

Version  
as at 11 December 2023



# Local Electoral Regulations 2001

(SR 2001/145)

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 25th day of June 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 139 and 144 of the Local Electoral Act 2001, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

	Page
1 Title	6
2 Commencement	6
3 Expiry <i>[Revoked]</i>	7
4 Interpretation	7
4A Interpretation for the purposes of Auckland local electoral matters	8
5 General description of First Past the Post electoral system <i>[Revoked]</i>	8

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Department of Internal Affairs.**

5A	General description of Single Transferable Voting electoral system <i>[Revoked]</i>	8
6	General description of postal voting	8
7	General description of booth voting	9
8	Authorised electoral systems	9
9	Authorised voting methods	9

### **Part 1**

#### **Enrolment and compilation of electoral roll**

10	Relevant date for inclusion of electors on roll	9
11	What electoral roll must include	10
12	Roll for divided local government area	11
13	Roll if local government area contains 1 or more communities	11
14	Enrolment for residential electors	11
15	Public notice of procedures for enrolment as ratepayer on electoral roll	11
16	Confirmation of enrolment as ratepayer elector	12
17	Ratepayer enrolment confirmation form	13
18	Nominations for ratepayer electors	13
19	Application for enrolment as ratepayer elector	14
20	Application and nomination form for ratepayer electors	15
21	Closing of roll	15
22	Certification of roll	15
23	When roll in force	15
24	Copies of roll must be available	15

### **Part 2**

#### **General provisions for conduct of elections and polls**

##### *Candidacy*

25	Nomination of candidates	15
26	More than 1 candidate profile statement in certain cases	16
27	Translation of candidate profile statement	16
28	Photograph of candidate with candidate profile statement	16
29	Provision of candidate profile statements to electors	16

##### *Further notice of election or poll*

30	Further notice to electors of election or poll	17
----	--	----

##### *Voting documents*

31	Order of candidates' names on voting documents	17
32	Voting documents may be combined	17
33	Other matters relating to voting documents	18
34	Specified difficulties in voting	18

##### *Special voting*

35	Issue of special voting documents	18
----	-----------------------------------	----

36	What special voting documents must contain	18
37	Special voting document for 2001 triennial general election	19
38	Special voting declaration by special voter	19
39	Return of special voting documents	20
40	Checking of special voting declarations	20
41	Residential address outside local government area	20
42	Residential address inside local government area	20
43	Duties of Registrars of Electors	21
44	Procedure when special votes allowed	22
45	Procedure when special votes not allowed	22
	<i>Conduct of polls</i>	
46	Neutral information on polls	23
	<b>Part 3</b>	
	<b>Conduct of elections and polls using First Past the Post electoral system</b>	
47	Application of this Part	23
48	Interpretation	23
49	Forfeiture of deposit	25
	<i>Postal voting</i>	
50	Application of postal voting regulations [ <i>Revoked</i> ]	25
51	Issue of voting documents	25
52	Spoilt voting documents	26
53	Electoral officer must keep offices open until close of voting	26
54	Voting documents received after close of voting must be marked	26
55	Dealing with returned envelopes	26
56	Processing voting documents during voting period	27
57	Processing voting documents after voting period	27
58	Counting votes	27
59	Checking systems	28
60	Performance standard for checking systems	28
61	Other disallowed votes	28
61A	Preliminary results of elections	29
62	Public notice of official result of election	29
63	Public notice of official result of poll [ <i>Revoked</i> ]	30
64	Containers for voting documents	30
65	Electoral records	30
66	Electoral officer's certificate	31
67	Security of voting documents	31
68	Electoral officer may announce number of voting documents sent and returned	31
69	Master roll	32

*Booth voting*

70	Application of booth voting regulations <i>[Revoked]</i>	32
71	Booths, ballot boxes, and voting documents, etc	32
72	Ballot box must be kept secure during voting hours	32
73	Persons may not remain in official places	33
74	Voters may not be spoken to in booths	33
75	Issue of voting documents	33
76	Procedure when second vote applied for in same name	33
77	Spoilt voting documents	33
78	Processing voting documents	34
79	Counting votes	34
79A	Checking systems	35
79B	Performance standard for checking system	35
80	Other disallowed votes	35
80A	Preliminary results of elections	35
81	Public notice of official result of election	36
82	Public notice of official result of poll <i>[Revoked]</i>	36
83	Electoral records	37
84	Electoral officer's certificate	37
85	Security of voting documents	38
86	Master roll	38
87	Mobile polling booths	38
88	Booth voting over consecutive days	39
89	Arrangements for booth voting over consecutive days	39

**Part 4****Conduct of elections and polls using Single Transferable Voting electoral system**

90	Application of this Part	39
90A	Modifications to New Zealand method of counting single transferable votes for purposes of counting programs <i>[Revoked]</i>	39
90B	Multiple elections with common candidates	40
91	Interpretation	40
92	Transferable valid voting documents for elections <i>[Revoked]</i>	42
93	Transferable valid voting documents for polls <i>[Revoked]</i>	42
94	Forfeiture of deposit	42

*Postal voting*

95	Application of postal voting regulations <i>[Revoked]</i>	42
96	Issue of voting documents	42
97	Spoilt voting documents	43
98	Electoral officer must keep offices open until close of voting	43
99	Voting documents received after close of voting must be marked	43
100	Dealing with returned envelopes	43
101	Processing voting documents during voting period	44

102	Processing voting documents after voting period	44
103	Counting votes	44
104	Checking systems	45
104A	Performance standard for checking systems	45
105	Other disallowed votes	45
105A	Preliminary results of elections	46
106	Official result of election	46
107	Official results of poll <i>[Revoked]</i>	47
108	Public notice of official result of election	47
109	Public notice of official result of poll <i>[Revoked]</i>	48
110	Containers for voting documents	48
111	Electoral records	48
112	Security of voting documents	49
113	Electoral officer may announce number of voting documents sent and returned	49
114	Master roll	49
<i>Booth voting</i>		
115	Application of booth voting regulations <i>[Revoked]</i>	50
116	Booths, ballot boxes, and voting documents, etc	50
117	Ballot box must be kept secure during voting hours	50
118	Persons may not remain in official places	51
119	Voters may not be spoken to in booths	51
120	Issue of voting documents	51
121	Procedure when second vote applied for in same name	51
122	Spoilt voting documents	52
123	Processing voting documents	52
123A	Counting votes	52
124	Checking systems	52
124A	Performance standard for checking system	53
125	Other disallowed votes	53
125A	Preliminary results of elections	53
126	Official result of election	54
127	Official results of poll <i>[Revoked]</i>	55
128	Public notice of official result of election	55
129	Public notice of official result of poll <i>[Revoked]</i>	56
130	Electoral records	56
131	Security of voting documents	57
132	Master roll	57
133	Mobile polling booths	57
134	Booth voting over consecutive days	58
135	Arrangements for booth voting over consecutive days	58

## Part 5 Miscellaneous provisions

### *Declarations*

136	Declaration of electoral officer, etc	58
137	Declaration of scrutineers	59

### *Eligibility of Justices*

138	Eligibility of Justices to observe processing of voting documents	59
-----	---	----

### *Deposits*

139	Application for recount	59
140	Petition for inquiry	60

### *Population transfer limits*

141	Population transfer limits for new proposed boundaries of local board areas	60
-----	---	----

### *Transitional arrangements for ratepayer electors for Auckland Council*

#### *[Revoked]*

141	Background <i>[Revoked]</i>	61
142	Enrolment as ratepayer elector for Auckland <i>[Revoked]</i>	61

### **Schedule 1A** 62

#### **New Zealand method of counting single transferable votes**

### **Schedule 1** 71

#### **Enrolment form for ratepayer electors**

## Regulations

### **1 Title**

These regulations are the Local Electoral Regulations 2001.

### **2 Commencement**

(1) Except for Part 1, regulation 31, and Schedule 1, these regulations come into force on 1 July 2001.

(2) Part 1, regulation 31, and Schedule 1 come into force on 14 October 2001.

Regulation 2(1): amended, on 1 January 2004, pursuant to regulation 42 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 2(2): amended, on 1 January 2004, pursuant to regulation 42 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### 3 Expiry

*[Revoked]*

Regulation 3: revoked, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

### 4 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**Act** means the Local Electoral Act 2001

**booth voting** means the method of voting commonly known as booth voting, a general description of which is set out in regulation 7

**First Past the Post electoral system** means the electoral system commonly known as the First Past the Post electoral system, a general description of which is set out in section 5A of the Act

**New Zealand method of counting single transferable votes** means the method set out in Schedule 1A

**postal voting** means the method of voting commonly known as postal voting, a general description of which is set out in regulation 6

**Single Transferable Voting electoral system** means the electoral system commonly known as Single Transferable Voting using the New Zealand method of counting single transferable votes, a general description of which is set out in section 5B of the Act

**special voter**, in relation to any election or poll, means a person exercising a vote under section 21 of the Act.

- (2) In these regulations, every reference to the electoral officer is, unless the context otherwise requires, a reference to the electoral officer responsible for the conduct or undertaking of the election or poll or other thing to which the reference relates.
- (3) In these regulations, every reference to an election on a specified date or day is, unless the context otherwise requires, a reference to an election, the polling day for which is on that date or day.
- (4) In these regulations, unless the context otherwise requires, a word or expression defined in the Act has the same meaning as it has in the Act.

Regulation 4(1) **blank voting document**: revoked, on 1 January 2004, by regulation 3(1) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 4(1) **First Past the Post electoral system**: amended, on 7 July 2004, by section 19(2)(a) of the Local Electoral Amendment Act 2004 (2004 No 62).

Regulation 4(1) **informal voting document**: revoked, on 1 January 2004, by regulation 3(1) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 4(1) **New Zealand method of counting single transferable votes**: inserted, on 1 January 2004, by regulation 3(2) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 4(1) **Single Transferable Voting electoral system**: substituted, on 1 January 2004, by regulation 3(3) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 4(1) **Single Transferable Voting electoral system**: amended, on 7 July 2004, by section 19(2)(b) of the Local Electoral Amendment Act 2004 (2004 No 62).

Regulation 4(1) **valid voting document**: revoked, on 1 January 2004, by regulation 3(1) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### **4A Interpretation for the purposes of Auckland local electoral matters**

- (1) Section 11 of the Local Government (Auckland Council) Act 2009 (the **2009 Act**) requires members of local boards to be elected in accordance with the Local Electoral Act 2001 and applies that Act with any necessary modifications and as if any reference in the Act to a community or a community board were, respectively, a reference to a local board area or a local board within the meaning of the 2009 Act.
- (2) Accordingly, for the purposes of these regulations, unless the context requires another meaning,—  
**community**, in relation to Auckland, means a local board area  
**community board**, in relation to Auckland, means a local board.
- (3) In subclause (2), **Auckland**, **local board**, and **local board area** have the meanings given in section 4(1) of the Local Government (Auckland Council) Act 2009.

Regulation 4A: inserted, on 22 April 2010, by regulation 5 of the Local Electoral Amendment Regulations 2010 (SR 2010/69).

#### **5 General description of First Past the Post electoral system**

*[Revoked]*

Regulation 5: revoked, on 7 July 2004, by section 19(3) of the Local Electoral Amendment Act 2004 (2004 No 62).

#### **5A General description of Single Transferable Voting electoral system**

*[Revoked]*

Regulation 5A: revoked, on 7 July 2004, by section 19(3) of the Local Electoral Amendment Act 2004 (2004 No 62).

#### **6 General description of postal voting**

The voting method commonly known as postal voting involves—

- (a) the conduct of ordinary voting by—
  - (i) the electoral officer posting, or delivering by other means, voting documents to the residential or postal addresses of electors; and
  - (ii) voters marking those documents in accordance with instructions on the documents; and
  - (iii) voters returning those documents to the electoral officer by post, or other means of delivery, for counting; and



- (b) the conduct of special voting in a manner prescribed by regulations (whether in a similar manner to the conduct of ordinary voting or otherwise).

## **7 General description of booth voting**

The voting method commonly known as booth voting involves—

- (a) the conduct of ordinary voting by—
  - (i) the issue of voting documents to voters at official places; and
  - (ii) voters marking those documents in accordance with instructions on the documents in polling booths; and
  - (iii) voters placing those documents in secure containers for counting at a later time; and
- (b) the conduct of special voting in a manner prescribed by regulations (whether in a similar manner to the conduct of ordinary voting or otherwise).

## **8 Authorised electoral systems**

The following electoral systems may be used at an election or poll conducted under the Act:

- (a) the First Past the Post electoral system; or
- (b) the Single Transferable Voting electoral system.

Regulation 8: substituted, on 13 December 2002, by regulation 5 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

## **9 Authorised voting methods**

The voting methods that may be used at an election or poll are—

- (a) postal voting; or
- (b) booth voting; or
- (c) a combination of booth voting and postal voting.

# **Part 1**

## **Enrolment and compilation of electoral roll**

### **10 Relevant date for inclusion of electors on roll**

- (1) Residential electors are entitled to be included on the electoral roll (if compiled for use at a triennial general election) if, as at 7 July in the year in which a triennial general election is to be held, they are qualified under section 23 of the Act.
- (2) Ratepayer electors are entitled to be included on the electoral roll (if compiled for use at a triennial general election) if, in the period beginning on 2 March

and ending with the close of 6 July in the year in which a triennial general election is to be held, they are qualified under section 24 of the Act.

- (3) Residential electors are entitled to be included on the electoral roll (if compiled for use at an election to fill an extraordinary vacancy or vacancies, or at a poll that is not held in conjunction with a triennial general election) if, as at the 57th day before polling day, they are qualified under section 23 of the Act.
- (4) Ratepayer electors are entitled to be included on the electoral roll (if compiled for use at an election to fill an extraordinary vacancy or vacancies, or at a poll that is not held in conjunction with a triennial general election) if, as at the 57th day before polling day, they are qualified under section 24 of the Act.

Regulation 10(1): amended, on 16 October 2001, by regulation 3(1) of the Local Electoral Amendment Regulations 2001 (SR 2001/315).

Regulation 10(2): amended, on 16 October 2001, by regulation 3(2) of the Local Electoral Amendment Regulations 2001 (SR 2001/315).

Regulation 10(3): added, on 16 October 2001, by regulation 3(3) of the Local Electoral Amendment Regulations 2001 (SR 2001/315).

Regulation 10(3): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

Regulation 10(4): added, on 16 October 2001, by regulation 3(3) of the Local Electoral Amendment Regulations 2001 (SR 2001/315).

Regulation 10(4): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

## **11 What electoral roll must include**

- (1) The electoral roll must include the following details:
  - (a) for each residential elector, his or her name and qualifying address; and
  - (b) for each ratepayer elector, his or her name and the relevant address in respect of which he or she is enrolled or nominated.
- (2) The electoral roll may include the following details:
  - (a) for each residential elector,—
    - (i) his or her postal address; and
    - (ii) the statistical meshblock area of his or her residence; and
    - (iii) any other information that has been supplied by the Electoral Commission under section 113 of the Electoral Act 1993 in respect of the elector; and
    - (iv) identification of the elections in which the elector is qualified to exercise a vote; and
  - (b) for each ratepayer elector,—
    - (i) his or her postal address; and
    - (ii) the address in respect of which the elector is registered as a parliamentary elector; and

- (iii) identification of the elections in which the elector is qualified to exercise a vote.
- (2A) Despite subclause (2)(a)(iii), the electoral roll must not include any elector's date of birth.
- (3) The names of residential electors and ratepayer electors must be arranged in alphabetical order of surname on the electoral roll.
- (4) If the names of 2 or more electors are the same, the electoral officer may distinguish those electors by any appropriate abbreviations or marks that the electoral officer thinks fit.

Regulation 11(2)(a)(iii): amended, on 1 July 2012, by section 63(2) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Regulation 11(2A): inserted, on 9 April 2019, by section 14(2) of the Local Electoral Matters Act 2019 (2019 No 7).

## **12 Roll for divided local government area**

In the case of a divided local government area, the electoral roll must consist of—

- (a) separate electoral rolls for each ward or constituency in the local government area; or
- (b) a single electoral roll on which the ward or constituency for which each elector is qualified to exercise a vote is appropriately identified.

## **13 Roll if local government area contains 1 or more communities**

If a local government area contains 1 or more communities, the electoral roll must consist of—

- (a) a separate electoral roll for each community; or
- (b) a single electoral roll on which the community for which each elector is qualified to exercise a vote is appropriately identified.

## **14 Enrolment for residential electors**

Every application for enrolment as a residential elector must be in a form that the Electoral Commission has approved.

Section 14: amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

## **15 Public notice of procedures for enrolment as ratepayer on electoral roll**

For the purpose of section 39(1)(a) of the Act, the public notice of the qualifications and procedures for enrolment or nomination as a ratepayer elector must state the following:

- (a) that a person may be a ratepayer elector for a local government area if he or she is listed on the district valuation roll as a ratepayer of a rating unit in that area and the address in respect of which he or she is registered as a parliamentary elector is outside that area; and

- (b) that any organisation, body, society, or association (whether corporate or unincorporate), or any joint owners, that are ratepayers in respect of a rating unit may nominate as a ratepayer elector any member or officer of the organisation, body, society, or association, or one of the joint owners, as long as the person nominated is registered as a parliamentary elector for an address that is outside the local government area in which the rating unit is situated; and
- (c) that eligibility to enrol or be nominated depends on criteria in the Act and in the regulations; and
- (d) that only 1 enrolment or nomination may be made for any local government area, even if more than 1 rating unit is owned in that area; and
- (e) that no person may be enrolled or nominated more than once for any local government area; and
- (f) that existing ratepayer electors should have already received an enrolment confirmation form; and
- (g) that if a person believes that he or she may be eligible to enrol as a ratepayer elector, that person must obtain an enrolment form from the local authority.

Regulation 15(a): amended, on 7 July 2004, by section 14(2)(a) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 15(b): substituted, on 7 July 2004, by section 14(2)(b) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 15(d): amended, on 7 July 2004, by section 14(2)(c) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

## **16 Confirmation of enrolment as ratepayer elector**

- (1) If, in any year in which a triennial general election is to be held,—
- (a) the name of any person is, on 1 March of that year, on the electoral roll for a local government area as a ratepayer elector; or
  - (b) any person has, before the close of 1 March in that year (but since the electoral roll in force on 1 March was compiled),—
    - (i) applied for enrolment on the electoral roll for a local government area as a ratepayer elector; or
    - (ii) been nominated under regulation 18 to have his or her name entered on the electoral roll for a local government area as a ratepayer elector,—

the electoral officer must, before the end of April in that year, send an enrolment confirmation form to the person or persons listed on the valuation roll as the ratepayer or ratepayers of each rating unit in respect of which any such name is entered or any such application or nomination has been made.

- (2) The ratepayer or ratepayers of any rating unit may, at any time in the period specified in regulation 10(2), confirm the enrolment of any person as a rate-

payer elector of the rating unit by delivering to the electoral officer a completed enrolment confirmation form for the person and the rating unit.

- (3) If 2 or more persons are listed on the valuation roll as the ratepayer of a rating unit within the local government area, it is sufficient for the purposes of sub-clause (1) if the electoral officer sends an enrolment confirmation form to 1 of those persons.

Regulation 16(1): amended, on 7 July 2004, by section 14(3) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 16(2): substituted, on 7 July 2004, by section 14(4) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 16(2): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

Regulation 16(3): amended, on 7 July 2004, by section 14(5) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

## **17 Ratepayer enrolment confirmation form**

- (1) Every enrolment confirmation form must—
- (a) set out the details to be confirmed in respect of the ratepayer elector, including—
    - (i) the name of the person enrolled; and
    - (ii) the address of the rating unit in respect of which the person is enrolled; and
    - (iii) the residential address (as it appears on the parliamentary electoral roll) of the person enrolled; and
    - (iv) the postal address of the ratepayer elector; and
  - (b) state that, if a person different from that already enrolled is to be the ratepayer elector, an application or nomination form for enrolment as a ratepayer elector must be completed; and
  - (c) require the person confirming the enrolment to declare that—
    - (i) the person whose enrolment is to be confirmed is eligible to be enrolled as a ratepayer elector and consents to that enrolment; and
    - (ii) the details shown on the form are correct or, if altered, are now correct; and
    - (iii) the person is entitled to confirm the enrolment.
- (2) The person confirming the enrolment and the person nominated must sign and date the declaration.

Regulation 17(1)(a)(ii): amended, on 7 July 2004, by section 14(6) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

## **18 Nominations for ratepayer electors**

- (1) Any organisation, body, society, or association (whether corporate or unincorporate) who is the ratepayer of a rating unit may nominate a member or officer

of the organisation, body, society, or association to be entered on the electoral roll as a ratepayer elector for the region, district, or community in which the rating unit is situated.

- (2) Any persons who are ratepayers for a rating unit may nominate one of those ratepayers to be entered on the electoral roll as a ratepayer elector for the region, district, or community in which the rating unit is situated.
- (3) No person may be nominated as a ratepayer elector unless the address for which the person is registered as a parliamentary elector is outside the region, district, or community in which the rating unit is situated and the person consents to that nomination.
- (4) If an organisation, body, society, or association, or the joint owners, own 2 or more rating units within the region, district, or community, the organisation, body, society, or association, or the joint owners, may nominate under subclause (1) or subclause (2) only 1 person to be on the electoral roll as a ratepayer elector for the region, district, or community.
- (5) The organisation, body, society, or association, or the joint owners, may revoke a nomination under subclause (1) or subclause (2) at any time by notice in writing to the electoral officer.

Regulation 18(1): amended, on 7 July 2004, by section 14(7)(a)(i) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 18(1): amended, on 7 July 2004, by section 14(7)(a)(ii) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 18(2): amended, on 7 July 2004, by section 14(7)(b)(i) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 18(2): amended, on 7 July 2004, by section 14(7)(b)(ii) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 18(3): amended, on 7 July 2004, by section 14(7)(c) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 18(4): amended, on 7 July 2004, by section 14(7)(d) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

Regulation 18(5): amended, on 7 July 2004, by section 14(7)(e) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

## **19 Application for enrolment as ratepayer elector**

- (1) Any person who qualifies as a ratepayer elector under section 24 of the Act may apply at any time for enrolment on the electoral roll as a ratepayer elector.
- (2) If the electoral officer is satisfied that the applicant is qualified, and after making any inquiries that the electoral officer considers appropriate, and after determining that the name of no other person has been included on the electoral roll as a ratepayer elector for the rating unit of which the applicant is a ratepayer, the electoral officer must include on the electoral roll, as a ratepayer elector, the name of the applicant.

Regulation 19(2): amended, on 7 July 2004, by section 14(8) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

**20 Application and nomination form for ratepayer electors**

Every application or nomination for enrolment as a ratepayer elector must be in the enrolment form set out in Schedule 1.

Regulation 20: amended, on 1 January 2004, pursuant to regulation 42 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

**21 Closing of roll**

Every electoral roll is to be treated as closed at the close of business on the 57th day before polling day.

Regulation 21: amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

**22 Certification of roll**

Every electoral roll must be certified by the electoral officer under section 51 of the Act before the 25th day before polling day.

**23 When roll in force**

Every electoral roll comes into force on the 25th day before polling day.

**24 Copies of roll must be available**

- (1) As soon as practicable after an electoral roll comes into force, the electoral officer must prepare printed copies of the roll.
- (2) If any person applies to the electoral officer for a printed copy of the roll and that person has paid the fee fixed by the electoral officer for the purpose, the electoral officer must supply that person with a printed copy of the roll.
- (3) The fee for a printed copy of the roll must be reasonable and must not exceed the cost of preparing the roll.

**Part 2**

**General provisions for conduct of elections and polls**

*Candidacy*

**25 Nomination of candidates**

- (1) Every nomination of a person as a candidate at an election must be in writing.
- (2) Every nomination must be addressed to the electoral officer, be dated, and state the following:
  - (a) the full name and address of the candidate; and
  - (b) the office for which the candidate is standing; and
  - (c) how the candidate complies with the candidate qualification requirements set out in section 25 of the Act; and

- (d) the full names and addresses of the 2 electors who are making the nomination; and
  - (e) in the case of an election for a local government area, the name of the local government area; and
  - (f) in the case of an election for a subdivision, the name of that subdivision; and
  - (g) the matters required by section 55(4) of the Act.
- (3) The amount of the deposit that must accompany each nomination under section 55(2) of the Act is, in every class of election, \$200, inclusive of GST.
- (4) The electoral officer must give a receipt in writing for every nomination that he or she receives. The receipt does not constitute an acknowledgement that the nomination is in order.

#### **26 More than 1 candidate profile statement in certain cases**

To avoid any doubt, if 1 person has been nominated at an election for more than 1 office, the nomination in respect of each office may be accompanied by a separate candidate profile statement for the same person.

#### **27 Translation of candidate profile statement**

If a candidate provides a candidate profile statement that, in whole or in part, is in a language other than English or Māori, the candidate must provide, at the same time, to the electoral officer a translation into English or Māori of the material that is in the other language.

#### **28 Photograph of candidate with candidate profile statement**

If, under section 61(2) of the Act, a candidate includes a recent photograph of the candidate with the candidate's candidate profile statement, the size of the photograph must be approximately 50 mm by 40 mm (ie, a passport-size photograph).

#### **29 Provision of candidate profile statements to electors**

- (1) Every voting document for an election that is issued to a voter in person, or posted or otherwise delivered to an elector, must be accompanied by those candidate profile statements that comply with section 61 of the Act submitted at the election for the local government area or subdivision, as the case may be.
- (2) In addition to subclause (1), a local authority may, at any time after the close of nominations, publish or display candidate profile statements in any manner that it considers appropriate.

Regulation 29(2): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).



*Further notice of election or poll*

**30 Further notice to electors of election or poll**

Every further public notice given under section 65(1) of the Act must, in addition to the matters stated in section 65(2) of the Act, also state that a person may apply to enrol as either a residential elector or a ratepayer elector not later than the day before the close of voting.

*Voting documents*

**31 Order of candidates' names on voting documents**

- (1) The names under which each candidate is seeking election may be arranged on the voting document in alphabetical order of surname, pseudo-random order, or random order.
- (2) Before the electoral officer gives further public notice under section 65(1) of the Act, a local authority may determine, by a resolution, which order, as set out in subclause (1), the candidates' names are to be arranged on the voting document.
- (3) If there is no applicable resolution, the candidates' names must be arranged in alphabetical order of surname.
- (4) If a local authority has determined that pseudo-random order is to be used, the electoral officer must state, in the notice given under section 65(1) of the Act, the date, time, and place at which the order of the candidates' names will be arranged and any person is entitled to attend.
- (5) In this regulation,—

**pseudo-random order** means an arrangement where—

- (a) the order of the names of the candidates is determined randomly; and
- (b) all voting documents use that order

**random order** means an arrangement where the order of the names of the candidates is determined randomly or nearly randomly for each voting document by, for example, the process used to print each voting document.

Regulation 31(4): amended, on 1 January 2004, by regulation 5(1)(a) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 31(4): amended, on 1 January 2004, by regulation 5(1)(b) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 31(5): substituted, on 1 January 2004, by regulation 5(2) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

**32 Voting documents may be combined**

In any case where 1 election is being conducted simultaneously with another election or elections, or the election or elections are being conducted simultaneously with 1 or more polls, the electoral officer may combine the voting documents for the elections and polls, as the case may be.

**33 Other matters relating to voting documents**

- (1) To avoid any doubt, a voting document may be double-sided.
- (2) The electoral officer may use different coloured voting documents for different elections and polls and different kinds of voting document at the same election or poll.

**34 Specified difficulties in voting**

- (1) A voting document or special voting document may be marked in the manner described in subclause (2) if the voter—
  - (a) is physically impaired; or
  - (b) is unable to read or write; or
  - (c) is not sufficiently familiar with any language or languages used on the document to vote without assistance.
- (2) The manner is—
  - (a) by the voter, with the assistance of a person authorised by the voter; or
  - (b) by a person authorised by the voter, in accordance with the voter's instructions.

*Special voting***35 Issue of special voting documents**

- (1) For an election or poll, a person may apply in writing to the electoral officer, or in any other manner acceptable to the electoral officer,—
  - (a) to be a special voter in his or her own name; or
  - (b) on behalf of another named person if that other named person wishes to be a special voter.
- (2) A person may apply for special voting documents at any time during ordinary office hours and also on polling day before the close of voting.
- (3) The electoral officer may issue special voting documents to any person who applies in accordance with subclauses (1) and (2).

**36 What special voting documents must contain**

- (1) The documents issued to the special voter must include—
  - (a) the voting document to be used by the special voter; and
  - (b) a special voting declaration; and
  - (c) in the case of an election, those candidate profile statements that comply with section 61 of the Act for each candidate in the election for the local government area or subdivision, as the case may be; and
  - (d) in the case of a poll, any neutral information that is required, under regulation 46, to be provided to the special voter; and

- (e) instructions for the return of the documents; and
  - (f) if the documents are to be posted or delivered to the voter other than in person, a reply-paid return envelope.
- (2) The special voting declaration may, if subclause (1)(f) applies, be printed on the envelope to be returned by the voter.
- (3) Subject to regulation 37, every voting document issued to a special voter must be in the same form as the voting document issued to an elector who is not a special voter but with the following modifications:
- (a) the voting document must be marked “Special voting document”; and
  - (b) election issues may be deleted from the voting document if the special voter is not qualified to vote on those election issues.

**37 Special voting document for 2001 triennial general election**

- (1) For the purposes of the triennial general election and any poll to be held on 13 October 2001, the voting document issued to a special voter must, subject to subclause (2), be in the same form as form 6 or form 8, as the case may be, of the Schedule of the Local Government (Electoral) Regulations 1992 (SR 1992/62).
- (2) Any reference in forms 6 and 8 to a “Special-voting paper” is to be treated as a reference to a “special voting document”, and any other necessary modifications may be made to those forms.

**38 Special voting declaration by special voter**

- (1) Before voting, every special voter must make a special voting declaration.
- (2) The declaration must be dated and signed by the special voter and must be witnessed and signed by some other person who, unless that person is an electoral official, must also add that person’s usual residential address.
- (3) If the declaration is witnessed and signed by an electoral official, the electoral official must place his or her official mark on the declaration.
- (4) The declaration must state—
- (a) the local government area of which the special voter is an elector or qualified to be an elector; and
  - (b) whether or not the special voter is enrolled as a parliamentary elector; and
  - (c) the full name, occupation, residential address, and postal address of the special voter; and
  - (d) that the special voter has not already voted at the election or poll; and
  - (e) why the special voter is qualified to vote as a special voter under section 21 of the Act.

**39 Return of special voting documents**

- (1) The special voting documents must be returned to the electoral officer before the close of voting.
- (2) Any special voting documents that are delivered to the electoral officer after the close of voting must be marked “Disallowed, delivered late”.
- (3) Any voting documents marked “Disallowed, delivered late” are to be dealt with separately and must not be counted.

**40 Checking of special voting declarations**

- (1) Before counting any special votes, the electoral officer must check each special voting declaration returned with the special voting documents and be satisfied that it complies with the requirements of regulation 38.
- (2) If the declaration does not comply with subclause (1), the declaration must be marked “Disallowed, declaration not in order”.
- (3) If the declaration complies with subclause (1), the electoral officer must—
  - (a) determine whether or not the special voter was qualified to vote; and
  - (b) mark the declaration with the word “Qualified”, if the electoral officer is satisfied that the special voter was qualified to vote; and
  - (c) mark the declaration with the words “Not qualified”, if the electoral officer is not satisfied that the special voter was qualified to vote.
- (4) Subclause (3) is subject to regulations 41 to 43.

**41 Residential address outside local government area**

For the purposes of regulation 40(3), if the residential address shown on the special voting declaration is not within the local government area, the electoral officer must determine whether the person was qualified to vote as a special voter because—

- (a) the person had qualified as a ratepayer elector before the close of voting; and
- (b) the person had applied for enrolment as a ratepayer elector not later than the day before the close of voting.

**42 Residential address inside local government area**

- (1) This regulation applies, for the purposes of regulation 40(3), if a person makes a special voting declaration and the residential address shown on that declaration is within the local government area.
- (2) The electoral officer must determine whether the person was qualified to vote as a special voter if—
  - (a) the person is on the electoral roll in respect of that local government area; or

- (b) the electoral officer has received information from the Electoral Commission under section 113 of the Electoral Act 1993 that enables the electoral officer to determine whether the person is eligible to be included on the electoral roll in respect of that local government area.
- (3) Subclause (4) applies if—
  - (a) the person is not on the electoral roll in respect of that local government area; and
  - (b) the electoral officer has not received information from the Electoral Commission under section 113 of the Electoral Act 1993 that enables the electoral officer to determine whether the person is eligible to be included on the electoral roll in respect of that local government area.
- (4) The electoral officer must send to the Registrar of Electors for the electoral district appropriate to the person’s present residential address—
  - (a) the declaration; or
  - (b) a list containing sufficient details from the declaration to enable the Registrar of Electors to determine whether the person was qualified to vote as a special voter.

- (5) In this regulation,—

**electoral district** means a district as defined in section 3(1) of the Electoral Act 1993

**Registrar of Electors** means a Registrar as defined in section 3(1) of the Electoral Act 1993.

Regulation 42: replaced, on 11 December 2023, by regulation 4 of the Local Electoral Amendment Regulations 2023 (SL 2023/236).

#### 43 Duties of Registrars of Electors

- (1) If the Registrar of Electors receives a special voting declaration or list under regulation 42(4), the Registrar must determine whether the person was qualified to vote as a special voter because—
  - (a) the person is registered as a parliamentary elector; and
  - (b) the person had applied for enrolment as a residential elector not later than the day before the close of voting; and
  - (c) the address in respect of which the person is registered as a parliamentary elector is the person’s present residential address.
- (2) If the Registrar of Electors is satisfied that the person is qualified under subclause (1), the Registrar must—
  - (a) mark the declaration or list with the word “Qualified”; and
  - (b) immediately return the declaration or list to the electoral officer.
- (3) If the Registrar of Electors is not satisfied that the person was qualified under subclause (1), the Registrar must—

- (a) mark the declaration or list with the words “Not qualified”; and
  - (b) immediately return the declaration or list to the electoral officer.
- (4) In this regulation, **Registrar of Electors** means a Registrar as defined in section 3(1) of the Electoral Act 1993.

Regulation 43(1): amended, on 11 December 2023, by regulation 5(1) of the Local Electoral Amendment Regulations 2023 (SL 2023/236).

Regulation 43(4): inserted, on 11 December 2023, by regulation 5(2) of the Local Electoral Amendment Regulations 2023 (SL 2023/236).

#### 44 Procedure when special votes allowed

If a special voting declaration or list is marked under regulation 40 or regulation 43 with the word “qualified”,—

- (a) the corresponding voting document is a special voting document for the purposes of Parts 3 and 4; and
- (b) the electoral officer must, as soon as practicable,—
  - (i) in the case of elections and polls under the First Past the Post electoral system, deal with the corresponding voting document under—
    - (A) regulations 56 to 58, in the case of postal voting; or
    - (B) regulations 78 and 79, in the case of booth voting;
  - (ii) in the case of elections and polls under the Single Transferable Voting electoral system, deal with the corresponding voting document under—
    - (A) regulations 101 to 103, in the case of postal voting; or
    - (B) regulations 123 and 123A, in the case of booth voting.

Regulation 44: substituted, on 1 January 2004, by regulation 6 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### 45 Procedure when special votes not allowed

If a declaration or list is marked under regulation 40 or regulation 43 with the words “not qualified”,—

- (a) the electoral officer must, as soon as practicable, mark the declaration with the words “disallowed, not qualified”; and
- (b) the corresponding voting document must not be dealt with under Parts 3 and 4.

Regulation 45: substituted, on 1 January 2004, by regulation 6 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### *Conduct of polls*

#### **46 Neutral information on polls**

- (1) The electoral officer may, if he or she considers it appropriate to provide neutral information on the matter or matters that are the subject of a poll, decide that every voting document for that poll that is issued to a voter in person or posted or otherwise delivered to an elector must be accompanied by neutral information on the matter or matters.
- (2) For the purposes of deciding whether to provide neutral information under sub-clause (1), or ensuring that any information provided is neutral, the electoral officer may seek advice from any person he or she considers appropriate.

Regulation 46(1): amended, on 1 January 2004, by regulation 7(1) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 46(1): amended, on 1 January 2004, by regulation 7(2) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **Part 3**

## **Conduct of elections and polls using First Past the Post electoral system**

#### **47 Application of this Part**

This Part applies if the electoral system to be used at an election or poll is the First Past the Post electoral system, and the voting methods to be used at the election or poll are either postal voting or booth voting or a combination of both.

#### **48 Interpretation**

- (1) In this Part, unless the context otherwise requires,—

**blank voting document** means a voting document, in the case of an election, on which there is no evidence that the voter has attempted to indicate his or her intention to vote for 1 or more candidates on the voting document with respect to that election

**checking system** means a system that—

- (a) is designed to ensure that—
  - (i) votes recorded from valid voting documents correctly record the intentions of voters expressed in those voting documents; and
  - (ii) votes are counted correctly; and
  - (iii) results are determined correctly according to the First Past the Post electoral system; and
- (b) may include components that—

- (i) identify errors and processes likely to generate errors, including (but not limited to) components that entail the—
  - (A) repetition of operations and the comparison of the results produced without varying the processes used to perform the operation or by varying the processes used to perform the operation or by using different processes to perform the operation; and
  - (B) use of selection methods, for example, selecting all operations or selecting operations by type or selecting operations carried out over a period of time or selecting selection operations by sampling;
- (ii) correct errors:
- (iii) modify processes so that they are less likely to generate errors; and

(c) must, if practicable, correct any errors that it identifies

**informal voting document** means a voting document—

- (a) that the electoral officer has reasonable cause to believe was not issued to an elector by the electoral officer or other electoral official; or
- (b) on which the number of candidates for whom the voter has voted exceeds the number of candidates to be elected; or
- (c) is not a blank voting document and does not clearly indicate the candidate or candidates for whom the voter desired to vote

**operation**, with respect to a checking system, includes any act for the purposes of regulations 56 to 58, 78 and 79 and any set of such acts, including (but not limited to) a set of acts defined by sampling

**ordinary vote** means a vote from a valid ordinary voting document

**ordinary voting document** means a voting document that is not a special voting document

**process** or **processing voting documents** means to carry out any process that facilitates the efficient counting of votes, and—

- (a) includes—
  - (i) opening returned envelopes:
  - (ii) extracting voting documents:
  - (iii) rejecting blank or informal voting documents:
  - (iv) identifying valid voting documents:
  - (v) recording votes from valid voting documents and putting them in a form for counting in an automated counting process; but
- (b) does not include counting votes



**special vote** means a vote from a valid special voting document

**special voting document** means a voting document declared to be a special voting document under regulation 44

**valid**, with respect to a voting document, means a voting document that is not—

- (a) a blank voting document; or
- (b) an informal voting document; or
- (c) precluded from being a valid voting document under regulation 61(2) or regulation 80(2)

**votes** means ordinary votes and special votes.

- (2) In this Part, unless the context otherwise requires, any reference to a determination, or any other action of an electoral officer, includes an action taken by an automated process.
- (3) In the case of a poll, this Part applies as if, with all necessary modifications, every reference to a candidate were a reference to the matter or matters that are the subject of the poll.

Regulation 48: substituted, on 1 January 2004, by regulation 8 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### **49 Forfeiture of deposit**

A candidate forfeits his or her deposit under section 59 of the Act if the total number of votes received by the candidate was less than one-quarter of the votes received by the successful candidate or, as the case may be, by the successful candidate who received the fewest votes.

#### *Postal voting*

#### **50 Application of postal voting regulations**

*[Revoked]*

Regulation 50: revoked, on 1 January 2004, by regulation 9 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### **51 Issue of voting documents**

- (1) As soon as practicable after the 23rd day before the close of voting and, in any case, not later than the 17th day before the close of voting, the electoral officer must send to each elector on the electoral roll—
  - (a) the voting documents for any election or poll for which the elector is eligible to vote; and
  - (b) in the case of an election, the candidate profile statements as set out in regulation 29; and
  - (c) any other material required to be sent to the elector by regulation 46 or any other enactment; and

- (d) a reply-paid return envelope; and
  - (e) instructions for the return of the voting documents.
- (2) The electoral officer must send the documents under subclause (1) to each elector—
- (a) at the address shown against that elector’s name on the electoral roll; or
  - (b) at the elector’s usual postal address if, to the electoral officer’s knowledge, that address is different from the address shown on the roll.
- (3) The envelope referred to in subclause (1)(d) must include the information necessary to identify the elector on the electoral roll to whom the voting documents have been sent.

## **52 Spoilt voting documents**

An elector who spoils or loses or fails to receive his or her voting documents before the close of voting must be treated as a special voter, and regulations 35 to 45 apply.

## **53 Electoral officer must keep offices open until close of voting**

During the voting period, the electoral officer must keep his or her offices open during ordinary office hours and also on polling day until the close of voting so that he or she can receive any voting documents.

## **54 Voting documents received after close of voting must be marked**

- (1) Any voting documents that are delivered after the close of voting to the electoral officer must be marked “Disallowed, delivered late”.
- (2) Any voting documents marked “Disallowed, delivered late” are to be dealt with separately and must not be counted.

## **55 Dealing with returned envelopes**

- (1) At any time before the close of voting, an electoral officer may use the information from a returned envelope to—
  - (a) deal with the envelope in any way that facilitates the processing of the voting document;
  - (b) carry out the tasks set out in section 83 of the Act (which relates to the scrutiny of the roll).
- (2) The electoral officer must—
  - (a) inform candidates and their scrutineers when and where he or she will carry out the tasks specified in subclause (1)(b); and
  - (b) allow the scrutineers to be present.
- (3) Nothing in this regulation authorises an electoral officer to process a voting document.

Regulation 55: substituted, on 1 January 2004, by regulation 10 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **56 Processing voting documents during voting period**

- (1) An electoral officer may process voting documents during the voting period in accordance with section 80 of the Act.
- (2) An electoral officer may not act under subclause (1) with respect to a voting document before he or she has acted under regulation 55(1)(b) with respect to that voting document.

Regulation 56: substituted, on 1 January 2004, by regulation 10 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 56(1): replaced, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

## **57 Processing voting documents after voting period**

The electoral officer must process voting documents as soon as practicable after the close of voting if the voting documents have not already been processed during the voting period.

Regulation 57: replaced, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

## **58 Counting votes**

- (1) The electoral officer must determine the preliminary result of the election in accordance with the First Past the Post electoral system as soon as practicable after—
  - (a) all ordinary voting documents have been processed; and
  - (b) the close of voting.
- (2) The determination under subclause (1)—
  - (a) must be made using all ordinary votes; and
  - (b) may be made by also using special votes from valid special voting documents identified at that time.
- (3) The electoral officer must determine the official result of the election in accordance with the First Past the Post electoral system as soon as practicable after—
  - (a) all special voting documents have been—
    - (i) dealt with under regulation 44 or regulation 45; and
    - (ii) processed under regulation 56 or regulation 57; and
  - (b) the tasks set out in section 83 of the Act (which relates to the scrutiny of the roll) and regulation 61 (which relates to the disallowance of votes) have been completed.
- (4) The determination under subclause (3) must be made using all votes.
- (5) The electoral officer must determine by lot which candidate is to be declared elected if,—

- (a) when acting under subclause (3), the electoral officer determines that there is an equality of votes between candidates and the addition of 1 vote would entitle any of those candidates to be declared elected; and
  - (b) after a recount under section 90A of the Act has been completed, there is still an equality of votes between candidates; and
  - (c) 2 or more of those candidates have not withdrawn as candidates for election under section 92B of the Act.
- (6) If the electoral officer makes a determination under subclause (5), the electoral officer must give an amended declaration under section 86 of the Act of the result of the election.

Regulation 58: substituted, on 1 January 2004, by regulation 10 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 58(5): replaced, on 31 August 2023, by section 38 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Regulation 58(6): inserted, on 31 August 2023, by section 38 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

## 59 Checking systems

The electoral officer must apply a checking system to the operations under regulations 56 to 58.

Regulation 59: substituted, on 1 January 2004, by regulation 10 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## 60 Performance standard for checking systems

- (1) The checking system must ensure that the results of the counting specified in regulation 58(3) are at least as accurate as those that would be produced by—
- (a) carrying out the following operations manually:
    - (i) rejecting blank voting documents and informal voting documents;
    - (ii) counting votes from valid voting documents; and
  - (b) repeating the operations in paragraph (a); and
  - (c) resolving any discrepancies.
- (2) In determining whether or not the performance standard in subclause (1) is met, it is sufficient to make reasonable inferences about the errors that are likely to be generated by the operations specified in subclause (1)(a).

Regulation 60: substituted, on 1 January 2004, by regulation 10 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 60(1): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

## 61 Other disallowed votes

- (1) For the purpose of section 83(2) of the Act, the manner of disallowing a vote where the electoral officer is satisfied that more than 1 vote has been cast in the

name of an elector at the same election or poll is to mark on every voting document for that elector the words “Disallowed, more than 1 vote cast”.

- (2) A voting document dealt with under subclause (1) is not a valid voting document for the purposes of this Part.

Regulation 61(2): added, on 1 January 2004, by regulation 11 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### **61A Preliminary results of elections**

- (1) For the purposes of section 85 of the Act, the electoral officer must—
- (a) announce the determination specified in regulation 58(1) as soon as practicable after it is completed; and
  - (b) state—
    - (i) the number of persons to be elected for the local government area; and
    - (ii) the full names of the candidates; and
    - (iii) the number of votes for each candidate.
- (2) The announcement required by subclause (1) may be made by any means that the electoral officer considers appropriate.
- (3) Nothing in this regulation prevents the electoral officer from making other announcements about an election at other times after the close of voting.

Regulation 61A: inserted, on 1 January 2004, by regulation 12 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### **62 Public notice of official result of election**

For the purposes of section 86 of the Act, the public notice declaring the official result of an election must—

- (a) record the determination specified in regulation 58(3); and
- (b) state—
  - (i) the number of persons to be elected for the local government area; and
  - (ii) the full names of the candidates; and
  - (iia) whether the electoral officer applied for a recount under section 90A of the Act; and
  - (iii) the number of votes for each candidate; and
  - (iv) the candidates who are declared to be elected; and
  - (v) the number of blank votes recorded; and
  - (vi) the number of informal votes recorded.

Regulation 62: substituted, on 1 January 2004, by regulation 13 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 62(b)(iia): inserted, on 31 August 2023, by section 38 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

### **63 Public notice of official result of poll**

*[Revoked]*

Regulation 63: revoked, on 1 January 2004, by regulation 14 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **64 Containers for voting documents**

- (1) The electoral officer must provide 1 or more containers to hold used voting documents.
- (2) Outside of ordinary office hours, the containers must be kept in a locked room or other secure place.

### **65 Electoral records**

- (1) As soon as practicable after making the determination specified in regulation 58(3), for the purpose of section 89(1) of the Act, the voting documents must be secured as follows:
  - (a) the electoral officials must make up the voting documents (including special voting documents) into parcels and place them in secure containers; and
  - (b) the electoral officer must endorse and sign a memorandum on each container that states—
    - (i) the name of the local authority and the local government area; and
    - (ii) the voting period; and
    - (iii) the number of used voting documents in the container; and
    - (iv) the number of votes in the container received by each candidate.
    - (v) *[Revoked]*
- (2) For the purpose of section 89(5) of the Act, the specified materials that must be secured with the voting documents are—
  - (a) copies of electoral rolls (other than the roll or rolls used for the scrutiny of the roll under section 83 of the Act); and
  - (b) special voting declarations; and
  - (c) any other documents used in connection with the election.
- (3) For the purpose of section 89(1) of the Act, the specified materials must be placed in secure containers, and the electoral officer must endorse and sign a memorandum on the containers giving a general description of the contents of the containers.

Regulation 65(1): amended, on 7 July 2004, by section 19(4) of the Local Electoral Amendment Act 2004 (2004 No 62).

Regulation 65(1)(b)(iv): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

Regulation 65(1)(b)(iv): amended, on 1 January 2004, by regulation 15(1) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 65(1)(b)(v): revoked, on 1 January 2004, by regulation 15(2) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 65(2)(c): amended, on 1 January 2004, by regulation 15(3) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **66 Electoral officer's certificate**

(1) When all voting documents have been dealt with as described in regulation 65, the electoral officer must prepare and sign a certificate that states—

- (a) the total number of voting documents (including special voting documents) used at the election (other than spoilt voting documents); and
- (aa) whether the electoral officer applied for a recount under section 90A of the Act; and
- (b) the total number of votes received by each candidate; and
- (c) the names of the successful candidates; and
- (d) the number of informal votes recorded; and
- (e) the number of blank votes recorded.

(2) *[Revoked]*

Regulation 66(1): amended, on 1 January 2004, by regulation 16(1) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 66(1)(aa): inserted, on 31 August 2023, by section 38 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Regulation 66(1)(d): amended, on 13 December 2002, by regulation 13(1) of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

Regulation 66(1)(e): added, on 13 December 2002, by regulation 13(1) of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

Regulation 66(2): revoked, on 1 January 2004, by regulation 16(2) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **67 Security of voting documents**

The electoral officer is personally responsible for the safe custody of all used voting documents until they are deposited with the Registrar of a District Court as required by section 89(2) of the Act.

## **68 Electoral officer may announce number of voting documents sent and returned**

The electoral officer may, from time to time during the voting period and up to the close of voting, publicly announce the total number of voting documents

that have been issued and the number of voting documents that have been returned to the electoral officer up to that time.

#### **69 Master roll**

- (1) The electoral officer must keep the roll or rolls that were used for the scrutiny of the roll under section 83 of the Act until the next triennial general election of members of the local authority.
- (2) An elector of the local government area may inspect the roll or rolls at the offices of the local authority without payment of a fee at any time during ordinary office hours.

Regulation 69(1): amended, on 13 December 2002, by regulation 14 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### *Booth voting*

#### **70 Application of booth voting regulations**

*[Revoked]*

Regulation 70: revoked, on 1 January 2004, by regulation 17 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### **71 Booths, ballot boxes, and voting documents, etc**

The electoral officer must provide the following things for holding an election or poll using booth voting:

- (a) 1 or more polling booths at each official place at which voting documents are to be issued and, in each booth, 1 or more inner compartments that provide adequate facilities for each elector to vote in secret; and
- (b) in each polling booth, 1 or more suitable containers that are able to be secured and that have a slit in the upper side by which the voting documents may be put into the container, to be used as ballot boxes; and
- (c) if the electoral officer considers it desirable in order to ensure that every elector has a reasonable and equal opportunity to vote, translations in whatever languages the electoral officer considers necessary of the “Directions to voter” section of the voting document; and
- (d) at each polling booth, 1 or more copies of the electoral roll; and
- (e) a sufficient number of voting documents.

#### **72 Ballot box must be kept secure during voting hours**

- (1) Immediately before the official place is opened for voting and in the sight of any scrutineers present, each electoral official in charge of a polling booth must see that each ballot box is empty and secured.
- (2) Each ballot box must not be opened again until after the close of voting.



**73 Persons may not remain in official places**

No person not actually engaged in voting may remain in an official place except the electoral officials, any of the scrutineers, and as many constables as the electoral official in charge thinks necessary to keep the peace.

Regulation 73: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

**74 Voters may not be spoken to in booths**

Subject to regulation 34 and except for an electoral official, no person may speak to, or communicate in any way with, any voter in a polling booth, either before or after the voter has voted.

**75 Issue of voting documents**

- (1) Subject to this regulation, every electoral official in charge of a polling booth must issue voting documents to all voters who apply to vote at that polling booth.
- (2) Every voter applying to vote must state his or her name to the electoral official, and must give any details that are necessary to identify the entry on the electoral roll for that voter.
- (3) If the name of the voter appears on the roll and it appears from the roll that he or she is qualified to vote,—
  - (a) the electoral official must issue to the voter a voting document for any election or poll for which the voter is eligible to vote; and
  - (b) the roll must be marked to record the issue of voting documents to that voter.

**76 Procedure when second vote applied for in same name**

- (1) If any person applying for a voting document at any election or poll gives as his or her name the name of any person who appears to the electoral official in charge to have already received a voting document for the same election or poll, that person must be dealt with in the same way as any other voter.
- (2) Once the voter has voted, the voting document must not be placed in the ballot box but must be returned to the electoral official in charge.
- (3) The electoral official in charge must determine whether or not the person was entitled to vote.

**77 Spoilt voting documents**

- (1) A voter who spoils his or her voting document must be given a fresh voting document.
- (2) The electoral official in charge must mark on the spoilt voting document “Disallowed, spoilt by voter”.

**78 Processing voting documents**

The electoral officer must process voting documents as soon as practicable after the close of voting.

Regulation 78: substituted, on 1 January 2004, by regulation 18 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

**79 Counting votes**

- (1) The electoral officer must determine the preliminary result of the election in accordance with the First Past the Post electoral system as soon as practicable after—
  - (a) all ordinary voting documents have been processed; and
  - (b) the close of voting.
- (2) The determination under subclause (1)—
  - (a) must be made using all ordinary votes; and
  - (b) may be made by also using special votes from valid special voting documents identified at that time.
- (3) The electoral officer must determine the official result of the election in accordance with the First Past the Post electoral system as soon as practicable after—
  - (a) all special voting documents have been—
    - (i) dealt with under regulation 44 or regulation 45; and
    - (ii) processed under regulation 78; and
  - (b) the tasks set out in section 83 of the Act (which relates to the scrutiny of the roll) and regulation 80 (which relates to the disallowance of votes) have been completed.
- (4) The determination under subclause (3) must be made using all votes.
- (5) The electoral officer must determine by lot which candidate is to be declared elected if,—
  - (a) when acting under subclause (3), the electoral officer determines that there is an equality of votes between candidates and the addition of 1 vote would entitle any of those candidates to be declared elected; and
  - (b) after a recount under section 90A of the Act has been completed, there is still an equality of votes between candidates; and
  - (c) 2 or more of those candidates have not withdrawn as candidates for election under section 92B of the Act.
- (6) If the electoral officer makes a determination under subclause (5), the electoral officer must give an amended declaration under section 86 of the result of the election.

Regulation 79: substituted, on 1 January 2004, by regulation 18 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 79(5): replaced, on 31 August 2023, by section 38 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Regulation 79(6): inserted, on 31 August 2023, by section 38 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

### **79A Checking systems**

The electoral officer must apply a checking system to the operations under regulations 78 and 79.

Regulation 79A: inserted, on 1 January 2004, by regulation 18 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **79B Performance standard for checking system**

- (1) The checking system must ensure that the results of the determination specified in regulation 79(3) are at least as accurate as those that would be produced by—

- (a) carrying out the following operations manually:
- (i) rejecting blank voting documents and informal voting documents;
  - (ii) counting votes from valid voting documents; and
- (b) repeating the operations in paragraph (a); and
- (c) resolving any discrepancies.

- (2) In determining whether or not the performance standard in subclause (1) is met, it is sufficient to make reasonable inferences about the errors that are likely to be generated by the operations specified in subclause (1)(a).

Regulation 79B: inserted, on 1 January 2004, by regulation 18 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 79B(1): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

### **80 Other disallowed votes**

- (1) For the purpose of section 83(2) of the Act, the manner of disallowing a vote where the electoral officer is satisfied that more than 1 vote has been cast in the name of an elector at the same election or poll is to mark on every voting document for that elector the words “Disallowed, more than 1 vote cast”.
- (2) A voting document dealt with under subclause (1) is not a valid voting document for the purposes of this Part.

Regulation 80(2): added, on 1 January 2004, by regulation 19 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **80A Preliminary results of elections**

- (1) For the purposes of section 85 of the Act, the electoral officer must—

- (a) announce the determination specified in regulation 79(1) as soon as practicable after it is completed; and
- (b) state—
  - (i) the number of persons to be elected for the local government area; and
  - (ii) the full names of the candidates; and
  - (iii) the number of votes for each candidate.
- (2) The announcement required by subclause (1) may be made by any means that the electoral officer considers appropriate.
- (3) Nothing in this regulation prevents the electoral officer from making other announcements about an election at other times after the close of voting.

Regulation 80A: inserted, on 1 January 2004, by regulation 20 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **81 Public notice of official result of election**

For the purposes of section 86 of the Act, the public notice declaring the official result of an election must—

- (a) record the determination specified in regulation 79(3); and
- (b) state—
  - (i) the number of persons to be elected for the local government area; and
  - (ii) the full names of the candidates; and
  - (iia) whether the electoral officer applied for a recount under section 90A of the Act; and
  - (iii) the number of votes for each candidate; and
  - (iv) the candidates who are declared to be elected; and
  - (v) the number of blank votes recorded; and
  - (vi) the number of informal votes recorded.

Regulation 81: substituted, on 1 January 2004, by regulation 21 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 81(b)(iia): inserted, on 31 August 2023, by section 38 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

## **82 Public notice of official result of poll**

*[Revoked]*

Regulation 82: revoked, on 1 January 2004, by regulation 22 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **83 Electoral records**

- (1) As soon as practicable after making the determination specified in regulation 79(3), for the purpose of section 89(1) of the Act, the voting documents must be secured as follows:
  - (a) the electoral officials must make up the voting documents (including special voting documents) into parcels and place them in secure containers; and
  - (b) the electoral officer must endorse and sign a memorandum on each container that states—
    - (i) the name of the local authority and the local government area; and
    - (ii) the date of polling; and
    - (iii) the number of voting documents in the container; and
    - (iv) the number of votes in the container received by each candidate; and
    - (v) *[Revoked]*
    - (vi) the place where the votes were cast.
- (2) For the purpose of section 89(5) of the Act, the specified materials that must be secured with the voting documents are—
  - (a) copies of electoral rolls (other than the roll or rolls used for the scrutiny of the roll under section 83 of the Act); and
  - (b) special voting declarations; and
  - (c) any other documents used in connection with the election or poll.
- (3) For the purpose of section 89(1) of the Act, the specified materials must be placed in secure containers, and the electoral officer must endorse and sign a memorandum on the containers giving a general description of the contents of the containers.

Regulation 83(1): amended, on 7 July 2004, by section 19(5) of the Local Electoral Amendment Act 2004 (2004 No 62).

Regulation 83(1)(b)(iv): amended, on 1 January 2004, by regulation 23(1) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 83(1)(b)(v): revoked, on 1 January 2004, by regulation 23(2) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **84 Electoral officer's certificate**

- (1) When all voting documents have been dealt with as described in regulation 83, the electoral officer must prepare and sign a certificate that states—
  - (a) the total number of voting documents (including special voting documents) used at the election (other than spoilt voting documents); and
  - (aa) whether the electoral officer applied for a recount under section 90A of the Act; and

- (b) the total number of votes received by each candidate; and
  - (c) the names of the successful candidates; and
  - (d) the number of informal votes recorded; and
  - (e) the number of blank votes recorded.
- (2) *[Revoked]*
- Regulation 84(1): amended, on 1 January 2004, by regulation 24(1) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).
- Regulation 84(1)(aa): inserted, on 31 August 2023, by section 38 of the Local Government Electoral Legislation Act 2023 (2023 No 57).
- Regulation 84(1)(d): amended, on 13 December 2002, by regulation 18(1) of the Local Electoral Amendment Regulations 2002 (SR 2002/399).
- Regulation 84(1)(e): added, on 13 December 2002, by regulation 18(1) of the Local Electoral Amendment Regulations 2002 (SR 2002/399).
- Regulation 84(2): revoked, on 1 January 2004, by regulation 24(2) of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## 85 Security of voting documents

- (1) The electoral official in charge of a polling booth must give to the electoral officer a receipt that specifies the total number of voting documents that the electoral official in charge has received for the conduct of voting at the polling booth. The electoral official in charge is personally responsible for the safe custody of those voting documents (whether used or unused) from the time he or she receives them until they are delivered back to the electoral officer after the close of voting.
- (2) On receiving the voting documents under subclause (1), the electoral officer is personally responsible for the safe custody of all used and unused voting documents until they are deposited with the Registrar of a District Court as required by section 89(2) of the Act.

## 86 Master roll

- (1) The electoral officer must keep the roll or rolls that were used for the scrutiny of the roll under section 83 of the Act until the next triennial general election of members of the local authority.
- (2) An elector of the local government area may inspect the roll or rolls at the offices of the local authority without payment of a fee at any time during ordinary office hours.

Regulation 86(1): amended, on 13 December 2002, by regulation 19 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

## 87 Mobile polling booths

- (1) An electoral officer may determine for an election or poll where booth voting is being used that mobile polling booths may be used as polling booths.
- (2) If the electoral officer has made a determination under subclause (1),—

- (a) regulations 71 to 77 apply in relation to the conduct of the election or poll at each mobile polling booth, with any necessary modifications; and
- (b) as soon as practicable after the close of voting, the ballot boxes from a mobile polling booth must be transferred to another official place, as determined by the electoral officer, to enable the voting documents to be counted.

**88 Booth voting over consecutive days**

A local authority may determine, by a resolution, that the voting period for an election or poll where booth voting is being used is for a period specified in the resolution not exceeding 20 days ending with 7 pm on polling day.

**89 Arrangements for booth voting over consecutive days**

- (1) This regulation applies if the local authority makes a determination under regulation 88.
- (2) Regulations 71 to 77 apply in relation to the conduct of the election or poll over consecutive days, with any necessary modifications.
- (3) The hours of voting (except for polling day) are the ordinary office hours during the voting period.
- (4) The electoral officer may, from time to time, during the voting period and up to the close of voting, publicly announce the number of voting documents that have been issued up to that time.

**Part 4**

**Conduct of elections and polls using Single Transferable Voting electoral system**

Part 4: substituted, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

**90 Application of this Part**

This Part applies if the electoral system to be used at an election or poll is the Single Transferable Voting electoral system, and the voting methods to be used at the election or poll are either postal voting or booth voting or a combination of both.

Regulation 90: substituted, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

**90A Modifications to New Zealand method of counting single transferable votes for purposes of counting programs**

*[Revoked]*

Regulation 90A: revoked, on 7 July 2004, by section 19(3) of the Local Electoral Amendment Act 2004 (2004 No 62).

**90B Multiple elections with common candidates**

- (1) This regulation applies to elections if the circumstances set out in section 84(3) or (5B) of the Act (which relate to candidacies for positions that cannot be held concurrently) could occur.
- (2) If this regulation applies, the electoral officer must count the votes in the following order:
  - (a) the votes in any election for the position of mayor:
  - (b) the votes in any election for a member or members of the territorial authority other than the mayor:
  - (c) the votes in any election for a member or members of a community board.

Regulation 90B: inserted, on 1 January 2004, by regulation 25 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

**91 Interpretation**

- (1) In this Part, unless the context otherwise requires,—

**blank voting document** means a voting document, in the case of an election, on which there is no evidence that the voter has attempted to indicate his or her intention to vote for 1 or more candidates on the voting document with respect to that election

**checking system** means a system that—

- (a) is designed to ensure that votes recorded from valid voting documents correctly record the intentions of voters expressed in those voting documents; and
- (b) may include components that—
  - (i) identify errors and processes likely to generate errors, including (but not limited to) components that entail the—
    - (A) repetition of operations and the comparison of the results produced without varying the processes used to perform the operation or by varying the processes used to perform the operation or by using different processes to perform the operation; and
    - (B) use of selection methods, for example, selecting all operations or selecting operations by type or selecting operations carried out over a period of time or selecting operations by sampling:
  - (ii) correct errors:
  - (iii) modify processes so that they are less likely to generate errors; and
- (c) must, if practicable, correct any errors that it identifies



**informal voting document** means a voting document that—

- (a) the electoral officer has reasonable cause to believe was not issued to an elector by the electoral officer or other electoral official; or
- (b) is not a blank voting document and does not clearly indicate the voter's unique first preference

**operation**, with respect to a checking system, includes any act for the purposes of regulations 101, 102, and 123

**ordinary vote** means a vote from a valid ordinary voting document

**ordinary voting document** means a voting document that is not a special voting document

**process** or **processing voting documents** means to carry out any process that facilitates the efficient counting of votes, and includes—

- (a) opening returned envelopes:
- (b) extracting voting documents:
- (c) rejecting blank or informal voting documents:
- (d) identifying valid voting documents:
- (e) recording votes from valid voting documents and putting them in a form for counting by a certified counting program

**special vote** means a vote from a valid special voting document

**special voting document** means a voting document declared to be a special voting document under regulation 44

**valid**, with respect to a voting document, means a voting document that is not—

- (a) a blank voting document; or
- (b) an informal voting document; or
- (c) precluded from being a valid voting document under regulation 105(2) or 125(2)

**votes** means ordinary votes or special votes.

- (2) In this Part, unless the context otherwise requires, any reference to a determination, or any other action of an electoral officer, includes an action taken by an automated process.
- (3) In the case of a poll, this Part applies as if, with all necessary modifications, every reference to a candidate were a reference to the matter or matters that are the subject of the poll.

Regulation 91: substituted, on 1 January 2004, by regulation 26 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 91(1) **informal voting document** paragraph (b): amended, on 7 July 2004, by section 19(6) of the Local Electoral Amendment Act 2004 (2004 No 62).

Regulation 91(1) **valid** second paragraph (b): replaced, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

## **92 Transferable valid voting documents for elections**

*[Revoked]*

Regulation 92: revoked, on 1 January 2004, by regulation 27 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **93 Transferable valid voting documents for polls**

*[Revoked]*

Regulation 93: revoked, on 1 January 2004, by regulation 27 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **94 Forfeiture of deposit**

A candidate forfeits his or her deposit under section 59 of the Act if the total number of votes received by the candidate was,—

- (a) in the case of an election for multi-member vacancies, less than one-quarter of the final quota as determined at the last iteration; and
- (b) in the case of an election for a mayoral or single member vacancy, less than one-quarter of the final absolute majority of votes as determined at the last iteration.

Regulation 94: substituted, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### *Postal voting*

Heading: substituted, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

## **95 Application of postal voting regulations**

*[Revoked]*

Regulation 95: revoked, on 1 January 2004, by regulation 28 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **96 Issue of voting documents**

- (1) As soon as practicable after the 23rd day before the close of voting and, in any case, not later than the 17th day before the close of voting, the electoral officer must send to each elector on the electoral roll—
  - (a) the voting documents for any election or poll for which the elector is eligible to vote; and
  - (b) in the case of an election, the candidate profile statements as set out in regulation 29; and
  - (c) any other material required to be sent to the elector by regulation 46 or any other enactment; and
  - (d) a reply-paid return envelope; and

- (e) instructions for the return of the voting documents.
- (2) The electoral officer must send the documents under subclause (1) to each elector—
  - (a) at the address shown against that elector’s name on the electoral roll; or
  - (b) at the elector’s usual postal address if, to the electoral officer’s knowledge, that address is different from the address shown on the roll.
- (3) The envelope referred to in subclause (1)(d) must include the information necessary to identify the elector on the electoral roll to whom the voting documents have been sent.

Regulation 96: substituted, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

#### **97 Spoilt voting documents**

An elector who spoils or loses or fails to receive his or her voting documents before the close of voting must be treated as a special voter, and regulations 35 to 45 apply accordingly.

Regulation 97: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

#### **98 Electoral officer must keep offices open until close of voting**

During the voting period, the electoral officer must keep his or her offices open during ordinary office hours and also on polling day until the close of voting so that he or she can receive any voting documents.

Regulation 98: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

#### **99 Voting documents received after close of voting must be marked**

- (1) Any voting documents that are delivered after the close of voting to the electoral officer must be marked “Disallowed, delivered late”.
- (2) Any voting documents marked “Disallowed, delivered late” are to be dealt with separately and must not be counted.

Regulation 99: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

#### **100 Dealing with returned envelopes**

- (1) At any time before the close of voting, an electoral officer may use the information from a returned envelope to—
  - (a) deal with the envelope in any way that facilitates the processing of the voting document;
  - (b) carry out the tasks set out in section 83 of the Act (which relates to the scrutiny of the roll).
- (2) The electoral officer must—

- (a) inform candidates and their scrutineers when and where he or she will carry out the tasks specified in subclause (1)(b); and
  - (b) allow the scrutineers to be present.
- (3) Nothing in this regulation authorises an electoral officer to process a voting document.

Regulation 100: substituted, on 1 January 2004, by regulation 29 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **101 Processing voting documents during voting period**

- (1) An electoral officer may process voting documents during the voting period in accordance with section 80 of the Act.
- (2) An electoral officer must not act under subclause (1) with respect to a voting document before he or she has acted under regulation 100(1)(b) with respect to that voting document.

Regulation 101: substituted, on 1 January 2004, by regulation 29 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 101(1): replaced, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

### **102 Processing voting documents after voting period**

The electoral officer must process voting documents as soon as practicable after the close of voting if the voting documents have not already been processed during the voting period.

Regulation 102: replaced, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

### **103 Counting votes**

- (1) The electoral officer must determine the preliminary result of the election using a certified counting program as soon as practicable after—
- (a) all ordinary voting documents have been processed; and
  - (b) the close of voting.
- (2) The determination under subclause (1)—
- (a) must be made using all ordinary votes; and
  - (b) may be made by also using special votes from valid special voting documents identified at that time.
- (3) The electoral officer must determine the official result of the election using a certified counting program as soon as practicable after—
- (a) all special voting documents have been—
    - (i) dealt with under regulation 44 or regulation 45; and
    - (ii) processed under regulation 101 or regulation 102; and

- (b) the tasks set out in section 83 of the Act (which relates to the scrutiny of the roll) and regulation 105 (which relates to the disallowance of votes) have been completed.
- (4) The determination under subclause (3) must be made using all votes.  
Regulation 103: substituted, on 1 January 2004, by regulation 29 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### **104 Checking systems**

The electoral officer must apply a checking system to the operations under regulations 101 and 102.

Regulation 104: substituted, on 1 January 2004, by regulation 29 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### **104A Performance standard for checking systems**

- (1) The checking system must ensure the preferences recorded under regulation 101 or regulation 102 are at least as accurate as those that would be recorded by—
  - (a) carrying out the following operations manually:
    - (i) rejecting blank voting documents and informal voting documents;
    - (ii) recording votes from valid voting documents; and
  - (b) repeating the operations in paragraph (a); and
  - (c) resolving any discrepancies.
- (2) In determining whether or not the performance standard in subclause (1) is met, it is sufficient to make reasonable inferences about the errors that are likely to be generated by the operations specified in subclause (1)(a).

Regulation 104A: inserted, on 1 January 2004, by regulation 29 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 104A(1): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

#### **105 Other disallowed votes**

- (1) For the purpose of section 83(2) of the Act, the manner of disallowing a voting document where the electoral officer is satisfied that more than 1 vote has been cast in the name of an elector at the same election or poll is to mark on every voting document for that elector the words “Disallowed, more than 1 vote cast”.
- (2) A voting document dealt with under subclause (1) is not a valid voting document for the purposes of this Part.

Regulation 105: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

Regulation 105(2): added, on 1 January 2004, by regulation 30 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

**105A Preliminary results of elections**

- (1) For the purposes of section 85 of the Act, the electoral officer must—
  - (a) announce the determination specified in regulation 103(1) as soon as practicable after it is completed; and
  - (b) state, in the following order,—
    - (i) the number of persons to be elected for the local government area; and
    - (ii) the full names of the successful candidates in the order in which they became successful; and
    - (iii) the full names of any candidates who were hopeful candidates when counting was complete, in descending order of their number of votes; and
    - (iv) the full names of the excluded candidates in the reverse of the order in which they became excluded.
- (2) The announcement required by subclause (1) may be made by any means that the electoral officer considers appropriate.
- (3) Nothing in this regulation prevents the electoral officer from making other announcements about an election at other times after the close of voting.

Regulation 105A: inserted, on 1 January 2004, by regulation 31 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 105A(2): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

**106 Official result of election**

- (1) The official result of an election for multi-member vacancies must—
  - (a) record the determination specified in regulation 103(3); and
  - (b) state—
    - (i) the quota as determined at the first iteration; and
    - (ii) the quota as determined at each iteration at which a candidate was successful or excluded; and
    - (iii) the number of votes recorded for each candidate and the number of non-transferable votes at each iteration at which a candidate was successful or excluded; and
    - (iv) the final keep value for each candidate; and
    - (v) the iteration number at which each candidate was successful or excluded; and
    - (vi) the full names of the candidates who are declared to be elected; and
    - (vii) the full names of the unsuccessful candidates; and

- (viii) the total number of voting documents used at the election, including special voting documents; and
  - (ix) the number of blank voting documents recorded; and
  - (x) the number of informal voting documents recorded.
- (2) The official result of an election for a mayoral or single member vacancy must—
- (a) record the determination specified in regulation 103(3); and
  - (b) state—
    - (i) the absolute majority of votes determined at the first iteration; and
    - (ii) the absolute majority of votes determined at each iteration at which a candidate was elected or excluded; and
    - (iii) the number of votes recorded for each candidate and the number of transferable votes at each iteration at which a candidate was excluded; and
    - (iv) the iteration number at which each candidate was excluded; and
    - (v) the full name of the candidate who is declared to be elected; and
    - (vi) the full names of the unsuccessful candidates; and
    - (vii) the total number of voting documents used at the election, including special voting documents; and
    - (viii) the number of blank voting documents; and
    - (ix) the number of informal voting documents.

Regulation 106: substituted, on 1 January 2004, by regulation 32 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **107 Official results of poll**

*[Revoked]*

Regulation 107: revoked, on 1 January 2004, by regulation 33 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **108 Public notice of official result of election**

- (1) For the purpose of section 86 of the Act, the public notice declaring the official result of an election for multi-member vacancies must state—
- (a) the number of persons to be elected for the local government area; and
  - (b) the final quota as determined at the last iteration; and
  - (c) the full names of the candidates who are declared to be elected shown in descending order of election so that the first candidate who was declared to be elected is shown first and so on; and
  - (d) the full names of the candidates who were excluded shown in the reverse order in which they were excluded so that the candidate who was excluded last is shown first and so on; and

- (e) the number of informal voting documents recorded; and
  - (f) the number of blank voting documents recorded; and
  - (g) a statement that full details of the official results of the election are available on request from the electoral officer.
- (2) For the purpose of section 86 of the Act, the public notice declaring the official result of an election for a mayoral or single member vacancy must state—
- (a) the local government area; and
  - (b) the final absolute majority of votes as determined at the last iteration; and
  - (c) the full name of the candidate who is declared to be elected; and
  - (d) the full names of candidates who were excluded shown in the reverse order in which they were excluded so that the candidate who was excluded last is shown first and so on; and
  - (e) the number of informal voting documents recorded; and
  - (f) the number of blank voting documents recorded; and
  - (g) a statement that full details of the official results of the election are available on request from the electoral officer.

Regulation 108: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **109 Public notice of official result of poll**

*[Revoked]*

Regulation 109: revoked, on 1 January 2004, by regulation 33 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **110 Containers for voting documents**

- (1) The electoral officer must provide 1 or more containers to hold used voting documents.
- (2) Outside of ordinary office hours, the containers must be kept in a locked room or other secure place.

Regulation 110: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **111 Electoral records**

- (1) As soon as practicable after making the determination specified in regulation 103(3) for the purpose of section 89(1) of the Act, the voting documents must be secured as follows:
  - (a) the electoral officials must make up the voting documents (including special voting documents) into parcels and place them in secure containers; and



- (b) the electoral officer must endorse and sign a memorandum on each container that states—
  - (i) the name of the local authority and the local government area; and
  - (ii) the voting period; and
  - (iii) the number of used voting documents in the container.
- (2) For the purpose of section 89(5) of the Act, the specified materials that must be secured with the voting documents are—
  - (a) copies of electoral rolls (other than the roll or rolls used for the scrutiny of the roll under section 83 of the Act); and
  - (b) special voting declarations; and
  - (c) any other documents used in connection with the election or poll.
- (3) For the purpose of section 89(1) of the Act, the specified materials must be placed in secure containers, and the electoral officer must endorse and sign a memorandum on the containers giving a general description of the contents of the containers.

Regulation 111: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

Regulation 111(1): amended, on 1 January 2004, by regulation 34 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **112 Security of voting documents**

The electoral officer is personally responsible for the safe custody of all used voting documents until they are deposited with the Registrar of a District Court as required by section 89(2) of the Act.

Regulation 112: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

## **113 Electoral officer may announce number of voting documents sent and returned**

The electoral officer may, from time to time during the voting period and up to the close of voting, publicly announce the total number of voting documents that have been issued and the number of voting documents that have been returned to the electoral officer up to that time.

Regulation 113: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

## **114 Master roll**

- (1) The electoral officer must keep the roll or rolls that were used for the scrutiny of the roll under section 83 of the Act until the next triennial general election of members of the local authority.

- (2) An elector of the local government area may inspect the roll or rolls at the offices of the local authority without payment of a fee at any time during ordinary office hours.

Regulation 114: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### *Booth voting*

Heading: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

## **115 Application of booth voting regulations**

*[Revoked]*

Regulation 115: revoked, on 1 January 2004, by regulation 35 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## **116 Booths, ballot boxes, and voting documents, etc**

The electoral officer must provide the following things for holding an election or poll using booth voting:

- (a) 1 or more polling booths at each official place at which voting documents are to be issued and, in each booth, 1 or more inner compartments that provide adequate facilities for each elector to vote in secret; and
- (b) in each polling booth, 1 or more suitable containers that are able to be secured and that have a slit in the upper side by which the voting documents may be put into the container, to be used as ballot boxes; and
- (c) if the electoral officer considers it desirable in order to ensure that every elector has a reasonable and equal opportunity to vote, translations in whatever languages the electoral officer considers necessary of the “Directions to voter” section of the voting document; and
- (d) at each polling booth, 1 or more copies of the electoral roll; and
- (e) a sufficient number of voting documents.

Regulation 116: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

## **117 Ballot box must be kept secure during voting hours**

- (1) Immediately before the official place is opened for voting and in the sight of any scrutineers present, each electoral official in charge of a polling booth must see that each ballot box is empty and secured.
- (2) Each ballot box must not be opened again until after the close of voting.

Regulation 117: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **118 Persons may not remain in official places**

No person not actually engaged in voting may remain in an official place except the electoral officials, any of the scrutineers, and as many constables as the electoral official in charge thinks necessary to keep the peace.

Regulation 118: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

Regulation 118: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

### **119 Voters may not be spoken to in booths**

Subject to regulation 34 and except for an electoral official, no person may speak to, or communicate in any way with, any voter in a polling booth, either before or after the voter has voted.

Regulation 119: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **120 Issue of voting documents**

- (1) Subject to this regulation, every electoral official in charge of a polling booth must issue voting documents to all voters who apply to vote at that polling booth.
- (2) Every voter applying to vote must state his or her name to the electoral official, and must give any details that are necessary to identify the entry on the electoral roll for that voter.
- (3) If the name of the voter appears on the roll and it appears from the roll that he or she is qualified to vote,—
  - (a) the electoral official must issue to the voter a voting document for any election or poll for which the voter is eligible to vote; and
  - (b) the roll must be marked to record the issue of voting documents to that voter.

Regulation 120: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **121 Procedure when second vote applied for in same name**

- (1) If any person applying for a voting document at any election or poll gives as his or her name the name of any person who appears to the electoral official in charge to have already received a voting document for the same election or poll, that person must be dealt with in the same way as any other voter.
- (2) Once the voter has voted, the voting document must not be placed in the ballot box but must be returned to the electoral official in charge.
- (3) The electoral official in charge must determine whether or not the person was entitled to vote.

Regulation 121: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

**122 Spoilt voting documents**

- (1) A voter who spoils his or her voting document must be given a fresh voting document.
- (2) The electoral official in charge must mark on the spoilt voting document “Disallowed, spoilt by voter”.

Regulation 122: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

**123 Processing voting documents**

The electoral officer must process voting documents as soon as practicable after the close of voting.

Regulation 123: substituted, on 1 January 2004, by regulation 36 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

**123A Counting votes**

- (1) The electoral officer must determine the preliminary result of the election using a certified counting program as soon as practicable after—
  - (a) all ordinary voting documents have been processed; and
  - (b) the close of voting.
- (2) The determination under subclause (1)—
  - (a) must be made using all ordinary votes; and
  - (b) may be made by also using special votes from valid special voting documents identified at that time.
- (3) The electoral officer must determine the official result of the election using a certified counting program as soon as practicable after—
  - (a) all special voting documents have been—
    - (i) dealt with under regulation 44 or regulation 45; and
    - (ii) processed under regulation 123; and
  - (b) the tasks set out in section 83 of the Act (which relates to the scrutiny of the roll) and regulation 125 (which relates to the disallowance of votes) have been completed.
- (4) The determination under subclause (3) must be made using all votes.

Regulation 123A: inserted, on 1 January 2004, by regulation 36 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

**124 Checking systems**

The electoral officer must apply a checking system to the operations under regulation 123.

Regulation 124: substituted, on 1 January 2004, by regulation 36 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **124A Performance standard for checking system**

- (1) The checking system must ensure the preferences recorded under regulation 123 are at least as accurate as those that would be recorded by—
  - (a) carrying out the following operations manually:
    - (i) rejecting blank voting documents and informal voting documents;
    - (ii) recording votes from valid voting documents; and
  - (b) repeating the operations in paragraph (a); and
  - (c) resolving any discrepancies.
- (2) In determining whether or not the performance standard in subclause (1) is met, it is sufficient to make reasonable inferences about the errors that are likely to be generated by the operations specified in subclause (1)(a).

Regulation 124A: inserted, on 1 January 2004, by regulation 36 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 124A(1): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

### **125 Other disallowed votes**

- (1) For the purpose of section 83(2) of the Act, the manner of disallowing a voting document where the electoral officer is satisfied that more than 1 vote has been cast in the name of an elector at the same election or poll is to mark on every voting document for that elector the words “Disallowed, more than 1 vote cast”.
- (2) A voting document dealt with under subclause (1) is not a valid voting document for the purposes of this Part.

Regulation 125: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

Regulation 125(2): added, on 1 January 2004, by regulation 37 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **125A Preliminary results of elections**

- (1) For the purposes of section 85 of the Act, the electoral officer must—
  - (a) announce the determination specified in regulation 123A(1) as soon as practicable after it is completed; and
  - (b) state, in the following order,—
    - (i) the number of persons to be elected for the local government area; and
    - (ii) the full names of the successful candidates in the order in which they became successful; and
    - (iii) the full names of any candidates who were hopeful candidates when counting was complete, in descending order of their number of votes; and

- (iv) the full names of the excluded candidates in the reverse of the order in which they became excluded.
- (2) The announcement required by subclause (1) may be made by any means that the electoral officer considers appropriate.
- (3) Nothing in this regulation prevents the electoral officer making announcements about an election at other times after the close of voting.

Regulation 125A: inserted, on 1 January 2004, by regulation 38 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

Regulation 125A(2): amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

## 126 Official result of election

- (1) The official result of an election for multi-member vacancies must—
  - (a) record the determination specified in regulation 123A(3); and
  - (b) state—
    - (i) the quota as determined at the first iteration; and
    - (ii) the quota as determined at each iteration at which a candidate was successful or excluded; and
    - (iii) the number of votes recorded for each candidate and the number of non-transferable votes at each iteration at which a candidate was successful or excluded; and
    - (iv) the final keep value for each candidate; and
    - (v) the iteration number at which each candidate was successful or excluded; and
    - (vi) the full names of the candidates who are declared to be elected; and
    - (vii) the full names of the unsuccessful candidates; and
    - (viii) the total number of voting documents used at the election, including special voting documents; and
    - (ix) the number of blank voting documents recorded; and
    - (x) the number of informal voting documents recorded.
- (2) The official result of an election for a mayoral or single member vacancy must—
  - (a) record the determination specified in regulation 123A(3); and
  - (b) state—
    - (i) the absolute majority of votes determined at the first iteration; and
    - (ii) the absolute majority of votes determined at each iteration at which a candidate was elected or excluded; and

- (iii) the number of votes recorded for each candidate and the number of transferable votes at each iteration at which a candidate was excluded; and
- (iv) the iteration number at which each candidate was excluded; and
- (v) the full name of the candidate who is declared to be elected; and
- (vi) the full names of the unsuccessful candidates; and
- (vii) the total number of voting documents used at the election, including special voting documents; and
- (viii) the number of blank voting documents; and
- (ix) the number of informal voting documents.

Regulation 126: substituted, on 1 January 2004, by regulation 39 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## 127 Official results of poll

*[Revoked]*

Regulation 127: revoked, on 1 January 2004, by regulation 40 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

## 128 Public notice of official result of election

- (1) For the purpose of section 86 of the Act, the public notice declaring the official result of an election for multi-member vacancies must state—
  - (a) the number of persons to be elected for the local government area; and
  - (b) the final quota as determined at the last iteration; and
  - (c) the full names of the candidates who are declared to be elected shown in descending order of election so that the first candidate who was declared to be elected is shown first and so on; and
  - (d) the full names of the candidates who were excluded shown in the reverse order in which they were excluded so that the candidate who was excluded last is shown first and so on; and
  - (e) the number of informal voting documents recorded; and
  - (f) the number of blank voting documents recorded; and
  - (g) a statement that full details of the official results of the election are available on request from the electoral officer.
- (2) For the purpose of section 86 of the Act, the public notice declaring the official result of an election for a mayoral or single member vacancy must state—
  - (a) the local government area; and
  - (b) the final absolute majority of votes as determined at the last iteration; and
  - (c) the full name of the candidate who is declared to be elected; and

- (d) the full names of candidates who were excluded shown in the reverse order in which they were excluded so that the candidate who was excluded last is shown first and so on; and
- (e) the number of informal voting documents recorded; and
- (f) the number of blank voting documents recorded; and
- (g) a statement that full details of the official results of the election are available on request from the electoral officer.

Regulation 128: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **129 Public notice of official result of poll**

*[Revoked]*

Regulation 129: revoked, on 1 January 2004, by regulation 40 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **130 Electoral records**

- (1) As soon as practicable after making the determination specified in regulation 123A(3), for the purpose of section 89(1) of the Act, the voting documents must be secured as follows:
  - (a) the electoral officials must make up the voting documents (including special voting documents) into parcels and place them in secure containers; and
  - (b) the electoral officer must endorse and sign a memorandum on each container that states—
    - (i) the name of the local authority and the local government area; and
    - (ii) the voting period; and
    - (iii) the number of used voting documents in the container; and
    - (iv) the place where the votes were cast.
- (2) For the purpose of section 89(5) of the Act, the specified materials that must be secured with the voting documents are—
  - (a) copies of electoral rolls (other than the roll or rolls used for the scrutiny of the roll under section 83 of the Act); and
  - (b) special voting declarations; and
  - (c) any other documents used in connection with the election or poll.
- (3) For the purpose of section 89(1) of the Act, the specified materials must be placed in secure containers, and the electoral officer must endorse and sign a memorandum on the containers giving a general description of the contents of the containers.



Regulation 130: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

Regulation 130(1): amended, on 1 January 2004, by regulation 41 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

### **131 Security of voting documents**

- (1) The electoral official in charge of a polling booth must give to the electoral officer a receipt that specifies the total number of voting documents that the electoral official in charge has received for the conduct of voting at the polling booth. The electoral official in charge is personally responsible for the safe custody of those voting documents (whether used or unused) from the time he or she receives them until they are delivered back to the electoral officer after the close of voting.
- (2) On receiving the voting documents under subclause (1), the electoral officer is personally responsible for the safe custody of all used and unused voting documents until they are deposited with the Registrar of a District Court as required by section 89(2) of the Act.

Regulation 131: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **132 Master roll**

- (1) The electoral officer must keep the roll or rolls that were used for the scrutiny of the roll under section 83 of the Act until the next triennial general election of members of the local authority.
- (2) An elector of the local government area may inspect the roll or rolls at the offices of the local authority without payment of a fee at any time during ordinary office hours.

Regulation 132: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **133 Mobile polling booths**

- (1) An electoral officer may determine for an election or poll where booth voting is being used that mobile polling booths may be used as polling booths.
- (2) If the electoral officer has made a determination under subclause (1),—
  - (a) regulations 116 to 122 apply in relation to the conduct of the election or poll at each mobile polling booth, with any necessary modifications; and
  - (b) as soon as practicable after the close of voting, the ballot boxes from a mobile polling booth must be transferred to a central place, as determined by the electoral officer, to enable the voting documents to be counted.

Regulation 133: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

**134 Booth voting over consecutive days**

A local authority may determine, by a resolution, that the voting period for an election or poll where booth voting is being used is for a period specified in the resolution not exceeding 20 days ending with 7 pm on polling day.

Regulation 134: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

**135 Arrangements for booth voting over consecutive days**

- (1) This regulation applies if the local authority makes a determination under regulation 134.
- (2) Regulations 116 to 122 apply in relation to the conduct of the election or poll over consecutive days, with any necessary modifications.
- (3) The hours of voting (except for polling day) are the ordinary office hours during the voting period.
- (4) The electoral officer may, from time to time, during the voting period and up to the close of voting, publicly announce the number of voting documents that have been issued up to that time.

Regulation 135: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

## **Part 5**

### **Miscellaneous provisions**

Part 5: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

#### *Declarations*

Heading: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

**136 Declaration of electoral officer, etc**

Every electoral officer, deputy electoral officer, and other electoral official must make a declaration that—

- (a) he or she will properly carry out and exercise the duties and powers conferred on an electoral officer, a deputy electoral officer, or other electoral official, as the case may be, by the Act and regulations made under the Act; and
- (b) he or she will not, directly or indirectly, disclose any fact that comes to his or her knowledge at an election or poll that he or she is required by the Act or these regulations not to disclose.

Regulation 136: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **137 Declaration of scrutineers**

Every scrutineer must make a declaration that—

- (a) he or she will properly exercise the powers conferred on a scrutineer by the Act and regulations made under the Act; and
- (b) he or she is not a person to whom section 68(3) of the Act applies; and
- (c) he or she will not, directly or indirectly, disclose any fact that comes to his or her knowledge at an election or poll that he or she is required by the Act or these regulations not to disclose.

Regulation 137: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

#### *Eligibility of Justices*

Heading: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **138 Eligibility of Justices to observe processing of voting documents**

To be eligible for appointment as a Justice of the Peace to observe the processing of voting documents under section 82 of the Act, a Justice must—

- (a) be nominated by a member of the Royal Federation of New Zealand Justices' Associations (Inc); and
- (b) indicate to the electoral officer that the Justice is not—
  - (i) a member or employee of a local authority or community board; or
  - (ii) a candidate at the election, or any other election conducted by the electoral officer simultaneously with it; or
  - (iii) a person who has nominated a candidate at the election, or any other election conducted by the electoral officer simultaneously with it; and
- (c) indicate to the electoral officer that the Justice consents to observe the early processing of voting documents.

Regulation 138: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

#### *Deposits*

Heading: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

### **139 Application for recount**

The amount of the deposit that must accompany an application for a recount under section 90 of the Act is \$750 inclusive of GST.

Regulation 139: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

**140 Petition for inquiry**

The amount of the deposit that must accompany a petition under section 93 of the Act is \$750 inclusive of GST.

Regulation 140: added, on 13 December 2002, by regulation 20 of the Local Electoral Amendment Regulations 2002 (SR 2002/399).

*Population transfer limits*

Heading: inserted, on 5 October 2023, by regulation 7 of the Local Electoral Amendment Regulations 2023 (SL 2023/236).

**141 Population transfer limits for new proposed boundaries of local board areas**

- (1) For the purposes of section 19JAA of the Act, the population transfer limit in respect of a resolution determining new proposed boundaries is,—
- (a) for any transfer or transfers of an area or areas between 2 local board areas as a result of the new proposed boundaries, population equal to the lower of the following:
    - (i) 2.5% of the population of the existing local board area that has the smaller population:
    - (ii) 2,000 residents.
  - (b) for any other transfer or transfers of an area or areas into or out of a local board area as a result of the new proposed boundaries, population equal to the lower of the following:
    - (i) 2.5% of the population of the existing local board area:
    - (ii) 2,000 residents.
- (2) In this regulation, **population** means ordinarily resident population and the population of a local board area is its ordinarily resident population as set out in a certificate of the Government Statistician (*see* section 19X of the Act).

**Example 1***One-way transfers of areas from one local board area to another*

A unitary authority proposes to make local board area A smaller by moving the boundaries of neighbouring local board areas B and C into area A. Existing area A has 40,000 residents, existing area B has 50,000 residents, and existing area C has 30,000 residents. The new proposed boundaries would transfer 500 residents from area A to area B and 750 residents from area A to area C.

Both of the areas proposed to be transferred are within existing local board areas so the population transfer limit in subclause (1)(a) applies. The 500 residents proposed to be transferred to area B equate to 1.25% of the smaller existing population as between areas A and B ( $500 \div 40,000 = 1.25\%$ ). The 750 residents proposed to be transferred to area C equate to 2.5% of the smaller existing population as between areas A and C ( $750 \div 30,000 = 2.5\%$ ). 1.25% and 2.5% are each less than or equal to 2.5%, and 500 and 750 are each less than or equal to 2,000, so

the population affected by the new proposed boundaries does not exceed the population transfer limit.

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**Example 2**

*Exchange of areas between 2 local board areas*

A unitary authority wants to adjust the boundary between local board areas D and E. Existing area D has 16,000 residents and existing area E has 12,000 residents. The boundary adjustment would transfer 225 residents from area D to area E and 150 residents from area E to area D.

Both of the areas proposed to be transferred are within existing local board areas so the population transfer limit in subclause (1)(a) applies. The total number of residents proposed to be transferred is 375 (225 + 150), which equates to 3.125% of the population of the existing local board area with the smaller population ( $375 \div 12,000 = 3.125\%$ ). Although 375 is less than 2,000, 3.125% is greater than 2.5% so the population affected by the new proposed boundary exceeds the population transfer limit and the new proposed boundary cannot be included in a determination under section 19JAA of the Act.

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**Example 3**

*Enlargement of local board area to include an area not previously within any local board area*

A unitary authority proposes to enlarge local board area F southwards using a determination under section 19JAA of the Act. Existing area F has 20,000 residents and does not adjoin any other local board area.

The area proposed to be transferred is not within an existing local board area so the population transfer limit in subclause (1)(b) applies. The determination can include a new proposed southern boundary bringing up to 500 additional residents into area F ( $2.5\% \times 20,000 = 500$ ).

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Regulation 141: inserted, on 5 October 2023, by regulation 7 of the Local Electoral Amendment Regulations 2023 (SL 2023/236).

*Transitional arrangements for ratepayer electors for Auckland Council*

*[Revoked]*

Heading: revoked, on 2 November 2010, pursuant to regulation 3.

**141 Background**

*[Revoked]*

Regulation 141: revoked, on 2 November 2010, by regulation 3.

**142 Enrolment as ratepayer elector for Auckland**

*[Revoked]*

Regulation 142: revoked, on 2 November 2010, by regulation 3.

## Schedule 1A

### New Zealand method of counting single transferable votes

rr 4(1), 90A

Schedule 1A: inserted, on 1 January 2004, by regulation 42 of the Local Electoral Amendment Regulations 2003 (SR 2003/391).

#### *Purpose of schedule*

1

*[Revoked]*

Schedule 1A clause 1: revoked, on 7 July 2004, by section 19(7) of the Local Electoral Amendment Act 2004 (2004 No 62).

#### *Interpretation*

2

In this schedule, unless the context otherwise requires,—

**AAFD Method** means the Ahead At First Difference Method set out in Part 5

**exhausted**, in relation to a voting document, means the point at which no further votes from that voting document can be redistributed by the operations in clause 10

**non-transferable votes** means the votes remaining untransferred when a voting document becomes exhausted

**preference** means a preference expressed for a candidate on a voting document as a rank, for example, first, second, or third

**PRN** means the pseudo-random number generated by the PRNG method

**PRNG method** means the Pseudo Random Number Generation Method set out in Part 5.

## Part 1

### Multi-member vacancies

#### *Counting*

3

In the case of multi-member vacancies, votes are counted under the New Zealand method of counting single transferable votes by recognising preferences as provided for in Part 3 and carrying out the steps in clauses 5 to 18 until counting is complete. Counting is complete when the number of successful candidates is equal to the number of vacancies or any of clauses 19 to 23 (which relate to exceptional cases) provide that counting is complete. Counting is also complete when the number of successful candidates and hopeful candidates is equal to the number of vacancies. In this case, the hopeful candidates become successful candidates. When counting is complete, successful candidates are elected.

*Interpretation*

- 4 In this part, unless the context otherwise requires,—  
**hopeful candidates** means all candidates before the commencement of step 1  
**vote** includes non integer values.

*Step 1*

- 5 Calculate a quota using the following formula:

$$q = (v - vnt) \div (n + 1) + 0.000\ 000\ 001$$

where—

q is the quota

v is the total number of valid voting documents

vnt is the number of non transferable votes

n is the number of vacancies

and q is truncated to 9 decimal digits after the point with no rounding.

- 6 A candidate whose first preferences equal or exceed the quota becomes successful.

*Step 2*

- 7 Give each successful candidate a keep value calculated using the following formula:

$$kc = q \div vc$$

where—

kc is the keep value for the successful candidate

q is the quota for this step

vc is the candidate's votes

and kc is truncated to 9 decimal digits after the point and rounded up if not exact.

- 8 Give hopeful candidates a keep value of 1.0.

- 9 Give withdrawn candidates a keep value of 0.

- 10 Allocate votes from each voting document according to the following scheme:

$$vm = (1 - k1) \times (1 - k2) \times (1 - km-1) \times km$$

where—

$v_m$  is the votes to allocate to the  $m$ th preference candidate on the voting document

$k_1$  is the keep value for the first preference candidate on the voting document

$k_2$  is the keep value for the second preference candidate on the voting document

$k_m$  is the keep value for the  $m$ th preference candidate on the voting document

and the product of each multiplication on the right hand side of the equation must be calculated to 9 decimal digits after the point and rounded up if not exact and the multiplications must be calculated from left to right.

- 11 Calculate a new quota using the following formula:

$$q = (v - vnt) \div (n + 1) + 0.000\ 000\ 001$$

where—

$q$  is the quota

$v$  is the total number of valid voting documents

$vnt$  is the number of non transferable votes

$n$  is the number of vacancies

and  $q$  is truncated to 9 decimal digits after the point with no rounding.

- 12 A hopeful candidate becomes successful if his or her votes equal or exceed the quota.
- 13 Exclude the hopeful candidate with the least votes if the sum of his or her votes and the total surplus is less than the votes of any other hopeful candidate or if the total surplus is less than 0.0001.
- 14 In clause 13, **total surplus** means the sum of all candidates' surpluses. **Surplus** means the number of votes that a candidate has in excess of the quota.

*Step 3 and subsequent steps*

- 15 Repeat the operations set out in the second step with the changes set out in clauses 16 and 17.
- 16 Set the keep value of excluded candidates to 0.
- 17 Use the following formula instead of the formula in clause 7:



$$kc = q \times kc \div vc$$

where—

kc is the keep value for the successful candidate

q is the quota for this step

vc is the candidate's votes

and the product of q and kc is truncated to 9 digits after the point and rounded up if not exact before being divided by vc and kc is also truncated to 9 digits after the point and rounded up if not exact.

#### *Exceptional cases*

- 18 If 1 or more of clauses 19 to 23 apply, the operations in steps in clauses 5 to 17 must be modified by carrying out the operations set out in the clause or clauses that apply.

#### *Ties*

- 19 This clause applies if a candidate with the lowest number of votes is to be excluded but 2 or more candidates share the lowest number of votes. If this clause applies, exclude the candidate identified by the AAFD method as the candidate to exclude. If the AAFD method does not identify a single candidate to exclude, exclude the candidate with the lowest PRN.

#### *Zero votes: Case 1*

- 20 This clause applies to any candidate who, at the commencement of step 1, has no first preferences and no other preferences. A candidate to whom this clause applies, becomes withdrawn.

#### *Zero votes: Case 2*

- 21 This clause applies if, at the commencement of step 1, there are fewer candidates with votes than positions to be filled. If this clause applies, the candidates who attracted votes are successful, the counting is complete, and, for the avoidance of doubt, the remaining vacancies are extraordinary vacancies.

#### *Candidate not able to be elected*

- 22 A candidate becomes withdrawn if, at the commencement of step 1, any of the following provisions apply to him or her: section 71(2) of the Act (which relates to death, incapacity, or invalid or cancelled nomination), section 88(1) of the Act (which relates to a candidate being elected as both mayor and mem-

ber), or section 88A of the Act (which relates to a candidate being elected as both member and community board member).

Schedule 1A clause 22: amended, on 29 June 2013, by section 46 of the Local Electoral Amendment Act 2013 (2013 No 40).

*Stable state in counting*

- 23 This clause applies if the operations in clauses 5 to 22 result in a state where any number of iterations would not result in further candidates becoming excluded or successful. If this clause applies, the candidate with the lowest total votes becomes excluded. Recommence counting at the step following the step at which the stable state occurred.

**Part 2**  
**Single member vacancies**

*Interpretation*

- 24 In this Part, unless the context otherwise requires,—  
**hopeful candidates** means all candidates before the commencement of step 1  
**votes** means whole number values.
- 25 In the case of single member vacancies, before the commencement of step 1, votes are counted under the New Zealand method of counting single transferable votes by recognising preferences as provided for in Part 3 and by carrying out the steps in clauses 26 to 33 until a candidate is elected.

*Step 1*

- 26 Determine the absolute majority of votes using the following formula:

$$m = (v - vnt) \div 2$$

where—

m is the absolute majority of votes

v is the number of voting documents

vnt is the total number of non-transferable votes

and if m is not a whole number, it is rounded up to the next whole number.

- 27 A candidate is elected if his or her first preference votes equal or exceed the absolute majority of votes.

*Step 2*

- 28 If no candidate is elected, the candidate with the fewest first preference votes becomes excluded.
- 29 For each voting document on which a withdrawn candidate is the first preference, redistribute that vote to the candidate who is the next preference on that voting document.
- 30 For each voting document on which the candidate excluded under clause 28 was the first preference, redistribute that vote to the candidate who is the next preference on that voting document.
- 31 A candidate is elected if his or her votes equal or exceed the absolute majority of votes.
- 32 If no candidate is elected, repeat the operations in clauses 26 to 31.

*Exceptional cases*

- 33 If any of clauses 34 to 37 apply, the steps in clauses 26 to 32 must be modified by carrying out the operations set out in the clause or clauses that apply.

*Ties*

- 34 This clause applies if—
- (a) a candidate with the lowest number of votes is to be excluded but 2 or more candidates share the lowest number of votes; or
  - (b) a candidate whose votes equal or exceed the absolute majority of votes is to be elected but 2 candidates' votes equal the absolute majority of votes.

If this clause applies, in the case of (a), exclude the candidate identified by the AAFD method as the candidate to exclude. If the AAFD method does not identify a candidate to exclude, exclude the candidate with the lowest PRN. In case of (b), the candidate who is not excluded is elected.

*Zero votes*

- 35 This clause applies if, at the commencement of step 1, only 1 candidate has any votes. If this clause applies, that candidate is elected.

*Candidate not able to be elected*

- 36 Clause 22 applies, with any necessary modifications, to single member vacancies.

### Part 3 Recognising preferences

- 37 In carrying out the operations in Parts 1 and 2, do not recognise—
- (a) a preference that is not unique; or
  - (b) a preference (other than a first preference) that is not consecutive; or
  - (c) any preference on the same voting document lower in rank than a preference to which (a) or (b) applies.

*Example 1: Not unique*

A voting document that expresses these preferences—

Candidate A	1	
Candidate B	2	
Candidate C	3	
Candidate D	2	Not unique
Candidate E	4	

generates the following preferences for the purposes of counting votes:

First preference	Second preference	Third preference	Fourth preference	Fifth preference
A	None	None	None	None

*Example 2: Not consecutive*

A voting document that expresses these preferences—

Candidate A	1	
Candidate B	4	Not consecutive
Candidate C	5	
Candidate D	2	
Candidate E	6	

generates the following preferences for the purposes of counting votes:

First preference	Second preference	Third preference	Fourth preference	Fifth preference
A	D	None	None	None

Schedule 1A clause 37(b): amended, on 7 July 2004, by section 19(8) of the Local Electoral Amendment Act 2004 (2004 No 62).

- 38 Do not recognise a preference for a withdrawn candidate. In the case of voting documents that contain a preference for a withdrawn candidate, recognise preferences lower in rank on the same voting document as preferences of the rank stated.

*Example 3: Withdrawn candidate*

A voting document that expresses these preferences—

Candidate A	1	
Candidate B	4	Withdrawn candidate
Candidate C	3	
Candidate D	2	Withdrawn candidate
Candidate E	5	

generates the following preferences for the purposes of counting votes:

First preference	Second preference	Third preference	Fourth preference	Fifth preference
A	None	C	None	E

## **Part 4**

### **Polls**

- 39 In the case of polls, votes are counted under the single transferable voting system by applying Part 1 or Part 2, with any necessary modifications, as if every reference to a candidate or candidates is a reference to the matter or matters that are the subject of the poll, and references to withdrawn candidates are of no effect.

## **Part 5**

### **Methods relevant to tie breaking**

*Ahead at first difference method (AAFD method)*

- 40 To use the Ahead At First Difference Method determine which tied candidate, or candidates, did not have more votes than another tied candidate at the earliest step at which the candidates had different numbers of votes. If one candidate is identified, exclude him or her.

*PRNG method*

- 41 Allocate a unique pseudo-random whole number (a PRN number) for each candidate at each stage of the counting.

- 42 To generate PRNs, calculate  $x$ ,  $y$ , and  $z$  using the following formulae:

$$x = c + 5$$

$$y = n$$

$$z = (v + 1\,000 (v \text{ rem } 10)) \text{ rem } 30\,323$$

where—

$c$  is the number of candidates

$n$  is the number of vacancies

$v$  is the total number of valid voting documents

rem is the remainder operator such that  $a \text{ rem } b$  gives the remainder of dividing whole number  $a$  by whole number  $b$ .

- 43 Generate a random whole number  $rc$  using the following formulae:

$$x = (171x) \text{ rem } 30\,269$$

$$y = (172y) \text{ rem } 30\,307$$

$$z = (170z) \text{ rem } 30\,323$$

$$rc = (10\,000x) \text{ div } 30\,269 + (10\,000y) \text{ div } 30\,307 + (10\,000z) \text{ div } 30\,323$$

where—

$rc$  is a pseudo-random number

div is the integer division operator such that  $a \text{ div } b$  gives the whole number quotient of dividing whole number  $a$  by whole number  $b$ .

- 44 Repeat the step in clause 43 four times, discarding the first 4 values of  $rc$ .
- 45 Assign the current value of  $rc$  to the first candidate.
- 46 Repeat the step in clause 43 until a pseudo-random number  $r$  results that is distinct from all previous pseudo random numbers assigned to candidates. Assign  $rc$  to the next candidate.
- 47 Repeat the step in clause 43 until all candidates have been assigned a pseudo-random number.
- 48 For the second and subsequent steps, replace the pseudo-random number for each candidate with the candidate's PRN at the previous step subtracted from 10 000.

## Schedule 1

### Enrolment form for ratepayer electors

r 20

Schedule 1: substituted, on 7 July 2004, by section 14(9) of the Local Government (Rating) Amendment Act 2004 (2004 No 66).

This form must be used for every application for enrolment as a ratepayer elector and for every nomination for enrolment as a ratepayer elector. People who may be eligible to enrol as ratepayer electors or to nominate certain people for enrolment as ratepayer electors are—

- parliamentary electors who are owners of rateable property within the region, district, or community but whose addresses as parliamentary electors are outside that region, district, or community;
- legal persons such as companies, banks, or bodies corporate who are owners of rateable property in the region, district, or community;
- people such as joint tenants and tenants in common who are owners of rateable property in the region, district, or community.

You are entitled to be a ratepayer elector only in respect of a property that is a rating unit under the Local Government (Rating) Act 2002. If a property is a rating unit, the local authority will generally have issued a rates assessment for it.

Please note that sole ratepayers must complete section A (E1, E2, and E3) on the form, and that ratepayers appointing a nominee (for example, joint ratepayers or companies) must complete section B (E4, E5, and E6) on the form. You may be required to complete section C if you are applying in respect of more than 1 property. The ratepayer elector and property information will be published in the electoral roll and other information provided may be included on that roll. (You may apply to the local authority at any time for the correction of that information.)

To:

The Electoral Officer

*[insert name and address of local authority]*

**Section A**                      **If you are the sole ratepayer (sole person) for the property, complete the following:**

**E1**                                This application relates to the property at *[street address of the property]*:

.....  
.....

Assessment/billing No *[if known]*: .....

**E2** I,

.....  
[full name]

apply for enrolment as a ratepayer elector.

My residential address [as it appears on the parliamentary electoral roll] is:

.....  
.....

My postal address is: .....

**E3** I declare that—

- I am a parliamentary elector.
- I am the sole person named as owner in the district valuation roll for the property described in E1.

**either**

- \* I have not applied or been nominated to be enrolled as a ratepayer elector for any other property.

**or**

- \* details of all other properties for which I have applied to be enrolled, or been nominated to be enrolled, as a ratepayer elector are shown in section C of this form.

\*Delete if inapplicable.

The statements made by me and the information provided on this form are correct:

Signature: .....

Date: .....

Contact phone number: .....

**Section B** If you are the joint ratepayer, or a firm, company, corporation, society (etc) ratepayer for the property, complete the following:

**E4** This application relates to the property at [street address of the property]:

.....  
.....

Assessment/billing No [if known]: .....



**E5** The name of the person nominated for enrolment as a ratepayer elector is:

.....  
[full name]

The nominee's residential address [as it appears on the parliamentary electoral roll] is:

.....  
.....

The nominee's postal address is: .....

**E6** I declare that—

- I am eligible to make this nomination on behalf of:

.....  
[full name that appears on rates notice]

whose name(s) appear(s) as owner in the district valuation roll for the property described in E4.

**either**

- \* the nominee has not applied to be enrolled, or been nominated to be enrolled, as a ratepayer elector for any other property.

**or**

- \* details of all other properties for which the nominee has applied to be enrolled, or been nominated to be enrolled, as a ratepayer elector are in section C of this form.

**either**

- \* no other person has been nominated to be enrolled as a ratepayer elector by, or on behalf of, the ratepayer(s) listed above for any property.

**or**

- \* details of all other properties in respect of which other nominations have been made by, or on behalf of, the ratepayer(s) listed above are shown in section C of this form.

\*Delete if inapplicable.

The statements made by me and the information provided on this form are correct:

Name: .....

Date: .....

Signature: .....

Residential address [*as it appears on the parliamentary electoral roll*]: .....

Contact phone number: .....

The nominee consents to their nomination and has signed the form immediately below.

Signature of nominee: .....

Date: .....

**Section C                      Details to be supplied in relation to application or nomination**

Details of other properties in respect of which the person to be enrolled has applied to be enrolled, or been nominated to be enrolled, as a ratepayer elector.

Address of property [*in full*]:                      City or district council to which the application or nomination has been made:

.....  
.....  
.....  
.....  
.....

[*Continue on a separate sheet if necessary.*]

I declare the properties listed above are the only properties in respect of which I have applied to be enrolled, or been nominated to be enrolled, as a ratepayer elector.

Signature of applicant or nominee [*as the case may require*]:

.....

Date: .....

**Additional details to be supplied in relation to nomination**

Details of other properties in respect of which the ratepayer or ratepayers making this nomination have made a nomination for enrolment as a ratepayer elector.

Address of property [*in full*]:                      City or district council to which the application or nomination has been made:

.....

.....

.....

.....

.....

*[Continue on a separate sheet if necessary.]*

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 28 June 2001.

## Notes

### **1** *General*

This is a consolidation of the Local Electoral Regulations 2001 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Local Electoral Amendment Regulations 2023 (SL 2023/236)  
Local Government Electoral Legislation Act 2023 (2023 No 57): section 38  
Local Electoral Matters Act 2019 (2019 No 7): section 14  
Electoral Amendment Act 2017 (2017 No 9): section 114  
Local Electoral Amendment Act 2013 (2013 No 40): section 46  
Electoral (Administration) Amendment Act 2011 (2011 No 57): section 63  
Local Electoral Amendment Regulations 2010 (SR 2010/69)  
Policing Act 2008 (2008 No 72): section 116(a)(ii)  
Local Government (Rating) Amendment Act 2004 (2004 No 66): section 14  
Local Electoral Amendment Act 2004 (2004 No 62): section 19  
Local Electoral Amendment Regulations 2003 (SR 2003/391)  
Local Electoral Amendment Regulations 2002 (SR 2002/399)  
Local Electoral Amendment Regulations 2001 (SR 2001/315)  
Local Electoral Regulations 2001 (SR 2001/145): regulation 3