

Electoral Amendment Bill

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Electoral Finance Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- The Electoral Finance Bill, comprising Part 1, Part 2, Part 3 (except subparts 4 and 5), and the Schedule
 - The Broadcasting Amendment Bill (No 3), comprising subpart 4 of Part 3
 - This bill, comprising subpart 5 of Part 3.
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Key to symbols used in reprinted bill

As reported from the committee of the whole House

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 by a majority

<Subject to this Act.>

Words inserted by a majority

As reported from the committee of the whole House

((Subject to this Act,))

Words struck out

Subject to this Act,

Words inserted

Hon Annette King

Electoral Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Electoral Amendment Act **2007**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 138 Principal Act amended**
This subpart amends the Electoral Act 1993.
- 139 Interpretation** 10
- (1) Section 3(1) is amended by repealing the definitions of **anonymous** and **election expenses**.
- (2) Section 3(1) is amended by repealing the definition of **corrupt practice** and substituting the following definition:
“**corrupt practice** means any act declared by this Act or the Electoral Finance Act **2007** to be a corrupt practice”. 15
- (3) Section 3(1) is amended by repealing the definition of **illegal practice** and substituting the following definition:
“**illegal practice** means any act declared by this Act or the Electoral Finance Act **2007** to be an illegal practice”. 20
- 140 Electoral Commission**
Section 4 is amended by inserting “and the Electoral Finance Act **2007**” after “Act”.
- 141 Functions** 25
- Section 5 is amended by repealing paragraph (c) and substituting the following paragraph:
“(c) to supervise political parties’ and third parties’ compliance with the requirements of the Electoral Finance Act **2007**:”.
- 142 Membership** 30
- (1) Section 8(4) is repealed.
- (2) Section 8(5) is repealed.

- 143 Term of office**
Section 10 is repealed.
- 144 Vacation of office of additional members who hold office for purposes of jurisdiction under Part 6 of Broadcasting Act 1989** 5
Section 11 is repealed.
- 145 Appointment of deputies**
Section 11A(1) is amended by omitting “or section 8(4)(b)”.
- 146 Chief Electoral Officer** 10
Section 18 is amended by inserting “and the Electoral Finance Act **2007**” immediately before “into”.
- 147 Application for registration**
- (1) Section 63(2)(c)(v) is amended by omitting “section 214D” and substituting “**section 11** of the Electoral Finance Act **2007**”.
- (2) Section 63(2)(c) is amended by adding the following 15
subparagraph:
“(viii) set out ⟨in the form required by the Electoral Commission⟩ the name, ⟨and⟩ address⟨, and contact details⟩ of the person, being a person eligible for appointment under **section 9** of the Electoral Finance Act **2007**, who is to be appointed as the financial agent of the party, and be accompanied by that person’s signed consent to the appointment; and” 20
- (3) Section 63 is amended by adding the following subsection: 25
“(5) For the purposes of subsection (2)(c)(v) and (viii), **address** means,—
“(a) in relation to an individual, the full address of the place where that person usually lives;
“(b) in relation to a body corporate or unincorporated, the full address of its principal place of business or head office.” 30
- 148 Registration**
Section 67(3)(f) is repealed.

149 Deposit by party secretary

- (1) Section 127A(4)(a) is amended by omitting “section 214C” and substituting “**section 91** of the Electoral Finance Act **2007**”.
- (2) Section 127A(4)(b) is amended by omitting “under section 214E” and substituting “obtained under **section 92** of the Electoral Finance Act **2007**”.

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New (majority)**149A Acceptance or rejection of lists by Chief Electoral Officer**

Section 128(1) is amended by inserting the following paragraph after paragraph (d):

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“(da) ~~(the list)~~ if the list is submitted by a party that—

“(i) is listed as a third party under **section 19** of the Electoral Finance Act **2007**; or

“(ii) has submitted a non-contest declaration under **section 16(4)** of the Electoral Finance Act **2007** and is awaiting a decision on whether it is to be listed as a third party under **section 19** of that Act; or”.

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150 Deposit by candidate

Section 144(4) is amended by omitting “a duly completed return under section 210 in respect of that candidate” and substituting “from that candidate duly completed returns under **sections 29 and 72** of the Electoral Finance Act **2007** ~~(and any auditor’s report required under **section 73** of that Act)~~”.

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New (majority)**150A Acceptance or rejection of nomination**

Section 145(1) is amended by inserting the following paragraph after paragraph (c):

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“(ca) ~~(the nomination)~~ if the nomination paper indicates that the candidate is a candidate for a political party that—

“(i) is listed as a third party under **section 19** of the Electoral Finance Act **2007**; or

30

New (majority)

“(ii) has submitted a non-contest declaration under **section 16(4)** of the Electoral Finance Act **2007** and is awaiting a decision on whether it is to be listed as a third party under that Act; or”.

- 151 Deposit payable in respect of bulk nomination schedule** 5
 Section 146F(4) is amended by omitting “a return under section 210 in respect of every constituency candidate nominated in the bulk nomination schedule” and substituting “from every constituency candidate nominated in the bulk nomination schedule duly completed returns under **sections 29 and 72** of the Electoral Finance Act **2007** ~~(and any auditor’s report required under **section 73** of that Act)~~” 10

New (majority)

- 151A Acceptance or rejection of bulk nomination schedule or nomination of candidate** 15
 Section 146G(1) is amended by inserting the following paragraph after paragraph (d):
 “(da) ~~(the schedule)~~ if the schedule is lodged by a party that—
 “(i) is listed as a third party under **section 19** of the Electoral Finance Act **2007**; or 20
 “(ii) has submitted a non-contest declaration under **section 16(4)** of the Electoral Finance Act **2007** and is awaiting a decision on whether it is to be listed as a third party; or”.

- 152 Interfering with or influencing voters** 25
 Section 197(1) is amended by omitting “\$5,000” and substituting “\$20,000”.

153 Repeals

- (1) The headings above each of sections 206, 214A, 214B, 214F, and 214K are omitted. 30
 (2) The following sections are repealed:
 (a) sections 206 to 211:

- (b) sections 213 to 214L:
- (c) sections 219, 221, 221B, 267A, and 267B.

154 Electoral advertisements

Section 221A(1) is amended by inserting “(not being an election advertisement as defined in **section 5** of the Electoral Finance Act **2007**)” after “election”. 5

155 Providing money for illegal purposes

Section 220 is amended by omitting “, or for any election expenses incurred in excess of the maximum amount allowed by this Act, or for repaying money expended in any such payment or expenses,” and substituting “, or for repaying any money expended in any such payment,”. 10

156 Punishment for corrupt or illegal practice

Struck out (majority)

(1) Section 224(1)(a) is amended by omitting “\$4,000” and substituting “\$15,000”. 15

New (majority)

- (1) Section 224(1)(a) is amended by—
- (a) omitting “1 year” and substituting “2 years”; and
 - (b) omitting “\$4,000” and substituting “\$40,000”.
- (2) Section 224(1)(b) is amended by omitting “\$3,000” and substituting “\$10,000”. 20
- (3) Section 224 is amended by repealing subsection (2) and substituting the following subsection:
- “(2) Nothing in this section applies in relation to a corrupt practice under any of the following (*provisions*):
- “(a) section 201; or 25
 - “(b) the Electoral Finance Act **2007**; or
 - “(c) section 43 of the Citizens Initiated Referenda Act 1993; or
 - “(d) section 54 of the Compulsory Retirement Savings Scheme Referendum Act 1997.” 30

157 New section 226A inserted

The following section is inserted after section 226:

“226A Power to issue search warrants in respect of illegal practice

- “(1) A search warrant may be issued under section 198 of the Summary Proceedings Act 1957 in respect of an illegal practice that constitutes an offence under this Act that—
- “(a) has been committed; or
 - “(b) is suspected to have been committed; or
 - “(c) is believed to be intended to be committed.
- “(2) **Subsection (1)** applies even though the offence is not punishable by imprisonment.

Struck out (majority)

- “(3) Section 199 of the Summary Proceedings Act 1957, so far as it is applicable and with any necessary modifications, applies to any thing seized under a warrant provided for by **subsection (1)**.

New (majority)

- “(3) Where a search warrant is issued under section 198 of the Summary Proceedings Act 1957, as provided for by **subsection (1)**, the following provisions of that Act apply so far as they are applicable and with any necessary modifications:
- “(a) section 198A;
 - “(b) section 198B;
 - “(c) section 199.
- “(4) It is declared that a person who, under section 199 of the Summary Proceedings Act 1957 (as applied by **subsection (3)**), has custody of any thing seized under a warrant provided for by **subsection (1)**, may disclose any information contained in or derived from the thing only—
- “(a) for the purposes of section 199 of that Act (as so applied); or
 - “(b) for the purposes of investigating or prosecuting an offence; or
 - “(c) for the purpose of an appeal or other application that relates to an offence; or

“(d) for the purposes of complying with any enactment or any order or direction of a court of competent jurisdiction.”

158 Schedule 1 amended

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Clause 1 of Schedule 1 is repealed.

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Legislative history

11 December 2007

Divided from Electoral Finance Bill (Bill 130–2) as
Bill 130–3B

