

# Electoral Amendment Bill

Government Bill

## Explanatory note

### General policy statement

This Bill makes a number of minor changes to the Electoral Act 1993 that will rationalise and clarify the law, help improve services to voters, and assist with the smooth delivery of elections.

After each election, the Justice and Electoral Committee (the **Committee**) conducts an inquiry into that election. This is done in order to continually improve the efficiency and integrity of elections in light of lessons learned and changing voter expectations.

This Bill follows the Committee's Inquiry into the 2014 General Election (the **Committee Inquiry**). It primarily implements those recommendations that can feasibly be in place in time for preparation for the 2017 General Election.

In particular, the Bill helps ensure a timely count of votes in light of the increasing number of people voting in advance. The Electoral Commission will be able to start counting advance votes earlier on election day and will have more flexibility in how it is done.

The Electoral Commission will also be able to make certain forms more user friendly. The Electoral Act 1993 will continue to prescribe the purpose of those forms and the information required. Ballot papers will remain prescribed.

The Bill also amends the Electoral Act 1993 to remove references in the Act to the historical separation of services between the former Electoral Commission, the Electoral Enrolment Centre, and the Chief Electoral Office.

Another change is the introduction of a new rule to prohibit electioneering inside advance voting places and close to their entrances.

The Bill makes a number of other changes. One, which was not considered as part of the Committee Inquiry, will clarify the prohibition on making false statements to in-

fluence voters on election day or the 2 days prior, so that this offence relates only to actions taken in that period.

Some of the changes made by this Bill will also involve amendments to the Electoral Regulations 1996.

### **Departmental disclosure statement**

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2016&no=176>

### **Regulatory impact statement**

The Ministry of Justice produced a regulatory impact statement on 22 June 2016 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* relates to commencement. The Bill will come into force on the day after the date on which it receives the Royal assent.

## **Part 1**

### **Amendments to principal Act**

*Clause 3* states that the Bill amends the Electoral Act 1993 (the **principal Act**).

*Clause 4* amends section 3, which concerns interpretation. The amendments change the reference to the Registrar to a reference to the Electoral Commission in the definition of electoral roll, and replace the definition of party secretary.

*Clause 5* inserts *new section 3AA*, which relates to transitional, savings, and related provisions (set out in *new Schedule 1AA*, which *clause 105* inserts into the principal Act).

*Clause 6* amends section 3A. This section provides, amongst other things, that contact information is not an election advertisement. The effect of the amendment is that all of the fixed signage on a member of Parliament's out-of-Parliament office must be

treated as a single sign when determining whether it is contact information. Similarly, all of the signage on a member of Parliament's vehicle must be treated as a single sign when determining whether it is contact information.

*Clause 7* replaces section 22. *New section 22* requires the Electoral Commission to appoint a Registrar of Electors for each electoral district.

*Clause 8* replaces section 26, which requires returning officers to make declarations in a form set out in Schedule 2 of the principal Act. *New section 26* requires returning officers to make declarations in a form that the Electoral Commission has approved.

*Clause 9* amends section 38, which concerns the notice of proposed boundaries and classification. The amendments change the reference to the office of each Registrar of Electors to a reference to the offices of the Electoral Commission, and replace subsection (4) so that the Representation Commission is required to publish, on the Electoral Commission Internet site, all objections to proposed electoral boundaries (rather than just a summary of the objections).

*Clauses 10 to 13* amend sections 39, 40, 42, and 45 to change references to the office of each Registrar of Electors to references to the offices of the Electoral Commission.

*Clause 14* amends section 47A, which concerns certain persons disqualified from candidacy. The amendment adds Registrars of Electors and Deputy Registrars of Electors to the list of disqualified persons.

*Clause 15* replaces section 48, which sets out an offence for members of Parliament who sit or vote after their seat has become vacant by reason of becoming a public servant or a Returning Officer. The replacement provision extends the offence to those members who become Registrars of Electors or Deputy Registrars of Electors.

*Clause 16* amends section 55, which lists the ways in which the seat of a member of Parliament becomes vacant. The amendment adds becoming a Registrar of Electors or a Deputy Registrar of Electors to the list.

*Clause 17* inserts *new section 67AA*, which requires registered political parties to fill any vacancy in the position of party secretary within 5 working days of the vacancy occurring. The new provision additionally requires the person appointed to the vacant position to immediately notify the Electoral Commission of their appointment. Failure to comply with these requirements may result in cancellation of registration (*see clause 18*).

*Clause 18* amends section 70, adding, as grounds on which the Electoral Commission may cancel the registration of a political party, failure to comply with the requirements to fill vacancies in the position of party secretary within 5 working days and failure to notify the Electoral Commission of the new appointment.

*Clause 19* amends section 77, which concerns the periodic exercise of the Maori option and the determination of Maori population. The amendment changes a reference to the Registrar to a reference to the Electoral Commission.

*Clause 20* amends section 78, which concerns the exercise of the Maori option. The amendments remove a mandatory notification by post requirement, change the refer-

ences to the Registrar to references to the Electoral Commission, and replace “the prescribed form” with “a form that the Electoral Commission has approved”.

*Clause 21* amends section 80, which concerns disqualification for registration as an elector. The amendment recasts section 80(2) in an updated form and adds date of birth to the list of items that the relevant certificate must show.

*Clause 22* amends section 81, which concerns detention in prison pursuant to a sentence of imprisonment. The amendment repeals section 81(2).

*Clause 23* amends section 82, which concerns the compulsory registration of electors. The amendment changes the reference to the Registrar of Electors to a reference to the Electoral Commission.

*Clause 24* amends section 83, which deals with applications for registration. The amendments change the references to the Registrar of Electors to references to the Electoral Commission, replace “the prescribed form” with “a form that the Electoral Commission has approved”, and remove the word “prescribed” from 2 other places in the section.

*Clause 25* replaces section 87 for the purpose of replacing references to the Registrar with references to the Electoral Commission. *New section 87*, like the provision it replaces, sets out the procedure to follow if the immigration status of a person who has applied to be registered as an elector is at issue.

*Clause 26* replaces section 88. *New section 88* sets out the procedure to follow if an application for registration as an elector is received after the issue of a writ requiring the conduct of an election.

*Clause 27* amends section 89, which concerns the procedure following an application for registration. The amendments change the references to the Registrar to references to the Electoral Commission and recast section 89(2) in an updated form.

*Clause 28* amends section 89A, which provides for notice of registration. The amendment changes the reference to the Registrar to a reference to the Electoral Commission.

*Clause 29* amends section 89B, which provides that an elector must give notice of a change of place of residence within an electoral district. The amendments change the references to the Registrar to references to the Electoral Commission.

*Clause 30* amends section 89C to simplify the requirements relating to giving notice of a change of place of residence to a different electoral district and the manner in which a change of registration is effected. The changes to section 89C remove the requirement for the Registrar to wait until 1 month has elapsed since the change in the elector’s place of residence before sending the elector a request for confirmation of the elector’s new place of residence, and also remove the requirement for the elector to complete and sign the confirmation form and return it to the Registrar. Under section 89C as amended by *clause 30*, an elector will be required, within 2 months after beginning to reside in the new electoral district, to give notice to the Electoral Commission of the change of address (including details of the new address) and the date on which the change occurred. This notice (given by any of the 3 methods specified

in subsection (3)) must be treated as an application for the elector's name to be entered on the roll for the new electoral district.

*Clause 31* amends section 89D, which concerns inquiries that must be made for the purpose of updating electoral rolls. The amendments change the references to the Registrar to references to the Electoral Commission, and replace subsection (5) to enable the Electoral Commission to use non-postal methods (such as a secure online service) for enrolment update inquiries.

*Clause 32* amends section 89E, which provides that no inquiry is required if an application for registration as an elector is received. The amendments change the references to the Registrar to references to the Electoral Commission.

*Clause 33* amends section 89F, which sets out the procedure following an inquiry under section 89D. The amendments change the references to the Registrar to references to the Electoral Commission and recasts section 89F(1) in an updated form.

*Clauses 34 to 36* amend sections 89G, 94A, and 95 to change references to the Registrar to references to the Electoral Commission.

*Clause 37* amends section 95A, which concerns notice of the elector's objections. The amendments change the references to the Registrar to references to the Electoral Commission and recast section 95A(4) in an updated form.

*Clauses 38 to 40* amend sections 95B, 95C, and 95D to change the references to the Registrar to references to the Electoral Commission.

*Clause 41* replaces section 96 for the purpose of replacing references to the Registrar with references to the Electoral Commission and recasting the provision in an updated form. The replacement of the provision does not involve any substantive change. Like the provision it replaces, *new section 96* provides that the Electoral Commission may object to the name of any person being on the roll for a district on the grounds that the person is not qualified to be registered as an elector of the district and sets out the procedure for doing so.

*Clause 42* amends section 97, which sets out the procedure that applies to proceedings when certain objections are referred to a District Court. The amendments change all but one of the references to the Registrar to references to the Electoral Commission and clarify in one instance that "Registrar" means "Registrar of the court".

*Clauses 43 to 46* amend sections 98 to 101 to replace references to the Registrar with references to the Electoral Commission.

*Clause 47* replaces section 102 for the purpose of replacing references to the Registrar with references to the Electoral Commission and recasting the provision in an updated form.

*Clause 48* replaces section 103 for the purpose of replacing references to the Registrar with references to the Electoral Commission and recasting the provision in an updated form.

*Clause 49* amends section 104, which concerns the printing of the main roll for each district. The amendment gives responsibility for printing main rolls to the Electoral Commission.

*Clause 50* replaces section 105. *New section 105* gives responsibility for printing supplementary rolls to the Electoral Commission.

*Clause 51* amends section 106, which concerns the form of the main and supplementary rolls. The amendment changes the reference to the Registrar to a reference to the Electoral Commission.

*Clause 52* amends section 107, which concerns composite rolls. The amendments change the references to the Registrar to references to the Electoral Commission.

*Clause 53* amends section 109, which concerns dormant rolls. The amendments change the references to the Registrar to references to the Electoral Commission, recast section 109(1) in an updated form, and clarify that each district has a dormant roll.

*Clause 54* amends section 110, which concerns public inspection of the rolls. The amendments change the references to the Registrar to references to the Electoral Commission and recast section 110(8) in an updated form.

*Clause 55* amends section 111, which concerns the inspection of rolls at hui. The amendments change the references to the Registrar to references to the Electoral Commission.

*Clause 56* amends section 111B, which concerns the interpretation of terms in sections 111C to 111F. In the definition of Maori elector, the amendment changes the reference to the Registrar to a reference to the Electoral Commission.

*Clause 57* amends section 119, which concerns wilfully misleading Registrars. The amendments change the references to the Registrar to references to the Electoral Commission.

*Clauses 58 to 60* amend sections 120 to 122 to replace references to the Registrar with references to the Electoral Commission.

*Clause 61* amends section 123, which concerns the copies of rolls to be given to Returning Officers. The amendments change the references to the Registrar to references to the Electoral Commission, and also enable the Electoral Commission to modify the elector particulars on any roll if that is necessary to facilitate the use of technology for finding an elector on the rolls or for the scrutiny of the rolls.

*Clause 62* amends section 124, which concerns the power to destroy records. The amendments change the references to the Registrar to references to the Electoral Commission.

*Clause 63* amends section 127, which concerns the election of list candidates. The amendments specify the requirements that apply to lists and provide that lists must be in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act). The amendments also repeal section 127(3A), which required the list to be accompanied by a separate statutory declar-

ation made by the secretary of the relevant political party. The statutory declaration will now be part of the approved form in which lists are submitted. The amendments also change the deadline for submitting list candidates from noon on nomination day to noon on the day before nomination day.

*Clause 64* amends section 127A to change the deadline by which the secretary of a political party must pay a deposit when submitting a list under section 127 from noon on nomination day to noon on the day before nomination day.

*Clause 65* amends section 128 as a consequence of the amendments made to section 127 in relation to the deadline for submitting list candidates.

*Clause 66* amends section 128C, which concerns the election of list candidates. The amendment specifies that the secretary of a political party may, by giving signed notice, withdraw a list of candidates submitted under section 127. The notice must be in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act).

*Clause 67* repeals section 141, which requires the Electoral Commission, immediately after receiving a writ requiring an election to be held in a district, to notify the Returning Officer of the issue of the writ and of the nomination day and polling day appointed in the writ. This provision is repealed as a consequence of the amendments to section 42, which shift the obligation to provide public notice of these matters from the Returning Officer to the Electoral Commission.

*Clause 68* amends section 142, which concerns public notice of polling day, nomination day, and the nomination process. The amendments change the references to the Returning Officer to references to the Electoral Commission.

*Clause 69* amends section 143, which concerns the nomination of candidates for electoral districts. The amendment repeals section 143(3A), which relates to party logos being included on the ballot paper for candidates for a political party that has a registered logo. This provision has become outdated because it is no longer necessary for candidates to provide party logos to the Returning Officer (because only registered parties can have a logo, which can only be the logo registered with the Commission).

*Clause 70* amends section 144, which concerns deposits by candidates. The amendment allows deposits to be paid in the form of money, a bank draft, or a bank cheque, or in any other form that the Electoral Commission approves.

*Clause 71* amends section 145, which concerns the acceptance or rejection of nominations. The amendment provides that the exercise of the power of the Returning Officer to reject a nomination of any constituency candidate is subject to the concurrence of the Electoral Commission.

*Clause 72* amends section 146, which concerns the withdrawal of a nomination. The amendment provides that a constituency candidate may, by giving signed notice, withdraw his or her nomination. The notice must be in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act).

*Clause 73* amends section 147, which concerns the advertising of nomination and polling places. The amendments shift the requirement to publish nomination and polling place information for a district from the Returning Officer to the Electoral Commission and enable the Electoral Commission to provide nomination and polling place information to electors by any means it considers appropriate (rather than requiring that information to be provided by sending it directly to every residential address within an electoral district at which 1 or more electors reside).

*Clause 74* amends section 150, which concerns the form of ballot papers. The amendment removes the phrase “to the Returning Officer in accordance with subsections (3A) and (4) of section 143 or” in section 150(13)(b).

*Clause 75* amends section 151, which concerns the name of a political party for constituency candidates. The amendment provides that the exercise of the power of the Returning Officer to require evidence of a candidate’s eligibility to claim accreditation to a political party is subject to the concurrence of the Electoral Commission.

*Clause 76* amends section 157 to provide that the copies of the main roll and the supplementary rolls that the Returning Officer must provide at each polling place may be provided in printed or in electronic form.

*Clause 77* amends section 159, which concerns the exercise of powers and duties of polling place officials. The amendment provides that every polling place official must make a declaration in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act).

*Clause 78* amends section 160, which concerns scrutineers. The amendment provides that scrutineers must make a declaration in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act).

*Clause 79* amends section 167 to provide that the requirement for the officer issuing a ballot paper to mark the rolls to indicate that the elector has applied to vote may be completed either manually or by electronic means.

*Clause 80* amends section 172, which concerns voting by special voters. The amendments change the references to the Registrar to references to the Electoral Commission, provide that scrutineers must make a declaration in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act), and recast section 172(4) and (6) in an updated form.

*Clause 81* amends section 174C to provide that the preliminary count of early votes may be conducted either manually or by electronic means and to change the time at which the vote count may begin from 2 pm on polling day to 9 am on polling day. The amendments also require the Returning Officer to notify all constituency candidates or their scrutineers of the time and place at which the preliminary count will begin.

*Clause 82* amends section 174D to be less prescriptive about the location at which the counting of early votes must take place by removing from the definition of restricted area the requirement that it must be an area within the office of the Returning Officer.



*Clause 83* amends section 174F, which concerns scrutineers for the count of early votes. The amendments provide that scrutineers must make a declaration in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act) and also alter the time at which scrutineers can enter the restricted zone, to align with the amendment to section 174C that changes the time at which the count of early votes begins (*see clause 81* above).

*Clause 84* amends section 175, which concerns the scrutiny of the rolls. The amendment provides that scrutineers must make a declaration in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act).

*Clause 85* amends section 176, which requires the comparison of certain rolls. The amendment changes the reference to the Registrar to a reference to the Electoral Commission.

*Clause 86* amends section 178, which concerns the counting of votes. The amendment changes the reference to the Deputy Returning Officer to a reference to the polling place manager.

*Clause 87* amends section 179, which concerns the declaration of the result of a poll. The amendment removes a reference to a form that is to be removed from Schedule 2 of the principal Act).

*Clause 88* amends section 180, which concerns applications for recounts. The amendments change the references to the Registrar to references to the Electoral Commission.

*Clause 89* amends section 183, which concerns scrutineers for recounts and allocation of list seats. The amendment provides that scrutineers must make a declaration in a form that the Electoral Commission has approved (the form replaces the relevant form set out in Schedule 2 of the principal Act).

*Clause 90* amends section 187, which concerns the disposal of ballot papers and rolls. The amendments change the references to the Registrar to references to the Electoral Commission and recast section 187(3) and (5) in an updated form.

*Clause 91* amends section 188, which concerns the annotation of lists of special voters. The amendments change the references to the Registrar to references to the Electoral Commission, and recast section 188(3) and (4) in an updated form.

*Clause 92* amends section 191, which concerns the election of other members. The amendment replaces a reference to a prescribed form with a reference to a form that the Electoral Commission has approved.

*Clause 93* amends section 195, which concerns the adjournment of a poll. The amendment provides that the exercise of the power of the Returning Officer to adjourn a poll is subject to the concurrence of the Electoral Commission.

*Clause 94* amends section 197. Currently, the fixed signage on party headquarters that does not relate specifically to the election campaign is exempt from the prohibition on electioneering on election day. The change to section 197(1)(g) extends the exemp-

tion to include that type of signage on a member of Parliament's out-of-Parliament office.

The inclusion of *new section 197(1)(k)* makes it an offence to do any of the things specified in *new section 197A* (interfering with or influencing advance voters) in respect of an advance voting place or the buffer zone of an advance voting place (*see clause 95*).

*New section 197(2B)* provides a defence against a prosecution for exhibiting particular material in an advance voting place or its buffer zone. A defendant has a defence if he or she proves that exhibiting the statement or item was inadvertent and the defendant ceased the exhibition when notified about it.

*Clause 95* inserts *new section 197A*, which relates to interfering with or influencing advance voters. The new section provides that there is a buffer zone of 10 metres around the entrances to advance voting places, although the Electoral Commission may specify a smaller buffer zone for a particular advance voting place. It makes it unlawful to do any of the listed things in an advance voting place or its buffer zone while the advance voting place is open for voters. The Electoral Commission may remove or obliterate material intended or likely to influence voters.

*Clause 96* amends section 199, which relates to the recovery of expenses. The change is made so that the Electoral Commission can recover expenses incurred when removing or obliterating material from an advance voting place or its buffer zone.

*Clause 97* replaces section 199A. *New section 199A* refines the provisions that make the publication of false statements to influence voters an offence if the false statements are first published or republished during the period beginning 2 days immediately before polling day and ending with the close of the poll.

*Clause 98* amends section 202, which sets out the property status of ballot boxes, ballot papers, and marking instruments. The amendments replace the references to the Returning Officer with references to the Electoral Commission.

*Clause 99* amends section 215, which concerns personation. The amendment changes the references to the Returning Officer to references to the Electoral Commission.

*Clause 100* amends section 221B, which relates to the display of election hoardings before an election. The period before an election during which hoardings are allowed is changed from 2 months to 9 weeks. The change guarantees that the beginning of the period falls on a Saturday, which is a more practical day for volunteers to erect hoardings, and it will make the timing more consistent with local council rules and bylaws.

*Clause 101* amends section 230, which concerns election petitions to the High Court. The amendments change the references to the Registrar of Electors and the Returning Officer to references to the Electoral Commission.

*Clause 102* amends section 256, which relates to the withdrawal and substitution of respondents before the trial of an election petition. The amendment replaces a reference to the Returning Officer or a Registrar of Electors with a reference to the Electoral Commission.

*Clause 103* amends section 263A, which concerns the disclosure of immigration information for matching purposes. The amendment recasts section 263A(5) and (6) in an updated form.

*Clause 104* amends section 267A, which allows regulations to be made in respect of hoardings. At present, these regulations may apply for the period beginning 2 months before polling day. For consistency with the changes to section 221B, this period will become 9 weeks.

*Clause 105* inserts *new Schedule 1AA* into the principal Act. *New Schedule 1AA*, which is found in *Schedule 1*, sets out the relevant transitional, savings, and related provisions.

*Clause 106* repeals forms 1, 4, 4A, 10, 14, and 15, which are set out in Schedule 2 of the principal Act.

## **Part 2**

### **Amendments to other enactments**

*Clause 107* provides that the enactments specified in *Schedule 2* are amended as set out in that schedule. *Schedule 2* contains consequential amendments to the Citizens Initiated Referenda Act 1993, the Local Electoral Act 2001, the Referenda (Postal Voting) Act 2000, the Electoral Regulations 1996, and the Local Electoral Regulations 2001.



*Hon Amy Adams*

## **Electoral Amendment Bill**

Government Bill

### **Contents**

	Page
1 Title	5
2 Commencement	5
<b>Part 1</b>	
<b>Amendments to the Electoral Act 1993</b>	
3 Principal Act	5
4 Section 3 amended (Interpretation)	5
5 New section 3AA inserted (Transitional, savings, and related provisions)	5
3AA Transitional, savings, and related provisions	6
6 Section 3A amended (Meaning of election advertisement)	6
7 Section 22 replaced (Registrar of Electors)	6
22 Registrar of Electors	6
8 Section 26 replaced (Returning Officer to make declaration)	6
26 Returning Officer to make declaration	6
9 Section 38 amended (Notice of proposed boundaries and classification)	7
10 Section 39 amended (Communications to officials)	7
11 Section 40 amended (Report of Commission)	7
12 Section 42 amended (Indexes of streets and places)	7
13 Section 45 amended (Maori representation)	7
14 Section 47A amended (Certain persons disqualified from candidacy)	7
15 Section 48 replaced (Offence for public servant or Returning Officer to sit)	8
48 Offence for public servant, Returning Officer, or Registrar to sit or vote	8

**Electoral Amendment Bill**

---

16	Section 55 amended (How vacancies created)	8
17	New section 67AA inserted (Vacancies in position of party secretary)	8
	<b>67AA</b> Vacancies in position of party secretary	<b>8</b>
18	Section 70 amended (Cancellation of registration)	8
19	Section 77 amended (Periodic exercise of Maori option and determination of Maori population)	8
20	Section 78 amended (Exercise of Maori option)	8
21	Section 80 amended (Disqualifications for registration)	9
22	Section 81 amended (Detention in prison pursuant to sentence of imprisonment)	9
23	Section 82 amended (Compulsory registration of electors)	9
24	Section 83 amended (Application for registration)	9
25	Section 87 replaced (Procedure if immigration status means applicant apparently not qualified to be registered)	10
	<b>87</b> Procedure if immigration status means applicant apparently not qualified to be registered	<b>10</b>
26	Section 88 replaced (Applications received after issue of writ)	11
	<b>88</b> Applications received after issue of writ	<b>11</b>
27	Section 89 amended (Procedure following application for registration)	12
28	Section 89A amended (Notice of registration)	12
29	Section 89B amended (Elector must give notice of change of place of residence within electoral district)	12
30	Section 89C amended (Elector must give notice of change of place of residence to different electoral district)	12
31	Section 89D amended (Inquiry to be made to update electoral rolls)	13
32	Section 89E amended (No inquiry required if application for registration as elector received)	14
33	Section 89F amended (Procedure following inquiry under section 89D)	14
34	Section 89G amended (Elector who cannot be contacted to be included in dormant roll)	14
35	Section 94A amended (Confirmation of change of name, address, or other particulars)	14
36	Section 95 amended (Elector's objections)	14
37	Section 95A amended (Notice of elector's objection)	15
38	Section 95B amended (Power to remove name from roll)	15
39	Section 95C amended (Power to retain name on roll)	15
40	Section 95D amended (Reference of elector's objection to District Court)	15
41	Section 96 replaced (Registrar's objection)	16
	<b>96</b> Electoral Commission's objection	<b>16</b>

## Electoral Amendment Bill

---

42	Section 97 amended (Procedure on reference of application or objection to District Court)	17
43	Section 98 amended (Removal of names from roll by Registrar)	17
44	Section 99 amended (Notice of alterations to roll)	17
45	Section 100 amended (Corrupt Practices List)	17
46	Section 101 amended (Electoral rolls)	18
47	Section 102 replaced (Maintenance of rolls being replaced)	18
	102 Maintenance of rolls being replaced	18
48	Section 103 replaced (Rolls where Parliament dissolved after change of boundaries and before new rolls completed)	18
	103 Rolls where Parliament dissolved after change of boundaries and before new rolls completed	18
49	Section 104 amended (Main roll to be printed)	19
50	Section 105 replaced (Supplementary rolls to be printed)	19
	105 Supplementary rolls to be printed	19
51	Section 106 amended (Form of main roll and supplementary rolls)	19
52	Section 107 amended (Composite rolls)	19
53	Section 109 amended (Dormant roll)	20
54	Section 110 amended (Public inspection of rolls, etc)	20
55	Section 111 amended (Inspection of rolls at hui)	20
56	Section 111B amended (Interpretation of terms in sections 111C to 111F)	20
57	Section 119 amended (Wilfully misleading Registrar)	20
58	Section 120 amended (Duty to report suspected offences)	21
59	Section 121 amended (Failure to deliver application)	21
60	Section 122 amended (Assistance to be given to Registrar)	21
61	Section 123 amended (Copies of rolls for Returning Officer)	21
62	Section 124 amended (Power to destroy records)	21
63	Section 127 amended (Election of list candidates)	21
64	Section 127A amended (Deposit by party secretary)	22
65	Section 128 amended (Acceptance or rejection of lists by Electoral Commission)	22
66	Section 128C amended (Election of list candidates)	22
67	Section 141 repealed (Returning Officer to be notified of writ)	22
68	Section 142 amended (Returning Officer to give public notice of polling day, nomination day, and nomination process)	22
69	Section 143 amended (Nominations of candidates for electoral districts)	23
70	Section 144 amended (Deposit by candidate)	23
71	Section 145 amended (Acceptance or rejection of nomination)	23
72	Section 146 amended (Withdrawal of nomination)	23
73	Section 147 amended (Advertisement of nomination and polling places)	23
74	Section 150 amended (Form of ballot papers)	24

**Electoral Amendment Bill**

---

75	Section 151 amended (Name of political party for constituency candidates)	24
76	Section 157 amended (Materials for polling places)	24
77	Section 159 amended (Exercise of powers and duties of polling place officials)	24
78	Section 160 amended (Scrutineers)	24
79	Section 167 amended (Issue of ordinary ballot papers)	25
80	Section 172 amended (Voting by special voters)	25
81	Section 174C amended (Preliminary count of early votes)	25
82	Section 174D amended (Conditions for counting early votes before close of poll)	25
83	Section 174F amended (Scrutineers for count of early votes)	26
84	Section 175 amended (Scrutiny of the rolls)	26
85	Section 176 amended (Marked copies of rolls to be compared)	26
86	Section 178 amended (Counting the votes)	26
87	Section 179 amended (Declaration of result of poll)	26
88	Section 180 amended (Application to District Court Judge for recount)	26
89	Section 183 amended (Scrutineers for recounts and allocation of list seats)	26
90	Section 187 amended (Disposal of ballot papers, rolls, etc)	27
91	Section 188 amended (Annotation of list of special voters)	27
92	Section 191 amended (Election of other members)	27
93	Section 195 amended (Adjournment of poll)	27
94	Section 197 amended (Interfering with or influencing voters)	28
95	New section 197A inserted (Interfering with or influencing advance voters)	28
	<b>197A Interfering with or influencing advance voters</b>	<b>28</b>
96	Section 199 amended (Recovery of expenses)	30
97	Section 199A replaced (Publishing false statements to influence voters)	30
	<b>199A Publishing false statements to influence voters</b>	<b>30</b>
98	Section 202 amended (Property to be stated as being in Returning Officer)	31
99	Section 215 amended (Personation)	31
100	Section 221B amended (Display of advertisement of a specified kind)	31
101	Section 230 amended (Election petitions to High Court)	31
102	Section 256 amended (Withdrawal and substitution of respondents before trial)	31
103	Section 263A amended (Disclosure of immigration information for matching purposes)	31
104	Section 267A amended (Regulations relating to advertisement of a specified kind)	32



105	New Schedule 1AA inserted	32
106	Schedule 2 amended	32

## Part 2

### Amendments to other enactments

107	Amendments to other enactments	32
-----	--------------------------------	----

#### Schedule 1

33

#### New Schedule 1AA inserted

#### Schedule 2

34

### Amendments to other enactments

## The Parliament of New Zealand enacts as follows:

### 1 Title

This Act is the Electoral Amendment Act **2016**.

### 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

## Part 1

### Amendments to the Electoral Act 1993

### 3 Principal Act

This Part amends the Electoral Act 1993 (the **principal Act**). 10

### 4 Section 3 amended (Interpretation)

(1) In section 3(1), definition of **electoral roll**, replace “Registrar” with “Electoral Commission”.

(2) In section 3(1), replace the definition of **party secretary** with:

**party secretary** or **secretary**, in relation to a party, means the person who is responsible for the administration and correspondence of the party and who has been (or is required to be) designated under any of the following provisions as secretary of the party for the purposes of this Act: 15

(a) section 63(2)(c)(iii) or (iv):

(b) section 67(3)(c): 20

(c) **section 67AA(2)**

### 5 New section 3AA inserted (Transitional, savings, and related provisions)

After section 3, insert:

**3AA Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

**6 Section 3A amended (Meaning of election advertisement)**

- (1) After section 3A(2), insert: 5
- (2A) When determining whether signage is contact information,—
- (a) all of the fixed signage on an out-of-Parliament office of a member of Parliament must be treated as a single sign; and
  - (b) all of the signage on a vehicle of a member of Parliament must be treated as a single sign. 10
- (2) In section 3A(3), insert in its appropriate alphabetical order:
- vehicle** has the meaning given to it by section 2(1) of the Land Transport Act 1998.

**7 Section 22 replaced (Registrar of Electors)**

Replace section 22 with: 15

**22 Registrar of Electors**

- (1) The Electoral Commission—
- (a) must appoint a Registrar of Electors for each electoral district;
  - (b) may appoint a Deputy Registrar of Electors for any electoral district;
  - (c) may appoint a Registrar or a Deputy Registrar for a named electoral district that is not yet in existence. 20
- (2) Every Registrar and every Deputy Registrar—
- (a) must be an individual who is an electoral official; and
  - (b) may not hold any official position in any political organisation.
- (3) The Deputy Registrar for an electoral district may, subject to the control of the Registrar for that electoral district, exercise or perform all of that Registrar's powers, duties, and functions. 25

**8 Section 26 replaced (Returning Officer to make declaration)**

Replace section 26 with:

**26 Returning Officer to make declaration**

- (1) Every Returning Officer must, before entering into the duties of office, declare that he or she will comply with section 203. 30
- (2) The declaration must—
- (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form. 35

- 9 Section 38 amended (Notice of proposed boundaries and classification)**
- (1) In section 38(2), replace “shall include the office of each Registrar of Electors” with “must include the offices of the Electoral Commission”.
- (2) Replace section 38(4) with:
- (4) If any objections are received under subsection (1)(b), the Commission must publish,—
- (a) on an Internet site administered by the Electoral Commission,—
- (i) the objections received; and
- (ii) an explanation of the process and deadline for making counter-objections; and
- (b) in the *Gazette*, a notice—
- (i) stating the address of the Internet site on which the objections and the counter-objection process are published; and
- (ii) stating the last date on which the Commission will receive any written counter-objections to any of those objections (which must not be less than 2 weeks after the date of publication of the notice in the *Gazette*).
- (4A) The Electoral Commission must facilitate the publication required under **subsection (4)(a)**.
- 10 Section 39 amended (Communications to officials)**
- In section 39(1), replace “shall include the office of each Registrar of Electors” with “must include the offices of the Electoral Commission”.
- 11 Section 40 amended (Report of Commission)**
- In section 40(1)(b)(iii), replace “shall include the office of each Registrar of Electors” with “must include the offices of the Electoral Commission”.
- 12 Section 42 amended (Indexes of streets and places)**
- In section 42(2), replace “office of each Registrar” with “offices of the Electoral Commission”.
- 13 Section 45 amended (Maori representation)**
- In section 45(9)(b)(iii), replace “shall include the office of each Registrar of Electors” with “must include the offices of the Electoral Commission”.
- 14 Section 47A amended (Certain persons disqualified from candidacy)**
- After section 47A(c), insert:
- (d) a Registrar of Electors:
- (e) a Deputy Registrar of Electors.

**15 Section 48 replaced (Offence for public servant or Returning Officer to sit)**

Replace section 48 with:

**48 Offence for public servant, Returning Officer, or Registrar to sit or vote**

- (1) A person commits an offence if the person—
- (a) sits or votes in Parliament after the person’s seat as a member of Parliament becomes vacant by reason of the person becoming a public servant, or being appointed as a Returning Officer, a Registrar of Electors, or a Deputy Registrar of Electors; and 5
  - (b) knows that his or her seat has become vacant.
- (2) A person who commits an offence under **subsection (1)** is liable on conviction to a fine not exceeding \$400. 10

**16 Section 55 amended (How vacancies created)**

In section 55(1)(ea), replace “a Returning Officer” with “a Returning Officer, a Registrar of Electors, or a Deputy Registrar of Electors”.

**17 New section 67AA inserted (Vacancies in position of party secretary) 15**

After section 67, insert:

**67AA Vacancies in position of party secretary**

- (1) If, in a political party registered under this Act, a vacancy occurs in the position of party secretary, the remaining office holders of the party must ensure that, within 5 working days of the vacancy occurring,— 20
- (a) a new secretary is appointed; or
  - (b) a person is appointed to act in the position of secretary until a new secretary can be appointed.
- (2) A person appointed under **subsection (1)(a) or (b)** must immediately notify the Electoral Commission of that person’s appointment. 25

**18 Section 70 amended (Cancellation of registration)**

- (1) After section 70(2A), insert:

(2B) The Electoral Commission may cancel the registration of a political party if satisfied that the party has failed to comply with **section 67AA**.

- (2) In section 70(3)(b), after “subsection (2)”, insert “or **(2B)**”. 30

**19 Section 77 amended (Periodic exercise of Maori option and determination of Maori population)**

In section 77(6)(b), replace “Registrar” with “Electoral Commission”.

**20 Section 78 amended (Exercise of Maori option)**

- (1) In section 78(2), delete “by post”. 35

- (2) In section 78(2), replace “the prescribed form” with “a form that the Electoral Commission has approved”.
- (3) In section 78(2), (2)(b)(ii), and (5), replace “Registrar” with “Electoral Commission” in each place.
- (4) Repeal section 78(7). 5
- (5) In section 78(10),—
- (a) replace “a Registrar” with “the Electoral Commission”; and
- (b) replace “the Registrar” with “the Electoral Commission”.
- (6) In section 78(11),—
- (a) replace “a Registrar” with “the Electoral Commission”; and 10
- (b) replace “the Registrar” with “the Electoral Commission” in each place.
- (7) In section 78(12), replace “a Registrar of Electors” with “the Electoral Commission”.
- 21 Section 80 amended (Disqualifications for registration)**
- Replace section 80(2) with: 15
- (2) The Registrar of the court in which a compulsory treatment order or any order under section 24 or 34 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 is made or in which any person is convicted of a corrupt practice must, not later than the fifth day of the month following the date of the order or conviction, forward to the Electoral Commission a certificate showing— 20
- (a) the name, date of birth, place of abode, and description of the patient or offender; and
- (b) the particulars of the order or conviction.
- 22 Section 81 amended (Detention in prison pursuant to sentence of imprisonment)** 25
- Repeal section 81(2).
- 23 Section 82 amended (Compulsory registration of electors)**
- In section 82(1), (2), and (3), replace “a Registrar of Electors” with “the Electoral Commission”.
- 24 Section 83 amended (Application for registration)** 30
- (1) In section 83(1), replace “a Registrar of Electors” with “the Electoral Commission”.
- (2) In section 83(1)(a),—
- (a) replace “the prescribed form” with “a form that the Electoral Commission has approved”; and 35
- (b) replace “the Registrar of Electors” with “the Electoral Commission”.

- (3) In section 83(1)(b), delete “prescribed”.
- (4) In section 83(3), replace “A Registrar of Electors” with “The Electoral Commission”.
- (5) In section 83(3)(a), delete “prescribed”.
- (6) In section 83(5), replace “the Registrar of Electors” with “the Electoral Commission”.
- (7) Repeal section 83(6).

**25 Section 87 replaced (Procedure if immigration status means applicant apparently not qualified to be registered)**

Replace section 87 with:

- 87 Procedure if immigration status means applicant apparently not qualified to be registered**
- (1) This section applies if, as a result of a comparison carried out under section 263A, the Electoral Commission believes that a person who has applied to be (but is not yet) registered as an elector of an electoral district is—
- (a) unlawfully in New Zealand; or
- (b) lawfully in New Zealand but only by virtue of being the holder of a temporary entry class visa of whatever type.
- (2) If this section applies, the Electoral Commission must comply with **subsections (3) to (5)** before determining whether the applicant is qualified to be registered.
- (3) The Electoral Commission must, as soon as practicable, deliver to the applicant (personally or by post) a written notice that specifies—
- (a) that it believes that the person is—
- (i) unlawfully in New Zealand; or
- (ii) lawfully in New Zealand but only by virtue of being the holder of a temporary entry class visa of whatever type; and
- (b) that it may determine that the applicant’s immigration status means that the applicant is not qualified to be registered as an elector if information to the contrary is not made available to it by or on behalf of the applicant within 10 working days after the applicant receives the notice.
- (4) If the Electoral Commission receives no response within the time required, it must, as soon as practicable, deliver to the applicant (personally or by post) a further written notice that specifies—
- (a) the advice that it received under section 263A(5) in respect of the applicant; and
- (b) the date on which the initial notice was delivered to the applicant; and

- (c) that it may determine that the applicant's immigration status means that the applicant is not qualified to be registered as an elector if information to the contrary is not made available to it by or on behalf of the applicant within 10 working days after the applicant receives the further notice.
- (5) The Electoral Commission may determine whether the applicant is qualified to be registered if— 5
- (a) it has not received any response within the time specified in **subsection (4)(c)**; or
- (b) it has considered any response that was received within that time.
- (6) If the Electoral Commission determines that the applicant is not qualified to be registered, it must deliver to the applicant (personally or by post) a written notice of the determination. 10
- (7) For the purposes of this section, a notice sent to the applicant by post—
- (a) is, in the absence of proof to the contrary, to be treated as having been delivered to and received by the applicant by post on the fourth working day after the date on which it is sent by post; and 15
- (b) is to be treated as sent by post to the applicant on a particular day if it is proved to have been—
- (i) properly addressed to the applicant; and
- (ii) submitted on that day to a person registered as a postal operator under the Postal Services Act 1998 for posting. 20

## 26 Section 88 replaced (Applications received after issue of writ)

Replace section 88 with:

- 88 Applications received after issue of writ**
- (1) If a writ has been issued requiring the conduct of an election in a district, then, subject to **subsections (2) and (3)**, the Electoral Commission may 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 Electoral Commission receives on or after polling day. 25
- (2) For the purposes of **subsection (1)**, an application for registration is to be treated as having been received before polling day if— 30
- (a) the application or the envelope in which it is contained bears a postmark or date stamp impressed before polling day at a place that the Electoral Commission has designated; or
- (b) the applicant for registration produces a receipt that— 35
- (i) relates to the application; and
- (ii) was issued before polling day at a place that the Electoral Commission has designated; and

- (iii) was lodged at a polling place or with an electoral officer issuing special votes.
- (3) If a person applies for registration after the issue of a writ requiring the conduct of an election in a district and before polling day,—
- (a) the Electoral Commission must, if satisfied that the person is qualified to be registered, enter the name of the person on the electoral roll; and 5
- (b) the Electoral Commission is not required to enter the name of the person on the main roll or any supplementary roll or composite roll used at that election; and
- (c) the person may, at that election, vote only by way of a special vote. 10
- 27 Section 89 amended (Procedure following application for registration)**
- (1) In section 89(1), replace “Registrar” with “Electoral Commission”.
- (2) In section 89(1), replace “he or she shall forthwith” with “the Electoral Commission must”.
- (3) Replace section 89(2) with: 15
- (2) If the Electoral Commission believes that a Māori applicant is prevented, by the manner in which the applicant last exercised the option given by section 76, from being registered as an elector of the district to which the application relates, the Electoral Commission must notify the applicant of its reasons for refusing the application. 20
- (4) In section 89(3),—
- (a) replace “Registrar to” with “Electoral Commission to”; and
- (b) replace “Registrar shall” with “Electoral Commission must”.
- (5) In section 89(4),—
- (a) replace “Registrar has” with “Electoral Commission has”; and 25
- (b) replace “Registrar shall” with “Electoral Commission must”.
- 28 Section 89A amended (Notice of registration)**
- In section 89A, replace “Registrar” with “Electoral Commission”.
- 29 Section 89B amended (Elector must give notice of change of place of residence within electoral district)** 30
- (1) In section 89B(3)(a), replace “Registrar for the electoral district in which the elector resides” with “Electoral Commission”.
- (2) In section 89B(5), replace “a Registrar” with “the Electoral Commission”.
- 30 Section 89C amended (Elector must give notice of change of place of residence to different electoral district)** 35
- (1) Replace section 89C(2) with:



- (2) The elector must, within 2 months after the date on which he or she changed his or her place of residence, give notice of—
- (a) the change in his or her place of residence; and
  - (b) the date on which the change occurred; and
  - (c) the address of the new place of residence. 5
- (2) Replace section 89C(3)(b) and (c) with:
- (b) in writing to the Electoral Commission in a form that the Electoral Commission has approved; or
  - (c) by applying, under section 83, to the Electoral Commission for registration as an elector. 10
- (3) Replace section 89C(5) to (13) with:
- (5) For the purposes of section 89(1), an elector who gives notice under **subsection (2)** (by any method specified in subsection (3)) is an applicant for registration as an elector. 15
- (4) Repeal section 89C(16). 15
- 31 Section 89D amended (Inquiry to be made to update electoral rolls)**
- (1) In section 89D(1),—
- (a) replace “Every Registrar” with “The Electoral Commission”; and
  - (b) replace “the district” with “a district”.
- (2) In section 89D(2)(b), replace “directed” with “determined”. 20
- (3) In section 89D(3), replace “every Registrar of a district that is, in part or in whole, within the local government area of a local authority” with “the Electoral Commission”.
- (4) In section 89D(3)(a), replace “that district” with “a district”.
- (5) In section 89D(3)(b), replace “that local government area” with “a particular local government area”. 25
- (6) Replace section 89D(5) with:
- (5) An inquiry made under subsection (1)—
- (a) must—
    - (i) contain the particulars on the roll for the elector to whom it is addressed; or
    - (ii) contain information about how the elector can access his or her particulars electronically; and
  - (b) must require the elector, if any of those particulars have changed or are incorrect, to notify the Electoral Commission by—
    - (i) sending the corrected particulars to the Electoral Commission in a form that the Electoral Commission has approved; or
- 30 35

- (ii) using an approved electronic medium to make any change or correction required to the particulars.
- (7) In section 89D(7), replace “a Registrar of Electors” with “the Electoral Commission”.
- 32 Section 89E amended (No inquiry required if application for registration as elector received) 5**
- (1) In section 89E, replace “a Registrar” with “the Electoral Commission”.
- (2) In section 89E(b), replace “Registrar” with “Electoral Commission”.
- 33 Section 89F amended (Procedure following inquiry under section 89D)**
- (1) Replace section 89F(1) with: 10
- (1) If, following an inquiry under section 89D, the Electoral Commission receives notice under **section 89D(5)(b)** that an elector has changed his or her place of residence and now resides in another electoral district, the Electoral Commission—
- (a) must, in accordance with section 98(1)(a), remove the elector’s name from the roll for the district in which the elector previously resided; and 15
- (b) must, in accordance with section 89, register that elector on the roll for the district in which the elector resides.
- (2) In section 89F(2) and (3), replace “Registrar” with “Electoral Commission” in each place. 20
- 34 Section 89G amended (Elector who cannot be contacted to be included in dormant roll)**
- (1) In section 89G(1)(a), replace “a Registrar” with “the Electoral Commission”.
- (2) In section 89G(2), replace “a Registrar” with “the Electoral Commission”.
- (3) In section 89G(2)(a), replace “Registrar thinks fit or that the Electoral Commission directs” with “Electoral Commission thinks fit”. 25
- (4) In section 89G(2)(b), replace “Registrar” with “Electoral Commission”.
- 35 Section 94A amended (Confirmation of change of name, address, or other particulars)**
- In section 94A(1) and (2), replace “Registrar” with “Electoral Commission”. 30
- 36 Section 95 amended (Elector’s objections)**
- (1) In section 95(2)(a), replace “Registrar for the district” with “Electoral Commission”.
- (2) In section 95(3),—
- (a) replace “Registrar considers” with “Electoral Commission considers”; 35  
and

- (b) replace “Registrar shall” with “Electoral Commission must”; and
- (c) replace “Registrar thinks” with “Electoral Commission thinks”.
- (3) In section 95(4), replace “Registrar shall” with “Electoral Commission must” in each place.
- 37 Section 95A amended (Notice of elector’s objection) 5**
- (1) In section 95A(1),—
- (a) replace “Registrar shall” with “Electoral Commission must”; and
- (b) replace “shall include” with “must include”.
- (2) In section 95A(3), replace “Registrar under subsection (1) shall” with “Electoral Commission under subsection (1) must”. 10
- (3) In section 95A(3)(a) to (c), replace “Registrar” with “Electoral Commission” in each place.
- (4) Replace section 95A(4) with:
- (4) If, after making the inquiries it thinks fit, the Electoral Commission is unable to serve the notice of objection on a person personally after making at least 2 attempts, the Electoral Commission must— 15
- (a) remove the name of the person from the roll; and
- (b) include the name in the dormant roll maintained under section 109.
- 38 Section 95B amended (Power to remove name from roll)**
- In section 95B,— 20
- (a) replace “Registrar that” with “Electoral Commission that”; and
- (b) replace “Registrar shall” with “Electoral Commission must”; and
- (c) replace “shall notify” with “must notify”.
- 39 Section 95C amended (Power to retain name on roll)**
- In section 95C,— 25
- (a) replace “Registrar with” with “Electoral Commission with”; and
- (b) replace “Registrar that” with “Electoral Commission that”; and
- (c) replace “Registrar shall” with “Electoral Commission must”.
- 40 Section 95D amended (Reference of elector’s objection to District Court)**
- (1) In section 95D(1),— 30
- (a) replace “Registrar shall” with “Electoral Commission must”; and
- (b) replace “shall notify” with “must notify”.
- (2) In section 95D(2),—
- (a) replace “Registrar that” with “Electoral Commission that”; and

- (b) replace “Registrar made” with “Electoral Commission made”; and
- (c) replace “Registrar shall” with “Electoral Commission must”; and
- (d) replace “shall notify” with “must notify”.
- (3) In section 95D(3), replace “Registrar” with “Electoral Commission”.
- 41 Section 96 replaced (Registrar’s objection) 5**
- Replace section 96 with:
- 96 Electoral Commission’s objection**
- (1) The Electoral Commission may at any time object to the name of any person being on the roll for a district on the ground that the person is not qualified to be registered as an elector of the district. 10
- (2) If the Electoral Commission objects, it must give notice in writing of the objection 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 15
- (c) the attorney appointed by the person objected to under an enduring power of attorney.
- (3) The notice must—
- (a) inform the person objected to—
- (i) of the grounds for the objection; and 20
- (ii) of the reasons supporting the grounds for objection; and
- (iii) that the person may forward to the Electoral Commission a statement signed by the person giving reasons why the person’s name should be retained on the roll; and
- (iv) that the person’s name will be retained on the roll if the person provides the Electoral Commission with evidence that satisfies the Electoral Commission that the person’s name should be retained on the roll; and 25
- (v) that, if the person fails to forward a statement to the Electoral Commission within 14 days after the date on which the notice is served on the person, the Electoral Commission will remove the person’s name from the roll under section 95B; and 30
- (b) be served personally in accordance with the rules governing personal service contained in the District Courts Rules 2014.
- (4) If the Electoral Commission is unable, after making any inquires it thinks fit, to serve notice of objection on the person objected to personally, after making at least 2 attempts, the Electoral Commission must— 35
- (a) remove the person’s name from the roll; and

- (b) include the person’s name in the dormant roll maintained under section 109.
- (5) Nothing in this section affects any other provision of this Act that relates to the removal of names from the roll by the Electoral Commission.
- 42 Section 97 amended (Procedure on reference of application or objection to District Court) 5**
- (1) In section 97(2),—
- (a) replace “Registrar of Electors” with “Electoral Commission”; and
- (b) replace “by him or her” with “by it or him or her”.
- (2) In section 97(3A), replace “the Registrar” with “a Registrar of the court”. 10
- (3) In section 97(9), replace “Registrar of Electors shall” with “Electoral Commission must”.
- 43 Section 98 amended (Removal of names from roll by Registrar)**
- (1) In the heading to section 98, replace “**Registrar**” with “**Electoral Commission**”. 15
- (2) In section 98(1), replace “Registrar shall” with “Electoral Commission must”.
- (3) In section 98(1)(b), replace “the Registrar” with “the Electoral Commission” in each place.
- (4) In section 98(1)(d), replace “Registrar of Electors” with “Electoral Commission”. 20
- (5) In section 98(1)(f)(i) and (ii), (2), and (3), replace “Registrar” with “Electoral Commission”.
- (6) Replace 98(4) with:
- (4) The Electoral Commission may, subject to subsection (6), place a person’s name on the roll if— 25
- (a) the 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, under subsection (1)(h) or (i), been removed from the roll of the district for which the person was correctly registered.
- (7) In section 98(5), replace “Registrar shall” with “Electoral Commission must”. 30
- 44 Section 99 amended (Notice of alterations to roll)**
- (1) In section 99(1), replace “Registrar shall” with “Electoral Commission must”.
- (2) In section 99(2), replace “Registrar who enters that person’s name on that other roll shall” with “Electoral Commission must”.
- 45 Section 100 amended (Corrupt Practices List) 35**
- (1) In section 100(1),—

- (a) replace “Registrar for any district” with “Electoral Commission”; and
  - (b) replace “the district” with “a district”; and
  - (c) replace “Registrar shall” with “Electoral Commission must”.
- (2) In section 100(2), replace “Registrar shall” with “Electoral Commission must”.
- (3) In section 100(3), replace “printed for the district” with “printed for a district”. 5
- (4) In section 100(4), replace “printed for the district” with “printed for a district”.

**46 Section 101 amended (Electoral rolls)**

In section 101(7), replace “Registrar shall” with “Electoral Commission must”.

**47 Section 102 replaced (Maintenance of rolls being replaced)**

Replace section 102 with:

10

**102 Maintenance of rolls being replaced**

- (1) If the Electoral Commission has compiled the lists referred to in section 101(1)(b), it is not obliged to keep the rolls up to date for the districts that were in existence immediately before the gazetting, under section 40(1)(b) or 45(9)(b), of the notice that immediately preceded the compilation of those lists. 15
- (2) Despite **subsection (1)**, the Electoral Commission must ensure that it has available to it, until the roll for a district ceases to be in force, all information (which may include or consist of photocopies of original documents) necessary to enable it to bring the roll up to date in the event of a by-election in that district. 20
- (3) If a by-election is to take place in a district to which **subsection (1)** applies, the Electoral Commission must ensure that an up-to-date composite roll for the district is closed and printed as at writ day for the by-election.

**48 Section 103 replaced (Rolls where Parliament dissolved after change of boundaries and before new rolls completed)**

25

Replace section 103 with:

**103 Rolls where Parliament dissolved after change of boundaries and before new rolls completed**

- (1) If a Parliament is dissolved in the period between the gazetting of a notice under section 40(1)(b) or 45(9)(b) and the completion of the compilation of the rolls under section 101, the Electoral Commission must comply with section 101(1)(a) and (b). 30
- (2) Each list compiled under section 101(1)(b) (as applied by **subsection (1)**) must—
  - (a) be the electoral roll for the district to which it relates; and
  - (b) come into force as soon as it is compiled. 35

- (3) The Electoral Commission must—
- (a) keep every electoral roll to which **subsection (2)** applies up to date by making all the additions, alterations, and deletions that become necessary; and
  - (b) incorporate the additions, alterations, and deletions made to an electoral roll into the electoral roll that supersedes it. 5

**49 Section 104 amended (Main roll to be printed)**

Replace section 104(1) with:

- (1) The Electoral Commission must, at least once in each year, print a main roll for each district that contains a list of all persons whose names are lawfully on the electoral roll for the relevant district on a date to be fixed for the closing of the main rolls. 10

**50 Section 105 replaced (Supplementary rolls to be printed)**

Replace section 105 with:

**105 Supplementary rolls to be printed 15**

- (1) The Electoral Commission must, from time to time, print a supplementary roll for a district that contains 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 Electoral Commission. 20
- (2) However, a supplementary roll must be printed as soon as practicable after the issue of a writ for an election in the relevant district, and the date for the closing of that roll is writ day.
- (3) Every supplementary roll printed for a district under this section is a supplementary roll for the district until a new main roll is printed for the district. 25

**51 Section 106 amended (Form of main roll and supplementary rolls)**

In section 106(5), replace “Registrar” with “Electoral Commission”.

**52 Section 107 amended (Composite rolls)**

- (1) In section 107(1), replace “Registrar of Electors for any district may from time to time cause to be printed a composite roll for the district” with “Electoral Commission may, from time to time, print a composite roll for each district” 30
- (2) In section 107(2), replace “Registrar of Electors for that district shall cause a composite roll for that district” with “Electoral Commission must cause a composite roll for the district”.
- (3) In section 107(3), replace “Registrar of Electors” with “Electoral Commission”. 35

**53 Section 109 amended (Dormant roll)**

- (1) Replace section 109(1) with:
- (1) The Electoral Commission must maintain a dormant roll that shows for each district the particulars of those persons whose names have been removed from the roll for the relevant district— 5
- (a) under section 89G; or
- (b) as a result of the removal of the name of that person from the roll under section 95A(4) or 96(5).
- (2) In section 109(2), replace “The Registrar” with “The Electoral Commission”.
- (3) In section 109(2)(c), replace “the Registrar” with “the Electoral Commission” 10  
in each place.
- (4) In section 109(3) and (4), replace “Registrar” with “Electoral Commission”.

**54 Section 110 amended (Public inspection of rolls, etc)**

- (1) In section 110(1), replace “Office of the Registrar of Electors” with “office of the Electoral Commission for the district”. 15
- (2) In section 110(3), replace “the Registrar’s office,” with “the offices of the Electoral Commission,”.
- (3) In section 110(3)(b) and (f)(ii), replace “Registrar” with “Electoral Commission”.
- (4) In section 110(7), replace “Registrar shall” with “Electoral Commission must”. 20
- (5) Replace section 110(8) with:
- (8) If 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 under section 109(5) for the Maori electoral district must be kept open for inspection by the public at the offices of the Electoral Commission for those districts. 25

**55 Section 111 amended (Inspection of rolls at hui)**

- (1) In section 111(1), replace “any Registrar of Electors” with “the Electoral Commission”.
- (2) In section 111(1)(b), replace “Registrar of Electors” with “Electoral Commission”. 30

**56 Section 111B amended (Interpretation of terms in sections 111C to 111F)**

In section 111B, definition of **Maori elector**, replace “a Registrar” with “the Electoral Commission”.

**57 Section 119 amended (Wilfully misleading Registrar)** 35

- (1) In the heading to section 119, replace “**Registrar**” with “**Electoral Commission**”.



- (2) In section 119(1)(a), replace “any Registrar” with “the Electoral Commission”.
- 58 Section 120 amended (Duty to report suspected offences)**
- In section 120,—
- (a) replace “Registrar” with “Electoral Commission”; and
- (b) replace “he or she shall” with “it must”. 5
- 59 Section 121 amended (Failure to deliver application)**
- In section 121, replace “Registrar” with “Electoral Commission”.
- 60 Section 122 amended (Assistance to be given to Registrar)**
- (1) In the heading to section 122, replace “Registrar” with “Electoral Commission”. 10
- (2) In section 122(1)(a), replace “Registrar’s request, assist the Registrar by informing him or her” with “Electoral Commission’s request, assist the Electoral Commission by informing it”.
- (3) In section 122(1)(b), replace “Registrar” with “Electoral Commission” in each place. 15
- (4) In section 122(2), replace “Registrar” with “Electoral Commission”.
- 61 Section 123 amended (Copies of rolls for Returning Officer)**
- (1) In section 123(1), replace “Registrar shall” with “Electoral Commission must”.
- (2) In section 123(1)(a), delete “and certified correct by the Registrar”.
- (3) Replace section 123(2) with: 20
- (2) Despite section 106, the Electoral Commission may modify the form of any rolls supplied under this section, and the elector particulars on those rolls, if that is necessary to facilitate the use of technology for finding an elector on the roll or for the scrutiny of the rolls under this Act.
- 62 Section 124 amended (Power to destroy records)** 25
- In section 124(1), (2), and (4), replace “Registrar” with “Electoral Commission” in each place.
- 63 Section 127 amended (Election of list candidates)**
- (1) Replace section 127(2) with:
- (2) The list must— 30
- (a) list candidates in order of the party’s preference, commencing with the first in order of preference and ending with the last; and
- (b) set out the contact details of each candidate; and
- (c) contain a declaration made by the secretary, in the manner provided by section 9 of the Oaths and Declarations Act 1957, that states— 35

- (i) that each candidate is qualified to be a candidate and to be elected; and
- (ii) whether the party is a party in respect of which there are 1 or more component parties; and
- (iii) if the party has 1 or more component parties, the name of each component party; and 5
- (d) be in a form that the Electoral Commission has approved.
- (2) In section 127(3), delete “, and the declaration required by subsection (3A),”.
- (3) In section 127(3)(a), replace “the date specified in the writ for the election of constituency candidates as the latest date for the nomination of constituency candidates” with “the day before nomination day”. 10
- (4) Repeal section 127(3A).
- 64 Section 127A amended (Deposit by party secretary)**
- In section 127A(1), after “noon on”, insert “the day before”.
- 65 Section 128 amended (Acceptance or rejection of lists by Electoral Commission)** 15
- (1) In section 128(1)(b), after “noon on”, insert “the day before”.
- (2) In section 128(1)(e), after “noon on”, insert “the day before”.
- (3) In section 128(2)(b), after “noon on”, insert “the day before”.
- 66 Section 128C amended (Election of list candidates)** 20
- Replace 128C(1) with:
- (1) A secretary of a political party may, by giving signed notice, withdraw a list of candidates submitted under section 127.
- (1A) The notice must—
- (a) be in a form that the Electoral Commission has approved; and 25
- (b) be witnessed as specified in the form.
- 67 Section 141 repealed (Returning Officer to be notified of writ)**
- Repeal section 141.
- 68 Section 142 amended (Returning Officer to give public notice of polling day, nomination day, and nomination process)** 30
- (1) In the heading to section 142, replace “Returning Officer” with “Electoral Commission”.
- (2) In section 142(1), replace “notification under section 141, the Returning Officer” with “a writ requiring an election to be held in a district, the Electoral Commission”. 35

- (3) Repeal section 142(2).
- 69 Section 143 amended (Nominations of candidates for electoral districts)**  
Repeal section 143(3A).
- 70 Section 144 amended (Deposit by candidate)**  
Replace section 144(2) with: 5
- (2) The deposit may be paid—
- (a) in the form of money, a bank draft, or a bank cheque; or
- (b) in any other form that the Electoral Commission approves.
- 71 Section 145 amended (Acceptance or rejection of nomination)**  
In section 145(1), replace “The” with “Subject to the concurrence of the Electoral Commission, the”. 10
- 72 Section 146 amended (Withdrawal of nomination)**  
Replace section 146(1) with:
- (1) A constituency candidate may, by giving signed notice, withdraw his or her nomination. 15
- (1A) The notice must—
- (a) be in a form that the Electoral Commission has approved; and
- (b) be witnessed as specified in the form.
- 73 Section 147 amended (Advertisement of nomination and polling places)**
- (1) Replace section 147(1) with: 20
- (1) After the close of nominations in any district, the Returning Officer must, as soon as practicable, forward to the Electoral Commission at Wellington the names of the constituency candidates who have been nominated under section 143 and who have not withdrawn their nominations.
- (2) In section 147(2)(b), delete “section 143(3A) or”. 25
- (3) Replace section 147(3) to (5) with:
- (3) The Electoral Commission—
- (a) must publish the nomination and polling place information on an Internet site administered by the Electoral Commission; and
- (b) may also, by any other means it considers appropriate, provide registered electors for the district with the nomination and polling place information. 30
- (4) In this section, the **nomination and polling place information**, in relation to a district, means—

(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 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	5
(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.	
<b>74</b>	<b>Section 150 amended (Form of ballot papers)</b>	<b>10</b>
	In section 150(13)(b), delete “to the Returning Officer in accordance with sub-sections (3A) and (4) of section 143 or”.	
<b>75</b>	<b>Section 151 amended (Name of political party for constituency candidates)</b>	
	In section 151(2), replace “Where” with “Subject to the concurrence of the Electoral Commission, where”.	15
<b>76</b>	<b>Section 157 amended (Materials for polling places)</b>	
(1)	In section 157(1)(d), after “copies”, insert “(in printed or electronic form and as supplied under section 123)”.	
(2)	In section 157(2)(b), replace “sent to electors under section 147(5)” with “published under section 147(3)(a)”.	20
<b>77</b>	<b>Section 159 amended (Exercise of powers and duties of polling place officials)</b>	
	Replace section 159(3) with:	
(3)	Every polling place official must, before being allowed to act, declare that he or she will comply with section 203.	25
(3A)	The declaration must—	
(a)	be in a form that the Electoral Commission has approved; and	
(b)	be witnessed as specified in the form.	
<b>78</b>	<b>Section 160 amended (Scrutineers)</b>	
	Replace section 160(4) with:	30
(4)	Every scrutineer must, before being allowed to act, declare that he or she will comply with section 203.	
(4A)	The declaration must—	
(a)	be in a form that the Electoral Commission has approved; and	
(b)	be witnessed as specified in the form.	35

- 79 Section 167 amended (Issue of ordinary ballot papers)**
- In section 167(3)(a), after “rolls”, insert “(either manually or by electronic means)”.
- 80 Section 172 amended (Voting by special voters)**
- (1) Replace section 172(4) with: 5
- (4) Each constituency candidate may, in writing, appoint 1 or more scrutineers to be present at the office of the Electoral Commission when the Commission is performing its duties in relation to special vote declarations for the district.
- (2) Replace section 172(5) with:
- (5) Every scrutineer must, before being allowed to act, declare that he or she will comply with section 203. 10
- (5A) The declaration must—
- (a) be in a form that the Electoral Commission has approved; and
- (b) be witnessed as specified in the form.
- (3) Replace section 172(6) with: 15
- (6) If a constituency candidate appoints more than 1 scrutineer under **subsection (4)**, not more than 1 scrutineer for that candidate may be present at any time at the office of the Electoral Commission when the Commission is performing its duties in relation to special vote declarations for the district.
- 81 Section 174C amended (Preliminary count of early votes)** 20
- (1) In section 174C(2), after “conduct”, insert “(either manually or by electronic means)”.
- (2) Replace section 174C(5)(a) with—
- (a) if an electoral district meets the conditions stated in section 174D(2), at a time (not earlier than 9 am on polling day) determined by the Electoral Commission; or 25
- (3) In section 174C(5)(b), replace “do not apply” with “are not met”.
- (4) After section 174C(5), insert:
- (5A) The Returning Officer must give notice in writing to each of the constituency candidates or their scrutineers of the time and place at which the preliminary count of early votes will commence. 30
- 82 Section 174D amended (Conditions for counting early votes before close of poll)**
- (1) In section 174D(1), replace “area, in the office of the Returning Officer,” with “area”. 35
- (2) In section 174D(1)(a), replace “Returning Officer” with “Electoral Commission”.

- 83 Section 174F amended (Scrutineers for count of early votes)**
- (1) Replace section 174F(3) with:
- (3) Every scrutineer must, before being allowed to act, declare that he or she will comply with section 203.
- (3A) The declaration must— 5
- (a) be in a form that the Electoral Commission has approved; and
- (b) be witnessed as specified in the form.
- (2) In section 174F(4), replace “1.30 pm on polling day” with “the time on polling day that is 30 minutes before the time determined under section 174C(5)(a) for the start of the count”. 10
- 84 Section 175 amended (Scrutiny of the rolls)**
- Replace section 175(3) with:
- (3) Every scrutineer must, before being allowed to act, declare that he or she will comply with section 203.
- (3A) The declaration must— 15
- (a) be in a form that the Electoral Commission has approved; and
- (b) be witnessed as specified in the form.
- 85 Section 176 amended (Marked copies of rolls to be compared)**
- In section 176(1)(a)(iii), replace “Registrar of Electors” with “Electoral Commission”. 20
- 86 Section 178 amended (Counting the votes)**
- In section 178(5)(b)(iv), replace “Deputy Returning Officer” with “polling place manager”.
- 87 Section 179 amended (Declaration of result of poll)**
- In section 179(2), replace “by publishing in the *Gazette* a notice in form 14” with “by publishing a notice in the *Gazette*”. 25
- 88 Section 180 amended (Application to District Court Judge for recount)**
- (1) Replace section 180(5)(b)(i) with:
- (i) to the Electoral Commission; and
- (2) In section 180(8), after “Registrar of Electors”, insert “or the Electoral Commission”. 30
- 89 Section 183 amended (Scrutineers for recounts and allocation of list seats)**
- Replace section 183(4) with:
- (4) Every scrutineer must, before being allowed to act, declare that he or she will comply with section 203. 35

- (4A) The declaration must—
- (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.
- 90 Section 187 amended (Disposal of ballot papers, rolls, etc)**
- (1) Replace section 187(3) with: 5
  - (3) The Electoral Commission must attach to the master roll for each district a list that—
    - (a) sets 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); and 10
    - (b) indicates the special voters whose votes have been disallowed.
  - (2) In section 187(4), replace “Registrar of Electors” with “Electoral Commission”.
  - (3) Replace section 187(5) with:
  - (5) Any registered elector of the district may inspect any master roll for the district, and the attached list, at the office of the Electoral Commission for the district, without payment of any fee, at any time when the office is open for the transaction of business. 15
- 91 Section 188 amended (Annotation of list of special voters)**
- (1) In section 188(1),— 20
    - (a) replace “Returning Officer” with “Electoral Commission” in each place; and
    - (b) replace “he or she” with “the Returning Officer”.
  - (2) Replace section 188(3) and (4) with:
  - (3) The annotated list must be held by the Electoral Commission, and any registered elector of the district may inspect the annotated list at the office of the Electoral Commission for the district, without payment of any fee, at any time when the office is open for the transaction of business. 25
- 92 Section 191 amended (Election of other members)**
- In section 191(3), replace “prescribed in form 15” with “specified in a form that the Electoral Commission has approved”. 30
- 93 Section 195 amended (Adjournment of poll)**
- In section 195(1), replace “Where” with “Subject to the concurrence of the Electoral Commission, where”.

**94 Section 197 amended (Interfering with or influencing voters)**

- (1) In section 197(1)(g), after “New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party”, insert “or a member of Parliament’s out-of-Parliament office”.
- (2) After section 197(1)(j), insert: 5
- (k) in respect of an advance voting place or a buffer zone, as defined in **section 197A(7)**, does any of the things prohibited in that section.
- (3) After section 197(2A), insert:
- (2B) It is a defence to a prosecution for an offence against **subsection (1)(k)** that relates to the exhibition of a statement, name, emblem, slogan, or logo in an advance voting place or a buffer zone, if the defendant proves that— 10
- (a) the exhibition was inadvertent; and
- (b) the defendant caused the exhibition to cease as soon as the defendant was notified by the Electoral Commission or a manager of the advance voting place that the exhibition was taking place. 15

**95 New section 197A inserted (Interfering with or influencing advance voters)**

After section 197, insert:

**197A Interfering with or influencing advance voters**

- (1) A person must not do any of the things listed in **subsection (2)** in an advance voting place or in a buffer zone for that advance voting place while the advance voting place is open for voting. 20
- (2) The things are as follows:
- (a) to hold or take part in a demonstration or procession having direct or indirect reference to the poll:
- (b) to make a statement that contains a direct or indirect reference to the poll by means of a loudspeaker, public address apparatus, cinematograph, or television apparatus: 25
- (c) to exhibit, publish, distribute, or broadcast—
- (i) a statement advising or intended or likely to influence an elector as to the candidate or party for whom the elector should or should not vote; or 30
- (ii) a statement advising or intended or likely to influence an elector to abstain from voting; or
- (iii) a party name, emblem, slogan, or logo; or
- (iv) any ribbons, streamers, rosettes, or items of a similar nature in party colours, except for— 35
- (A) any of those items worn or displayed by a person, not being an electoral official; and



- (B) any of those items worn or displayed on a vehicle; and
- (C) a party lapel badge worn by a person, not being an electoral official.
- (3) A person is not prohibited from making a statement described in **subsection (2)(b)** if the statement is a publication or radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989 of— 5
- (a) an advertisement placed by the Electoral Commission; or
- (b) a non-partisan advertisement broadcast, as a community service, by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989; or 10
- (c) news that relates to an election.
- (4) A person is not prohibited from exhibiting a statement, party name, emblem, slogan, or logo described in **subsection (2)(c)** if— 15
- (a) the statement or thing does not relate specifically to the election campaign; and
- (b) before the advance voting place is first opened, the statement or thing is exhibited in a fixed position and in relation to the New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party. 20
- (5) Nothing in this section applies to an official statement or announcement made or exhibited under the authority of this Act.
- (6) The Electoral Commission may, at any time during the period when an advance voting place is maintained, cause to be removed or obliterated from the advance voting place or the buffer zone statements or things referred to in section 198(1)(a) to (c), subject to section 198(2) and (3). 25
- (7) In this section,—
- advance voting place** means an office for advance special voters maintained by the Electoral Commission under regulations made under this Act, but does not include other facilities for special voting (for example, special voting facilities at a hospital) 30
- buffer zone** means the area within 10 metres of any entrance, or any smaller buffer zone specified by the Electoral Commission for a particular advance voting place
- entrance** means an entrance, used by voters, to the area of the advance voting place where voting papers are being issued, and the Electoral Commission may specify an entrance for a particular advance voting place. 35

**96 Section 199 amended (Recovery of expenses)**

In section 199, replace “power conferred by section 198(1)” with “powers conferred by sections **197A(6)** and 198(1)”.

**97 Section 199A replaced (Publishing false statements to influence voters)**

Replace section 199A with:

5

**199A Publishing false statements to influence voters**

- (1) A person is guilty of a corrupt practice if the person, with the intention of influencing the vote of an elector,—
- (a) first publishes or republishes a statement, during the specified period, that the person knows is false in a material particular; or 10
  - (b) arranges for the first publication or republication of a statement, during the specified period, that the person knows is false in a material particular.
- (2) **Subsection (1)** does not apply if—
- (a) the statement was first published before the specified period and remains available or accessible within all or part of the specified period; but 15
  - (b) the person did not, during the specified period, by any means,—
    - (i) advertise or draw attention to the statement; or
    - (ii) promote or encourage any person to access the statement.
- (3) In this section,— 20
- publish**, in relation to a statement, means to bring to the notice of a person in any manner,—
- (a) including by—
    - (i) displaying on any medium:
    - (ii) distributing by any means: 25
    - (iii) delivering to an address:
    - (iv) leaving at a place:
    - (v) sending by post or otherwise:
    - (vi) printing in a newspaper or other periodical:
    - (vii) broadcasting by any means: 30
    - (viii) disseminating by means of the Internet or any other electronic medium:
    - (ix) storing electronically in a way that is accessible to the public:
    - (x) incorporating in a device for use with a computer:
    - (xi) inserting in a film or video; but 35
  - (b) excluding addressing 1 or more persons face to face

**specified period** means the period—

- (a) beginning 2 days immediately before polling day; and
- (b) ending with the close of the poll.

**98 Section 202 amended (Property to be stated as being in Returning Officer)**

- (1) In the heading to section 202, replace “**Returning Officer**” with “**Electoral Commission**”. 5
- (2) In section 202, replace “Returning Officer” with “Electoral Commission”.

**99 Section 215 amended (Personation)**

In section 215(4), replace “Returning Officer” with “Electoral Commission” in each place. 10

**100 Section 221B amended (Display of advertisement of a specified kind)**

In section 221B(1), replace “2 months” with “9 weeks”.

**101 Section 230 amended (Election petitions to High Court)**

- (1) In section 230(2), replace “Returning Officer or Registrar of Electors, he or she shall” with “Electoral Commission, the Electoral Commission must”. 15
- (2) In section 230(4), replace “Returning Officer” with “Electoral Commission”.

**102 Section 256 amended (Withdrawal and substitution of respondents before trial)**

In section 256(1), replace “the Returning Officer or a Registrar of Electors” with “the Electoral Commission”. 20

**103 Section 263A amended (Disclosure of immigration information for matching purposes)**

Replace section 263A(5) and (6) with:

- (5) **Subsection (6)** applies in respect of a person if the result of a comparison carried out under subsection (4) indicates that the person has applied to be (but is not yet) registered as an elector, or is on the electoral roll, and is— 25
  - (a) a person who the chief executive of the responsible department believes is unlawfully in New Zealand; or
  - (b) a person who is lawfully in New Zealand but only by virtue of being the holder of a temporary entry class visa of whatever type. 30
- (6) If this subsection applies in respect of a person, the Electoral Commission must,—
  - (a) if the person has applied to be (but is not yet) registered as an elector for the district, follow the procedure specified in section 87; or

- (b) if the person is registered as an elector for the district and the name of the person is on the roll for the district, object under section 96 to the name of that person being on the roll for the district.

- 104 Section 267A amended (Regulations relating to advertisement of a specified kind)** 5  
In section 267A(2)(b), replace “2 months” with “9 weeks”.
- 105 New Schedule 1AA inserted**  
Insert the **Schedule 1AA** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act.
- 106 Schedule 2 amended** 10  
Repeal forms 1, 4, 4A, 10, 14, and 15.

## Part 2

### Amendments to other enactments

- 107 Amendments to other enactments** 15  
Amend the enactments specified in **Schedule 2** as set out in that schedule.

**Schedule 1**  
**New Schedule 1AA inserted**

s 105

**Schedule 1AA**  
**Transitional, savings, and related provisions**

5

s 3AA

**Part 1**  
**Provisions relating to Electoral Amendment Act 2016**

- |          |   |    |
|----------|---|----|
| <b>1</b> | <p><b>Appointment of Registrar or Deputy Registrar</b></p> <p>Any appointment of a Registrar or Deputy Registrar made before the commencement of this clause continues but may be revoked as if it had been made under <b>section 22</b> (as replaced by <b>section 7 of the Electoral Amendment Act 2016</b>).</p>   | 10 |
| <b>2</b> | <p><b>Notice of change of place of residence given but not dealt with</b></p> <p>An applicant who gives notice under section 89C(2) before the commencement of this clause and whose notice has not, by the close of the day before the commencement of this clause, been dealt with under section 89C(5), (6), or (13) is for the purposes of section 89(1) an applicant for registration as an elector.</p> | 15 |

## Schedule 2

### Amendments to other enactments

s 107

#### Part 1

#### Amendments to Acts

5

##### **Citizens Initiated Referenda Act 1993 (1993 No 101)**

In section 27(2)(a), replace “Registrar of the electoral district in respect of which the person became registered” with “Electoral Commission”.

In section 27(3)(a), replace “Registrar shall, if the registrar” with “Electoral Commission must, if the Electoral Commission”.

10

In section 27(3)(b), replace “Registrar shall not be” with “Electoral Commission is not”.

In section 36(1), replace “form 1 of Schedule 2 of the Electoral Act 1993 (which form shall be used with all necessary modifications)” with “a form that the Electoral Commission has approved”.

15

Replace section 36(2)(a) with:

- (a) may be present at the office of the Electoral Commission for the district when the Electoral Commission is performing its duties under section 172 of the Electoral Act 1993 (as applied by this Act) in relation to declarations in respect of special votes for the district, but not more than 1 such scrutineer per answer may be present at any time; and

20

In section 50(b), replace “Registrar of Electors” with “Electoral Commission”.

##### **Local Electoral Act 2001 (2001 No 35)**

In section 5(1), repeal the definition of **Registrar of Electors**.

In section 19ZC(2)(d)(i), replace “a Registrar of Electors” with “the Electoral Commission”.

25

In section 30(2)(c)(i), replace “a Registrar of Electors” with “the Electoral Commission”.

In section 142(c), delete “or a Registrar of Electors”.

##### **Referenda (Postal Voting) Act 2000 (2000 No 48)**

30

In section 3(1), definition of **electoral roll**, paragraph (a), replace “Registrar” with “Electoral Commission”.

In section 3(1), repeal the definition of **Registrar**.

Replace section 14(3) with:

- (3) The Electoral Commission must print the preliminary referendum roll for each district as soon as practicable after the appointed date.

35

**Referenda (Postal Voting) Act 2000 (2000 No 48)—continued**

In section 17(1), replace “Registrar for” with “Electoral Commission for”.

In section 17(2)(a), replace “Registrar’s office” with “office of the Electoral Commission for the district”.

In section 17(5), replace “Registrar for” with “Electoral Commission for”.

In section 26(2)(b), replace “a Registrar” with “the Electoral Commission”. 5

In section 26(2)(c), replace “Registrar” with “Electoral Commission”.

In section 64(1)(a), replace “Registrar for the district” with “Electoral Commission”.

**Part 2****Amendments to Legislative Instruments****Electoral Regulations 1996 (SR 1996/93) 10**

In regulation 3, replace “in form 1” with “in a form that the Electoral Commission has approved”.

In regulation 4, replace “shall be in form 4” with “must be in a form that the Electoral Commission has approved”.

In regulation 4A, replace “in form 6” with “in a form that the Electoral Commission has approved”. 15

In regulation 4B, replace “in form 7” with “in a form that the Electoral Commission has approved”.

In regulation 12(1), replace “Registrar of Electors shall” with “Electoral Commission must”. 20

In regulation 12(2),—

(a) replace “Registrar of Electors” with “Electoral Commission”; and

(b) replace “Registrar under” with “Electoral Commission under”.

In regulation 13(1)(b), replace “Registrar of Electors” with “Electoral Commission”.

In regulation 15, replace “Registrar of Electors” with “Electoral Commission”. 25

In regulation 21(5)(a)(i), replace “in form 17 or form 18 or form 19, as the case may require” with “in a form that the Electoral Commission has approved”.

Replace regulation 21(5)(a)(ii) with:

- (ii) if a declaration is issued, an envelope that—
  - (A) contains 2 self-contained compartments; and 30
  - (B) is addressed by the Issuing Officer to the Returning Officer for the district for which the vote is issued; and

Revoke regulation 22.

Replace regulation 23B(2) with:

**Electoral Regulations 1996 (SR 1996/93)—continued**

- (2) Every Issuing Officer must, before entering into the duties of office, declare that he or she will comply with section 203.
- (3) The declaration must—
- (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.

5

Replace regulation 24A(7) with:

- (7) Every scrutineer must, before being allowed to act, declare that he or she will comply with section 203.
- (7A) The declaration must—
- (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.

10

Replace regulation 25 with:

**25 Declaration by special voter**

- (1) Every person who makes a declaration under this Part or Part 3 must indicate on the declaration the ground or grounds on which that person is claiming a special vote.
- (2) The declaration must—
- (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.

15

Replace regulations 35 and 36 with:

20

**35 Electoral Commission to determine whether person casting special vote is qualified to vote**

The Electoral Commission must—

- (a) examine each declaration for a special vote (not being a special vote that is disallowed because it has been received late) for the purpose of determining whether the person is qualified to vote; and
- (b) ensure that the following words, as the case requires, are shown on the declaration:
  - (i) “Qualified”;
  - (ii) “Not Qualified”;
  - (iii) “Party Vote Qualified”.

25

30

**36 Duties of Electoral Commission**

- (1) When examining a declaration, the Electoral Commission must determine whether the name stated in the declaration is that of a person—
- (a) who is qualified to vote under section 60 of the Act; or

35



**Electoral Regulations 1996 (SR 1996/93)—continued**

- (b) whose party vote may not be disallowed under section 178(5A) of the Act.
- (2) Without limiting any other steps that the Electoral Commission may take or the information it may use when making its determination, the Electoral Commission—
- (a) must ascertain whether the name stated in the declaration appears on the roll for the district:
- (b) must take into account, and may accept as sufficient evidence that the name stated in the declaration is that of a person qualified to vote, any endorsement made, under regulation 21(6), on the declaration:
- (c) must, where section 60(b) of the Act may be applicable, check the applications for registration received by the Electoral Commission after writ day and before polling day:
- (d) must, where section 60(c) of the Act may be applicable, ascertain whether the name stated in the declaration is that of a person who, at the time of the last election, was registered as an elector of the district, or, where a change of boundaries has intervened, of some other district in which the person's place of residence was then situated:
- (e) must, where section 60(d) of the Act may be applicable, ascertain whether the name stated in the declaration appears on a dormant roll for the district as it existed on the day before polling day:
- (f) must, where section 60(e) of the Act may be applicable, ascertain whether a resident or former resident of Campbell Island or Raoul Island has made the declaration:
- (g) must, where section 178(5A) of the Act may be applicable, ascertain whether the name stated in the declaration appears on the roll for any district.

In regulation 37(1), delete “, pursuant to regulation 36(4),”.

In regulation 37(1A), delete “, under regulation 36(3A),”.

In regulation 37(2), delete “, pursuant to regulation 35(2) or regulation 36(3)”.

Replace regulation 43(2)(c) with:

- (c) declarations in a form that the Electoral Commission has approved for use by—
- (i) a member of the New Zealand Defence Force applying to vote as a special voter:
- (ii) a special voter who is overseas or on a fishing vessel; and

Replace regulation 43(3)(b) with:

**Electoral Regulations 1996 (SR 1996/93)—continued**

- (b) declarations in a form that the Electoral Commission has approved for use by—
  - (i) a member of the New Zealand Defence Force applying to vote as a special voter:
  - (ii) a special voter who is overseas or on a fishing vessel; and

5

Replace regulation 44 with:

**44 Declarations by Overseas Returning Officers and Overseas Issuing Officers**

- (1) Every Overseas Returning Officer and Overseas Issuing Officer must, before entering into the duties of office, declare that he or she will comply with section 203.
- (2) The declaration must—
  - (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.

10

In regulation 45(2)(a), replace “shall be in form 20” with “must be in a form that the Electoral Commission has approved”.

15

In regulation 45(2)(b), replace “shall be in form 21” with “must be in a form that the Electoral Commission has approved”.

In regulation 50(2), replace “is in form 20 the Returning Officer shall not forward the declaration to the Registrar of Electors but shall, forthwith” with “is made by a member of the New Zealand Defence Force applying to vote as a special voter the Returning Officer must,”.

20

Replace regulation 54(2) with:

- (2) Every Issuing Officer must, before entering into the duties of office, declare that he or she will comply with section 203.
- (3) The declaration must—
  - (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.

25

Replace regulation 55(1)(c) with:

- (c) declarations in a form that the Electoral Commission has approved for use by—
  - (i) a member of the New Zealand Defence Force applying to vote as a special voter:
  - (ii) a special voter who is overseas or on a fishing vessel:
  - (iii) a resident or former resident of Campbell Island or Raoul Island; and

30

35

**Electoral Regulations 1996 (SR 1996/93)—*continued***

Replace regulation 55(2)(b) with:

- (b) declarations in a form that the Electoral Commission has approved for use by—
- (i) a member of the New Zealand Defence Force applying to vote as a special voter: 5
  - (ii) a special voter who is overseas or on a fishing vessel:
  - (iii) a resident or former resident of Campbell Island or Raoul Island; and

In regulation 56(3), replace “in form 22” with “in a form that the Electoral Commission has approved”. 10

In regulation 59(2), replace “in form 22” with “in a form that the Electoral Commission has approved”.

In regulation 61(1), replace “in form 22” with “in a form that the Electoral Commission has approved”.

In regulation 61(2)(b), replace “in form 22” with “in a form that the Electoral Commission has approved”. 15

In Schedule 1, revoke forms 1, 4, 6, 7, 17, 18, 19, 20, 21, and 22.

**Local Electoral Regulations 2001 (SR 2001/145)**

In regulation 14, replace “on the “Application for registration as a parliamentary elector” form, which is form 1 of Schedule 1 of the Electoral Regulations 1996 (SR 1996/93)” with “in a form that the Electoral Commission has approved”. 20