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1990, No. 1

An Act to amend the Electoral Act 1956

[9 March 1990]

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

1. Short Title and commencement—This Act may be cited as the Electoral Amendment Act 1990, and shall be read together with and deemed part of the Electoral Act 1956 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 10th day of March 1990.

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “electoral roll” (as substituted by section 2 (2) of the Electoral Amendment Act 1980), the following definition:

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

(2) The said section 2 (1) is hereby further amended by repealing the definition of the term “Maori electoral population” (as substituted by section 3 (3) of the Electoral Amendment Act 1980), and substituting the following definition:

“ ‘Maori electoral population’ means the sum of—

“(a) The total number of persons registered as electors of the Maori electoral districts as at the close of the last day of the period last specified under section 41A (2) or (3) of this Act; and

“(b) A figure representing a proportion of the persons of New Zealand Maori descent who have not registered as electors of any electoral district as at the close of the last day of the period last specified under section 41A (2) or (3) of this Act, which figure shall be fixed—

“(i) By ascertaining a proportion (which shall be determined by dividing the total number of persons registered, as at the close of that day, as electors of Maori electoral districts by the total number of persons of New Zealand Maori descent registered, as at the close of that day, as electors of either General electoral districts or Maori electoral districts); and

“(ii) By applying the proportion ascertained under subparagraph (i) of this paragraph to the difference between the number of persons of New Zealand Maori descent aged 18 years and over as determined by the last periodical census and the total number of persons of Maori descent registered, as at the close of that day, as electors of either General electoral districts or Maori electoral districts; and

“(c) A figure representing, in relation to both the persons so registered as electors of the Maori electoral districts and the proportion of the persons of New Zealand Maori descent who are not registered as electors of any electoral district, the number of their Maori children under the age of 18 years, which figure shall be fixed—

“(i) By ascertaining the proportion which the total of the number in paragraph (a) of this definition and of the figure in paragraph (b) of this definition bears to the total Maori adult population as determined by the last periodical census; and

“(ii) Subject to subparagraph (iii) of this paragraph, by applying that proportion to the number of Maori children under the age of 18 years as determined by the last periodical census; and

“(iii) By treating as Maori children under the age of 18 years all of the children under that

age who at the last periodical census had at least one parent whose particulars showed that that parent was a Maori:

“Provided that where particulars were obtained from both parents and only one of those parents was shown by those particulars to be a Maori, only half of the children under the age of 18 years of those parents shall be treated as Maori children:”.

(3) The said section 2 (1) is hereby further amended by repealing the definition of the term “New Zealand Post Limited” (as inserted by section 32 (1) of the State-Owned Enterprises Act 1986), and substituting the following definition:

“‘New Zealand Post’ or ‘New Zealand Post Limited’ means the company called New Zealand Post Limited, which is incorporated under the Companies Act 1955 pursuant to the State-Owned Enterprises Act 1986:”.

(4) The said section 2 (1) is hereby further amended by repealing the definition of the term “Post Office” (as inserted by section 32 (1) of the State-Owned Enterprises Act 1986).

(5) The said section 2 (1) is hereby further amended by inserting, after the definition of the term “undue influence”, the following definition:

“‘Working day’ means any day of the week other than—

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

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

(6) The said section 2 is hereby amended by repealing subsections (3) to (5) (as substituted by section 2 (1) of the Electoral Amendment Act 1985).

(7) The following enactments are hereby consequentially repealed:

(a) Section 3 (3) of the Electoral Amendment Act 1980:

(b) Section 2 of the Electoral Amendment Act 1985:

(c) So much of the Third Schedule to the State-Owned Enterprises Act 1986 as relates to sections 2 (1) and 2 (4) of the Electoral Act 1956.

3. Offence for public servant to sit—(1) The principal Act is hereby amended by repealing section 26 (as substituted by

section 13 (1) of the Electoral Amendment Act 1975), and substituting the following section:

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

(2) The following enactments are hereby consequentially repealed:

(a) So much of the Second Schedule to the Electoral Amendment Act 1975 as relates to section 26 of the principal Act; and

(b) So much of the Schedule to the Electoral Amendment Act 1981 as relates to section 26 of the principal Act.

4. Member becoming mentally disordered—(1) Section 33 (4) of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 33 (4) of the principal Act.

5. Registrar of Court to notify cause of vacancy in certain cases—(1) Section 34 of the principal Act is hereby amended by repealing subsection (2) (as amended by section 46 (1) of the Electoral Amendment Act 1981), and substituting the following subsection:

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

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 34 (2) of the principal Act.

6. Registrar of Births and Deaths to notify Speaker of death of member—(1) The principal Act is hereby amended by repealing section 35 of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981), and substituting the following section:

“35. (1) The Registrar of Births and Deaths by whom the death of any member of Parliament is registered shall, within 12 hours of making the registration, notify the fact to the

Speaker, or to the Governor-General if there is no Speaker or if the Speaker is absent from New Zealand.

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

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 35 (2) of the principal Act.

7. Rules for determining place of residence within New Zealand—Section 37 of the principal Act (as substituted by section 2 of the Electoral Amendment Act 1989) is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Where the property on which a person’s home is located is divided between 2 or more electoral districts, that person shall,—

“(a) If his or her dwelling is located wholly within one of those electoral districts, be deemed to reside in that electoral district; or

“(b) In any other case, be deemed to reside in the electoral district in which is located—

“(i) The front door or other main entrance of his or her dwelling; or

“(ii) Where his or her dwelling is an apartment, the front door or other main entrance of the building in which the apartment is situated.”

8. Periodic exercise of Maori option and determination of Maori population—Section 41A of the principal Act (as substituted by section 12 (1) of the Electoral Amendment Act 1980) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) For the purpose of enabling the Government Statistician to calculate the Maori electoral population, the Chief Registrar shall, as soon as practicable after the last day of each period specified under subsection (2) or subsection (3) of this section, supply to the Government Statistician—

“(a) The total number of persons registered as electors of the Maori electoral districts as at the close of that last day; and

“(b) The total number of persons registered as electors of the General electoral districts who, as at the close of that last day, are recorded as having given written notice

to the Registrar that they are persons of New Zealand Maori descent.”

9. Exercise of Maori option—Section 41B of the principal Act (as substituted by section 16 of the Electoral Amendment Act 1981) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) In each period specified under section 41A (2) or (3) of this Act, the Registrar shall send by post on the first day of that period a notice in the form prescribed for the purposes of this section to—

“(a) Every person registered as an elector of a Maori electoral district; and

“(b) Every person registered as an elector of a General electoral district who has given written notice to the Registrar that that person is of New Zealand Maori descent.”

10. Detention in penal institution pursuant to conviction—The principal Act is hereby amended by inserting, after section 42 (as substituted by section 13 (1) of the Electoral Amendment Act 1980), the following section:

“42A. (1) Where a person who has been sentenced to a full-time custodial sentence is received into a penal institution in which that person is to serve the whole or part of the sentence, the superintendent of that penal institution shall, not later than the 7th day after the day on which the inmate is received into the penal institution, forward to the Chief Registrar of Electors a notice showing—

“(a) The name, previous residential address, and date of birth of that person; and

“(b) The name and address of the penal institution.

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

11. Compulsory registration of electors—(1) The principal Act is hereby amended by repealing section 43 (as substituted by section 14 (1) of the Electoral Amendment Act 1980), and substituting the following section:

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

“(a) Within one month after the date on which he or she first becomes qualified to be registered as an elector; and also

“(b) Within one month after the date on which he or she ceases to be registered as an elector by reason of the removal of his or her name from a roll under section 43A (8) or section 43B (3) of this Act; and also

“(c) Within one month after the date on which, following a change in his or her place of residence from one electoral district to another, he or she first becomes qualified to be registered as an elector of that other electoral district.

“(2) Notwithstanding anything in subsection (1) (a) of this section, any person of or over the age of 17 years 9 months may make application in the prescribed form to a Registrar of Electors for registration as an elector, and that person shall, upon attaining the age of 18 years, be registered as an elector without any further application.

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

“(4) Where a Maori is qualified to be registered as an elector of both a Maori electoral district and of a General electoral district, this section shall apply with respect to one only of those districts, being the district in respect of which he or she has exercised his or her option under section 41 of this Act.

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

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

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

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

“(9) Notwithstanding anything in subsections (1) to (8) of this section or in section 37 (8) of this Act, no person is required to

apply for registration as an elector while that person is living on Campbell Island or Raoul Island.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 14 of the Electoral Amendment Act 1980;
- (b) Section 18 of the Electoral Amendment Act 1981;
- (c) Section 6 of the Electoral Amendment Act 1985.

12. Revision of electoral rolls—(1) Section 43A of the principal Act (as substituted by section 5 (1) of the Electoral Amendment Act 1983) is hereby amended by repealing subsection (5), and substituting the following subsection:

“(5) Every inquiry—

“(a) Shall be in the prescribed form; and

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

“(c) In the case of every inquiry made in the year 1990, shall require the person to whom it is addressed to state whether he or she is or is not of New Zealand Maori descent.”

(2) Section 43A of the principal Act (as so substituted) is hereby further amended by repealing subsection (6A) (as inserted by section 7 (3) of the Electoral Amendment Act 1985) and subsection (7), and substituting the following subsections:

“(6A) Where the Registrar receives, during a period specified under subsection (3) of this section or within 28 days before the commencement of any such period, a duly completed application for registration as an elector,—

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

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

“(7) The completed form shall contain the particulars specified in or under section 48 (3) of this Act, and subsections (1), (2), (4), and (4A) of that section shall apply, with all necessary modifications, as if the form were an application for registration.”

(3) Section 7 (3) of the Electoral Amendment Act 1985 is hereby consequentially repealed.

13. Notification of change of address—(1) The principal Act is hereby amended by repealing section 44 (as amended by section 5 (7) of the Electoral Amendment Act 1980) and section

46 (1) of the Electoral Amendment Act 1981), and substituting the following section:

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

“(a) The change of place of residence; and

“(b) The address of the new place of residence.

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

“(a) A person who lacks, wholly or partly, the capacity to understand the nature of the decision to register as an elector; and

“(b) A person in respect of whom a welfare guardian appointed for that person under section 12 (1) of the Protection of Personal and Property Rights Act 1988 or an attorney appointed by that person under an enduring power of attorney holds office,—

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

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

“(4) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding \$20 on a first conviction, and to a fine not exceeding \$40 on any subsequent conviction.”

(2) The following enactments are hereby consequentially repealed:

(a) So much of Part I of the Schedule to the Electoral Amendment Act 1980 as relates to section 44 (1) of the principal Act:

(b) So much of the Schedule to the Electoral Amendment Act 1981 as relates to section 44 (2) of the principal Act.

14. Notification of death of registered elector—(1) The principal Act is hereby amended by repealing section 46 (as amended by section 5 (8) of the Electoral Amendment Act 1980), and substituting the following section:

“46. Every Registrar of Births and Deaths shall forthwith after the registration of death of any person of or over the age of 17 years 9 months notify—

“(a) The Registrar of Electors for the electoral district in which the deceased person resided; and

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

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

(2) The Electoral Amendment Act 1980 is hereby consequentially amended by repealing so much of Part II of the Schedule as relates to section 46 of the principal Act.

15. Notification of marriages—(1) The principal Act is hereby amended by repealing section 47 (as substituted by section 16 of the Electoral Amendment Act 1980), and substituting the following section:

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

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

“(b) Is a person of or over the age of 17 years 9 months who has made an application under section 43 (2) of this Act for registration as an elector of any district,—

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

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

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

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

(2) The following enactments are hereby consequentially repealed:

- (a) Section 16 of the Electoral Amendment Act 1980;
- (b) Section 6 of the Electoral Amendment Act 1983.

16. Notification of change of name—The principal Act is hereby amended by inserting, after section 47 (as substituted by section 15 of this Act), the following section:

“47A. Where any person registers a change of his or her name under section 17A of the Births and Deaths Registration Act 1951, the Registrar-General shall complete the form prescribed for the purposes of this section and give it to the Registrar of Electors for any district in which the Registrar-General has reason to believe that the person resides.”

17. Application for registration—Section 48 of the principal Act (as substituted by section 20 (1) of the Electoral Amendment Act 1981) is hereby amended by repealing subsections (3) to (5), and substituting the following subsections:

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

“(a) The person’s surname:

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

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

“(d) The person’s occupation (if any):

“(e) The person’s date of birth:

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

“(g) Such other particulars (if any) as are prescribed.

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

“(4A) Where any applicant or declarant does not comply with paragraph (f) of subsection (3) of this section, this Act shall apply as if the applicant or declarant had stated in that

application or declaration that the applicant or declarant was not a person of New Zealand Maori descent and the applicant or declarant shall not be deemed, by reason of that failure, to have failed to comply with subsection (3) of this section.”

18. Registration of mentally incapable persons—The principal Act is hereby amended by inserting, after section 48 (as substituted by section 20 (1) of the Electoral Amendment Act 1981), the following section:

“48A. (1) Where a person lacks, wholly or partly, the capacity to understand the nature of the decision to register as an elector, one of the persons listed in subsection (2) of this section may register that person as an elector by making an application in respect of that person in the prescribed form.

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

“(a) Any registered elector:

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

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

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

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

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

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

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

- “(a) Exercise the option described in section 41 of this Act in the circumstances described in section 41 (2) (a) or (b) or section 41B (3) of this Act:
- “(b) Sign and return the form together with any corrections to the information contained in it for the purposes of section 43A (5) of this Act:
- “(c) Sign and forward a statement for the purposes of section 55 (3) of this Act.
- “(6) Nothing in this section has the effect of extending the assistance that may be given to persons voting in accordance with section 108 of this Act.”

19. Procedure following application for registration—

(1) Section 49 of the principal Act (as substituted by section 17 (1) of the Electoral Amendment Act 1980) is hereby amended by repealing—

- (a) Subsections (4) and (5) (as added by section 21 of the Electoral Amendment Act 1981); and
- (b) Subsections (6) to (8) (as added by section 7 of the Electoral Amendment Act 1983).

(2) The following enactments are hereby consequentially repealed:

- (a) Section 21 of the Electoral Amendment Act 1981;
- (b) Section 7 of the Electoral Amendment Act 1983.

20. Applications received after issue of writ—(1) The principal Act is hereby amended by repealing section 50 (as substituted by section 9 (1) of the Electoral Amendment Act 1985), and substituting the following section:

“50. (1) Where a writ has been issued for an election in a district, then, subject to subsections (2) and (3) of this section, the Registrar shall not, at any time in the period beginning at 4 p.m. on the day before polling day and ending with the day of the return of the writ, register any application for registration as an elector that the Registrar receives after 4 p.m. on the day before polling day.

“(2) For the purposes of subsection (1) of this section, an application for registration shall be deemed to have been received before 4 p.m. on the day before polling day if—

- “(a) The application or the envelope in which it is contained bears a postmark or date stamp impressed at any New Zealand Post outlet or agency before 4 p.m. on that day; or
- “(b) The applicant for registration produces a receipt which relates to the application and which was issued by

any New Zealand Post outlet or agency before 4 p.m. on that day.

“(3) Where any person applies for registration after a writ has been issued for an election in a district and before 4 p.m. on the day before polling day,—

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

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

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

(2) Section 9 of the Electoral Amendment Act 1985 is hereby consequentially repealed.

21. New sections substituted—(1) The principal Act is hereby amended by repealing sections 52 and 53 (as amended by section 5 (7) of the Electoral Amendment Act 1980), and substituting the following sections:

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

“(2) Every such objection shall be made in writing to the Registrar for the district, and shall specify particulars of the objection.

“(3) On receipt of any such objection the Registrar shall forthwith give to—

“(a) The person objected to; or

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

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

notice in writing of the objection and of the particulars specified.

“(4) Unless, within 7 days after the giving of notice under subsection (3) of this section,—

“(a) The person objected to; or

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

“(c) The attorney appointed by the person objected to under an enduring power of attorney,—
notifies the Registrar that he or she consents to the removal from the roll of the name of the person objected to, or the objection is withdrawn, the Registrar shall refer the objection to a District Court, and shall notify the parties of the time and place appointed for the hearing.

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

“(2) The Registrar shall forthwith give to—

“(a) The person objected to; or

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

“(c) The attorney appointed by the person objected to under an enduring power of attorney,—
notice in writing of the objection and of the particulars specified.

“(3) Unless, within 7 days after the giving of notice under subsection (2) of this section,—

“(a) The person objected to; or

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

“(c) The attorney appointed by the person objected to under an enduring power of attorney,—
notifies the Registrar that he or she consents to the removal from the roll of the name of the person objected to, or satisfies the Registrar that the person objected to is qualified to be registered as an elector of the district, or the objection is withdrawn, the Registrar shall refer the objection to a District Court, and shall notify the parties of the time and place appointed for the hearing.

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

(2) The Electoral Amendment Act 1980 is hereby consequentially amended by repealing so much of Part I of the Schedule as relates to sections 52 and 53 of the principal Act.

22. Repeal of provision relating to time limit for objections—(1) The principal Act is hereby amended by repealing section 54.

(2) Section 24 (2) (a) of the Electoral Amendment Act 1975 is hereby consequentially repealed.

23. Notice of registration—(1) The principal Act is hereby amended by repealing section 56 (as substituted by section 9 (1) of the Electoral Amendment Act 1983 and as amended by section 10 of the Electoral Amendment Act 1985), and substituting the following section:

“56. (1) Subject to subsection (2) of this section and to section 43A (6A) (b) of this Act, the Registrar shall, not later than 14 days after the registration of a person, deliver to that person personally, or send to that person by post, notice in writing of the registration of that person.

“(2) Where registration of a person is effected at any time in a period specified by the Minister under section 43A (3) of this Act, subsection (1) of this section shall not apply, but the Registrar shall, not later than 6 weeks after the end of that period, deliver to that person personally, or send to that person by post, notice in writing of the registration of that person.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 9 of the Electoral Amendment Act 1983:

(b) Section 10 of the Electoral Amendment Act 1985.

24. Removal of names from roll by Registrar—

(1) Section 57 (1) of the principal Act (as substituted by section 10 (1) of the Electoral Amendment Act 1983) is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Where—

“(i) An application for registration has not been marked or signed in accordance with section 48 or section 48A or section 43A (5) of this Act; and

“(ii) There has been a failure to supply to the Registrar, in response to a request by the Registrar, a new application for registration marked or signed in accordance with section 48 or section 48A or section 43A (5) of this Act, as the case may require,—

the name of the person whose application for registration has not been so marked or signed.”.

(2) Section 57 (1) of the principal Act (as so substituted) is hereby amended by repealing paragraph (f), and substituting the following paragraph:

“(f) The name of every person whose disqualification under section 42 of this Act—

“(i) Is duly certified to the Registrar; or

“(ii) Is duly notified to the Registrar under section 42A of this Act:”.

(3) Section 57 of the principal Act (as so substituted) is hereby further amended by repealing subsection (5), and substituting the following subsection:

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

25. Form of main roll and supplementary rolls—Section 63 (6) of the principal Act (as substituted by section 2 (1) of the Electoral Amendment Act 1960) is hereby amended by omitting the words “or extracts from”.

26. Inspection and purchase of main and supplementary rolls—(1) Section 64 of the principal Act (as substituted by section 29 (1) of the Electoral Amendment Act 1980) is hereby amended—

(a) By omitting from subsection (1) (as amended by section 32 (1) of the State-Owned Enterprises Act 1986) the words “post office within the district that is controlled by an employee of New Zealand Post Limited”, and substituting the words “New Zealand Post outlet”; and

(b) By omitting from subsection (5) the words “or extracts from”; and

(c) By repealing subsections (6) and (6A) (as substituted by section 3 (1) of the Electoral Amendment Act 1989); and

(d) By omitting from subsection (7) (a) (as amended by section 12 (3) of the Electoral Amendment Act 1983) the words “or subsection (6) or subsection (6A)”.

(2) The following enactments are hereby consequentially repealed:

(a) So much of the Third Schedule to the State-Owned Enterprises Act 1986 as relates to section 64 (1) of the principal Act:

(b) Section 3 of the Electoral Amendment Act 1989.

27. Supply of computer compiled lists and computer tapes to local authorities—(1) Section 64A of the principal Act (as substituted by section 4 (1) of the Electoral Amendment Act 1989) is hereby amended—

- (a) By inserting in subsection (1), and also in subsections (4) and (8), after the words “computer tape”, the words “, disk, or diskette”; and
- (b) By inserting in subsection (8), after the words “computer tapes”, the words “disks, or diskettes”.

(2) Section 64A of the principal Act (as so substituted) is hereby further amended by inserting, after subsection (8), the following subsection:

“(8A) Where any officer of a local authority (as defined in section 2 of the Local Elections and Polls Act 1976) acting on behalf of a local authority (as so defined) wishes to obtain, for the purposes of compiling a roll of electors for a local authority (as so defined) and for no other purpose, any specified information, the Chief Registrar may, in accordance with regulations made under this Act, give that officer, on payment of the prescribed fee, a computer compiled list or computer tape, disk, or diskette containing that information.”

(3) Section 64A of the principal Act (as so substituted) is hereby further amended by omitting from subsection (9) the words “and section 64 (6A) of this Act”.

28. New sections substituted—(1) The principal Act is hereby amended by repealing section 64B (as inserted by section 25 of the Electoral Amendment Act 1981 and renumbered by section 16 of the Electoral Amendment Act 1985), and substituting the following sections:

“64B. **Supply of computer tapes**—(1) A computer tape, disk, or diskette may have recorded on it by the Chief Registrar, the names, residential addresses, occupations (if any), meshblock, and postal addresses of—

- “(a) The electors of an electoral district; or
- “(b) If the person to whom the information is being supplied is one described in subsection (5) (b) of this section, the electors of a local authority district or subdivision of a local authority district.

“(2) Where information is supplied under subsection (1) of this section, the Chief Registrar may, if the person to whom that information is to be supplied under subsection (1) of this section so requests, record on the computer tape, disk, or

diskette, in addition to the information described in subsection (1) of this section,—

“(a) Whether an elector is of Maori descent; or

“(b) A list of electors in a particular age group; or

“(c) Both.

“(3) A tape, disk, or diskette with information recorded on it under subsection (1) or subsection (2) of this section may be supplied to the persons described in subsection (5) of this section, and to no other persons.

“(4) The Chief Registrar shall supply the information described in subsections (1) and (2) of this section if—

“(a) The person seeking the information supplies the Chief Registrar with a computer tape, disk, or diskette that complies with the prescribed requirements; and

“(b) The person seeking the information pays the prescribed fee; and

“(c) The person seeking the information states on a form to be provided by the Chief Registrar that the information is required for purposes permitted by this section and will not be used for any purpose other than those for which it is supplied; and

“(d) The request for the information is otherwise in accordance with regulations made under this Act.

“(5) The information supplied pursuant to subsections (1) and (2) of this section shall be supplied to the following persons and to no other persons:

“(a) Any candidate or any person acting on behalf of a political party who wishes to obtain the information for the purposes of the candidate or the political party:

“(b) Any candidate or any person acting on behalf of a political party who wishes to obtain the information for the purposes of the candidate or the political party in connection with any local authority elections.

“(6) Regulations made under section 188 of this Act may—

“(a) Prescribe requirements in respect of computer tapes, disks, or diskettes supplied to the Chief Registrar under this Act:

“(b) Prescribe fees, or a scale of fees, for the supply of computer tapes, disks, or diskettes by the Chief Registrar to any person under subsection (5) of this section.

“(7) For the purposes of this section and section 64BA (1) (a) of this Act—

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

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

“**64BA. Supply of information on age**—(1) Any person may request the Chief Registrar to provide to that person,—

“(a) For the purposes of research being conducted by that person on a topic that relates to a scientific matter, a list of electors in a particular age group as defined in section 64B (7) of this Act; or

“(b) For the purposes of research being conducted by that person on a topic that relates to human health, a list of electors whose birthdays fall within a period of 12 months.

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

“(3) Every such list may be supplied in the form of a computer compiled list or in the form of information recorded on a computer tape, disk, or diskette.

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

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

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

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

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

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

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

“64BB. Offences in respect of using electoral information derived from computer tapes for non-electoral purposes—(1) Every person commits an offence who knowingly and wilfully supplies, receives, or uses information derived from a computer tape, disk, or diskette supplied pursuant to section 64A or section 64B or section 64BA or section 65AE of this Act for a purpose other than a purpose authorised by those sections.

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

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

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

“64BC. Offence in respect of manipulating or processing electoral information—(1) Every person commits an offence who processes, manipulates, or otherwise changes by optical scanning or other electronic or mechanical means, any information obtained pursuant to section 64A or section 64B or section 64BA or section 65AE of this Act or contained in any habitation index or any printed roll, in such a way as to produce that information or part of that information in a different form from that in which it was supplied under this Act.

“(2) It shall not be an offence against subsection (1) of this section to process, manipulate, or otherwise change information obtained pursuant to any of the provisions of sections 64A, 64B, 64BA, and 65AE of this Act into a different form—

“(a) If—

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

“(ii) The information, in its different form, is used only for purposes authorised by the provision under which it was obtained; or

“(b) If the information was so obtained more than 10 years before the date on which the processing or manipulation is done or the change is effected.

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

“(4) Every person commits an offence who—

“(a) Uses for any purpose; or

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

“(5) Every person who commits a breach of subsection (4) of this section is liable on summary conviction,—

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

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

(2) The following enactments are hereby consequentially repealed:

(a) Section 25 of the Electoral Amendment Act 1981:

(b) Section 13 of the Electoral Amendment Act 1983:

(c) Sections 16 and 17 of the Electoral Amendment Act 1985:

(d) Section 4 (2) of the Electoral Amendment Act (No. 2) 1985.

29. Copies of rolls for Returning Officer—Section 65 (a) of the principal Act (as substituted by section 14 (1) of the Electoral Amendment Act 1983) is hereby amended by omitting the words “(otherwise than pursuant to section 49 of this Act)”.

30. Purchase by candidates and political parties of computer compiled lists of names on dormant file—

(1) Section 65^{AE} of the principal Act (as substituted by section 4 (1) of the Electoral Amendment Act (No. 2) 1985) is hereby amended by inserting in subsection (1) (b), after the words “computer tape”, the words “, disk, or diskette”.

(2) Section 65^{AE} of the principal Act (as so substituted) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Where any person to whom subsection (1) of this section applies informs the Chief Registrar that that person wishes to obtain, under that subsection, a computer tape, disk, or diskette containing the names, residences, and occupations (if any) of the persons whose names are on the dormant file for an electoral district, the Chief Registrar shall, in accordance with regulations made under this Act and on being supplied by that person with a computer tape, disk, or diskette that complies

with the prescribed requirements and on payment of the prescribed fee, record those names, residences, and occupations (if any) on that tape and return it to that person.”

31. False statements or declarations—(1) Section 66 of the principal Act (as amended by section 46 of the Electoral Amendment Act 1975 and section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 66 of the principal Act.

32. Wilfully misleading Registrar—(1) Section 67 (1) of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the words “not exceeding \$1,000”, and substituting the words “not exceeding \$2,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 67 (1) of the principal Act.

33. Failure to deliver application—(1) Section 68 of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the words “not exceeding \$1,000”, and substituting the words “not exceeding \$2,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 68 of the principal Act.

34. Misfeasance of Registrar—(1) Section 69 of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the words “not exceeding \$1,000”, and substituting the words “not exceeding \$2,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 69 of the principal Act.

35. Power to resolve in certain cases that by-election not be held—The principal Act is hereby amended by inserting, after section 73, the following section:

“73A. Notwithstanding anything in section 72 of this Act, no writ shall be issued for a by-election to supply a vacancy in the House of Representatives if—

- “(a) The vacancy arises in the period of 6 months ending with the date of the expiration of the Parliament and a resolution that a writ not be issued to supply the vacancy is passed by a majority of 75 percent of all the members of the House of Representatives; or
- “(b) Following the tabling in the House of Representatives by the Prime Minister of a document informing the House that a general election is to be held within 6 months of the occurrence of the vacancy, a resolution is passed by a majority of 75 percent of all the members of the House of Representatives to the effect that a writ is not to be issued to supply the vacancy.”

36. Clerk of the Writs to notify Registrar—(1) The principal Act is hereby amended by repealing section 77 (as amended by section 19 of the Electoral Amendment Act 1985 and section 5 (7) of the Electoral Amendment Act 1980), and substituting the following section:

“77. The Clerk of the Writs shall forthwith on signing a writ for an election to be held in any district cause a notice of the issue of the writ to be sent to the Registrar for the district.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 19 of the Electoral Amendment Act 1985;
- (b) So much of Part I of the Schedule to the Electoral Amendment Act 1980 as relates to section 77 of the principal Act.

37. Notice to Returning Officer—(1) The principal Act is hereby amended by repealing section 78 (as amended by section 20 of the Electoral Amendment Act 1985), and substituting the following section:

“78. (1) The Clerk of the Writs may, on signing a writ for an election to be held in any district, cause a notice to be sent to the Returning Officer for the district informing the Returning Officer of the issue of the writ and of the nomination day and of the polling day.

“(2) If the Returning Officer is unable for any reason to receive the notice, the Returning Officer shall appoint a person to receive the notice on the Returning Officer’s behalf.

“(3) The receipt by the Returning Officer, or by the person appointed by the Returning Officer under subsection (2) of this section, of the notice shall be deemed to be the receipt by the Returning Officer of the writ, and the date of that receipt shall be endorsed on the writ.”

(2) Section 20 of the Electoral Amendment Act 1985 is hereby consequentially repealed.

38. Nomination of candidates—(1) Section 80 (2) of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Consent to the nomination of any person shall be given by that person in writing or, where the Returning Officer has facilities for the receipt of facsimile transmissions, by facsimile transmission, but such consent need not be given at the time when the nomination paper is lodged:

“Provided that the consent of any person who is for the time being outside New Zealand may be signified to the Returning Officer in any manner approved by the Chief Electoral Officer.”

(2) Section 80 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) Unless the Returning Officer agrees that the candidate’s name will fit on the ballot paper, the nomination paper or other document on which the candidate consents to his or her nomination shall show the names to be used on the ballot paper as his or her given names (which names shall be short enough to enable the candidate’s surname and given names to fit on the ballot paper).”

39. Deposit by candidate—(1) The principal Act is hereby amended by repealing section 81 (as amended by section 31 of the Electoral Amendment Act 1981), and substituting the following section:

“81. (1) Every candidate, or some person on the candidate’s behalf, shall deposit with the Returning Officer the sum of \$200 not later than noon on nomination day.

“(2) The deposit shall be paid in the form of money, a bank draft, or a bank cheque.

“(3) If the total number of votes received by any unsuccessful candidate is less than one-fourth of the total number of votes received by the successful candidate, the deposit of the unsuccessful candidate shall be forfeited and paid into the Crown Bank Account, but in every other case the deposit shall be returned to the person who paid it.”

(2) Section 31 of the Electoral Amendment Act 1981 is hereby consequentially repealed.

40. New sections substituted—(1) The principal Act is hereby amended by repealing section 87 (as amended by section 33 (2) of the Electoral Amendment Act 1975 and section 31 (1) of the Electoral Amendment Act 1980), and substituting the following section:

“87. Form of ballot papers—(1) The ballot papers to be used at any election shall be in form 8.

“(2) Forthwith after nomination day for an election, the Returning Officer shall, if a poll is required to be taken, cause ballot papers to be printed in sufficient numbers for the election.

“(3) Every ballot paper shall contain a list of all the persons nominated as candidates who have not withdrawn their nominations (which list shall be arranged in the manner prescribed by this Act).

“(4) On the ballot paper,—

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

“(b) The given names of each candidate shall follow the candidate’s surname:

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

“(d) The name of the political party of the candidate, if any,—

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

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

“(iii) Shall not be in bold type:

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

“(5) No candidate who seeks election as an independent candidate shall use the name of any political party that contested the last general election or any by-election held since the last general election, but shall have the word ‘independent’ shown on the ballot paper immediately below that candidate’s name.

“(6) Subject to subsection (4) (e) of this section, no other identification, such as occupation, title, honour, or degree, shall be included on the ballot paper in relation to any candidate’s name or political party.

“(7) A circle shall be shown on the ballot paper to the right of each candidate’s name.

“(8) Every ballot paper shall have a counterfoil in form 9.

“(9) There shall also be printed on the top right-hand corner of every ballot paper and in the space provided in the counterfoil attached thereto, a number (called a consecutive number) beginning with the number 1 in the case of the first ballot paper printed, and on all succeeding ballot papers printed the numbers shall be consecutive, so that no two ballot papers for the district shall bear the same number.

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

“87A. **Name of political party**—(1) Where a name is shown on a nomination paper or other document on which a candidate consents to his or her nomination as the name of the candidate’s political party, the Returning Officer may, if he or she considers it necessary, require the candidate to produce evidence sufficient to satisfy the Returning Officer of the candidate’s eligibility to claim that accreditation.

“(2) Where the Returning Officer considers that the name shown on the nomination paper or other document as the name of the candidate’s political party is indecent or offensive or excessively long or likely to cause confusion to or mislead electors,—

“(a) The Returning Officer shall, after consultation with the candidate, show on the ballot paper as the name of the candidate’s political party such name as the Returning Officer and the candidate agree upon in place of that shown on the nomination paper or other document:

“(b) If on such consultation the Returning Officer and the candidate cannot agree, or if consultation is not reasonably practicable, the Returning Officer shall not show any name on the ballot papers as the name of the candidate’s political party.”

(2) Section 33 (2) of the Electoral Amendment Act 1975 is hereby consequentially repealed.

41. Death after close of nominations—Section 89 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) The deceased candidate’s deposit shall be returned to the personal representatives of the deceased candidate or, as the case may be, to the person who paid that deposit.”

42. Use of public schoolrooms for election meetings—(1) Section 90 (1) of the principal Act (as amended by section 35 of the Electoral Amendment Act 1975) is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Three days’ notice of the proposed public meeting shall be given to the governing body of the school.”

(2) Section 90 (2) of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$500”, and substituting the expression “\$1,000”.

(3) The following enactments are hereby consequentially repealed:

(a) Section 35 (1) (b) of the Electoral Amendment Act 1975:

(b) So much of the Schedule to the Electoral Amendment Act 1981 as relates to section 90 (2) of the principal Act.

43. New sections substituted—The principal Act is hereby amended by repealing section 91, and substituting the following sections:

“91. Power to appoint polling places—(1) In respect of each election, the Governor-General may from time to time, subject to subsections (2) to (4) of this section, appoint polling places for any district, and may revoke, alter, or add to any such appointment.

“(2) The polling places appointed for any district may include polling places that are not within the limits of that district.

“(3) No polling place shall be appointed in any licensed premises under the Sale of Liquor Act 1962.

“(4) At least one polling place within the limits of each district shall have access that is suitable for persons who are physically disabled.

“(5) Public notice of every appointment, revocation, alteration, or addition under this section shall be given in the *Gazette*.

“91A. Use of public schools as polling places—(1) Any public primary school or intermediate school or secondary

school may be appointed to be a polling place under section 91 of this Act, and in every such case it shall be the duty of the governing body of the school to place it at the free disposal of the Returning Officer from 4 p.m. on the day before polling day and for the whole of polling day.

“(2) The cost of cleaning any part of a school used as a polling place, and of repairing any damage arising from the use of a school as a polling place, shall be defrayed by the Returning Officer out of money to be appropriated by Parliament.”

(2) The following enactments are hereby consequentially repealed:

- (a) The Electoral Amendment Act (No. 2) 1969;
- (b) Section 4 (1) of the Electoral Amendment Act 1971;
- (c) Section 35 (2) of the Electoral Amendment Act 1975;
- (d) Section 28 of the Electoral Amendment Act 1981.

44. Polling booths, ballot boxes, ballot papers, etc.—

(1) The principal Act is hereby amended by repealing section 92, and substituting the following section:

“92. (1) The Returning Officer shall provide the following things for taking the poll:

“(a) One or more rooms for polling booths at each polling place, and in each booth one or more inner compartments, separated from but opening into the booth and having no other opening:

“(b) In each inner compartment suitable facilities for the marking of ballot papers:

“(c) In each booth one or more ballot boxes:

“(d) In each booth one or more copies of the main roll and supplementary rolls for the district, and a sufficient number of voting papers.

“(2) The Returning Officer shall provide—

“(a) Each polling place in respect of a General electoral district with a copy of the roll for the Maori electoral district in which the polling place is situated; and

“(b) Each polling place in respect of a Maori electoral district with a copy of the roll for the General electoral district in which the polling place is situated.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 4 (2) of the Electoral Amendment Act 1971;
- (b) Section 17 of the Electoral Amendment Act 1983.

45. Deputy Returning Officers, poll clerks, ushers, and interpreters—Section 93 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Returning Officer—

“(a) Shall appoint for each polling booth a Deputy Returning Officer to conduct the poll at that booth; and

“(b) May appoint such additional Deputy Returning Officers and such poll clerks, ushers, and interpreters as the Returning Officer considers necessary.”

46. Deputy Returning Officers, poll clerks, ushers, and interpreters to make declaration—The principal Act is hereby amended by repealing section 94, and substituting the following section:

“94. Every Deputy Returning Officer and poll clerk and usher and interpreter shall before the poll, and every substitute for a Deputy Returning Officer shall before acting, make a declaration in form 1 before the Returning Officer, or a Justice of the Peace, or a solicitor, or another Deputy Returning Officer.”

47. Scrutineers—Section 95 (2) of the principal Act (as substituted by section 5 of the Electoral Amendment Act 1971) is hereby amended by omitting the words “or a postmaster”.

48. Employees to have time off to vote—(1) Section 98 of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended—

(a) By omitting from subsection (3) the expression “\$200”, and substituting the expression “\$400”; and

(b) By omitting from subsection (4) the expression “\$500”, and substituting the expression “\$1,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to sections 98 (3) and 98 (4) of the principal Act.

49. Who may vote—(1) Section 99 of the principal Act is hereby amended by repealing paragraph (b) (as substituted by section 22 (1) of the Electoral Amendment Act 1985), and substituting the following paragraph:

“(b) Any person—

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

“(ii) Who is registered as an elector of the district as a result of having applied for registration as an elector of the district after writ day and before 4 p.m. on the day before polling day.”.

(2) Section 99 of the principal Act is hereby amended by repealing paragraph (d) (as amended by section 22 (2) of the Electoral Amendment Act 1985), and substituting the following paragraph:

“(d) Any person—

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

“(ii) Who is registered as an elector of the district as a result of having applied, since the last preceding election and not later than 4 p.m. on the day before polling day, for registration as an elector of the district or, where a change of boundaries has intervened, of some other district in which that person’s then place of residence within the first-mentioned district was then situated.”.

(3) Section 22 of the Electoral Amendment Act 1985 is hereby consequentially amended by repealing subsections (1) and (2).

50. Special voters—(1) The principal Act is hereby amended by repealing section 100 (as substituted by section 32 of the Electoral Amendment Act 1981), and substituting the following section:

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

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

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

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

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

“(e) The person is, by reason of a religious objection, unable to attend to vote on the day of the week on which polling day falls:

“(f) The person satisfies the Returning Officer or Deputy Returning Officer that on any other ground it will not be practicable for that person to vote at a polling

place in the district without incurring hardship or serious inconvenience.

“(2) A person who is registered as an elector of a Maori electoral district and who is qualified to vote at any election in that district may vote as a special voter not only on the grounds set out in subsection (1) of this section but also on the ground that the person attends to vote on polling day at a polling place that is not a polling place for that district.”

(2) Section 32 of the Electoral Amendment Act 1981 is hereby consequentially repealed.

51. Ballot box to remain closed during poll—The principal Act is hereby amended by repealing section 101, and substituting the following section:

“101. (1) The Deputy Returning Officer shall, before the opening of the poll, and in sight of any of the scrutineers present,—

“(a) See that the ballot box is empty; and

“(b) Close the ballot box; and

“(c) Ensure that the ballot box is sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.

“(2) Subject to subsection (3) of this section, the ballot box, after being sealed or locked in accordance with subsection (1) of this section, shall not again be opened until after the close of the poll.

“(3) If the ballot box becomes full and no other ballot box is available, the Deputy Returning Officer, in sight of any of the scrutineers present, may open the ballot box and compress the papers in it.

“(4) Where a ballot box is opened pursuant to subsection (3) of this section, the Deputy Returning Officer shall, after compressing the papers and in sight of any of the scrutineers present,—

“(a) Close the ballot box; and

“(b) Ensure that the ballot box is sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.”

52. Persons not to remain in polling places—The principal Act is hereby amended by repealing section 102, and substituting the following section:

“102. No person not actually engaged in voting shall be allowed to remain in a polling place except—

“(a) The Returning Officer; or

- “(b) Deputy Returning Officers; or
- “(c) Poll clerks; or
- “(d) Ushers; or
- “(e) Scrutineers; or
- “(f) Interpreters; or
- “(g) Any other person with the permission of the Returning Officer or Deputy Returning Officer.”

53. Voters not to be communicated with in booth—

- (1) Section 103 of the principal Act is hereby amended—
- (a) By omitting from subsection (1) the words “speak to”, and substituting the words “communicate with”; and
 - (b) By omitting from subsection (2) (as amended by section 46 (1) of the Electoral Amendment Act 1981) the expression “\$200”, and substituting the expression “\$400”.
- (2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 103 (2) of the principal Act.

54. Questions may be put to voter—(1) Section 104 of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting from subsection (3), and also from subsection (4), the expression “\$500”, and substituting in each case the expression “\$1,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 104 of the principal Act.

55. Issue of ballot papers—(1) The principal Act is hereby amended by repealing section 105, and substituting the following section:

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

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

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

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

“(a) Unless a consecutive number has been printed on the ballot paper and on the counterfoil, the Deputy Returning Officer or poll clerk shall enter on both the counterfoil and the ballot paper in the spaces provided a number (called a consecutive number), beginning with the number one in the case of the first ballot paper issued by or on behalf of the Deputy Returning Officer, and on all succeeding ballot papers issued by or on behalf of the Deputy Returning Officer the numbers shall be consecutive, so that no two ballot papers issued in the same booth shall bear the same number:

“(b) The Deputy Returning Officer or poll clerk shall firmly fix a piece of gummed paper over the consecutive number on the ballot paper so as to conceal it effectively:

“(c) On the counterfoil of the ballot paper the Deputy Returning Officer or poll clerk shall write his or her initials, and the number appearing in the roll against the name of the elector preceded by the number of the page on which that name appears:

“(d) The Deputy Returning Officer or poll clerk shall place the official mark of the Deputy Returning Officer on the ballot paper so that the booth in which the ballot paper was issued may be identified.

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

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

(2) The following enactments are hereby consequentially repealed:

(a) Section 2 (2) of the Electoral Amendment Act 1960:

(b) So much of the Schedule to the Electoral Amendment Act 1981 as relates to section 105 (5) of the principal Act.

56. Method of voting—The principal Act is hereby amended by repealing section 106, and substituting the following section:

“106. (1) The voter, having received a ballot paper, shall immediately retire into one of the inner compartments provided for the purpose, and shall there alone and secretly vote by marking the ballot paper with a tick within the circle immediately after the name of the candidate for whom the voter wishes to vote.

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

“(3) Nothing in this section limits the provisions of section 115 (2) (a) (ii) of this Act.”

57. Voting by special voters—Section 110 (3B) of the principal Act (as inserted by section 34 of the Electoral Amendment Act 1981) is hereby amended by omitting the words “or a postmaster”.

58. Procedure after close of poll—Section 111 (1) (a) of the principal Act is hereby amended by repealing subparagraphs (ii) to (iv), and substituting the following subparagraphs:

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

“(iii) All the spoilt ballot papers.”

59. Scrutiny of the rolls—(1) The principal Act is hereby amended by repealing section 112 (as substituted by section 35 of the Electoral Amendment Act 1981), and substituting the following section:

“112. (1) The Returning Officer—

“(a) Shall make arrangements for a scrutiny of the rolls as soon as practicable after the close of the poll; and

“(b) Shall give notice in writing to each of the candidates or their scrutineers of the time and place at which the Returning Officer will commence the scrutiny.

“(2) Each candidate may, by writing under his or her hand, appoint one or more scrutineers to be present at the scrutiny of the rolls.

“(3) Every scrutineer shall, before being allowed to act, make a declaration in form 1 before the Returning Officer or the Deputy Returning Officer or a Justice of the Peace or a solicitor.

“(4) Where a candidate appoints more than one scrutineer to be present at the scrutiny of the rolls, only one scrutineer for that candidate, or such greater number as is permitted by the Returning Officer, shall be present at the scrutiny of the rolls at any time.

“(5) No person other than the Returning Officer and the Returning Officer’s assistants, and the scrutineers, shall be present at the scrutiny.

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

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

(2) Section 35 of the Electoral Amendment Act 1981 is hereby consequentially repealed.

60. Counting the votes—(1) Section 115 of the principal Act is hereby amended by repealing subsection (1) (as amended by section 36 of the Electoral Amendment Act 1981) and subsection (1A) (as inserted by section 39 of the Electoral Amendment Act 1975), and substituting the following subsections:

“(1) On completion of the scrutiny hereinbefore directed the Returning Officer, with such assistants as the Returning Officer considers necessary, and in the presence of such of the scrutineers appointed under section 112 of this Act as are present (not exceeding, unless the Returning Officer otherwise permits, one scrutineer for each candidate), and also in the presence of some Justice (who shall attend at the request of the Returning Officer), but of no other person, shall select and open one of the parcels of used ballot papers referred to in section 111 (1) (e) of this Act and shall mark each ballot paper with a number in consecutive order, beginning with the number one, so that no two ballot papers in that parcel shall bear the same number.

“(1A) The procedure set out in subsection (1) of this section need not be delayed until the inquiries under subsection (2) of section 113 of this Act have been completed, but the ballot papers from any particular polling booth shall not be counted until any inquiries in respect of ballot papers from that booth have been completed.

“(1B) No special vote shall be disallowed by reason only of some error or omission on the part of an official, if the

Returning Officer is satisfied that the voter was qualified to vote at the election.

“(1c) Where a person who has voted in an election dies before the close of the day before polling day, the Returning Officer shall, on receiving from a Registrar of Births and Deaths notification of that person’s death, disallow that person’s vote.”

(2) Section 115 (2) (a) (i) of the principal Act is hereby amended by inserting, after the words “Deputy Returning Officer”, the words “or a poll clerk authorised by a Deputy Returning Officer to issue ordinary ballot papers”.

(3) The following enactments are hereby consequentially repealed:

(a) Section 39 of the Electoral Amendment Act 1975:

(b) Section 36 of the Electoral Amendment Act 1981.

61. Application to District Court Judge for recount—

(1) The principal Act is hereby amended by repealing section 117 (as amended by section 37 of the Electoral Amendment Act 1981), and substituting the following section:

“117. (1) Any candidate may, within 3 working days after the public declaration, apply to a District Court Judge for a recount of the votes.

“(2) Every such application shall be accompanied by a deposit of \$200 (which deposit shall be inclusive of goods and services tax).

“(3) The District Court Judge—

“(a) Shall cause a recount of the votes to be commenced within 3 working days after receiving the application; and

“(b) Shall give notice in writing to the Returning Officer and to each of the candidates or their scrutineers of the time and place at which the recount will be made.

“(4) The recount shall be made in the presence of the District Court Judge or of an officer appointed by the District Court Judge for the purpose, and shall as far as practicable be made in the manner provided in the case of the original count.

“(5) No person shall be present at the recount except—

“(a) The District Court Judge or the officer appointed by the District Court Judge; and

“(b) The assistants (if any) of the District Court Judge or the officer appointed by the District Court Judge; and

“(c) The Returning Officer and the assistants (if any) of the Returning Officer; and

“(d) The scrutineers appointed under section 112 of this Act (not exceeding, unless the District Court Judge or

the officer appointed by the District Court Judge otherwise permits, one scrutineer for each candidate).

“(6) The District Court Judge shall have all the powers that the Returning Officer had on the original count, and may, in addition, review any decision of the Returning Officer or the Registrar of Electors in respect of—

“(a) The checking of special voting declarations; or

“(b) The allowance or disallowance of special votes.

“(7) Any decision referred to in subsection (6) of this section and any other decision made by the Returning Officer in the exercise of the Returning Officer’s powers on the original count may be confirmed, reversed, or set aside by the District Court Judge.

“(8) If on the recount the District Court Judge finds that the public declaration was incorrect, the District Court Judge shall order the Returning Officer to give an amended declaration of the result of the poll.

“(9) The District Court Judge may make such order as to the costs of and incidental to the recount as the District Court Judge considers just, and, subject to any such order, shall direct the deposit made under this section to be returned to the person who paid it.”

(2) Section 37 of the Electoral Amendment Act 1981 is hereby consequentially repealed.

62. Disposal of ballot papers, rolls, etc.—Section 121 (1) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) The Returning Officer shall enclose—

“(i) In one or more separate packets all the parcels of used ballot papers, including the special voters’ ballot papers; and

“(ii) In one or more other separate packets all the counterfoils of ballot papers that have been issued and all unused ballot papers; and

“(iii) In one or more other separate packets all parcels of spoilt ballot papers; and

“(iv) In one or more other separate packets all parcels of ballot papers set aside under sections 109 and 114 of this Act; and

“(v) In one or more other separate packets all parcels containing ballot paper accounts, copies of rolls (except the master roll), books, or other papers, as in this Act provided, and all letters and other

papers received from any Deputy Returning Officer in respect of the votes of special voters.”.

63. Annotation of list of special voters—The principal Act is hereby amended by inserting, after section 121, the following section:

“121A. (1) A candidate at an election who applies for a recount of the votes or a person who files an election petition may, by notice in writing to the Returning Officer, require the Returning Officer forthwith to annotate the list attached to the master roll pursuant to section 121 (3) of this Act:

“Provided that this subsection shall not apply where the Returning Officer receives the notice after he or she has forwarded to the Clerk of the House of Representatives the packets required, by section 121 (1) (b) of this Act, to be forwarded to the Clerk of the House of Representatives.

“(2) The annotations shall show, in relation to each special voter whose vote is shown on the list as having been disallowed, the reason for the disallowance of the vote.

“(3) The annotated list shall be sent by the Returning Officer to the Registrar of Electors for the district.

“(4) Any registered elector of the district may inspect the annotated list at the Registrar’s office without payment of any fee at any time when the office is open for the transaction of business.”

64. Prevention of irregularities as to ballot papers—

(1) Section 126 of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$1,000” wherever it appears in paragraphs (e) to (g), and substituting in each case the expression “\$2,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 126 of the principal Act.

65. Interfering with or influencing voters—(1) The principal Act is hereby amended by repealing section 127 (as substituted by section 39 (1) of the Electoral Amendment Act 1981 and amended by section 88 of the Broadcasting Act 1989), and substituting the following section:

“127. (1) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$5,000 who at an election—

- “(a) In any way interferes with any elector, either in the polling booth or while the elector is on the way to the polling booth, with the intention of influencing the elector or advising the elector as to the elector’s vote:
- “(b) At any time on polling day before the close of the poll in or in view or hearing of any public place holds or takes part in any demonstration or procession having direct or indirect reference to the poll by any means whatsoever:
- “(c) At any time on polling day before the close of the poll makes any statement having direct or indirect reference to the poll by means of any loudspeaker or public address apparatus or cinematograph or television apparatus:
- “Provided that this paragraph shall not restrict the publication by radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989 of—
- “(i) Any advertisement placed by the Chief Electoral Officer or a Returning Officer; or
- “(ii) Any non-partisan advertisement broadcast, as a community service, by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989; or
- “(iii) Any news in relation to an election:
- “(d) At any time before the close of the poll, conducts in relation to the election a public opinion poll of persons voting before polling day:
- “(e) At any time on polling day before the close of the poll, conducts a public opinion poll in relation to the election:
- “(f) At any time on polling day before the close of the poll, or at any time on any of the 3 days immediately preceding polling day, prints or distributes or delivers to any person anything being or purporting to be in imitation of any ballot paper to be used at the poll and having thereon the names of the candidates or any of them, together with any direction or indication as to the candidate for whom any person should vote, or in any way containing any such direction or indication, or having thereon any matter likely to influence any vote:

“(g) At any time on polling day before the close of the poll exhibits in or in view of any public place, or publishes, or distributes, or broadcasts,—

“(i) Any statement advising or intended or likely to influence any elector as to the candidate or party for whom the elector should or should not vote; or

“(ii) Any statement advising or intended or likely to influence any elector to abstain from voting; or

“(iii) Any party name, emblem, slogan, or logo; or

“(iv) Any ribbons, streamers, rosettes, or items of a similar nature in party colours:

“Provided that this paragraph shall not apply to any statement, name, emblem, slogan, or logo in a newspaper published before 6 p.m. on the day before polling day:

“Provided also that where any statement, name, emblem, slogan, or logo which does not relate specifically to the election campaign and which is so exhibited before polling day in a fixed position and in relation to the New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party, it shall not be an offence to leave the statement, name, emblem, slogan, or logo so exhibited on polling day:

“Provided further that this paragraph shall not restrict the publication of any party name in any news which relates to an election and which is published in a newspaper or other periodical or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989:

“Provided further that this paragraph shall not apply to ribbons, streamers, rosettes, or items of a similar nature, which are worn or displayed by any person (not being an electoral official) on his or her person or on any vehicle in party colours or to a party lapel badge worn by any person (not being an electoral official):

“(h) At any time on polling day before the close of the poll prints or distributes or delivers to any person any card or paper (whether or not it is an imitation ballot paper) having thereon the names of the candidates or any of them:

“(i) Exhibits or leaves in any polling booth any card or paper having thereon any direction or indication as to how

any person should vote or as to the method of voting:

“(j) Subject to any regulations made under this Act, at any time on polling day before the close of the poll, within, or at the entrance to, or in the vicinity of, any polling place,—

“(i) Gives or offers to give any person any written or oral information as to any name or number on the main roll or any supplementary roll being used at the election:

“(ii) Permits or offers to permit any person to examine any copy of the main roll or any supplementary roll being used at the election.

“(2) It shall be a defence to a prosecution for an offence against subsection (1) (g) of this section that relates to the exhibition in or in view of a public place of a statement, name, emblem, slogan, or logo, if the defendant proves that—

“(a) The exhibition was inadvertent; and

“(b) The defendant caused the exhibition to cease as soon as the defendant was notified by a Returning Officer or a Deputy Returning Officer that the exhibition was taking place.

“(3) Nothing in this section shall apply to any official statement or announcement made or exhibited under the authority of this Act.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 39 of the Electoral Amendment Act 1981:

(b) So much of the Second Schedule to the Broadcasting Act 1989 as relates to the principal Act.

66. Power to remove statements, names, emblems, slogans, or logos—Section 127A (2) of the principal Act (as substituted by section 40 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the words “or rosettes”, and substituting the words “rosettes, or items of a similar nature”.

67. Erasing and altering official mark on ballot paper—(1) Section 129 of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the words “not exceeding \$1,000”, and substituting the words “not exceeding \$2,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 129 of the principal Act.

68. Offences in respect of ballot papers and ballot boxes—Section 130 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Every person who commits an offence against this section or who attempts to commit an offence against this section is guilty of a corrupt practice.”

69. Infringement of secrecy—Section 132 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

“(5) Every person who commits an offence against this section is guilty of a corrupt practice.”

70. Misfeasance of Returning Officer—Section 132A of the principal Act (as inserted by section 41 of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

71. Distribution of page and line numbers—Section 132B of the principal Act (as inserted by section 42 of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$1,000”, and substituting the expression “\$2,000”.

72. Return of election expenses—(1) Section 137 (3) of the principal Act (as amended by section 46 of the Electoral Amendment Act 1981) is hereby amended by omitting the expressions “\$500” and “\$200”, and substituting respectively the expressions “\$1,000” and “\$400”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 137 (3) of the principal Act.

73. New sections substituted—The principal Act is hereby amended by repealing section 138, and substituting the following sections:

“138. **Return to be open for public inspection**—The Returning Officer shall keep every such return in the Returning Officer’s office, or at some other convenient place to be appointed by the Minister, for a period of one year after it has been received by the Returning Officer, and during that period the return shall be open to inspection by any person on

payment of such charges (if any) as shall be made under the Official Information Act 1982; and at the expiration of that period the Returning Officer shall cause the return to be destroyed.

“138A. Transmission of copy of return to Chief Electoral Officer—(1) The Returning Officer shall, as soon as practicable after receiving a return under section 137 of this Act, send a copy of that return to the Chief Electoral Officer.

“(2) The Chief Electoral Officer shall keep the copy in his or her office or in some other convenient place for the period beginning with the date of the receipt of that copy and ending with the close of polling day for the second general election that takes place after the date on which the copy was received by the Chief Electoral Officer.

“(3) During that period the copy of the return shall be open to inspection by any person on payment of such charges (if any) as shall be made under the Official Information Act 1982; and at the expiration of that period the Chief Electoral Officer shall cause the copy of the return to be destroyed.”

74. New sections substituted—(1) The principal Act is hereby amended by repealing section 139 (as substituted by section 44 (1) of the Electoral Amendment Act 1981 and as amended by section 23 of the Electoral Amendment Act 1983), and substituting the following sections:

“139. Maximum amount of election expenses—(1) Subject to this section and to section 139A of this Act, in this Act,—

“ ‘Election activity’, in relation to a candidate at an election in any district, means an activity—

“(a) Which is carried out by the candidate or with the candidate’s authority; and

“(b) Which relates to the candidate solely in the candidate’s capacity as a candidate for the district and not to the candidate—

“(i) In his or her capacity as a member of Parliament or as the holder of any other office; or

“(ii) In any other capacity; and

“(c) Which comprises—

“(i) Advertising of any kind; or

“(ii) Radio or television broadcasting; or

“(iii) Publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; and

“(d) Which relates exclusively to the campaign for the return of the candidate; and

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

“ ‘Election expenses’, in relation to a candidate at an election in any district,—

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

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

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

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

“(e) Does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used bona fide by the candidate as the candidate’s personal means of transport in the district; and

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

“(2) The total election expenses of a candidate shall not,—

“(a) In the case of a candidate at a General election, exceed \$10,000 (which sum shall be inclusive of goods and services tax); or

“(b) In the case of a candidate at a by-election, exceed \$20,000 (which sum shall be inclusive of goods and services tax).

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

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

“(b) In any other case, guilty of an illegal practice unless the candidate or other person proves that he or she took

all reasonable steps to ensure that the election expenses did not exceed the maximum amount prescribed by this section.

“(4) Where any activity of the kind described in paragraphs (a) to (d) of the definition of the term ‘election activity’ (as set out in subsection (1) of this section) is, in relation to a candidate at an election in a district, carried on both before and within the 3 months immediately preceding polling day, the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the candidate) shall be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in those 3 months, and the fair proportion of those expenses, but no other portion of those expenses, shall be election expenses.

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

“139A. **Apportionment of election expenses**—(1) Where any election activity relates exclusively to campaigns for the return of 2 or more candidates, any election expenses in respect of that election activity shall be apportioned in relation to the coverage provided by that election activity in relation to each of those candidates.

“(2) Notwithstanding subsection (1) of this section, where any candidate receives less than 10 percent of the coverage provided by any election activity, that expense shall not be included in the election expenses of that candidate.

“(3) For the purposes of this section, coverage provided by any election activity shall be calculated in such manner as is appropriate in relation to the form of election activity.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 44 (1) of the Electoral Amendment Act 1981:

(b) Section 23 of the Electoral Amendment Act 1983.

75. Advertisements for candidates—Section 147A of the principal Act (as inserted by section 10 of the Electoral Amendment Act 1977) is hereby amended—

(a) By repealing subsection (2); and

(b) By omitting from subsection (5) the words “the Broadcasting Corporation of New Zealand or other holder of a warrant under the Broadcasting Act 1976”, and substituting the words “a broadcaster within the meaning of section 2 of the Broadcasting Act 1989”.

76. Punishment for corrupt or illegal practice—(1) The principal Act is hereby amended by repealing section 150 (as amended by section 214 (1) of the Summary Proceedings Act 1957 and section 46 (1) of the Electoral Amendment Act 1981), and substituting the following section:

“150. (1) Every person who is guilty of any corrupt practice or any illegal practice shall be liable on conviction on indictment,—

“(a) In the case of a corrupt practice, to imprisonment for a term not exceeding one year or to a fine not exceeding \$4,000, or to both:

“(b) In the case of an illegal practice, to a fine not exceeding \$3,000.

“(2) Nothing in this section applies in relation to a corrupt practice under section 130 of this Act.”

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 150 (1) of the principal Act.

77. Punishment of disqualified person voting—Section 153 of the principal Act is hereby amended by omitting the expression “\$200”, and substituting the expression “\$4,000”.

78. Regulations—(1) Section 188 (2) of the principal Act (as amended by section 46 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$500”, and substituting the expression “\$1,000”.

(2) The Electoral Amendment Act 1981 is hereby consequentially amended by repealing so much of the Schedule as relates to section 188 of the principal Act.

79. Restriction on amendment or repeal of certain provisions—Section 189 (3) of the principal Act is hereby repealed.

80. Declaration by polling officer or scrutineer—(1) The First Schedule to the principal Act is hereby amended by inserting in form 1, after the item “*Poll Clerk”, the following item:

“*Usher”.

(2) The said First Schedule is hereby further amended by omitting from form 1 the word “*Postmaster”.

81. New forms substituted—The First Schedule to the principal Act is hereby amended by repealing form 6 and form 8, and substituting respectively the form 6 and the form 8 set out in the Schedule to this Act.

82. Return of election expenses—The First Schedule to the principal Act is hereby amended by adding to form 11 the following words:

“NOTE

“Before completing this form you should read—

“(a) Sections 139 and 139A of the Electoral Act 1956; and

“(b) Section 17 of the Term Poll Act 1990; and

“(c) Section 22 of the Local Restoration Polls Act 1990,—
which, in effect, define the term ‘election expenses’.”

Section 81

SCHEDULE

NEW FORMS 6 AND 8 SUBSTITUTED IN FIRST SCHEDULE TO PRINCIPAL ACT

Section 80

Form 6

NOMINATION PAPER

To the Returning Officer for the Electoral District
 WE, the undersigned registered electors of the Electoral District, hereby nominate [Name], of [Residence and occupation], a registered elector of the Electoral District, with his [or her] consent, as a candidate at the election of a member of Parliament for the Electoral District, the poll for which is appointed for Saturday the day of 19 .
 Dated at this day of 19 .

[Signatures and full names, residences, and occupations of 2 or more electors nominating.]

I, [Name], being qualified to be a candidate and to be elected a member of Parliament in terms both of section 25 of the Electoral Act 1956 and of any other enactment, hereby consent to the above nomination.

My surname is

My given names are

My name will fit on the ballot paper.
or

As my name is too long to fit on the ballot paper, I wish my given names to be shown on the ballot paper as [Complete the second alternative, unless the Returning Officer agrees both that the candidate's name will fit on the ballot paper and that the second alternative is the alternative to be deleted].

*The name of my political party is
or

*I am an independent candidate.

[Signature, residence, and occupation of person nominated.]

*Delete whichever is inapplicable. _____

NOTES

1. As to the nomination of candidates, see section 80 of the Electoral Act 1956.
2. As to the required deposit, see section 81 of the Electoral Act 1956.
3. As to the acceptance or rejection of nominations, see section 82 of the Electoral Act 1956.
4. As to the names under which candidates may be nominated, see subsections (2) to (4) of section 82 of the Electoral Act 1956.
5. As to the withdrawal of nominations, see section 83 of the Electoral Act 1956.

SCHEDULE—continued

NEW FORMS 6 AND 8 SUBSTITUTED IN FIRST SCHEDULE TO PRINCIPAL ACT—
continued

Form 8

Section 87

BALLOT PAPER

OFFICIAL MARK
OFFICIAL MARK

.....
[Consecutive Number]

..... Electoral District
ELECTION OF MEMBER OF PARLIAMENT

Directions

(Read carefully before voting)

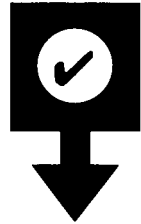
1. Vote for only one candidate.
2. Vote by putting a tick in the circle immediately after the name of the candidate you choose.
3. After voting, fold the ballot paper so that its contents cannot be seen and place it in the ballot box.
4. If you spoil this ballot paper, return it to the officer who issued it and apply for another.
5. You must not take this ballot paper out of the polling booth.

—————
Vote for only one candidate.
—————

SCHEDULE—*continued*

NEW FORMS 6 AND 8 SUBSTITUTED IN FIRST SCHEDULE TO PRINCIPAL ACT—
continued

Form 8—*continued*



Vote Here

ARNOLD, Kristeena Wendy Jane LABOUR	<input type="radio"/>
BABBINGTON, Santaana NEW ZEALAND PARTY	<input type="radio"/>
CAPSTEEN, Timothy John Albert CITIZENS AGAINST POLITICAL PARTIES	<input type="radio"/>
CHRISTENSEN, Christopher INDEPENDENT	<input type="radio"/>
HIGGINSON, Florence Joan McGILLICUDDY SERIOUS	<input type="radio"/>
NIGHTINGALE, Kenneth DEMOCRATS	<input type="radio"/>
O'SULLIVAN, Samantha NATIONAL	<input type="radio"/>
PHILLIPS, Joshua NEW LABOUR	<input type="radio"/>
SEARANKE, John MANA MOTUHAKE	<input type="radio"/>
SHAW, Denis IMPERIAL BRITISH CONSERVATIVE	<input type="radio"/>

SCHEDULE—*continued*

NEW FORMS 6 AND 8 SUBSTITUTED IN FIRST SCHEDULE TO PRINCIPAL ACT—
continued

Form 8—*continued*

NOTES*

1. As to the insertion of names of political parties, see ss. 87 (4) (d) and 87A of the Act.
2. As to the insertion of the word “independent”, see s. 87 (5) of the Act.
*Not to be printed as part of the form.

This Act is administered in the Department of Justice.
