

ELECTORAL AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes a number of significant amendments to the Electoral Act 1956. Many of the amendments are based on the recent Second Report of the Select Committee on the Electoral Law (hereinafter referred to in this explanatory note as the "Second Report").

Clause 1 relates to the Short Title and commencement of the Bill. Except for *clause 39* (which comes into force on 1 January 1982), the Bill comes into force on its passing.

Clause 2 provides that Returning Officers are to be under the direction of the Chief Electoral Officer. See paragraph 4.06 (ii) of the Second Report.

Clause 3 inserts a new *section 15A* into the principal Act. The new section requires the Representation Commission to invite submissions from—

(a) Those political parties which (while having members in the House of Representatives) are not represented by the unofficial members of the Representation Commission; and

(b) The independent members of the House—

before embarking on its duty of dividing New Zealand into General electoral districts.

Clause 4 substitutes new *subsections (2) and (4)* in section 16 of the principal Act (which deals with the division of New Zealand into General electoral districts and which is an entrenched provision). Under the existing scheme for the exercise of the Maori option the Maoris who elect to be registered as electors of Maori electoral districts are determined periodically at the time of the census. The Maori population, for the purposes of the division of New Zealand into General electoral districts, is determined as at the close of a period of 2 months in the year of the census or, where Parliament is due to expire in the year of the census, the year following the year in which the census is taken. This procedure means that the Surveyor-General cannot prepare maps showing the distribution of population and provisional boundaries for the General electoral districts until he has received from the Government Statistician not only the results of the census but also the Government Statistician's calculation of the Maori electoral population. The new *subsections (2) and (4)* substituted by this clause accordingly take account of this fact.

Clause 5 inserts a new *section 17A* into the principal Act. The new section makes specific provision for the Representation Commission to classify electoral districts if it is informed by the Higher Salaries Commission that such classification is required for the purpose of determining salaries or allowances or both under the Higher Salaries Commission Act 1977.

Clause 6 substitutes a new *section 18* in the principal Act. The section is new in that it provides that where the Representation Commission receives objections to its proposed boundaries or to any classification made by it for the purposes of the Higher Salaries Commission Act 1977, it must publish a summary of those objections in the *Gazette* and allow a time of not less than 2 weeks for the making of counter-objections to those objections. See paragraph 4.12 (b) of the Second Report.

Clause 7 substitutes a new *section 20A* in the principal Act. The new section provides for the compilation of an index of streets and places in respect of each electorate. These indexes will be in addition to the New Zealand wide index of streets and places showing the electoral district or electoral districts in which each street or place is to be found. See paragraph 3.09 of the Second Report.

Clause 8 substitutes a new *section 23* in the principal Act. The new section provides for the boundaries of the 4 Maori electoral districts to be reviewed and adjusted quinquennially by the Representation Commission. See paragraph 7.06 of the Second Report.

Clause 9 substitutes a new *section 25* in the principal Act. The new section has the effect of making the qualifications necessary to be elected a member of Parliament and those necessary to be a candidate for election the same. See paragraph 4.11 (b) (i) of the Second Report.

Clause 10 substitutes a new *section 30* in the principal Act. This section which deals with the situation where public servants become candidates, is extended to cover State servants generally. The provisions with regard to the period of leave are modified and the basic period of leave is reduced. See paragraph 4.11 (a) of the Second Report.

Clause 11 substitutes a new *section 31* in the principal Act. The new section provides that any State servant who is elected as a member of Parliament vacates his office as a State servant. The new section provides, in addition, for the reinstatement of any State servant whose election as a member of Parliament is set aside as a result of an election petition. See paragraph 4.11 (a) (i) of the Second Report.

Clause 12 amends section 32 of the principal Act. Under section 32 (c) the seat of a member of Parliament becomes vacant if he does or concurs in or adopts any act whereby he may become a subject or citizen of any foreign State or power, or entitled to the rights, privileges, or immunities of a subject or citizen of any foreign State or power. The proposed amendment prevents paragraph (c) from applying where the member acquires citizenship of a foreign State or power or any such rights, privileges, or immunities by reason only of his marriage to a subject or citizen of a foreign State or power. See paragraph 4.11 (b) (iii) of the Second Report.

Clause 13 amends section 41 of the principal Act (which provides for the Maori option). The proposed amendments clarify the times at which a Maori who is not registered as an elector on the first day of a period in which the Maori option may be exercised or who has at any time been registered as an elector in the period beginning with the date of the 1976 quinquennial census and ending with the date of the commencement of this Act, may next exercise the Maori option.

Clause 14 amends section 41A of the principal Act (which relates to the periodic exercise of the Maori option). The amendment reduces from 3 months to 2 months the period that may be specified from time to time for the exercise of the Maori option.

Clause 15 substitutes a new section 41B in the principal Act. The section deals with the exercise of the Maori option. The period for the periodic exercise of the Maori option is now to be only the period of 2 months specified pursuant to section 41A (2) or (3) of the principal Act. Under section 41B (1) (as enacted in 1980) the option could be exercised not only in any period so prescribed but also in the period between the end of a period so prescribed and the beginning of the next period so prescribed. *Subsections (7) and (8)* of the section are new. These new subsections provide that where a Maori fails to exercise his option in any period prescribed for that purpose the status quo with regard to his registration as an elector continues to be that which existed on the first day of that period. In short, if he was registered as an elector of a Maori electoral district he will continue to be so registered and if he was registered as an elector of a General electoral district he will continue to be so registered.

Subsection (9) is new. It is based on section 2 (3) of the principal Act and it requires a document sent by post and validly exercising the Maori option to be treated as being in time if it is received by the Registrar by post not later than noon on the day after the close of that period.

Subsection (10) is new. It provides that where the Registrar receives, before the end of a period specified under section 41A (2) or (3) of the principal Act, a document by which the option given by section 41 (1) of that Act may be exercised but which does not comply with requirements concerning the signing of that document or the particulars that it must contain, the Registrar may treat the document as being in accordance with those requirements before the end of that period if the non-compliance is remedied within 6 days after the end of that period.

Clause 16 amends section 43 of the principal Act (which deals with the compulsory registration of electors). *Subclause (1)* substitutes a new subsection (1) in that section. *Paragraph (b)* of that subsection is new. It provides that where the name of a person who is qualified to be registered as an elector is removed from a roll in the course of a roll revision exercise, he must apply for registration as an elector within one month after the date on which he so ceases to be registered as an elector.

Subclause (2) increases the fines that may be imposed for offences against the section. The maximum fine on a first conviction is increased from \$20 to \$50 and the maximum fine on any subsequent conviction is increased from \$50 to \$100. See paragraph 8.03 of the First Report.

Clause 17 amends section 43A of the principal Act (which deals with the revision of electoral rolls). The proposed amendment makes it clear that the completed roll revision card is required to contain, in respect of the elector,—

- (a) His surname and his full given or Christian names:
- (b) The place of residence in respect of which he claims registration:
- (c) His occupation (if any):
- (d) His date of birth:
- (e) Such other particulars (if any) as are prescribed.

Clause 18 substitutes a new *section 48* in the principal Act. The section (which deals with the application for registration) is new in a number of respects. *Paragraph (b) of subsection (1)* provides that where the applicant is physically disabled the application may be signed on his behalf by a person who holds a power of attorney. (See paragraph 4.05 (a) (v) of the Second Report.) *Subsection (2)* requires certain particulars to be stated in the application. These particulars include the applicant's age in years and his date of birth.

Subsection (3) gives the Registrar a discretion to reject any application or declaration which is not signed in accordance with *subsection (1)* or which does not contain the particulars required by *subsection (2)*.

The new *subsection (4)* provides that where the Registrar receives on or before writ day an application or declaration which does not comply with *subsection (1)* or *subsection (2)* of that section, he may treat that application as being made in accordance with those subsections before writ day if the non-compliance is remedied within 6 days after writ day.

Clause 19 adds new *subsections (4) and (5)* to section 49 of the principal Act (which deals with the procedure following application for registration). The new subsections enable the Registrar, where applications for registration are received shortly before the issue of the writ, to include the names of the applicants on any main, supplementary, or composite roll printed as at writ day even though he has not had time to ascertain whether the applicants are currently registered as electors of other electoral districts. The Registrar will then have 6 days after writ day within which to complete his checks and, if necessary, to delete the name of the applicant from the roll.

Clause 20 substitutes a new *paragraph (b)* in section 57 (1) of the principal Act. This section deals with the removal of names from the roll by the Registrar. Under the existing paragraph the name of a deceased elector may be removed from the roll only when the Registrar has received notification from a Registrar of Births and Deaths. Under *subparagraph (ii)* of the new paragraph notice from the father, mother, or spouse of the deceased person or from a sister or brother of that person will also be sufficient authority for the Registrar to remove the name of the deceased person from the roll.

Clause 21 inserts a new *section 64A* into the principal Act. The new section makes it an offence for any person who receives, for the purpose of processing, from a candidate or a representative of a political party, a computer tape containing the names, residences, and occupation of electors of an electoral district—

- (a) To sell information derived from that tape; or
- (b) To use, for official purposes, information derived from that tape.

Clause 22 inserts a new *section 65B* into the principal Act. *Subsection (1)* gives the Registrar of Electors power to destroy certain records if 2 general elections have elapsed since those records came into being. *Subsection (2)* gives the Chief Registrar of Electors power to destroy, after the exercise of the Maori option in 1982, the national alphabetical card listing of electors which was compiled before the passing of the Electoral Amendment Act 1980. *Subsection (3)* provides that nothing in the new section authorises any person to destroy any records if he has reason to believe that those records are relevant to an election petition or that the time for bringing an election petition to which those records may be relevant has not expired.

Clause 23 substitutes a new *section 84* in the principal Act. The section deals with the advertising of nominations and polling places.

Subsection (3) is new. It provides that polling places that have suitable access for persons who are physically disabled are to be indicated in the advertisement. See paragraph 4.05 (a) (i) of the Second Report.

Subsection (5) is new. It provides, in effect, that the Chief Electoral Officer can perform the duties of the Returning Officer in relation to the advertising of both the names of the candidates and polling places. Where the Chief Electoral Officer does this he will include in the advertisement the name and address of the Returning Officer.

The section is also new in that it provides for the inclusion in the advertisement of the party affiliations (if any) of the candidates.

Clause 24 amends section 91 of the principal Act. That section deals with the appointment of polling places. A new *subsection (2A)* now requires that at least one polling place within the limits of each district shall have access that is suitable for persons who are physically disabled. See paragraph 4.05 (a) (i) of the Second Report.

The reference in subsection (5) to the advertising of polling places in one newspaper circulating in the district is deleted. Newspaper advertising of polling places is provided for in section 84. The requirement under section 91 (5) of the principal Act for notice in the *Gazette* of the appointment of polling places and of any revocation, alteration, or addition to any such appointment remains.

Clause 25 amends section 92 of the principal Act by inserting a new *subsection (1A)*. The new subsection provides that the Returning Officer shall provide each polling booth, in respect of a General electoral district, with a copy of the roll for each Maori electoral district in which land in the General electoral district is included. See paragraph 4.05 (c) of the Second Report.

Clause 26 amends section 93 of the principal Act. The amendment made by *subclause (1)* enables the Returning Officer to exercise all the powers, duties, and functions of a Deputy Returning Officer in respect of more than one polling booth.

Subclause (2) inserts a new *subsection (7)* in the section. The subsection authorises the making of regulations—

- (a) Prescribing procedures governing the use of interpreters;
- (b) Requiring candidates to be supplied upon request with the names of any interpreters appointed by the Returning Officer.

See paragraph 4.05 (b) of the Second Report.

Clause 27 substitutes a new *section 100* (which deals with special voters) in the principal Act.

In *paragraph (d)* a reference to 3 kilometres has been substituted for a reference to 2 miles.

In *paragraph (g)* a reference to pregnancy or recent child birth has replaced a reference to approaching or recent maternity.

Paragraph (h) is new. It provides that in the case of a person who is registered as an elector of a Maori electoral district that person may exercise a special vote if he attends to vote on polling day at any polling place that is not a polling place for the Maori electoral district in respect of which he is registered. The former paragraph (h), which enables a lighthouse keeper or a member of a lighthouse keeper's staff or a wife of a lighthouse keeper or the wife of a member of a lighthouse keeper's staff to exercise a special vote, is omitted.

In *paragraph (i)* (which relates to religious objection) the religious objection must preclude the elector from attending to vote on the day of the week on which polling day falls. Under the existing section the religious objection must be to voting at a polling place on the day of the week on which polling day falls.

See paragraphs 4.02 (h) and 4.05 (c) of the Second Report.

Clause 28 inserts a new *section 108* in the principal Act. The new section relates to blind, disabled, or illiterate voters.

The amendments made to the section are intended to allow such voters to be given greater assistance than is permissible under the existing section. See paragraph 4.05 (a) (iii) and (v) of the Second Report.

Clause 29 amends section 110 of the principal Act (which relates to voting by special voters). The amendments permit candidates to appoint scrutineers to be present at the office of the Registrar of Electors when he is performing his duties in relation to declarations in respect of special votes. Not more than one scrutineer for each candidate may be present at the office of the Registrar of Electors at any time. See paragraph 4.07 (a) of the Second Report.

Clause 30 substitutes a new *section 112* in the principal Act. The section relates to the scrutiny of the rolls. The section is new to the extent that it provides for the appointment by each candidate of scrutineers whose sole purpose may be to be present at the scrutiny of the rolls. Not more than one scrutineer for each candidate may be present at the scrutiny of the rolls at any time. See paragraph 4.07 (b) of the Second Report.

Clause 31 amends section 115 of the principal Act (which relates to the counting of votes). The amendment makes it clear that not more than one scrutineer for each candidate may be present at the counting of votes at any time. See paragraph 4.07 (b) of the Second Report.

Clause 32 substitutes new *subsections (5) and (5A)* in section 117 of the principal Act. This section deals with an application to a District Court Judge for a recount. The new subsections extend the powers of the District Court Judge. He gains the power to review, on a recount, any decision of the Returning Officer or the Registrar of Electors in respect of—

(a) The acceptance of late enrolments:

- (b) The checking of special voting declarations:
 - (c) The allowance or disallowance of special votes.
- See paragraph 4.09 (a) of the Second Report.

Clause 33 amends section 121 of the principal Act (which relates to the disposal of ballot papers, rolls, etc.). The amendments have the effect of requiring the Returning Officer to attach to the master roll (when he sends it, after polling day, to the Registrar of Electors for the district) a list which shall set out the names and addresses of all special voters whose names were not on the printed roll (other than those whose names were not on that roll by virtue of section 62A of the principal Act) and which shall indicate the special voters whose votes have been disallowed. See paragraph 4.02 (i) of the Second Report.

Clause 34 substitutes a new *section 127* in the principal Act. Interfering with or influencing a voter can constitute an offence in certain circumstances and section 127 sets out those circumstances.

Subsection (1) (a) and subsection (1) (b) of the new section re-enact existing provisions.

Subsection (1) (c) of the new section (which makes it an offence for any person at any time on polling day before the close of the poll to make any statement having direct or indirect reference to the poll by means of any loudspeaker or public address apparatus or cinematograph or television apparatus) is qualified by a new proviso. The new proviso states that paragraph (c) shall not restrict the publication of any news or comments relating to an election in a radio or television broadcast made by the Broadcasting Corporation of New Zealand or other holder of a warrant under the Broadcasting Act 1976.

Subsection (1) (d) of the new section re-enacts an existing provision.

Subsection (1) (e) of the new section is qualified by a new proviso in relation to advertising. *Subsection (1) (e)*, which creates an offence, is not to apply to the exhibition, on polling day before the close of the poll, in or in view of any public place, of 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. This new proviso is more stringent than the existing proviso which permits the exhibition on polling day (other than in view of a polling place) of any statement, name, emblem, slogan, or logo which was exhibited before polling day in a fixed position. A new defence relating to an inadvertent contravention of *subsection (1) (e)* is provided in the new *subsection (3)*. See paragraph 5.03 (b) of the Second Report.

Subsection (1) (f) and subsection (1) (g) re-enact existing provisions.

Subsection (1) (h) may now be qualified by regulations made under the principal Act. See paragraph 4.04 (c) of the Second Report.

Subsection (2) re-enacts an existing provision.

Subsection (3) is new. It contains the new defence in respect of an inadvertent contravention of *subsection (1) (e)*. See paragraph 5.03 (b) of the Second Report.

Subsection (4) re-enacts an existing provision.

The maximum fine that can be imposed for an offence against *section 127* is increased from \$200 to \$1,000. See paragraph 4.13 of the Second Report and Appendix B to that Report.

Clause 35 amends section 127A of the principal Act. The amendments to this section (which relates to the power of the Returning Officer to remove statements, names, emblems, slogans, or logos) are related to the alterations made to section 127 of the principal Act (as substituted by *clause 34*). See paragraph 5.03 (b) of the Second Report.

Clause 36 inserts a new *section 132A* into the principal Act. The new section (which is parallel to section 69 of the principal Act) makes misfeasance on the part of a Returning Officer an offence. See paragraph 4.06 (iii) of the Second Report.

Clause 37 inserts a new *section 132B* into the principal Act. The new section makes it an offence for any person, who is a candidate or a representative of a political party or a person conducting a campaign in relation to a public issue, to give or offer to give any person, for the purpose of promoting the candidacy, political party, or campaign, any written or oral information as to any name or number on the main roll or any supplementary roll. See paragraph 4.04 (c) of the Second Report.

Clause 38 amends section 136 of the principal Act. The amendment does away with the need to produce bills vouching for election expenses that are less than \$10. The existing limit is \$4. See paragraph 5.02 (b) of the Second Report.

Clause 39, which comes into force on 1 January 1982, substitutes a new *section 139* in the principal Act. This section sets the maximum amount that a candidate may expend by way of election expenses within the 3 months immediately preceding polling day. That maximum amount continues to be \$4,000 but the definition of that term is substantially altered and now relates essentially to expenses in relation to advertising and publicity. In particular, the candidate's travelling costs (including those in respect of a vehicle that is his bona fide means of transport in the district) will not be included.

Provision is made in *subsection (1) (b)* for certain expenses incurred outside the 3 months immediately preceding polling to be treated as election expenses if the activity in respect of which those expenses are incurred takes place within those 3 months.

Subsection (4) makes provision for the apportionment of certain expenses that are incurred both before and within that 3 months. See paragraph 5.02 (a) of the Second Report.

Clause 40 increases the maximum fines that may be imposed in respect of a number of offences against the principal Act. See paragraph 4.13 of the Second Report and Appendix B to that Report.

Clause 41 modifies, for the purposes of the 1981 general election, the application of the present definition of the term "election expenses", which definition is contained in section 2 (1) of the principal Act. In respect of that general election, that definition will not include any travelling or accommodation expenses of a candidate or any expenses incurred by him in operating a vehicle that is bona fide used by him as his means of personal transport (whether or not election advertising appears on that vehicle). See paragraph 5.02 (a) of the Second Report.

Hon. Mr McLay

ELECTORAL AMENDMENT

ANALYSIS

Title	
1. Short Title and commencement	21. Offences in respect of use for commercial purposes of electoral information derived from computer tapes
2. Returning Officers and other employees	22. Power to destroy records
3. Submissions	23. Advertisement of nominations and polling places
4. Division of New Zealand into General electoral districts after each census	24. Governor-General may appoint polling places
5. Classification of electoral districts for the purposes of pay or allowances	25. Polling booths, ballot boxes, ballot papers, etc.
6. Notice of proposed boundaries and classification	26. Deputy Returning Officers, poll clerks, and interpreters
7. Indexes of streets and places	27. Special voters
8. Maori representation	28. Blind, disabled, or illiterate voters
9. Qualifications of candidates and members	29. Voting by special voters
10. Candidacy and election of State servants	30. Scrutiny of the rolls
11. Members disqualified from being State servants	31. Counting of votes
12. How vacancies created	32. Application to District Court Judge for recount
13. Maori option	33. Disposal of ballot papers, rolls, etc.
14. Periodic exercise of Maori option and determination of Maori population	34. Interfering with or influencing voters
15. Exercise of Maori option	35. Power to remove statements, names, emblems, slogans, or logos
16. Compulsory registration of electors	36. Misfeasance of Returning Officer
17. Revision of electoral rolls	37. Distribution of names and numbers
18. Application for registration	38. Payments to be vouched by bill
19. Procedure following application for registration	39. Maximum amount of election expenses
20. Removal of names from roll by Registrar	40. Maximum fines increased
	41. Transitional provision in respect of election expenses and 1981 general election
	Schedule

A BILL INTITULED

An Act to amend the Electoral Act 1956

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

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1. Short Title and commencement—(1) This Act may be cited as the Electoral Amendment Act 1981, and shall be read together with and deemed part of the Electoral Act 1956* (hereinafter referred to as the principal Act).

(2) Except as provided in section 39 (3) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent. 10

2. Returning Officers and other employees—Section 7 of the principal Act is hereby amended by adding, as subsection (2), the following subsection: 15

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

3. Submissions—The principal Act is hereby amended by inserting, after section 15, the following section:

“15A. (1) Where any members of the House of Representatives are not members of either of the political parties to which the unofficial members of the Commission belong, the Commission shall, before embarking on the duty imposed on it by section 16 (1) of this Act, invite— 20

“(a) The political party to which any such member of the House of Representatives belongs; and 25

“(b) Any of those members of the House of Representatives who are independent members,—

to make submissions to the Commission in relation to the matters to be considered by the Commission under that section.” 30

4. Division of New Zealand into General electoral districts after each census—(1) Section 16 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 35

“(2) As soon as possible after each periodical census and each period specified under section 41A (2) or (3) of this Act,

the Chief Registrar shall inform the Government Statistician of the total number of persons registered as electors of the Maori electoral districts as at the close of the last day of that period and the Government Statistician shall thereupon
5 report the results of the census and his calculation of the Maori electoral population as at the close of the last day of that period to the Surveyor-General.”

(2) Section 16 of the principal Act is hereby amended by repealing subsection (4), and substituting the following sub-
10 section:

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

5. Classification of electoral districts for the purposes of pay or allowances—The principal Act is hereby amended by inserting, after section 17, the following section:

“17A. The Representation Commission, if it is informed by
20 the Higher Salaries Commission that it requires the districts to be classified for the purposes of determining salaries or allowances or both under the Higher Salaries Commission Act 1977, shall classify those districts in accordance with the categories given to it by the Higher Salaries Commission.”

25 6. Notice of proposed boundaries and classification—The principal Act is hereby amended by repealing section 18, and substituting the following section:

“18. (1) When the Commission proposes to make any such division, due notice of the boundaries of the proposed districts,
30 and of any classification of those districts required for the purposes of the Higher Salaries Commission Act 1977, shall be given in the *Gazette*, and objections in writing to the proposed boundaries and classification (if any) may be lodged with the Commission within one month thereafter.

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

“(a) Containing a summary of the objections; and
40 “(b) Stating a place or places at which the objections are available for public inspection; and

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

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“(3) The Commission shall, before coming to a final determination, duly consider any objections lodged under subsection (1) of this section and any counter-objections lodged under subsection (2) of this section.”

7. Indexes of streets and places—(1) The principal Act is hereby amended by repealing section 20A (as inserted by section 8 of the Electoral Amendment Act 1980), and substituting the following section:

“20A. (1) The Surveyor-General shall compile—

“(a) As soon as practicable after the making of a Proclamation under section 19 of this Act, in respect of each electoral district, an index of streets and places within that district; and

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

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

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

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

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

“(4) Each index compiled under subsection (1) (b) of this section shall be forwarded to the Government Printer and copies of that index shall be printed and sold by him.”

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(2) Section 8 of the Electoral Amendment Act 1980 is hereby consequentially repealed.

8. Maori representation—(1) The principal Act is hereby amended by repealing section 23 (as substituted by section 2 (1) of the Electoral Amendment Act 1976), and substituting the following section:

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“23. (1) For the purpose of the representation of the Maori people in the House of Representatives, New Zealand shall be divided into 4 Maori electoral districts, to be known as—

- 5 The Northern Maori Electoral District:
- The Eastern Maori Electoral District:
- The Western Maori Electoral District:
- The Southern Maori Electoral District.

10 “(2) After the census taken in the year 1981, and after each periodical census thereafter, it shall be the duty of the Representation Commission to review the boundaries of the Maori electoral districts with a view to ensuring, subject to subsection (6) of this section and to section 24 (1A) of this Act, that the 4 Maori Electoral Districts each contain an equal number of members of the Maori electoral population.

15 “(3) Upon receipt of the report of the Government Statistician under section 16 (2) of this Act, the Surveyor-General shall prepare maps showing the distribution of the Maori electoral population and provisional boundaries for the Maori Electoral Districts.

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

25 “(5) In dividing the Maori electoral population equally between the 4 Maori electoral districts due consideration shall be given to the existing boundaries of the Maori electoral districts, to community of interest among the Maori people generally and members of Maori tribes, to facilities of communications, and to topographical features.

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

35 “(7) Due notice of the boundaries of the 4 Maori electoral districts shall be given in the *Gazette* and section 18 of this Act, with all necessary modifications, shall apply accordingly.

40 “(8) The Commission shall in every case within 6 months after the appointment of the Chairman report the boundaries fixed by it in respect of the Maori electoral districts to the Governor-General who shall proclaim them in the *Gazette*.

“(9) From the date of every Proclamation issued under this section, the boundaries of the Maori electoral districts as declared by the Proclamation shall be the boundaries thereof for the purpose of the election of Maori members of Parliament after the dissolution or expiration of the then existing Parliament, and shall so continue until the next Proclamation under this section is issued and similarly takes effect.” 5

(2) Section 2 (1) of the Electoral Amendment Act 1976 is hereby consequentially repealed.

9. Qualifications of candidates and members—(1) The principal Act is hereby amended by repealing section 25 and the heading above that section, and substituting the following section and heading: 10

“Qualifications of Candidates and Members

“25. (1) Subject to the provisions of this Act, every person who is registered as an elector of an electoral district, but no other person, is qualified to be a candidate and to be elected a Member of Parliament for that or any other electoral district. 15

“(2) Notwithstanding anything in subsection (1) of this section, if a person is disqualified for registration as an elector, that person shall not be qualified to be a candidate or to be elected. 20

“(3) Notwithstanding anything in subsection (1) of this section, no person shall be qualified to be a candidate or to be elected unless that person is— 25

“(a) A New Zealand citizen, or

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

(2) Section 9 of the Electoral Amendment Act 1975 is hereby consequentially repealed. 30

10. Candidacy and election of State servants—(1) The principal Act is hereby amended by repealing section 30 (as amended by section 2 of the Electoral Amendment Act 1977) and substituting the following section: 35

“30. (1) In this section, the term ‘State servant’ means a public servant or a person employed in any branch of the State services as defined in section 2 of the State Services Conditions of Employment Act 1977.

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

5 “(3) Subject to subsection (4) of this section, the period of leave shall commence on nomination day, and in the event of his nomination as a candidate, shall continue until the first working day after polling day, unless he withdraws his nomination.

10 “(4) Where the controlling authority of any State servant is satisfied that the fact that the State servant desires to become a candidate or the effect of campaigning will materially affect the ability of that State servant to carry out satisfactorily his duties as a State servant, the period of leave shall, if the controlling authority so determines after
15 consultation with the State servant, commence before nomination day on a day appointed by the controlling authority.

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

25 “Provided that a candidate who at the time of his nomination is a member of the staff of a university or a university college or a technical institute or a teachers college may continue to teach or supervise the studies of students at that university or university college or technical institute or teachers college who are preparing for an examination and may engage
30 in marking the examination papers of such students, and may receive remuneration in respect of such teaching, supervision and marking.

“(6) Except as provided in the foregoing provisions of this section, his rights as a State servant shall not be affected
35 by his candidature.”

(2) Section 10 of the Electoral Amendment Act 1975 and section 2 of the Electoral Amendment Act 1977 are hereby consequentially repealed.

11. Members disqualified from being State servants—

40 (1) The principal Act is hereby amended by repealing section 31 (as amended by section 11 of the Electoral Amendment Act 1975), and substituting the following section:

“31. (1) In this section, the term ‘State servant’ has the meaning given to it by section 30 (1) of this Act.

“(2) If any State servant is elected as a member of Parliament he shall forthwith on being declared so elected, be deemed, subject to subsections (3) to (6) of this section, to have vacated his office as a State servant. 5

“(3) Where a person who has been declared elected as the result of a poll is not the person declared elected on an amended declaration of the result of that poll or where, at the conclusion of the trial of an election petition, the High Court determines that the person whose election or return was complained of was not duly elected or returned or that the election at which that person was elected or returned was void, that person,— 10

“(a) If he was a State servant when he was declared to be elected; and 15

“(b) If by a written election, given to his former controlling authority within one month after the amended declaration or the determination of the High Court, he elects to be reinstated in his former office as a State servant,— 20

he shall, on the date on which his election is so given to his controlling authority, be deemed, subject to subsections (4) to (6) of this section, to have been reinstated in his office as a State servant. 25

“(4) Nothing in this section shall entitle any person who is reinstated in office as a State servant to receive any salary or other remuneration as a State servant in respect of the period or any part of the period beginning on the day after the date on which he vacated office under subsection (2) of this section and ending with the day before the date on which he resumed office under subsection (3) of this section. 30

“(5) Where the position that the person held at the date on which he vacated office has been filled or where that position no longer exists, that person shall, on his reinstatement, be employed, where practicable and at the discretion of his controlling authority, in a position that involves duties and responsibilities which are the same or substantially the same as those of the position held at the time of vacation of office. 35 40

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

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

“(b) The period of vacation of office shall count—
“(i) As time served under his contract of employment; and
“(ii) Subject to payment of his contributions, as
10 service for the purpose of any superannuation scheme to which he belongs in his capacity as a State servant.”

(2) Section 11 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

15 **12. How vacancies created**—Section 32 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

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

13. Maori option—(1) Section 41 (2) (b) of the principal Act (as substituted by section 12 (1) of the Electoral Amendment Act 1980) is hereby amended by omitting the words
30 “any subsequent”, and substituting the words “the first subsequent”.

(2) Section 41 of the principal Act (as inserted by section 12 (1) of the Electoral Amendment Act 1980) is hereby amended by adding the following subsection:

35 “(3) Notwithstanding anything in subsection (2) of this section, but subject to subsections (7) and (8) of section 41B of this Act, the next occasion on which a Maori, who was, at any time in the period beginning on the 23rd day of March 1976 and ending with the date of the commencement of this
40 subsection, registered as an elector, may exercise the option given by subsection (1) of this section shall be in the year 1982 in the period of 2 months specified under section 41A (2) of this Act.”

14. Periodic exercise of Maori option and determination of Maori population—Section 41A of the principal Act (as enacted by section 12 (1) of the Electoral Amendment Act 1980) is hereby amended by omitting from subsection (2), and also from subsection (3), the words “3 months”, and substituting in each case the words “2 months”.

15. Exercise of Maori option—The principal Act is hereby amended by repealing section 41B (as enacted by section 12 (1) of the Electoral Amendment Act 1980), and substituting the following section:

“41B. (1) Notwithstanding section 43A (4) (b) of this Act, every Maori who is registered as an elector on the first day of any period specified under section 41A (2) or (3) of this Act may exercise once in that period the option given by section 41 (1) of this Act.

“(2) In each period specified under section 41A (2) or (3) of this Act, the Registrar shall send to every person registered as an elector of the electoral district on the first day of that period a notice in the form prescribed for the purposes of this section.

“(3) Every Maori—

“(a) Who is registered as an elector on the first day of the period in which the notice is sent under subsection (2) of this section; and

“(b) Who—

“(i) Being registered as an elector of a Maori electoral district wishes to be registered as an elector of a General electoral district; or

“(ii) Being registered as an elector of a General electoral district wishes to be registered as an elector of a Maori electoral district,—

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

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

“(5) Every duly completed form received by a Registrar pursuant to subsection (4) of this section shall be deemed, for the purposes of the definition of the term ‘electoral roll’ in section 2 (1) of this Act and for the purposes of sections 56 and 60B of this Act, to be an application for registration as an elector and shall be treated accordingly.

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

5 “(7) Every Maori who is registered as an elector of a Maori electoral district on the first day of any period specified under section 41A (2) or (3) of this Act and who fails to exercise in that period the option given by section 41 (1) of this Act shall be deemed to have exercised his option to register as an elector of a Maori electoral district.

10 “(8) Every Maori who is registered as an elector of a General electoral district on the first day of any period specified under section 41A (2) or (3) of this Act and who fails to exercise in that period the option given by section 41 (1) of this Act shall be deemed to have exercised his option to
15 register as an elector of a General electoral district.

“ (9) Where a document by which the option given by section 41 (1) of this Act may be exercised, being a notice in the form prescribed for the purposes of this section or an application for registration, is received by the Registrar by
20 post after the end of a period specified under section 41A (2) or (3) of this Act but not later than noon on the day after the last day of that period, that document shall be deemed to have been received before the end of that period, and the elector shall, if the document is otherwise in order, be deemed
25 to have exercised the option given by section 41 (1) of this Act before the end of that period.

“ (10) Where the Registrar receives, before the end of a period specified under section 41A (2) or (3) of this Act, a document by which the option given by section 41 (1) of
30 this Act may be exercised but which does not comply with requirements concerning the signing of that document or the particulars that it must contain, the Registrar may treat the document as being in accordance with those requirements before the end of that period if the non-compliance is
35 remedied within 6 days after the end of that period.”

16. Compulsory registration of electors—(1) Section 43 of the principal Act (as substituted by section 14 (1) of the Electoral Amendment Act 1980) is hereby amended by repealing subsection (1), and substituting the following sub-
40 section:

“(1) Every person qualified to be registered as an elector of any electoral district shall if he 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 first becomes qualified to be registered as an elector; and also

“(b) Within one month after the date on which he ceases to be registered as an elector by reason of the removal of his name from a roll under section 43A (5) of this Act.”

(2) Section 43 of the principal Act (as so substituted) is hereby amended by repealing subsection (7), and substituting the following subsection:

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

17. Revision of electoral rolls—Section 43A of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

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

18. Application for registration—(1) The principal Act is hereby amended by repealing section 48 (as substituted by section 22 of the Electoral Amendment Act 1975), and substituting the following section:

“48. (1) Every application or declaration in respect of registration as an elector shall bear either—

“(a) The signature or the mark of the person making the application or declaration; or

“(b) Where the person making the application or declaration is physically disabled and the application or declaration so states, the signature of the donee of a power of attorney from that person.

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

“(a) His surname and his full given or Christian names:

5 “(b) 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:

“(c) His occupation (if any) :

“(d) His age in years:

10 “(e) His date of birth:

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

“(3) Subject to subsection (4) of this section, the Registrar may reject any application or declaration that does not comply with subsections (1) and (2) of this section.

15 “(4) Where the Registrar receives on or before writ day an application or declaration which does not comply with subsection (1) or subsection (2) of this section, he may treat that application as being made in accordance with those subsections before writ day if the non-compliance is remedied
20 within 6 days after writ day.”

(2) Section 22 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

19. Procedure following application for registration—Section 49 of the principal Act (as substituted by section 17 (1) of the Electoral Amendment Act 1980) is hereby amended by adding the following subsections:

30 “(4) Where an application for registration as an elector has been received before the issue of a writ and it has not been possible for the Registrar to ascertain, at the time of the issue of the writ, whether the applicant is currently registered as an elector of another electoral district, the Registrar shall, subject to subsection (5) of this section, include the name of the applicant on any main, supplementary, or composite roll printed as at writ day.

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

40 “(a) Enter the name of the applicant on the electoral roll;
or

“(b) Delete the name of the applicant from that main, supplementary, or composite roll.”

20. Removal of names from roll by Registrar—Section 57 (1) of the principal Act is hereby amended by repealing paragraph (b) (as amended by section 5 (7) of the Electoral Amendment Act 1980), and substituting the following paragraph: 5

“(b) The name of every person of whose identity the Registrar is satisfied and whose death has been notified to him by— 10

“(i) Any Registrar of Births and Deaths; or

“(ii) The father, mother, or spouse of that person or by a sister or brother of that person.”

21. Offences in respect of use for commercial purposes of electoral information derived from computer tapes—The principal Act is hereby amended by inserting, after section 64 (as substituted by section 29 (1) of the Electoral Amendment Act 1980), the following section: 15

“64A. Every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 who, being a person who receives, for the purpose of processing, from a candidate or a representative of a political party, a computer tape obtained under section 64 (6) of this Act— 20

“(a) Sells information derived from that tape; or

“(b) Uses, for commercial purposes information derived from that tape.” 25

22. Power to destroy records—The principal Act is hereby amended by inserting, after section 65A (as inserted by section 30 of the Electoral Amendment Act 1980), the following section: 30

“65B. (1) Where—

“(a) The Registrar considers that records held by him, being—

“(i) Applications for registration as electors; or

“(ii) Forms completed under section 43A of this Act; or 35

“(iii) Records forming part of the dormant file kept under section 65A (1) of this Act,—

are no longer required; and

“(b) Two General elections have taken place—

5 “(i) In the case of records to which subpara-
graph (i) or subparagraph (ii) of paragraph (a)
of this subsection applies, since those records were
made; or

10 “(ii) In the case of records to which subpara-
graph (iii) of paragraph (a) of this subsection
applies, since the completion of the roll revision
exercise under section 43A of this Act from which
those records were derived,—
he may, subject to subsection (3) of this section,
destroy those records.

15 “(2) Subject to subsection (3) of this section, the Chief
Registrar of Electors may, after the expiration of the period
specified under section 41A (2) of this Act in respect of the
year 1982, destroy the national alphabetical card listing of
electors which was compiled before the passing of the Elec-
toral Amendment Act 1980.

20 “(3) Nothing in this section shall authorise any person to
destroy any records if he has reason to believe that those
records are relevant to an election petition or that the time
for bringing an election petition to which those records may
be relevant has not expired.”

23. Advertisement of nominations and polling places—

25 (1) The principal Act is hereby amended by repealing section
84 (as amended by section 6 (1) of the Electoral Amend-
ment Act 1977), and substituting the following section:

30 “84. (1) After the close of nominations in any district the
Returning Officer shall forthwith forward to the Chief
Electoral Officer at Wellington the names of the candidates
nominated who have not withdrawn their nominations and
the party affiliations (if any) of those candidates.

35 “(2) In each district in which a poll is required to be
taken the Returning Officer shall, subject to subsection (4)
of this section, advertise the names of the several candidates,
and their party affiliations (if any), in at least one newspaper
circulating in the district in such manner as he deems most
likely to give full publicity thereto, and shall similarly adver-
40 tise the polling places for the district not later than 2 days
before polling day.

“(3) The polling places that have suitable access for persons who are physically disabled shall be indicated in the advertisement.

“(4) The Chief Electoral Officer shall forthwith notify to every Returning Officer the names of the candidates nominated in each district who have not withdrawn their nomination in each district in which a poll is required to be taken and the party affiliations (if any) of those candidates. 5

“(5) The Returning Officer shall not be obliged to comply with subsection (2) of this section if the information required by that subsection to be published has been published in the district in accordance with that subsection and subsection (3) of this section, together with the name and address of the Returning Officer, by the Chief Electoral Officer.” 10

(2) Section 6 of the Electoral Amendment Act 1977 is hereby consequentially repealed. 15

24. Governor-General may appoint polling places—

(1) Section 91 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) At least one polling place within the limits of each district shall have access that is suitable for persons who are physically disabled.” 20

(2) Section 91 (5) of the principal Act is hereby amended by omitting the words “and in at least one newspaper circulating in the district”. 25

25. Polling booths, ballot boxes, ballot papers, etc.—Section 92 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Returning Officer shall provide each polling booth in respect of a General electoral district with a copy of the roll for each Maori electoral district in which land in the General electoral district is included.” 30

26. Deputy Returning Officers, poll clerks, and interpreters—(1) Section 93 (2) of the principal Act is hereby amended by omitting the words “one polling booth”, and substituting the words “polling booth or polling booths”. 35

(2) Section 93 of the principal Act is hereby amended by adding the following subsection:

“(7) Regulations made under section 188 of this Act may— 40

“(a) Prescribe procedures governing the use of interpreters:

“(b) Require candidates to be supplied, upon request, with the names of any interpreters appointed by the Returning Officer.”

5 **27. Special voters**—The principal Act is hereby amended by repealing section 100, and substituting the following section:

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

10 “(a) His 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) He will on polling day be outside New Zealand:

 “(c) He is or will be absent from the district on polling day:

15 “(d) He will not throughout the hours of polling on polling day be within 3 kilometres by the nearest practicable route of any polling place in the district:

 “(e) He will throughout the hours of polling on polling day be travelling under conditions which will preclude him from attending to vote at any polling place in the district:

20 “(f) He is ill or infirm, and by reason of that illness or infirmity will be precluded from attending to vote at any polling place in the district:

25 “(g) In the case of a woman, she will by reason of pregnancy or recent childbirth be precluded from attending to vote at any polling place in the district:

30 “(h) In the case of a person who is registered as an elector of a Maori electoral district, he attends to vote on polling day at a polling place that is not a polling place for that district:

 “(i) He has a religious objection that will preclude him from attending to vote on the day of the week on which polling day falls:

35 “(j) He satisfies the Returning Officer or Deputy Returning Officer that on any other ground it will not be possible for him to vote at a polling place in the district without incurring hardship or serious inconvenience.”

40 **28. Blind, disabled, or illiterate voters**—(1) The principal Act is hereby amended by repealing section 108 (as amended by section 38 of the Electoral Amendment Act 1975), and substituting the following section:

“108. (1) Any elector who is wholly or partially blind, or (whether because of physical handicap or otherwise) is unable to read or write or has severe difficulty in reading or writing, or is not sufficiently familiar with the English language to vote without assistance, may vote in accordance with the provisions of this section. 5

“(2) At the request of any such voter who has received a ballot paper, any person nominated by the voter, or, if no person is so nominated, the Deputy Returning Officer, shall accompany him into one of the inner compartments provided for the marking of ballot papers, and the ballot paper may there be marked by the voter with the assistance of the person nominated or, as the case may be, of the Deputy Returning Officer, or may be marked by the person nominated or, as the case may be, by the Deputy Returning Officer in accordance with the instructions of the voter. 10 15

“(3) A voter to whom subsection (1) of this section applies, whether or not he nominates a person for the purposes of subsection (2) of this section, may nominate a person or another person, as the case may require, to inspect the ballot paper before it is deposited in the ballot box. 20

“(4) Any elector voting as a special voter may vote in the manner prescribed by this section, with any necessary modifications, or in any manner prescribed by regulations made under this Act. 25

“(5) Every person commits an offence, and shall be liable on summary conviction to imprisonment for a term not exceeding 3 months, who, being a person who is present in accordance with this section or with any regulations when an elector votes, communicates at any time to any person any information obtained as to the candidate for whom the voter is about to vote or has voted, or as to the number on the ballot paper given to the voter.” 30

(2) Section 38 of the Electoral Amendment Act 1975 is hereby consequentially repealed. 35

29. Voting by special voters—Section 110 of the principal Act is hereby amended by inserting, after subsection (3), the following subsections:

“(3A) Each candidate may, by writing under his hand, appoint one or more scrutineers to be present at the office of the Registrar of Electors when he is performing his duties in relation to declarations in respect of special votes. 40

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

5 “(3c) Where a candidate appoints more than one scrutineer under subsection (3A) of this section, not more than one scrutineer for that candidate shall be present at the office of the Registrar of Electors at any time.”

10 **30. Scrutiny of the rolls**—The principal Act is hereby amended by repealing section 112, and substituting the following section:

15 “112. (1) The Returning Officer shall make arrangements for a scrutiny of the rolls as soon as practicable after the close of the poll, and shall give notice in writing to each of the candidates or their scrutineers of the time and place at which he will commence the scrutiny.

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

20 “(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 or a postmaster.

25 “(4) Where a candidate appoints more than one scrutineer to be present at the scrutiny of the rolls, not more than one scrutineer for that candidate shall be present at the scrutiny of the rolls at any time.

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

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

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

35 **31. Counting of votes**—Section 115 (1) of the principal Act is hereby amended by inserting, after the words “as are present”, the words “(not exceeding one scrutineer for each candidate)”.

32. Application to District Court Judge for recount—Section 117 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsections:

“(5) 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 acceptance of late enrolments; or

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

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

“(5A) Any decision referred to in subsection (5) of this section and any other decision made by the Returning Officer in the exercise of his powers on the original count may be confirmed, reversed, or set aside by the District Court Judge.”

33. Disposal of ballot papers, rolls, etc.—Section 121 of the principal Act is hereby amended by repealing subsection (3) (as amended by section 5 (5) of the Electoral Amendment Act 1980), and substituting the following subsections:

“(3) The Returning Officer shall attach to the master roll a list which shall set out the names and addresses of all special voters whose names were not on the printed roll (other than those whose names were not on that roll by virtue of section 62A of this Act) and which shall indicate the special voters whose votes have been disallowed. The master roll, and the attached list, shall then be sent by the Returning Officer to the Registrar of Electors for the district.

“(4) The Registrar of Electors shall keep the master roll, and the attached list, until the next general election.

“(5) Any registered elector of the district may inspect any master roll, and the attached list, at the Registrar’s office without payment of any fee at any time when the office is open for the transaction of business.”

34. Interfering with or influencing voters—(1) The principal Act is hereby amended by repealing section 127 (as amended by section 46 of the Electoral Amendment Act 1975 and by section 32 of the Electoral Amendment Act 1980), and substituting the following section:

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

“(a) In any way interferes with any elector, either in the polling booth or while on his way thereto, with the intention of influencing him or advising him as to his vote:

5 “(b) At any time on polling day before the close of the poll in or in view of 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:

10 “(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:

15 “Provided that this paragraph shall not restrict the publication of any news or comments relating to an election in a radio or television broadcast made by the Broadcasting Corporation of New Zealand or other holder of a warrant under the Broadcasting Act 1976:

20 “(d) 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:

25 “(e) 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,—

30 “(i) Any statement advising or intended or likely to influence any elector as to the candidate or party for whom he should vote; or

35 “(ii) Any party name, emblem, slogan, or logo: “Provided that this paragraph shall not apply to any statement, name, emblem, slogan, or logo in a newspaper published before 6 o’clock in the afternoon of the day before polling day:

40 “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: 5

“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 the Broadcasting Corporation of New Zealand or other holder of a warrant under the Broadcasting Act 1976: 10

“(f) 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: 15

“(g) 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: 20

“(h) 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,— 25

(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: 30

(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 not be an offence against this section for any person to wear or display (whether on his person or on any vehicle), in the form of ribbons, streamers, or rosettes, his party’s colours or to wear a party lapel badge. 35

“(3) It shall be a defence to a prosecution for an offence against subsection (1) (e) 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— 40

“(a) The exhibition was inadvertent; and

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

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

(2) Section 32 of the Electoral Amendment Act 1980 is hereby consequentially repealed.

10 **35. Power to remove statements, names, emblems, slogans, or logos**—(1) Section 127A (1) of the principal Act (as inserted by section 33 of the Electoral Amendment Act 1980) is hereby amended by omitting the words “and which is so exhibited within 800 metres of a polling place”.

15 (2) Section 127A (as so inserted) is hereby amended by inserting, after subsection (2), the following subsection:

20 “(2A) Nothing in subsection (1) of this section shall apply to a statement, party name, emblem, slogan, or logo which does not relate specifically to the election campaign and which was so exhibited before polling day in a fixed position and in relation to the New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party.”

36. Misfeasance of Returning Officer—The principal Act is
25 hereby amended by inserting, after section 132, the following section:

“132A. Every Returning Officer who knowingly and wilfully does anything contrary to the provisions of this Part of this Act, or who knowingly and wilfully omits to do anything
30 required by this Part of this Act to be done by him, shall be liable on summary conviction, if no other penalty is elsewhere in this Act provided, to a fine not exceeding \$1,000.”

37. Distribution of names and numbers—The principal Act is hereby amended by inserting, after section 132A (as inserted
35 by section 36 of this Act), the following heading and sections:

“Distribution of Names and Numbers

“132B. Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who, being a candidate or a representative of a political party or a person
40 conducting a campaign in relation to a public issue, and for

the purpose of promoting his candidacy, political party, or campaign, 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.”

38. Payments to be vouched by bill—Section 136 of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby amended by omitting the expression “\$4”, and substituting the expression “\$10”. 5

39. Maximum amount of election expenses—(1) The principal Act is hereby amended by repealing section 139 (as amended by section 8 (1) of the Electoral Amendment Act 1977), and substituting the following section: 10

“139. (1) Subject to this section and to section 147A of this Act, in this Act the term ‘election expenses’, in relation to a candidate at an election in any district,— 15

“(a) Means expenses which relate exclusively to the campaign for the return of the candidate and which are incurred by or on behalf of the candidate within the 3 months immediately preceding polling day in respect of— 20

“(i) Advertising and radio or television broadcasting: 25

“(ii) Publishing, issuing, distributing, and displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; and 30

“(b) Includes expenses which relate exclusively to the campaign for the return of the candidate and which are incurred by or on behalf of the candidate, before or after the 3 months immediately preceding polling day, in respect of any item described in subparagraph (i) or subparagraph (ii) of paragraph (a) of this subsection if the activity that is carried out under that item takes place within those 3 months; but 35

“(c) 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 his personal means of transport in the district. 40

“(2) The total election expenses of a candidate shall in no case exceed \$4,000. 40

“(3) Every candidate or other person is guilty of a corrupt practice 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.

“(4) Notwithstanding subsection (1) (b) of this section, where any activity under an item described in subparagraph (i) or subparagraph (ii) of subsection (1) (a) of this section, which is carried on both before and within the 3 months immediately preceding polling day and which relates exclusively to the campaign for the return of the candidate, the expenses incurred in respect of any such 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 that fair proportion of those expenses, but no other portion of those expenses, shall be election expenses.”

(2) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “election expenses”, and substituting the following definition:

“‘Election expenses’ has the meaning given to it by section 139 of this Act.”

(3) This section shall come into force on the 1st day of January 1982.

40. Maximum fines increased—(1) The principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby amended in the manner indicated in the Schedule to this Act.

(2) Section 46 of, and the Third Schedule to, the Electoral Amendment Act 1975 are hereby consequentially repealed.

41. Transitional provision in respect of election expenses and 1981 general election—In respect of the general election that takes place in the year 1981, the term “election expenses” (as defined in section 2 (1) of the principal Act) shall not include any travelling or accommodation expenses of a candidate or any expenses incurred by him in operating a vehicle that is used bona fide by him as his means of personal transport (whether or not election advertising appears on that vehicle).

SCHEDULE

Section 40 (1)

MAXIMUM FINES INCREASED

Section Amended	Amendment
Section 26 (as substituted by section 13 (1) of the Electoral Amendment Act 1975)	By omitting the expression "\$100", and substituting the expression "\$200".
Section 33 (4)	By omitting the expression "\$200", and substituting the expression "\$1,000".
Section 34 (2)	By omitting the expression "\$10", and substituting the expression "\$50".
Section 35 (2)	By omitting the expression "\$10", and substituting the expression "\$50".
Section 44 (2)	By omitting the expressions "\$2" and "\$4", and substituting respectively the expressions "\$10" and "\$20".
Section 66	By omitting the expression "\$500", and substituting the expression "\$1,000".
Section 67 (1)	By omitting the words "not exceeding \$500" (as substituted by section 46 of the Electoral Amendment Act 1975), and substituting the words "not exceeding \$1,000".
Section 68	By omitting the words "not exceeding \$500" (as substituted by section 46 of the Electoral Amendment Act 1975), and substituting the words "not exceeding \$1,000".
Section 69	By omitting the words "not exceeding \$500" (as substituted by section 46 of the Electoral Amendment Act 1975), and substituting the words "not exceeding \$1,000".
Section 90 (2)	By omitting the expression "\$100", and substituting the expression "\$500".
Section 98 (3)	By omitting the expression "\$40", and substituting the expression "\$200".
Section 98 (4)	By omitting the expression "\$100", and substituting the expression "\$500".
Section 103 (2)	By omitting the expression "\$40", and substituting the expression "\$200".
Section 104	By omitting from subsection (3), and also from subsection (4), the expression "\$100", and substituting in each case the expression "\$500".
Section 105 (5)	By omitting the expression "\$100", and substituting the expression "\$500".

SCHEDULE—*continued*MAXIMUM FINES INCREASED—*continued*

Section Amended	Amendment
Section 126	By omitting the expression “\$200” wherever it appears in paragraphs (e) to (g), and substituting in each case the expression “\$1,000”.
Section 128	By omitting the words “not exceeding \$500” (as substituted by section 46 of the Electoral Amendment Act 1975), and substituting the words “not exceeding \$1,000”.
Section 129	By omitting the words “not exceeding \$500” (as substituted by section 46 of the Electoral Amendment Act 1975), and substituting the words “not exceeding \$1,000”.
Section 137 (3)	By omitting the expressions “\$100” and “\$40”, and substituting respectively the expressions “\$500” and “\$200”.
Section 150 (1)	By omitting from paragraph (a) the words “not exceeding \$500” (as substituted by section 46 of the Electoral Amendment Act 1975), and substituting the words “not exceeding \$2,000”. By omitting from paragraph (b) the words “not exceeding \$300” (as so substituted), and substituting the words “not exceeding \$1,500”.
Section 188	By omitting the expression “\$100”, and substituting the expression “\$500”.