

[AS REPORTED FROM THE ELECTORAL LAW COMMITTEE]

House of Representatives, 10 October 1985.

Words inserted are shown in roman underlined with a single rule, or with a single rule before first line and after last line.

Hon. Geoffrey Palmer

ELECTORAL AMENDMENT

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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:

1. Short Title—This Act may be cited as the Electoral Amendment Act 1985, and shall be read together with and deemed part of the Electoral Act 1956* (hereinafter referred to as the principal Act).

*R.S. Vol. 14, p. 57

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing subsection (3) (as amended by section 5 (4) (b) of the Electoral Amendment Act 1980), and substituting the following subsections:

“(3) Where an application by any person for registration as an elector is received by the Registrar by post after writ day but not later than noon on the day after writ day, it shall be deemed to have been received on writ day, and the applicant shall be deemed to have applied for registration on that day. 5

“(4) Where an application by any person for registration as an elector is received by the Registrar after writ day but before polling day, and the Registrar is satisfied (by means of any Post Office date stamp or postmark on the application or on the envelope in which it is contained or by means of such other evidence as the Registrar thinks fit) that it was received at any Post Office on or before writ day, it shall be deemed to have been received on writ day by the Registrar, and the applicant shall be deemed to have applied for registration on that day. 10 15

“(5) Nothing in subsection (3) or subsection (4) of this section requires a Registrar’s office or any Post Office to remain open beyond the normal close of business of that office on writ day.” 20

(2) Section 5 (4) (b) of the Electoral Amendment Act 1980 is hereby consequentially repealed. 25

3. Division of New Zealand into General Electoral districts after each census—(1) Section 16 of the principal Act is hereby amended by inserting, after subsection (1) (as substituted by section 3 of the Electoral Amendment Act 1965), the following subsection: 30

“(1A) As soon as possible after each periodical census, the Surveyor-General shall call a meeting of the official and unofficial members of the Commission for the purpose of nominating a person for appointment as Chairman of the Commission.” 35

(2) Section 16 (2A) of the principal Act (as inserted by section 4 (1) of the Electoral Amendment Act 1981) is hereby amended by adding, after the words “Surveyor-General”, the words “and to the other members of the Commission”.

(3) Section 16 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection: 40

“(3) Upon receipt of the report of the Government Statistician the Surveyor-General shall prepare maps showing the distribution of the population and provisional boundaries for the electoral districts, and shall then call a meeting of the
5 Commission.”

4. Communications to officials—The principal Act is hereby amended by inserting, after section 18 (as substituted by section 6 of the Electoral Amendment Act 1981), the following section:

10 “18A. (1) When, after the gazetting, pursuant to section 18 (1) of this Act, of the boundaries of the proposed districts, the Commission makes a determination relating to the boundaries of any district, the Surveyor-General shall communicate the details of that determination to such public servants directly
15 concerned with the administration of this Act as have been specified by the Commission by name or by position or by the functions they perform.

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

5. Report of Commission to be proclaimed by Governor-General—(1) Section 19 of the principal Act is hereby amended by repealing subsection (1) (as amended by section 7 of the Electoral Amendment Act 1975), and substituting the following
25 subsection:

“(1) The Commission shall in every case within 6 months after the date of the meeting of the Commission called pursuant to **section 16 (3)** of this Act report the names and boundaries of the electoral districts fixed by it to the Governor-General,
30 who shall proclaim them in the *Gazette*.”

(2) Section 7 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

6. Compulsory registration of electors—Section 43 (1) (b) of the principal Act (as substituted by section 18 (1) of the
35 Electoral Amendment Act 1981) is hereby amended by omitting the expression “section 43A (5)”, and substituting the expression “section 43A (8) or **section 43B (3)**”.

7. Revision of electoral rolls—(1) Section 43A (1) of the principal Act (as substituted by section 5 (1) of the Electoral
40 Amendment Act 1983) is hereby amended by omitting the

words “year in which a Parliament is due to expire”, and substituting the words “period specified under **subsection (3)** of this section”.

(2) Section 43A of the principal Act (as so substituted) is hereby further amended by repealing subsection (3), and substituting the following subsection: 5

“(3) The Minister may from time to time publish a notice in the *Gazette*, specifying a period during which the inquiries directed under subsection (1) of this section are to be undertaken, and shall, where practicable, publish such notice 10 in every year in which a Parliament is due to expire.”

(3) Section 43A of the principal Act (as so substituted) is hereby further amended by inserting, after subsection (6), the following subsection:

“(6A) Where the Registrar receives, during a period specified under **subsection (3)** of this section, or within 6 days before the commencement of any such period, a duly completed application for registration as an elector, that application shall be deemed to be a completed form under this section.” 15

8. Power to combine revision of electoral rolls with exercise of Maori option—The principal Act is hereby amended by inserting, after section 43A (as substituted by section 5 (1) of the Electoral Amendment Act 1983), the following section: 20

“43B. (1) Where the period specified under **section 43A (3)** of this Act is the same as the period specified under section 41A (2) or section 41A (3) of this Act, the Registrar shall, instead of sending the forms required to be sent under sections 41B (2) and 43A (5) of this Act, send forms in the form prescribed for the purposes of this section. 25 30

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

“(a) That form shall, for the purposes of section 41B of this Act (other than subsection (6)), have effect as if it were the form prescribed for the purposes of that section; and 35

“(b) That form shall, for the purposes of section 43A of this Act (other than **subsection (6A)**), have effect as if it were the form prescribed for the purposes of that section. 40

“(3) Notwithstanding anything in section 41B (6) of this Act, where any person fails to respond to any inquiry under section 43A of this Act (being an inquiry in the form prescribed for

the purposes of this section), the Registrar shall, after making such further inquiry as the Registrar thinks fit, or the Chief Registrar directs, remove the name of that person from the roll.”

5 **9. Applications received after issue of writ**—The principal Act is hereby amended by repealing section 50 (as amended by section 5 (7) of the Electoral Amendment Act 1980 and by section 8 of the Electoral Amendment Act 1983), and substituting the following section:

10 “50. (1) Where a writ has been issued for an election in a district, then, subject to subsections (3) and (4) of section 2 of this Act and to **subsection (2)** of this section, the Registrar shall not, at any time in the period beginning on the day after writ day and ending with the day of the return of the writ, register
15 any application for registration as an elector that the Registrar receives after writ day.

“**(2)** Nothing in **subsection (1)** of this section applies to any applicant who satisfies the Registrar that the applicant has become qualified for registration as an elector of the district
20 in the period commencing on the 31st day before writ day and ending with the close of the day before polling day.”

(2) The following enactments are hereby consequentially repealed, namely:

25 (a) So much of Part I of the Schedule to the Electoral Amendment Act 1980 as relates to section 50 of the principal Act:

(b) Section 8 of the Electoral Amendment Act 1983.

10. Notice of registration—Section 56 (3) of the principal Act (as substituted by section 9 (1) of the Electoral Amendment
30 Act 1983) is hereby amended by omitting the words “Chief Registrar”, and substituting the word “Minister”.

11. Removal of names from roll by Registrar—Section 57 (2) of the principal Act (as substituted by section 10 (1) of the Electoral Amendment Act 1983) is hereby amended by
35 inserting, after the word “may”, the words “place the name of that person on the roll at any time or”.

12. New rolls on change of boundaries—The principal Act is hereby amended by repealing section 60 (as substituted by section 23 (1) of the Electoral Amendment Act 1980), and
40 substituting the following section:

“60. (1) Where the gazetting of a Proclamation pursuant to section 19 (1) of this Act defines the boundaries of the electoral districts fixed by the Representation Commission, the Chief Registrar shall—

“(a) Decide, on the basis of the then existing rolls, which of the electors are entitled to be registered as electors of each electoral district to which that Proclamation relates; and 5

“(b) Compile for each electoral district to which that Proclamation relates a list of persons appearing to be entitled to be registered as electors of that electoral district (in this section called the ‘compiled list’). 10

“(2) For the purposes of any revision of the rolls under section 43A of this Act which is conducted before the dissolution or expiration of the Parliament in existence when any list is compiled pursuant to **subsection (1) (b)** of this section, the compiled list shall be the electoral roll for the district to which it relates. 15

“(3) For the purposes of the printing of the main rolls and the supplementary rolls, each compiled list shall, if the Chief Registrar so directs, be the electoral roll for the district to which it relates. 20

“(4) Where a compiled list is, under **subsection (2) or subsection (3)** of this section, the electoral roll for the district to which it relates, that electoral roll shall come into force on the dissolution or expiry of the then existing Parliament. 25

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

“(a) The next succeeding revision of the rolls under section 43A of this Act; or 30

“(b) The printing of the main rolls (where the Chief Registrar directs that, for the purposes of the printing of the main rolls and the supplementary rolls, each compiled list shall be the electoral roll for the district to which it relates),— 35

whichever is the earlier.

“(6) Every roll to which **subsection (4)** of this section applies shall, subject to any revision of that roll, continue in force until a new roll for the district is compiled and comes into force. 40

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

13. Maintenance of rolls being replaced—Section 60A of the principal Act (as inserted by section 23 (1) of the Electoral Amendment Act 1980) is hereby amended by repealing subsection (1), and substituting the following subsection:

5 “(1) Where the Chief Registrar has compiled the lists referred to in **section 60 (1) (b)** of this Act, the respective Registrars of Electors shall not be obliged to keep up to date the rolls for the districts that were in existence immediately before the gazetting under **section 19 (1)** of this Act of the Proclamation
10 that immediately preceded the compilation of those lists.”

14. Rolls where Parliament dissolved after change of boundaries and before new rolls completed—Section 60B (1) of the principal Act (as inserted by section 23 (1) of the Electoral Amendment Act 1980) is hereby amended by omitting the
15 words “revision of the rolls under section 43A of this Act which next succeeds that gazetting”, and substituting the words “compilation of the rolls pursuant to **section 60** of this Act”.

15. Supply of computer compiled lists and computer tapes to territorial authorities—The principal Act is hereby
20 amended by inserting, after section 64 (as substituted by section 29 (1) of the Electoral Amendment Act 1980), the following section:

“64A. (1) Where any officer of a territorial authority (as defined in section 2 of the Local Government Act 1974) acting
25 on behalf of the territorial authority wishes to obtain, for the purpose of compiling or amending a roll of electors of the territorial authority, or for the purpose of enabling any Returning Officer of that territorial authority to ascertain whether an elector may vote at an election in respect of that
30 territorial authority as a special voter (and for no other purposes), a computer compiled list or computer tape containing the names, residences (including the statistical meshblock areas in which the residences are situated), postal addresses (if any), and occupations (if any) of electors appearing
35 to reside within the district of the territorial authority, the Chief Registrar may, in accordance with regulations made under section 188 of this Act,—

“(a) Give that officer such a computer compiled list; or

40 “(b) On being supplied with a computer tape, record those names, residences, statistical meshblock areas, postal addresses, and occupations on that tape and return it to that officer.

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

“(a) May provide for the payment of fees for the provision under this section of a computer compiled list or for the provision under this section of information on a computer tape; and

“(b) May prescribe, in relation to the fees referred to in **paragraph (a)** of this subsection, not only their amount but also the circumstances in which they are payable.”

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16. Renumbering of section—The principal Act is hereby amended by renumbering section 64A (as inserted by section 25 of the Electoral Amendment Act 1981) as section 64B. 10

17. Offences in respect of use for commercial purposes of electoral information derived from computer tapes—Section 64B of the principal Act (as inserted by section 25 of the Electoral Amendment Act 1981 and renumbered by **section 16** of this Act) is hereby amended by inserting, after the words “or section 64 (6A)” (as inserted by section 13 of the Electoral Amendment Act 1983), the words “or **section 64A**”. 15

18. Contents of writ—Section 76 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 20

“(2) Polling day shall not be earlier than the 20th day after nomination day nor later than the 27th day after nomination day.”

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19. Clerk of Writs to notify Registrar—Section 77 of the principal Act is hereby amended by inserting, after the word “telegram”, the words “or any other form of written telecommunication”.

20. Notice to Returning Officer—Section 78 (1) of the principal Act is hereby amended by inserting, after the word “telegram”, the words “or by any other form of written telecommunication”. 30

21. Advertisement of nominations and polling places—Section 84 (2) of the principal Act (as substituted by section 27 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “subsection (4)”, and substituting the expression “subsection (5)”. 35

22. Who may vote—(1) Section 99 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) Any person who applies for registration as an elector of the district after writ day and before polling day and satisfies the Registrar not later than the 9th day after polling day that that person became qualified for registration as an elector of the district in the
10 period commencing on the 31st day before writ day and ending with the close of the day before polling day:”.

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15 (1A) Section 99 (d) of the principal Act is hereby amended by omitting the words “before 6 o’clock in the afternoon of”, and substituting the words “not later than”.

(2) The Electoral Amendment Act 1980 is hereby consequentially amended by repealing so much of Part I of the Schedule as relates to section 99 (b) of the principal Act.

20 **23. Voting by special voters on Tokelau, Campbell Island, Raoul Island, and in Ross Dependency**—(1) The principal Act is hereby amended by inserting, after section 110, the following section:

25 “110A. (1) The Chief Electoral Officer shall appoint Deputy Returning Officers for the issuing of ballot papers to special voters on Tokelau, Campbell Island, and Raoul Island and in the Ross Dependency (in this section called ‘Special Deputy Returning Officers’).

30 “(2) No Special Deputy Returning Officer shall be a person in charge of a base at which special voters are living.

35 “(3) A Special Deputy Returning Officer may, with the consent of the special voter and in accordance with regulations made under this Act, inspect the special voter’s marked ballot paper and completed declaration and dictate the contents of the ballot paper and declaration to the Chief Electoral Officer or to a person authorised by the Chief Electoral Officer in that behalf.

40 “(4) The Chief Electoral Officer or the person authorised by the Chief Electoral Officer in that behalf shall mark a ballot paper and complete a declaration in accordance with the dictation of the Special Deputy Returning Officer so as to provide a true and faithful copy of the special voter’s ballot paper and declaration.

“(5) Any copy of a declaration or ballot paper made pursuant to **subsection (4)** of this section shall, unless it is proved not to be a true and faithful copy of the declaration or ballot paper, have effect as if it were the original declaration and the original ballot paper. 5

“(6) Regulations made under section 188 of this Act may make provision for the transmission of the original ballot papers and declarations and any related lists from the Special Deputy Returning Officer to the Chief Electoral Officer and from the Chief Electoral Officer to the Clerk of the House of Representatives.” 10

(2) The first election in respect of which **section 110A** of the principal Act (as inserted by **subsection (1)** of this section) shall have effect shall be the first general election held after the passing of this Act. 15