3 of the Electoral Amendment Act (No. 2) 1995.

6. Powers—(1) The Electoral Commission shall have all such powers as are reasonably necessary to enable it to carry out its functions.

(2) Without limiting the generality of subsection (1) of this section, the Commission shall have the power—

- 【(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:】
 - (b) To publicise, in such manner as the Commission thinks fit, such parts of the Commission's work as the Commission thinks necessary for the proper discharge of the Commission's functions, and to consult with any persons or classes of persons:
 - (c) To request advice, assistance, and information from any Government department or any State enterprise within the meaning of the State-Owned Enterprises Act 1986.

In subs. (2), paras. (a) and (aa) were substituted for the original para. (a) by s. 4 of the Electoral Amendment Act (No. 2) 1995.

7. Independence—Except as otherwise provided in this or any other Act, in the performance of its statutory functions the Electoral Commission shall not be responsible to the Minister of Justice or to any other Minister of the Crown, but shall act independently.

8. Membership—(1) The Electoral Commission shall consist of—

- (a) The Secretary for Justice;
- (b) The Chief Judge of the Maori Land Court;
- (c) One person who shall be appointed by the Governor-General;

[(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.]

(2) The person who holds office under subsection (1) (d) of this section shall be appointed by the Governor-General from a list of 3 persons nominated for the purpose by the Chief Justice, and shall be appointed as the President of the Commission.

(3) The person who holds office under subsection (1) (c) of this section shall be the chief executive of the Commission.

In subs. (1), para. (d) was substituted for the original para. (d) by s. 5 of the Electoral Amendment Act (No. 2) 1995.

9. Appointment of Judge as member not to affect tenure, etc.—The appointment of a Judge as a member of the Electoral Commission, or service by a Judge as a member of the Commission, does not affect the Judge's tenure of the judicial office or the Judge's rank, title, status, precedence, salary, annual or other allowances or other rights or privileges as a Judge (including those in relation to superannuation) and, for all purposes, the Judge's services as a member shall be taken to be service as a Judge.

10. Term of office—(1) Except as otherwise provided in section 11 of this Act, every Commissioner who holds office under paragraph (c) or paragraph (d) of section 8 (1) of this Act shall hold office for such term, not exceeding 5 years, as the Governor-General on the recommendation of the Minister shall specify in the instrument appointing the Commissioner.

(2) Every Commissioner appointed for a fixed term shall be eligible for reappointment from time to time.

(3) Where the term for which a Commissioner has been appointed expires, that Commissioner, unless sooner vacating or removed from office under section 11 of this Act, shall continue to hold office, by virtue of the appointment for the term that has expired, until—

- (a) That Commissioner is reappointed; or

- (b) A successor to that Commissioner is appointed; or
- (c) That Commissioner is informed in writing by the Minister that that Commissioner is not to be reappointed.

11. Vacation of office—[(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.]

(3) Any Commissioner who holds office by virtue of paragraph (c) or paragraph (d) of section 8 (1) of this Act may at any time resign the office of Commissioner by notice in writing addressed to the Minister.

(4) The powers of the Electoral Commission shall not be affected by any vacancy in its membership.

Subss. (1) and (2) were substituted for the original subss. (1) and (2) by s. 6 of the Electoral Amendment Act (No. 2) 1995.

12. Delegation of Commission's powers—(1) The Electoral Commission may from time to time, either generally or particularly, by writing signed by all the members of the Commission, delegate to any one Commissioner any of its powers and functions under this Act or any other Act.

(2) Where the Commission has, pursuant to subsection (1) of this section, delegated any functions or powers to the Commissioner who holds office by virtue of section 8 (1) (c) of this Act, that Commissioner may, with the prior agreement in writing of all members of the Commission, delegate such of those functions or powers as all the members of the Commission approve, to any employee of the Commission.

(3) Subject to any general or special directions given or conditions imposed by the Commission, the person to whom any functions or powers are delegated under this section may perform those functions or exercise those powers in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.

(4) The power of the Commission to delegate under this section—

- (a) Is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Commission's functions or powers; but
- (b) Does not limit any power of delegation conferred on the Commission by any other Act.
- (5) A person purporting to act pursuant to 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.
- (6) A delegation under subsection (1) of this section to the Commissioner who holds office by virtue of section 8 (1) (c) of this Act shall,—
- (a) Subject to paragraph (b) of this subsection, if the Commissioner to whom it was made ceases to hold office, continue to have effect as if made to the Commissioner who holds office by virtue of section 8 (1) (c) of this Act for the time being; and
- (b) If there is no Commissioner who holds office by virtue of section 8 (1) (c) of this Act for the time being, or if that person is absent from duty, continue to have effect as if made to the person for the time being acting in place of that person.
- (7) A delegation under this section to an employee of the Commission may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or of specified classes of offices.
- (8) A delegation under this section does not affect or prevent the performance of any function or the exercise of any power by the Commission or affect the responsibility of the Commission for the actions of any person acting under the delegation.
- (9) A delegation under this section is revocable at will,—
- (a) In the case of a delegation under subsection (1) of this section, by writing signed by at least 2 members of the Commission; or
- (b) In the case of a delegation under subsection (2) of this section, by writing signed by the Commissioner who holds office by virtue of section 8 (1) (c) of this Act,— and until it is revoked continues in force according to its tenor.

13. Procedure—Subject to the provisions of this Act, the Commission may regulate its procedure in such manner as it thinks fit.

14. Proceedings of Electoral Commission—The provisions of the First Schedule to this Act shall have effect in relation to the Electoral Commission and its proceedings.

15. Annual report—(1) As soon as practicable after the end of each financial year ending with the 30th day of June, the Commission shall furnish to the Minister a report on its operations during the year.

(2) The Minister shall lay a copy of the report before the House of Representatives in accordance with section 44A of the Public Finance Act 1989.

PART II OFFICERS

16. Clerk of the Writs—(1) The Governor-General shall from time to time, by Warrant under his or her hand, appoint some fit person to be Clerk of the Writs, by whom writs for the election of members of Parliament shall in all cases be issued, and to whom all such writs shall be returnable.

(2) Nothing in the State Sector Act 1988 shall apply to the Clerk of the Writs.

Cf. 1956, No. 107, s. 3

17. Deputy Clerk of the Writs—(1) The Governor-General shall also from time to time, by Warrant under his or her hand, appoint some fit person to be Deputy Clerk of the Writs.

(2) On the occurrence from any cause of a vacancy in the office of Clerk of the Writs (whether by reason of death, resignation, or otherwise), and in case of the absence from duty of the Clerk of the Writs (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy Clerk of the Writs shall have and may exercise all the functions, duties, and powers of the Clerk of the Writs.

(3) The fact that the Deputy Clerk of the Writs exercises any power, duty, or function of the Clerk of the Writs shall be conclusive evidence of his or her authority to do so.

(4) Nothing in the State Sector Act 1988 shall apply to the Deputy Clerk of the Writs.

Cf. 1956, No. 107, s. 4

18. Chief Electoral Officer—There shall from time to time be appointed under the State Sector Act 1988 some fit person to be Chief Electoral Officer, who shall be an employee of the Department of Justice and, under the direction of the Minister and of the Secretary for Justice, shall be charged with the duty

of carrying the provisions of this Act (except those of Parts IV and V) into effect.

Cf. 1956, No. 107, s. 5

19. Deputy Chief Electoral Officer—There may also from time to time be appointed under the State Sector Act 1988 some fit person to be Deputy Chief Electoral Officer, who, subject to the control of the Chief Electoral Officer, shall have and may exercise all the powers, duties, and functions of the Chief Electoral Officer.

Cf. 1956, No. 107, s. 6

20. Returning Officers and other employees—(1) There may from time to time be appointed under the State Sector Act 1988 as many Returning Officers, clerks, and other officials as are required to be appointed under that Act for the purposes of this Act.

(2) Returning Officers shall be under the direction of the Chief Electoral Officer.

Cf. 1956, No. 107, s. 7; 1975, No. 28, s. 3 (4) (a); 1981, No. 120, s. 2

[20A. Delegation of functions of Returning Officers—

(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.]

This section was inserted by s. 7 of the Electoral Amendment Act (No. 2) 1995.

21. Chief Registrar of Electors—(1) There shall be a Chief Registrar of Electors who shall be the person exercising the powers, duties, and functions for the time being of the Chief Executive of New Zealand Post Limited.

(2) The Chief Registrar shall, under the direction of the Minister of Justice, be charged with the duty of carrying Part V of this Act into effect and to that end the Chief Registrar may, both in that capacity and in the capacity of the Chief Executive of New Zealand Post Limited, provide such computer and other services and such facilities as the Chief Registrar thinks necessary.

(3) The Chief Registrar may from time to time appoint an officer or employee of New Zealand Post Limited to be the Deputy Chief Registrar of Electors, who, subject to the control of the Chief Registrar, shall have and may exercise all the functions, duties, and powers of the Chief Registrar.

(4) The Chief Registrar may from time to time, either generally or particularly, by writing signed by the Chief Registrar, delegate to any officer or employee of New Zealand Post Limited all or any of the Chief Registrar's powers, except this power of delegation.

(5) Subject to any general or special directions given or conditions imposed from time to time by the Chief Registrar, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on that officer or employee directly by this Act and not by delegation.

(6) Every officer or employee purporting to act pursuant to any 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.

(7) Any delegation under this section may be made to any specified officer or employee or to officers or employees of a specified class, or to the holder or holders for the time being of a specified office or class of offices.

(8) Any delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Chief Registrar.

(9) Any delegation under this section shall until revoked continue in force according to its tenor, notwithstanding that the Chief Registrar by whom it was made may have ceased to

hold office, and shall continue to have effect as if made by the successor in office of the Chief Registrar.

Cf. 1956, No. 107, s. 7A; 1986, No. 124, s. 32 (1)

22. Registrar of Electors—(1) There shall be for each electoral district a Registrar of Electors to be appointed by the Chief Registrar.

(2) Every Registrar shall be an employee of New Zealand Post Limited appointed by name or as the holder for the time being of any specified office and shall, subject to subsection (3) of this section, be stationed at an office occupied by New Zealand Post Limited within the electoral district of which he or she is Registrar.

(3) Where, in the opinion of the Chief Registrar,—

(a) There is no suitable office occupied by New Zealand Post Limited in an electoral district; or

(b) An officer more suitable for appointment is stationed at an office occupied by New Zealand Post Limited in an adjoining district; or

(c) It appears to be in the public interest to do so,—
he or she may appoint as the Registrar for the district an employee of New Zealand Post Limited stationed at an office occupied by New Zealand Post Limited in an adjoining electoral district.

(4) The Registrar shall, under the direction of the Chief Registrar,—

(a) Compile and keep, as required by this Act, the electoral roll for the Registrar's electoral district; and

(b) Carry out such other functions and duties as are specified in this Act.

(5) The Chief Registrar may from time to time appoint an employee of New Zealand Post Limited to be the Deputy Registrar for any electoral district, who, subject to the control of the Registrar, shall have and may exercise all the powers, functions, and duties of the Registrar.

(6) Neither the Registrar nor his or her deputy shall hold any official position in any political organisation.

(7) The powers conferred on the Chief Registrar by subsections (1) and (5) of this section include the power to appoint a Registrar or a Deputy Registrar for a named electoral district that is not yet in being or in respect of which a roll has not been compiled.

Cf. 1956, No. 107, s. 7B; 1980, No. 29, s. 5 (1); 1986, No. 124, s. 32 (1)

23. Appropriation of expenses of New Zealand Post Limited—The expenses incurred by New Zealand Post Limited in the administration of Part V of this Act shall be paid out of public money appropriated by Parliament.

Cf. 1956, No. 107, s. 7c; 1980, No. 29, s. 5 (1); 1986, No. 124, s. 32 (1); 1989, No. 44, s. 86 (1)

24. Employees appointed by Chief Electoral Officer—

(1) The Chief Electoral Officer, with the approval of the Chief Executive of New Zealand Post Limited, may from time to time appoint any employee of that company to be a Returning Officer or a substitute for a Returning Officer.

(2) Every substitute while acting for any Returning Officer shall have all the powers, duties, and functions of that Returning Officer.

(3) Nothing in the State Sector Act 1988 shall apply to any person appointed under this section.

Cf. 1956, No. 107, s. 8; 1975, No. 28, s. 3 (4) (b); 1986, No. 124, s. 32 (1)

25. General provision as to Returning Officers—No Returning Officer shall hold any official position in any political organisation.

Cf. 1956, No. 107, s. 9 (3); 1975, No. 28, s. 3 (4) (d)

26. Returning Officer to make declaration—Every Returning Officer and every Deputy Returning Officer shall, before entering on the duties of his or her office, make a declaration in form 1.

Cf. 1956, No. 107, s. 10

PART III

THE HOUSE OF REPRESENTATIVES

27. Members of Parliament—The House of Representatives shall have as its members those persons who are elected from time to time in accordance with the provisions of [the Electoral Act 1956 or] this Act, and who shall be known as “members of Parliament”.

The words in square brackets were inserted by s. 2 of the Electoral Amendment Act 1995.

Representation Commission

28. Representation Commission—(1) In order to provide for the periodical readjustment of the representation of the people of New Zealand in the House of Representatives, there

shall be a Commission to be known as the Representation Commission.

(2) The Commission shall consist of—

(a) The Surveyor-General:

(b) The Government Statistician:

(c) The Chief Electoral Officer:

(d) The Chairperson of the Local Government Commission:

(e) Two persons (not being public servants directly concerned with the administration of this Act or members of the House of Representatives), who shall be appointed by the Governor-General by Order in Council, on the nomination of the House of Representatives, as members of the Commission, one of those members being nominated to represent the Government and one to represent the Opposition:

(f) One person (not being a public servant directly concerned with the administration of this Act or a member of the House of Representatives), who shall be appointed as a member of the Commission by the Governor-General by Order in Council, on the nomination of the members of the Commission who hold office under paragraph (a) or paragraph (b) or paragraph (c) or paragraph (e) of this subsection, or a majority of them, to be the Chairperson of the Commission.

(3) For the purposes of determining the boundaries of the Maori electoral districts, the Commission shall consist not only of the members specified in subsection (2) of this section but also of—

(a) The chief executive of Te Puni Kokiri:

(b) Two persons (not being public servants directly concerned with the administration of this Act or members of the House of Representatives), who shall be appointed by the Governor-General by Order in Council on the nomination of the House of Representatives as members of the Commission, one of those members being nominated to represent the Government and one to represent the Opposition.

(4) Each of the persons appointed under subsection (3) (b) of this section shall be a Maori.

(5) Notwithstanding subsection (2) (d) of this section, the Chairperson of the Local Government Commission shall not be entitled to vote on any matter before the Commission, and shall not be regarded as a member of the Commission for the

purpose of forming part of a quorum pursuant to section 43 (1) of this Act.

Cf. 1956, No. 107, s. 15 (1), (2), (5); 1991, No. 68, s. 2 (1)

29. Term of office—The Chairperson and every member of the Commission who holds office under section 28 (2) (e) or section 28 (3) (b) of this Act, unless he or she sooner ceases to be a member as provided in section 30 of this Act, shall cease to be a member on the date on which the first periodical census of population is taken after the date of his or her appointment.

Cf. 1956, No. 107, s. 15 (6); 1991, No. 68, s. 2 (1)

30. Extraordinary vacancies—The Chairperson or any member of the Commission who holds office under section 28 (2) (e) or section 28 (3) (b) of this Act may resign his or her appointment by writing addressed to the Governor-General, in which case, or in case of any such member being convicted of any indictable offence, or of his or her refusing to act, or of his or her death or mental or physical incapacity, or of his or her absence from New Zealand when his or her services are required, the Governor-General may, by Order in Council, appoint another person in his or her stead on the same nomination as in the case of the original appointment:

Provided that, if Parliament is not in session at the time, an appointment of a member to represent the Government or the Opposition may be made on the nomination of the Prime Minister or of the Leader of the Opposition, as the case may be.

Cf. 1956, No. 107, s. 15 (7); 1991, No. 68, s. 2 (1)

31. Remuneration and travelling allowances—There shall be paid out of money appropriated by Parliament for the purpose to the Chairperson and each member of the Commission who holds office under section 28 (2) (e) or section 28 (3) (b) of this Act remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly, and the Commission shall be a statutory Board for the purposes of that Act.

Cf. 1956, No. 107, s. 15 (8); 1991, No. 68, s. 2 (1)

32. Deputies of appointed members—(1) In this section “appointed member” means a member of the Commission

appointed under section 28 (2) (e) or section 28 (2) (f) or section 28 (3) (b) of this Act.

(2) Any appointed member may from time to time, by writing under his or her hand, appoint any person to be the deputy of that appointed member.

(3) No person other than a Maori shall be appointed under this section as the deputy of a member of the Commission appointed under section 28 (3) (b) of this Act.

(4) The deputy of any appointed member may exercise the powers conferred on that appointed member by this Act during any period when that appointed member is incapacitated by illness, absence from New Zealand, or other sufficient cause from performing the duties of his or her office.

(5) The deputy of the appointed member who holds office as the Chairperson of the Commission shall, in addition, have authority to act as Chairperson of the Commission during any period when the Chairperson of the Commission is incapacitated by illness, absence from New Zealand, or other sufficient cause from performing the duties of his or her office.

(6) Every deputy appointed under this section shall hold office during the pleasure of the appointed member by which that deputy was appointed.

(7) No act done by any deputy appointed under this section in that capacity, and no act done by the Commission while any such deputy is so acting, shall in any proceedings be questioned on the ground that the occasion for so acting had not arisen or had ceased.

Cf. 1956, No. 107, s. 15A; 1991, No. 68, s. 2 (1)

33. Deputies of ex officio members—(1) Where the Chairperson of the Local Government Commission is unable or likely to be unable to perform his or her duties as a member of the Representation Commission because of illness, absence, or any other reason, and it appears to the Minister of Local Government that the inability to perform the duties is likely to continue for a period of more than 14 days, the Minister of Local Government may appoint a deputy (who shall be another member of the Local Government Commission) to perform all the functions, duties, and powers of the Chairperson of the Local Government Commission in his or her capacity as a member of the Representation Commission.

(2) The Deputy Surveyor-General appointed pursuant to section 8 of the Survey Act 1986 shall have and may exercise, subject to the control of the Surveyor-General, all the

functions, duties, and powers of the Surveyor-General in his or her capacity as a member of the Commission.

(3) Any Deputy Government Statistician appointed pursuant to section 17 of the Statistics Act 1975 shall have and may exercise, subject to the control of the Government Statistician, all the functions, duties, and powers of the Government Statistician in his or her capacity as a member of the Commission.

(4) The Deputy Chief Electoral Officer appointed pursuant to section 19 of this Act shall have and may exercise, subject to the control of the Chief Electoral Officer, all the functions, duties, and powers of the Chief Electoral Officer in his or her capacity as a member of the Commission.

(5) Where the chief executive who holds office under section 28 (3) (a) of this Act as a member of the Commission is unable or likely to be unable to perform his or her duties as such a member because of illness, absence, or any other reason, or where there is a vacancy in the position of that chief executive, that chief executive or any acting chief executive acting under section 40 (1) of the State Sector Act 1988 may appoint a deputy (who shall be a member of the senior executive service employed in the Department of which the chief executive is the administrative head) to perform all the functions, duties, and powers of the chief executive in his or her capacity as a member of the Representation Commission.

(6) Every deputy appointed under subsection (1) or subsection (5) of this section shall hold office during the pleasure of the person by which that deputy was appointed.

(7) No act done by any deputy to which this section applies and no act done by the Commission while any such deputy is so acting, shall in any proceedings be questioned on the ground that the occasion for so acting had not arisen or had ceased.

(8) Nothing in section 41 (1) of the State Sector Act 1988 authorises a chief executive or acting chief executive or deputy of a chief executive to delegate to any other person any of the functions, duties, or powers of the chief executive or acting chief executive or deputy of the chief executive in his or her capacity as a member of the Representation Commission.

Cf. 1956, No. 107, s. 15B; 1991, No. 68, s. 2 (1)

34. Submissions—Any political party to which a member of Parliament belongs and any independent member of Parliament and any political party whose candidates have, at

the immediately preceding general election, obtained 5 percent or more of the valid votes cast by electors at that general election may make submissions to the Commission in relation to the matters to be considered by the Commission under section 35 (3) of this Act [or section 45 (6) of this Act].

Cf. 1956, No. 107, s. 15c; 1991, No. 68, s. 2 (1)

The words in square brackets were inserted from 17 December 1993 by s. 8 (1) of the Electoral Amendment Act (No. 2) 1995; see s. 8 (2) of that Act.

35. Division of New Zealand into General electoral districts—(1) It shall be the duty of the Commission to divide New Zealand into General electoral districts from time to time in accordance with this section and section 269 of this Act.

(2) The Commission—

- (a) Shall effect the first division under subsection (1) of this section as soon as practicable after the commencement of this section; and
- (b) Shall, in accordance with section 77 (5) of this Act, effect the second division under subsection (1) of this section after the census taken in the year 1996; and
- (c) Shall effect such subsequent division under subsection (1) of this section only after each subsequent periodical census and on no other occasion.

(3) Subject to section 269 of this Act, each division effected under subsection (1) of this section shall be effected on the following basis:

- (a) The South Island shall be divided into 16 General electoral districts:
- (b) The General electoral population of the South Island shall be divided by 16, and the quotient so obtained shall be the quota for the South Island:
- (c) The General electoral population of the North Island shall be divided by the quota for the South Island, and the quotient so obtained shall be the number of General electoral districts in the North Island. Where that quotient includes a fraction, the fraction shall be disregarded unless it exceeds a half, in which case the number of such General electoral districts shall be the whole number next above that quotient:
- (d) The quota for the North Island shall be ascertained by dividing the General electoral population of that Island by the number of General electoral districts in that Island, as ascertained under paragraph (c) of this subsection:

- (e) The extent of each General electoral district in each Island shall be such that, at the time of making the division, the General electoral population of the General electoral district shall, subject to the provisions of paragraphs (f) and (g) of this subsection and to the provisions of section 36 of this Act as to the allowance, be equal to the quota for that Island:
- (f) In forming the several General electoral districts, due consideration shall be given to—
 - (i) The existing boundaries of General electoral districts; and
 - (ii) Community of interest; and
 - (iii) Facilities of communications; and
 - (iv) Topographical features; and
 - (v) Any projected variation in the General electoral population of those districts during their life:
- (g) No General electoral district shall be situated partially in the North Island and partially in the South Island.

(4) As soon as possible after each periodical census, the Surveyor-General shall call a meeting of the members of the Commission who hold office under any of the provisions of paragraphs (a) to (e) of section 28 (2) of this Act for the purpose of nominating a Chairperson of the Commission.

(5) As soon as possible after each periodical census and each period specified in a notice published under section 77 (2) of this Act, the Chief Registrar shall supply the Government Statistician with the information that he or she is required to supply to the Government Statistician under section 77 (6) of this Act.

(6) When the Government Statistician—

- (a) Has the results of the census; and
- (b) Has been supplied by the Chief Registrar with the information that he or she is required, under section 77 (6) of this Act, to supply to the Government Statistician as soon as practicable after the last day of the period specified in the notice published under section 77 (2) of this Act,—

the Government Statistician shall thereupon report the results of the census and his or her calculation of the Maori electoral population as at the close of the last day of that period to the Surveyor-General and to the other members of the Commission.

(7) Upon receipt of the report of the Government Statistician, the Surveyor-General shall prepare maps showing

the distribution of the population and provisional boundaries for the electoral districts, and shall then call a meeting of the Commission.

(8) The report so made by the Government Statistician, and the maps so prepared by the Surveyor-General, shall be sufficient evidence as to the General electoral population of New Zealand or of the North Island or of the South Island or of any district.

Cf. 1956, No. 107, s. 16; 1965, No. 17, s. 3; 1980, No. 29, s. 6; 1981, No. 120, s. 4; 1985, No. 149, s. 3 (2), (3); 1991, No. 68, s. 3 (1)

36. Allowance for adjustment of quota—Where, in the opinion of the Commission, General electoral districts cannot be formed consistently with the considerations provided for in section 35 of this Act so as to contain exactly the quota, the Commission may for any General electoral district make an allowance by way of addition or subtraction of General electoral population to an extent not exceeding 5 percent.

Cf. 1956, No. 107, s. 17; 1980, No. 29, s. 7

37. Classification of electoral districts for purposes of pay or allowances—The Representation Commission, if it is informed by the Higher Salaries Commission that it requires the districts to be classified for the purposes of determining salaries or allowances or both under the Higher Salaries Commission Act 1977, shall classify those districts in accordance with the categories given to it by the Higher Salaries Commission.

Cf. 1956, No. 107, s. 17A; 1981, No. 120, s. 5

38. Notice of proposed boundaries and classification—
[(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) The places stated pursuant to subsection (1) (a) of this section shall include the office of each Registrar of Electors.

(3) Any failure to comply with subsection (1) (a) (iii) of this section shall not of itself invalidate any decision or proceedings of the Commission.

(4) Where any objections are received under subsection (1) (b) of this section, the Commission shall publish in the *Gazette* a notice—

(a) Containing a summary of the objections; and

(b) Stating a place or places at which the objections are available for public inspection; and

(c) Stating the last date on which the Commission will receive written counter-objections to those objections or any of them (which date shall not be less than 2 weeks after the date of the publication of the notice in the *Gazette*).

(5) The Commission shall, before coming to a final determination, duly consider any objections lodged under subsection (1) (b) of this section and any counter-objections lodged under subsection (4) of this section.

Cf. 1956, No. 107, s. 18; 1991, No. 68, s. 4 (1)

Subss. (1) and (1A) were substituted from 17 December 1993 for the original subs. (1) by s. 9 (1) of the Electoral Amendment Act (No. 2) 1993; see s. 9 (2) of that Act.

39. Communications to officials—(1) When, after the gazetting, pursuant to section 38 of this Act, of a notice stating places (which shall include the office of each Registrar of Electors) at which the public may inspect, without charge, a description of the boundaries of the proposed districts, the Commission makes a determination relating to the boundaries of any district, the Surveyor-General shall communicate the details of that determination to such public servants directly concerned with the administration of this Act as have been

specified by the Commission by name or by position or by the functions they perform.

(2) Any public servant to whom information is communicated pursuant to subsection (1) of this section shall use that information only for the purposes of this Act.

Cf. 1956, No. 107, s. 18A; 1985, No. 149, s. 4; 1991, No. 68, s. 5

40. Report of Commission—(1) 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 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 electoral districts; and

(ii) Stating that the names and boundaries of the 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) The boundaries of the electoral districts fixed by the Commission shall be defined by the Commission by the use of such words, maps, and graphic means as are sufficient to define those boundaries accurately.

(3) From the date of the gazetting of the notice required by subsection (1) (b) of this section, the electoral districts fixed by the report shall be the electoral districts of New Zealand for the purpose of the election of members of Parliament after the dissolution or expiration of the then existing Parliament, and shall so continue until the next report of the Commission takes effect as a result of the publication in the *Gazette* of the notice required by subsection (1) (b) of this section in respect of that report.

Cf. 1956, No. 107, s. 19; 1991, No. 68, s. 6 (1)

41. Report and maps to be laid before House of Representatives—(1) A copy of every report of the Commission, together with properly authenticated maps of the

electoral districts fixed by the report, shall be presented by the Governor-General to the House of Representatives within 28 days after the date of the receipt thereof if Parliament is then in session, and, if not, then within [3 sitting days] after the date of the commencement of the next ensuing session.

(2) The Minister shall, forthwith after every report of the Commission is presented to the Governor-General, cause to be deposited in the office of the Clerk of the House of Representatives properly authenticated maps of the electoral districts fixed by the report.

Cf. 1956, No. 107, s. 20; 1991, No. 68, s. 7

In subs. (1) the words "3 sitting days" were substituted for the words "28 days" by s. 10 of the Electoral Amendment Act (No. 2) 1995.

42. Indexes of streets and places—(1) The Surveyor-General—

(a) Shall, as soon as practicable after the gazetting of a notice under section 40 (1)(b) of this Act, compile, in respect of each electoral district, an index of streets and places within that district; and

(b) Shall compile from time to time, a comprehensive index which shall contain the names of all streets and places in New Zealand and which shall show the electoral district or electoral districts in which each street or place is to be found.

(2) At the office of each Registrar and at such other convenient places within each district as the Minister from time to time directs, there shall be kept, for inspection by the public,—

(a) A copy of the index compiled in respect of that district under subsection (1)(a) of this section; and

(b) A copy of the index compiled under subsection (1)(b) of this section.

(3) Copies of each index compiled under subsection (1)(a) of this section shall be sold by the Department of Survey and Land Information.

(4) Copies of each index compiled under subsection (1)(b) of this section in respect of an electoral district shall be sold at every office of the Department of Survey and Land Information and at such other convenient places as the Chief Electoral Officer from time to time directs.

Cf. 1956, No. 107, s. 20A; 1981, No. 120, s. 7 (1); 1989, No. 142, s. 22 (1); 1991, No. 68, s. 8

43. Proceedings of Commission—(1) Any 4 members of the Commission, of whom 2 are the members holding office under section 28 (2) (e) of this Act, shall be a quorum, and may exercise all functions vested in the Commission.

(2) The Commission may make such rules for the conduct of its business, not inconsistent with the provisions of this Act, as it thinks fit.

Cf. 1956, No. 107, s. 21; 1991, No. 68, s. 9

44. Commissioner not eligible as member of House of Representatives—No member of the Commission shall, within 2 years after he or she ceases to be a member, be capable of being elected to be a member of the House of Representatives.

Cf. 1956, No. 107, s. 22

Maori Representation

45. Maori representation—(1) It shall be the duty of the Commission, for the purpose of the representation of the Maori people in the House of Representatives, to divide New Zealand into Maori electoral districts from time to time in accordance with this section and section 269 of this Act.

(2) The Commission—

- (a) Shall effect the first division under subsection (1) of this section as soon as practicable after the commencement of this section; and
- (b) Shall, in accordance with section 77 (5) of this Act, effect the second division under subsection (1) of this section after the census taken in the year 1996; and
- (c) Shall effect each subsequent division under subsection (1) of this section only after each subsequent periodical census and on no other occasion.

(3) Subject to section 269 of this Act, each division effected under subsection (1) of this section shall be effected on the following basis:

- (a) The Maori electoral population of New Zealand shall be divided by the quota for General electoral districts in the South Island determined pursuant to section 35 (3) (b) of this Act, and the quotient so obtained shall be the number of Maori electoral districts:
- (b) Where the quotient includes a fraction, the fraction shall be disregarded unless it exceeds a half, in which case the number of Maori electoral districts shall be the next whole number above the quotient:

(c) Subject to subsection (7) of this section, the Maori electoral districts shall each contain an equal number of members of the Maori electoral population.

(4) Upon receipt of the report of the Government Statistician under section 35 (6) of this Act, the Surveyor-General shall prepare maps showing the distribution of the Maori electoral population and provisional boundaries for the Maori electoral districts.

(5) The report so made by the Government Statistician and the maps so prepared by the Surveyor-General shall be sufficient evidence as to the Maori electoral population.

(6) In dividing the Maori electoral population equally between the Maori electoral districts, due consideration shall be given to—

- (a) The existing boundaries of the Maori electoral districts; and
- (b) Community of interest among the Maori people generally and members of Maori tribes; and
- (c) Facilities of communications; and
- (d) Topographical features; and
- (e) Any projected variation in the Maori electoral population of those districts during their life.

(7) Where, in the opinion of the Commission, the Maori electoral population cannot, consistently with the considerations provided for in subsection (6) of this section, be divided equally between the Maori electoral districts, the Commission may for any district make an allowance by way of addition or subtraction of Maori electoral population to an extent not exceeding 5 percent.

[(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).]

(10) The boundaries fixed by the Commission in respect of the Maori electoral districts shall be defined by the Commission by the use of such words, maps, and graphic means as are sufficient to define those boundaries accurately.

(11) From the date of the gazetting of the notice required by subsection (9) (b) of this section, the boundaries of the Maori electoral districts as fixed by the report shall be the boundaries of the Maori electoral districts for the purpose of the election of members of Parliament for those districts after the dissolution or expiration of the then existing Parliament, and shall so continue until the next report of the Commission takes effect as a result of the publication in the *Gazette* of that notice required by subsection (9) (b) of this section in respect of that report.

(12) Notwithstanding the foregoing provisions of this section or of any other provision of this Act,—

(a) If on the application of paragraphs (a) and (b) of subsection (3) of this section a quotient is obtained that does not require the division of New Zealand into a Maori electoral district or districts, New Zealand shall not be divided into a Maori electoral district or districts and the other provisions of this Act shall, so far as they are applicable, apply with any necessary modifications; and

(b) If on the application of paragraphs (a) and (b) of subsection (3) of this section a quotient is obtained that requires the division of New Zealand into one Maori electoral district, the foregoing provisions of this section and the other provisions of this Act shall, so far as they are applicable, apply with any necessary modifications.

Cf. 1956, No. 107, s. 23; 1981, No. 120, s. 8 (1); 1991, No. 68, s. 10

Subss. (8) and (9) were substituted from 17 December 1993 for the original subss. (8) and (9) by s. 11 (1) of the Electoral Amendment Act (No. 2) 1995; see s. 11 (2) of that Act.

Chatham Islands

46. Electoral districts for and polling in Chatham Islands—(1) The area comprised in the Chatham Islands shall be included in such General electoral district and Maori electoral district as the Representation Commission thinks fit, after giving due consideration to the matters contained in sections 35 (3) (f) and 45 (6) of this Act.

(2) For the purposes of sections 35, 45, and 269 of this Act, the General electoral population and Maori electoral population of the Chatham Islands shall be treated—

- (a) As part of the General electoral population and Maori electoral population of New Zealand; and
- (b) As part of the General electoral population or Maori electoral population, as the case may require, of the General electoral district or Maori electoral district within which the Chatham Islands are included; and
- (c) In the case of the General electoral population, as part of the General electoral population of the South Island and, in the case of the Maori electoral population, as part of the Maori electoral population of the North Island.

(3) In any case where the Commission has determined the number of General electoral districts in both the North Island and the South Island, and has, in doing so, applied the provisions of subsection (2) (c) of this section,—

- (a) The Commission shall not be precluded from including the Chatham Islands in a General electoral district or Maori electoral district, as the case may require, that is located, either in whole or in part, in a different Island to that in which the General electoral population or the Maori electoral population of the Chatham Islands has been included pursuant to subsection (2) (c) of this section; and
- (b) The Commission shall not, by reason of the application of paragraph (a) of this subsection, reconsider its determination of the number of General electoral districts in either the North Island or the South Island.

Cf. 1956, No. 107, s. 24 (1)

Qualifications of Candidates and Members

47. Registered electors may be members, unless disqualified—(1) Subject to the provisions of this Act, every person who is registered as an elector of an electoral district, but no other person, is qualified to be a candidate and to be elected a member of Parliament, whether for that electoral district, any other electoral district or as a consequence of the inclusion of that person's name in a party list submitted pursuant to section 127 of this Act.

(2) Notwithstanding anything in subsection (1) of this section, if a person is disqualified for registration as an elector, that person shall not be qualified to be a candidate or to be elected.

(3) Notwithstanding anything in subsection (1) of this section, no person shall be qualified to be a candidate or to be elected unless that person is—

(a) A New Zealand citizen; or

(b) A person who was, on the 22nd day of August 1975, registered as an elector.

Cf. 1956, No. 107, s. 25; 1981, No. 120, s. 9 (1)

48. Offence for public servant to sit—Every member of Parliament who sits or votes therein after his or her seat has become vacant by reason of that member having become a public servant, knowing that his or her seat is so vacant, shall be liable on summary conviction to a fine not exceeding \$400.

Cf. 1956, No. 107, s. 26; 1990, No. 1, s. 3 (1)

49. Removal of name from roll without cause—Any person duly qualified as an elector who has been registered on any electoral roll but whose name has become removed from that roll through no fault of his or her own shall not, by reason only of not being registered as an elector, be disqualified from becoming a candidate and being elected for any electoral district; but in every such case any such person shall forward to the Returning Officer, at the time when that person sends his or her consent to be nominated, a statutory declaration to the effect that he or she is not disqualified as an elector for the district in respect of which he or she was previously registered under the provisions of this Act or any other Act, that he or she still retains that qualification, and that his or her name has been removed from the roll of that district through no fault of his or her own.

Cf. 1956, No. 107, s. 27

50. Effect of registration on wrong roll—The nomination of any person as a candidate for election, or his or her election as a member of Parliament, shall not be questioned on the ground that, though entitled to be registered as an elector of any district, that person was not in fact registered as an elector of that district but was registered as an elector of some other district.

Cf. 1956, No. 107, s. 28

51. Member ceasing to be elector—A member of Parliament ceasing to be registered as an elector shall not from that cause only be disqualified from sitting as a member.

Cf. 1956, No. 107, s. 29

52. Candidacy and election of State servants—(1) In this section, the term “State servant”—

(a) Means—

(i) A public servant; and

(ii) Any other person whose conditions of employment are prescribed under, or are required by any enactment to be prescribed in accordance with or having regard to provisions of, the State Sector Act 1988; and

(b) Includes members of the New Zealand Police.

(2) Any State servant who desires to become a candidate for election as a member of Parliament shall be placed on leave of absence for the purposes of his or her candidature.

(3) Subject to subsection (4) of this section, the period of leave shall commence on nomination day, and, in the event of his or her nomination as a constituency candidate or of the inclusion of his or her name in a list submitted under section 127 of this Act, shall continue until the first working day after polling day, unless, in any case where he or she is a constituency candidate, he or she withdraws his or her nomination.

(4) Where the employer of any State servant is satisfied that the State servant desires to become a candidate and that the candidacy will materially affect the ability of that State servant—

(a) To carry out satisfactorily his or her duties as a State servant; or

(b) To be seen as independent in relation to particular duties,—

the period of leave shall, if the employer so determines after consultation with the State servant, commence before nomination day on a day appointed by the employer.

(5) During the period of his or her leave, the State servant shall not be required or permitted to carry out any of his or her official duties, nor shall he or she be entitled to receive any salary or other remuneration as a State servant in respect of that period or any part thereof, except to the extent to which he or she takes during that period any leave with pay to which he or she is entitled:

Provided that a candidate who, at the time of his or her nomination or of the inclusion of his or her name in a list submitted under section 127 of this Act, is a member of the staff of a university or a university college or a technical institute or a community college or a [college of education] may continue to teach or supervise the studies of students at that university or university college or technical institute or community college or [college of education] who are preparing for an examination and may engage in marking the examination papers of such students, and may receive remuneration in respect of such teaching, supervision, and marking.

(6) Except as provided in the foregoing provisions of this section, a candidate's rights as a State servant shall not be affected by his or her candidature.

Cf. 1956, No. 107, s. 30; 1981, No. 120, s. 10 (1); 1988, No. 20, s. 90 (a)

In the proviso to subs. (5) the references to a college of education in square brackets have been substituted for references to a teachers college pursuant to s. 162 (1)(b) of the Education Act 1989.

53. Members disqualified from being State servants—

(1) In this section, the term "State servant" has the meaning given to it by section 52 (1) of this Act.

(2) If any State servant is elected as a member of Parliament, he or she shall forthwith on being declared so elected, be deemed, subject to subsections (3) to (6) of this section, to have vacated his or her office as a State servant.

(3) Where a person who has been declared elected as the result of a poll is not the person declared elected on an amended declaration of the result of that poll or where, at the conclusion of the trial of an election petition, the High Court or Court of Appeal determines that the person whose election or return was complained of was not duly elected or returned or

that the election at which that person was elected or returned was void, that person,—

(a) If he or she was a State servant when he or she was declared to be elected; and

(b) If by written election, given to his or her former employer within one month after the amended declaration or the determination of the High Court or Court of Appeal, he or she elects to be reinstated in his or her former office as a State servant,—

he or she shall, on the date on which his or her election is so given to his or her employer, be deemed, subject to subsections (4) to (6) of this section, to have been reinstated in his or her office as a State servant.

(4) Nothing in this section shall entitle any person who is reinstated in office as a State servant to receive any salary or other remuneration as a State servant in respect of the period or any part of the period beginning on the day after the date on which he or she vacated office under subsection (2) of this section and ending with the day before the date on which he or she resumed office under subsection (3) of this section.

(5) Where the position that the person held at the date on which he or she vacated office has been filled or where that position no longer exists, that person shall, on his or her reinstatement, be employed, where practicable and at the discretion of his or her employer, in a position that involves duties and responsibilities which are the same or substantially the same as those of the position held at the time of vacation of office.

(6) Subject to subsection (4) of this section, where a person is reinstated in office under this section,—

(a) His or her service, for the purpose of any rights and benefits that are conditional on unbroken service, shall not be broken by the period of vacation of office; and

(b) The period of vacation of office shall count—

(i) As time served under his or her contract of employment; and

(ii) Subject to payment of his or her contributions, as service for the purpose of any superannuation scheme to which he or she belongs in his or her capacity as a State servant.

Cf. 1956, No. 107, s. 31; 1981, No. 120, s. 11 (1)

Term of Office of Member of Parliament

54. Term of office of member of Parliament—(1) Where an election is held for any electoral district, the person whose name is endorsed on the writ issued for the election as the person declared to be elected shall, subject to this Act,—

- (a) Come into office as the member of Parliament for that electoral district on the day after the day of the return of that writ; and
- (b) Vacate that office at the close of polling day at the next general election.

(2) Where any person whose name is entered on a party list submitted pursuant to section 127 of this Act, is declared by the Chief Electoral Officer to be elected as a member of Parliament, the person shall, subject to this Act,—

- (a) Come into office on the date after the date of the return made by the Chief Electoral Officer pursuant to section 193 of this Act; and
- (b) Vacate that office at the close of polling day at the next general election.

Cf. 1956, No. 107, s. 31A; 1986, No. 116, s. 3

Vacancies

55. How vacancies created—(1) The seat of any member of Parliament shall become vacant—

- (a) If, otherwise than by virtue of being a head of mission or head of post within the meaning of the Foreign Affairs Act 1988, for one whole session of Parliament he or she fails, without permission of the House of Representatives, to give his or her attendance in the House; or
- (b) If he or she takes any oath or makes any declaration or acknowledgment of allegiance or adherence to any foreign Prince or Power; or
- (c) If he or she does or concurs in or adopts any act whereby he or she may become a subject or citizen of any foreign State or Power, or entitled to the rights, privileges, or immunities of a subject or citizen of any foreign State or Power; or
- (d) If he or she is convicted of a crime punishable by imprisonment for a term of 2 years or upwards, or is convicted of a corrupt practice, or is reported by the High Court in its report on the trial of an election petition to have been proved guilty of a corrupt practice; or

- (e) If he or she becomes a public servant; or
- (f) If he or she resigns his or her seat by writing under his or her hand addressed and delivered to the Speaker of the House, or to the Governor-General if there is no Speaker or the Speaker is absent from New Zealand, or if the resigning member is the Speaker; or
- (g) If on an election petition the High Court or Court of Appeal declares his or her election void; or
- (h) If he or she dies; or
- (i) If he or she becomes mentally disordered, as provided in section 56 of this Act; or
- (j) If he or she is proved to the satisfaction of a Committee of the House to have acted, for commission or other reward, as agent on behalf of the owner or of any other person having an interest in any land for the purpose of securing the purchase or acquisition of that land by the Crown.

(2) Notwithstanding anything in subsection (1) (c) of this section, where a member of Parliament marries a person who is a subject or citizen of a foreign State or Power and the laws of that foreign State or Power confer on that member of Parliament by reason of that marriage, citizenship of that foreign State or Power or the rights, privileges, or immunities of a subject or citizen of that foreign State or Power, the seat of a member of Parliament shall not become vacant by reason only of the marriage.

Cf. 1956, No. 107, s. 32; 1975, No. 28, s. 13 (1); 1981, No. 120, s. 12; 1988, No. 34, s. 12 (3); 1988, No. 159, s. 14 (1)

56. Member becoming mentally disordered—(1) Where a member of Parliament is, or is deemed to be, subject to a compulsory treatment order made under Part II of the Mental Health (Compulsory Assessment and Treatment) Act 1992, the Court by which the order is made shall, as soon as may be, give a notice to the Speaker of the making of the order.

(2) Where a member of Parliament is received or detained in a hospital in accordance with an inpatient order made under Part II of the Mental Health (Compulsory Assessment and Treatment) Act 1992, the person in charge of that hospital shall, as soon as may be, give notice to the Speaker of the reception or detention.

(3) Where the Speaker receives a notice under subsection (1) or subsection (2) of this section, the Speaker shall forthwith

transmit the notice to the Director-General of Health, who, together with some registered medical practitioner named by the Speaker, shall without delay visit and examine the member to whom the notice relates, and shall report to the Speaker whether the member is mentally disordered.

(4) If the report is to the effect that the member is mentally disordered the Speaker shall, at the expiration of 6 months from the date of the report if Parliament is then in session, and, if not, then as soon as may be after the date of the commencement of the next ensuing session, require the said Director-General, together with the said medical practitioner or some other registered medical practitioner named by the Speaker, again to visit and examine the member; and, if they report that he or she is still mentally disordered, the Speaker shall forthwith lay both reports before the House of Representatives, and thereupon the seat of the member shall be vacant.

(5) Every person having charge of any hospital in which any member of Parliament is so received or detained, who wilfully commits a breach of subsection (2) of this section shall be liable on summary conviction to a fine not exceeding \$2,000.

Cf. 1956, No. 107, s. 33; 1990, No. 1, s. 4 (1)

57. Registrar of Court to notify cause of vacancy in certain cases—(1) The Registrar of the Court in which any member of Parliament has been convicted of a crime punishable by imprisonment for a term of 2 years or upwards, or has been convicted of a corrupt practice, shall, within 48 hours after the conviction, notify the fact to the Speaker, or to the Governor-General if there is no Speaker or if the Speaker is absent from New Zealand or if the member so convicted is the Speaker.

(2) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100 who, being the Registrar of a Court, fails to send any notice required by subsection (1) of this section.

Cf. 1956, No. 107, s. 34; 1975, No. 28, s. 12 (e); 1990, No. 1, s. 5 (1)

58. Registrar of Births and Deaths to notify Speaker of death of member—(1) The Registrar of Births and Deaths by whom the death of any member of Parliament is registered shall, within 12 hours of making the registration, notify the fact to the Speaker, or to the Governor-General if there is no Speaker or if the Speaker is absent from New Zealand.

(2) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100 who, being a Registrar of Births and Deaths, fails to send any notice required by subsection (1) of this section.

Cf. 1956, No. 107, s. 35; 1990, No. 1, s. 5 (1)

[59. No person to be candidate for more than one district or on more than one list—(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.】

This section was substituted for the original s. 59 by s. 12 of the Electoral Amendment Act (No. 2) 1995.

Persons Qualified to Vote

60. Who may vote—Subject to the provisions of this Act, the following persons, and no others, shall be qualified to vote at any election in any district, namely,—

[(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:]

(e) Any person who is qualified to be registered as an elector of the district pursuant to section 74 of this Act and who resides on Campbell Island or Raoul Island or has resided on either of those Islands at any time in the one month before polling day:

(f) Any member of the [Defence Force] who is outside New Zealand, if he or she is or will be of or over the age of 18 years on polling day, and his or her place of residence immediately before he or she last left New Zealand is within the district.

Cf. 1956, No. 107, s. 99; 1981, No. 120, s. 31; 1983, No. 104, s. 18; 1985, No. 150, s. 2 (4); 1990, No. 1, s. 49 (1), (2)

Paras. (a) to (d) were substituted for the original paras. (a) to (d) by s. 13(1) of the Electoral Amendment Act (No. 2) 1995.

In para. (f) the words "Defence Force" were substituted for the words "Armed Forces" by s. 13(2) of the Electoral Amendment Act (No. 2) 1995.

61. Special voters—(1) A person who is qualified to vote at any election in any district may vote as a special voter if—

(a) That person's name does not appear on the main roll or any supplementary roll for the district or has been wrongly deleted from any such roll:

(b) The person intends to be absent or is absent from the district on polling day:

(c) The person intends to be outside New Zealand on polling day or is outside New Zealand on polling day:

(d) The person is, by reason of illness, infirmity, pregnancy, or recent childbirth, unable to attend to vote at any polling place in the district:

- (e) The person is, by reason of a religious objection, unable to attend to vote on the day of the week on which polling day falls:
 - (f) The person satisfies the Returning Officer or Deputy Returning Officer that on any other ground it will not be practicable for that person to vote at a polling place in the district without incurring hardship or serious inconvenience.
- (2) A person who is registered as an elector of a Maori electoral district and who is qualified to vote at any election in that district may vote as a special voter not only on the grounds set out in subsection (1) of this section but also on the ground that the person attends to vote on polling day at a polling place that is not a polling place for that district.

Cf. 1956, No. 107, s. 100; 1990, No. 1, s. 50 (1)

PART IV

REGISTRATION OF POLITICAL PARTIES [AND PARTY LOGOS]

The words "And Party Logos" were added by s. 14 of the Electoral Amendment Act (No. 2) 1995.

62. Register of Political Parties—(1) Subject to this Part of this Act, an eligible political party may be registered for the purposes of this Act.

(2) The Electoral Commission shall establish and maintain a Register, to be known as the Register of Political Parties, containing a list of the political parties registered under this Part of this Act.

63. Application for registration—(1) An application for the registration of an eligible 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 of an eligible political party—
- (a) Shall be in writing; and
 - (b) Shall be signed by the applicant; and
 - (c) Shall—
 - (i) Set out the name of the party; and
 - (ii) If the party wishes to be able to use for the purposes of this Act an abbreviation of its name, set out the name of that abbreviation; and

(iii) Set out the name and address of the applicant and the capacity in which he or she makes the application; and

(iv) Where the applicant is not the Secretary of the party, set out the name and address of the Secretary of the party; and

[(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]

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

[(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.]

In subs. (2) (c), subpara. (v) was substituted for the original subpara. (v) by s. 15 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (2), para. (d) was added by s. 15 (2) of the Electoral Amendment Act (No. 2) 1995. See s. 15 (4) and (5) of that Act.

Subs. (4) was added by s. 15 (3) of the Electoral Amendment Act (No. 2) 1995. See s. 15 (4) and (5) of that Act.

163A. Application for registration of party logo—(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 2 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.]

This section was inserted by s. 16 of the Electoral Amendment Act (No. 2) 1995.

[64. Times when registration prohibited—(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.】

This section was substituted for the original s. 64 by s. 17 of the Electoral Amendment Act (No. 2) 1995.

65. Parties with certain names not to be registered—

The Electoral Commission shall refuse an application for the registration of a political party if, in its opinion, the name of the party or any proposed abbreviation—

(a) Is indecent or offensive; or

(b) Is excessively long; or

(c) Is likely to cause confusion or mislead electors; or

(d) Contains any reference to a title or honour or similar form of identification.

[65A. Certain logos not to be registered—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.]

This section was inserted by s. 18 of the Electoral Amendment Act (No. 2) 1995.

66. Other grounds on which registration may be refused—(1) The Electoral Commission shall refuse an application for the registration of a political party if—

- (a) The application does not comply with section 63 of this Act; or

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

(2) Unless section 65 of this Act or subsection (1) of this section applies, the Electoral Commission shall, subject to section 64 of this Act, register the political party that is the subject of the application.

(3) For the purposes of exercising the powers conferred on it by subsection (1) (b) of this section or section 70 of this Act, the Electoral Commission may require a political party to supply to it a list of the party's current financial members within such time, being a reasonable time, as the Electoral Commission may specify.

In subs. (1), para. (b) was substituted for the original para. (b) by s. 19 of the Electoral Amendment Act (No. 2) 1995.

[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.]

Ss. 67 and 67A were substituted for the original s. 67 by s. 20 of the Electoral Amendment Act (No. 2) 1995.

68. Inspection of Register—Members of the public shall be entitled to inspect the Register of Political Parties without payment 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.

[68A. Inspection of party logos—(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.]

This section was inserted by s. 21 of the Electoral Amendment Act (No. 2) 1995.

[69. Changes to register—(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.]

This section was substituted for the original s. 69 by s. 22 of the Electoral Amendment Act (No. 2) 1995.

[69A. Changes to party logos—(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.]

This section was inserted by s. 23 of the Electoral Amendment Act (No. 2) 1995.

70. Cancellation of registration—[(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.]

(3) Where the Electoral Commission cancels the registration 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, where the cancellation was effected under subsection (1) of this section, written notice of the cancellation to both the applicant for cancellation and the Secretary of the political party:
- (b) Give, where the cancellation was effected under subsection (2) of this section, written notice of the cancellation to the Secretary or the last-known Secretary of the political party, which written notice shall set out the reasons for the cancellation:
- (c) Cause notice of the cancellation to be published in the *Gazette*.

Subss. (1) and (2) were substituted for the original subss. (1) and (2) by s. 24 of the Electoral Amendment Act (No. 2) 1995.

[70A. Cancellation of registration of party logo—(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.]

This section was inserted by s. 25 of the Electoral Amendment Act (No. 2) 1995.

71. Requirement for registered parties to follow democratic procedures in candidate selection—Every political party that is for the time being registered under this Part of this Act shall ensure that provision is made for participation in the selection of candidates representing the party for election as members of Parliament by—

- (a) Current financial members of the party who are or would be entitled to vote for those candidates at any election; or
- (b) Delegates who have (whether directly or indirectly) in turn been elected or otherwise selected by current financial members of the party; or
- (c) A combination of the persons or classes of persons referred to in paragraphs (a) and (b) of this section.

PART V

REGISTRATION OF ELECTORS

72. Rules for determining place of residence within New Zealand—(1) Subject to the provisions of this section, the place where a person resides within New Zealand at any material time or during any material period shall be determined for the purposes of this Act by reference to the facts of the case.

(2) For the purposes of this Act, a person can reside in one place only.

(3) A person resides at the place where that person chooses to make his or her home by reason of family or personal relations, or for other domestic or personal reasons.

(4) Where the property on which a person's home is located is divided between 2 or more electoral districts, that person shall,—

- (a) If his or her dwelling is located wholly within one of those electoral districts, be deemed to reside in that electoral district; or
- (b) In any other case, be deemed to reside in the electoral district in which is located—
 - (i) The front door or other main entrance of his or her dwelling; or
 - (ii) Where his or her dwelling is an apartment, the front door or other main entrance of the building in which the apartment is situated.

(5) A person who is detained in any penal institution or hospital by virtue of any enactment shall not, by reason only of that detention, be treated for the purpose of subsection (3) of this section as residing there.

(6) The place where, for the purposes of this Act, a person resides shall not change by reason only of the fact that the person—

(a) Is occasionally or temporarily absent from that place; or

(b) Is absent from that place for any period because of his or her service or that of his or her spouse as a member of Parliament; or

(c) Is absent from that place for any period because of his or her occupation or employment or that of his or her spouse; or

(d) Is absent from that place for any period because he or she, or his or her spouse, is a student,—

even if such absence involves occasional or regular residence at another place or other places.

(7) Except as provided in subsection (8) of this section, a person who has permanently left his or her former home shall be deemed not to reside at that place, notwithstanding that his or her home for the time being is temporary only.

(8) A New Zealand citizen who is outside New Zealand shall be deemed to reside where he or she had his or her last home in New Zealand; but nothing in this subsection shall affect the application of section 80 (1) (a) of this Act for the purpose of determining the qualification of any person for registration as an elector.

(9) Notwithstanding anything in this section, a person who is residing on, or has resided on, Campbell Island or Raoul Island and who, before residing on Campbell Island or Raoul Island resided in some other part of New Zealand, shall be deemed to reside, or to have resided, throughout that period of residence on Campbell Island or Raoul Island, in the place in New Zealand where that person had his or her last home before beginning residence on Campbell Island or Raoul Island.

(10) In the case of a person who is appointed to be a member of the Executive Council, or who is the spouse of any person so appointed, the following provisions shall apply notwithstanding anything to the contrary in this section, namely,—

(a) So long as he or she holds that office he or she shall be deemed to continue to reside at the place of residence in respect of which he or she was

registered as an elector of an electoral district (in this subsection referred to as the original district), notwithstanding his or her absence therefrom at the seat of Government or otherwise, unless and until he or she duly applies for registration as an elector of another electoral district of which he or she is, apart from the provisions of this paragraph, qualified to be an elector:

- (b) Upon being registered as an elector of the other district pursuant to an application as aforesaid, the applicant shall cease to be entitled to continue to be registered under this subsection as an elector of the original district.

(11) A person whose home is on any ship, boat, or vessel permanently located in any harbour shall be deemed to reside in the electoral district in which the wharf or landing place or the main wharf or landing place in the harbour is situated. If any question arises under this subsection as to the district in which the wharf or landing place or main wharf or landing place in any harbour is situated, it shall be determined by the Representation Commission.

Cf. 1956, No. 107, s. 37; 1989, No. 31, s. 2; 1990, No. 1, s. 7

73. Meaning of “permanent resident of New Zealand”—For the purposes of this Act, a person is a permanent resident of New Zealand if, and only if, that person—

- (a) Resides in New Zealand; and
(b) Is not—

- (i) A person to whom section 7 of the Immigration Act 1987 applies; or
(ii) A person obliged, by or pursuant to the Immigration Act 1987, to leave New Zealand immediately or within a specified time; or
(iii) Deemed for the purposes of the Immigration Act 1987 to be in New Zealand unlawfully.

Cf. 1956, No. 107, s. 38; 1980, No. 29, s. 10 (1); 1987, No. 74, s. 151 (1)

Qualification of Electors

74. Qualification of electors—(1) Subject to the provisions of this Act, every adult person is qualified to be registered as an elector of an electoral district if—

- (a) That person is—
 - (i) A New Zealand citizen; or
 - (ii) A permanent resident of New Zealand; and
- (b) That person has at some time resided continuously in New Zealand for a period of not less than one year; and
- (c) That electoral district—
 - (i) Is the last in which that person has continuously resided for a period equalling or exceeding one month; or
 - (ii) Where that person has never resided continuously in any one electoral district for a period equalling or exceeding one month, is the electoral district in which that person resides or has last resided.

(2) Where a writ has been issued for an election, every person—

- (a) Who resides in an electoral district on the Monday before polling day; and
- (b) Who would, if he or she continued to reside in that electoral district until the close of polling day, have continuously resided in that electoral district for a period equalling or exceeding one month,—

shall (whether or not he or she does so continue to reside in that electoral district) be deemed, for the purposes of subsection (1) (c) of this section, to have completed on that Monday a period of one month's continuous residence in that electoral district.

Cf. 1956, No. 107, s. 39; 1983, No. 104, s. 3 (1); 1985, No. 150, s. 2 (1), (2)

75. Registration in respect of more than one electoral district—(1) Subject to subsection (2) of this section, a person shall not be entitled to be registered as an elector of more than one electoral district.

(2) Where an elector is qualified to be registered as an elector of an electoral district, his or her registration as an elector of that district shall not be invalid by reason only of the fact that at the time of that registration he or she was registered as an elector of a district for which he or she was not, or was no longer, qualified to be registered.

(3) Notwithstanding that the validity of the registration of an elector of an electoral district is preserved by subsection (2) of this section, for the purposes of section 60 of this Act, such an

elector is not qualified, by virtue of that registration, to vote at an election unless, when the elector votes, he or she is no longer registered as an elector of another electoral district.

Cf. 1956, No. 107, s. 40; 1983, No. 104, s. 4

76. Maori option—(1) Subject to this section and to sections 77 to 79 of this Act, a Maori who possesses the qualifications prescribed in that behalf by this Act shall have the option of being registered either as an elector of a Maori electoral district or as an elector of a General electoral district.

(2) Every such option shall be exercised—

- (a) At the time the Maori first qualifies and applies to be registered as an elector of any electoral district; or
- (b) In the case of a Maori who was not registered as an elector of any electoral district on the first day of the period last specified in a notice published under section 77 (2) of this Act, on the first subsequent application for registration as an elector; or
- (c) In any other case, in accordance with section 77 or section 78 of this Act.

Cf. 1956, No. 107, s. 41; 1980, No. 29, s. 12 (1); 1981, No. 120, s. 14 (1)

77. Periodic exercise of Maori option and determination of Maori population—(1) Every elector who is a Maori may exercise periodically, in accordance with this section, the option given by section 76 (1) of this Act.

(2) The Minister shall, in accordance with this section, specify from time to time, by notice in the *Gazette*, a period of 2 months during which any Maori may exercise the option given by section 76 (1) of this Act.

(3) The Minister shall, as soon as practicable after the commencement of this section, and in accordance with section 269 (2) of this Act, publish the first notice under subsection (2) of this section.

(4) Subject to subsections (3) and (5) of this section and to section 269 (2) of this Act, the Minister shall, in every year that a quinquennial census of population is taken, but in no other year, publish a notice under subsection (2) of this section.

(5) Notwithstanding subsection (4) of this section, where a Parliament is due to expire in a year in which a quinquennial census of population is to be taken, the Minister shall not, in that year, publish a notice under subsection (2) of this section, but shall instead, in the year following the year in which the

quinquennial census of population is taken, publish such a notice.

(6) For the purpose of enabling the Government Statistician to calculate the Maori electoral population, the Chief Registrar shall, as soon as practicable after the last day of each period specified in a notice published under subsection (2) of this section, supply to the Government Statistician—

- (a) The total number of persons registered as electors of the Maori electoral districts as at the close of that last day; and
- (b) The total number of persons registered as electors of the General electoral districts, who, as at the close of that last day, are recorded as having given written notice to the Registrar that they are persons of New Zealand Maori descent.

Cf. 1956, No. 107, s. 41A; 1980, No. 29, s. 12 (1); 1981, No. 120, s. 15; 1990, No. 1, s. 8

78. Exercise of Maori option—(1) Notwithstanding section 83 (6) (b) of this Act, every Maori who is registered as an elector on the first day of any period specified in a notice published under section 77 (2) of this Act may exercise once in that period the option given by section 76 (1) of this Act.

(2) In each period specified in a notice published under section 77 (2) of this Act, the Registrar shall send by post on the first day of that period a notice in the form prescribed for the purposes of this section to—

- (a) Every person registered as an elector of a Maori electoral district; and
 - (b) Every person registered as an elector of a General electoral district who has given written notice to the Registrar that that person is of New Zealand Maori descent.
- (3) Every Maori—
- (a) Who is registered as an elector on the first day of the period in which the notice is sent under subsection (2) of this section; and
 - (b) Who—
 - (i) Being registered as an elector of a Maori electoral district wishes to be registered as an elector of a General electoral district; or
 - (ii) Being registered as an elector of a General electoral district wishes to be registered as an elector of a Maori electoral district,—

shall indicate his or her choice on the prescribed form, sign and date it, and return it to the Registrar.

(4) The Registrar, on receipt of any duly completed form, shall send the form to the Registrar in whose district the elector resides.

(5) Every duly completed form received by a Registrar pursuant to subsection (4) of this section shall be deemed, for the purposes of the definition of the term "electoral roll" in section 3 (1) of this Act and for the purposes of sections 89, 98, and 103 of this Act, to be an application for registration as an elector and shall be treated accordingly.

(6) No elector shall, by reason only of a failure to return a form sent to him or her under subsection (2) of this section, have his or her name removed from the electoral roll.

(7) Every Maori who is registered as an elector of a Maori electoral district on the first day of any period specified in a notice published under section 77 (2) of this Act and who fails to exercise in that period the option given by section 76 (1) of this Act shall be deemed to have exercised his or her option to register as an elector of a Maori electoral district.

(8) Every Maori who is registered as an elector of a General electoral district on the first day of any period specified in a notice published under section 77 (2) of this Act and who fails to exercise in that period the option given by section 76 (1) of this Act shall be deemed to have exercised his or her option to register as an elector of a General electoral district.

(9) Where a document by which the option given by section 76 (1) of this Act may be exercised, being a notice in the form prescribed for the purposes of this section or an application for registration, is received by the Registrar by post after the end of a period specified in a notice published under section 77 (2) of this Act but not later than noon on the day after the last day of that period, that document shall be deemed to have been received in that period, and the elector shall, if the document is otherwise in order, be deemed to have exercised the option given by section 76 (1) of this Act in that period.

(10) Where the Registrar receives, in a period specified in a notice published under section 77 (2) of this Act, a document by which the option given by section 76 (1) of this Act may be exercised but which does not comply with requirements concerning the signing or dating of that document or the particulars that it must contain, the Registrar may treat the document as being in accordance with those requirements

before the end of that period if the non-compliance is remedied within 6 days after the end of that period.

Cf. 1956, No. 107, s. 41B; 1981, No. 120, s. 16; 1983, No. 104, s. 5 (2); 1990, No. 1, s. 9

79. Restriction on transfer between General and Maori electoral rolls—Except as provided in sections 76 to 78 of this Act,—

- (a) No Maori may transfer from a General electoral roll to a Maori electoral roll or vice versa:
- (b) No Maori whose name has been removed from an electoral roll or who ceases to be qualified as an elector of an electoral district may be registered as an elector for a different type of electoral district.

Cf. 1956, No. 107, s. 41c; 1981, No. 120, s. 17

80. Disqualifications for registration—(1) The following persons are disqualified for registration as electors:

- (a) A New Zealand citizen who (subject to subsection (3) of this section) is outside New Zealand and has not been in New Zealand within the last 3 years:
- (b) A permanent resident of New Zealand (not being a New Zealand citizen) who (subject to subsection (3) of this section) is outside New Zealand and has not been in New Zealand within the last 12 months:
- (c) A person who is detained in a hospital under the Mental Health (Compulsory Assessment and Treatment) Act 1992, being—
 - (i) A person who, having been found by a Court or a Judge to be under disability within the meaning of Part VII of the Criminal Justice Act 1985, or having been acquitted on account of his or her insanity within the meaning of that Act, is detained as a special patient or patient pursuant to an order or direction under section 115 (1) or section 116 or section 117 of that Act and has been so detained for a period exceeding 3 years:
 - (ii) A person who, having been found by a Court, on conviction of any offence, to be mentally disordered, is detained as a patient pursuant to an order under section 118 of the Criminal Justice Act 1985 and has been so detained for a period exceeding 3 years:
 - (iii) A person who is subject to, and has for a period exceeding 3 years been subject to, a compulsory

treatment order made on an application under section 45 (3) of the Mental Health (Compulsory Assessment and Treatment) Act 1992:

(iv) A person detained under section 46 of the Mental Health (Compulsory Assessment and Treatment) Act 1992, being a person to whom paragraph (d) of this subsection would otherwise apply:

(d) A person who, under—

(i) A sentence of imprisonment for life; or

(ii) A sentence of preventive detention; or

(iii) A sentence of imprisonment for a term of 3 years or more,—
is being detained in a penal institution:

(e) A person whose name is on the Corrupt Practices List made out for any district.

(2) The Registrar of the Court in which any compulsory treatment order or any order under section 115 (1) or section 118 of the Criminal Justice Act 1985 is made or any person is convicted of a corrupt practice shall, not later than the 5th day of the month next succeeding the date of the order or conviction, forward to the Registrar of Electors of the electoral district in which the patient or offender was residing a certificate showing the name, place of abode, and description of the patient or offender and particulars of the order or conviction.

(3) Nothing in subsection (1) (a) or (b) of this section applies to—

(a) A person, being—

(i) A public servant or a member of the Defence Force; or

(ii) A head of mission or head of post within the meaning of the Foreign Affairs Act 1988, who is outside New Zealand in the course of that person's duties; or

(iii) An officer or employee of the New Zealand Trade Development Board established by the New Zealand Trade Development Board Act 1988; or

(b) A person who—

(i) Is accompanying a person described in subparagraph (i) or subparagraph (ii) or subparagraph (iii) of paragraph (a) of this subsection who is outside New Zealand in the course of that person's duties; and

(ii) Is the spouse or the child or the child of the spouse of the person so described.

Cf. 1956, No. 107, s. 42; 1980, No. 29, s. 13 (1); 1985, No. 120, s. 150 (1); 1988, No. 34, s. 12 (4); 1988, No. 159, s. 14 (1); 1988, No. 160, s. 12 (2)

81. Detention in penal institution pursuant to conviction—(1) Where a person who has been sentenced to a full-time custodial sentence is received into a penal institution in which that person is to serve the whole or part of the sentence, the superintendent of that penal institution shall, not later than the 7th day after the day on which the inmate is received into the penal institution, forward to the Chief Registrar of Electors a notice—

- (a) Showing the name, previous residential address, and date of birth of that person; and
- (b) Showing the name and address of the penal institution; and
- (c) Indicating whether the provisions of section 80 (1) (d) of this Act apply to that person.

(2) The Chief Registrar of Electors shall, on receiving a notice under subsection (1) of this section, forward a copy of that notice to the appropriate Registrar of Electors.

Cf. 1956, No. 107, s. 42A; 1990, No. 1, s. 10

Registration

82. Compulsory registration of electors—(1) Every person qualified to be registered as an elector of any electoral district shall, if he or she is in New Zealand, make application in the prescribed form to a Registrar of Electors for registration as an elector—

- (a) Within one month after the date on which he or she first becomes qualified to be registered as an elector; and also
- (b) Within one month after the date on which he or she ceases to be registered as an elector by reason of the removal of his or her name from a roll under section 83 (10) or section 84 (3) of this Act; and also
- (c) Within one month after the date on which, following a change in his or her place of residence from the electoral district to another, he or she first becomes qualified to be registered as an elector of that other electoral district.

(2) Notwithstanding anything in subsection (1) (a) of this section, any person of or over the age of 17 years may make application in the prescribed form to a Registrar of Electors for registration as an elector, and that person shall, upon attaining the age of 18 years, be registered as an elector without any further application.

(3) Every person qualified to be registered as an elector of any electoral district may, if he or she is outside New Zealand, make application in the prescribed form to a Registrar of Electors for registration as an elector of that district at any time.

(4) Where a Maori is qualified to be registered as an elector of both a Maori electoral district and a General electoral district, this section shall apply with respect to only one of those districts, being the district in respect of which he or she has exercised his or her option under section 76 of this Act.

(5) Where it appears to the Registrar that an applicant is qualified to be registered as an elector of another electoral district, the Registrar shall forthwith send the application to the Registrar of that district.

(6) Every person commits an offence against this section who, being required by this section to apply for registration as an elector during any period, knowingly and wilfully fails to so apply.

(7) No person who applies for registration as an elector shall be liable to prosecution for an earlier failure to apply for registration as an elector.

(8) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding \$100 on a first conviction, and to a fine not exceeding \$200 on any subsequent conviction.

(9) Notwithstanding anything in subsections (1) to (7) of this section or in section 72 (9) of this Act, no person is required to apply for registration as an elector while that person is living on Campbell Island or Raoul Island.

Cf. 1956, No. 107, s. 43 (1)-(3), (5)-(9); 1990, No. 1, s. 11 (1)

83. Revision of electoral rolls—(1) Subject to subsections (2) and (4) of this section, in every period specified under subsection (3) of this section, every Registrar shall direct an inquiry to be made concerning the particulars of all persons whose names are on the roll for the district.

(2) Where a roll that is not yet in force has been compiled under section 101 (1) of this Act, the inquiry directed to be made under subsection (1) of this section shall be in respect of that roll.

(3) The Minister may from time to time publish a notice in the *Gazette*, specifying a period during which the inquiries directed under subsection (1) of this section are to be undertaken, and shall, where practicable, publish such notice in every year in which a Parliament is due to expire.

(4) Where a Parliament is dissolved while an inquiry under subsection (1) of this section is in progress, the Registrar shall not be obliged to complete that inquiry.

(5) Every inquiry—

(a) Shall be in the prescribed form; and

(b) Shall require the person to whom it is addressed to sign and return the form together with any corrections to the information contained in it.

(6) Every completed form accepted by the Registrar as being in order—

(a) Shall be deemed to be an application for registration as an elector; and

(b) In the case of an elector who is a Maori, shall constitute a sufficient record of the manner in which the elector last exercised his or her option to register as an elector of a Maori electoral district or as an elector of a General electoral district.

(7) Where the Registrar receives, during a period specified under subsection (3) of this section or within 28 days before the commencement of any such period, a duly completed application for registration as an elector,—

(a) That application shall be deemed to be a completed form under this section; and

(b) The Registrar shall notify that elector that he or she will not receive a form of inquiry pursuant to subsection (5) of this section.

(8) The completed form shall contain the particulars specified in or under [paragraphs (a) to (h)] of section 85 (3) of this Act, and subsections (1), (2), and (4) of that section shall apply, with all necessary modifications, as if the form were an application for registration.

(9) *Repealed by s. 26 (2) of the Electoral Amendment Act (No. 2) 1995.*

(10) Where any person fails to respond to an inquiry under subsection (5) of this section, the Registrar shall, after making

such further inquiry as he or she thinks fit, or the Chief Registrar directs, remove the name of that person from the roll.

Cf. 1956, No. 107, s. 43A (1)–(4), (5) (a), (b), (6) (a), (6A), (7), (8); 1983, No. 104, s. 5 (1); 1985, No. 149, s. 7 (1), (2); 1990, No. 1, s. 12 (1), (2)

In subs. (8) the expression “paragraphs (a) to (h)” was substituted for the expression “paragraphs (a) to (f) and (h)” by s. 26 (1) of the Electoral Amendment Act (No. 2) 1995.

84. Power to combine revisions of electoral rolls with exercise of Maori option—(1) Where the period specified under section 83 (3) of this Act is the same as the period specified under section 77 (2) of this Act, the Registrar shall, instead of sending the forms required to be sent under sections 78 (2) and 83 (5) of this Act, send forms in the form prescribed for the purposes of this section.

(2) Where the form prescribed for the purposes of this section is sent pursuant to subsection (1) of this section,—

(a) That form shall, for the purposes of section 78 of this Act (other than subsection (6)), have effect as if it were the form prescribed for the purposes of that section; and

(b) That form shall, for the purposes of section 83 of this Act (other than subsection (7)), have effect as if it were the form prescribed for the purposes of that section.

(3) Notwithstanding anything in section 78 (6) of this Act, where any person fails to respond to any inquiry under section 83 of this Act (being an inquiry in the form prescribed for the purposes of this section), the Registrar shall, after making such further inquiry as the Registrar thinks fit, or the Chief Registrar directs, remove the name of that person from the roll.

Cf. 1956, No. 107, s. 43B; 1985, No. 149, s. 8

85. Application for registration—(1) Subject to subsection (2) of this section, every person making any application or declaration in respect of registration as an elector shall sign or place his or her mark on the application or declaration.

(2) Where a person making an application or declaration in respect of registration as an elector is physically disabled, the application or declaration may be signed on his or her behalf—

(a) By a donee of a power of attorney from the physically disabled person, which donee shall indicate on the

application or declaration that the applicant or declarant is a physically disabled person; or

(b) By a registered elector who signs by direction of the physically disabled person and who indicates on the application or declaration—

(i) That the applicant or declarant is a physically disabled person; and

(ii) That the application or declaration is being signed by direction of the applicant or declarant.

(3) The application or declaration shall state, in respect of the person making the application or declaration,—

(a) The person's surname:

(b) The person's full given or Christian names:

(c) The place of residence in respect of which registration is claimed, which place of residence must be specified in such manner as to enable it to be clearly identified:

(d) The person's occupation (if any):

(e) The person's date of birth:

(f) The honorific (if any) by which the person wishes to be addressed:

(g) Whether the person is or is not of New Zealand Maori descent:

(h) Such other particulars (if any) as are prescribed.

(4) The Registrar may reject any application or declaration that does not comply with subsection (1) of this section or with any of the provisions of paragraphs (a), (b), (c), (e), and (h) of subsection (3) of this section.

(5) Where any applicant or declarant does not comply with subsection (3)(g) of this section, this Act shall apply as if the applicant or declarant had stated in that application or declaration that the applicant or declarant was not a person of New Zealand Maori descent and the applicant or declarant shall not be deemed, by reason of that failure, to have failed to comply with subsection (3) of this section.

Cf. 1956, No. 107, s. 48; 1981, No. 120, s. 20 (1); 1990, No. 1, s. 17

86. Registration of mentally incapable persons—

(1) Where a person lacks, wholly or partly, the capacity to understand the nature of the decision to register as an elector, one of the persons listed in subsection (2) of this section may register that person as an elector by making an application in respect of that person in the prescribed form.

(2) The persons who may register, as an elector, a person to whom subsection (1) of this section applies are—

(a) Any registered elector:

(b) The welfare guardian appointed for that person under section 12 (1) of the Protection of Personal and Property Rights Act 1988:

(c) The attorney appointed by that person under an enduring power of attorney.

(3) Where a person described in subsection (2) (b) of this section registers, as an elector, a person to whom subsection (1) of this section applies, the first-mentioned person must state in the application that registration of the person as an elector is one of the aspects of the personal care and welfare of that person in relation to which the welfare guardian was appointed.

(4) Where a person described in subsection (2) (c) of this section registers, as an elector, a person to whom subsection (1) of this section applies, the first-mentioned person must state in the application that—

(a) Registration as an elector of the person is one of the matters relating to the personal care and welfare of that person in relation to which the attorney is authorised to act under an enduring power of attorney; and

(b) The occasion for the attorney to act has arisen under section 98 (3) of the Protection of Personal and Property Rights Act 1988.

(5) Any person described in subsection (2) of this section who registers, as an elector, a person to whom subsection (1) of this section applies may also, on behalf of that person,—

(a) Sign and return the form together with any corrections to the information contained in it for the purposes of section 83 (5) of this Act:

(b) Sign and forward a statement for the purposes of section 97 (3) of this Act.

(6) Nothing in this section has the effect of extending the assistance that may be given to persons voting in accordance with section 170 of this Act.

Cf. 1956, No. 107, s. 48A (1)–(4), (5) (b), (c), (6)

87. Procedure following application for registration—

(1) If the Registrar is satisfied that any applicant for registration as an elector (whether by transfer from another

district, or otherwise) is qualified to be registered, he or she shall forthwith enter the name of the applicant on the roll.

(2) Where it appears to the Registrar that an applicant who is a Maori is prevented, by the manner in which he or she last exercised the option given by section 76 of this Act, from being registered as an elector of the district to which his or her application relates, the Registrar shall forthwith send the application to the Registrar of the district in respect of which the applicant is entitled to be registered and shall notify the elector of his or her reasons for refusing the application and of the Registrar to whom the application has been sent.

(3) Where an application for registration as an elector has been received before the issue of a writ and it has not been possible for the Registrar to ascertain, at the time of the issue of the writ, whether the applicant is currently registered as an elector of another electoral district, the Registrar shall, subject to subsection (4) of this section, include the name of the applicant on any main, supplementary, or composite roll printed as at writ day.

(4) Notwithstanding anything in this Act, where the Registrar has, under subsection (3) of this section, included the name of any person on any main, supplementary, or composite roll printed as at writ day, the Registrar shall, within 6 days after writ day determine, either—

- (a) To enter the name of the applicant on the electoral roll;
or
- (b) To delete the name of the applicant from that main, supplementary, or composite roll.

Cf. 1956, No. 107, s. 49 (1), (4), (5); 1980, No. 29, s. 17 (1); 1981, No. 120, s. 21

[88. Applications received after issue of writ—

(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.]

This section was substituted for the original s. 88 by s. 27 of the Electoral Amendment Act (No. 2) 1995.

89. Notice of registration—(1) Subject to subsection (2) of this section and to section 83 (7) (b) of this Act, the Registrar shall, not later than 14 days after the registration of a person, deliver to that person personally, or send to that person by post, notice in writing of the registration of that person.

(2) Where registration of a person is effected at any time in a period specified by the Minister under section 83 (3) of this Act, subsection (1) of this section shall not apply, but the Registrar shall, not later than 6 weeks after the end of that period, deliver to that person personally, or send to that person by post, notice in writing of the registration of that person.

Cf. 1956, No. 107, s. 56; 1990, No. 1, s. 23 (1)

Changes of Address

90. Changes of address to be notified—(1) Every person who, while remaining resident within an electoral district, changes his or her place of residence within that district, shall, within 2 months after the date of the change of his or her place of residence, give a written notice to the Registrar of—

- (a) The change of place of residence; and
- (b) The address of the new place of residence.

(2) Where a person to whom subsection (1) of this section applies is both—

- (a) A person who lacks, wholly or partly, the capacity to understand the nature of the decision to register as an elector; and
- (b) A person in respect of whom a welfare guardian appointed for that person under section 12 (1) of the Protection of Personal and Property Rights Act 1988 or an attorney appointed by that person under an enduring power of attorney holds office,—

the person holding office as that welfare guardian or the person holding office as that attorney shall, on behalf of the person to whom subsection (1) of this section applies, comply with subsection (1) of this section, and the person to whom subsection (1) of this section applies shall not be under any personal obligation to comply with that subsection.

(3) Every person commits an offence who knowingly and wilfully fails to comply with subsection (1) or subsection (2) of this section.

(4) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding \$50 on a first conviction, and to a fine not exceeding \$100 on any subsequent conviction.

Cf. 1956, No. 107, s. 44; 1990, No. 1, s. 13 (1)

91. Effect of failure to notify change of address—A registered elector who has changed his or her place of residence within an electoral district as aforesaid shall not be disqualified from voting at an election in that district by reason only that he or she has not given notice of that change of address as required by section 90 of this Act.

Cf. 1956, No. 107, s. 45

Death of Registered Elector

92. Notification of death of registered elector—Every Registrar of Births and Deaths shall forthwith after the registration of death of any person of or over the age of 17 years notify—

- (a) The Registrar of Electors for the electoral district in which the deceased person resided; and
- (b) Where the death occurred in the period beginning with the close of nomination day for an election and ending with the close of the day before polling day for that election, the Returning Officer for the poll in the electoral district in which the deceased person resided,—

of the fact of death, together with such particulars known to the Registrar of Births and Deaths as may be required to enable the appropriate Registrar of Electors and the appropriate Returning Officer (if any) to take the appropriate steps in relation to the roll and their records.

Cf. 1956 No. 107, s. 46; 1990, No. 1, s. 14 (1)

Marriage of Registered Elector

93. Notification of marriages—(1) Where any person to whom a notice of intended marriage under the Marriage Act 1955 relates—

(a) Is registered as an elector of any district; or

(b) Is a person of or over the age of 17 years who has made an application under section 82 (2) of this Act for registration as an elector of any district,—

that person or the other party to the intended marriage shall complete the form prescribed for the purposes of this section and give it to the Registrar of Marriages for transmission to the Registrar of Electors for that district.

(2) The Registrar of Electors who receives the notice shall, after the date of the intended marriage, send by post to each of the parties to the intended marriage a notice inquiring whether, as a result of the marriage, any change is required in the name, address, and occupation under which he or she is or is to be registered on the roll.

(3) If a person to whom a notice is sent under subsection (2) of this section states that a change is required, the Registrar of Electors shall amend the roll in accordance with the particulars supplied.

(4) Where an amendment to the roll is necessary under subsection (3) of this section and the amendment does not appear on the main or supplementary roll printed for any election, the person shall, if otherwise qualified, be entitled to vote at the election in respect of his or her former name as appearing on the roll.

Cf. 1956, No. 107, s. 47; 1990, No. 1, s. 15 (1)

Change of Name of Registered Elector

94. Notification of change of name—Where any person registers a change of his or her name under [section 21 of the Births, Deaths, and Marriages Registration Act 1995], the Registrar-General shall complete the form prescribed for the purposes of this section and give it to the Registrar of Electors

for any district in which the Registrar-General has reason to believe that the person resides.

Cf. 1956, No. 107, s. 47A; 1990, No. 1, s. 16

The reference to section 21 of the Births, Deaths, and Marriages Registration Act 1995, being the corresponding enactments in force at the date of this reprint, have been substituted for s. 17A of the Births and Deaths Registration Act 1951, which was repealed by s. 96 of the 1995 Act.

Objections to Registration

[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.]

Ss. 95, 95A to 95D, and 96 were substituted for the original ss. 95 and 96 by s. 28 of the Electoral Amendment Act (No. 2) 1995.

97. Procedure on reference of application or objection to District Court—(1) The following provisions of this section shall apply with respect to proceedings on the reference to a District Court of an objection under section 95 or section 96 of this Act.

(2) The Registrar of Electors, any objector, and the person objected to may appear before the Court either in person or by

some person appointed by him or her in writing or by a barrister or solicitor.

(3) In the case of an objection, the person objected to may forward to the Registrar of the Court a statement signed by him or her giving reasons why his or her name should be retained on the roll, and the Court shall take any such statement into account in determining the objection.

(4) If any person objected to does not either appear or forward a statement as aforesaid, the Court shall make an order that his or her name be removed from the roll.

(5) Except as otherwise provided in this section, the name of any person objected to shall not be removed from the roll until the objection has been determined.

(6) At the hearing of an objection no grounds of objection shall be taken into account except those specified in the particulars of the objection.

(7) In any proceedings to which this section applies the Court may make such order as to costs as the Court thinks fit.

(8) Subject to the provisions of this section, the ordinary rules of procedure of the Court shall apply.

(9) The Registrar of Electors shall make any additions, deletions, and alterations to the roll that may be necessary to give effect to the order of the Court.

Cf. 1956, No. 107, s. 55; 1975, No. 28, s. 24 (2) (b); 1980, No. 29, s. 5 (8)

Removal of Names from Roll and Alterations to Roll

98. Removal of names from roll by Registrar—

(1) Subject to subsection (6) of this section, the Registrar shall remove from the roll—

(a) The name of every person who, consequent on a change in his or her place of residence,—

(i) Is not qualified to be registered as an elector of the district; and

(ii) Resides in, and is registered as an elector of, another district:

(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:

(c) Where—

- (i) An application for registration has not been marked or signed in accordance with section 83 (5) or section 85 or section 86 of this Act; and
- (ii) There has been a failure to supply to the Registrar, in response to a request by the Registrar, a new application for registration marked or signed in accordance with section 83 (5) or section 85 or section 86 of this Act, as the case may require,— the name of the person whose application for registration has not been so marked or signed:
- (d) The name of every person who, on an inquiry made at that person's address on the roll, cannot be found, or who, as a result of any such inquiry, the Registrar of Electors has reason to believe has ceased for one month or upwards to reside in the district:
- (e) The name of every person whose name is entered on the Corrupt Practices List made out for any district:
- (f) The name of every person whose disqualification under section 80 of this Act—
 - (i) Is duly certified to the Registrar; or
 - (ii) Is duly notified to the Registrar under section 81 of this Act:
- (g) The name of every person who, being a Maori,—
 - (i) Has indicated his or her choice, pursuant to section 78 of this Act, to be registered as an elector for a different type of electoral district; or
 - (ii) Is registered in contravention of section 79 of this Act:
- (h) Where the roll is for a Maori electoral district, the name of every person who is not a Maori:
- (i) The name of every person who has been registered for the district—
 - (i) By mistake; or
 - (ii) By clerical error; or
 - (iii) As a result of false information.
- (2) Notwithstanding anything in this Act, the Registrar, on being satisfied that the name of any person has been omitted or removed from the roll—
 - (a) By mistake; or
 - (b) By clerical error; or
 - (c) As a result of false information,—may place the name of that person on the roll at any time or restore the name of that person to the roll at any time.

(3) In addition to other powers of alterations conferred by this Act, the Registrar may at any time, subject to subsection (6) of this section, alter the roll—

(a) By correcting any mistake or omission in the particulars of the enrolment of a person:

(b) By striking out the superfluous entry when the name of a person appears more than once on the roll.

[(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.]

(5) Where, pursuant to this section, the name of a person is removed from the roll in the period commencing on the day after writ day and ending on the day before polling day, the Registrar shall, on removing that name, enter it on a list to be known as the "list of post-writ day deletions".

(6) No alteration pursuant to this section shall be made to the roll for a district in the period beginning on polling day and ending on the day after the day of the return of the writ.

Cf. 1956, No. 107, s. 57; 1983, No. 104, s. 10 (1); 1985, No. 149, s. 11; 1985, No. 150, s. 2 (3); 1990, No. 1, s. 24 (2)

Subs. (4) was substituted for the original subs. (4) by s. 30 of the Electoral Amendment Act (No. 2) 1995.

99. Notice of alterations to roll—(1) Where, pursuant to any of the provisions of paragraphs (c) to (i) of section 98 (1) of this Act, the name of a person is removed from the roll, the Registrar shall, in accordance with subsection (3) or subsection (4) of this section, deliver or send to that person, notice in writing of the removal of that person's name from the roll.

(2) Where the name of a person (being a name which, pursuant to [section 98 (1) (h) or section 98 (1) (i)] of this Act, has been removed from a roll) is entered, pursuant to section 98 (4) of this Act, on another roll, the Registrar who enters that person's name on that other roll shall, in accordance with subsection (3) or subsection (4) of this section, deliver or send to

that person notice in writing of the entry of that person's name on that other roll.

(3) Subject to subsection (4) of this section, the notice required by subsection (1) or subsection (2) of this section—

(a) Shall be delivered to the person personally or sent to the person by post; and

(b) Shall be so delivered or sent not later than 14 days after the date on which,—

(i) Where the notice is required by subsection (1) of this section, the person's name is removed; or

(ii) Where the notice is required by subsection (2) of this section, the person's name is entered.

(4) Where the name of a person is removed or entered, as the case may be, in the period beginning on the day after writ day and ending on the day before polling day, the notice required by subsection (1) or subsection (2) of this section shall forthwith be delivered to that person personally.

Cf. 1956, No. 107, s. 57A; 1983, No. 104, s. 10 (1)

In subs. (2) the expression in square brackets was substituted for the expression "section 98 (1) (i)" by s. 31 of the Electoral Amendment Act (No. 2) 1995.

100. Corrupt Practices List—(1) Where it is proved before the Registrar for any district that any person who is registered or who applies for registration as an elector of the district has, within the immediately preceding period of 3 years,—

(a) Been convicted of a corrupt practice; or

(b) Been reported by the High Court in its report on the trial of an election petition to have been proved guilty of a corrupt practice,—

the Registrar shall enter the name, residence, and description of that person and particulars of the conviction or report on a list to be called the Corrupt Practices List.

(2) The Registrar shall remove the name of every person from the Corrupt Practices List at the expiration of 3 years from the date of the conviction or report in respect of which his or her name is entered on the list, or sooner if so ordered by the High Court.

(3) Whenever a main roll is printed for the district, a copy of the Corrupt Practices List for the district shall be appended to it and printed and published with it.

(4) Whenever a supplementary roll is printed for the district, a copy of so much of the Corrupt Practices List as has not been printed with the main roll or any existing supplementary roll

for the district shall be appended to the supplementary roll and printed and published with it.

Cf. 1956, No. 107, s. 59; 1980, No. 29, s. 5 (7)

Electoral Rolls

101. Electoral rolls—(1) Where a notice is gazetted under section 40 (1) (b) or section 45 (9) (b) of this Act, the Chief Registrar shall—

- (a) Decide, on the basis of the then existing rolls, which of the electors are entitled to be registered as electors of each electoral district whose boundaries are fixed by the report to which the notice relates; and
- (b) Compile for each electoral district whose boundaries are fixed by the report to which the notice relates a list of persons appearing to be entitled to be registered as electors of that electoral district (in this section called the “compiled list”).

(2) For the purposes of any revision of the rolls under section 83 of this Act which is considered before the dissolution or expiration of the Parliament in existence when any list is compiled pursuant to subsection (1) (b) of this section, the compiled list shall be the electoral roll for the district to which it relates.

(3) For the purposes of the printing of the main rolls and the supplementary rolls, each compiled list shall, if the Chief Registrar so directs, be the electoral roll for the district to which it relates.

(4) Where a compiled list is, under subsection (2) or subsection (3) of this section, the electoral roll for the district to which it relates, that electoral roll shall come into force on the dissolution or expiry of the then existing Parliament.

(5) The compiled lists shall be compiled immediately before—

- (a) The next succeeding revision of the rolls under section 83 of this Act; or
- (b) The printing of the main rolls (where the Chief Registrar directs that, for the purposes of the printing of the main rolls and the supplementary rolls, each compiled list shall be the electoral roll for the district to which it relates),—

whichever is the earlier.

(6) Every roll to which subsection (4) of this section applies shall, subject to any revision of that roll, continue in force until a new roll for the district is compiled and comes into force.

(7) The Registrar shall keep every roll to which subsection (4) of this section applies up to date by making all such additions, alterations, and deletions as become necessary.

Cf. 1956, No. 107, s. 60; 1980, No. 29, s. 23 (1); 1985, No. 149, s. 12; 1991, No. 68, s. 11

102. Maintenance of rolls being replaced—(1) Where the Chief Registrar has compiled the lists referred to in section 101 (1) (b) of this Act, the respective Registrars of Electors shall not be obliged to keep up to date the rolls for the districts that were in existence immediately before the gazetting under section 40 (1) (b) or section 45 (9) (b) of this Act of the notice that immediately preceded the compilation of those lists.

(2) Notwithstanding subsection (1) of this section, the Chief Registrar shall ensure that each Registrar of a district to which that subsection applies has available to him or her, until the roll for that district ceases to be in force, all information necessary to enable him or her to bring his or her roll up to date in the event of a by-election in that district (which information may include or consist of photocopies of original documents).

(3) Where a by-election is to take place in a district to which subsection (1) of this section applies, the Registrar of that district shall cause an up to date composite roll for the district to be closed and printed as at writ day for the by-election.

(4) Where a by-election has taken place in a district to which subsection (1) of this section applies, the Registrar of that district shall, after the time allowed for the filing of an election petition in respect of the by-election has expired or, where an election petition is filed in respect of that by-election, after that election petition has been finally disposed of, send to other Registrars of Electors such of the original applications for registration as electors held by him or her as the Chief Registrar specifies.

Cf. 1956, No. 107, s. 60A; 1980, No. 29, s. 23 (1); 1985, No. 149, s. 13; 1991, No. 68, s. 12

103. Rolls where Parliament dissolved after change of boundaries and before new rolls completed—(1) Where a Parliament is dissolved in the period between the gazetting of a notice under section 40 (1) (b) or section 45 (9) (b) of this Act and the completion of the compilation of the rolls pursuant to section 101 of this Act, the Chief Registrar shall—

(a) Comply with paragraphs (a) and (b) of section 101 (1) of this Act; and

(b) Direct which of the applications for registration as electors which constituted the rolls of the electoral districts that were defined immediately before the report to which that notice relates took effect shall be sent to the respective Registrars of the electoral districts fixed by that report.

(2) Subject to subsection (3) of this section, each list compiled under section 101 (1) (b) of this Act (as applied by subsection (1) (a) of this section) shall be the electoral roll for the district to which it relates and shall come into force as soon as it is compiled.

(3) The applications for registration sent, pursuant to a direction under subsection (1) (b) of this section, to the Registrar of an electoral district shall, on being received by that Registrar, constitute the electoral roll for the district and the electoral roll specified in subsection (2) of this section shall (without its status as a main roll being affected) then cease to have effect as the electoral roll for the district.

(4) Every electoral roll to which subsection (3) of this section applies shall, subject to any revision of that electoral roll, continue in force until a new electoral roll for the district is compiled and comes into force.

(5) The Registrar shall keep every electoral roll to which subsection (2) or subsection (3) of this section applies up to date by making all such additions, alterations, and deletions as become necessary and any additions, alterations, and deletions made to an electoral roll to which subsection (2) of this section applies shall be incorporated, where necessary, in the electoral roll which supersedes it by virtue of subsection (3) of this section.

Cf. 1956, No. 107, s. 60B; 1980, No. 29, s. 23 (1); 1991, No. 68, s. 13 (1)

104. Main roll to be printed—(1) The Registrar for every district shall, at least once in each year, cause to be printed a main roll for the district, which shall contain a list of all persons whose names are lawfully on the electoral roll for the district on a date to be fixed for the closing of the main rolls.

(2) The date to be fixed for the purposes of subsection (1) of this section shall,—

(a) In the case of a year in which Parliament is due to expire, be fixed by the Governor-General by Order in Council; and

(b) In the case of any other year, be fixed by the Chief Registrar by notice in the *Gazette*.

(3) Every main roll printed for any district under this section shall be the main roll for the district until a new main roll is printed for the district.

Cf. 1956, No. 107, s. 61; 1980, No. 29, s. 25 (1)

105. Supplementary rolls to be printed—(1) The Registrar for every district shall from time to time cause to be printed a supplementary roll for the district, which shall contain a list of all persons whose names do not appear on the main roll or any existing supplementary roll for the district but are lawfully on the electoral roll for the district on a date to be fixed for the closing of that supplementary roll by the Chief Registrar of Electors:

Provided that a supplementary roll shall be printed as soon as may be after the issue of a writ for an election in the district, and the date for the closing of that roll shall be writ day.

(2) Every supplementary roll printed for any district under this section shall be a supplementary roll for the district until a new main roll is printed for the district.

Cf. 1956, No. 107, s. 62; 1980, No. 29, ss. 5 (7), 26

106. Form of main roll and supplementary rolls—(1) Every main roll or supplementary roll printed for any district shall show the names, residences, and occupations (if any) of the persons included therein, arranged alphabetically in order of surnames.

(2) The names on each page of the main roll and of every supplementary roll printed for any district shall be numbered consecutively, beginning with the number one in the case of the first name on each page.

(3) The pages of every main roll or supplementary roll printed for any district shall be numbered consecutively, beginning with the number one in the case of the first page of the main roll and, in the case of a supplementary roll, with the number immediately following the number of the last page of the last printed roll of the district, whether main or supplementary.

(4) The number appearing on the main roll or, as the case may be, on any supplementary roll printed for any district against the name of any elector, preceded by the number of the page on which his or her name appears, shall be deemed to be his or her number on the roll.

(5) With the consent of the Government Statistician, the Registrar may divide the main electoral roll and every supplementary roll into such statistical subdivisions, as the Government Statistician approves.

Cf. 1956, No. 107, s. 63 (1)-(5); 1960, No. 4, s. 2 (1); 1975, No. 28, s. 28; 1980, No. 29, s. 5 (7)

107. Composite rolls—(1) The Registrar of Electors for any district may from time to time cause to be printed a composite roll for the district, which roll—

(a) Shall, subject to any additions, alterations, and deletions made to the electoral roll for the district, contain a list of—

(i) All persons whose names appear on the main roll for the district; and

(ii) All persons whose names appear on any existing supplementary roll for the district; and

(iii) All persons whose names do not appear on the main roll for the district or any existing supplementary roll for the district but are lawfully on the electoral roll for the district on a date to be fixed for the closing of that composite roll by the Chief Registrar of Electors; and

(b) Shall, subject to paragraph (a) of this subsection, be printed in the manner prescribed by section 106 of this Act in respect of a main roll.

(2) Notwithstanding anything in subsection (1) of this section, in the case of a by-election in any district, the Registrar of Electors for that district shall cause a composite roll for that district to be closed and printed as at writ day for the by-election.

(3) Where the date for the closing of a composite roll for a district is writ day in relation to an election in that district, the Registrar of Electors—

(a) Shall cause the composite roll to be printed as soon as may be after the issue of the writ for the election; and

(b) Shall not be obliged to issue a supplementary roll for the district under the proviso to section 105 (1) of this Act in relation to that election.

(4) Where a composite roll for a district is printed under this section,—

(a) The composite roll shall, notwithstanding section 104 (3) of this Act, be the main roll for the district until a

new main roll is printed for the district under section 104 (1) of this Act or a new composite roll is printed for the district under this section; and

(b) The main roll and any supplementary rolls that were in force for the district immediately before the date of the closing of the composite roll shall cease to be in force.

(5) Nothing in this section—

(a) Limits the provisions of section 104 (1) of this Act; or

(b) Prevents any main roll or supplementary roll that is no longer in force from being examined for the purpose of determining—

(i) Whether any person's name should appear on the main roll or any supplementary roll for the time being in force for any district; or

(ii) Whether any person is qualified to vote in any district as a special voter.

Cf. 1956, No. 107, ss. 63A, 63B; 1979, No. 12, s. 2; 1980, No. 29, ss. 5 (8), 28

108. Habitation indexes—The Chief Registrar—

(a) May from time to time compile in respect of any electoral district a habitation index—

(i) Listing, in accordance with their residential addresses, the electors who reside in that electoral district; and

(ii) Showing, against the name of each elector, the number of the elector on the main roll, or, as the case may be, on any supplementary roll for that electoral district; and

(b) Shall, as soon as practicable after the printing of a main roll for an electoral district, compile a habitation index under paragraph (a) of this section in respect of that district.

Cf. 1956, No. 107, s. 60c (1); 1980, No. 29, s. 24; 1983, No. 104, s. 11

109. Dormant file—[(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.】

(5) The Registrar shall from time to time cause to be printed a computer-compiled list showing the names and other particulars of the persons whose particulars are held in any dormant file.

(6) Copies of each computer-compiled list printed pursuant to subsection (5) of this section shall be kept by the Registrar for the purposes of the next election to be held in the district to which the file relates.

(7) Each dormant file and each computer-compiled list printed pursuant to subsection (5) of this section may be used for the purpose of determining whether any person is qualified, under section 60 (c) or (d) of this Act, to vote at any election held in the district to which the file or list relates.

Cf. 1956, No. 107, ss. 65A-65AC; 1985, No. 150, s. 4 (1)

Subss. (1) to (4) were substituted for the original subss. (1) to (4) by s. 29 of the Electoral Amendment Act (No. 2) 1995.

110. Public inspection of rolls, etc.—(1) A copy or copies of—

- (a) The main roll and of the supplementary rolls for any district; and
- (b) The latest index compiled under section 108 of this Act in respect of the electoral district; and
- (c) The most recent computer-compiled list printed pursuant to section 109 (5) of this Act for the electoral district—

shall be kept for inspection by the public at the Office of the Registrar of Electors, and at such other places within the district as the Minister of Justice or the Chief Registrar directs.

(2) Any direction given by the Minister of Justice or the Chief Registrar, as the case may be, may be given in respect of any or all of the categories of documents specified in subsection (1) of this section.

(3) Any person may inspect at the Registrar's office, without payment, at any time between 9 a.m. and 4 p.m. on any day on which the office is open for the transaction of business,—

- (a) The documents specified in subsection (1) of this section:
- (b) The most recent computer-compiled list which is held by the Registrar and which shows the names and particulars of the persons who are on the roll for the district:
- (c) The names and particulars of any person whose name is on the electoral roll but not on the main roll or any supplementary roll or the most recent computer-compiled list to which paragraph (b) of this subsection applies:
- (d) The application of any person who has applied to be registered as an elector of the district but who is prevented, by section 88 of this Act, from being registered as an elector of the district:
- (e) His or her own application for registration as an elector:
- (f) The application for registration of any person whose name is on the electoral roll if—
 - (i) That person consents to his or her application being inspected; or
 - (ii) The Registrar is satisfied that the inspection of the application is justified by a genuine and proper interest:
- (g) The list of post-writ day deletions referred to in section 98 (5) of this Act.

(4) In the case of—

(a) The computer-compiled list printed pursuant to section 109 (5) of this Act; and

(b) The computer-compiled list referred to in subsection (3) (b) of this section—

neither the power of inspection conferred by subsection (3) of this section nor the power to inspect the list when it is made available for public inspection under section 111 of this Act includes the power to copy the list.

(5) Any person may, on paying the prescribed fee, obtain a copy of—

(a) The main or supplementary roll for a district:

(b) An index compiled under section 108 of this Act.

(6) Regulations made under section 267 of this Act—

(a) May prescribe a scale of fees for the purposes of subsection (5) of this section; and

(b) Shall provide for any fee payable under subsection (5) of this section to be reduced wherever the copy of the roll or index is required for any purpose relating to an election or poll.

(7) Where any person is entitled, pursuant to any provision of paragraphs (d) to (f) of subsection (3) of this section, to inspect any application, the Registrar shall produce that application for inspection not later than 2 working days after a request has been made.

(8) Where land in a General electoral district is included within the boundaries of a Maori electoral district, a copy of the most recent computer-compiled list printed pursuant to section 109 (5) of this Act in respect of the Maori electoral district shall be kept open for inspection by the public at the office of the Registrar of the General electoral district as well as at the office of the Registrar of the Maori electoral district.

Cf. 1956, No. 107, ss. 60c (2)–(4), 63 (6), 64 (1), (2), (3)–(5), (7), 65AD (1), (3)–(6); 1960, No. 4, s. 2 (1); 1975, No. 28, s. 28 (2); 1980, No. 29, ss. 5 (7), 24, 29 (1); 1983, No. 104, s. 12 (1); 1985, No. 150, ss. 3 (2), 4 (1); 1986, No. 124, s. 32 (1); 1990, No. 1, ss. 25, 26 (1)

111. Inspection of rolls at hui—(1) Subject to subsection (2) of this section, the Chief Registrar of Electors shall, at the request of any person, make available for public inspection, under the supervision of any Registrar of Electors or person nominated by the Chief Registrar, at any meeting or hui—

(a) The main roll and the supplementary rolls kept for any district:

(b) The most recent computer-compiled list which is held by the Registrar of Electors for any district and which shows the names and particulars of the persons who are on the roll for the district:

(c) Any computer-compiled list printed pursuant to section 109 (5) of this Act.

(2) A request made under subsection (1) of this section shall not be granted unless the Chief Registrar of Electors is satisfied that a large number of persons are likely to attend the meeting or hui in respect of which the request is made.

(3) Where a roll or list is made available for public inspection under subsection (1) of this section, the roll or list shall be made available at such times and places as the Chief Registrar of Electors thinks fit.

Cf. 1956, No. 107, s. 64 (2A), (2B), (2C); 1985, No. 150, s. 3 (1)

112. Supply of information on age and Maori descent—(1) Any person may, in the manner specified in subsection (3) of this section, request the Chief Registrar to provide to that person,—

(a) For the purposes of research conducted by that person on a topic that relates to a scientific matter,—

(i) A list of electors in a particular age group as defined in section 114 (8) of this Act; or

(ii) A list of electors of Maori descent; or

(b) For the purposes of research being conducted by that person on a topic that relates to human health,—

(i) A list of electors whose birthdays fall within a period of 12 months; or

(ii) A list of electors of Maori descent.

(2) Every list supplied pursuant to a request under subsection (1) of this section shall specify, in relation to each elector on that list, his or her name, postal address, residential address, occupation (if any), [preferred honorific (if any),] and meshblock.

(3) Any request made under subsection (1) of this section may seek information about electors appearing to be entitled to vote in—

(a) One or more named electoral districts; or

(b) All electoral districts; or

(c) One or more named regions or constituencies of a region;
or

(d) One or more named territorial authority districts; or

(e) One or more named wards; or
(f) One or more named community board areas;—
but shall not include any request for a random sample of electors.

(4) Every list supplied pursuant to a request under subsection (1) of this section may be supplied in the form of a computer-compiled list or in the form of information recorded on a computer tape, disk, or diskette.

(5) The Chief Registrar shall comply with a request under subsection (1) of this section if—

(a) The person requesting the list pays the prescribed fee; and

(b) The person requesting the list supplies a statement that the list is required for research being conducted by that person on a topic which is specified in the statement and which relates to a scientific matter or to human health; and

(c) The statement supplied under paragraph (b) of this subsection is signed by the chief executive of any department, organisation, or local authority to which the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987 applies; and

(d) The person requesting the list states in a form to be provided by the Chief Registrar that the list is required for the purpose of that person's research and will not be used for any other purpose; and

(e) The Chief Registrar is satisfied that the list should be provided; and

(f) Where the person requesting the list requires the list to be supplied on a computer tape or on a disk or diskette, that person supplies to the Chief Registrar a computer tape, disk, or diskette that complies with the prescribed requirements.

Cf. 1956, No. 107, s. 64BA; 1990, No. 1, s. 28 (1)

In subs. (2) the words in square brackets were inserted by s. 32 of the Electoral Amendment Act (No. 2) 1995.

113. Supply of computer-compiled lists and computer tapes to local authorities—(1) Subject to this section, where any local authority (as defined in section 2 of the Local Government Act 1974) wishes to obtain a computer-compiled list or computer tape, disk, or diskette containing specified information for the purposes of any election, by-election, or poll that is required by or under any Act, the principal

administrative officer of the local authority shall be entitled to obtain from the Chief Registrar a computer-compiled list or computer tape, disks, or diskettes containing that information.

(2) For the avoidance of doubt, it is hereby declared that subsection (1) of this section shall not apply where the list or information is required for the purpose of determining whether or not there has been a valid demand for a poll or a survey of electors.

(3) The specified information, which shall be provided free of charge, shall be provided in accordance with any regulations made pursuant to section 267 of this Act.

(4) Any computer tape, disk, or diskette supplied by the Chief Registrar shall be returned to the Chief Registrar forthwith after use.

(5) Where the specified information is requested for a by-election or poll to be conducted at some time other than a triennial general election, the Chief Registrar may supply only such of the specified information as is relevant to the conduct of the by-election or poll.

(6) Where a principal administrative officer requires specified information for any purpose other than a purpose specified in subsection (1) of this section, and the latest information already available to the principal administrative officer is not suitable for the purpose, the principal administrative officer shall make a special request to the Chief Registrar for the information, which shall be supplied subject to, and in accordance with, any regulations made pursuant to section 267 of this Act.

(7) Where any specified information is requested from the Chief Registrar during the period when a roll revision is being conducted under section 83 of this Act, the Chief Registrar shall be obliged to supply only such specified information as was available before the roll revision commenced.

(8) Regulations made under section 267 of this Act may prescribe fees for the supply of computer tapes, disks, or diskettes by the Chief Registrar in any case, and fees that shall be payable for the provision under this section of a computer-compiled list or for the provision under this section of information on a computer tape, disk, or diskette in any case to which subsection (1) of this section does not apply.

(9) Where any officer of a local authority (as defined in section 2 of the Local Elections and Polls Act 1976) acting on behalf of a local authority (as so defined) wishes to obtain, for the purposes of compiling a roll of electors for a local authority

(as so defined) 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.

[(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.]

[(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.]

Cf. 1956, No. 107, s. 64A; 1989, No. 31, s. 4 (1); 1990, No. 1, s. 27

Subss. (9A) to (9b) were inserted by s. 33 (1) of the Electoral Amendment Act (No. 2) 1995.

Subs. (10) was substituted for the original subs. (10) by s. 33 (2) of the Electoral Amendment Act (No. 2) 1995.

[114. Supply of computer tapes and computer-compiled lists to candidates and political parties—(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.]

This section was substituted for the original s. 114 by s. 34 of the Electoral Amendment Act (No. 2) 1995.

115. Unpublished names—(1) Notwithstanding sections 101, 104, 105, 107, 108, and 110 (3) (c) and (d) of this Act, where the Chief Registrar is satisfied, on the application of any person, that the publication of that person’s name would be prejudicial to the personal safety of that person or his or her family, the Chief Registrar may direct that—

- (a) The name, residence, and occupation of that person shall not be published in any main or supplementary roll or in any list or index that may be available for inspection by the public; and
- (b) The name and particulars of that person shall not be available for inspection under section 110 (3) (c) of this Act; and
- (c) The application for registration of that person shall not be available for inspection under section 110 (3) (d) of this Act.

(2) Without limiting the discretion conferred on the Chief Registrar by subsection (1) of this section, he or she may on the production of—

- [(a) A protection order that is in force under the Domestic Violence Act 1995 in respect of any person; or]
- (b) A statutory declaration from a member of the Police to the effect that he or she believes that the personal safety of a person or of a person’s family could be prejudiced by the publication of that person’s name,—

exercise in respect of that person’s name, and without further evidence or inquiry, the power conferred on the Chief Registrar by that subsection.

Cf. 1956, No. 107, s. 62A; 1980, No. 29, s. 27

In subs. (2), para. (a) is to be substituted for the original para. (a) from a date to be appointed by ss. 1 (2) and 132 of the Domestic Violence Act 1995.

Offences

116. Offences relating to use of electoral information—(1) Every person commits an offence who knowingly and wilfully supplies, receives, or uses information derived from a computer tape, disk, or diskette supplied pursuant to section 112 or section 113 or section 114 of this Act for a purpose other than a purpose authorised by those sections.

(2) Every person who commits an offence against this section is liable on summary conviction,—

(a) In the case of information supplied, received, or used for a commercial purpose, to a fine not exceeding \$50,000; or

(b) In any other case, to a fine not exceeding \$10,000.

Cf. 1956, No. 107, s. 64BB; 1990, No. 1, s. 28 (1)

117. Offences in respect of manipulating or processing electoral information—(1) Every person commits an offence who processes, manipulates, or otherwise changes by optical scanning or other electronic or mechanical means, any information obtained pursuant to section 112 or section 113 or section 114 of this Act or contained in any habitation index or any printed roll, in such a way as to produce that information or part of that information in a different form from that in which it was supplied under this Act.

(2) It shall not be an offence against subsection (1) of this section to process, manipulate, or otherwise change information obtained pursuant to any of the provisions of sections 112 to 114 of this Act into a different form if—

(a) The processing or manipulation is done, or the change is effected, by or on behalf of the person by whom the information was obtained; and

(b) The information, in its different form, is used only for purposes authorised by the provision under which it was obtained.

(3) It shall not be an offence against subsection (1) of this section to process, manipulate, or otherwise change information obtained pursuant to any of the provisions of sections 112 to 114 of this Act or contained in any habitation index or any printed roll into a different form if the information was obtained under this Act more than 10 years before the date on which the processing or manipulation is done or the change is effected.

(4) Every person who commits a breach of subsection (1) of this section is liable on summary conviction to a fine not exceeding \$50,000.

(5) Every person commits an offence who—

(a) Uses for any purpose; or

(b) Supplies to any person—
any information the production of which contravenes subsection (1) of this section.

(6) Every person who commits a breach of subsection (5) of this section is liable on summary conviction,—

(a) Where the use or supply was for a commercial purpose, to a fine not exceeding \$50,000; or

(b) Where the use or supply was for any other purpose, to a fine not exceeding \$10,000.

Cf. 1956, No. 107, s. 64BC; 1990, No. 1, s. 28 (1)

118. False statements or declarations—Every person who knowingly and wilfully makes a false statement in any application, certificate, or declaration for the purposes of this Part of this Act shall be liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months.

Cf. 1956, No. 107, s. 66; 1975, No. 28, s. 46; 1990, No. 1, s. 31 (1)

119. Wilfully misleading Registrar—Every person shall for each offence be liable on summary conviction to a fine not exceeding \$2,000 who—

(a) Wilfully misleads any Registrar in the compilation of any roll or list, or wilfully enters or causes to be entered thereon any false or fictitious name or qualification or the name of any person whom he or she knows to be dead:

(b) Signs the name of any person, whether requested to do so or not, or any false or fictitious name to any form of application or objection for the purposes of this Part of this Act either as applicant, objector, or witness:

(c) Signs his or her name as witness to any signature upon any such form of application or objection without either seeing the signature written or hearing the person signing declare that the signature is in his or

her own handwriting and that the name so signed is his or her own proper name.

Cf. 1956, No. 107, s. 67 (1); 1980, No. 29, s. 5 (7); 1990, No. 1, s. 32 (1)

120. Duty to report suspected offences—Where the Registrar believes that any person has committed an offence against section 119 of this Act, he or she shall report the facts on which that belief is based to the Police.

Cf. 1956, No. 107, s. 67 (2); 1983, No. 104, s. 15

121. Failure to deliver application—Every person shall be liable on summary conviction to a fine not exceeding \$2,000 who, having obtained possession of an application for registration signed by any other person for the purpose of being delivered to the Registrar for registration, wilfully fails so to deliver it so that the applicant's name is not entered on the roll.

Cf. 1956, No. 107, s. 68; 1980, No. 29, s. 5 (7); 1990, No. 1, s. 33 (1)

Miscellaneous Provisions

122. Assistance to be given to Registrar—(1) All members of the Police—

- (a) Shall, at the request of the Registrar, assist the Registrar by informing him or her of the name of any person whom they have reason to believe is qualified to be registered as an elector but is not registered, or is registered but is not qualified to be registered; and
- (b) Shall give the Registrar any information the Registrar requests relating to the qualifications of any person for registration as an elector.

(2) All members of the Police shall also assist the Registrar by making such inquiries and obtaining such information as he or she requests.

Cf. 1956, No. 107, s. 51; 1980, No. 29, s. 5 (7)

123. Copies of rolls for Returning Officer—The Registrar shall supply to the Returning Officer for the district—

- (a) As many copies as he or she may require of the main roll and the supplementary rolls, showing all deletions (except deletions made in the period beginning on the day after writ day and ending on the day before

polling day) from the electoral roll and certified correct by the Registrar; and

- (b) A copy of the list of post-writ day deletions referred to in section 98 (5) of this Act.

Cf. 1956, No. 107, s. 65; 1983, No. 104, s. 14 (1); 1990, No. 1, s. 29

124. Power to destroy records—(1) Where—

- (a) The Registrar considers that records held by the Registrar, being—

- (i) Applications for registration as electors; or
(ii) Forms completed under section 83 of this Act;
or

(iii) Records forming part of the dormant file kept under section 109 (1) of this Act,—

are no longer required; and

- (b) Two general elections have taken place,—

(i) In the case of records to which subparagraph (i) or subparagraph (ii) of paragraph (a) of this subsection applies, since those records were made; or

(ii) In the case of records to which subparagraph (iii) of paragraph (a) of this subsection applies, since the completion of the roll revision exercise under section 83 of this Act from which those records were derived,—

the Registrar may, subject to subsection (2) of this section, destroy those records.

(2) Nothing in this section authorises any person to destroy any records if he or she has reason to believe that those records are relevant to an election petition or that the time for bringing an election petition to which those records may be relevant has not expired.

Cf. 1956, No. 107, s. 65B (1), (3); 1981, No. 120, s. 26

PART VI

ELECTIONS

General Elections

125. Governor-General's warrant for issue of writs—

For every general election the Governor-General shall, not later than 7 days after the day of the dissolution or expiration of the then last Parliament, as the case may be, by warrant under his or her hand in form 2, direct the Clerk of the Writs to proceed forthwith to issue writs for the election of those members of

Parliament who represent all electoral districts within New Zealand.

Cf. 1956, No. 107, s. 70

126. Writs for general election—On the receipt of the Governor-General's warrant the Clerk of the Writs shall within 3 days issue a writ in form 3 to the Returning Officer for each electoral district.

Cf. 1956, No. 107, s. 71

127. Election of list candidates—(1) At any general election any Secretary of a political party that is registered under Part IV of this Act may forward to the Chief Electoral Officer a list of candidates for election to the seats reserved for those members of Parliament elected from lists submitted under this section.

(2) A list submitted under this section shall be in form 4 and shall list candidates in order of the party's preference commencing with the first in order of preference and ending with the last.

(3) Every list 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 the nomination of constituency candidates.

[(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.]

(4) Where a Secretary of any political party submits a list under this section, he or she shall at the same time forward, in respect of each person named on the list, a copy of the person's consent to the inclusion of his or her name on that list.

(5) Every form of consent submitted under this section shall be in form 5 and may be given in writing or by facsimile transmission.

(6) The Chief Electoral Officer shall give a receipt in writing for every list accepted by the Chief Electoral Officer.

[(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.]

Subs. (3A) was inserted by s. 35 (1) of the Electoral Amendment Act (No. 2) 1995.

Subss. (7) and (8) were added by s. 35 (2) of the Electoral Amendment Act (No. 2) 1995.

128. Acceptance or rejection of lists by Chief Electoral Officer—(1) The Chief Electoral Officer shall reject every list submitted under section 127 of this Act that—

(a) Is not submitted by a political party registered under Part IV of this Act; or

(b) Is not lodged with the Chief Electoral Officer not later than noon on nomination day; or

[(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.]

(2) Where—

(a) Any person named as a candidate on a list submitted under section 127 of this Act is not qualified both to be a candidate and to be elected a member of Parliament; or

(b) The consent of any person named as a candidate on a list submitted under section 127 of this Act is not lodged in the required form with the Chief Electoral Officer not later than noon on nomination day,—

the Chief Electoral Officer shall delete the name of that person from the list and the order of preference in the list shall be deemed to be amended accordingly.

(3) If, after the deletion of any name or names of candidates from a list pursuant to subsection (2) of this section, there are no names of candidates left remaining on the list, the provisions of subsection (1) (c) of this section shall apply.

In subs. (1), paras. (c) and (d) were substituted for the original para. (c) by s. 36 of the Electoral Amendment Act (No. 2) 1995.

[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.]

Ss. 128A to 128c were inserted by s. 37 of the Electoral Amendment Act (No. 2) 1995.

By-Elections for Vacancies in Seats of Members Representing Electoral Districts

129. By-elections for members representing electoral districts—(1) Where—

(a) Parliament is not in session; or

(b) The House of Representatives is adjourned and is not due to meet again for more than 14 days,—

and it appears to the Speaker that the seat of any member elected to represent an electoral district has become vacant, the Speaker shall forthwith cause a notice of the vacancy and of the cause thereof to be published in the *Gazette*.

(2) Where the vacancy arises from death or resignation, the Speaker shall, forthwith upon the publication of the notice in the *Gazette*, by warrant under his or her hand in form 6, direct the Clerk of the Writs to proceed forthwith to issue a writ to supply the vacancy.

(3) Where the vacancy arises from any cause other than death or resignation, then, as soon as conveniently may be after the expiration of 10 days from the date of the publication of the notice in the *Gazette*, the Speaker, on its being established to his or her satisfaction that a vacancy does exist, shall, by warrant under his or her hand in form 6, direct the Clerk of the Writs to proceed forthwith to issue a writ to supply the vacancy.

(4) Where a vacancy in the seat of any member of Parliament elected to represent an electoral district exists at the commencement of any session and no writ has been issued to supply the vacancy, or where a vacancy occurs during a session, the Speaker shall forthwith upon being ordered to do so by the House, by warrant under his or her hand in form 6, direct the Clerk of the Writs to proceed forthwith to issue a writ to supply the vacancy.

(5) Nothing in subsections (1) to (4) of this section applies in respect of any vacancy that occurs in the period between a dissolution or expiration of Parliament and the close of polling day at the next general election.

Cf. 1956, No. 107, s. 72; 1986, No. 116, s. 4

130. When Governor-General to act for Speaker—Where a vacancy in the seat of any member of Parliament elected to represent an electoral district occurs at a time when there is no Speaker or the Speaker is absent from New Zealand, the Governor-General shall cause a like notice to be inserted in the *Gazette*, and the like proceedings to be taken as are provided for in section 129 of this Act.

Cf. 1956, No. 107, s. 73

131. Power to resolve in certain cases that by-election not be held—Notwithstanding anything in section 129 of this Act, no writ shall be issued for a by-election to supply a vacancy in the House of Representatives if—

- (a) The vacancy arises in the period of 6 months ending with the date of the expiration of the Parliament and a resolution that a writ not be issued to supply the vacancy is passed by a majority of 75 percent of all the members of the House of Representatives; or
- (b) Following the tabling in the House of Representatives by the Prime Minister of a document informing the House that a general election is to be held within 6 months of the occurrence of the vacancy, a resolution is passed by a majority of 75 percent of all the members of the House of Representatives to the effect that a writ is not to be issued to supply the vacancy.

Cf. 1956, No. 107, s. 73A; 1990, No. 1, s. 35

132. Writ for by-election—(1) Subject to subsection (2) of this section, the Clerk of the Writs shall, as soon as reasonably practicable after receiving a warrant, but in any case not later than 21 days after the date of the receipt of the warrant, issue a writ in form 3 to the Returning Officer for the district in which the vacancy has occurred.

(2) In any case in which it appears to the Governor-General to be necessary for special reasons, the Governor-General may, by Order in Council, authorise the Clerk of the Writs to postpone the issue of a writ until such day as may be specified in the Order in Council, not being later than 42 days after the date of the receipt of the warrant.

Cf. 1956, No. 107, s. 74

133. No writ to issue pending election petition—If after a petition has been presented against the return of any member representing an electoral district his or her seat

becomes vacant on any of the grounds mentioned in section 55 of this Act, no writ to fill the vacancy shall be issued until after the petition has been disposed of, and not then if the Court determines that that member was not duly elected or returned and that some other person was duly elected or returned.

Cf. 1956, No. 107, s. 75

Filling of Vacancies in Other Seats

134. Speaker's warrant for supply of vacancy—

(1) Where—

(a) Parliament is not in session; or

(b) The House of Representatives is adjourned and is not due to meet again for more than 14 days,—

and it appears to the Speaker that the seat of any member elected as a consequence of inclusion of the member's name on a list submitted pursuant to section 127 of this Act has become vacant, the Speaker shall, subject to subsection (2) of this section, forthwith cause a notice of the vacancy and of the cause thereof to be published in the *Gazette*, and by warrant under his or her hand in form 7, direct the Chief Electoral Officer to proceed forthwith to supply the vacancy.

(2) Where the vacancy in the seat of any member elected as a consequence of inclusion of the member's name on a list submitted pursuant to section 127 of this Act, arises other than through death or resignation, the Speaker shall, as soon as conveniently may be after the expiration of 10 days from the date of the publication of the notice in the *Gazette*, establish to his or her satisfaction, whether or not the vacancy exists, and, if satisfied that the vacancy exists, shall then, by warrant under his or her hand in form 7, direct the Chief Electoral Officer to proceed forthwith to supply the vacancy.

(3) Where a vacancy exists at the commencement of any session and no direction to supply the vacancy has been issued, or where a vacancy occurs during a session, the Speaker shall forthwith upon being ordered to do so by the House, by warrant under his or her hand in form 7, direct the Chief Electoral Officer to proceed forthwith to supply the vacancy.

(4) Nothing in subsections (1) to (3) of this section applies in respect of any vacancy that occurs in the period between a dissolution or expiration of Parliament and the close of polling day at the next general election.

Cf. 1956, No. 107, s. 72; 1986, No. 116, s. 4

135. When Governor-General to act for Speaker—

Where a vacancy occurs at a time when there is no Speaker or the Speaker is absent from New Zealand, the Governor-General shall cause a like notice to be inserted in the *Gazette*, and the like proceedings to be taken as are provided for in section 134 of this Act.

Cf. 1956, No. 107, s. 73

136. Power to resolve in certain cases not to supply vacancy—Notwithstanding anything in section 134 of this Act, no direction shall be issued under that section to the Chief Electoral Officer to supply a vacancy in the House of Representatives if—

- (a) The vacancy arises in the period of 6 months ending with the date of the expiration of the Parliament and a resolution that a direction not be issued to supply the vacancy is passed by a majority of 75 percent of all the members of the House of Representatives; or
- (b) Following the tabling in the House of Representatives by the Prime Minister of a document informing the House that a general election is to be held within 6 months of the occurrence of the vacancy, a resolution is passed by a majority of 75 percent of all the members of the House of Representatives to the effect that a direction is not to be issued to supply the vacancy.

Cf. 1956, No. 107, s. 73A; 1990, No. 1, s. 35

[137. Method of supplying vacancy—(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.]

This section was substituted for the original s. 137 by s. 38 of the Electoral Amendment Act (No. 2) 1995.

138. Filing of return—Where any vacancy is filled under section 137 of this Act, or the Chief Electoral Officer determines that the vacancy cannot be filled, the Chief Electoral Officer shall, as soon as is convenient, file with the Clerk of the House of Representatives a return indicating,—

(a) In any case where the vacancy can be filled, the name of the person declared to be elected and the date of the return; or

(b) In any case where the vacancy cannot be filled, the fact that the vacancy cannot be filled and the date of the return.

Issue of Writs

139. Contents of writ—(1) In every writ for the election of a member of Parliament for an electoral district there shall be appointed—

(a) The latest day for the nomination of constituency candidates; and

(b) A day for the polling to take place if a poll is required, being a Saturday; and

(c) The latest day for the return of the writ.

(2) Polling day shall not be earlier than the 20th day after nomination day nor later than the 27th day after nomination day.

(3) In the case of a general election the same polling day shall be appointed in each writ.

(4) The latest day for the return of the writ (other than a writ issued under section 153 (8) of this Act) shall be the 50th day after its issue.

(5) The latest day for the return of a writ issued under section 153 (8) of this Act shall be the 78th day after its issue.

Cf. 1956, No. 107, s. 76; 1975, No. 28, s. 30; 1985, No. 149, s. 18

140. Clerk of Writs to notify Registrar—The Clerk of the Writs shall forthwith on signing a writ for an election to be held in any district cause a notice of the issue of the writ to be sent to the Registrar for the district.

Cf. 1956, No. 107, s. 77; 1990, No. 1, s. 36 (1)

141. Notice to Returning Officer—(1) The Clerk of the Writs may, on signing a writ for an election to be held in any district, cause a notice to be sent to the Returning Officer for the district informing the Returning Officer of the issue of the writ and of the nomination day and of the polling day.

(2) If the Returning Officer is unable for any reason to receive the notice, the Returning Officer shall appoint a person to receive the notice on the Returning Officer's behalf.

(3) The receipt by the Returning Officer, or by the person appointed by the Returning Officer under subsection (2) of this section, of the notice shall be deemed to be the receipt by the Returning Officer of the writ, and the date of that receipt shall be endorsed on the writ.

Cf. 1956, No. 107, s. 78; 1990, No. 1, s. 37 (1)

142. Returning Officer to give public notice of nomination day and polling day—Every Returning Officer shall forthwith on the receipt of a writ give public notice of the nomination day and of the polling day in form 8.

Cf. 1956, No. 107, s. 79

Nominations

143. Nominations of candidates for electoral districts—(1) Any person qualified under this Act may, with his or her consent, be nominated as a candidate for election for any electoral district (hereinafter referred to as a constituency

candidate), by not less than 2 registered electors of that district, by a nomination paper in form 9.

(2) Consent to the nomination of any person shall, subject to subsection (3) of this section, be given by that person in writing or, where the Returning Officer has facilities for the receipt of facsimile transmissions, by facsimile transmission, but such consent need not be given at the time when the nomination paper is lodged.

(3) Where any person is for the time being outside New Zealand, his or her consent, for the purposes of subsection (2) of this section, may be signified to the Returning Officer in any manner approved by the Chief Electoral Officer.

[(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.]

[(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.]

(5) Each constituency candidate shall be nominated by a separate nomination paper in such manner as, in the opinion of the Returning Officer, is sufficient to identify the constituency candidate.

(6) Every constituency candidate shall ensure that the name or names shown on the nomination paper as the name or names to be used on the ballot paper are short enough to fit on the ballot paper.

(7) No elector may nominate more than one constituency candidate.

(8) Any registered elector of the district may inspect any nomination paper or consent at the Returning Officer's office without payment at any time when the office is open for the transaction of business.

Cf. 1956, No. 107, s. 80 (1)-(6); 1990, No. 1, s. 38

Subs. (3A) was inserted by s. 39 (1) of the Electoral Amendment Act (No. 2) 1995.

Subs. (4) was substituted for the original subs. (4) by s. 39 (2) of the Electoral Amendment Act (No. 2) 1995.

144. Deposit by candidate—(1) Every constituency candidate, or some person on the constituency candidate's behalf, shall deposit with the Returning Officer the sum of \$300 not later than noon on nomination day.

(2) The deposit shall be paid in the form of money, a bank draft, or a bank cheque.

(3) If the total number of votes received by any unsuccessful constituency candidate is less than 5 percent of the total number of votes received by constituency candidates in the district, the deposit of the unsuccessful candidate shall be forfeited and paid into the Crown Bank Account, but in every other case the deposit shall be returned to the person who paid it.

Cf. 1956, No. 107, s. 81; 1990, No. 1, s. 39 (1)

145. Acceptance or rejection of nomination—(1) The Returning Officer shall reject the nomination of any constituency candidate—

(a) If the nomination paper and the consent of the candidate are not lodged with the Returning Officer not later than noon on nomination day; or

(b) If the nomination paper does not state that the candidate is a registered elector of a specified electoral district, or, where section 49 of this Act applies, is a qualified elector of a specified electoral district; or

(c) If the nomination paper is not signed by at least 2 registered electors of the district for which the nomination is made; or

(d) If the required deposit is not paid as required by this Act.

(2) Subject to the concurrence of the Chief Electoral Officer, the Returning Officer shall not accept the nomination of any constituency candidate if the Returning Officer is not satisfied, by such evidence (if any) as the Returning Officer requires, that the name under which the candidate is nominated is—

(a) The name under which the candidate's birth was registered, with any alteration or addition made thereto under [section 20 of the Births, Deaths, and Marriages Registration Act 1995]; or

(b) In the case of a person who has been adopted, the name conferred on that person by the adoption order; or

(c) The name by which the candidate was commonly known throughout the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer; or

(d) The name which was adopted by the candidate by deed poll registered under [section 21 of the Births, Deaths, and Marriages Registration Act 1995] before the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer and which was used by the candidate throughout that period.

(3) Notwithstanding anything in subsection (2) of this section, in applying that subsection in the case of any female constituency candidate who is or has been married, her husband's surname may be substituted for her surname in any of the cases specified in paragraphs (a) to (d) of that subsection, unless, if her husband were nominated as a constituency candidate under that surname, the Returning Officer would be required to reject his nomination under the provisions of that subsection.

(4) Notwithstanding anything in subsection (2) of this section, in applying that subsection in the case of any male constituency candidate who is or has been married, his wife's surname may be substituted for his surname in any of the cases specified in paragraphs (a) to (d) of that subsection, unless, if his wife were nominated as a constituency candidate under that surname, the Returning Officer would be required to reject her nomination under the provisions of that subsection.

(5) Notwithstanding anything in subsection (2) of this section, the Returning Officer may, with the concurrence of the Chief Electoral Officer, accept the nomination of any constituency candidate under a name that does not comply with the provisions of that subsection, if the Returning Officer is satisfied that the name has been adopted by the candidate in good faith and for good reason and is not indecent or offensive or likely to deceive or cause confusion.

(6) In every other case the Returning Officer shall accept the nomination.

(7) Nothing in subsection (6) of this section limits the jurisdiction of the Court hearing an election petition.

Cf. 1956, No. 107, s. 82; 1983, No. 104, s. 16 (1)

In subs. (2) (a) the reference to s. 20 of the Births, Deaths, and Marriages Registration Act 1995, being the corresponding enactment in force at the date of this reprint, has been substituted for s. 17 of the Births and Deaths Registration Act 1951, which was repealed by s. 96 of the 1995 Act.

In subs. (2) (d) the reference to s. 21 of the Births, Deaths, and Marriages Registration Act 1995, being the corresponding enactment in force at the date of this reprint, has been substituted for s. 17A of the Births and Deaths Registration Act 1951, which was repealed by s. 96 of the 1995 Act.

146. Withdrawal of nomination—(1) Any constituency candidate may withdraw his or her nomination by a notice in form 10, signed by him or her and witnessed by a Justice of the Peace or a solicitor.

(2) No withdrawal of nomination shall have any effect unless it is lodged with the Returning Officer not later than noon on nomination day.

(3) Where a candidate has duly withdrawn his or her nomination his or her deposit shall be returned to the person who paid it.

Cf. 1956, No. 107, s. 83

Advertisements

[147. Advertisement of nomination and polling places—(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.]

This section was substituted for the original s. 147 by s. 40 of the Electoral Amendment Act (No. 2) 1995.

Uncontested Elections

148. Procedure where election not contested—(1) If only one constituency candidate is nominated, or if any constituency candidate who has been nominated duly withdraws his or her nomination and there remains only one constituency candidate, the Returning Officer shall, by public notice on or before polling day, declare that constituency candidate to be duly elected.

(2) The name of the person so elected shall be endorsed on the writ by the Returning Officer, and the writ shall be returned by the Returning Officer to the Clerk of the Writs forthwith.

Cf. 1956, No. 107, s. 85

Elections

149. Poll to be taken—A poll shall be taken by secret ballot at the several polling places of the district on polling day.

Cf. 1956, No. 107, s. 86

[150. Form of ballot papers—(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 2 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.]

This section was substituted for the original s. 150 by s. 41 of the Electoral Amendment Act (No. 2) 1995.

151. Name of political party for constituency candidates—(1) Where a name is shown on a nomination paper, or other document on which a constituency candidate consents to his or her nomination, as the name of the constituency candidate's political party, the Returning Officer may, if he or she considers it necessary, require the candidate to produce evidence sufficient to satisfy the Returning Officer of the candidate's eligibility to claim that accreditation.

(2) Where the Returning Officer considers that the name shown on the nomination paper or other document as the name of the constituency candidate's political party is indecent or offensive or excessively long or likely to cause confusion to or mislead electors,—

(a) The Returning Officer shall, after consultation with the candidate, show on the ballot paper as the name of the candidate's political party such name as the Returning Officer and the candidate agree upon in place of that shown on the nomination paper or other document; and

(b) If, on such consultation, the Returning Officer and the candidate cannot agree, or if consultation is not reasonably practicable, the Returning Officer shall not show any name on the ballot papers as the name of the candidate's political party.

Cf. 1956, No. 107, s. 87A; 1990, No. 1, s. 40 (1)

Death of Candidate

152. Death before close of nominations—(1) Where a constituency candidate, who has been nominated and who has not withdrawn his or her nomination, dies before the close of nominations, his or her nomination shall be treated in all respects as if it had not been made, and his or her deposit shall

be returned to his or her personal representatives or, as the case may be, to the person who paid it.

(2) Where, in any such case, the candidate dies on nomination day or on the day before nomination day, the time for the close of nominations in that district shall be deemed to be postponed by 4 days.

Cf. 1956, No. 107, s. 88; 1975, No. 28, s. 34

153. Death after close of nominations—(1) If—

- (a) Any constituency candidate dies after the close of nominations and before the close of the poll; or
- (b) The successful constituency candidate dies after the close of the poll and before the declaration of the result; or
- (c) Any candidate whose name is included on a list submitted under section 127 of this Act dies after the submission of the list and before the declaration required by section 193 (5) of this Act,—

the provisions of this section shall apply.

(2) If the candidate who dies is one whose name is included on a list submitted under section 127 of this Act,—

- (a) The poll shall proceed; and
- (b) The list shall be treated subsequently as if the candidate's name had never been included on that list.

[(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.]

(4) Where a constituency candidate dies on polling day before the close of the poll, the Returning Officer shall, upon being satisfied of the fact of the death,—

(a) Either—

(i) Immediately close that part of the poll which relates to [the part of the ballot paper that relates to the electorate vote] and declare that part of the poll to be of no effect; or

(ii) Where the poll is being conducted as a consequence of a by-election, close the poll and declare it to be of no effect; and

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

(c) Endorse on the writ the fact of the death and the time of the close 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.

(5) Where a constituency candidate dies after the close of the poll and before the declaration of the result of the poll, and it is found on the completion of the count of votes or on a recount that the candidate, if still living, would have been elected, the Returning Officer shall, upon being satisfied of the fact of the death,—

(a) Report the death to the Chief Electoral Officer; and

(b) Endorse on the writ the fact of the death and that the candidate, if still living, would have been elected; and

(c) Return the writ so endorsed to the Clerk of the Writs.

(6) The provisions of this Act as to an equality of votes between constituency candidates shall apply notwithstanding the death of one of those candidates after the close of the poll.

[(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.]

(8) Upon the return to the Clerk of the Writs of a writ which has been vacated in whole or in part as aforesaid, a fresh writ shall be issued forthwith for a new election and, except as otherwise provided, all proceedings in connection with the new election shall be had and taken anew as if it were a by-election.

(9) The main roll and supplementary rolls which were to be used at the election which has failed shall be used at the new election without any amendment or addition.

(10) It shall not be necessary to nominate afresh any candidate who, at the time of the countermand or close of the poll, was a duly nominated candidate.

(11) Notwithstanding subsection (10) of this section, any candidate to whom that subsection applies may withdraw his or her nomination before the time appointed for the close of nominations for the new election.

(12) All appointments of polling places made in respect of the election that has failed shall continue in respect of the new election.

Cf. 1956, No. 107, s. 89 (1), (2), (3)–(11)

Subs. (3) was substituted for the original subs. (3) by s. 42(1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (4) (a) (i) the words in square brackets were substituted for the former words by s. 42(2) (a) of the Electoral Amendment Act (No. 2) 1995.

In subs. (4) (e) the words in square brackets were substituted for the former words by s. 42(2) (b) of the Electoral Amendment Act (No. 2) 1995.

Subs. (7) was substituted for the original subs. (7) by s. 42(3) of the Electoral Amendment Act (No. 2) 1995.

Candidates' Meetings

154. Use of public schoolrooms for election meetings—(1) Any candidate at an election may, for the purpose of holding public meetings of electors for electoral purposes during the period of an election, use free of charge, other than the cost of lighting and heating, and of cleaning after use, and of repairing any damage done, any suitable

room in any public primary school or intermediate school or secondary school after the ordinary school hours, subject to the following provisions:

- (a) Three days' notice of the proposed public meeting shall be given to the governing body of the school:
- (b) The use of the school shall be granted in the order of receipt of applications by or on behalf of the candidates:
- (c) No candidate shall have the use of the same room on a second occasion if any other candidate who has not before used it desires to make use of it at the same time under this section.

(2) If it is proved that any such meeting was not a public meeting within the meaning of this section, the person by whom and the candidate on whose behalf the meeting was convened shall each be liable on summary conviction to a fine not exceeding \$1,000.

(3) For the purposes of this section, the term "candidate" means—

- (a) Any person who has declared his or her intention of becoming a candidate either by advertisement in a newspaper, or by circular, or by announcement at a public meeting, or by duly consenting to nomination, but does not include a candidate who has withdrawn his or her nomination; or
- (b) Any person whose name has been included in a list submitted under section 127 of this Act.

Cf. 1956, No. 107, s. 90; 1975, No. 28, s. 35 (1)(a); 1990, No. 1, s. 42 (1), (2)

Polling at Elections

155. Power to appoint polling places—(1) In respect of each election, the Governor-General may from time to time, subject to subsections (2) to (4) of this section, appoint polling places for any district, and may revoke, alter, or add to any such appointment.

(2) The polling places appointed for any district may include polling places that are not within the limits of that district.

[(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.]

(4) At least [12] polling places within the limits of each district shall have access that is suitable for persons who are physically disabled.

(5) Public notice of every appointment, revocation, alteration, or addition under this section shall be given in the *Gazette*.

Cf. 1956, No. 107, s. 91; 1990, No. 1, s. 43 (1)

Subs. (3) was substituted for the original subs. (3) by s. 43 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (4) the figures "12" were substituted for the figure "6" by s. 43 (2) of the Electoral Amendment Act (No. 2) 1995.

156. Use of public schools as polling places—(1) Any public primary school or intermediate school or secondary school may be appointed to be a polling place under section 155 of this Act, and in every such case it shall be the duty of the governing body of the school to place it at the free disposal of the Returning Officer from 4 p.m. on the day before polling day and for the whole of polling day.

(2) The cost of cleaning any part of a school used as a polling place, the cost of lighting and heating used on polling day, and the cost of repairing any damage arising from the use of a school as a polling place, shall be defrayed by the Returning Officer out of money to be appropriated by Parliament.

Cf. 1956, No. 107, s. 91A; 1990, No. 1, s. 43 (1)

157. Polling booths, ballot boxes, ballot papers, etc.—

(1) The Returning Officer shall provide the following things for taking the poll:

- (a) One or more rooms for polling booths at each polling place, and in each booth one or more inner compartments, separated from but opening into the booth and having no other opening:
- (b) In each inner compartment, suitable facilities for the marking of ballot papers:
- (c) In each booth, one or more ballot boxes:
- (d) In each booth, one or more copies of the main roll and supplementary rolls for the district, and a sufficient number of voting papers.

(2) The Returning Officer shall provide—

- (a) Each polling place in respect of a General electoral district with a copy of the roll for the Maori electoral district in which the polling place is situated; and

(b) Each polling place in respect of a Maori electoral district with a copy of the roll for the General electoral district in which the polling place is situated.

[(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.]

Cf. 1956, No. 107, s. 92; 1990, No. 1, s. 44 (1)

Subs. (3) was substituted for the original subs. (3) by s. 44 of the Electoral Amendment Act (No. 2) 1995.

158. Deputy Returning Officers, poll clerks, ushers, and interpreters—(1) The Returning Officer—

(a) Shall appoint for each polling booth a Deputy Returning Officer to conduct the poll at that booth; and

(b) May appoint such additional Deputy Returning Officers and such poll clerks, ushers, and interpreters as the Returning Officer considers necessary.

(2) The Returning Officer may exercise in person all the powers, duties, and functions of a Deputy Returning Officer in respect of any polling booth or polling booths.

(3) Any Returning Officer or Deputy Returning Officer may at any time on polling day appoint in writing a substitute to act for him or her in respect of that election in case of his or her absence from duty.

(4) If the Deputy Returning Officer fails to open the polling at any booth, or if he or she is absent from duty and has not appointed a substitute, the poll clerk at the booth may act for the Deputy Returning Officer and in that event shall be deemed to be his or her substitute.

(5) Every substitute while acting for any Returning Officer or Deputy Returning Officer shall have all the powers, duties, and functions of that Returning Officer or Deputy Returning Officer.

(6) Nothing in the State Sector Act 1988 shall apply to any person appointed under this section, or to any substitute acting under this section.

(7) Regulations made under section 267 of this Act may prescribe procedures governing the use of interpreters.

(8) Where the Returning Officer appoints interpreters, he or she shall, at the request of any candidate, supply to that candidate the names of those interpreters.

Cf. 1956, No. 107, s. 93; 1981, No. 120, s. 30; 1990, No. 1, s. 45

159. Deputy Returning Officers, poll clerks, ushers, and interpreters to make declaration—Every Deputy Returning Officer and poll clerk and usher and interpreter shall before the poll, and every substitute for a Deputy Returning Officer shall before acting, make a declaration in form 1 before the Returning Officer, or a Justice of the Peace, or a solicitor, or another Deputy Returning Officer.

Cf. 1956, No. 107, s. 94; 1990, No. 1, s. 46

160. Scrutineers—(1) Each constituency candidate may, by writing under his or her hand, appoint one or more scrutineers for each polling booth at any election.

(2) Every scrutineer 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.

(3) Where a candidate appoints more than one scrutineer for any polling booth, not more than one scrutineer for that candidate shall be present in the polling booth at any time.

(4) Any scrutineer may at any time during the hours of polling leave and re-enter the polling booth for which he or she is appointed.

(5) Nothing in this Act shall render it unlawful for a scrutineer to communicate to any person information as to the names of persons who have voted.

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

Cf. 1956, No. 107, s. 95; 1971, No. 67, s. 5; 1975, No. 28, s. 36; 1990, No. 1, s. 47

161. Hours of polling—(1) The poll at every election shall commence at 9 a.m. on polling day, and, except as otherwise provided in this Act, shall finally close at 7 p.m. on the same day.

(2) Every elector who at the close of the poll is present in a booth for the purpose of voting shall be entitled to receive a ballot paper and to mark and deposit it in the same manner as if he or she had voted before the close of the poll.

Cf. 1956, No. 107, s. 96

162. Employees to have time off to vote—(1) Subject to the provisions of this section, on the polling day at any election every employer shall allow every worker in his or her employment who is an elector of any electoral district in which the election is being held, and who has not had a reasonable opportunity of voting before commencing work, to leave his or her work for the purpose of voting not later than 3 o'clock in the afternoon for the remainder of the day, and it shall not be lawful for any employer to make any deduction from any remuneration payable to any such worker in respect of any time after the time of his or her leaving his or her work as aforesaid.

(2) Where any such worker is required to work after 3 o'clock in the afternoon of polling day for the purpose of carrying on any essential work or service, his or her employer shall on that day allow the worker to leave his or her work for a reasonable time for the purpose of voting, and it shall not be lawful for the employer to make any deduction from any remuneration payable to the worker in respect of any time, not exceeding 2 hours, occupied in voting as aforesaid.

(3) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$1,000 who contravenes subsection (1) or subsection (2) of this section.

(4) Every master of a ship that happens to be in any port in New Zealand at the time of any general election or by-election in any district, at the request of any of the crew being registered or qualified to be registered as electors of that district, shall allow them to go ashore at a proper time to admit of their voting at the election; and every master who without reasonable cause commits any breach of this subsection shall be liable on summary conviction to a fine not exceeding \$1,000.

(5) For the purposes of this section,—

“Employer” and “worker” have the same meaning as in the Holidays Act 1981:

“Master”, in relation to any ship, includes any person (except a pilot) having command or charge of the ship.

(6) This section shall bind the Crown.

Cf. 1956, No. 107, s. 98; 1990, No. 1, s. 48 (1)

Voting

163. Ballot box to remain closed during poll—(1) The Deputy Returning Officer shall, before the opening of the poll, and in sight of any of the scrutineers present,—

- (a) See that the ballot box is empty; and
- (b) Close the ballot box; and
- (c) Ensure that the ballot box is sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.

(2) Subject to subsection (3) of this section, the ballot box, after being sealed or locked in accordance with subsection (1) of this section, shall not again be opened until after the close of the poll.

(3) If the ballot box becomes full and no other ballot box is available, the Deputy Returning Officer, in sight of any of the scrutineers present, may open the ballot box and compress the papers in it.

(4) Where a ballot box is opened pursuant to subsection (3) of this section, the Deputy Returning Officer shall, after compressing the papers and in sight of any of the scrutineers present,—

- (a) Close the ballot box; and
- (b) Ensure that the ballot box is sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.

Cf. 1956, No. 107, s. 101; 1990, No. 1, s. 51

164. Persons not to remain in polling places—No person not actually engaged in voting shall be allowed to remain in a polling place except—

- (a) The Returning Officer; or
- (b) Deputy Returning Officers; or
- (c) Poll clerks; or
- (d) Ushers; or
- (e) Scrutineers; or
- (f) Interpreters; or
- (g) Any other person with the permission of the Returning Officer or Deputy Returning Officer.

Cf. 1956, No. 107, s. 102; 1990, No. 1, s. 52

165. Voters not to be communicated with in booth—(1) No scrutineer or other official or unofficial person shall communicate with any voter in a polling booth either before or after the voter has given his or her vote, except only the

Deputy Returning Officer or poll clerk (with an interpreter if necessary), who may ask the questions he or she is authorised to put, and give such general directions as may assist any voter to give his or her vote, and in particular may on request inform a voter orally of the names of—

- (a) All the constituency candidates in alphabetical order with their party designations; and
- (b) All the parties in alphabetical order who have submitted a party list, and the names of the candidates on each list in the order of preference submitted by the party in accordance with section 127 of this Act.

(2) Every person who offends against this section shall be liable on summary conviction to a fine not exceeding \$400 and may at once be removed from the booth by order of the Deputy Returning Officer.

Cf. 1956, No. 107, s. 103; 1990, No. 1, s. 53 (1)

166. Questions may be put to voters—(1) The Deputy Returning Officer may, and if so required by any scrutineer shall, before allowing any person to vote, put to that person the following questions:

- (a) Are you the person whose name appears as A.B. in the electoral roll now in force for the [*Name of district*] Electoral District?
- (b) Have you already voted at this election in this or any other electoral district?

(2) In every such case the Deputy Returning Officer shall require the questions to be answered in writing signed by the person to whom they are put.

(3) Every person to whom those questions are put who does not answer them, or does not answer the first in the affirmative and the second in the negative, shall be liable on summary conviction to a fine not exceeding \$1,000, and shall be prohibited from voting then or afterwards at that election.

(4) Every person who wilfully and knowingly makes a false answer to either of the questions that the Deputy Returning Officer may put to that person under this section shall be liable on summary conviction to a fine not exceeding \$1,000.

Cf. 1956, No. 107, s. 104; 1990, No. 1, s. 54 (1)

[167. Issue of ballot papers—(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 2 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.]

This section was substituted for the original s. 167 by s. 45 of the Electoral Amendment Act (No. 2) 1995.

[168. Method of voting—(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.]

This section was substituted for the original s. 168 by s. 46 of the Electoral Amendment Act (No. 2) 1995.

[169. Spoilt ballot papers—(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 spoiled one has been returned to the Deputy Returning Officer.

(2) The Deputy Returning Officer shall—

- (a) Cancel every such spoiled 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 spoiled 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 spoiled ballot papers in his or her possession until the close of the poll.]

This section was substituted for the original s. 169 by s. 47 of the Electoral Amendment Act (No. 2) 1995.

170. Blind, disabled, or illiterate voters—(1) Any elector who is wholly or partially blind, or (whether because of physical handicap or otherwise) is unable to read or write or has severe difficulty in reading or writing, or is not sufficiently familiar with the English language to vote without assistance, may vote in accordance with the provisions of this section.

(2) At the request of any such voter, any person nominated by the voter, or, if no person is so nominated, the Deputy Returning Officer, shall accompany the voter into one of the inner compartments provided for the marking of ballot papers, and the ballot paper may there be marked by the voter with the assistance of the person nominated or, as the case may be, of the Deputy Returning Officer, or may be marked by the person nominated or, as the case may be, by the Deputy Returning Officer in accordance with the instructions of the voter.

(3) A voter to whom subsection (2) of this section applies, whether or not he or she nominates a person for the purposes of that subsection, may nominate a person or another person, as the case may require, to inspect the ballot paper before it is deposited in the ballot box.

(4) Any elector voting as a special voter may vote in the manner prescribed by this section, with any necessary modifications, or in any manner prescribed by regulations made under this Act.

(5) Every person commits an offence, and shall be liable on summary conviction [to a fine not exceeding \$1,000], who, being a person who is present in accordance with this section or with any regulations when an elector votes, communicates at any time to any person any information obtained as to the constituency candidate or party for whom the voter is about to vote or has voted, or as to the number on the ballot paper given to the voter.

(6) Regulations made under section 267 of this Act may make provision for electors who are wholly or partially blind to vote by means of devices that enable them to vote without assistance despite the fact that they are wholly or partially blind.

Cf. 1956, No. 107, s. 108 (1), (2), (4)–(7); 1981, No. 120, s. 33 (1)

In subs. (5) the words in square brackets were substituted for the former words by s. 48 of the Electoral Amendment Act (No. 2) 1995.

171. Procedure when second vote given in same name—If any person proposing to vote at any election gives as his or her name the name of any person to whom a ballot paper has already been given at the same election, he or she shall be dealt with in all respects in like manner as any other voter:

Provided that the ballot paper . . . of any such person shall not be deposited in the ballot box or allowed by the Deputy Returning Officer, but shall be set aside for separate custody.

Cf. 1956, No. 107, s. 109

In the proviso words were omitted by s. 49 of the Electoral Amendment Act (No. 2) 1995.

Special Voting

172. Voting by special voters—(1) Notwithstanding anything to the contrary in this Act, a special voter may vote at such place (whether at a polling place or not and whether in or outside New Zealand), at such time, in such manner, and upon or subject to such conditions as may be prescribed in that behalf by regulations made under this Act.

(2) Different methods of voting may be prescribed for different classes of special voters.

(3) The ballot papers for use by special voters or by any class of special voters may be in such form as is prescribed by regulations, and the consecutive numbers of the special ballot papers for any district may be in a different series from that used for the ordinary ballot papers.

[(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.]

(4) Each constituency candidate may, by writing under his or her hand, appoint one or more scrutineers to be present at the office of the Registrar of Electors when he or she is performing his or her duties in relation to declarations in respect of special votes.

(5) Every scrutineer shall, before being allowed to act, make a declaration in form 1 before the Registrar of Electors or the Returning Officer or the Deputy Returning Officer or a Justice of the Peace or a solicitor.

(6) Where a constituency candidate appoints more than one scrutineer under subsection (4) of this section, not more than one scrutineer for that candidate shall be present at the office of the Registrar of Electors at any time.

(7) No candidate shall act as scrutineer under this section.

(8) Subject to the provisions of this section and section 61 of this Act, and to the provisions of any regulations made for the purposes of this section, all the provisions of this Act shall, as far as applicable and with the necessary modifications, apply with respect to voting by special voters and to their votes.

Cf. 1956, No. 107, s. 110; 1981, No. 120, s. 34; 1990, No. 1, s. 57

Subs. (3A) was inserted by s. 50 of the Electoral Amendment Act (No. 2) 1995.

173. Voting by special voters on Tokelau, Campbell Island, Raoul Island, and in Ross Dependency—[(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) 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.]

Cf. 1956, No. 107, s. 110A; 1985, No. 149, s. 23 (1)

Subss. (1) to (1B) were substituted for the original subs. (1) by s. 51 (1) of the Electoral Amendment Act (No. 2) 1995. See s. 50 (3) of that Act.

Subss. (2) to (6) were substituted for the original subss. (2) to (6) by s. 51 (2) of the Electoral Amendment Act (No. 2) 1995. See s. 51 (3) of that Act.

[173A. Special voting by facsimile—(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.]

This section was inserted by s. 52 of the Electoral Amendment Act (No. 2) 1995.

Preliminary Count of Votes

[174. Procedure after close of poll—(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.】

This section was substituted for the original s. 174 by s. 58 of the Electoral Amendment Act (No. 2) 1995.

Scrutiny of the Rolls

175. Scrutiny of the rolls—(1) The Returning Officer—

- (a) Shall make arrangements for a scrutiny of the rolls as soon as practicable after the close of the poll; and
- (b) Shall give notice in writing to each of the constituency candidates or their scrutineers of the time and place at which the Returning Officer will commence the scrutiny.

(2) Each constituency candidate may, by writing under his or her hand, appoint one or more scrutineers to be present at the scrutiny of the rolls.

(3) Every scrutineer 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.

(4) Where a constituency candidate appoints more than one scrutineer to be present at the scrutiny of the rolls, only one scrutineer for that candidate, or such greater number as is permitted by the Returning Officer, shall be present at the scrutiny of the rolls at any time.

(5) No person other than the Returning Officer and the Returning Officer's assistants, and the scrutineers, shall be present at the scrutiny.

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

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

Cf. 1956, No. 107, s. 112; 1990, No. 1, s. 59 (1)

[176. Marked copies of rolls to be compared—(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.]

This section was substituted for the original s. 176 by s. 54 of the Electoral Amendment Act (No. 2) 1995.

177. Parcels to be secured after scrutiny—(1) When the Returning Officer has selected from any parcel all the ballot papers . . . he or she is required to select therefrom, he or she shall forthwith, in the presence of his or her assistants (if any) and such scrutineers as are present, but of no other person, close and secure the parcel, and shall endorse thereon a memorandum of the fact of the ballot papers . . . having been selected from that parcel, specifying the same by the name of the person to whom the same appear to have been delivered, and shall sign the endorsement with his or her name.

(2) The Returning Officer shall set aside all ballot papers . . . selected by him or her from any parcel as herein provided, and shall in the presence of his or her assistants (if any) and such scrutineers as are present, but of no other person, secure those ballot papers . . . in a separate parcel, and shall endorse the

parcel with a description of the contents thereof, and shall sign the endorsement with his or her name.

Cf. 1956, No. 107, s. 114

In subss. (1) and (2) the words "or pieces thereof" were omitted twice in each subsection by s. 55 of the Electoral Amendment Act (No. 2) 1995.

Official Count and Declaration of Poll

[178. Counting the votes—(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.]

This section was substituted for the original s. 178 by s. 56 of the Electoral Amendment Act (No. 2) 1995.

In subs. (4), as to a Registrar of Births and Deaths, see ss. 79 and 81 of the Births, Deaths, and Marriages Registration Act 1995.

179. Declaration of result of poll—(1) When all the ballot papers . . . have been dealt with as aforesaid, the Returning Officer, having ascertained the total number of votes received by each constituency candidate, and, where applicable, the total number of votes received by each party, shall declare the result of the poll by giving public notice thereof in form 14.

(2) Where there is an equality of votes between constituency candidates and the addition of a vote would entitle one of those candidates to be declared elected, the Returning Officer shall forthwith apply to a District Court Judge for a recount under section 180 of this Act, and all the provisions of that section shall apply accordingly, except that no deposit shall be necessary.

(3) In any case where on any recount under section 180 of this Act there is an equality of votes between constituency candidates and the addition of a vote would entitle one of

those candidates to be declared elected, the Returning Officer shall determine by lot which candidate shall be elected.

[(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.]

Cf. 1956, No. 107, s. 116

In subs. (1) the words "or pieces thereof" were omitted by s. 57 (1) of the Electoral Amendment Act (No. 2) 1995.

Subs. (4) was substituted for the original subs. (4) by s. 57 (2) of the Electoral Amendment Act (No. 2) 1995.

Recount

180. Application to District Court Judge for recount—

[(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.]

(3) Every application under subsection (1) of this section shall be accompanied by a deposit of \$1,000 (which deposit shall be inclusive of goods and services tax).

(4) Every application under subsection (2) of this section shall be accompanied by a deposit of \$1,500 (which deposit shall be inclusive of goods and services tax).

(5) The District Court Judge—

[(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]

(b) Shall give notice in writing of the time and place at which the recount will be made—

(i) To the Returning Officer; and

(ii) In the case of an application made under subsection (1) of this section, to each of the candidates who may be affected by the recount; and

(iii) In the case of an application under subsection (2) of this section, to each of the political parties that may be affected by the recount.

(6) The recount shall be made in the presence of the District Court Judge or of an officer appointed by the District Court Judge for the purpose, and shall, as far as practicable, be made in the manner provided in the case of the original count.

(7) No person shall be present at the recount except—

(a) The District Court Judge or the officer appointed by the District Court Judge; and

(b) The assistants (if any) of the District Court Judge or the officer appointed by the District Court Judge; and

(c) The Returning Officer and the assistants (if any) of the Returning Officer; and

[(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).]

(8) The District Court Judge shall have all the powers that the Returning Officer had on the original count, and may, in addition, review any decision of the Returning Officer or the Registrar of Electors in respect of—

(a) The checking of special voting declarations; or

(b) The allowance or disallowance of special votes.

(9) Any decision referred to in subsection (8) of this section and any other decision made by the Returning Officer in the exercise of the Returning Officer's powers on the original

count may be confirmed, reversed, or set aside by the District Court Judge.

(10) If on the recount the District Court Judge finds that the public declaration was incorrect, the District Court Judge shall order the Returning Officer to give an amended declaration of the result of the poll.

(11) The District Court Judge may make such order as to the costs of and incidental to the recount as the District Court Judge thinks just, and, subject to any such order, shall direct that the deposit made under this section be returned to the person who paid it.

Cf. 1956, No. 107, s. 117; 1990, No. 1, s. 61 (1)

Subss. (1) and (2) were substituted for the original subss. (1) and (2) by s. 58 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (5), para. (a) was substituted for the original subs. (5) by s. 58 (2) of the Electoral Amendment Act (No. 2) 1995.

In subs. (7), paras. (d), (e), and (f) were substituted for the original paras. (d), and (e) by s. 58 (3) of the Electoral Amendment Act (No. 2) 1995.

181. Application by political party for recount in every electoral district—[(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) Every application under subsection (1) of this section must be made within 3 working days after the date of the last public declaration made under section 179 of this Act for any electoral district.

(3) Every application under subsection (1) of this section shall be accompanied by a deposit of \$90,000 (which deposit shall be inclusive of goods and services tax).

[(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.]

(5) Each recount conducted under this section shall be conducted in accordance with subsections (5) to (10) of section 180 of this Act, except that each recount shall be commenced within 3 working days of the date on which the District Court Judge conducting the recount is assigned that task.

(6) At the conclusion of all recounts under this section, the Chief District Court Judge may make such order or orders as

to the costs of and incidental to those recounts as the Chief District Court Judge thinks just, and, subject to any such order, shall direct that the deposit made under this section be returned to the person who paid it.

Subs. (1) was substituted for the original subs. (1) by s. 59 (1) of the Electoral Amendment Act (No. 2) 1995.

Subs. (4) was substituted for the original subs. (4) by s. 59 (2) of the Electoral Amendment Act (No. 2) 1995.

[182. Ability to combine recounts—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.]

This section was substituted for the original s. 182 by s. 60 of the Electoral Amendment Act (No. 2) 1995.

[183. Scrutineers for recounts and allocation of list seats—(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.]

This section was substituted for the original s. 183 by s. 61 of the Electoral Amendment Act (No. 2) 1995.

184. Ballot papers and certificate to be compared on recount—(1) At any recount made as aforesaid the Returning Officer shall produce to the District Court Judge all the used ballot papers . . . , together with the Justice's certificate stating the total number of ballot papers . . . used at the election.

(2) If, on comparing the number of ballot papers . . . stated in the certificate with the ballot papers . . . used at the election, the District Court Judge finds that any of the ballot papers . . . have been lost, stolen, or in any way interfered with during the interval between the official count and the recount, the official count made by the Returning Officer shall be deemed to be correct, and the result of the poll declared accordingly. Where in any such case there is an equality of votes between constituency candidates and the addition of a vote would entitle one of those constituency candidates to be declared elected, the Returning Officer shall determine by lot which candidate shall be elected.

Cf. 1956, No. 107, s. 118

In subs. (1), in 2 places, and in subs. (2), in 3 places, the words "or pieces thereof" were omitted by s. 62 of the Electoral Amendment Act (No. 2) 1995.

Return of Writ

185. Endorsement and return of writ—(1) The Returning Officer shall endorse on the writ—

(a) The name of the constituency candidate declared to be elected; and

(b) The date of the endorsement,—
and, having signed the endorsement, shall forthwith transmit the writ to the Clerk of the Writs.

(2) The date of the endorsement of the writ shall be deemed to be the day of the return of the writ.

(3) Subject to subsection (4) of this section, the writ shall be returned within the time specified in the writ for its return.

(4) Where it appears to the Returning Officer that an application for a recount of the votes for constituency candidates may be made as hereinbefore provided, he or she may postpone the return of the writ until the time for making the application has expired, and, if within that time application

is made, he or she shall further postpone the return of the writ until the recount has been completed.

Cf. 1956, No. 107, s. 119

186. Copy of writ to be forwarded to Clerk of the House—As soon as may be convenient after the return of the writs, the Clerk of the Writs shall forward to the Clerk of the House of Representatives a list of the names of those members elected to represent electoral districts, together with a copy of the writs endorsed as aforesaid.

Cf. 1956, No. 107, s. 120; 1986, No. 116, s. 5

Disposal of Ballot Papers

187. Disposal of ballot papers, rolls, etc.—(1) As soon as practicable after polling day the Returning Officer shall enclose in separate packets in the following manner all the parcels transmitted to him or her by the several Deputy Returning Officers or made up and secured by himself or herself, that is to say:

(a) The Returning Officer shall enclose—

(i) In one or more separate packets all the parcels of used ballot papers . . . , including the special voters' ballot papers . . . ; and

(ii) In one or more other separate packets all the counterfoils of ballot papers that have been issued and all unused ballot papers; and

(iii) In one or more other separate packets all parcels of spoilt ballot papers . . . ; and

(iv) In one or more other separate packets all parcels of ballot papers . . . set aside under section 171 or section 177 of this Act; and

(v) In one or more other separate packets all parcels containing ballot paper accounts, copies of rolls (except the master roll), books, or other papers, as in this Act provided, and all letters and other papers received from any Deputy Returning Officer in respect of the votes of special voters:

(b) He or she shall properly secure the said several packets, and endorse them with a description of the contents thereof respectively; and the name of the district and the date of the polling, and shall sign the endorsement; and shall forthwith forward the said packets to the Clerk of the House of Representatives:

(c) He or she shall also at the same time properly secure and transmit to the Clerk of the House of Representatives a parcel containing all ballot papers printed for the election and not used by the Returning Officer or distributed for use to his or her Deputies.

(2) The Clerk of the House of Representatives shall forthwith give or send to the Returning Officer a receipt under his or her hand for the said packets and parcel.

(3) The Returning Officer shall attach to the master roll a list which shall set out the names and addresses of all special voters whose names were not on the printed roll (other than those whose names were not on that roll by virtue of section 115 of this Act) and which shall indicate the special voters whose votes have been disallowed. The master roll, and the attached list, shall then be sent by the Returning Officer to the Registrar of Electors for the district.

(4) The Registrar of Electors shall keep the master roll, and the attached list, until the next general election.

(5) Any registered elector of the district may inspect any master roll, and the attached list, at the Registrar's office without payment of any fee at any time when the office is open for the transaction of business.

Cf. 1956, No. 107, s. 121; 1981, No. 120, s. 38; 1990, No. 1, s. 62

In subs. (1) (a) (i) in 2 places, and (iv), in 1 place, the words "or pieces of ballot papers" were omitted by s. 63 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (1) (a) (iii) the words "or pieces of spoilt ballot papers" were omitted by s. 63 (2) of the Electoral Amendment Act (No. 2) 1995.

188. Annotation of list of special voters—(1) A constituency candidate at an election who applies for a recount of the votes or a person who files an election petition may, by notice in writing to the Returning Officer, require the Returning Officer forthwith to annotate the list attached to the master roll pursuant to section 187 (3) of this Act:

Provided that this subsection shall not apply where the Returning Officer receives the notice after he or she has forwarded to the Clerk of the House of Representatives the packets required, by section 187 (1) (b) of this Act, to be forwarded to the Clerk of the House of Representatives.

(2) The annotations shall show, in relation to each special voter whose vote is shown on the list as having been disallowed, the reason for the disallowance of the vote.

(3) The annotated list shall be sent by the Returning Officer to the Registrar of Electors for the district.

(4) Any registered elector of the district may inspect the annotated list at the Registrar's office without payment of any fee at any time when the office is open for the transaction of business.

Cf. 1956, No. 107, s. 121A; 1990, No. 1, s. 63

189. Disposal of packets—(1) The packets and parcels shall be safely kept for one year unopened, unless a Court of competent jurisdiction or the House of Representatives orders them, or any of them, to be opened.

(2) At the end of one year the packets and parcels shall be destroyed unopened in the presence of the Clerk of the House of Representatives and the Clerk of the Writs.

Cf. 1956, No. 107, s. 122

190. Papers taken from parcels as evidence in certain cases—(1) Any ballot paper . . . , and any copy of a roll, and any book purporting to be taken from any such parcel as aforesaid, and having written thereon respectively, under the hand of the Clerk of the House of Representatives, a certificate of the several particulars by this Act required to be endorsed on the parcel, shall be conclusive evidence in any Court or before any Committee of the House of Representatives that it was so taken and that it, if a ballot paper . . . , was deposited and, if a roll or book, was kept or used at the election and booth to which the endorsement and writing relate.

(2) Every ballot paper . . . so certified shall be evidence of a vote given at the poll, and of the correspondence of the number appearing on the ballot paper with the number appearing on any roll so certified as of the same election and booth, according to the tenor of the said ballot paper

(3) But, in the case of the ballot papers . . . set aside or selected by a Deputy Returning Officer or by the Returning Officer, the correspondence shall be evidence only of some person having voted in the name appearing on the roll.

Cf. 1956, No. 107, s. 123

In subs. (1) and (2) the words "or piece thereof" were omitted in 2 places in each subsection by s. 64 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (3) the words "or pieces thereof" were omitted by s. 64 (2) of the Electoral Amendment Act (No. 2) 1995.

List Seats

191. Election of other members—(1) When the Chief Electoral Officer has received from all Returning Officers the certificates required by section 179 (4) of this Act to be

forwarded to the Chief Electoral Officer, he or she shall proceed to determine which of the candidates whose names have been included in party lists submitted pursuant to section 127 of this Act have been elected.

[(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.]

(3) The Chief Electoral Officer shall enter those totals in separate columns under the name of each party in a working sheet in the manner prescribed in form 15.

[(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.]

(5) The Chief Electoral Officer shall then proceed to divide each of the remaining totals successively by a series of numbers beginning with 1, 3, 5, 7, 9, 11, 13 and thereafter by every odd number as may be necessary to ensure that the number of seats required to be allocated by this section and sections 192 and 193 of this Act are allocated.

(6) The quotient of each successive division shall be recorded on the working sheet.

(7) Once the quotient of each successive division is entered on the working sheet, the Chief Electoral Officer shall then proceed to ascertain from a comparison of all the figures in the working sheet in form 15 listed under the heading "Quotients of Divisions", the highest 120 quotients or such lower number as is required by subsection (8) of this section.

[(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.]

(9) In any case where the lowest of the numbers required to be ascertained under subsection (7) of this section constitutes 2 or more numbers in different columns which are of exactly the same value, the Chief Electoral Officer shall determine by lot which of those numbers is to be selected for the purpose of subsection (7) of this section.

(10) The Chief Electoral Officer, having ascertained the numbers required by subsection (7) of this section, shall draw a circle on the working sheet around each of those numbers.

Subs. (2) was substituted for the original subs. (2) by s. 65 (1) of the Electoral Amendment Act (No. 2) 1995.

Subss. (4) and (4A) were substituted for the original subs. (4) by s. 65 (2) of the Electoral Amendment Act (No. 2) 1995.

Subs. (8) was substituted for the original subs. (8) by s. 65 (3) of the Electoral Amendment Act (No. 2) 1995.

[192. Determination of party eligibility for list seats—

(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.]

This section was substituted for the original s. 192 by s. 66 of the Electoral Amendment Act (No. 2) 1995.

193. Selection of candidates—(1) Upon completing the procedures outlined in section 192 of this Act, the Chief

Electoral Officer shall proceed to determine which of the candidates whose names appear on the list submitted pursuant to section 127 of this Act by each of the parties listed in [the part of the ballot paper that relates to the party vote] are entitled to be elected.

(2) The Chief Electoral Officer shall determine which candidates are entitled to be elected by selecting those candidates on the list of each party, beginning with the first candidate on the list and ending with the lowest ranking candidate, which are equal in number to the number of seats to which that party is entitled to have allocated from its list submitted pursuant to section 127 of this Act.

(3) In performing the duties required by subsection (2) of this section, the Chief Electoral Officer shall disregard the name of any candidate whose name has been endorsed on a writ pursuant to section 185 of this Act, and the name of that candidate shall be deemed to have been deleted from the list submitted pursuant to section 127 of this Act.

(4) Where all the candidates appearing on a list submitted by a party pursuant to section 127 of this Act are entitled to be selected, no further candidates for that party may be selected, notwithstanding that the party may be entitled to a greater number of seats than the number of candidates appearing on that list and those seats shall not be filled.

[(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.]

(6) Notwithstanding any other provision of this section or any provision of sections 191 and 192 of this Act, the Chief Electoral Officer may proceed to select the names of those candidates entitled to be elected from lists submitted under section 127 of this Act, by such method and procedure as he or she thinks fit, including the use of computer technology:

Provided that, before declaring any candidates to be elected under subsection (5) of this section, he or she shall complete the procedures required by sections 191 and 192 of this Act and this section.

(7) In completing the procedures required by sections 191 and 192 of this Act and this section, the Chief Electoral Officer may use such assistants as he or she considers necessary.

In subs. (1) the words in square brackets were substituted for the words "Part B of the ballot paper" by s. 67 (1) of the Electoral Amendment Act (No. 2) 1995.

Subs. (5) was substituted for the original subs. (5) by s. 67 (2) of the Electoral Amendment Act (No. 2) 1995.

Maintenance of Order at Elections

194. Deputy Returning Officers to maintain order—

(1) Every Deputy Returning Officer shall maintain order and keep the peace at the polling place where he or she is conducting the poll, and may, without any other warrant than this Act,—

(a) Cause to be arrested and taken before a Justice any person reasonably suspected of committing or attempting to commit at the polling place any of the offences mentioned in section 201 of this Act; or

(b) Cause to be removed any person who obstructs the approaches to a polling booth, or wilfully and unnecessarily obstructs the proceedings at the polling, or conducts himself or herself in a disorderly manner, or causes a disturbance, or wilfully acts in any manner in defiance of the lawful directions of the Deputy Returning Officer.

(2) All constables shall aid and assist the Deputy Returning Officer in the performance of his or her duty.

Cf. 1956, No. 107, s. 124

Adjournment of Poll

195. Adjournment of poll—(1) Where the polling at any polling place cannot start or has to be suspended whether by reason of riot or open violence, natural disaster, or any other cause, the Deputy Returning Officer may adjourn the taking of the poll at that polling place to the following day, and if necessary from day to day until the poll can be taken, and shall, if he or she adjourns the taking of the poll, forthwith give public notice of the adjournment in such manner as he or she thinks fit.

(2) Notwithstanding subsection (1) of this section, the poll shall not be kept open for more than 10 hours in all at any polling place.

(3) Where the close of the poll at any polling place is adjourned under this section for any number of days, the day on or before which the writ is made returnable shall be postponed by the same number of days.

Cf. 1956, No. 107, s. 125

*Custody of Ballot Papers***[196. Prevention of irregularities as to ballot papers—**

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.]

This section was substituted for the original s. 196 by s. 68 of the Electoral Amendment Act (No. 2) 1995.

Offences at Elections

197. Interfering with or influencing voters—(1) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$5,000 who at an election—

- (a) In any way interferes with any elector, either in the polling booth or while the elector is on the way to the polling booth with the intention of influencing the elector or advising the elector as to the elector's vote:
- (b) At any time on polling day before the close of the poll in or in view or hearing of any public place holds or takes part in any demonstration or procession having direct or indirect reference to the poll by any means whatsoever:
- (c) At any time on polling day before the close of the poll makes any statement having direct or indirect reference to the poll by means of any loudspeaker or public address apparatus or cinematograph or television apparatus:

Provided that this paragraph shall not restrict the publication by radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989 of—

- (i) Any advertisement placed by the Chief Electoral Officer or a Returning Officer; or
 - (ii) Any non-partisan advertisement broadcast, as a community service, by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989; or
 - (iii) Any news in relation to an election:
- (d) At any time before the close of the poll, conducts in relation to the election a public opinion poll of persons voting before polling day:
- (e) At any time on polling day before the close of the poll, conducts a public opinion poll in relation to the election:
- (f) At any time on polling day before the close of the poll, or at any time on any of the 3 days immediately preceding polling day, prints or distributes or delivers to any person anything being or purporting to be in imitation of any ballot paper . . . to be used at the poll and having thereon the names of the candidates or the parties or any of them, together with any direction or indication as to the candidate or party for whom or for which any person should or should not vote, or in any way containing any such direction or indication, or having thereon any matter likely to influence any vote:
- (g) At any time on polling day before the close of the poll exhibits in or in view of any public place, or publishes, or distributes, or broadcasts,—
- (i) Any statement advising or intended or likely to influence any elector as to the candidate or party for whom the elector should or should not vote; or
 - (ii) Any statement advising or intended or likely to influence any elector to abstain from voting; or
 - (iii) Any party name, emblem, slogan, or logo; or
 - (iv) Any ribbons, streamers, rosettes, or items of a similar nature in party colours:

Provided that this paragraph shall not apply to any statement, name, emblem, slogan, or logo in a newspaper published before 6 p.m. on the day before polling day:

Provided also that where any statement, name, emblem, slogan, or logo which does not relate specifically to the election campaign and which is so exhibited before polling day in a fixed position and in

relation to the New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party, it shall not be an offence to leave the statement, name, emblem, slogan, or logo so exhibited on polling day:

Provided further that this paragraph shall not restrict the publication of any party name in any news which relates to an election and which is published 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:

Provided further that this paragraph shall not apply to ribbons, streamers, rosettes, or items of a similar nature, which are worn or displayed by any person (not being an electoral official) on his or her person or on any vehicle in party colours or to a party lapel badge worn by any person (not being an electoral official):

- (h) At any time on polling day before the close of the poll prints or distributes or delivers to any person any card or paper (whether or not it is an imitation ballot paper . . .) having thereon the names of the candidates or the parties or any of them:
- (i) Exhibits or leaves in any polling booth any card or paper having thereon any direction or indication as to how any person should vote or as to the method of voting:
- (j) Subject to any regulations made under this Act, at any time on polling day before the close of the poll, within, or at the entrance to, or in the vicinity of, any polling place,—
 - (i) Gives or offers to give any person any written or oral information derived from a main or supplementary roll as to any name or number on the main roll or any supplementary roll being used at the election:
 - (ii) Permits or offers to permit any person to examine any copy of the main roll or any supplementary roll being used at the election.

(2) It shall be a defence to a prosecution for an offence against subsection (1) (g) of this section that relates to the exhibition in or in view of a public place of a statement, name, emblem, slogan, or logo, if the defendant proves that—

- (a) The exhibition was inadvertent; and

(b) The defendant caused the exhibition to cease as soon as the defendant was notified by a Returning Officer or a Deputy Returning Officer that the exhibition was taking place.

(3) Nothing in this section shall apply to any official statement or announcement made or exhibited under the authority of this Act.

Cf. 1956, No. 107, s. 127; 1990, No. 1, s. 65 (1)

In subs. (1) (f) the words "or piece of a ballot paper" were omitted by s. 69 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (1) (h) the words "or imitation piece of a ballot paper" were omitted by s. 69 (2) of the Electoral Amendment Act (No. 2) 1995.

198. Power to remove statements, names, emblems, slogans, or logos—(1) The Returning Officer may at any time on polling day before the close of the poll cause to be removed or obliterated—

(a) Any statement advising or intended or likely to influence any elector as to the candidate or party for whom the elector should or should not vote; or

(b) Any statement advising or intended or likely to influence any elector to abstain from voting; or

(c) Any party name, emblem, slogan, or logo,—
which is exhibited in or in view of any public place.

(2) Nothing in subsection (1) (c) of this section shall apply to ribbons, streamers, rosettes, or items of a similar nature which are worn or displayed by any person (whether on his or her person or on any vehicle) in his or her party's colours or to a party lapel badge worn by any person.

(3) Nothing in subsection (1) of this section shall apply to a statement, party name, emblem, slogan, or logo which does not relate specifically to the election campaign and which was so exhibited before polling day in a fixed position and in relation to the New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party.

Cf. 1956, No. 107, s. 127A (1)–(3); 1981, No. 120, s. 40 (1); 1990, No. 1, s. 66

199. Recovery of expenses—All expenses incurred by the Returning Officer in carrying out the power conferred by section 198 (1) of this Act may be recovered by the Returning Officer from the persons by whom or by whose direction the

statement, name, emblem, slogan, or logo was exhibited, as a debt due by them jointly and severally to the Crown.

Cf. 1956, No. 107, s. 127A (4); 1981, No. 120, s. 40 (1)

200. Erasing and altering official mark on ballot paper—Every person shall be liable on summary conviction to a fine not exceeding \$2,000 who erases, obliterates, or alters any official mark, stamp, or writing on any ballot paper . . . , or places thereon any writing, print, or other matter which might lead persons to believe that it was put thereon by any official or person duly authorised in that behalf.

Cf. 1956, No. 107, s. 129; 1990, No. 1, s. 67 (1)

The words "or piece of a ballot paper" were omitted by s.70 of the Electoral Amendment Act (No. 2) 1995.

201. Offences in respect of ballot papers and ballot boxes—(1) Every person commits an offence against this section who—

- (a) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys any ballot paper . . . , or the official mark on any ballot paper . . . :
- (b) Without due authority supplies any ballot paper . . . to any person:
- (c) Fraudulently puts into any ballot box any paper other than the ballot paper . . . that he or she is authorised by law to put therein:
- (d) Fraudulently takes out of a polling booth any ballot paper . . . :
- (e) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box, or box or packet or parcel of ballot papers . . . , then in use for the purposes of an election, or in course of transmission by post or otherwise, or thereafter whenever the same may be kept as a record of the election.

(2) Every person who commits an offence against this section shall be liable on conviction on indictment,—

- (a) If a Returning Officer or Deputy Returning Officer, or an official or clerk in attendance at a polling booth, to imprisonment for a term not exceeding 2 years:
- (b) If any other person, to imprisonment for a term not exceeding 6 months.

(3) Every person who attempts to commit any offence against this section shall be liable on conviction on indictment to imprisonment for a term not exceeding one-half of the

longest term to which a person committing the offence may be sentenced.

(4) Every person who commits an offence against this section or who attempts to commit an offence against this section is guilty of a corrupt practice.

Cf. 1956, No. 107, s. 130; 1990, No. 1, s. 68

In subs. (1), in paras. (a) (in 2 places), (b), (c), and (d) the words "or piece of a ballot paper" were omitted by s. 71 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (1)(e) the words "or of pieces of ballot papers" were omitted by s. 71 (2) of the Electoral Amendment Act (No. 2) 1995.

202. Property to be stated as being in Returning Officer—In any prosecution for an offence in relation to any ballot boxes, ballot papers, . . . , or marking instruments at an election, the property in the boxes, ballot papers, . . . , and instruments may be stated as being in the Returning Officer.

Cf. 1956, No. 107, s. 131

The words "pieces of ballot papers" were omitted in 2 places by s. 72 of the Electoral Amendment Act (No. 2) 1995.

203. Infringement of secrecy—(1) Every official, clerk, scrutineer, interpreter, or other person appointed for the purposes of this Act shall use or disclose information acquired by him or her in that capacity only in accordance with his or her official duty or his or her duty as a scrutineer, as the case may require.

(2) No person, except for some purpose authorised by law, shall—

- (a) Interfere with or attempt to interfere with a voter when marking his or her vote:
- (b) Attempt to obtain in a polling booth information as to the candidate for whom or the party for which any voter in a booth is about to vote or has voted:
- (c) Communicate at any time to any person any information obtained in a polling booth as to the candidate for whom or the party for which any voter at the booth is about to vote or has voted, or as to the consecutive number on the ballot paper . . . given to any voter at the booth.

(3) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at the counting as to the candidate for whom or the party for which any vote is given in any particular ballot paper.

(4) No person shall directly or indirectly induce any voter to display his or her ballot paper . . . after he or she has marked

it, so as to make known to any person the name of any candidate for or against whom he or she has voted or the name of the party for which he or she has voted.

Cf. 1956, No. 107, s. 132 (1)–(4); 1983, No. 104, s. 20

In subs. (2) (c) words were omitted by s. 73 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (4) words were omitted by s. 73 (2) of the Electoral Amendment Act (No. 2) 1995.

204. Infringement of secrecy constitutes corrupt practice—Every person who commits an offence against section 203 of this Act is guilty of a corrupt practice.

Cf. 1956, No. 107, s. 132 (5); 1990, No. 1, s. 69

Distribution of Page and Line Numbers

205. Repealed by s. 74 of the Electoral Amendment Act (No. 2) 1995.

Candidates' Election Expenses

206. Periods for claiming and paying expenses—Subject to such exceptions as are permitted by this Act, it is hereby declared as follows:

- (a) No claim against a candidate, or against any agent of a candidate, in respect of any election expenses shall be recoverable unless it is sent in to the candidate within 30 days after the day on which the candidate returned is declared to be elected:
- (b) All election expenses incurred by or on behalf of a candidate shall be paid within 60 days after the day on which the candidate returned is declared to be elected, and not otherwise:
- (c) Every person who makes any payment in breach of any of the provisions of this section is guilty of an illegal practice.

Cf. 1956, No. 107, s. 133

207. Procedure where claim disputed—(1) If a candidate, in the case of a claim for election expenses sent in to him or her within the time limited by this Act, disputes it, or fails to pay it within the said period of 60 days, the claim shall be deemed to be a disputed claim, and the claimant may, if he or she thinks fit, within 30 days after the expiration of the said 60 days, bring an action for the disputed claim in any Court of competent jurisdiction.

(2) Any sum paid by the candidate in pursuance of the judgment or order of the Court in any such action shall be deemed to be paid within the time limited by this Act.

Cf. 1956, No. 107, s. 134

208. Leave to pay claim after time limited—(1) On cause shown to the satisfaction of a District Court, the Court may, on application by the claimant or by the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any election expenses, although sent in after the time limited by this Act.

(2) Any sum specified in the order granting that leave may be paid by the candidate, and when so paid shall be deemed to be paid within the time limited by this Act.

Cf. 1956, No. 107, s. 135

209. Payments to be vouched by bill—Every payment made in respect of any election expenses shall, except when less than \$20, be vouched by a bill stating the particulars, and by a receipt.

Cf. 1956, No. 107, s. 136; 1983, No. 104, s. 21 (1)

[210. Return of election expenses—(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.]

This section was substituted for the original s. 210 by s. 75 of the Electoral Amendment Act (No. 2) 1995.

211. Return to be open for public inspection—The Returning Officer shall keep every such return in the Returning Officer's office, or at some other convenient place to be appointed by the Minister, for a period of one year after it has been received by the Returning Officer, and during that period the return shall be open to inspection by any person on payment of such charges (if any) as shall be made under the Official Information Act 1982; and at the expiration of that period the Returning Officer shall cause the return to be destroyed.

Cf. 1956, No. 107, s. 138; 1990, No. 1, s. 73

212. Transmission of copy of return to Chief Electoral Officer—[(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.]

(2) The Chief Electoral Officer shall keep the copy in his or her office or in some other convenient place for the period beginning with the date of the receipt of that copy and ending with the close of polling day for the second general election that takes place after the date on which the copy was received by the Chief Electoral Officer.

(3) During that period the copy of the return shall be open to inspection by any person on payment of such charges (if any) as shall be made under the Official Information Act 1982; and at the expiration of that period the Chief Electoral Officer shall cause the copy of the return to be destroyed.

Cf. 1956, No. 107, s. 138A; 1990, No. 1, s. 73

Subs. (1) was substituted for the original subs. (1) by s. 76 of the Electoral Amendment Act (No. 2) 1995.

213. Maximum amount of election expenses—

(1) Subject to this section and to [sections 214 and 214A] of this Act, in this Act,—

“Election activity”, in relation to a candidate at an election in any district, . . . means an activity—

(a) Which is carried out by the candidate or with the candidate’s authority; and

(b) Which relates to the candidate solely in the candidate’s capacity as a candidate for the district . . . and not to the candidate—

(i) In his or her capacity as a member of Parliament or as the holder of any other office; or

(ii) In any other capacity; and

(c) 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

(d) Which relates exclusively to the campaign for the return of the candidate; and

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

“Election expenses”, in relation to a candidate at an election,—

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

(b) Includes expenses that are incurred by or on behalf of the candidate, 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 candidate or which are provided to the candidate 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 candidate; but

(e) Does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used bona fide by the candidate as the candidate's personal means of transport; and

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

[(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).]

(3) Every candidate or other 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 candidate or other 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.

(4) Where any activity of the kind described in paragraphs (a) to (d) of the definition of the term "election activity" (as set out in subsection (1) of this section) is, in relation to a candidate at an election, 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 candidate) 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.

Cf. 1956, No. 107, s. 139; 1990, No. 1, s. 74 (1)

In subs. (1) the expression "sections 214 and 214A" was substituted for the expression "section 214" by s. 77 (1) of the Electoral Amendment Act (No. 2) 1995.

In subs. (1), in the definition of the term "election activity" words were omitted by s. 77 (2) (a) of the Electoral Amendment Act (No. 2) 1995, and in para. (b) of that definition words were omitted by s. 77 (2) (b) of that Act.

In subs. (1), in para. (c) of the definition of the term "election expenses" the words in square brackets were inserted by s. 77 (3) of the Electoral Amendment Act (No. 2) 1995.

Subs. (2) was substituted for the original subs.(2) by s. 77 (4) of the Electoral Amendment Act (No. 2) 1995.

214. Apportionment of election expenses—(1) Where any election activity relates exclusively to campaigns for the return of 2 or more candidates, any election expenses in respect of that election activity shall be apportioned in relation to the coverage provided by that election activity in relation to each of those candidates.

(2) Notwithstanding subsection (1) of this section, where any candidate receives less than 10 percent of the coverage provided by any election activity, that expense shall not be included in the election expenses of that candidate.

(3) For the purposes of this section, coverage provided by any election activity shall be calculated in such manner as is appropriate in relation to the form of election activity.

Cf. 1956, No. 107, s. 139A; 1990, No. 1, s. 74

Advertising

[214A. Advertisements for party lists—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.]

This section was inserted by s. 78 of the Electoral Amendment Act (No. 2) 1995.

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.

See s. 80 (2) of the Electoral Amendment Act (No. 2) 1995.

[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 **[\$10,000]** 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.

“National donation”: In para. (a)(ii) the expression “\$10,000” was substituted for the expression “\$1,000” by s. 2 of the Electoral Amendment Act 1996. See s. 1 (2) of that Act.

[214c. 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 214c (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.

See s. 80 (3) of the Electoral Amendment Act (No. 2) 1995.

[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.

See s. 80 (3) of the Electoral Amendment Act (No. 2) 1995.

[214]. 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 214(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.】

Ss. 214a to 214l. were inserted by s. 79 of the Electoral Amendment Act (No. 2) 1995. See s. 80 (1) of that Act.

PART VII
CORRUPT AND ILLEGAL PRACTICES
Corrupt Practices

215. Personation—(1) Every person is guilty of a corrupt practice who commits, or aids or abets, counsels, or procures the commission of, the offence of personation.

(2) Every person commits the offence of personation who—

(a) Votes as some other person, whether that person is living or dead or is a fictitious person; or

(b) Having voted at any election, votes again at the same election; or

(c) Having voted at an election in any district at a general election, votes at an election in another district at the same general election.

(3) For the purposes of this section, a person shall be deemed to have voted if he or she has applied for a ballot paper for himself or herself, or has applied to vote as a special voter, or has marked a ballot paper for himself or herself, whether validly or not.

(4) 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.

Cf. 1956, No. 107, s. 140; 1983, No. 104, s. 24

216. Bribery—(1) Every person is guilty of a corrupt practice who commits the offence of bribery.

(2) Every person commits the offence of bribery who, directly or indirectly, by himself or herself or by any other person on his or her behalf—

(a) Gives any money or procures any office to or for any voter, or to or for any other person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting; or

(b) Corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting; or

(c) Makes any such gift or procurement as aforesaid to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person or candidates at an election or the vote of any voter,—

or who, upon or in consequence of any such gift or procurement as aforesaid, procures, or engages, promises, or endeavours to procure, the return of any person or candidates at any election or the vote of any voter.

(3) For the purposes of this section,—

(a) References to giving money shall include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure, any money or valuable consideration:

(b) References to procuring any office shall include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure, any office, place, or employment.

(4) Every person commits the offence of bribery who—

(a) Advances or pays or causes to be paid any money to or to the use of any other person with the intent that that money or any part thereof shall be expended in bribery at any election; or

(b) Knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

(5) The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.

(6) A voter commits the offence of bribery if before or during an election he or she directly or indirectly, by himself or herself or by any other person on his or her behalf, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(7) Every person commits the offence of bribery if after an election he or she directly or indirectly, by himself or herself or by any other person on his or her behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(8) In this section the term “voter” includes any person who has or claims to have a right to vote.

Cf. 1956, No. 107, s. 141

217. Treating—(1) Every person is guilty of a corrupt practice who commits the offence of treating.

(2) Every person commits the offence of treating who corruptly, by himself or herself or by any other person on his or her behalf, either before, during, or after an election,

directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person—

- (a) For the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or
- (b) For the purpose of procuring himself or herself to be elected; or
- (c) On account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(3) Every person commits the offence of treating who, being the holder of a licence for the sale by retail of intoxicating liquor, knowingly supplies any food, drink, entertainment, or provision—

- (a) To any person where the supply thereof is demanded for the purpose of treating, or for any corrupt or illegal practice; or
- (b) To any persons, whether electors or not, for the purpose of procuring the return of a candidate or candidates at an election, and without receiving payment for it at the time when it is supplied.

(4) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.

(5) Notwithstanding anything in this section, the provision of a light supper after any election meeting shall be deemed not to constitute the offence of treating.

Cf. 1956, No. 107, s. 142; 1975, No. 28, s. 41

218. Undue influence—(1) Every person is guilty of a corrupt practice who commits the offence of undue influence.

(2) Every person commits the offence of undue influence who—

- (a) Directly or indirectly, by himself or herself or by any other person on his or her behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or herself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel that person to vote for or against a particular candidate or party or to vote or refrain from voting, or on account of that person having voted for or against a

particular candidate or having voted or refrained from voting; or

- (b) By abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of an elector, or thereby compels, induces, or prevails upon an elector either to vote or to refrain from voting.

Cf. 1956, No. 107, s. 143

Illegal Practices

219. Payments for exhibition of election notices—

(1) No payment or contract for payment shall for the purpose of promoting or procuring the election of a candidate or candidates at an election be made to an elector on account of the exhibition of, or the use of any house, land, building, or premises for the exhibition of, any address, poster, or notice, unless it is the ordinary business of the elector to exhibit for payment posters and advertisements and the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this section before, during, or after an election, the person making the payment or contract and, if he or she knew it to be in contravention of this Act, any person receiving the payment or being a party to the contract is guilty of an illegal practice.

Cf. 1956, No. 107, s. 144

220. Providing money for illegal purposes—Where any person knowingly provides money for any purpose which is contrary to the provisions of this Act, or for any election expenses incurred in excess of the maximum amount allowed by this Act, or for repaying any money expended in any such payment or expenses, that person is guilty of an illegal practice.

Cf. 1956, No. 107, s. 147

[221. Advertisements for candidates and political parties—(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.]

This section was substituted for the original s. 221 by s. 81 of the Electoral Amendment Act (No. 2) 1995.

[221A. Electoral advertisements—(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.]

This section was inserted by s. 82 of the Electoral Amendment Act (No. 2) 1995.

222. Procurement of voting by unqualified voters— Every person is guilty of an illegal practice who induces or procures to vote at any election any person whom he or she knows at the time to be disqualified or prohibited, whether under this Act or otherwise, from voting at that election.

Cf. 1956, No. 107, s. 148

General Provisions

223. Cinematograph films—(1) For the purposes of this Act, the exhibition of any cinematograph film shall not be deemed to constitute bribery or treating or an illegal practice, and any payment or contract for payment in respect of any such exhibition shall not be deemed to constitute an illegal practice notwithstanding that the film may be wholly or mainly an advertisement.

(2) For the purposes of this section, the expression "cinematograph film" or "film" includes any screen advertisement of any description.

Cf. 1956, No. 107, s. 149

224. Punishment for corrupt or illegal practice—

(1) Every person who is guilty of any corrupt practice or any illegal practice shall be liable on conviction on indictment,—

(a) In the case of a corrupt practice, to imprisonment for a term not exceeding one year or to a fine not exceeding \$4,000, or to both:

(b) In the case of an illegal practice, to a fine not exceeding \$3,000.

[[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.]

Cf. 1956, No. 107, s. 150; 1990, No. 1, s. 76 (1)

Subs. (2) was substituted for the original subs. (2) by s. 83 of the Electoral Amendment Act (No. 2) 1995.

225. Persons charged with corrupt practice may be found guilty of illegal practice—Any person charged with a corrupt practice may, if the circumstances warrant that finding, be found guilty of an illegal practice; and any person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice.

Cf. 1956, No. 107, s. 151

226. Time limit for prosecutions—A prosecution against any person for a corrupt practice or an illegal practice shall be commenced within 6 months after the offence was committed:

Provided that where the person charged has been reported by the High Court in its report on the trial of an election petition to have been proved guilty of the offence, a prosecution shall be commenced within 6 months after the offence was committed or within 3 months after the date of the report, whichever period is the later to expire.

Cf. 1956, No. 107, s. 152

227. Punishment for disqualified person voting—If any person, while his or her name is on the Corrupt Practices List for any district, votes or applies for a ballot paper or applies to vote as a special voter at any election in that or any other

district, he or she shall, notwithstanding that his or her name may be on the main roll or any supplementary roll, be liable on summary conviction to a fine not exceeding \$4,000, and his or her vote shall be void.

Cf. 1956, No. 107, s. 153; 1990, No. 1, s. 77

228. Reversal of disqualification procured through perjury—Where the name of any person is entered on the Corrupt Practices List for any district by reason of any conviction or any report by the High Court, and any witness who gave evidence against that person in the proceedings resulting in that conviction or report is convicted of perjury in respect of that evidence, that person may apply to the High Court, and that Court, if satisfied that the conviction or report so far as it relates to that person was based on perjury, may order that the name of that person be removed from the Corrupt Practices List.

Cf. 1956, No. 107, s. 154

PART VIII

ELECTION PETITIONS

229. Method of questioning election—(1) No election and no return to the House of Representatives shall be questioned except by a petition complaining of an unlawful election or unlawful return (in this Act referred to as an election petition) presented in accordance with this Part of this Act.

(2) A petition complaining of no return shall be deemed to be an election petition, and the High Court or the Court of Appeal may make such order thereon as the Court thinks expedient for compelling a return to be made or may allow the petition to be heard as provided with respect to ordinary election petitions.

(3) An election petition relating to the return of a member of Parliament representing an electoral district or the failure to present a return at an election for a member of Parliament representing an electoral district shall be presented to the High Court and determined in accordance with sections 230 to 257 of this Act.

(4) An election petition relating to the allocation of seats by the Chief Electoral Officer under sections 191 to 193 of this Act may be presented to the Court of Appeal in accordance with sections 258 to 262 of this Act.

Cf. 1956, No. 107, s. 155; 1986, No. 116, s. 6

230. Election petitions to High Court—(1) An election petition to which section 229 (3) of this Act applies may be presented to the High Court by one or more of the following persons:

- (a) A person who voted or had a right to vote at the election;
- (b) A person claiming to have had a right to be elected or returned at the election;
- (c) A person alleging himself or herself to have been a constituency candidate at the election.

(2) The member whose election or return is complained of shall be the respondent to the petition, and, if the petition complains of the conduct of the Returning Officer or Registrar of Electors, he or she shall also be a respondent.

(3) The petition shall be in such form and state such matters as are prescribed by rules of Court, and be signed by the petitioner or all the petitioners if more than one.

(4) The petition shall be presented by filing it in the registry of the High Court nearest to the place where the election was held. The Registrar of the Court shall forthwith send a copy of the petition to the Returning Officer.

(5) The petition shall be served as nearly as may be in the manner in which a statement of claim is served, or in such other manner as may be prescribed by rules of Court.

Cf. 1956, No. 107, s. 156; 1980, No. 29, s. 5 (8)

231. Time for presentation of election petition—

(1) Subject to the provisions of this section, an election petition shall be presented within [28 days] after the day on which the Returning Officer has publicly notified the result of the poll.

(2) If the petition questions the election or return upon an allegation of a corrupt practice and specifically alleges a payment of money or other reward to have been made by the member or on his or her account or with his or her knowledge and consent since the day of the said declaration in pursuance or furtherance of the alleged corrupt practice, it may be presented within [28 days] after the date of the payment.

(3) For the purposes of this section, an allegation that an election is avoided under section 238 of this Act shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

Cf. 1956, No. 107, s. 157; 1975, No. 28, s. 45

In subss. (1) and (2) the expression "28 days" was substituted for the expression "49 days" by s. 84 of the Electoral Amendment Act (No. 2) 1995.

232. Security for costs—(1) At the time of presenting an election petition or within 3 days after the expiration of the time limited for the presentation of the petition, the petitioner shall give security to the satisfaction of the Registrar of the Court for all costs that may become payable by the petitioner to any witness summoned on the petitioner's behalf or to any respondent.

(2) The security shall be an amount of \$1,000, and shall be given by recognisance to the Crown entered into by any number of sureties not exceeding 5 or by a deposit of money, or partly in one way and partly in the other.

(3) If no security is given as required by this section, no further proceedings shall be taken on the petition.

Cf. 1956, No. 107, s. 158

233. More than one petition relating to same election—Where more petitions than one are presented relating to the same election or return, all those petitions shall be dealt with as one petition.

Cf. 1956, No. 107, s. 159

234. Rules of Court—(1) Rules of Court may be made in the manner prescribed by the Judicature Act 1908 for the purposes of this Part of this Act.

(2) All rules made under this section shall be laid before the House of Representatives not later than the 16th sitting day of the House of Representatives after the day on which they are made.

Cf. 1956, No. 107, s. 160; 1986, No. 116, s. 7

Trial of Election Petition

235. Court and place of trial—(1) Every election petition to which section 229 (3) of this Act applies shall be tried by the High Court, and the trial shall take place before 3 Judges of the Court to be named by the Chief Justice.

(2) If any such Judge, before the conclusion of the trial, becomes unable to act, the Chief Justice shall name another Judge to act in his or her place.

(3) The place of trial shall be at the registry of the Court where the petition is filed:

Provided that the High Court, on being satisfied that special circumstances exist rendering it desirable that the petition

should be tried elsewhere, may appoint such other place for the trial as appears most convenient.

Cf. 1956, No. 107, s. 161

236. Trial of petition—(1) An election petition to which section 229 (3) of this Act applies shall be tried in open Court without a jury, and notice of the time and place of trial shall be given not less than 14 days before the day of trial.

(2) The Court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.

(3) The trial of an election petition shall be proceeded with notwithstanding that the respondent may have become disqualified as a member of Parliament, or that Parliament may have been prorogued.

(4) Subject to this Act, the Court shall have jurisdiction to inquire into and adjudicate on any matter relating to the petition in such manner as the Court thinks fit, and, in particular, may at any time during the trial direct a recount or scrutiny of some or all of the votes given at the election, and shall disallow the vote of every person proved to have been guilty of any corrupt practice, or whose name has been wrongly placed or retained on the roll.

(5) Notwithstanding subsection (4) of this section, the vote of any person who on polling day was entitled to be registered as an elector of the district shall not be disallowed on the ground that his or her name has been wrongly placed or retained on the roll.

(6) Notwithstanding subsection (4) of this section, where an elector—

(a) Has been registered as an elector of the district by an error on the part of an official; and

(b) Has exercised his or her vote in respect of that district in good faith without notice of the error,—

his or her vote shall not be disallowed by reason only of that error.

(7) On the trial of an election petition, unless the Court otherwise directs, any charge of a corrupt or illegal practice may be gone into, and evidence in relation thereto received before any proof has been given that any candidate was aware of or consenting to the corrupt or illegal practice.

(8) On the trial of an election petition to which section 229 (3) of this Act applies complaining of an unlawful election or return and claiming the seat for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if the respondent had presented a petition against the election of that person.

Cf. 1956, No. 107, s. 162

237. Avoidance of election of candidate guilty of corrupt practice—Where a candidate who has been elected at any election is proved at the trial of an election petition to which section 229 (3) of this Act applies to have been guilty of any corrupt practice at the election, his or her election shall be void.

Cf. 1956, No. 107, s. 163

238. Avoidance of election for general corruption—(1) Where it is reported by the High Court on the trial of an election petition that corrupt or illegal practices committed in relation to the election for the purpose of promoting or procuring the election of any constituency candidate or constituency candidates thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, the constituency candidate's election, if the candidate has been elected and is a respondent, shall be void.

(2) Except under this section, an election shall not be liable to be avoided by reason of the general prevalence of corrupt or illegal practices.

Cf. 1956, No. 107, s. 164

239. Votes to be struck off for corrupt practices—Where, on the trial of an election petition to which section 229 (3) of this Act applies claiming the seat for any person, a constituency candidate is reported by the High Court to have been proved guilty of bribery, treating, or undue influence in respect of any person who voted at the election, there shall, on a scrutiny, be struck off from the number of votes appearing to have been received by the candidate one vote for every person who voted at the election and is reported to have been proved to have been so bribed, treated, or unduly influenced.

Cf. 1956, No. 107, s. 165

240. Real justice to be observed—On the trial of any election petition,—

- (a) The Court shall be guided by the substantial merits and justice of the case without regard to legal forms or technicalities:
- (b) The Court may admit such evidence as in its opinion may assist it to deal effectively with the case, notwithstanding that the evidence may not otherwise be admissible in the High Court.

Cf. 1956, No. 107, s. 166

241. Irregularities not to invalidate election—No election shall be declared invalid by reason of—

- (a) Any failure to comply with the times prescribed for doing any act; or
- (b) Any omission or irregularity in filling out any form prescribed by this Act or by regulations made thereunder; or
- (c) Any want or defect in the appointment of any official or scrutineer; or
- (d) Any absence of, or mistake or omission or breach of duty by, any official, whether before, during, or after the polling—

if the Court is satisfied that the election was so conducted as to be substantially in compliance with the law as to elections, and that the failure, omission, irregularity, want, defect, absence, mistake, or breach did not affect the result of the election.

Cf. 1956, No. 107, s. 167

242. Decision of Court to be final—All decisions of the High Court under this Part of this Act shall be final and conclusive and without appeal, and shall not be questioned in any way.

Cf. 1956, No. 107, s. 168

243. Certificate of Court as to result of election—At the conclusion of the trial of an election petition to which section 229 (3) of this Act applies, the Court shall determine whether the member whose election or return is complained of, or any and what other person, was duly elected or returned, or whether the election was void, and shall forthwith certify in writing the determination to the Speaker, and the determination so certified shall be final to all intents and purposes.

Cf. 1956, No. 107, s. 169

244. Report of Court as to corrupt or illegal practices—

(1) Where, in an election petition to which section 229 (3) of this Act applies, any charge is made of any corrupt or illegal practice having been committed at the election, the Court shall, in addition to giving a certificate and at the same time, report in writing to the Speaker as follows:

- (a) Whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any constituency candidate at the election, and the nature of the corrupt or illegal practice:
- (b) Whether any of the constituency candidates has been guilty by his or her agents of any corrupt or illegal practice in reference to the election:
- (c) The names of all persons proved at the trial to have been guilty of any corrupt or illegal practice and whether they have received certificates of indemnity:
- (d) Whether there is reason to believe that corrupt or illegal practices have extensively prevailed at the election.

(2) In the case of someone who is not a party to the petition nor a constituency candidate on behalf of whom the seat is claimed by the petition, the Court, before reporting him or her to have been proved guilty of any corrupt or illegal practice, shall first cause notice to be given to him or her, and if he or she appears in pursuance of the notice, shall give him or her an opportunity of being heard and of calling evidence in his or her defence to show why he or she should not be so reported.

(3) For the purposes of this Act, if it is reported by the Court that a corrupt or illegal practice was committed with the knowledge and consent of a constituency candidate, he or she shall be treated as having been reported to have been proved guilty of that corrupt or illegal practice.

(4) If a constituency candidate is reported to have been guilty by his or her agents of treating, undue influence, or any illegal practice, and the Court further reports—

- (a) That no corrupt or illegal practice was committed at the election by the constituency candidate with his or her knowledge or consent, and that the offences mentioned in the report were committed without the sanction or connivance of the constituency candidate; and
- (b) That all reasonable means for preventing the commission of corrupt and illegal practices at the election were

taken by and on behalf of the constituency candidate; and

(c) That the offences mentioned in the report were of a trivial, unimportant, and limited character; and

(d) That in all other respects the election was free from any corrupt or illegal practice on the part of the constituency candidate and of his or her agents,—

the constituency candidate shall not be treated for the purposes of this Act as having been reported to have been proved guilty of the offences mentioned in the report.

Cf. 1956, No. 107, s. 170

245. Special report—At the same time as the Court gives its certificate at the conclusion of the trial of an election petition to which section 229 (3) of this Act applies, the Court may make a special report to the Speaker as to any matters arising in the course of the trial an account of which, in the judgment of the Court, ought to be submitted to the House of Representatives.

Cf. 1956, No. 107, s. 171

246. Signature and effect of certificate and report—

(1) The certificate and any report of the Court at the conclusion of the trial of an election petition shall be signed by at least 2 of the Judges presiding at the trial.

(2) On being informed by the Speaker of the certificate and any report of the Court, the House of Representatives shall order the same to be entered in the Journals of the House, and shall give the necessary directions for confirming or altering the return, or for issuing a writ for a new election, or for carrying out the determination, as the circumstances may require.

(3) Where the Court makes a special report, the House may make such order in respect of that report as the House thinks proper.

Cf. 1956, No. 107, s. 172

Witnesses

247. Summons and examination of witnesses—

(1) Witnesses may be summoned and sworn on the trial of an election petition to which section 229 (3) of this Act applies in the same manner, as nearly as circumstances admit, as in the trial of an ordinary action.

(2) The High Court may by order require any person who appears to the Court to have been concerned in the election to

attend as a witness, and every person who refuses to obey any such order shall be guilty of contempt of Court.

(3) The Court may examine any person so required to attend or any person in Court, although he or she is not called or examined by any party to the petition.

(4) After the examination of a witness as aforesaid by the Court, he or she may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

Cf. 1956, No. 107, s. 173

248. Certificate of indemnity to witness—(1) A person called as a witness on the trial of an election petition to which section 229 (3) of this Act applies shall not be excused from answering any question relating to any offence at or connected with the election on the ground that the answer thereto may incriminate or tend to incriminate himself or herself, or on the ground of privilege:

Provided that—

(a) An answer by a person to a question put by or before the Court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against that person in any proceeding, civil or criminal:

(b) A witness who answers truly all questions which he or she is required by the Court to answer shall be entitled to receive a certificate of indemnity, stating that he or she has so answered.

(2) Where a person has received a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against that person for any offence committed by that person at or in connection with the election previously to the date of the certificate, the Court having cognisance of the case shall on production of the certificate stay the proceeding, and may in its discretion award to the said person such costs as he or she has been put to in the proceeding.

(3) Nothing in this section shall be deemed to relieve a person receiving a certificate of indemnity from any incapacity under this Act or from any proceedings to enforce any such incapacity (other than a criminal prosecution).

Cf. 1956, No. 107, s. 174

249. Expenses of witnesses—(1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition to which section 229 (3) of this Act

applies, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to him or her by the Court.

(2) Any such expenses, if the witness was called and examined by the Court, shall be deemed to be part of the expenses of the Court, and in other cases shall be deemed to be costs of the petition.

Cf. 1956, No. 107, s. 175

Costs

250. Costs of petition—(1) All costs of and incidental to the presentation of an election petition to which section 229 (3) of this Act applies, and to the proceedings consequent thereon, except such as are by this Act otherwise provided for shall be defrayed by the parties to the petition in such manner and in such proportions as the High Court may determine; and, in particular, any costs which, in the opinion of the Court, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of the respondent, and any needless expenses incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom they were caused or incurred, whether those parties are or are not on the whole successful.

(2) If a petitioner fails for 6 months after demand to pay to any person summoned as a witness on the petitioner's behalf, or to the respondent, any sum certified to be due to that person for costs, and the failure is within one year after the demand proved to the satisfaction of the High Court, every person who has under this Act entered into a recognisance relating to the petition shall be held to have made default in the recognisance, and it shall be dealt with in the manner provided by section 21 of the Crown Proceedings Act 1950.

Cf. 1956, No. 107, s. 176

251. Costs payable by persons proved guilty of corrupt or illegal practices—(1) Where on the trial of an election petition to which section 229 (3) of this Act applies it appears to the Court that any person has been guilty of any corrupt or illegal practice, the Court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceedings before the Court in relation to that offence or to that person to be paid by that person to such other person or persons as the Court thinks fit.

(2) All costs so ordered to be paid may be recovered as a debt due by the person by whom they are ordered to be paid to the person or persons to whom they are ordered to be paid.
Cf. 1956, No. 107, s. 177

Withdrawal and Abatement of Petitions

252. Withdrawal of petition—(1) A petitioner shall not withdraw an election petition to which section 229 (3) of this Act applies without the leave of the High Court upon special application to be made in the prescribed manner.

(2) No such application shall be made until the prescribed notice of the intention to make it has been given in the district to which the petition relates.

(3) Where there are more petitioners than one, an application to withdraw the petition shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

Cf. 1956, No. 107, s. 178

253. Substitution of new petitioner—(1) On the hearing of an application for leave to withdraw a petition, any person who might in the first instance have presented the petition may apply to the Court to be substituted as a petitioner.

(2) The Court may, if it thinks fit, substitute any such applicant as petitioner, and may, if the proposed withdrawal is in the opinion of the Court the result of any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs incurred by the substituted petitioner, and that to the extent of the sum named in the security the original petitioner shall be liable to pay the costs of the substituted petitioner.

(3) If the Court does not so direct, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner within 3 days after the order of substitution.

(4) Subject as aforesaid, a substituted petitioner shall as nearly as may be stand in the same position and be subject to the same liabilities as the original petitioner.

Cf. 1956, No. 107, s. 179

254. Report on withdrawal—In every case of the withdrawal of an election petition to which section 229 (3) of this Act applies, the High Court shall make a report to the

Speaker stating whether in its opinion the withdrawal of the petition was the result of any corrupt arrangement or in consideration of the withdrawal of any other election petition and, if so, the circumstances attending the withdrawal.

Cf. 1956, No. 107, s. 180

255. Abatement of petition—(1) An election petition to which section 229 (3) applies shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the petitioner or any other person to the payment of costs previously incurred.

(3) On the abatement of a petition, notice of the abatement shall be given in the prescribed manner; and, within 28 days after the notice is given, any person who might have been a petitioner in respect of the election may apply to the High Court in the prescribed manner to be substituted as a petitioner. On any such application the High Court may, if it thinks fit, substitute the applicant accordingly.

(4) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

Cf. 1956, No. 107, s. 181

General Provisions

256. Withdrawal and substitution of respondents before trial—(1) If, before the trial of an election petition to which section 229 (3) of this Act applies, a respondent other than the Returning Officer or a Registrar of Electors—

(a) Dies; or

(b) Gives the prescribed notice that he or she does not intend to oppose the petition; or

(c) Loses his or her seat by reason of the House of Representatives resolving that the seat is vacant,—

notice thereof shall be given in the prescribed manner; and, within 28 days after the notice is given, any person who might have been a petitioner in respect of the election may apply to the High Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed 3.

(2) A respondent who has given the prescribed notice that he or she does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon, and shall not sit or vote in the House of

Representatives until that House has been informed of the report on the petition.

(3) Where a respondent has given the prescribed notice as aforesaid, the Court shall report that fact to the Speaker.

Cf. 1956, No. 107, s. 182

257. Submission of report to Attorney-General—Where the High Court reports that certain persons named have been proved at the trial of an election petition to have been guilty of any corrupt or illegal practice, the report shall be given to the Attorney-General.

Cf. 1956, No. 107, s. 183

258. Electoral petitions to Court of Appeal—(1) An electoral petition relating to the allocation of seats under sections 191 to 193 of this Act may be presented to the Court of Appeal by a Secretary of a political party whose party was listed in Part B of the ballot paper.

(2) The petition may seek a review of the procedures and methods used to allocate seats to political parties under sections 191 to 193 of this Act, and the return of members of Parliament consequential upon that allocation.

(3) The respondents shall be the other political parties named in Part B of the ballot paper, and, if the conduct of the Chief Electoral Officer is complained of, the Chief Electoral Officer.

(4) Subject to subsections (1) to (3) of this section, the petition shall be in such form and state such matters as are prescribed by rules of Court, and be signed by the petitioner or all the petitioners if more than one.

(5) The petition shall be presented by filing it in the Registry of the Court of Appeal. The Registrar of the Court shall forthwith send a copy of the petition to the Chief Electoral Officer.

(6) The petition shall be served as nearly as may be in the manner in which a statement of claim is served, or in such other manner as may be prescribed by rules of Court.

259. Time for presentation of an election petition to Court of Appeal—An election petition under section 258 of this Act shall be presented within [28 days] of the date of the declaration made under section 193 (5) of this Act by the Chief Electoral Officer.

The expression "28 days" was substituted for the expression "49 days" by s. 85 of the Electoral Amendment Act (No. 2) 1995.

260. Matters excluded from challenge—On the hearing of a petition presented pursuant to section 258 of this Act, no decision shall be subject to challenge on the grounds—

- (a) That the vote of any elector should have been disallowed because he or she was not qualified to vote in the electoral district in respect of which he or she cast his or her vote; or
- (b) That the vote of any voter that was disallowed should have been allowed; or
- (c) That a candidate or candidates, or the agent of any candidate, was engaged in a corrupt or illegal practice; or
- (d) That corrupt or illegal practices prevailed at the election.

261. Provisions applied—Where any petition is presented under section 258 of this Act, the provisions of sections 232 to 235, subsections (1) to (3) and (8) of section 236, sections 240 to 242, sections 245 to 250, section 252 (other than subsection (2)), and section 256 of this Act shall apply, with any necessary modifications, as if references to the High Court were references to the Court of Appeal.

262. Certificate of Court as to result of petitions—At the conclusion of the trial of an election petition to which section 258 of this Act applies, the Court of Appeal shall—

- (a) Determine whether the procedures used to allocate seats to political parties under sections 191 to 193 of this Act were correct:
- (b) Determine whether the return of members of Parliament consequential upon the allocation under sections 191 to 193 of this Act is valid:
- (c) Make such orders as are necessary to correct any error or invalidity, including—
 - (i) An order that any declaration of election made pursuant to section 193 (5) of this Act, so far as it relates to any candidate named in the order, is invalid and the election of that candidate void:
 - (ii) An order that any candidate not named in a declaration of election made pursuant to section 193 (5) of this Act is elected as a member of Parliament:
 - (iii) An order requiring the Chief Electoral Officer to repeat any or all of the procedures prescribed by sections 191 to 193 of this Act:

- (d) Forthwith certify in writing its determination to the Speaker and the determination so certified shall be final to all intents and purposes.

PART IX

MISCELLANEOUS PROVISIONS

263. Service of notices—(1) Any notice under this Act may be served on any person by delivering it to that person, and may be delivered to that person either personally or by leaving it at his or her place of residence as stated on the roll or by posting it by registered letter addressed to him or her at that place of residence.

(2) A notice so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

(3) Where any notice is sent by registered letter addressed to any person at his or her place of residence as stated on the roll, with a special request that the letter be returned to the sender at the expiration of 15 days if the person to whom the letter is addressed cannot be found, the return of the letter by New Zealand Post Limited shall be deemed sufficient proof that the person has quitted that place of residence.

Cf. 1956, No. 107, s. 184

[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.]

264. Review by select committee—(1) The House of Representatives shall, as soon as practicable after the 1st day of April 2000, appoint a select committee to consider the following matters:

- (a) The effect of sections 35 and 36 of this Act on the operation of the electoral system:
- (b) The provisions of this Act dealing with Maori representation:
- (c) Whether there should be a further referendum on changes to the electoral system.

(2) The select committee appointed under subsection (1) of this section shall report to the House of Representatives before the 1st day of June 2002 and shall include in its report a statement indicating—

- (a) Whether, in its view, there should be changes to sections 35 and 36 of this Act; and
- (b) Whether, in its view, there should be changes to the provisions of this Act dealing with Maori representation; and
- (c) Whether in its view there should be a further referendum on changes to the electoral system, and, if so, the nature of the proposals to be put to voters and the timing of such a referendum.

265. Registrars of Electors exempt from Court fees—Registrars of Electors shall be exempt from the payment of any Court fees in respect of any proceedings under this Act.

Cf. 1956, No. 107, s. 186; 1980, No. 29, s. 5 (6)

266. Validation of irregularities—Where anything is omitted to be done or cannot be done at the time required by or under this Act, or is done before or after that time, or is otherwise irregularly done in matter of form, or sufficient provision is not made by or under this Act, the Governor-General may, by Order in Council gazetted, at any time before or after the time within which the thing is required to be done, extend that time, or validate anything so done before or after the time required or so irregularly done in matter of form, or make other provision for the case as he or she thinks fit:

Provided that this section shall not apply with respect to the presentation of an election petition or to the giving of security for costs in relation to an election petition.

Cf. 1956, No. 107, s. 187

267. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing forms for the purposes of this Act:
- (b) Prescribing the requirements in respect of computer tapes, disks, or diskettes supplied to the Chief Registrar under this Act:
- (c) Prescribing 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 section 114 of this Act:
- (d) Prescribing the time at which, and the manner in which, special voters may vote (whether at a polling place or not and whether in or outside New Zealand):
- (e) Prescribing conditions upon or subject to which special voters may vote:
- (f) Prescribing different methods of voting for different classes of special voters:
- (g) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act:
- (h) Prescribing penalties for offences against regulations made under this Act, not exceeding imprisonment for a term of 3 months or a fine of \$1,000 or both:
- (i) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

Cf. 1956, No. 107, s. 188; 1990, No. 1, s. 78 (1)

268. Restriction on amendment or repeal of certain provisions—(1) This section applies to the following provisions (hereinafter referred to as reserved provisions), namely,—

- (a) Section 17 (1) of the Constitution Act 1986, relating to the term of Parliament:
- (b) Section 28 of this Act, relating to the Representation Commission:
- (c) Section 35 of this Act, and the definition of the term “General electoral population” in section 3 (1) of this Act, relating to the division of New Zealand into electoral districts after each census:
- (d) Section 36 of this Act, relating to the allowance for the adjustment of the quota:

- (e) Section 74 of this Act, and the definition of the term “adult” in section 3 (1) of this Act, and section 60 (f) of this Act, so far as those provisions prescribe 18 years as the minimum age for persons qualified to be registered as electors or to vote:
- (f) Section 168 of this Act, relating to the method of voting.
- (2) No reserved provision shall be repealed or amended unless the proposal for the amendment or repeal—
 - (a) Is passed by a majority of 75 percent of all the members of the House of Representatives; or
 - (b) Has been carried by a majority of the valid votes cast at a poll of the electors of the General and Maori electoral districts:

Provided that this section shall not apply to the repeal of any reserved provision by a consolidating Act in which that provision is re-enacted without amendment and this section is re-enacted without amendment so as to apply to that provision as re-enacted.

Cf. 1956, No. 107, s. 189; 1975, No. 28, s. 6 (2) (e); 1986, No. 116, s. 8

Transitional Provisions

- 269. Membership of Representation Commission—**
- (1) Every person who held office as a member of the Representation Commission under section 15 (2) (e) or section 15 (2) (f) or section 15 (3) (b) of the Electoral Act 1956 immediately before the commencement of this section shall be deemed to have been appointed as a member of the Commission under section 28 (2) (e) or section 28 (2) (f) or section 28 (3) (b) of this Act, as the case may require.
 - (2) For the purpose of enabling the Representation Commission to divide New Zealand into electoral districts on the first occasion after this Act is passed, the Minister shall, as soon as is practicable after the commencement of this section, specify a period of 2 months during which any Maori may exercise the option given by section 76 of this Act.
 - (3) Following the report of the Chief Registrar under section 77 (6) of this Act, the Government Statistician shall prepare a report on the General electoral population and the Maori electoral population in accordance with the provisions of this Act, based on the results of the periodical census conducted in the year 1991, and the report of the Chief Registrar made pursuant to section 77 (6) of this Act, and shall report the results of the census and his or her calculation of the electoral

populations to the Surveyor-General and to the other members of the Commission.

(4) Upon the receipt of that report, the Surveyor-General shall prepare maps showing the distribution of the population and provisional boundaries for the General electoral districts and the Maori electoral districts and shall then call a meeting of the Commission.

(5) The report so made by the Government Statistician, and the maps so prepared by the Surveyor-General, shall be sufficient evidence as to the General electoral population and the Maori electoral population of New Zealand or of the North Island or of the South Island or of any district.

(6) In relation to the first occasion on which, after the commencement of this section, New Zealand is, under this Act, divided into electoral districts, section 35 (3) (f) (i) of this Act shall not apply.

270. Electoral districts, electoral rolls, general elections, and by-elections—(1) Every General electoral district and every Maori electoral district in existence under the Electoral Act 1956 immediately before the commencement of this section shall remain in existence until such districts are replaced by new electoral districts in accordance with the provisions of sections 40 and 45 of this Act.

(2) Every electoral roll in force under the Electoral Act 1956 immediately before the commencement of this section shall continue in force until replaced by new electoral rolls in accordance with the provisions of sections 101 to 103 of this Act.

(3) For the purposes of any general election of members of Parliament conducted following a dissolution of Parliament that takes place before the gazetting of the notice required by section 40 (1) (b) or section 45 (9) (b) of this Act on the first occasion when the gazetting of such a notice is required to take place under the provisions of this Act, that general election shall be conducted in accordance with the provisions of the Electoral Act 1956, notwithstanding its repeal by the provisions of this Act.

(4) For the purposes of any by-election that takes place before the first general election that is conducted in accordance with the provisions of this Act, the electoral district in respect of which that election is conducted shall be the relevant electoral district that was in existence immediately before the commencement of this section, and the provisions

of this Act, including subsections (2) to (4) of section 102, shall apply accordingly and with any necessary modifications, in respect of the conduct of that election.

(5) Any person who immediately before the commencement of this section held the position of—

- (a) Clerk of the Writs; or
- (b) Deputy Clerk of the Writs; or
- (c) Chief Electoral Officer; or
- (d) Deputy Chief Electoral Officer; or
- (e) Returning Officer; or
- (f) Deputy Chief Registrar of Electors; or
- (g) Registrar of Electors—

shall, without further appointment, be deemed, as from the commencement of this section, to have been duly appointed under this Act.

Amendment to Constitution Act 1986

271. Term of Parliament—Section 17 of the Constitution Act 1986 is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Section 268 of the Electoral Act 1993 shall apply in respect of subsection (1) of this section.”

Amendment to Civil List Act 1979

272. Questioned elections of members of Parliament—The Civil List Act 1979 is hereby amended by repealing section 19, and substituting the following section:

“19. (1) Where, at the conclusion of the trial of an election petition, the High Court or the Court of Appeal determines that a person elected or returned was not duly elected or returned or that the election at which that person was elected or returned was void, the salary and allowance to which that person would have been entitled if that person had been duly elected and returned as a member of Parliament shall be paid to that person, in respect of the period commencing on the day after polling day and ending with the earlier of the following days:

“(a) The day on which the House of Representatives, pursuant to section 246 (2) of the Electoral Act 1993, gives directions for the altering of the return:

“(b) The day on which the seat becomes vacant, by death or otherwise.

“(2) Where, at the conclusion of the trial of an election petition, the High Court or the Court of Appeal determines that a person, other than the person who was elected or

returned, was duly elected and the return, in accordance with directions given under section 246 (2) of the Electoral Act 1993 is altered to carry out that determination, the salary and allowance to which the person declared elected pursuant to the altered writ or return would have been entitled if that person's name had been endorsed on the writ or return when it was first returned shall, notwithstanding anything in subsection (1) of this section, be paid to that person.

“(3) In this section the expression ‘polling day’ has the meaning assigned to that term by section 18 (5) of this Act.”

Amendment to Higher Salaries Commission Act 1977

273. *This amendment has been incorporated in the reprinted Higher Salaries Commission Act 1977 (1996, R.S. Vol. 35).*

Amendments to Local Elections and Polls Act 1976

274. Residential electoral roll—(1) Section 7BA (2) of the Local Elections and Polls Act 1976 (as inserted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by omitting the expression “section 64A of the Electoral Act 1956”, and substituting the expression “section 113 of the Electoral Act 1993”.

(2) Section 7BA (3) (c) of the Local Elections and Polls Act 1976 (as inserted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by omitting the expression “section 64A of the Electoral Act 1956”, and substituting the expression “section 113 of the Electoral Act 1993”.

275. Supply of information by Chief Registrar of Electors—Section 7BF of the Local Elections and Polls Act 1976 (as inserted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by omitting the expression “the Electoral Act 1956”, and substituting the expression “the Electoral Act 1993”.

276. Application for registration as Parliamentary elector—Section 7E of the Local Elections and Polls Act 1976 (as inserted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by omitting the expression “the Electoral Act 1956”, and substituting the expression “the Electoral Act 1993”.

277. Completion of roll—Section 7F (a) of the Local Elections and Polls Act 1976 (as inserted by section 4 of the

Local Elections and Polls Amendment Act 1989) is hereby amended by omitting the expression “section 64A of the Electoral Act 1956”, and substituting the expression “section 113 of the Electoral Act 1993”.

278. Amendments to roll—Section 7C (2) of the Local Elections and Polls Act 1976 is hereby amended by omitting the expression “64A of the Electoral Act 1956”, and substituting the expression “section 113 of the Electoral Act 1993”.

279. Roll for by-election or poll—Section 7J (2) of the Local Elections and Polls Act 1976 (as inserted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by omitting the expression “section 64A of the Electoral Act 1956”, and substituting the expression “section 113 of the Electoral Act 1993”.

280. Special voters—Section 37 (b) (ii) of the Local Elections and Polls Act 1976 (as substituted by section 15 (1) of the Local Elections and Polls Amendment Act 1982) is hereby amended by inserting, after the expression “section 62A of the Electoral Act 1956”, the expression “or section 115 of the Electoral Act 1993”.

281. Election to fill extraordinary vacancy in local authority—Section 51 (13) (c) of the Local Elections and Polls Act 1976 (as substituted by section 14 of the Local Elections and Polls Amendment Act 1988) is hereby amended by omitting the expression “Electoral Act 1956”, and substituting the expression “Electoral Act 1993”.

Amendment to Ombudsmen Act 1975

282. *This amendment has been incorporated in the reprinted Ombudsmen Act 1975 (1996, R.S. Vol. 35).*

Amendments to Public Finance Act 1989

283. *This amendment has been incorporated in the reprinted Public Finance Act 1989 (1995, R.S. Vol. 33, p. 419).*

Repeals

284. Repeals—The enactments specified in the Third Schedule to this Act are hereby repealed.

SCHEDULES

FIRST SCHEDULE

Section 14

PROVISIONS RELATING TO ELECTORAL COMMISSION

1. Remuneration of members of Commission—(1) There shall be paid to the members of the Commission such remuneration by way of fees, salary, wages, or allowances as may from time to time be determined, either generally or in respect of any particular member or members of the Commission, by the Higher Salaries Commission.

(2) Any determination under subclause (1) of this clause shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no such date is specified, the determination shall take effect on the date thereof.

2. Travelling allowances and expenses—(1) The Commission is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Commission travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

3. Staff—(1) Subject to the provisions of this clause, the chief executive of the Electoral Commission may appoint such officers and employees (including acting or temporary or casual officers and employees) as may be necessary for carrying this Act into effect.

(2) The number of persons that may be appointed under this clause, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Minister of Justice.

(3) Officers and employees appointed under this clause shall be employed on such terms and conditions of employment and shall be paid such salaries and allowances as the chief executive from time to time determines in agreement with the State Services Commissioner, or as the Minister from time to time determines in any case where the chief executive and the State Services Commissioner fail to agree.

4. Superannuation or retiring allowances—(1) For the purposes of providing superannuation or retiring allowances for the chief executive and for any of the officers or employees of the Electoral Commission, the chief executive may, out of the funds of the Commission, make payment to or subsidise any superannuation scheme that is registered under the Superannuation Schemes Act 1989.

(2) Notwithstanding anything in this Act, any person who, immediately before being appointed as the chief executive or, as the case may be, becoming an officer or employee of the Electoral Commission, is a contributor to the Government Superannuation Fund under Part II or Part II A of the Government Superannuation Fund Act 1956 shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as that person continues to hold office as the chief executive or, as the case may be, to be an officer or employee of the Commission; and that Act shall apply to that person in all respects as if that person's service as the chief executive or, as the case may be, as such an officer or employee were Government service.

FIRST SCHEDULE—*continued*

PROVISIONS RELATING TO ELECTORAL COMMISSION—*continued*

(3) Subject to the Government Superannuation Fund Act 1956, nothing in subclause (2) of this clause entitles any such person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.

(4) For the purpose of applying the Government Superannuation Fund Act 1956, in accordance with subclause (2) of this clause, to a person who holds office as the chief executive or, as the case may be, is in the service of the Electoral Commission as an officer or employee and (in any such case) is a contributor to the Government Superannuation Fund, the term “controlling authority”, in relation to any such person, means the chief executive.

5. Application of certain Acts to Commission and staff—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the Commission or a person appointed under clause 3 of this Schedule.

6. Services for Commission—(1) The Crown, acting through any Department, may from time to time, at the request of the Commission, execute any work or enter into any arrangements for the execution or provision by the Department for the Commission of any work or service, or for the supply to the Commission of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

(2) To assist the Commission in carrying this Act into effect, the chief executive may on behalf of the Commission engage such contractors or consultants as he or she thinks fit.

7. Funds of Commission—The funds of the Electoral Commission shall consist of—

- (a) Any money appropriated by Parliament for the purposes of the Commission and paid to the Commission for the purposes of the Commission;
- (b) All other money lawfully received by the Commission for the purposes of the Commission;
- (c) All accumulations of income derived from any such money.

8. Bank accounts—(1) The Electoral Commission shall open at any bank or banks such accounts as are necessary for the exercise of the Commission’s functions and powers.

(2) All money received by the Commission, or by any officer or employee of the Commission shall, as soon as practicable after it has been received, be paid into such bank accounts of the Commission as the Commission from time to time determines.

(3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Commission thinks fit.

9. Investment of money—Any money that belongs to the Electoral Commission and that is not immediately required for expenditure by the Commission may be invested pursuant to section 25 of the Public Finance Act 1989.

FIRST SCHEDULE—*continued*PROVISIONS RELATING TO ELECTORAL COMMISSION—*continued*

10. Commission not to borrow without consent of Minister of Finance—Notwithstanding anything in section 6 of this Act, the Electoral Commission shall not borrow or contract to borrow any money, or renew any loan made to the Commission, without the prior written consent of the Minister of Finance.

11. Seal—The Commission's seal of office shall be judicially noticed in all Courts and for all purposes.

12. Exemption from income tax—The income of the Commission shall be exempt from income tax.

13. Crown entity—(1) The Commission shall be a Crown entity for the purposes of the Public Finance Act 1989.

(2) The annual financial statements of the Commission shall be audited by the Audit Office which, for that purpose, shall have and may exercise all such powers as it has under the Public Finance Act 1977 in respect of public money and public stores.

SECOND SCHEDULE

FORMS

Sections 26, 159, 160, 172 (5), 175 [Form 1

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	} A.B.
day of	19		
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.】

This form was substituted for the original Form 1 by s. 87 of the Electoral Amendment Act (No. 2) 1995.

SECOND SCHEDULE—continued

Form 2

Section 125

WARRANT FOR ISSUE OF WRITS FOR GENERAL ELECTION

Governor-General

To the Clerk of the Writs

PURSUANT to the Electoral Act 1993, I hereby authorise and direct you to proceed forthwith to issue writs for the election of members of Parliament for all electoral districts within New Zealand.

As witness the hand of [His Excellency] the Governor-General this day of 19 .

C. D.,
Minister of Justice.

The reference to "His Excellency" in square brackets has been updated, in this reprint, for a reference to "Her Excellency".

Form 3

Sections 126, 132

WRIT FOR ELECTION

To the Returning Officer for the Electoral District

PURSUANT to the Electoral Act 1993, I hereby authorise and require you to proceed, according to law, to the election of a member of Parliament to serve in the House of Representatives for the Electoral District.

The last day for the nomination of candidates shall be the day of 19 .

In the event of the election being contested, the poll shall be taken on Saturday the day of 19 .

You are hereby required to endorse on this writ the name of the person elected, and then to return the writ to me on or before the day of 19 .

Dated at this day of 19 .

A. B.,
Clerk of the Writs.

SECOND SCHEDULE—*continued*

[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*]

This form was inserted by s. 88 of the Electoral Amendment Act (No. 2) 1995.

SECOND SCHEDULE—continued

Form 7

Section 134

WARRANT TO SUPPLY VACANCY

To the Chief Electoral Officer

PURSUANT to the Electoral Act 1993, I hereby authorise and direct you to proceed forthwith to supply a member of Parliament to fill a vacancy created by the [Specify reason for vacancy] of [Specify name of previous member].

Dated this day of 19

E. F.,
Speaker of the House of Representatives.

Form 8

Section 142

NOTICE OF NOMINATION DAY AND POLLING DAY

Electoral District

I hereby give notice that on Saturday the day of
19 the following poll(s) will be held within the Electoral
District.

Election of Member of Parliament

Nomination of constituency candidates for the position of member of Parliament for the district must be in my hands at the address shown below not later than noon on the day of 19 , each candidate requiring to be nominated by not less than 2 registered electors of the district by the prescribed nomination paper.

Dated at this day of 19

A. B.,
Returning Officer.

SECOND SCHEDULE—continued

Section 143

Form 9

NOMINATION PAPER

To the Returning Officer

ELECTORAL DISTRICT	
--------------------	--

ELECTION

This nomination of a Constituency Candidate is made in relation to the election of a member of Parliament for the above-mentioned Electoral District. The polling day in relation to that election is Saturday, the _____ day of _____ 19____

THE NOMINATORS	Surnames	Given Names	Registered Addresses and Occupations	ROLL NUMBERS		Signatures
				Page No.	Line No.	
2 Required						
(Please print details)						
				FOR OFFICIAL USE		

We, the nominators specified in this paper, being electors registered for the above-mentioned Electoral District, do hereby nominate for election for that Electoral District, the following person:

	Surname	Given Names	Registered Address	Occupation
Details of Person Nominated as Candidate				

Consent of person nominated as Constituency Candidate	<p>I, (name) being qualified to be a candidate and to be elected a member of Parliament in terms both of section 47 of the Electoral Act 1993 and of any other enactment, hereby consent to the above nomination.</p> <p>The name that I wish to appear on the ballot paper (being a name that is short enough to appear on the ballot paper) is shown below</p>		
Name to appear on Ballot Paper	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%; height: 30px; vertical-align: bottom; text-align: center;">(please print)</td> <td style="width: 40%; vertical-align: top;">My telephone contact number is:</td> </tr> </table>	(please print)	My telephone contact number is:
(please print)	My telephone contact number is:		

Political Party (If any)	<p>* I am a candidate for the Party.</p> <p>or</p> <p>* I am an independent candidate. *Delete whichever is inapplicable</p>
--------------------------	---

Signature of Person Nominated Date / /

Deposit to be refunded to	Name
FOR OFFICIAL USE	Address

Acknowledgment of nomination	<p>M</p> <p>.....</p> <p>.....</p> <p>Date/...../.....</p>	<p>I acknowledge receipt of your nomination and the deposit of \$300 (inc GST).</p> <p>Electoral District</p> <p>Signature of Returning Officer</p>
------------------------------	--	---

- Notes**
- As to the nomination of candidates, see section 143 of the Electoral Act 1993.
 - As to required deposit, see section 144 of the Electoral Act 1993.
 - As to the acceptance or rejection of nominations, see section 145 of the Electoral Act 1993.
 - As to the names under which candidates may be nominated, see subsections (2) to (5) of section 145 of the Electoral Act 1993.
 - As to the withdrawal of nominations, see section 146 of the Electoral Act 1993.

SECOND SCHEDULE—*continued*

Form 10

Section 146

NOTICE OF WITHDRAWAL OF NOMINATION

To the Returning Officer for the Electoral District

I, the undersigned, hereby give notice that I withdraw my nomination as a candidate at the election of a member of Parliament for the Electoral District.

Dated at this day of 19 .

[Signature]
[Residence]
[Description]

Signed in the presence of—

.....
C.D.,
Justice of the Peace
[or Solicitor].

Section 150

SECOND SCHEDULE—continued
[Form 11
BALLOT PAPER FOR GENERAL ELECTION

OFFICIAL
MARK

[Consecutive Number]

YOU HAVE 2 VOTES

PARTY VOTE

ELECTORATE VOTE

Explanation
This vote decides the share of seats which each of the parties listed below will have in Parliament. Vote by putting a tick in the circle immediately after the party you choose.

Explanation
This vote decides the candidate who will be elected Member of Parliament for the [insert name] ELECTORATE. Vote by putting a tick in the circle immediately before the candidate you choose.

Vote for only one party

Vote for only one candidate

LABOUR	<input type="checkbox"/>	ALLEN, Fred LABOUR	<input type="checkbox"/>
ACT NEW ZEALAND	<input type="checkbox"/>	BARKER, Mary ACT NEW ZEALAND	<input type="checkbox"/>
NATIONAL	<input type="checkbox"/>	DENIS, Alastair NATIONAL	<input type="checkbox"/>
ALLIANCE	<input type="checkbox"/>	ELLIS, John ALLIANCE	<input type="checkbox"/>
THE GREENS, THE GREEN PARTY OF AOTEAROA/NEW ZEALAND	<input type="checkbox"/>	GREGG, Tony THE GREENS, THE GREEN PARTY OF AOTEAROA/NEW ZEALAND	<input type="checkbox"/>
NZ FIRST	<input type="checkbox"/>	ILLOTT, Anne NZ FIRST	<input type="checkbox"/>
ROC	<input type="checkbox"/>	MARTIN, Hannah ROC	<input type="checkbox"/>
CHRISTIAN DEMOCRATS	<input type="checkbox"/>	NEMETH, Elizabeth CHRISTIAN DEMOCRATS	<input type="checkbox"/>
UNITED NZ	<input type="checkbox"/>	OSBERT, Sebastian UNITED NZ	<input type="checkbox"/>
CHRISTIAN HERITAGE PARTY OF NEW ZEALAND	<input type="checkbox"/>	PEOPLES, Wendy CHRISTIAN HERITAGE PARTY OF NEW ZEALAND	<input type="checkbox"/>
MAGILL/LODDY SERIOUS	<input type="checkbox"/>	QUENTIN, Orwin MAGILL/LODDY SERIOUS	<input type="checkbox"/>
TE TAHARAU	<input type="checkbox"/>	RAWIRI, Whare TE TAHARAU	<input type="checkbox"/>
REPUBLICAN PARTY	<input type="checkbox"/>	ROSS, Arlene REPUBLICAN PARTY	<input type="checkbox"/>
DEMOCRATS	<input type="checkbox"/>	RUSCOE, Noel DEMOCRATS	<input type="checkbox"/>
	<input type="checkbox"/>	SMITH, EUGENE INDEPENDENT	<input type="checkbox"/>
ADVANCE NZ	<input type="checkbox"/>	TULIP, Belinda ADVANCE NZ	<input type="checkbox"/>
CONSERVATIVE	<input type="checkbox"/>		
SOCIAL DEMOCRATS	<input type="checkbox"/>		
SUPERANNUANTS PARTY	<input type="checkbox"/>		

[insert party logo (if registered) to the left of the name of the party.]

[insert party logo (if registered) to the right of the name of the candidate.]

Final Directions

1. If you spoil this ballot paper, return it to the officer who issued it and apply for a new ballot paper.
2. After voting, fold this ballot paper so that its contents cannot be seen and place it in the ballot box.
3. You must not take this ballot paper out of the polling booth.

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.]

This form was substituted for the original Form 11 by s. 89 of the Electoral Amendment Act (No. 2) 1995.

SECOND SCHEDULE—*continued*

[Form 12

Section 150 (18)

BALLOT PAPER FOR BY-ELECTION

OFFICIAL MARK
OFFICIAL MARK

.....
[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.

SECOND SCHEDULE—continued

Section 150 (18)

Form 12

BALLOT PAPER FOR BY-ELECTION



Vote for only one candidate

Vote Here

<input type="radio"/>	ARNOLD, Kristeena Wendy Jane LABOUR
<input type="radio"/>	BABBINGTON, Santaana NEW ZEALAND PARTY
<input type="radio"/>	CAPSTEEN, Timothy John Albert CITIZENS AGAINST POLITICAL PARTIES
<input type="radio"/>	CHRISTENSEN, Cristopher INDEPENDENT
<input type="radio"/>	HIGGINSON, Florence Joan McGILLICUDDY SERIOUS
<input type="radio"/>	NIGHTINGALE, Kenneth DEMOCRATS
<input type="radio"/>	O'SULLIVAN, Samantha NATIONAL
<input type="radio"/>	PHILLIPS, Joshua NEW LABOUR
<input type="radio"/>	SEARANKE, John MANA MOTUHAKE
<input type="radio"/>	SHAW, Denis IMPERIAL BRITISH CONSERVATIVE

[insert party logo (if registered) to the right of the name of the candidate.]

Final Directions

1. If you spoil this ballot paper, return it to the officer who issued it and apply for a new ballot paper.
2. After voting, fold this ballot paper so that its contents cannot be seen and place it in the ballot box.
3. You must not take this ballot paper out of the polling booth.

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.]

This form was substituted for the original Form 12 by s. 90 of the Electoral Amendment Act (No. 2) 1995.

SECOND SCHEDULE—continued

[Form 13

Section 150(14)

COUNTERFOIL

Consecutive No.

No. on Roll:
(To be entered here only)

Page No.	Line No.

Initials of
Issuing Officer

]

This form was substituted for the original Form 13 by s. 91 of the Electoral Amendment Act (No. 2) 1995.

—

SECOND SCHEDULE—continued

Section 179

Form 14

DECLARATION OF RESULT OF POLL

Electoral District

I HEREBY declare the result of the poll taken on the _____ day of
19 _____ for the election of a member of Parliament for the
Electoral District to be as follows:

Candidates						Votes Received
C. D.	
E. F.	
G. H.	
I. J.	
K. L.	
Total number of valid votes	_____
Number of votes rejected as informal	_____ _____ _____

I therefore declare the said C. D. to be elected.

I further declare the total number of votes received by political parties as a
consequence of votes recorded on [the party vote part] of the ballot paper
to be as follows:

Parties	Votes Received
A	
B	
C	
D	
E	
F	
G	

Dated at _____ this _____ day of _____ 19 _____ .

A.B.,
Returning Officer.

The words in square brackets were substituted for the expression "Part B" by s. 92 of
the Electoral Amendment Act (No. 2) 1995.

SECOND SCHEDULE—*continued*

Form 15

Section 191 (8)

WORKING SHEET IN RELATION TO CANDIDATES WHOSE NAMES ARE INCLUDED IN PARTY LISTS

Name of Party	Party A	Party B	Party C	Party D	Party E
Total Votes received under [party vote part of the ballot paper]					
<i>Enter totals under relevant heading</i>					

QUOTIENTS OF DIVISIONS

Name of Party	Party A	Party B	Party C	Party D	Party E
Total Votes Divided by					
1					
3					
5					
7					
9					
11					
13					
15					
17					
"					
"					

Enter quotients of divisions here under the columns for each party

The words in square brackets were substituted for the expression "Part B" by s. 93 of the Electoral Amendment Act (No. 2) 1995.

Section 210

[Form 16

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

SECOND SCHEDULE—*continued*

[Form 16—*continued*

RETURN OF ELECTION EXPENSES AND ELECTION DONATIONS—*continued*

Pursuant to Section 210 of the Electoral Act 1993—continued

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.]

This form was substituted for the original Form 16 by s. 94 of the Electoral Amendment Act (No. 2) 1995.

Section 214H(1)(b)

[Form 17

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 form was added by s. 95 of the Electoral Amendment Act (No. 2) 1995.

THIRD SCHEDULE

Section 284

ENACTMENTS REPEALED

- 1956, No. 109—The Electoral Act 1956. (R.S. Vol. 26, p. 173.)
- 1960, No. 4—The Electoral Amendment Act 1960. (R.S. Vol. 26, p. 333.)
- 1965, No. 17—The Electoral Amendment Act 1965. (R.S. Vol. 26, p. 333.)
- 1967, No. 149—The Electoral Amendment Act 1967. (R.S. Vol. 26, p. 333.)
- 1971, No. 67—The Electoral Amendment Act 1971. (R.S. Vol. 26, p. 334.)
- 1974, No. 54—The Electoral Amendment Act 1974. (R.S. Vol. 26, p. 335.)
- 1975, No. 28—The Electoral Amendment Act 1975. (R.S. Vol. 26, p. 335.)
- 1976, No. 46—The Electoral Amendment Act 1976. (R.S. Vol. 26, p. 339.)
- 1977, No. 128—The Electoral Amendment Act 1977. (R.S. Vol. 26, p. 340.)
- 1979, No. 12—The Electoral Amendment Act 1979. (R.S. Vol. 26, p. 341.)
- 1980, No. 29—The Electoral Amendment Act 1980. (R.S. Vol. 26, p. 341.)
- 1981, No. 120—The Electoral Amendment Act 1981. (R.S. Vol. 26, p. 346.)
- 1983, No. 104—The Electoral Amendment Act 1983. (R.S. Vol. 26, p. 351.)
- 1985, No. 120—The Criminal Justice Act 1985: So much of the First Schedule as relates to the Electoral Act 1956.
- 1985, No. 149—The Electoral Amendment Act 1985. (R.S. Vol. 26, p. 353.)
- 1985, No. 150—The Electoral Amendment Act (No. 2) 1985. (R.S. Vol. 26, p. 355.)
- 1986, No. 16—The Area Health Boards Amendment Act 1986: Section 7 (1).
- 1986, No. 116—The Electoral Amendment Act (No. 2) 1986. (R.S. Vol. 26, p. 356.)
- 1986, No. 124—The State-Owned Enterprises Act 1986: So much of the Third Schedule as relates to the Electoral Act 1956.
- 1987, No. 74—The Immigration Act 1987: So much of the Fourth Schedule as relates to the Electoral Act 1956.
- 1987, No. 87—The Electoral Amendment Act (No. 2) 1987. (R.S. Vol. 26, p. 357.)
- 1988, No. 159—The Foreign Affairs Act 1988: So much of the Schedule as relates to the Electoral Act 1956.
- 1988, No. 160—The New Zealand Trade Development Board Act 1988: So much of the Second Schedule as relates to the Electoral Act 1956.
- 1989, No. 31—The Electoral Amendment Act 1989. (R.S. Vol. 26, p. 357.)
- 1989, No. 44—The Public Finance Act 1989: So much of the First Schedule as relates to the Electoral Act 1956.
- 1989, No. 142—The Acts and Regulations Publication Act 1989: Section 22. (R.S. Vol. 26, p. 358.)
- 1990, No. 1—The Electoral Amendment Act 1990. (R.S. Vol. 26, p. 359.)
- 1991, No. 68—The Electoral Amendment Act 1991.
- 1992, No. 36—The Electoral Amendment Act 1992.
- [1993, No. 98—The Electoral Amendment Act 1993.]**

The item "1993, No. 98" was added by s. 31 of the Electoral Amendment Act 1993.

THE ELECTORAL AMENDMENT ACT 1995
1995, No. 60

An Act to amend the Electoral Act 1993

[30 November 1995]

1. Short Title—This Act may be cited as the Electoral Amendment Act 1995, and shall be read together with and deemed part of the Electoral Act 1993.

2. Members of Parliament—Section 27 of the Electoral Act 1993 is hereby amended by inserting, after the words “provisions of”, the words “the Electoral Act 1956 or”.

THE ELECTORAL AMENDMENT ACT (No. 2) 1995
1995, No. 61

An Act to amend the Electoral Act 1993

[6 December 1995]

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. (1) This subsection inserted the definition of the term “component party” in s. 3 (1) of the principal Act.

(2) This subsection substituted a new definition for the term “eligible political party” in s. 3 (1) of the principal Act.

3. This section substituted a new section for s. 5 of the principal Act.

4. This section substituted new paras. (a) and (aa) for para. (a) of s. 6 (2) of the principal Act.

5. This section substituted a new paragraph for para. (d) of s. 8 (1) of the principal Act.

6. This section substituted new subsections for subs. (1) and (2) of s. 11 of the principal Act.

7. This section inserted s. 20A in the principal Act.

8. (1) *This subsection amended s. 34 of the principal Act.*

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

9. (1) *This subsection substituted new subs. (1) and (1A) for subs. (1) of s. 38 of the principal Act.*

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

10. *This section amended s. 41 (1) of the principal Act.*

11. (1) *This subsection substituted new subsections for subs. (8) and (9) of s. 45 of the principal Act.*

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

12. *This section substituted a new section for s. 59 of the principal Act.*

13. (1) *This subsection substituted new paragraphs for paras. (a) to (d) of s. 60 of the principal Act.*

(2) *This subsection amended s. 60 (f) of the principal Act.*

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. (1) *This subsection substituted a new subparagraph for subpara. (v) of s. 63 (2) (c) of the principal Act.*

(2) *This subsection added para. (d) to s. 63 (2) of the principal Act.*

(3) *This subsection added subs. (4) to s. 63 of the principal Act.*

(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. *This section inserted s. 63A in the principal Act.*

17. *This section substituted a new section for s. 64 of the principal Act.*

18. *This section inserted s. 65A in the principal Act.*

19. *This section substituted a new paragraph for para. (b) of s. 66 (1) of the principal Act.*

20. *This section substituted new ss. 67 and 67A for s. 67 of the principal Act.*

21. *This section inserted s. 68A in the principal Act.*

22. *This section substituted a new section for s. 69 of the principal Act.*

23. *This section inserted s. 69A in the principal Act.*

24. *This section substituted new subsections for subss. (1) and (2) of s. 70 of the principal Act.*

25. *This section inserted s. 70A in the principal Act.*

26. (1) *This subsection amended s. 83 (8) of the principal Act.*

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

27. *This section substituted a new section for s. 88 of the principal Act.*

28. *This section substituted new ss. 95, 95A to 95D and 96 for the original ss. 95 and 96 of the principal Act.*

29. *This section substituted new subsections for subss. (1) to (4) of s. 109 of the principal Act.*

30. *This section substituted a new subsection for subs. (4) of s. 98 of the principal Act.*

31. *This section amended s. 99 (2) of the principal Act.*

32. *This section amended s. 112 (2) of the principal Act.*

33. (1) *This subsection inserted subss. (9A) to (9D) in s. 113 of the principal Act.*

(2) *This subsection substituted a new subsection for subs. (10) of s. 113 of the principal Act.*

34. *This section substituted a new section for s. 114 of the principal Act.*

35. (1) *This subsection inserted subs. (3A) in s. 127 of the principal Act.*

(2) *This subsection added subss. (7) and (8) to s. 127 of the principal Act.*

36. *This section substituted new paras. (c) and (d) for para. (c) of s. 128 (1) of the principal Act.*

37. *This section inserted ss. 128A to 128C in the principal Act.*

38. *This section substituted a new section for s. 137 of the principal Act.*

39. (1) *This subsection inserted subs. (3A) in s. 143 of the principal Act.*

(2) *This subsection substituted a new subsection for subs. (4) of s. 143 of the principal Act.*

40. *This section substituted a new section for s. 147 of the principal Act.*

41. *This section substituted a new section for s. 150 of the principal Act.*

42. (1) *This subsection substituted a new subsection for subs. (3) of s. 153 of the principal Act.*

(2) (a) *This paragraph amended s. 153 (4) (a) (i) of the principal Act.*

(b) *This paragraph amended s. 153 (4) (e) of the principal Act.*

(3) *This subsection substituted a new subsection for subs. (7) of s. 153 of the principal Act.*

43. (1) *This subsection substituted a new subsection for subs. (3) of s. 155 of the principal Act.*

(2) *This subsection amended s. 155 (4) of the principal Act.*

44. *This section substituted a new subsection for subs. (3) of s. 157 of the principal Act.*

45. *This section substituted a new section for s. 167 of the principal Act.*

46. *This section substituted a new section for s. 168 of the principal Act.*

47. *This section substituted a new section for s. 169 of the principal Act.*

48. *This section amended s. 170 (5) of the principal Act.*

49. *This section amended the proviso to s. 171 of the principal Act.*

50. *This section inserted subs. (3A) in s. 172 of the principal Act.*

51. (1) *This subsection substituted new subs. (1), (1A) and (1B) for subs. (1) of s. 173 of the principal Act.*

(2) *This subsection substituted new subsections for subs. (2) to (6) of s. 173 of the principal Act.*

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

52. *This section inserted s. 173A in the principal Act.*

53. *This section substituted a new section for s. 174 of the principal Act*

54. *This section substituted a new section for s. 176 of the principal Act.*

55. *This section amended s. 177 of the principal Act.*

56. *This section substituted a new section for s. 178 of the principal Act.*

57. (1) *This subsection amended s. 179 (1) of the principal Act.*

(2) *This subsection substituted a new subsection for subs. (4) of s. 179 of the principal Act.*

58. (1) *This subsection substituted new subsections for subs. (1) and (2) of s. 180 of the principal Act.*

(2) *This subsection substituted a new paragraph for para. (a) of s. 180 (5) of the principal Act.*

(3) *This subsection substituted new paras. (d), (e) and (f) for paras. (d) and (e) of s. 180 (7) of the principal Act.*

59. (1) *This subsection substituted a new subsection for subs. (1) of s. 181 of the principal Act.*

(2) *This subsection substituted a new subsection for subs. (4) of s. 181 of the principal Act.*

60. *This section substituted a new section for s. 182 of the principal Act.*

61. *This section substituted a new section for s. 183 of the principal Act.*

62. *This section amended s. 184 of the principal Act.*

63. (1) *This subsection amended subparas. (i) and (iv) of s. 187 (1) (a) of the principal Act.*

(2) *This subsection amended s. 187 (1) (a) (iii) of the principal Act.*

64. (1) *This subsection amended s. 190 (1) and (2) of the principal Act.*

(2) *This subsection amended s. 190 (3) of the principal Act.*

65. (1) *This subsection substituted a new subsection for subs. (2) of s. 191 of the principal Act.*

(2) *This subsection substituted new subs. (4) and (4A) for subs. (4) of s. 191 of the principal Act.*

(3) *This subsection substituted a new subsection for subs. (8) of s. 191 of the principal Act.*

66. *This section substituted a new section for s. 192 of the principal Act.*

67. (1) *This subsection amended s. 193 (1) of the principal Act.*

(2) *This subsection substituted a new subsection for subs. (5) of s. 193 of the principal Act.*

68. *This section substituted a new section for s. 196 of the principal Act.*

69. (1) *This subsection amended s. 197 (1) (f) of the principal Act.*

(2) *This subsection amended s. 197 (1) (h) of the principal Act.*

70. *This section amended s. 200 of the principal Act.*

71. (1) *This subsection amended s. 201 (1) (a) to (d) of the principal Act.*

(2) *This subsection amended s. 201 (1) (e) of the principal Act.*

72. *This section amended s. 202 of the principal Act.*

73. (1) *This subsection amended s. 203 (2) (c) of the principal Act.*
(2) *This subsection amended s. 203 (4) of the principal Act.*

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

75. *This section substituted a new section for s. 210 of the principal Act.*

76. *This section substituted a new subsection for subs. (1) of s. 212 of the principal Act.*

77. (1) *This subsection amended s. 213 (1) of the principal Act.*
(2) (a), (b) *These paragraphs amended the definition of the term “election activity” in s. 213 (1) of the principal Act.*
(3) *This subsection amended s. 213 (1) (c) of the principal Act.*
(4) *This subsection substituted a new subsection for subs. (2) of s. 213 of the principal Act.*

78. *This section inserted s. 214A, together with the heading thereto, in the principal Act.*

79. *This section inserted ss. 214B to 214L, together with the heading thereto, in the principal 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 214(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. *This section substituted a new section for s. 221 of the principal Act.*

82. *This section inserted s. 221A in the principal Act.*

83. *This section substituted a new subsection for subs. (2) of s. 224 of the principal Act.*

84. *This section amended s. 231 of the principal Act.*

85. *This section amended s. 259 of the principal Act.*

86. *This section inserted s. 263A in the principal Act.*

87. *This section substituted a new form for Form 1 in the Second Schedule to the principal Act.*

88. *This section inserted Form 4A in the Second Schedule to the principal Act.*

89. *This section substituted a new form for Form 11 in the Second Schedule to the principal Act.*

90. *This section substituted a new form for Form 12 in the Second Schedule to the principal Act.*

91. *This section substituted a new form for Form 13 in the Second Schedule to the principal Act.*

92. *This section amended Form 14 in the Second Schedule to the principal Act.*

93. *This section amended Form 15 in the Second Schedule to the principal Act.*

94. *This section substituted a new form for Form 16 in the Second Schedule to the principal Act.*

95. *This section added Form 17 to the Second Schedule to the principal 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”.

Sections 87, 88, 89, 90, 91, 94, 95 **SCHEDULE**
NEW FORMS 1, 4A, 11, 12, 13, 16, and 17

The forms set out in this Schedule have been incorporated in the principal Act, where they appear in this reprint.

THE ELECTORAL AMENDMENT ACT 1996
1996, No. 8

An Act to amend the Electoral Act 1993
[13 March 1996]

1. Short Title and commencement—(1) This Act may be cited as the Electoral Amendment Act 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 1st day of April 1996.

2. This section amended para. (a) (ii) of the definition of the term “national donation” in s. 214F of the principal Act.

This act is administered in the Ministry of Justice.

**NEW
DOCUMENT**

Electoral laws, New Zealand

Electoral Commission

Electoral Commission	Article 4.
Functions, powers, Independence & composition	Article 5-9.
Proceedings of electoral commission	Article 14.
Clerks & deputy Clerks of writs	Article 16, 17.
Chief & deputy electoral officer	Article 18, 19.
Chief registrar & Registrar of electors	Article 21, 22.

Candidate

Registered electors may be qualified	Article 47.
Removal of names from roll without cause	Article 49.
Effect of registration on wrong roll	Article 50.
Member ceasing to be elector	Article 51.
No person to be a candidate for more than one district	Article 59.

Elections

Writs for general elections	Article 126,
Election of lists candidates	Article 127.
By elections	Article 129, 132.
Contents of writs	Article 139.
Notification to registrar	Article 140.
Notice to returning officer	Article 141.
Electoral rolls, Electoral districts, General elections, and Bye election	Article 270.

Areas Represented

Representation commission	Article 28.
Division of New Zealand into general electoral districts	Article 35.
Notice of proposed boundaries and classifications	Article 37.
Maori representation	Article 45
Electoral districts for and polling in Chatham island	Article 46

Election Process.

Who may vote	Article 60.
Special voters'	Article 61, 280.
Registration of electors	Article 72, 73.
Qualification of electors	Article 74.
Disqualifications for registration	Article 80.
Compulsory registration of electors	Article 82.
Revision of electoral rolls	Article 83.
Application for registration	Article 85, 276.

Registration of mentally incapable person	Article 86.
Procedure following application for registration	Article 87
Notice of registration	Article 89.
Change of address and effect of failure to notify	Article 90, 91.
Death of registered elector	Article 92.
Marriage of registered elector	Article 93.
Change of names of registered elector	Article 94.
Objections to registration	Article 95-97.
Removal of name and alteration in roll	Article 98-100.
Electoral rolls	Article 101, 274, 276,277.
Maintenance of rolls to be replaced	Article 102.
Composite rolls	Article 107.
Habitation indexes	Article 108.
Dormant file	Article 109.
Public inspection of rolls	Article 110.
Unpublished names	Article 115.
Returning officers and other employees	Article 20.
Nomination of candidates for electoral districts	Article 143.
Acceptance and rejection of nomination	Article 145.
Withdrawal of nominations	Article 146.
Advertisement nomination and places of polling	Article 147.
Procedure where election not contested	Article 148.
Form of ballot paper	Article 150.
Death of candidate	Article 152, 153.
Poll	
Power to appoint polling places	Article 155.
Polling booths, ballot boxes, ballot paper etc.	Article 157.
Deputy returning officer, poll clerks, and interpreters etc.	Article 158.
Scrutineer	Article 160.
Hours of polling	Article 161.
Ballot boxes to remain close during poll	Article 163.
Persons not to remain in polling places	Article 164.
Voters not to be expressed in booths	Article 165.
Question may be put to electors	Article 166.
Issue of ballot papers	Article 167.
Method of voting	Article 168.
Spoilt ballot papers	Article 169.
Blind, disabled and other voters?	Article 170.
Procedure in giving second vote in same name	Article 171.
Special voting	Article 172, 173.

Adjournment of poll	Article 195.
Count	
Procedure after close of poll	Article 174.
Scrutiny of rolls	Article 175.
Parcels to be secured after scrutiny	Article 177.
Counting the votes	Article 178.
Declaration of results of poll	Article 179.
Recount	Article 180-184.
Disposal of ballot papers	Article 187-190.
Selection of seats	Article 193.
Custody of ballot papers	Article 196.
Offences at Elections.	
Influencing voters	Article 197.
Removing statement, slogans, logos etc	Article 198.
Erasing or altering official mark on ballot papers	Article 200.
Offences in respect of ballot paper & boxes	Article 201.
Infringement secrecy	Article 203, 204.
Corrupt and illegal practices	
Personation	Article 215.
Bribery	Article 216.
Treating	Article 217.
Undue influence	Article 218.
Payment for exhibition of election notice	Article 219.
Providing money for illegal purposes	Article 220.
Advertisements for candidates	Article 221.
Procurement of voting by unqualified voters	Article 222.
Election Petitions	
Method of questioning election	Article 229.
Elections petition to high court	Article 230.
Time for presentation of petition	Article 231.
Trial of petition	Article 235,236.
Avoidance of election guilty of corrupt practice	Article 237, 238.
Irregularities not to invalidate election	Article 241.
Certificate of court as to result of election	Article 243, 244.
Withdrawal of petition	Article 252.
Substitution of new petitioner	Article 253.
Abatement of petition	Article 255.
Matters excluded fro challenge	Article 260.

Questioned elections of members of parliament

Article 272.

The Electoral regulation's 1993

Application and notice of election	Article 3.
Exercise of Maori option	Article 4.
Revision of electoral rolls	Article 6.
Advise of change of address to another district	Article 7, 8.
Notification of death	Article 9.
Notification of change of name	Article 11.
Special voting	
List of candidates	Article 15.
Facilities for special voting	Article 16.
Issue of special votes	Article 17.
Tangata whenua votes	Article 18.
Hospital votes	Article 19.
Special vote in district before polling	Article 20.
Declaration by special voters	Article 21.
Witnesses authorized by candidate	Article 22.
Voting by special voter	Article 23.
Duty of person present at voting time	Article 24.
Delivery of special votes to returning officer	Article 26.
Returning officer to extract declaration form	Article 28.
Declaration form enclosed in ballot and voting paper compartment	Article 29.
Procedure where vote is allowed	Article 34.
Declarations form to be held by returning officer for scrutiny	Article 35.
Overseas returning officers and declarations	Article 39, 40.
Issue of votes	Article 41.
Voting supplies for naval vessels	Article 49.

The Electoral regulation's 1993, amendment # 1.

Inquiry about qualification for late enrolment	Article 2.
Production of copies of special voters	Article 3.
Voting by blind electors	Article 4.
Declaration by service man applying to vote as special voter	Article 7.

The Electoral regulation's 1993, amendment # 2.

Application and notice for registration	Article 3.
Revision of electoral rolls	Article 6.
Advice of change of address	Article 7, 8.
Notice of death	Article 9.
Notification of change of name	Article 11.

The Citizens initiated referenda regulations

Indicative referendum petition	Article 3.
Content of indicative petition	Article 5.
Criteria	Article 10.
Notification of determination and approval	Article 13.
Procedure in relationship to certificate	Article 19.
Power to resubmit rejected indicative referendum petition	Article 20.
Duty of speaker to present indicative referendum petition to house	Article 21.
Date of indicative referendum	Article 22.
Application of electoral act 1956	Article 24.
Writs for indicative referendum	Article 26.
Electoral rolls	Article 27.
Voting papers	Article 28.
Nomination paper to be lodged before returning officers	Article 32.
Selection to be in writing	Article 34.
Application of District Judge to Recount	Article 38.
Endorsement of writ	Article 39.
Declaration of result	Article 40.
Publicity for referendum	Article 41.
Petition for inquiry	Article 48.
Who may be respondents	Article 49.
Fresh poll	Article 47.
Offences	Article 54.