

ELECTORAL AMENDMENT BILL

AS REPORTED FROM THE ELECTORAL LAW COMMITTEE

COMMENTARY

Recommendation

The Electoral Law Committee has examined the Electoral Amendment Bill and recommends that it be passed with the amendments shown in the bill.

Conduct of the examination

The Electoral Amendment Bill was referred to the Electoral Law Committee on 10 November 1998. The closing date for submissions was 28 February 1999. We received and considered nine submissions from interested groups and individuals. We heard two submissions orally. Hearing of evidence took an hour and 20 minutes and consideration and deliberation took just over four hours.

We received advice from the Ministry of Justice, the Electoral Commission, the Chief Electoral Office and the Electoral Enrolment Centre of New Zealand Post.

This commentary sets out the details of our consideration of the bill and the major issues we addressed.

Background

The bill aims to implement a number of the recommendations made by us in our Inquiry Report into the 1996 General Election (the inquiry). It also makes a number of miscellaneous amendments of a minor, technical nature.

In March 1997 we decided to conduct an inquiry into the 1996 General Election. It was at this election that New Zealanders voted under a mixed member proportional system of representation (MMP) for the first time. The administrative procedures for this election, therefore, were substantially different from those of past elections. The 1996 election also saw the Electoral Commission (the Commission) exercise for the first time its statutory functions relating to party registration, broadcasting allocations and financial disclosure of election expenses.

In general we concluded that the statutory provisions for the MMP election as contained in the Electoral Act 1993 were satisfactory. However, in the light of experience gained from this election, we recommended to the Government a number of changes designed to improve some of the election processes. Specifically these dealt with the registration and nomination procedures, rules on party and candidate election expenses, and special voting requirements.

Not all of our recommendations were included in the bill despite Government agreement with all but six of our 80 recommendations. This is also in spite of the Government's comment in its response to our report that "the Government intends to include some, if not all, of the legislative amendments in legislation to be introduced this year".¹ Some of us are especially disappointed that a number of our recommendations of a minor or technical nature have not been included in the bill.

Key features of the bill

Repeal of the offence of treating—clause 31

During the inquiry into the 1996 election, we received a number of submissions which suggested that the offence of treating was out-dated and should be repealed. After some consideration we agreed with this. Our view at this time was that we did not believe the votes of New Zealanders could be influenced by the provision of free food, drink or entertainment. We agreed that the offences of personation, bribery and undue influence, however, were still highly relevant and should remain. We have since reconsidered our view on treating.

The submissions we received on this issue were evenly split. Mr Richard Northey noted that voters are "robust enough not to be influenced by a free pie or cup of tea". Mr Neale McMillan, however, took the view that food, liquor and entertainment will only be provided for the purpose of creating a favourable impression for voters. This submissioner drew an analogy with product launching in the commercial world and described this as an "acknowledged means of exerting influence".

In our earlier discussions on this issue, we noted that the offence of treating requires proof of a corrupt intention and that case-law suggests that the provision of refreshments as a matter of courtesy and hospitality is unlikely to be considered as such under existing law (section 217(5) specifically covers this issue in relation to refreshments provided after an election meeting). We noted further that the offence of bribery may capture cases in which food, alcohol or other gifts are used to influence a person's vote.

On reflection, however, we consider that if treating as an offence were repealed there is a possibility that the integrity of the electoral process could be jeopardised and we note Mr McMillan's arguments on this point. We believe that a deterrent should remain to offset "benevolence and commitment" problems. This arises when parties or candidates provide hospitality to groups of voters which, in turn, might suggest to those voters that the hospitality needs to be repaid with their votes.

We agree that the status quo should remain. It is our recommendation that the offence of treating should be retained as a safeguard and to encourage best practice.

¹ Government Response to the Interim Report of the Electoral Law Committee on its Inquiry into the 1996 General Election, page 14.

Permanent residents as candidates

Mr Northey submitted that permanent residents should be entitled to stand for Parliament on the basis that it should be up to party selection committees and, ultimately, the voters whether the lack of New Zealand citizenship should preclude selection or election.

We considered this issue during the inquiry and determined that, while it is appropriate and reasonable to accord voting rights to those who have made a substantial—but not total—commitment to New Zealand by becoming permanent residents, the right to stand for election should be restricted to citizens. Applicants for citizenship, unlike permanent residents, are required to affirm a commitment to New Zealand by swearing an oath of allegiance. We have not altered our view on this point.

The Commission raised with us the anomalous situation with regard to permanent residents registered as electors before 22 August 1975 who are eligible to stand as candidates whereas other permanent residents do not have this right. This situation was also raised by the Royal Commission in its 1986 report on the electoral system which noted that this anomaly, based essentially on time, should be removed and the right of candidacy either extended to all qualified voters or restricted to citizens only.

We are of the view that permanent residents registered as electors on 22 August 1975 have now had sufficient time to demonstrate their total commitment to New Zealand by becoming citizens. We recommend that this anomaly should now be removed so that only New Zealand citizens can stand for election to Parliament. We also recommend that this change should come into force after the general election scheduled for 1999.

Candidate selection procedures—section 71

Compliance with Section 71 of the Act was an issue that we considered at some length during the inquiry. We received a number of letters and submissions on this and decided that it was best dealt with in the context of this bill. At our request the Commission provided us with an in-depth analysis of current and possible practice, and provided examples of electoral practice from comparative jurisdictions.

Section 71 states that a party must make provision for current financial members or party delegates or a combination of both to participate in the selection of candidates. There is no specific sanction, however, if this is not done. A submissioner, Mr David Stevenson, advocated that a written constitution or set of rules governing candidate selection be provided to the Commission as a criterion for registration and that penalties should be provided for any non-compliance with the requirements in section 71. This submissioner also recommended that parties provide a statutory declaration to the Commission stating that democratic procedures had been followed when submitting a party list.

Peter Dunne, MP, suggested that the wording of this section be reviewed to spell out in more detail what constitutes democratic procedures. We thought that this could prove to be an impossible task. Parties do not necessarily operate under similar rules and to impose a definition of “democratic procedures” on them would cut across the ability of parties to determine their own internal process. It is our view that this could be considered undemocratic.

The Commission advised us that the only current form of redress party members and candidates have is to the High Court, if they are concerned with non-compliance. At the moment it is not a criterion for registration of a political party or for continuing to be registered that the party has selection rules and

procedures that comply with section 71. The Commission submitted to us that if Parliament did give it the statutory authority to consider and determine complaints about a party's adherence to its own rules and procedures concerning candidate selection, the wording of the section would need to be re-examined to ensure that its requirements are as clear as possible ².

The Commission also advised that it did not consider itself to be the appropriate body to police internal party selection procedures and that complaints of this nature would be more properly dealt with by the High Court. We agree.

A majority of us have taken on board Mr Stevenson's comments about parties providing candidate selection rules to the Commission and see merit in this. In addition to this, we agree that a party's membership rules should also be provided to the Commission. Both sets of rules would then be publicly available. This change, we believe, could help maintain public confidence in New Zealand's electoral practices. Having these rules publicly available might also assist voters in making their electoral choices.

Providing these rules, however, would not imply that the Commission can or would make a judgement as to whether the candidate selection rules comply with section 71. As noted above, we are of the view that the High Court, not the Commission, is the appropriate body to consider issues regarding the processes by which registered parties select their candidates.

Recommendations of a minor or technical nature

As noted earlier in this commentary, some of us were disappointed that not all of our report recommendations were included in the bill. We are concerned that a number of our recommendations of a minor or technical nature have not been taken up. Although not substantive amendments, some of us feel that they would improve the overall administration of the Act. One example of this is our recommendation that the Speaker be able to initiate the filling of a vacancy in the House of his or her own volition. At present, if the House is sitting, the House must direct the Speaker to initiate the filling of the vacancy. This then becomes a matter for debate. At the time of the inquiry we considered this to be a waste of parliamentary time. ³ Our view then was that the filling of a vacancy pursuant to section 55 of the Act should not be the subject of political debate but take place as a simple operation of law.

There were several other recommendations of a similar nature in our report which, although supported by the Government, were not included in the bill. Although a minority of us would like to see them addressed, we do not want to delay the bill's enactment.

Other issues raised in submissions

Anti-defection clause

Five of the nine submissions we received on the bill expressed concerns about the ability of MPs to leave their party and remain in Parliament. There was particular reference to list MPs who do this. This, however, is outside the scope of the bill.

² Any re-examination would need to cover issues such as who is entitled to make the complaint, time limits on laying complaints, whether the complaint should go through any party complaint procedure first and other practicalities.

³ An example of this was the vacancy created by former Labour list MP Jill White and her successor Helen Duncan. At that time the Deputy Prime Minister was quoted as saying "It seems to me that what we've got is a problem in the Electoral Act" (*Dominion*, 25 November 1998).

The issue of defections was, in any case, considered by us last year in the context of the Electoral (Party Registration) Bill. By a majority, our recommendation was that the bill not proceed. After careful consideration, a majority of us concluded that the election day proportionality of the House should not hold primacy over a member's freedom of conscience and association. A majority of us agreed that legislation asserting that it does would be both undemocratic and impractical. It was our view that MMP was adopted by New Zealanders to provide for greater representation in Parliament, not strict proportionality⁴.

We note that there are currently two Members' bills relating to this issue which, if successful in the Members' bills ballot, could be referred to us. If this is the case, a further opportunity to revisit this issue might arise.

Make-up of party lists

Two submissions suggested that a party's list should be made up of the unsuccessful electorate candidates. One submission considered that such a move would ensure some level of commitment from the member to his or her party. This and other issues relating to the make-up of the party list go to the heart of the MMP system and, as such, are beyond the scope of the bill. We expect this issue, and others of a similar nature, will be thoroughly considered during the review of MMP next year.

⁴ Report on the Electoral (Party Registration) Bill, Report of the Electoral Law Committee, April 1998.

KEY TO SYMBOLS USED IN REPRINTED BILL
AS REPORTED FROM A SELECT COMMITTEE

Struck Out (Unanimous)

Subject to this Act,

Text struck out unanimously

New (Unanimous)

Subject to this Act,

Text inserted unanimously

Struck Out (Majority)

Subject to this Act,

Text struck out by a majority

New (Majority)

Subject to this Act,

Text inserted by a majority

~~(Subject to this Act,)~~

Words struck out unanimously

~~<Subject to this Act,>~~

Words struck out by a majority

Subject to this Act,

Words inserted unanimously

<Subject to this Act,>

Words inserted by a majority

Hon Tony Ryall

ELECTORAL AMENDMENT

ANALYSIS

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| <p>Title</p> <ol style="list-style-type: none">1. Short Title and commencement2. Interpretation2A. Registered electors may be members, unless disqualified3. No person to be candidate for more than one district or on more than one list4. Cancellation of registration5. Cancellation of registration of party logo5A. Obligation to provide copy of party membership rules and candidate selection rules6. Election of list candidates7. New sections inserted<ol style="list-style-type: none">127A. Evidence required that list candidate is registered or qualified elector127B. Deposit by party secretary8. Acceptance or rejection of lists by Chief Electoral Officer9. Withdrawal of list of candidates10. Contents of writ11. Nomination of candidates for electoral districts12. Evidence required that constituency candidate is registered or qualified elector13. Deposit by candidate14. Acceptance or rejection of nomination15. New heading and sections (relating to bulk nomination of candidates by registered political parties) inserted<ol style="list-style-type: none">146A. Purpose of sections 146B to 146M146B. Notice of intention to lodge bulk nomination146C. Effect of notification of intention to lodge bulk nomination on nominations under section 143146D. Bulk nomination of constituency candidates146E. Bulk nomination schedule146F. Deposit payable in respect of bulk nomination schedule146G. Acceptance or rejection of bulk nomination schedule or nomination of candidate146H. Effect of lodging of bulk nomination schedule on nominations under section 143146I. Amendment of bulk nomination schedule146J. Withdrawal of bulk nomination schedule146K. Inspection of bulk nomination schedules and consents to nomination146L. Withdrawal of nomination in bulk nomination schedule146M. Replacement nomination where earlier nomination withdrawn or lapses16. Advertisement of nomination and polling places17. Form of ballot papers18. New heading and sections (relating to death or incapacity of candidate) substituted<ol style="list-style-type: none">151A. Interpretation152. Death before close of nominations<ol style="list-style-type: none">152A. Incapacity of candidate before close of nominations152B. Procedural provisions relating to making of application under section 152A (1)152C. How application under section 152A to be dealt with153. Death or incapacity of list candidate after submission of list | <p>146D. Bulk nomination of constituency candidates</p> <p>146E. Bulk nomination schedule</p> <p>146F. Deposit payable in respect of bulk nomination schedule</p> <p>146G. Acceptance or rejection of bulk nomination schedule or nomination of candidate</p> <p>146H. Effect of lodging of bulk nomination schedule on nominations under section 143</p> <p>146I. Amendment of bulk nomination schedule</p> <p>146J. Withdrawal of bulk nomination schedule</p> <p>146K. Inspection of bulk nomination schedules and consents to nomination</p> <p>146L. Withdrawal of nomination in bulk nomination schedule</p> <p>146M. Replacement nomination where earlier nomination withdrawn or lapses</p> <p>16. Advertisement of nomination and polling places</p> <p>17. Form of ballot papers</p> <p>18. New heading and sections (relating to death or incapacity of candidate) substituted</p> <p style="text-align: center;"><i>Death or Incapacity of Candidate</i></p> <p>151A. Interpretation</p> <p>152. Death before close of nominations</p> <p>152A. Incapacity of candidate before close of nominations</p> <p>152B. Procedural provisions relating to making of application under section 152A (1)</p> <p>152C. How application under section 152A to be dealt with</p> <p>153. Death or incapacity of list candidate after submission of list</p> |
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| <p>153A. Death or incapacity of constituency candidate after close of nominations and before polling day</p> <p>153B. Death or incapacity of constituency candidate on polling day</p> <p>153C. Death or incapacity of successful constituency candidate after close of poll and before declaration of result</p> <p>153D. Application of equality of votes provisions where constituency candidate dies or becomes incapacitated after close of poll</p> <p>153E. New election to be held if writ vacated</p> <p>153F. Destruction of ballot papers where by-election interrupted</p> <p>153G. Application for cancellation of nomination where candidate incapacitated after close of nominations</p> <p>153H. How application under section 153G to be dealt with</p> <p>19. Copy of writ to be forwarded to Clerk of the House</p> <p>20. Chief Electoral Officer may correct list of members elected</p> <p>21. Periods for claiming and paying expenses</p> <p>22. Procedure where claim disputed</p> <p>23. Payments to be vouched by bill</p> <p>24. Return of election expenses</p> <p>25. Time limit for prosecutions</p> | <p>26. Advertisements for party lists</p> <p>27. New sections 214BA to 214BD inserted</p> <p style="padding-left: 20px;">214BA. Periods for claiming and paying expenses</p> <p style="padding-left: 20px;">214BB. Procedure where claim disputed</p> <p style="padding-left: 20px;">214BC. Leave to pay claim after time limited</p> <p style="padding-left: 20px;">214BD. Payments to be vouched by bill</p> <p>28. Return of election expenses</p> <p>29. Interpretation</p> <p>29A. Return of electorate donations</p> <p>29B. Return of national donations</p> <p>30. New heading and sections inserted</p> <p style="text-align: center;"><i>General Provisions Relating to Returns</i></p> <p style="padding-left: 20px;">214M. Obligation to file nil returns</p> <p style="padding-left: 20px;">214N. Obligation to retain records necessary to verify returns</p> <p>35. Amendments to Second Schedule (forms)</p> <p>36. Consequential amendment to Goods and Services Tax Act 1985</p> <p>36A. Consequential amendment to Citizens Initiated Referenda Act 1993</p> <p>37. Consequential repeals</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">SCHEDULE</p> <p style="text-align: center;">New Forms Inserted in Second Schedule</p> |
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A BILL INTITULED

An Act to amend the Electoral Act 1993

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

1. Short Title and commencement—(1) This Act may be cited as the Electoral Amendment Act 1998, and is part of the Electoral Act 1993* (“the principal Act”). 5

(2) Except as provided in section 2A (4), this Act comes into force on the day after the date on which it receives the Royal assent.

*R.S. Vol. 35, p. 39
Amendments: 1996, Nos. 54, 154

2. Interpretation—(1) Section 3 (1) of the principal Act is amended by inserting, after the definition of the term “adult”, the following definition: 10

“ ‘Anonymous’,—

“(a) In relation to a constituency candidate donation as defined in section 210 (9), means a donation that is made in such a way that the candidate does not know who made the donation: 15

“(b) In relation to an electorate donation or a national donation (as those terms are defined in section 214F), means a donation that is made in such a way that none of the following knows who made the donation:

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“(i) The candidates of the party to which the donation is made:

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“(ii) The persons involved in the administration of the affairs of that party, whether within an electorate or over more than 1 electorate.”

(2) Section 3 (1) of the principal Act is amended by repealing the definition of the term “election expenses”, and substituting the following definition:

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“‘Election expenses’,—

“(a) In relation to a candidate at an election, has the meaning given to it in section 213:

“(b) In relation to a party that is registered under Part IV, has the meaning given to it in section 214B.”

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Struck Out (Unanimous)

(3) Section 3 (1) of the principal Act is amended by repealing the definition of the term “treating”.

New (Unanimous)

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2A. Registered electors may be members, unless disqualified—(1) Section 47 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

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“(3) Regardless of anything in subsection (1), a person is not qualified to be a candidate or to be elected unless he or she is a New Zealand citizen.”

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(2) A member of Parliament elected before the date of the commencement of this section is not disqualified from sitting as a member simply because, after that date, he or she is no longer qualified under **section 47 (3)** of the principal Act to be a candidate or to be elected.

(3) A candidate whose name appears on a party list submitted under section 127 of the principal Act before the date of the commencement of this section is not disqualified from being selected from that party list under section 137 of

New (Unanimous)

the principal Act to fill a vacancy simply because, after that date, he or she is no longer qualified under **section 47 (3)** of the principal Act to be a candidate or to be elected.

(4) This section comes into force on **1 February 2000**.

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3. No person to be candidate for more than one district or on more than one list—Section 59 (4) of the principal Act is amended by inserting, after the words “him or her”, the words “or on his or her behalf”.

4. Cancellation of registration—Section 70 of the principal Act is amended by inserting, after subsection (1), the following subsection: 10

“(1A) The provisions of sections 63 and 64, with any necessary modifications, apply to every application under subsection (1).”

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5. Cancellation of registration of party logo—Section 70A of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) The provisions of sections 63A and 64, with any necessary modifications, apply to every application under subsection (1).”

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New (Majority)

5A. Obligation to provide copy of party membership rules and candidate selection rules—(1) The principal Act is amended by inserting in Part IV, after section 71, the following section: 25

“71A. (1) The Secretary of any political party registered under this Act must supply the Electoral Commission with the following:

“(a) A copy of the rules governing membership of the party: 30

“(b) A copy of the rules governing the selection of persons to represent that party as candidates for election as members of Parliament:

“(c) A copy of any changes to the rules referred to in **paragraph (a) or paragraph (b)**. 35

New (Majority)

5 “(2) The copies required by **paragraphs (a) and (b) of subsection (1)** must be supplied within 1 month after notice of the registration of the party is notified in the *Gazette* in accordance with section 67 (1) (c).

“(3) The copies required by **paragraph (c) of subsection (1)** must be supplied within 1 month after the date on which the changes to the rules are adopted by the party.

10 “(4) Members of the public are entitled to inspect the documents supplied to the Electoral Commission under this section. They may inspect them, without payment, at any time between 9.00 a.m. and 4.00 p.m. on any day on which the office of the Electoral Commission is open.”

15 (2) Regardless of **subsection (2) of section 71A** of the principal Act, the Secretary of any political party that is registered under Part IV of the principal Act at the date of the commencement of this section must supply to the Electoral Commission, within 3 months after that date, the copies referred to in **paragraphs (a) and (b) of subsection (1)** of that section, and **subsection (4)** of that section applies accordingly.

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6. Election of list candidates—(1) Section 127 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

25 “(3) Every list submitted under this section, and the declaration required by subsection (3A),—

30 “(a) Must be submitted to the Chief Electoral Officer not later than noon on the date specified in the writs for the election of constituency candidates as the latest date for the nomination of constituency candidates; and

“(b) May be submitted by hand, post, or facsimile transmission.”

(2) Section 127 of the principal Act is amended by repealing subsection (5), and substituting the following subsection:

35 “(5) Every form of consent submitted under this section must be in **form 5**, and may be submitted by hand, post, or facsimile transmission.”

(3) Section 127 of the principal Act is amended by repealing subsection (8), and substituting the following subsection:

40 “(8) Every logo submitted under this section—

- “(a) Must be submitted to the Chief Electoral Officer not later than noon on the date specified in the writs for the election of constituency candidates as the latest date for the nomination of constituency candidates; and 5
- “(b) May be submitted by hand, post, or facsimile transmission.”

7. New sections inserted—The principal Act is amended by inserting, after section 127, the following sections:

“127A. Evidence required that list candidate is registered or qualified elector—For the purposes of showing that a candidate named on a list submitted under section 127 is a registered elector, or a qualified elector, of an electoral district,— 10

“(a) That candidate’s consent to the inclusion of his or her name on the list must state— 15

“(i) The electorate for which the candidate is registered as an elector; or

“(ii) Where section 49 applies, that the candidate is a qualified elector of a specified electoral district; and 20

“(b) The fact that the candidate is registered as an elector for an electoral district (or, where section 49 applies, is a qualified elector of a specified electoral district) must be shown by— 25

“(i) Stating on the consent the page and line number applicable in respect of that candidate’s name where it appears on the most recent roll printed for that district; or

“(ii) Submitting, with the consent, a copy of the *(notice in writing)* written notice, given under section 89, of the registration of that person as an elector for that district; or 30

“(iii) Submitting, with the consent, written notice signed by the Registrar of Electors for that district and certifying that the person is registered as an elector for that district; or 35

“(iv) Where section 49 applies, submitting, with the consent, a statutory declaration made by the candidate and to the effect required by that section. 40

“127B. Deposit by party secretary—(1) If a secretary of a political party submits a list under section 127, he or she must lodge with the Chief Electoral Officer, no later than noon on

nomination day, a deposit of \$1,000 (inclusive of goods and services tax).

“(2) The deposit must be in the form of a bank draft or bank cheque.

5 “(3) The deposit must be returned to the secretary of the party on whose behalf the deposit is paid if the following requirements are satisfied:

“(a) Either—

10 “(i) The party receives in total at least 0.5% of the total number of all the party votes received by all the parties listed on the part of the ballot paper that relates to the party vote; or

“(ii) The party wins a constituency seat; and

“(b) The Electoral Commission has received—

15 “(i) A return under section 214C in respect of that party; and

“(ii) The auditor’s report obtained under section 214E and relating to that return.

20 “(4) In every other case the deposit is forfeit, and must be paid into the Crown Bank Account.

“(5) For the purposes of **subsection (3) (a) (iii)**, a party wins a constituency seat if—

25 “(a) A constituency candidate for that party has his or her name endorsed on a writ under section 185 as a person declared to be elected as a member of Parliament; or

30 “(b) A constituency candidate for a component party of that party (being a component party that is not listed on the part of the ballot paper that relates to the party vote but is, in accordance with the details held by the Chief Electoral Officer under any of the provisions of sections 127 (3A) and 128A, a component party of that party) has his or her name endorsed on a writ under section 185 as a person
35 declared to be elected as a member of Parliament.”

8. Acceptance or rejection of lists by Chief Electoral Officer—(1) Section 128 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

40 “(1) The Chief Electoral Officer must reject a list submitted under section 127—

“(a) If the list is not submitted by a political party registered under Part IV; or

“(b) If the list is not lodged with the Chief Electoral Officer by noon on nomination day; or

“(c) If the list does not contain the name of at least 1 candidate; or

“(d) If the list is not accompanied by the declaration required by section 127 (3A); or 5

“(e) If the deposit required by **section 127B** is not paid by noon on nomination day.”

(2) Section 128 (2) of the principal Act is amended by inserting, after paragraph (a), the following paragraph: 10

“(aa) In respect of a person named as a candidate on a list submitted under section 127, the requirements of **section 127A (b)** are not complied with; or”.

9. Withdrawal of list of candidates—Section 128C of the principal Act is amended by inserting, after subsection (2), the following subsection: 15

“(2A) If a list of candidates is withdrawn under subsection (1), the deposit paid under **section 127B** must be returned to the party secretary, unless the party secretary submits another list of candidates in accordance with section 127.” 20

10. Contents of writ—Section 139 of the principal Act is amended by omitting from subsections (4) and (5) the expression “section 153 (8) of this Act”, and substituting in each case the expression “**section 153E**”.

11. Nomination of candidates for electoral districts— 25
(1) Section 143 (1) of the principal Act is amended by omitting the words “(hereinafter referred to as a constituency candidate)”.

(2) Section 143 of the principal Act is amended by repealing subsection (3A), and substituting the following subsection: 30

“(3A) If a nomination paper is lodged with the Returning Officer under subsection (1) in relation to a candidate for a political party, and the political party has a logo registered under section 67A, then in the following cases a copy of the logo may be submitted to the Returning Officer for inclusion 35
on the ballot paper in accordance with section 150 (13):

“(a) In the case of a general election,—

“(i) If the political party is not registered under Part IV; or

“(ii) If the political party is registered under Part IV, but is not submitting a party list under section 127: 40

“(b) In the case of a by-election, whether the political party is registered under Part IV or not.”

5 **12. Evidence required that constituency candidate is registered or qualified elector**—The principal Act is amended by inserting, after section 143, the following section:

“143A. For the purposes of showing that the candidate is a registered elector, or a qualified elector, of an electoral district,—

10 “(a) The nomination paper must state—

 “(i) The electorate for which the candidate is registered as an elector; or

 “(ii) Where section 49 applies, that the candidate is a qualified elector of a specified electoral district; and

15 “(b) The fact that the candidate is registered as an elector for an electoral district (or, where section 49 applies, is a qualified elector of a specified electoral district) must be shown by—

20 “(i) Stating on the nomination paper the page and line number applicable in respect of that candidate’s name where it appears on the most recent roll printed for that district; or

25 “(ii) Lodging, with the nomination paper, a copy of the (*notice in writing*) written notice, given under section 89, of the registration of that person as an elector for that district; or

30 “(iii) Lodging, with the nomination paper, written notice signed by the Registrar of Electors for that district and certifying that the person is registered as an elector for that district; or

 “(iv) Where section 49 applies, lodging, with the nomination paper, a statutory declaration made by the candidate and to the effect required by that section.”

35 **13. Deposit by candidate**—Section 144 of the principal Act is amended by repealing subsection (3), and substituting the following subsections:

40 “(3) If an unsuccessful constituency candidate receives in total less than 5% of the total number of votes received by constituency candidates in the district, the unsuccessful candidate’s deposit is forfeit, and must be paid into the Crown Bank Account.

“(4) In every other case the deposit of a constituency candidate must be returned to the person who paid it, but only after the Returning Officer has received a return under section 210 in respect of that candidate.”

14. Acceptance or rejection of nomination— 5
Section 145 (1) of the principal Act is amended by inserting, after paragraph (b), the following paragraph:

“(ba) The requirements of **section 143A (b)** are not complied with; or”.

15. New heading and sections (relating to bulk nomination of candidates by registered political parties) inserted— 10
The principal Act is amended by inserting, after section 146, the following heading and sections:

“Bulk Nomination of Candidates by Registered Political Parties

“**146A. Purpose of sections 146B to 146M—Sections 146B to 146M** provide an alternative to the procedures set out in sections 143 to 146 by which people can be nominated as candidates for election for electoral districts. 15

“**146B. Notice of intention to lodge bulk nomination—**
(1) If, at any general election, a political party that is registered under Part IV intends to lodge a bulk nomination schedule of candidates for election for electoral districts, the secretary of that party must notify that intention to the Chief Electoral Officer. 20

“(2) A notification under **subsection (1)**— 25

“(a) Must be given not later than 1 working day after writ day for the general election; and

“(b) Must be in the prescribed form; and

“(c) May be given by hand, post, or facsimile transmission.

“(3) The secretary of a party may, at any time before lodging a bulk nomination schedule, withdraw a notification under **subsection (1)**, by notifying the withdrawal to the Chief Electoral Officer. 30

“(4) A withdrawal under **subsection (3)**—

“(a) Must be in the prescribed form; and 35

“(b) May be given by hand, post, or facsimile transmission.

“**146C. Effect of notification of intention to lodge bulk nomination on nominations under section 143—**If a political party notifies its intention to the Chief Electoral Officer under **section 146B (1)**, then,— 40

“(a) While that notification remains in force, a Returning Officer must not accept a nomination made under section 143 in respect of a candidate for that political party; and

5 “(b) If a Returning Officer has already accepted a nomination made under section 143 in respect of a candidate for that political party, that nomination is of no effect, and is to be treated as if it had been withdrawn under section 146.

10 “146D. **Bulk nomination of constituency candidates—**

(1) At any general election, the secretary of a political party that is registered under Part IV may, in accordance with this section, nominate as candidates for election for electoral districts persons who are qualified under this Act and who
15 consent to be nominated.

“(2) The secretary of a party may nominate its candidates under this section by lodging, with the Chief Electoral Officer, a single bulk nomination schedule in **form 9A**.

“(3) A bulk nomination schedule—

20 “(a) May be lodged by hand, post, or facsimile transmission; and

“(b) Must be lodged with the Chief Electoral Officer not later than noon on the day before nomination day.

25 “(4) The Chief Electoral Officer must give a written receipt for every bulk nomination schedule that he or she accepts.

“146E. **Bulk nomination schedule—**(1) The following requirements apply in relation to a bulk nomination schedule:

“(a) The schedule must specify the electoral districts for which candidates are nominated in the schedule:

30 “(b) The schedule must state, in relation to each such electoral district,—

“(i) The full name of the constituency candidate; and

35 “(ii) If the candidate’s full name is not to be used on the ballot paper, the name or names to be used, which must be short enough to fit on the ballot paper:

“(c) The schedule must state, in relation to each constituency candidate,—

40 “(i) The electorate for which the constituency candidate is registered as an elector; or

“(ii) Where section 49 applies, that the candidate is a qualified elector of a specified electoral district:

“(d) The fact that each constituency candidate is registered as an elector for an electoral district (or, where section 49 applies, is a qualified elector of a specified electoral district) must be shown by—

“(i) Stating on the bulk nomination schedule the page and line number applicable in respect of that candidate’s name where it appears on the most recent roll printed for that district; or 5

“(ii) Lodging, with the bulk nomination schedule, a copy of the *(notice in writing)* written notice, given under section 89, of the registration of that person as an elector for that district; or 10

“(iii) Lodging, with the bulk nomination schedule, written notice signed by the Registrar of Electors for that district and certifying that the person is registered as an elector for that district; or 15

“(iv) Where section 49 applies, lodging, with the bulk nomination schedule, a statutory declaration made by the candidate and to the effect required by that section. 20

“(2) Every bulk nomination schedule must contain a declaration, made by the secretary of the party in the manner provided by section 9 of the Oaths and Declarations Act 1957, that the secretary is satisfied that each constituency candidate nominated in the schedule is qualified under this Act to be a constituency candidate. 25

“(3) The secretary of the political party must lodge with the bulk nomination schedule, in relation to each constituency candidate nominated in the schedule, a copy of a written notice in **form 9b**, signed by the constituency candidate and signifying his or her consent to the nomination. 30

“(4) If the secretary of a political party lodges a bulk nomination schedule, and the political party has a logo registered under section 67A, but the political party is not submitting a party list under section 127, then a copy of the logo may be lodged with the Chief Electoral Officer for inclusion on the ballot paper in accordance with section 150 (13). 35

“(5) Every logo lodged under **subsection (4)**—

“(a) May be lodged by hand, post, or facsimile transmission; and 40

“(b) Must be lodged with the Chief Electoral Officer not later than noon on nomination day.

“146F. **Deposit payable in respect of bulk nomination schedule**—(1) If a secretary of a party lodges a bulk nomination schedule under **section 146D**, he or she must lodge with the Chief Electoral Officer, by noon on the day before nomination day, a deposit of \$300 (inclusive of goods and services tax) for every constituency candidate nominated in the bulk nomination schedule.

“(2) The deposit must be in the form of 1 bank draft, or 1 bank cheque, for the total amount payable under **subsection (1)**.

“(3) If an unsuccessful constituency candidate nominated in a bulk nomination schedule receives in total less than 5% of the total number of votes received by constituency candidates in the district for which the unsuccessful candidate was nominated, the amount of the deposit paid under **subsection (1)** in respect of that unsuccessful candidate is forfeit, and must be paid into the Crown Bank Account.

“(4) After deducting any amounts forfeit under **subsection (3)**, the Chief Electoral Officer must return the remainder (if any) of the amount paid under **subsection (1)** to the party secretary, but only after the Chief Electoral Officer is satisfied that a return under section 210 has been received by the Returning Officer in respect of every constituency candidate nominated in the bulk nomination schedule.

“146G. **Acceptance or rejection of bulk nomination schedule or nomination of candidate**—(1) The Chief Electoral Officer must reject a bulk nomination schedule lodged under **section 146D**—

“(a) If the schedule is not lodged by the secretary of a political party registered under Part IV; or

“(b) If the schedule is not lodged with the Chief Electoral Officer by noon on the day before nomination day; or

“(c) If the schedule does not contain the declaration required by **section 146E (2)**; or

“(d) If the deposit required by **section 146F (1)** is not paid by noon on the day before nomination day.

“(2) The Chief Electoral Officer must not accept the nomination of a candidate listed on a bulk nomination schedule in any case where a Returning Officer would be required to reject the nomination of that candidate under section 145 (2) if the candidate had been nominated under section 143; and the provisions of subsections (2) to (5) of section 145 apply accordingly with all necessary modifications.

- “(3) The Chief Electoral Officer must reject the nomination of a candidate listed on a bulk nomination schedule if—
- “(a) The candidate is not qualified both to be a candidate and to be elected a member of Parliament; or
- “(b) The requirements of **section 146E (1)** with respect to the nomination of that candidate are not satisfied by noon on nomination day; or
- “(c) The written notice required by **section 146E (3)** in relation to that candidate is not lodged with the Chief Electoral Officer by noon on nomination day.
- “(4) In every other case the Chief Electoral Officer must accept the bulk nomination schedule and the nominations made on the schedule.
- “(5) **Subsection (4)** does not limit the jurisdiction of the Court hearing an election petition.
- “146H. Effect of lodging of bulk nomination schedule on nominations under section 143—**If the secretary of a political party lodges a bulk nomination schedule under **section 146D**, then,—
- “(a) Until that schedule is rejected under **section 146G** or withdrawn under **section 146J**, a Returning Officer must not accept a nomination made under section 143 in respect of a candidate for that political party; and
- “(b) If a Returning Officer has already accepted a nomination made under section 143 in respect of a candidate for that political party, that nomination is of no effect, and is to be treated as if it had been withdrawn under section 146.
- “146I. Amendment of bulk nomination schedule—**(1) If the secretary of a party lodges a bulk nomination schedule with the Chief Electoral Officer by noon on the day before nomination day, the secretary may, at any time before noon on nomination day, provide to the Chief Electoral Officer any information necessary to remedy any defect or omission in the schedule, or in any document required to be lodged with the schedule.
- “(2) Information may be provided under **subsection (1)** to the Chief Electoral Officer by hand, post, or facsimile transmission.
- “(3) If the Chief Electoral Officer receives any information under **subsection (1)**,—
- “(a) The Chief Electoral Officer must, where appropriate, amend the bulk nomination schedule or other document to which the information relates:

5 “(b) The Chief Electoral Officer must take the information into account in determining whether to accept or reject, under **section 146G**, the bulk nomination schedule, or the nomination of a candidate listed on the schedule.

“(4) This section does not authorise the secretary of a party to—

“**(a)** Substitute a different person as a candidate for election for an electoral district; or

10 “**(b)** Nominate a candidate for election for an electoral district for which no candidate was nominated in the schedule as originally lodged with the Chief Electoral Officer.

15 “**146J. Withdrawal of bulk nomination schedule**—(1) A secretary of a party may withdraw a bulk nomination schedule lodged by him or her under **section 146D**.

“**(2)** A bulk nomination schedule may be withdrawn under **subsection (1)** only by notice in **form 9c** signed by the secretary of the party and witnessed by a Justice of the Peace or a solicitor.

20 “**(3)** The withdrawal of a bulk nomination schedule has no effect unless the withdrawal is lodged with the Chief Electoral Officer, by hand, post, or facsimile transmission, by noon on nomination day.

25 “**(4)** If the secretary of a party withdraws a bulk nomination schedule under **subsection (1)**, any notification given by that party under **section 146B (1)** automatically ceases to be in force, unless—

“**(a)** The form on which the withdrawal is made expressly states that the party intends to lodge another bulk nomination schedule; or

30 “**(b)** At the time of lodging the withdrawal, the party secretary lodges another bulk nomination schedule in accordance with **section 146D**.

35 “**(5)** If a bulk nomination schedule is withdrawn under **subsection (1)**, the party secretary may lodge another bulk nomination schedule in accordance with **section 146D**.

40 “**(6)** If a bulk nomination schedule is withdrawn under **subsection (1)**, the deposit paid under **section 146F** must be returned to the party secretary, unless the party secretary submits another bulk nomination schedule in accordance with **section 146D**.

“**146K. Inspection of bulk nomination schedules and consents to nomination**—Any registered elector may inspect the following material at the Chief Electoral Officer’s

office without payment at any time when the office is open for the transaction of business:

“(a) Any bulk nomination schedule lodged under this Act:

“(b) Any copy of a consent lodged with a bulk nomination schedule in accordance with **section 146E (3)**:

5

“(c) Any information provided to the Chief Electoral Officer under **section 146I**:

“(d) Any nomination lodged under **section 146M**.

“146L. Withdrawal of nomination in bulk nomination schedule—(1) A constituency candidate nominated in a bulk nomination schedule or in accordance with **section 146M** may withdraw his or her nomination by a notice in **form 10**, signed by him or her and witnessed by a Justice of the Peace or a solicitor.

10

“(2) No withdrawal of nomination under **subsection (1)** has any effect unless it is lodged with the Chief Electoral Officer not later than noon on nomination day.

15

“(3) If a candidate for election for an electoral district withdraws his or her nomination under **subsection (1)**, the amount of the deposit paid under **section 146F (1)** in respect of that candidate must be returned to the party secretary, unless another candidate for election for that electoral district is nominated under **section 146M**.

20

“146M. Replacement nomination where earlier nomination withdrawn or lapses—(1) If a candidate for election for an electoral district withdraws his or her nomination under **section 146L**, or the nomination of a constituency candidate nominated in a bulk nomination schedule is required by **section 152** or **section 152A (3)** to be treated as if it had not been made, the secretary of the party may nominate another candidate for election for that electoral district in the following manner:

25

“(a) Written notice of the nomination must be lodged with the Chief Electoral Officer, by hand, post, or facsimile transmission, not later than noon on nomination day:

35

“(b) The requirements set out in **subsections (1) to (3) of section 146E** apply in relation to a notice under this section as if the nomination were made in a bulk nomination schedule:

40

“(c) The secretary of the party must lodge with the Chief Electoral Officer, by noon on nomination day, a deposit (in the form of money, a bank draft, or a bank cheque) of the amount payable under

5 **section 146F (1)** for a constituency candidate nominated in a bulk nomination schedule, unless the Chief Electoral Officer holds the amount of the deposit paid under **section 146F (1)** in respect of the candidate whose nomination was withdrawn or (as the case may be) who died or became incapacitated.

10 “(2) **Sections 146F (3) and (4), 146G, and 146I** apply in relation to a nomination lodged under this section as if the nomination had been included in a bulk nomination schedule, except that the references in those sections to the day before nomination day are to be read as references to nomination day.”

16. Advertisement of nomination and polling places—Section 147 of the principal Act is amended—

- 15 (a) By inserting in subsection (1)(a), after the word “nominated”, the expression “under section 143”:
- (b) By inserting in subsection (2)(b), after the expression “section 143 (3A)”, the expression “or **section 146E (4)**”.

20 **17. Form of ballot papers—**Section 150 (13)(b) of the principal Act is amended by inserting, after the expression “section 143 of this Act”, the expression “or to the Chief Electoral Officer in accordance with **subsections (4) and (5) of section 146E**”.

25 **18. New heading and sections (relating to death or incapacity of candidate) substituted—**The principal Act is amended by repealing sections 152 and 153, and the heading immediately before section 152, and substituting the following heading and sections:

“Death or Incapacity of Candidate

30 “151A. **Interpretation—**For the purposes of **sections 152A to 153H**, a candidate is incapacitated if the Returning Officer or, as the case requires, the Chief Electoral Officer is satisfied that, because the candidate is suffering from a serious illness or has sustained a serious injury,—

35 “(a) Where **section 152A** applies, the candidate is unable to personally withdraw his or her nomination; and

 “(b) In any case, the candidate, if elected, would be unlikely to be capable of taking the Oath of Allegiance as a member of Parliament on the 51st day after writ day.

40 “152. **Death before close of nominations—**(1) If a constituency candidate who has been nominated and has not

withdrawn his or her nomination dies before the close of nominations,—

“(a) His or her nomination is to be treated in all respects as if it had not been made; and

“(b) His or her deposit must be returned to his or her personal representatives or, as the case may be, to the person who paid it. 5

“(2) **Subsection (3)** applies if the candidate dies on nomination day before noon, or on any of the 3 days immediately before nomination day. 10

“(3) If this subsection applies, then, once the Returning Officer is satisfied of the fact of death,—

“(a) The time for the close of nominations in that district is postponed until noon on the fourth day after the date of the candidate’s death; and 15

“(b) The Returning Officer must immediately give public notice of the fact that the close of nominations in that district has been postponed and of the new time for the close of nominations.

“(4) If **subsection (3)** applies, but the candidate was nominated in a bulk nomination schedule or in accordance with **section 146M**, the references to Returning Officer in **subsection (3)** are to be read as references to the Chief Electoral Officer. 20

“**152A. Incapacity of candidate before close of nominations**—(1) If a constituency candidate who has been nominated and has not withdrawn his or her nomination becomes incapacitated before the close of nominations, an application may be made for the cancellation of the nomination. 25

“(2) **Section 152B** sets out how an application under **subsection (1)** must be made, and **section 152C** sets out how it is to be dealt with. 30

“(3) If the Returning Officer or, as the case requires, the Chief Electoral Officer cancels the nomination in accordance with **section 152c (3)**,—

“(a) The candidate’s nomination is to be treated in all respects as if it had not been made; and 35

“(b) The candidate’s deposit must be returned to the candidate or, as the case may be, to the person who paid it.

“(4) If the candidate’s nomination is cancelled on nomination day, or on any of the 3 days immediately before nomination day, then— 40

“(a) The time for the close of nominations in the district is postponed until noon on the fourth day after the

date on which the candidate's nomination is cancelled; and

5 “(b) The Returning Officer (or, as the case requires, the Chief Electoral Officer) must immediately give public notice of the fact that the close of nominations in the district has been postponed and of the new time for the close of nominations.

10 “152B. **Procedural provisions relating to making of application under section 152A (1)**—(1) An application under **section 152A (1)** must be made as follows:

“(a) If the candidate was nominated under section 143,—

15 “(i) The application must be made by the 2 registered electors who nominated the candidate, or, if either or both of them are unavailable or unable to act for any reason, then by the candidate's agent:

“(ii) The application must be made to the Returning Officer for the district:

20 “(b) If the candidate was nominated in a bulk nomination schedule or in accordance with **section 146M**,—

“(i) The application must be made by the secretary of the party:

“(ii) The application must be made to the Chief Electoral Officer.

25 “(2) The application must be in the prescribed form, and must be witnessed by a Justice of the Peace or a solicitor.

“(3) The application must be accompanied by a certificate signed by a registered medical practitioner and certifying—

30 “(a) As to the candidate's condition; and

“(b) That, in the practitioner's opinion, the candidate is incapacitated within the meaning of **section 151A**.

“(4) The application—

35 “(a) Must be submitted to the Returning Officer or, as the case requires, the Chief Electoral Officer not later than 4.00 pm on nomination day; and

“(b) May be submitted by hand, post, or facsimile transmission.

40 “152C. **How application under section 152A to be dealt with**—(1) On receiving an application made under **section 152A (1)**, the Returning Officer or, as the case requires, the Chief Electoral Officer must, without delay, determine whether or not the candidate became incapacitated before the close of nominations.

“(2) For the purpose of making a determination under **subsection (1)**, the Returning Officer or Chief Electoral Officer may make any inquiries, and seek any assistance (including, without limitation, expert medical assistance), that he or she considers necessary.

5

“(3) If, before midnight on nomination day, the Returning Officer or Chief Electoral Officer determines that the candidate became incapacitated before the close of nominations, the Returning Officer or Chief Electoral Officer must cancel the candidate’s nomination.

10

“(4) If the Returning Officer or Chief Electoral Officer has not made a determination under **subsection (1)** before midnight on nomination day, then—

“(a) **Section 152A** does not apply; and

“(b) The application is to be treated as if it were an application under **section 153G (1)**, and is to be determined accordingly.

15

“(5) As soon as practicable after making a determination under **subsection (1)**, the Returning Officer or Chief Electoral Officer must inform the applicant or applicants of that determination.

20

“**153. Death or incapacity of list candidate after submission of list**—(1) This section applies if a candidate whose name is included on a list submitted under section 127 dies, or his or her nomination is cancelled on the grounds of incapacity, after the submission of the list and before the declaration required by section 193 (5).

25

“(2) If this section applies,—

“(a) The poll must proceed; and

“(b) The list must be treated subsequently as if the candidate’s name had never been included on that list.

30

“**153A. Death or incapacity of constituency candidate after close of nominations and before polling day**—(1) This section applies if a constituency candidate dies, or his or her nomination is cancelled on the grounds of incapacity, after the close of nominations and before polling day.

35

“(2) If this section applies, then once the Returning Officer is satisfied that the candidate has died or, as the case requires, that the candidate’s nomination has been cancelled, the Returning Officer must do the following things:

40

“(a) The Returning Officer must either—

“(i) Issue a notice countermanding that part of the poll that relates to the part of the ballot paper that relates to the electorate vote; or

5 “(ii) If the poll is to be conducted as a consequence of a by-election, countermand the notice of the poll; and

“(b) The Returning Officer must report the candidate’s death or incapacity to the Chief Electoral Officer; and

10 “(c) The Returning Officer must either—

“(i) Endorse on the writ the fact of the death or the determination of incapacity, the date of the proof of the death or, as the case requires, the date of that determination, and the date of the issue of the notice countermanding that part of the poll that relates to the part of the ballot paper that relates to the electorate vote; or

15 “(ii) If the poll is to be conducted as a consequence of a by-election, endorse on the writ the fact of the death or the determination of incapacity, the date of the proof of the death or, as the case requires, the date of that determination, and the date of the countermand of the notice of the poll; and

25 “(d) The Returning Officer must return the endorsed writ to the Clerk of the Writs; and

30 “(e) Unless the poll was to be conducted as a consequence of a by-election, the Returning Officer must proceed to conduct the poll on the part of the ballot paper that relates to the party vote, which for these purposes is to be treated as if it were the only part of the ballot paper, and this Part applies with any necessary modifications.

35 “153B. **Death or incapacity of constituency candidate on polling day**—(1) This section applies if a constituency candidate dies, or his or her nomination is cancelled on the grounds of incapacity, on polling day before the close of the poll.

40 “(2) If this section applies, then once the Returning Officer is satisfied that the candidate has died or, as the case requires, that the candidate’s nomination has been cancelled, the Returning Officer must do the following things:

“(a) The Returning Officer must either—

“(i) Immediately close that part of the poll which relates to the part of the ballot paper that relates to

the electorate vote and declare that part of the poll to be of no effect; or

“(ii) If the poll is being conducted as a consequence of a by-election, close the poll and declare it to be of no effect; and

“(b) The Returning Officer must report the candidate’s death or incapacity to the Chief Electoral Officer; and

“(c) The Returning Officer must endorse on the writ the fact of the death or the determination of incapacity and the time of the close of the poll; and

“(d) The Returning Officer must return the endorsed writ to the Clerk of the Writs; and

“(e) Unless the poll was to be conducted as a consequence of a by-election, the Returning Officer must proceed to conduct the poll on the part of the ballot paper that relates to the party vote, which for these purposes is to be treated as if it were the only part of the ballot paper, and this Part applies with any necessary modifications.

“153C. Death or incapacity of successful constituency candidate after close of poll and before declaration of result—(1) This section applies if—

“(a) A constituency candidate dies, or his or her nomination is cancelled on the grounds of incapacity, after the close of the poll and before the declaration of the result of the poll; and

“(b) It is found on the completion of the count of votes or on a recount that the candidate, if still living or if not incapacitated, would have been elected.

“(2) If this section applies, then once the Returning Officer is satisfied that the candidate has died or, as the case requires, that the candidate’s nomination has been cancelled, the Returning Officer must do the following things:

“(a) The Returning Officer must report the death or incapacity to the Chief Electoral Officer; and

“(b) The Returning Officer must endorse on the writ—

“(i) The fact of the death or the determination of incapacity; and

“(ii) The fact that the candidate, if still living or if not incapacitated, would have been elected; and

“(c) The Returning Officer must return the endorsed writ to the Clerk of the Writs.

“153D. Application of equality of votes provisions where constituency candidate dies or becomes

incapacitated after close of poll—The provisions of this Act as to an equality of votes between constituency candidates apply even though, after the close of the poll, 1 of those candidates dies or the nomination of 1 of those candidates is cancelled on the grounds of incapacity.

5
10 “153E. **New election to be held if writ vacated**—(1) On the return to the Clerk of the Writs of a writ that has been vacated in whole or in part under **section 153A or section 153B or section 153C**, a fresh writ must be issued immediately for a new election.

“(2) The new election must be conducted as if it were a by-election, unless this Act provides otherwise.

15 “(3) The main roll and supplementary rolls which were to be used at the election which has failed must be used at the new election without any amendment or addition.

20 “(4) Any candidate who, at the time of the countermand or close of the poll, was a duly nominated candidate does not need to be nominated again, but the candidate may withdraw his or her nomination before the time appointed for the close of nominations for the new election.

“(5) All appointments of polling places made in respect of the election that has failed continue in respect of the new election.

25 “153F. **Destruction of ballot papers where by-election interrupted**—(1) This section applies if, in the case of a by-election, the poll is interrupted as a result of the death of a constituency candidate or the cancellation of the nomination of a constituency candidate on the grounds of incapacity.

“(2) If this section applies,—

30 “(a) All ballot papers that have been placed in ballot boxes must be taken out by the Deputy Returning Officers and made up into secured packages; and

“(b) Those packages must be sent, unopened, to the Returning Officer; and

35 “(c) The Returning Officer must immediately destroy those packages in the presence of a District Court Judge or a Justice of the Peace.

40 “153G. **Application for cancellation of nomination where candidate incapacitated after close of nominations**—(1) An application may be made for the cancellation of the nomination of a candidate if,—

“(a) In the case of a candidate whose name is included on a list submitted under section 127, the candidate becomes incapacitated after the submission of the

list and before the declaration required by section 193 (5):

- “(b) In the case of a constituency candidate, the candidate becomes incapacitated after the close of nominations and before the declaration of the result of the poll. 5
- “(2) An application under **subsection (1)** must be made as follows:
- “(a) If the candidate was nominated under section 143,—
- “(i) The application must be made by the 2 registered electors who nominated the candidate, 10 or, if either or both of them are unavailable or unable to act for any reason, then by the candidate’s agent:
- “(ii) The application must be made to the 15 Returning Officer for the district:
- “(b) If the candidate was nominated in a bulk nomination schedule or in accordance with **section 146M**, or is a candidate whose name is included on a list submitted under section 127,— 20
- “(i) The application must be made by the secretary of the party:
- “(ii) The application must be made to the Chief Electoral Officer.
- “(3) The application must be in the prescribed form, and 25 must be witnessed by a Justice of the Peace or a solicitor.
- “(4) The application must be accompanied by a certificate signed by a registered medical practitioner and certifying—
- “(a) As to the candidate’s condition; and
- “(b) That, in the practitioner’s opinion, the candidate is 30 incapacitated within the meaning of **section 151A**.
- “(5) The application—
- “(a) Must be submitted to the Returning Officer or, as the case requires, the Chief Electoral Officer—
- “(i) As soon as practicable after the candidate 35 becomes incapacitated; and
- “(ii) Before the declaration of the result of the poll; and
- “(b) May be submitted by hand, post, or facsimile 40 transmission.
- “153H. **How application under section 153C to be dealt with—**(1) On receiving an application made under **subsection (1) of section 153C**, the Returning Officer or, as the case requires, the Chief Electoral Officer must, without delay, determine whether

or not the candidate became incapacitated in the circumstances set out in that subsection.

5 “(2) For the purpose of making a determination under **subsection (1)**, the Returning Officer or Chief Electoral Officer may make any inquiries, and seek any assistance (including, without limitation, expert medical assistance), that he or she considers necessary.

10 “(3) If, before the declaration of the result of the poll, the Returning Officer or Chief Electoral Officer determines that the candidate became incapacitated in the circumstances set out in **section 153G (1)**, the Returning Officer or Chief Electoral Officer must cancel the candidate’s nomination.

15 “(4) If the Returning Officer or Chief Electoral Officer has not made a determination under **subsection (1)** before the declaration of the result of the poll, the application is to be treated as having been declined.

20 “(5) As soon as practicable after making a determination under **subsection (1)**, the Returning Officer or Chief Electoral Officer must inform the applicant or applicants of that determination.”

19. Copy of writ to be forwarded to Clerk of the House—Section 186 of the principal Act is amended by adding, as subsections (2) to (4), the following subsections:

25 “(2) If the Clerk of the Writs is satisfied that the name of a member elected to represent an electoral district is not correctly recorded on a writ returned to him or her, the Clerk of the Writs, before or after complying with the requirements of subsection (1), may make any alterations to the writ necessary to ensure that the member’s name is correctly recorded.

30 “(3) The Clerk of the Writs may not make a correction under **subsection (2)** unless he or she has first consulted with the member concerned, the Returning Officer, and the Chief Electoral Officer.

35 “(4) If the Clerk of the Writs makes a correction under **subsection (2)** after complying with the requirements of subsection (1),—

40 “(a) The Clerk of the Writs must forward to the Clerk of the House a copy of the writ as corrected, together with a corrected list of the names of those members elected to represent electoral districts; and

“(b) That copy and that list are to be treated for all purposes as the copy and list forwarded to the Clerk of the House under subsection (1).”

20. Chief Electoral Officer may correct list of members elected—The principal Act is amended by inserting, after section 193, the following section:

“193A. (1) If the Chief Electoral Officer is satisfied that the name of a member declared to be elected is not correctly recorded on a return forwarded to the Clerk of the House of Representatives under section 193 (5) (b),—

“(a) The Chief Electoral Officer may forward to the Clerk of the House a further return that correctly records the member’s name; and

“(b) That further return—

“(i) Is to be treated for the purposes of section 54 (2) (a) as dated the same as the earlier return; and

“(ii) Is to be treated for all purposes as the return forwarded to the Clerk of the House under section 193 (5) (b).”

“(2) The Chief Electoral Officer may not forward a further return to the Clerk of the House under **subsection (1) (a)** unless the Chief Electoral Officer has first consulted with the member concerned.”

21. Periods for claiming and paying expenses—Section 206 of the principal Act is amended—

(a) By omitting from paragraph (a) the expression “30 days”, and substituting the expression “20 working days”;

(b) By omitting from paragraph (b) the expression “60 days”, and substituting the expression “40 working days”.

22. Procedure where claim disputed—Section 207 (1) of the principal Act is amended—

(a) By omitting the expression “60 days” in both places where it occurs, and substituting in each case the expression “40 working days”;

(b) By omitting the expression “30 days”, and substituting the expression “20 working days”.

23. Payments to be vouched by bill—Section 209 of the principal Act is amended by omitting the expression “\$20”, and substituting the expression “\$50”.

24. Return of election expenses—(1) Section 210 (1) of the principal Act is amended—

(a) By omitting the expression “70 days”, and substituting the expression “50 working days”;

(b) By omitting from paragraph (b) the words “an election donation”, and substituting the words “a constituency candidate donation”:

5 (c) By omitting from paragraph (b) the word “election” where it appears for the second time.

Struck Out (Unanimous)

10 (d) By omitting from paragraph (c) the words “election donation of money or of the equivalent of money is made to the constituency candidate anonymously”, and substituting the words “anonymous constituency candidate donation is made to the constituency candidate,”.

New (Unanimous)

15 (1A) Section 210 (1) of the principal Act is amended by repealing paragraph (c), and substituting the following paragraph:

20 “(c) Where an anonymous constituency candidate donation is made to the constituency candidate, and the amount of that donation exceeds \$1,000, the amount of each such donation.”

(1B) Section 210 (2) of the principal Act is amended by omitting the words “or to the like effect”.

(2) Section 210 (3) is amended by omitting the expression “21 days”, and substituting the expression “15 working days”.

25 (3) Section 210 (9) is amended by omitting the expression “ ‘election donation’ ”, and substituting the expression “ ‘constituency candidate donation’ ”.

25. Time limit for prosecutions—The principal Act is amended by inserting, after section 210, the following section:

30 “210A. (1) A prosecution against a candidate for an offence against subsection (4) or subsection (5) of section 210 must be commenced within 6 months after the expiry of the period within which the candidate is required by section 210 to transmit a return.

35 “(2) However, where the person to be charged has been reported by the High Court in its report on the trial of an election petition to have been proved guilty of an offence against subsection (4) or subsection (5) of section 210, a

prosecution must be commenced within whichever of the following periods is the later to expire:

- “(a) The period specified in **subsection (1)** for the bringing of prosecutions:
- “(b) Three months after the date of the report. 5
- “(3) This section applies whether the person is proceeded against summarily or on indictment.”

26. Advertisements for party lists—Section 214A of the principal Act is amended by inserting, after the expression “periodical,” the expression “poster,”. 10

27. New sections 214BA to 214BD inserted—The principal Act is amended by inserting, after section 214B, the following sections:

“214BA. **Periods for claiming and paying expenses**—
(1) No claim, against a party that is registered under Part IV, in respect of any election expenses is recoverable unless it is sent in to the secretary of the party within 20 working days after the day on which the declaration required by section 193 (5) is made. 15

“(2) All election expenses incurred by or on behalf of a party that is registered under Part IV must be paid within 40 working days after the day on which that declaration is made, and not otherwise. 20

“(3) Every person who makes any payment in breach of any of the provisions of this section is guilty of an illegal practice. 25

“(4) This section is subject to such exceptions as are permitted by this Act.

“214BB. **Procedure where claim disputed**—(1) If a party that is registered under Part IV, in the case of a claim for election expenses sent in to the secretary of the party within the time limited by this Act, disputes it, or fails to pay it within the period of 40 working days specified in **section 214BA (2)**, then— 30

“(a) The claim is to be treated as a disputed claim; and

“(b) The claimant may, if he or she thinks fit, within 20 working days after the expiration of that period of 40 working days, bring an action for the disputed claim in any court of competent jurisdiction. 35

“(2) Any sum paid by the party in pursuance of the judgment or order of the court in any such action is to be treated as paid within the time limited by this Act. 40

“214BC. **Leave to pay claim after time limited**—(1) On cause shown to the satisfaction of a District Court, the Court

may, on application by the claimant or by the party that is registered under Part IV, grant leave to that registered party to pay a disputed claim, or to pay a claim for any election expenses, although sent in after the time limited by this Act.

- 5 “(2) Any sum specified in the order granting that leave may be paid by that registered party, and when so paid is to be treated as paid within the time limited by this Act.

10 “214BD. **Payments to be vouched by bill**—Every payment made in respect of any election expenses of a party that is registered under Part IV, other than a payment that is less than \$100, must be vouched by a bill stating the particulars, and by a receipt.”

28. Return of election expenses—(1) Section 214C (1) of the principal Act is amended—

- 15 (a) By omitting the expression “70 days”, and substituting the expression “50 working days”:
 (b) By omitting the expression “(which return shall be on a form provided by the Electoral Commission)”.

20 (2) Section 214C of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) A return under subsection (1) must be in **form 16A** (or to the same effect).”

29. Interpretation—Section 214F of the principal Act is amended—

- 25 (a) By omitting from paragraph (d) of the definition of the term “electorate donation” the words “election donation”, and substituting the words “constituency candidate donation”:
 30 (b) By omitting from paragraph (d) of the definition of the term “national donation” the words “election donation”, and substituting the words “constituency candidate donation”.

New (Majority)

35 **29A. Return of electorate donations**—Section 214H (1) (a) (ii) of the principal Act is amended by omitting the words “and the fact that that donation has been received anonymously”.

New (Unanimous)

29B. Return of national donations—Section 214I (1) (a) (ii) of the principal Act is amended by omitting the words “and the fact that that donation has been received anonymously”.

30. New heading and sections inserted—The principal Act is amended by inserting in Part VI, after section 214L, the following heading and sections: 5

“General Provisions Relating to Returns

“214M. **Obligation to file nil returns**—To avoid any doubt, the requirement to transmit or forward a return under section 210 or section 214C or section 214H (1) (a) or section 214I (1) (a) applies even though the person required to transmit or forward the return considers that there is no relevant information to disclose, in which case the person must transmit or forward a nil return. 10 15

“214N. **Obligation to retain records necessary to verify returns**—(1) For the purposes of this section, the person responsible for submitting a return is as follows:

“(a) In the case of a return required by section 210 to be transmitted by a constituency candidate, the constituency candidate: 20

“(b) In the case of a return of a party’s election expenses required by section 214C, the secretary of the party:

“(c) In the case of a return required by section 214H (which relates to electorate donations), the electorate agent appointed under section 214G (1) (a): 25

“(d) In the case of a return required by section 214I (which relates to national donations), the secretary of the party.

“(2) The person responsible for submitting a return of the kind specified in any of **paragraphs (a) to (d) of subsection (1)** must take all reasonable steps to ensure that all records, documents, and accounts that are reasonably necessary to enable the return to be verified are retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or in relation to any matter to which the return relates. 30 35

“(3) Every person commits an offence who, being a person responsible for submitting a return, fails, without reasonable excuse, to comply with the requirements of **subsection (2)**.

5 “(4) Every person who commits an offence against **subsection (3)** is liable on summary conviction to a fine not exceeding \$20,000.”

Struck Out (Unanimous)

31. Repeal of section 217 (offence of treating)—
Section 217 of the principal Act is repealed.

10 **32. Cinematograph films**—Section 223 (1) of the principal Act is amended by omitting the words “or treating”.

33. Votes to be struck off for corrupt practices—
Section 239 of the principal Act is amended—

- 15 (a) By omitting the expression “, treating,”;
(b) By omitting the expression “, treated,”.

34. Report of Court as to corrupt or illegal practice—
Section 244 (4) of the principal Act is amended by omitting the expression “treating, undue influence,” and substituting the words “undue influence”.

20 **35. Amendments to Second Schedule (forms)**—The Second Schedule of the principal Act is amended by repealing forms 4A, 5, 9, 10, 13, and 16, and substituting (in their appropriate numerical order) the forms 4A, 5, 9, 9A, 9B, 9C, 10, 13, 16, and 16A set out in the **Schedule** of this Act.

25 **36. Consequential amendment to Goods and Services Tax Act 1985**—Section 5 of the Goods and Services Tax Act 1985 is consequentially amended by repealing subsection (6C), and substituting the following subsections:

30 “(6C) For the purposes of this Act, the amount of any deposit specified in and paid under **section 127B** or section 144 or **section 146F** of the Electoral Act 1993 is deemed to be consideration (inclusive of tax) for a supply of services by the department of State that, with the authority of the Prime Minister, is for the time being responsible for the
35 administration of the Electoral Act 1993 in the course or furtherance of a taxable activity, and that supply is deemed to take place when and if the deposit is forfeited under

section 127B (4) or (as the case may be) section 144 (3) or section 146F (3) of that Act.

“(6CA) For the purposes of this Act, the amount of any deposit specified in and paid under section 14 of the Local Elections and Polls Act 1976 is deemed to be consideration (inclusive of tax) for a supply of services by the relevant local authority in the course or furtherance of a taxable activity, and that supply is deemed to take place when and if the deposit is forfeited under section 15 of that Act.”

New (Unanimous)

36A. Consequential amendment to Citizens Initiated Referenda Act 1993—Section 24 (2) of the Citizens Initiated Referenda Act 1993 is consequentially amended—

- (a) By omitting the expression “146”, and substituting the expression “146M”:
- (b) By omitting the expression “193”, and substituting the expression “193A”.

37. Consequential repeals—The following enactments are consequentially repealed:

- (a) Section 3 of the Goods and Services Tax Amendment Act (No. 3) 1988:
- (b) Paragraphs (c) and (d) of section 3 (2) of the Goods and Services Tax Amendment Act 1995:
- (c) So much of the Second Schedule of the Department of Justice (Restructuring) Act 1995 as relates to the Goods and Services Tax Act 1985:
- (d) Sections 36, 39 (1), 42, 88, 91, and 94 of the Electoral Amendment Act (No. 2) 1995.

SCHEDULE

Section 35

NEW FORMS INSERTED IN SECOND SCHEDULE

Form 4A

Section 128c (1)

NOTICE OF WITHDRAWAL OF PARTY LIST

To the Chief Electoral Officer

I, the Secretary of the [*Specify*] political party, give notice that I withdraw the list of candidates submitted under section 127 of the Electoral Act 1993 as the party's candidates for election under sections 191 to 193 of the Electoral Act 1993.

The form to which that list was annexed was dated the _____ day of _____ 19 ____ .

Dated at _____ this _____ day of _____ 19 ____ .

.....
[Signature of the Secretary of the political party]

Signed in the presence of—

.....

C.D.
Justice of the Peace
[or Solicitor].

SCHEDULE—*continued*NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*

Sections 127 (5), 127A

Form 5

FORM OF CONSENT TO INCLUSION OF NAME ON PARTY LIST

I, [Name], being qualified to be a candidate and to be elected a member of Parliament in terms both of section 47 of the Electoral Act 1993 and of any other enactment, consent to the inclusion of my name as a candidate for the [Name of political party] in the list submitted by that political party, under section 127 of that Act.

PLEASE PRINT

My surname is:

My given names are:

Residential address:

.....

Occupation:

Contact telephone No.:

Signature:

Date:

*I am registered as an elector for the Electoral District.

*My name appears on the most recent roll printed for that district as follows:

Page No. Line No.

OR

*I am a qualified elector of the Electoral District, but my name does not appear on the most recent roll printed for that district.

Attached is a copy of:

* the notice from the Registrar of Electors confirming my registration as an elector for that electoral district.

or

* a signed certificate from the Registrar of Electors for that district and confirming my registration as an elector for that district.

or

* the statutory declaration required by section 49 of the Electoral Act 1993.

*Delete whichever (*does not apply*)
is inapplicable

SCHEDULE—*continued*

NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*

Form 9

Sections 143, 143A

NOMINATION PAPER

PLEASE PRINT YOUR DETAILS WHEN COMPLETING THIS FORM

To the Returning Officer

ELECTORAL DISTRICT	
--------------------	--

ELECTION

This nomination of a constituency candidate is made in relation to the election of a member of Parliament for the above-mentioned Electoral District. The polling day in relation to that election is Saturday, the _____ day of _____ 19 ____.

FOR OFFICIAL USE

NOMINATORS 2 Required	REGISTERED ADDRESS	OCCUPATION	SIGNATURE	ROLL NUMBERS	
SURNAME				Page No.	Line No.
GIVEN NAME(S)					
SURNAME					
GIVEN NAME(S)					

We, the nominators specified in this paper, being electors registered for the above-mentioned Electoral District, nominate the following person for election for that Electoral District:

Person Nominated as Candidate	REGISTERED ADDRESS	OCCUPATION	ROLL NUMBERS	
SURNAME			Page No.	Line No.
GIVEN NAME(S)				

SCHEDULE—*continued*

NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*

Form 9—*continued*

Consent of person nominated as Constituency Candidate	I, (name) being qualified to be a candidate and to be elected a member of Parliament in terms both of section 47 of the Electoral Act 1993 and of any other enactment, consent to the above nomination. * I am registered as an elector for the Electoral District. * My name appears on the most recent roll printed for that district, and my Page No. and Line No. are as indicated above. <p style="text-align: center;"><i>or</i></p> * I am a qualified elector of the Electoral District but my name does not appear on the most recent roll printed for that district. (Fill this in when section 49 of the Electoral Act 1993 applies in your situation) Attached is a copy of— * the notice from the Registrar of Electors confirming my registration as an elector for that electoral district <p style="text-align: center;"><i>or</i></p> * a signed certificate from the Registrar of Electors for that district and confirming my registration as an elector for that district <p style="text-align: center;"><i>or</i></p> * the statutory declaration required by section 49 of the Electoral Act 1993. * <i>Delete whichever is inapplicable</i>
Name to appear on Ballot Paper	The name that I wish to appear on the ballot paper, being a name that is short enough to appear on the ballot paper, is shown below. <div style="border: 1px solid black; padding: 5px; display: inline-block; width: 300px; height: 20px; margin-bottom: 5px;">SURNAME, GIVEN NAME(S)</div> My contact telephone number is:
Political Party (if any)	* I am a candidate for the Party <p style="text-align: center;"><i>or</i></p> * I am an independent candidate * <i>Delete whichever is inapplicable</i>
Signature of person nominated	Signature of person nominated Date / /
Deposit to be refunded	Name Address.....
OFFICIAL USE Acknowledgement of nomination	M I acknowledge receipt of your nomination and the deposit of \$300 (inc GST). Returning Officer..... Date / / Electoral District <p style="text-align: center;"><i>Signature</i></p>

Notes

- 1 As to the nomination of candidates, see sections 143 and 143A of the Electoral Act 1993.
- 2 As to the required deposit, see section 144 of the Electoral Act 1993.
- 3 As to the acceptance or rejection of nominations, see section 145 of the Electoral Act 1993.
- 4 As to the names under which candidates may be nominated, see subsections (2) to (5) of section 145 of the Electoral Act 1993.
- 5 As to the withdrawal of nominations, see section 146 of the Electoral Act 1993.

SCHEDULE—*continued*NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*Form 9A—*continued***Note**

If the constituency candidate's page and line number is not shown, one of the following must be lodged with the bulk nomination schedule:

- A copy of the (*notice in writing*) written notice, given under section 89 of the Electoral Act 1993, of the registration of the candidate as an elector of the specified electoral district.
 - Written notice signed by the Registrar of Electors for the specified electoral district and certifying that the candidate is registered as an elector for that district.
 - Where section 49 of the Electoral Act 1993 applies, a statutory declaration made by the candidate and to the effect required by that section.
-

SCHEDULE—continued

NEW FORMS INSERTED IN SECOND SCHEDULE—continued

Form 9B

Section 146E (3)

FORM OF CONSENT TO INCLUSION OF NAME IN BULK NOMINATION SCHEDULE

I, [Name], being qualified to be a candidate and to be elected a member of Parliament in terms both of section 47 of the Electoral Act 1993 and of any other enactment, consent to the inclusion of my name, as a constituency candidate for the [Name of political party] in the Electoral District, in the bulk nomination schedule submitted by that political party under section 146D of that Act.

Electoral District

Surname

Given Names

Name to appear on Ballot Paper—
Surname:

Name to appear on Ballot Paper—
Given Names:

Electorate for which constituency candi-
date is registered as an elector or of
which is a qualified elector

Roll numbers Page No. Line No.

{Residence} Residential address

Occupation

Contact Telephone No.

Signature:

Date: / /

SCHEDULE—*continued*

NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*

Section 146j (2)

Form 9C

NOTICE OF WITHDRAWAL OF BULK NOMINATION SCHEDULE

To the Chief Electoral Officer

I, the Secretary of the [*Specify*] political party, give notice that I withdraw the bulk nomination schedule submitted under section 146b of the Electoral Act 1993.

The bulk nomination schedule was dated the _____ day of _____ 19 .

*I intend to lodge another bulk nomination schedule in accordance with section 146b of the Electoral Act 1993.

Dated at _____ this _____ day of _____ 19 .

.....
[*Signature of the Secretary of the political party*]

Signed in the presence of—

.....
C.D.
Justice of the Peace
[*or Solicitor*].

*Delete if inapplicable

SCHEDULE—*continued*

NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*

Form 10

Sections 146, 146L (1)

NOTICE OF WITHDRAWAL OF NOMINATION

*To the Returning Officer for the Electoral District

or

*To the Chief Electoral Officer

[*Use this variation only if withdrawing nomination made in a bulk nomination schedule*]

I, [*Name*], give notice that I withdraw my nomination as a candidate at the election of a member of Parliament for the Electoral District.

Dated at this day of 19 .

[*Signature*]
[*(Residence)* Residential Address]
[*(Description)* Occupation]

Signed in the presence of—

.....

C.D.,
Justice of the Peace
[*or* Solicitor].

*Delete whichever is inapplicable

SCHEDULE—*continued*

NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*

Section 150 (14)

Form 13
COUNTERFOIL

Consecutive No.

Electorate No.

No. on Roll: (To be entered here only)	
Page No.	Line No.
Initials of Issuing Officer	

SCHEDULE—continued

NEW FORMS INSERTED IN SECOND SCHEDULE—continued

Form 16

Section 210

RETURN OF ELECTION EXPENSES AND CONSTITUENCY CANDIDATE DONATIONS

Section 210 of the Electoral Act 1993

I,, of,
 [insert place of residence and occupation]

a constituency candidate at the election for the..... Electoral District,
 held on the day of..... 19 ..,

make the following return of all election expenses incurred by me or on my
 behalf at the election and of all constituency candidate donations made to
 me or to any person on my behalf.

Election Expenses Activity	Name of Supplier	Amount (including GST)	
		\$	c
Total			

Disputed Claims Section 207 I am aware of the following disputed and unpaid claims:

Total		
Grand Total		

Constituency Candidate Donations			Amount (including GST)	
Donor's Name	Address	Description Money, Goods, Services	\$	c
Total				

SCHEDULE—*continued*

NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*

Form 16—*continued*

Constituency Candidate Donations (Anonymous)

Description <i>Money, Goods, Services</i>	Amount <i>(including GST)</i>	
	\$	c
Total		
Grand Total		

Dated at this day of 19 .

.....
*Signature of the Constituency
Candidate*

SCHEDULE—continued

NEW FORMS INSERTED IN SECOND SCHEDULE—continued

Form 16A

Section 214c (1A)

RETURN OF REGISTERED POLITICAL PARTY'S ELECTION EXPENSES
Section 214c of the Electoral Act 1993

I, A.B., Secretary of the [Specify] political party, which is a registered political party under Part IV of the Electoral Act 1993, make the following return of election expenses incurred by or on behalf of that party in respect of election activities relating to the general election held on the day of 19.... .

1. Maximum amount of election expenses—Under section 214B (2) of the Electoral Act 1993, the total election expenses of the above-named political party, for this election, is not permitted to exceed \$..... .

2. Election expenses—

(A) Advertising of any kind, other than advertising that comes within paragraphs (B) or (C) below:

(include newspaper and magazine advertising, and the costs of developing and conducting an advertising campaign):

(a) EXPENSES INCURRED <i>Name and address of supplier</i>	<i>Details of election expense</i>	<i>Amount (GST inclusive)</i>
Total \$		

(b) MATERIALS SUPPLIED / GIVEN*

**Applies where materials that were applied in respect of an election activity were given to the party, or were provided to the party free of charge or at below reasonable market value.*

<i>Provider of materials</i>	<i>How materials applied</i>	<i>Reasonable market value (GST inclusive)</i>
Total \$		

SCHEDULE—*continued*

NEW FORMS INSERTED IN SECOND SCHEDULE—*continued*

Form 16A—*continued*

(B) Radio or television broadcasting:

(include production costs and costs of radio and television broadcasting paid for from party funds):

(a) EXPENSES INCURRED <i>Name and address of supplier</i>	<i>Details of election expense</i>	<i>Amount (GST inclusive)</i>
Total \$		

(b) MATERIALS SUPPLIED / GIVEN*

**Applies where materials that were applied in respect of an election activity were given to the party, or were provided to the party free of charge or at below reasonable market value.*

<i>Provider of materials</i>	<i>How materials applied</i>	<i>Reasonable market value (GST inclusive)</i>
Total \$		

(C) Publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards:

(include production costs, printing, and postage):

(a) EXPENSES INCURRED <i>Name and address of supplier</i>	<i>Details of election expense</i>	<i>Amount (GST inclusive)</i>
Total \$		

(b) MATERIALS SUPPLIED / GIVEN*

**Applies where materials that were applied in respect of an election activity were given to the party, or were provided to the party free of charge or at below reasonable market value.*

<i>Provider of materials</i>	<i>How materials applied</i>	<i>Reasonable market value (GST inclusive)</i>
Total \$		

SCHEDULE—continued

NEW FORMS INSERTED IN SECOND SCHEDULE—continued

Form 16A—continued

3. Disputed claims—Where any claim for election expenses is treated as a disputed claim under section 214BB of the Electoral Act 1993, set out the following:

- (a) The name and address of the claimant:
- (b) The subject of the disputed claim:
- (c) The amount of the disputed claim.

<i>Claimant</i>	<i>Subject</i>	<i>Amount (GST inclusive)</i>
		Total \$

4. Total election expenses—The total election expenses of the above-named party are: Total \$..... .

I declare that, to the best of my knowledge, all the election expenses incurred by or on behalf of the above-named party in respect of election activities relating to the general election held on the..... day of 19.... are set out in this return.

The auditor's report on this return, required by section 214E of the Electoral Act 1993, is attached.

Dated at this day of 19 .

.....
[Signature of the Secretary of the political party]