

[AS REPORTED FROM THE ELECTORAL LAW COMMITTEE]

*House of Representatives, 10 December 1991.*

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

*Hon. D. A. M. Graham*

## **ELECTORAL (POLL) REFERENDUM**

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No. 88—2

Price  
incl. GST \$2.30

## A BILL INTITULED

**An Act to provide for the holding, in the year 1992, of (*a poll*) an indicative referendum on proposals for the reform of the electoral system**

BE IT ENACTED by the Parliament of New Zealand, as follows: 5

**1. Short Title**—This Act may be cited as the Electoral (*Poll*) Referendum Act 1991.

**2. Expiry**—This Act shall expire with the close of the 31st day of March 1993, and on the close of that day shall be deemed to be repealed. 10

*Struck Out**Indicative Poll*

**3. Indicative poll of electors on proposals for electoral reform**—(1) On such day in the year 1992 as shall be fixed by the Governor-General by Order in Council, a poll of the electors of each electoral district (within the meaning of the Electoral Act 1956) shall be taken on proposals about the electoral system. 15

(2) The poll required by **subsection (1)** of this section is referred to in this Act as the indicative poll. 20

(3) Subject to **subsection (4)** of this section, the proposals about the electoral system that are the subject of the indicative poll shall be submitted in the voting paper in **form 1** in the Schedule to this Act.

(4) For the purposes of the indicative poll, the proposals listed under the heading “REFORM OPTIONS” in **form 1** in the Schedule to this Act— 25

(a) Shall be listed in the voting paper in such order as is determined by lot by the Chief Electoral Officer; and

(b) Shall not be listed in the order set out in **form 1** in the Schedule to this Act unless the result of the determination made under **paragraph (a)** of this subsection so requires. 30

(5) The day appointed under **subsection (1)** of this section shall be a Saturday not later than the 30th day of September 1992. 35

## New

## Indicative Referendum

5 **3. Indicative referendum of electors on proposals for electoral reform**—(1) On the 19th day of September 1992 a referendum of the electors of each electoral district (within the meaning of the Electoral Act 1956) shall be taken on proposals about the electoral system.

(2) The referendum required by **subsection (1)** of this section is referred to in this Act as the indicative referendum.

10 (3) Subject to **subsection (4)** of this section, the proposals about the electoral system that are the subject of the indicative referendum shall be submitted in the voting paper in **form 1** in the Schedule to this Act.

15 (4) For the purposes of the indicative referendum, the proposals listed under the heading “REFORM OPTIONS” in **form 1** in the Schedule to this Act—

(a) Shall be listed in the voting paper in such order as is determined by lot by the Chief Electoral Officer; and

20 (b) Shall not be listed in the order set out in **form 1** in the Schedule to this Act unless the result of the determination made under **paragraph (a)** of this subsection so requires.

Cf. 1990, No. 3, s. 2 (1), (2), (3)

25 **4. Application of Electoral Act 1956**—Subject to the provisions of this Act and of any regulations made under this Act, the provisions of the Electoral Act 1956 and of any regulations made under that Act shall, as far as they are applicable and with the necessary modifications, apply as if the (*indicative poll*) indicative referendum were a poll of the electors  
30 of each electoral district for the return of a member of Parliament for the district, and the (*indicative poll*) indicative referendum shall be taken in the manner prescribed by that Act for the taking of such a poll of the electors of each electoral district.

35 Cf. 1990, No. 3, s. 2 (4) (a)

**5. Electoral rolls**—(1) Subject to the provisions of this Act and of any regulations made under this Act, the electoral rolls for the time being in force under the Electoral Act 1956 shall be

deemed to be the rolls of electors for the purposes of the indicative *(poll)* referendum.

*New*

(2) For the purposes of the indicative referendum,—

(a) A person shall be deemed not to be registered as an elector if that person became registered by reason of an application for registration as an elector under the Electoral Act 1956 received after 4 p.m. on the 18th day of September 1992 by the Registrar for the electoral district in respect of which the person became registered; and

(b) Section 50 (2) of the Electoral Act 1956 shall, with such modifications as may be necessary, apply for the purposes of determining whether an application for registration was received after 4 p.m. on the 18th day of September 1992.

(3) Where the date fixed by the Chief Registrar of Electors pursuant to section 61 (b) of the Electoral Act 1956 for the closing of the main rolls in the year 1992 is in August of that year, it shall not be necessary for the Registrar for any electoral district to print for the district, for the purposes of the indicative referendum, a supplementary roll or a composite roll.

Cf. 1990, No. 3, s. 2 (4) (b)

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**6. Appropriation**—All expenses incidental to the taking of the indicative poll shall be paid out of money appropriated by Parliament for the purpose.

Cf. 1990, No. 3, s. 4

*Scrutineers*

**7. Nomination of scrutineers by electors in favour of proposal**—Any 10 or more electors who are in favour of any one proposal described either under the heading “VOTING SYSTEM PROPOSALS” or the heading “REFORM OPTIONS” in form 1 in the Schedule to this Act may by nomination paper under their hands nominate any 2 specified persons to appoint

one scrutineer to act at each polling booth in the district in the interests of all electors who are in favour of the proposal.

Cf. 1990, No. 3, s. 5

*Struck Out*

5     **8. Nomination of scrutineers by electors not in favour  
of proposal**—Any 10 or more electors who are not in favour  
of any one proposal described either under the heading  
“VOTING SYSTEM PROPOSALS” or the heading “REFORM  
10     OPTIONS” may in the same manner as provided in section 7 of  
this Act nominate any 2 specified persons to appoint one  
scrutineer to act at each such polling booth in the interests of  
all electors who are not in favour of the proposal.

Cf. 1990, No. 3, s. 6

15     **9. Form of nomination paper**—The nomination paper  
shall be in form 2 in the Schedule to this Act.

Cf. 1990, No. 3, s. 7

20     **10. Nomination paper to be lodged with Returning  
Officer**—The nomination paper shall be lodged with the  
Returning Officer of the electoral district not later than the  
twelfth day before polling day, and shall be open to public  
inspection.

Cf. 1990, No. 3, s. 8

*Struck Out*

25     **11. Returning Officer to select fit persons to appoint  
scrutineers**—On a day to be publicly notified by the  
Returning Officer of the electoral district, being not earlier than  
the tenth nor later than the fifth day before polling day, the  
Returning Officer shall publicly consider all the nomination  
papers duly lodged, and, after hearing all objections, select 2 fit  
30     persons to appoint one scrutineer, and 2 fit persons to appoint  
the other scrutineer, to act at each polling booth in the  
respective interests as aforesaid; and the persons so selected  
may appoint accordingly.

*New*

**11. Returning Officer to select fit persons to appoint scrutineers**—On a day to be publicly notified by the Returning Officer for the electoral district, being not earlier than the 9th day of September 1992 nor later than the 14th day of September 1992, the Returning Officer shall publicly consider all the nomination papers duly lodged, and, after hearing all objections, select 2 fit persons to appoint one scrutineer to act at each polling booth in the interests of all electors as aforesaid; and the persons so selected may appoint accordingly.

Cf. 1990, No. 3, s. 9

**12. Selection to be in writing**—The selection shall be by writing under the hand of the Returning Officer, and shall be in form 3 in the Schedule to this Act.

Cf. 1990, No. 3, s. 10

**13. Appointments of scrutineers to be in writing**—The appointment shall in each case be by writing under the hands of the persons selected, and shall be in form 4 in the Schedule to this Act.

Cf. 1990, No. 3, s. 11

*Struck Out*

**14. Powers and rights of scrutineers**—Every scrutineer so appointed shall, for the purposes of the indicative poll, have all the powers and rights of a scrutineer under the Electoral Act 1956, and shall make a declaration in form 1 in the First Schedule to the Electoral Act 1956 (which form shall be used with all necessary modifications).

*New*

**14. Powers and rights of scrutineers**—(1) Every scrutineer so appointed shall, for the purpose of the indicative referendum, have all the powers and rights of a scrutineer under the Electoral Act 1956, and shall make a declaration in

*New*

form 1 in the First Schedule to the Electoral Act 1956 (which form shall be used with all necessary modifications).

5 (2) Without limiting subsection (1) of this section, a scrutineer so appointed—

(a) May be present at the office of the Registrar of Electors when the Registrar of Electors is performing his or her duties under section 110 of the Electoral Act 1956 (as applied by this Act) in relation to declarations in respect of special votes, but not more than one such scrutineer per proposal shall be present at the office of the Registrar of Electors at any time; and

10 (b) May be present at the scrutiny of the rolls conducted by the Returning Officer under section 112 of the Electoral Act 1956 (as applied by this Act) but only one such scrutineer per proposal, or such greater number as is permitted by the Returning Officer, shall be present at the scrutiny of the rolls at any time.

20 Cf. 1990, No. 3, s. 12

*Struck Out*

**15. Remuneration of scrutineers not expenses of poll**—The remuneration (if any) of the scrutineers shall not be expenses incidental to the taking of the indicative poll.

25 *New*

**15. Remuneration of scrutineers not expenses of referendum**—The remuneration (if any) of the scrutineers shall not be paid out of money appropriated by Parliament for the purpose of conducting the indicative referendum.

30 Cf. 1990, No. 3, s. 13

*The Ballot*

**16. Issue of voting papers**—Section 105 of the Electoral Act 1956 shall, for the purposes of the indicative (*poll*)

referendum, apply as if, for subsection (4), there were substituted the following (*subsection*) subsections:

“(4) If the name of the elector appears in the rolls, the Deputy Returning Officer or a poll clerk authorised by the Deputy Returning Officer to issue ordinary voting papers shall then issue to the elector a voting paper after the Deputy Returning Officer or poll clerk has prepared it in the following manner: 5

“(a) Unless a consecutive number has been printed on the voting paper and on the counterfoil, or, if the voting paper is intended to be divided into 2 or more pieces, on each such piece and on the counterfoil, the Deputy Returning Officer or poll clerk shall enter on both the counterfoil and the voting paper, or on the counterfoil and on each such piece of the voting paper, as the case may require, in the spaces provided a number (called a consecutive number), beginning with the number 1 in the case of the first voting paper issued by or on behalf of the Deputy Returning Officer, and on all succeeding voting papers issued by or on behalf of the Deputy Returning Officer the numbers shall be consecutive, so that no 2 voting papers issued in the same booth (other than voting papers resulting from the division of one voting paper) shall bear the same number: 10 15 20 25

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

“(c) On the counterfoil of the voting paper the Deputy Returning Officer or poll clerk shall write his or her initials, and the number appearing in the roll against the name of the elector preceded by the number of the page on which that name appears: 30

“(d) The Deputy Returning Officer or poll clerk shall place the official mark of the Deputy Returning Officer on the voting paper, or, where the (*ballot*) voting paper is intended to be divided into 2 or more pieces, on each such piece, so that the booth in which the voting paper or the piece of the voting paper was issued may be identified. 35 40



*New*

5 “(4A) Where the voting paper is intended to be divided into 2 or more pieces, the Deputy Returning Officer or poll clerk shall divide the voting paper into those pieces before issuing it to the elector.”

**17. Method of voting**—(1) Every voter at the indicative (*poll*) referendum shall vote by marking the voting paper with a tick within the circle immediately after the proposal for which the voter wishes to vote.

10 (2) Section 106 of the Electoral Act 1956 shall, for the purposes of the indicative (*poll*) referendum, apply as if there were inserted, after subsection (2), the following subsection:

*Struck Out*

15 “(2A) Notwithstanding anything in subsection (2) of this section, where a voting paper is intended to be divided into 2 or more pieces, the voter shall, before leaving the inner compartment, divide the voting paper into those pieces, fold each piece so that the contents cannot be seen, and then place each piece in the ballot box designated for that piece.”

20 *New*

25 “(2A) Notwithstanding anything in subsection (2) of this section, where a voting paper is or is intended to be divided into 2 or more pieces, the voter shall, before leaving the inner compartment, fold each piece so that the contents cannot be seen, and then place each piece in the ballot box designated for that purpose.”

Cf. 1990, No. 3, s. 3 (f)

30 **18. Spoilt ballot papers**—Section 107 (1) of the Electoral Act 1956 shall, for the purposes of the indicative (*poll*) referendum, have effect as if there were substituted, for the words “not having deposited his ballot paper in the ballot box”, the words “not having deposited any part of the voter’s voting paper in the ballot box”.

*New*

**18A. Counting the votes**—Section 115 (2) of the Electoral Act 1956 shall, for the purposes of the indicative referendum, have effect as if, for paragraph (a), there were substituted the following paragraph: 5

“(a) The Returning Officer shall reject as informal—

“(i) Any voting paper or piece of a voting paper that does not bear the official mark if there is reasonable cause to believe that it was not issued to a voter by any Deputy Returning Officer or a poll clerk authorised by a Deputy Returning Officer to issue ordinary voting papers; and 10

“(ii) A piece of the voting paper that does not clearly indicate the proposal for which the voter desired to vote: 15

“Provided that no piece of the voting paper shall be rejected as informal by reason only of some informality in the manner in which it or the other piece of the voting paper has been dealt with by the voter if the piece being considered is otherwise regular, and if in the opinion of the Returning Officer the intention of the voter in voting is clearly indicated: 20

“Provided also that no voting paper or piece of a voting paper shall be rejected as informal by reason only of some error or omission on the part of an official, if the Returning Officer is satisfied that the voter was qualified to vote at the referendum.” 25

*Declaration of Result by Returning Officer**Struck Out*

**19. Declaration of result of poll**—(1) Where all the voting papers have been dealt with in accordance with section 115 of the Electoral Act 1956 (as applied by this Act), the Returning Officer, having ascertained the total number of votes recorded for each proposal described in the voting paper under the heading “VOTING SYSTEM PROPOSALS” and for each proposal described in the voting paper under the heading “REFORM OPTIONS” shall declare the result of the poll by giving public notice thereof of the total number of votes recorded for each proposal. 30 35

*Struck Out*

- (2) Where there is an equality of votes between—
- (a) Any of the proposals described in the voting paper under the heading “VOTING SYSTEM PROPOSALS”; or
- 5 (b) Any of the proposals described in the voting paper under the heading “REFORM OPTIONS”,—
- the Returning Officer shall forthwith apply to a District Court Judge for a recount under **section 20** of this Act, and all the provisions of that section shall apply accordingly, except that
- 10 no deposit shall be necessary.
- (3) Section 116 of the Electoral Act 1956 shall not apply in relation to the indicative poll.

*New*

- 19. Declaration of result of indicative referendum—**
- 15 (1) Where all the voting papers have been dealt with in accordance with section 115 of the Electoral Act 1956 (as applied by this Act), the Returning Officer, having ascertained the total number of votes recorded for each proposal described in the voting paper under the heading “VOTING SYSTEM
- 20 PROPOSALS” and for each proposal described in the voting paper under the heading “REFORM OPTIONS”, shall declare the result of the referendum in the electoral district by giving public notice of the total number of votes recorded for each proposal.
- 25 (2) Where there is an equality of votes between—
- (a) Any of the proposals described in the voting paper under the heading “VOTING SYSTEM PROPOSALS”; or
- (b) Any of the proposals described in the voting paper under the heading “REFORM OPTIONS”,—
- 30 the Returning Officer shall forthwith apply to a District Court Judge for a recount under **section 20** of this Act, and all the provisions of that section shall apply accordingly, except that no deposit shall be necessary.
- 35 (3) Section 116 of the Electoral Act 1956 shall not apply in relation to the indicative referendum.

*Recount*

**20. Application to District Court Judge for recount—**If any result of the indicative (*poll*) referendum in any electoral

district is disputed on the ground that the public declaration by the Returning Officer in accordance with **section 19 (1)** of this Act was incorrect, the following provisions shall apply:

- (a) Any 6 electors may, within 3 working days after the public declaration, apply to a District Court Judge for a recount of the votes: 5
- (b) Every such application shall be accompanied by a deposit of \$200 (which deposit is inclusive of goods and services tax):
- (c) The District Court Judge shall cause a recount of the votes to be commenced within 3 working days of receiving the application, and shall give notice in writing to the applicants and to any scrutineers appointed under **section 13** of this Act of the time and place at which the recount will be made: 10
- (d) Section 117 (4) to (9) and section 118 of the Electoral Act 1956, so far as they are applicable and with the necessary modifications, shall apply to the recount. 15

Cf. 1990, No. 3, s. 14

*Declaration of Result by Chief Electoral Officer* 20

**21. Declaration of result**—(1) After the Returning Officer has made a public declaration in accordance with **section 19 (1)** of this Act, and after the time for an application for a recount has elapsed the Returning Officer shall send to the Chief Electoral Officer a statement of the number of informal votes and of the total number of electors casting valid votes and of the number of valid votes recorded for each proposal. 25

(2) On receipt of the statements from all Returning Officers and on or before a date to be fixed by the Governor-General by Order in Council, the Chief Electoral Officer shall ascertain and declare— 30

- (a) The total number of valid votes recorded for each proposal; and
- (b) The result of the *(poll) referendum* as determined thereby. 35

(3) The Chief Electoral Officer shall notify in the *Gazette* the number of the votes cast in respect of each proposal as finally ascertained by the Chief Electoral Officer and the result of the *(poll) referendum* as determined thereby. 40

Cf. 1990, No. 3, s. 15

*Publicity*

5       **22. Publicity for indicative referendum**—(1) No person shall publish or cause or permit to be published in any newspaper, periodical, poster, or handbill, or broadcast or  
10       cause or permit to be broadcast over any radio or television station, any advertisement used or appearing to be used to promote one of the proposals in the indicative (*poll*) referendum unless the advertisement contains a statement setting out the true name of the person for whom or at whose  
15       direction it is published and the address of his or her place of residence or business.

      (2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$3,000 who wilfully contravenes **subsection (1)** of this section.

15       (3) Nothing in this section shall restrict the publication of any news or comments relating to the indicative (*poll*) referendum in a newspaper or other periodical or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.

20       Cf. 1990, No. 3, s. 16

*Petitions*

25       **23. Sections of Electoral Act 1956 applied**—(1) The sections of the Electoral Act 1956 described in **subsection (2)** of this section, as far as they are applicable and with the necessary modifications, shall apply to a petition for an inquiry under **section 24** of this Act.

30       (2) The sections of the Electoral Act 1956 referred to in **subsection (1)** of this section are sections 158 to 160, 161, 162 (1), (2), (4), (5), 166, 167, 168, 173 to 181, 182 (1) (a) and (b), and 183.

      Cf. 1990, No. 3, s. 18

35       **24. Petition for inquiry**—(1) Where any 50 electors in an electoral district are dissatisfied with the result of the indicative (*poll*) referendum in their district, they may, within 20 working days after the Returning Officer has made a public declaration in accordance with **section 19 (1)** of this Act, file a petition in the High Court for an inquiry as to the conduct of the (*poll*) referendum or of any person connected with it.

40       (2) If the petition complains of the conduct of a Returning Officer or Registrar of Electors, the person complained of shall be a respondent to the petition.

(3) The petition shall allege the specific grounds on which the complaint is founded, and no other grounds than those stated shall be investigated, except by leave of the Court and upon reasonable notice being given, which leave may be given upon such terms and conditions as the Court considers just: 5

Provided that evidence may be given that the total number of votes cast for any proposal was higher or lower than that given in the public declaration made pursuant to **section 19 (1)** of this Act.

(4) Such petition shall be in **form 5** in the Schedule to this Act, or to the like effect, and shall be filed in the registry of the High Court nearest to the place where the *(poll) referendum* was held. The Registrar of the Court shall forthwith send a copy of the petition to the Returning Officer. 10

(5) The petition shall be served as nearly as may be in the manner in which a statement of claim is served, or in such other manner as may be prescribed by rules of Court. 15

Cf. 1990, No. 3, s. 19

**25. Who may be respondents**—Any 6 electors in the electoral district may, at any time not later than 3 working days before the commencement of the inquiry, file in the Court in which the petition is filed a notice in writing of their intention to oppose the petition, and thereupon the electors giving such notice shall be deemed to be respondents to the petition. 20

Cf. 1990, No. 3, s. 20 25

**26. Determination of Court as to result of indicative referendum**—At the conclusion of the trial of a petition for an inquiry, the Court shall determine whether, by reason of some irregularity that in its opinion materially affected the result of the *(poll, the poll) referendum, the referendum* is void, or whether the number of votes recorded as being cast for any proposal contained in the public declaration made pursuant to **section 19 (1)** of this Act was wrong. 30

Cf. 1990, No. 3, s. 21

**27. Persons committing irregularities to be named in report**—(1) On such inquiry the Court shall report in writing to the Minister of Justice the names of all persons found to have been guilty of any irregularity at or in connection with the *(poll) referendum*, and shall state in such report whether or not in the opinion of the Court any such irregularity tended to defeat the fairness of the *(poll) referendum*, and whether or not such irregularity tended materially to affect the result thereof. 35  
40

(2) Every person shall be guilty of an irregularity within the meaning of **subsection (1)** of this section who commits any offence described in **section 29** of this Act, whether or not that person is prosecuted for or convicted of any such offence.

5 Cf. 1990, No. 3, s. 22

**28. Fresh referendum**—(1) Where any indicative (*poll*) referendum is declared void under **section 26** of this Act, notice thereof shall be given by the Court to the Returning Officer, and a fresh (*poll*) referendum shall, on a day to be fixed by the  
10 Returning Officer, being not later than 30 working days after the date of such notice, be taken in the manner prescribed by this Act in the case of an indicative (*poll*) referendum.

(2) At any such fresh indicative (*poll*) referendum the same roll of electors shall be used as was used at the voided (*poll*)  
15 referendum.

Cf. 1990, No. 3, s. 23

*Miscellaneous Provisions*

*Struck Out*

**29. Offences**—Every person commits an offence and shall  
20 be liable on summary conviction to a fine not exceeding \$2,000 who, at an indicative poll,—

(a) In any way interferes with an elector, either in the polling booth or while the elector is on the way to the polling booth, with the intention of influencing the elector or  
25 advising him or her as to his or her vote; or

(b) Prints or distributes or delivers to any person on the day of the poll, or at any time during the 3 days immediately preceding the poll, anything being or purporting to be in imitation of any voting paper to  
30 be used at the poll, together with any direction or indication as to how any person should vote, or in any way containing any such direction or indication; or

(c) During the hours in which the poll is being taken, makes any public demonstration having reference to the poll  
35 by means of living figures, effigies, paintings, placards, or other like means; or

(d) Obtains possession of or has in his or her possession any voting paper other than the one given him or her by the Returning Officer for the purpose of recording his

*Struck Out*

- or her vote, or retains any voting paper in his or her possession after leaving the polling booth; or
- (e) Refuses or neglects to comply with, or commits any breach of any of the provisions of this Act, or misleads or gives any misdirection to a voter in any matter relating to the voter's vote; or 5
- (f) Does or omits to do an act that if done or omitted to be done at an electoral poll would be an offence under the Electoral Act 1956. 10
- Cf. 1990, No. 3, s. 24

*New*

**29. Interfering with or influencing voters**—(1) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$5,000 who, at the indicative referendum,— 15

- (a) In any way interferes with any elector, either in the polling booth or while the elector is on the way to the polling booth, with the intention of influencing the elector or advising the elector as to the elector's vote: 20
- (b) At any time on the day on which the referendum is held before the close of the poll in or in view or hearing of any public place holds or takes part in any demonstration or procession having direct or indirect reference to the indicative referendum, by any means whatsoever: 25
- (c) At any time on the day on which the referendum is held before the close of the poll makes any statement having direct or indirect reference to the indicative referendum, by means of any loudspeaker or public address apparatus or cinematograph or television apparatus: 30

Provided that this paragraph shall not restrict the publication by radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989 of— 35

- (i) Any advertisement placed by the Chief Electoral Officer or a Returning Officer; or



*New*

- 5 (ii) Any non-partisan advertisement broadcast, as a community service, by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989; or  
(iii) Any news in relation to the indicative referendum:
- 10 (d) At any time before the close of the poll, conducts in relation to the indicative referendum a public opinion poll of persons voting before the day on which the referendum is held:
- (e) At any time on the day on which the referendum is held before the close of the poll, conducts a public opinion poll in relation to the indicative referendum:
- 15 (f) At any time on the day on which the referendum is held before the close of the poll, or at any time on any of the 3 days immediately preceding that day, prints or distributes or delivers to any person anything being or purporting to be in imitation of the voting paper to be used at the poll, together with any direction or indication as to how any person should vote, or in any way containing any such direction or indication, or having thereon any matter likely to influence any vote:
- 20 (g) At any time on the day on which the referendum is held before the close of the poll exhibits in or in view of any public place, or publishes, or distributes, or broadcasts,—
- 25 (i) Any statement advising or intended or likely to influence any elector as to the proposal or option for which the elector should or should not vote; or
- 30 (ii) Any statement advising or intended or likely to influence any elector to abstain from voting; or
- (iii) Any name, emblem, slogan, or logo identified with any political party or with any proposal or option to which the indicative referendum relates or with any proponent of any such proposal or option;
- 35 or
- (iv) Any ribbons, streamers, rosettes, or items of a similar nature in colours that are identified with any political party or with any proposal or option to which the indicative referendum relates or with any proponent of any such proposal or option:
- 40

*New*

Provided that this paragraph shall not apply to any statement, name, emblem, slogan, or logo in a newspaper published before 6 p.m. on the day before the day on which the referendum is held: 5

Provided also that where any statement, name, emblem, slogan, or logo which does not relate specifically to the indicative referendum and which is so exhibited before the day on which the referendum is held in a fixed position and in relation to the New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party or of a proponent of a proposal or option to which the indicative referendum relates, it shall not be an offence to leave the statement, name, emblem, slogan, or logo so exhibited on the day on which the referendum is held: 10 15

Provided further that this paragraph shall not restrict the publication of the name of any political party or of any proponent of a proposal or option to which the indicative referendum relates in any news which relates to the indicative referendum and which is published in a newspaper or other periodical or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989: 20 25

Provided further that this paragraph shall not apply to ribbons, streamers, rosettes, or items of a similar nature, which are worn or displayed by any person (not being an electoral official) on his or her person or on any vehicle in colours that are identified with any political party or with any proposal or option to which the indicative referendum relates or with any proponent of any such proposal or option or to a lapel badge worn by any person (not being an electoral official): 30 35

- (h) At any time on the day on which the referendum is held before the close of the poll prints or distributes or delivers to any person any card or paper (whether or not it is an imitation voting paper) having thereon the proposals or options to which the indicative referendum relates or any of them: 40

*New*

- (i) Exhibits or leaves in any polling booth any card or paper having thereon any direction or indication as to how any person should vote or as to the method of voting:
- 5 (j) Subject to any regulations made under this Act, at any time on the day on which the referendum is held before the close of the poll, within, or at the entrance to, or in the vicinity of, any polling place,—
- 10 (i) Gives or offers to give any person any written or oral information as to any name or number on the main roll or any supplementary roll being used at the election:
- (ii) Permits or offers to permit any person to examine any copy of the main roll or any supplementary roll being used at the election.
- 15 (2) It shall be a defence to a prosecution for an offence against **subsection (1) (g)** of this section that relates to the exhibition in or in view of a public place of a statement, name, emblem, slogan, or logo, if the defendant proves that—
- 20 (a) The exhibition was inadvertent; and
- (b) The defendant caused the exhibition to cease as soon as the defendant was notified by a Returning Officer or a Deputy Returning Officer that the exhibition was taking place.
- 25 (3) Nothing in this section shall apply to any official statement or announcement made or exhibited under the authority of this Act or the Electoral Act 1956.
- (4) Section 127 of the Electoral Act 1956 shall not apply in relation to the indicative referendum.
- 30 **29A. Power to remove statements, names, emblems, slogans, or logos—**(1) The Returning Officer may at any time on the day on which the referendum is held before the close of the poll cause to be removed or obliterated—
- 35 (a) Any statement advising or intended or likely to influence any elector as to the proposal or option for which the elector should or should not vote; or
- (b) Any statement advising or intended or likely to influence any elector to abstain from voting; or
- 40 (c) Any name, emblem, slogan, or logo identified with any political party or with any proposal or option to

*New*

which the indicative referendum relates or any proponent of any such proposal or option,—  
which is exhibited in or in view of any public place.

(2) Nothing in **subsection (1) (c)** of this section shall apply to ribbons, streamers, rosettes, or items of a similar nature which are worn or displayed by any person (whether on his or her person or on any vehicle) in colours that are identified with any political party or with any proposal or option to which the indicative referendum relates or with any proponent of any such proposal or option or to a lapel badge worn by any person.

(3) Nothing in **subsection (1)** of this section shall apply to a statement, name, emblem, slogan, or logo which does not relate specifically to the indicative referendum and which was so exhibited before the day on which the referendum is held in a fixed position and in relation to the New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party or of a proponent of a proposal or option to which the indicative referendum relates.

(4) All expenses incurred by the Returning Officer in carrying out the power conferred by **subsection (1)** of this section may be recovered by the Returning Officer from the persons by whom or by whose direction the statement, name, emblem, slogan, or logo was exhibited, as a debt due by them jointly and severally to the Crown.

(5) Section 127A of the Electoral Act 1956 shall not apply in relation to the indicative referendum.

**29B. Offences**—(1) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$2,000 who, at the indicative referendum,—

(a) Except in accordance with any regulations made under the Electoral Act 1956 or this Act in relation to special voters, obtains possession of or has in his or her possession any voting paper other than the one given him or her by the Returning Officer or Deputy Returning Officer for the purpose of recording his or her vote, or retains any voting paper or piece of a voting paper in his or her possession after leaving the polling booth; or

(b) Does or omits to do an act (other than an act to which **section 29** of this Act applies) that if done or omitted to

*New*

be done at an electoral poll would be an offence under the Electoral Act 1956.

5 (2) Section 126 (g) of the Electoral Act 1956 shall not apply in relation to the indicative referendum.

**30. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- 10 (a) Applying, with or without modifications, for the purposes of this Act, provisions of the Electoral Act 1956 and of any regulations made under that Act:
- (b) Prescribing forms for the purposes of this Act:
- (c) Prescribing the time at which, and the manner in which, special voters may vote (whether at a polling place or not and whether in or outside New Zealand) at the
- 15 indicative *(poll)* referendum:
- (d) Prescribing conditions upon or subject to which special voters may vote at the indicative *(poll)* referendum:
- (e) Prescribing, for the purposes of the indicative *(poll)* referendum, different methods of voting for different
- 20 classes of special voters:
- (f) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

25 Cf. 1990, No. 3, s. 25

*New*

**31. Amendment to Local Elections and Polls Act 1976**—This section and the next succeeding section shall be read together with and deemed part of the Local Elections and Polls Act 1976\*.

30

\*R.S. Vol. 13, p. 293

Amendments: 1986, No. 23; 1988, No. 103; 1989, No. 30; 1991, No. 50

**32. Closing of rolls of electors for 1992 triennial general election**—Notwithstanding section 111(1) of the Local Elections and Polls Act 1976 (as amended by section 8 of the Local Elections and Polls Amendment Act 1986), the rolls

35 containing the names of the persons entitled to vote at a triennial general election held in 1992 shall be deemed to be

*New*

closed at 4 o'clock in the afternoon of the 50th day preceding polling day, and shall continue closed until the election is completed.

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SCHEDULE

*Struck Out*

Section 3 (3)

Form 1  
VOTING PAPER

OFFICIAL MARK
OFFICIAL MARK

.....  
[Consecutive Number]

..... Electoral District

**Poll on the method of electing Members of Parliament**

*Directions*

(Read carefully before voting)

1. Vote for one of the voting system proposals by putting a tick in the circle immediately after the proposal you choose.
2. Then vote for one of the reform options by putting a tick in the circle immediately after the reform option you choose.
3. After voting, divide the voting paper by tearing it along the perforated line.
4. Fold each piece so that its contents cannot be seen and place it in the ballot box.
5. If you spoil this voting paper, return it to the officer who issued it and apply for another.
6. You must not take this voting paper out of the polling booth.

VOTING SYSTEM PROPOSALS

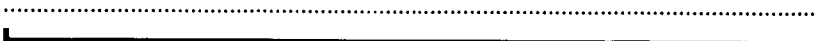


Vote Here

I VOTE TO RETAIN THE PRESENT FIRST-PAST-THE-POST SYSTEM	<input type="radio"/>
I VOTE FOR A CHANGE TO THE VOTING SYSTEM.	<input type="radio"/>

TICK ONE PROPOSAL

Perforations



*Electoral (Poll) Referendum*

SCHEDULE—*continued*

*Struck Out*

OFFICIAL MARK	Form 1— <i>continued</i>
OFFICIAL MARK	..... [Consecutive Number]
..... Electoral District	

If a majority of the votes cast in this poll are for the retention of the present first-past-the-post system, no further poll on the voting system will be held. If a majority of the votes cast in this poll are for a change, a further poll on the voting system will be held at the time of the next general election.

That poll would offer a choice between the present first-past-the-post system and the reform option that receives the most votes at this poll.

Indicate which of the following reform options you wish to see as the alternative to the present system if a second poll is held.

REFORM OPTIONS



Vote Here

I VOTE FOR THE PREFERENTIAL VOTING SYSTEM.	<input type="radio"/>	TICK ONE OPTION
I VOTE FOR THE MIXED MEMBER PROPORTIONAL SYSTEM.	<input type="radio"/>	
I VOTE FOR THE SUPPLEMENTARY MEMBER SYSTEM.	<input type="radio"/>	

NOTE\*

This form shall have a counterfoil in form 9 in the First Schedule to the Electoral Act 1956.

\*Not to be printed as part of the form.



SCHEDULE—*continued*

*New*

Section 3 (3)

Form 1  
VOTING PAPER  
PART A

OFFICIAL MARK
OFFICIAL MARK

.....  
[Consecutive Number]

..... Electoral District

*Directions*

(Read carefully before voting)

1. The voting paper for this referendum consists of 2 separate pieces. This piece (PART A) contains the voting system proposals. The second piece (PART B) contains the reform options.
2. To vote in this referendum, you must vote for one of the voting system proposals. You may, but you do not have to, vote for one of the reform options.
3. Vote for one of the voting system proposals by putting a tick in the circle immediately after the proposal you choose.
4. If you wish to vote for one of the reform options, put a tick in the circle immediately after the reform option you choose.
5. Fold each piece so that its contents cannot be seen and place it in the ballot box.
6. If you spoil either of the pieces of this voting paper, return both pieces to the officer who issued them and apply for another voting paper.
7. You must not take either of the pieces of the voting paper out of the polling booth.

SCHEDULE—*continued*

*New*



Form 1—*continued*  
VOTING SYSTEM PROPOSALS

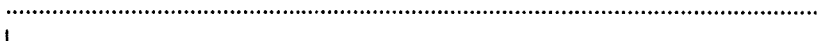


Vote Here

I VOTE TO RETAIN THE PRESENT FIRST-PAST-THE-POST SYSTEM.	<input type="radio"/>
I VOTE FOR A CHANGE TO THE VOTING SYSTEM.	<input type="radio"/>

TICK ONE PROPOSAL

The reform options for which you may vote are set out in PART B.  
Perforations



SCHEDULE—continued

New

OFFICIAL MARK	Form 1—continued PART B	..... [Consecutive Number]
---------------	----------------------------	-------------------------------

..... Electoral District

If a majority of the votes cast in this referendum are for the retention of the present first-past-the-post system, no further referendum on the voting system will be held. If a majority of the votes cast in this referendum are for a change, a further referendum on the voting system will be held at the time of the next general election.

That referendum would offer a choice between the present first-past-the-post system and the reform option that receives the most votes at this referendum.

If you wish to vote for one of the reform options, indicate which of the following reform options you wish to see as the alternative to the present system if a second referendum is held.

REFORM OPTIONS



Vote Here

I VOTE FOR THE PREFERENTIAL VOTING SYSTEM (PV).	<input type="radio"/>	TICK ONE OPTION
I VOTE FOR THE MIXED MEMBER PROPORTIONAL SYSTEM (MMP).	<input type="radio"/>	
I VOTE FOR THE SUPPLEMENTARY MEMBER SYSTEM (SM).	<input type="radio"/>	
I VOTE FOR THE SINGLE TRANSFERABLE VOTE SYSTEM (STV).	<input type="radio"/>	

NOTE\*

This form shall have a counterfoil in form 9 in the First Schedule to the Electoral Act 1956.

\*Not to be printed as part of the form.

*Electoral (Poll) Referendum*

SCHEDULE—*continued*

Form 2

Section 9

NOMINATION OF SCRUTINEERS FOR PURPOSES OF INDICATIVE (POLL)  
REFERENDUM

1. For the purposes of the indicative (*poll*) referendum to be taken in the ...  
..... Electoral District on the ..... day of ..... 1992,  
we, the undersigned electors of the district, hereby nominate [*Full  
names, addresses, and occupations of the 2 persons nominated*] as fit persons to  
appoint one scrutineer to act at each polling booth in the interest of all  
electors who are in favour ((*or, as the case may be, not in favour*)) of the  
[*Specify proposal*].
2. In support of our nomination we hereby severally, each for himself or  
herself, solemnly and sincerely declare that we are, and we believe each  
of the persons nominated to be, honestly in favour ((*or, as the case may be,  
not in favour*)) of the proposal.

We severally make this solemn declaration conscientiously believing the  
same to be true, and by virtue of the Oaths and Declarations Act 1957.

Signature, Address, and  
Occupation

Severally declared by each of the  
[*Number*] declarants whose signa-  
tures are subscribed hereto, this  
..... day of .....  
1992, before me—

.....  
J.P. [Solicitor,  
*or, as the case may be*].

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....
9. ....
10. ....

NOTE—Not less than 10 electors must sign.



SCHEDULE—*continued*

Form 3

Section 12

RETURNING OFFICER'S SELECTION FOR THE PURPOSES OF THE  
INDICATIVE (POLL) REFERENDUM

Having considered the nominations duly lodged in this behalf, and having heard all objections thereto, I hereby select [*Full names, addresses, and occupations of the 2 persons selected, etc. (as above)*] as fit persons to appoint one scrutineer to act at each polling booth at the indicative (poll) referendum for the ..... Electoral District on the ..... day of ..... 1992, in the interest of all electors who are in favour ((*or, as the case may be, not in favour*)) of the [*Specify proposal*].

Dated at ..... this ..... day of ..... 1992.

....., Returning Officer.

Form 4

Section 13

APPOINTMENT OF SCRUTINEERS FOR THE PURPOSES OF THE INDICATIVE  
(POLL) REFERENDUM

To the Returning Officer.

For the purposes of the indicative (poll) referendum for the ..... Electoral District to be taken on the ..... day of ..... 1992, we, the undersigned, being duly authorised in this behalf, hereby appoint the persons named in the Schedule hereto to act as scrutineers at the polling booths named in the Schedule, in the interest of all electors who are in favour ((*or, as the case may be, not in favour*)) of the [*Specify proposal*].

SCHEDULE

Scrutineer	Polling Booth
<i>[Full name, address, and occupation of the scrutineer]</i>	<i>[Name of polling booth]</i>

Dated at ..... this ..... day of ..... 1992.

*[Signatures of the 2 persons authorised to appoint].*

*Electoral (Poll) Referendum*SCHEDULE—*continued*

Form 5

Section 24 (4)

PETITION FOR INQUIRY AS TO RESULT OF INDICATIVE (*POLL*) REFERENDUM

In the matter of an indicative (*poll*) referendum held in the .....  
Electoral District on the ..... day of ..... 1992.

The petition of the undersigned electors of the ..... Electoral  
District, namely, A.B., of ....., C.D., of ....., etc.

1. Your petitioners state that the indicative (*poll*) referendum was held on the ..... day of ..... 1992, and that the Returning Officer has given public notice that the total number of votes recorded for the proposal that [*Specify*] was [*Specify*].
2. And your petitioners say that [*State the facts and grounds on which the petitioners rely*].

Wherefore your petitioners pray that it may be determined that the total number of votes cast for the proposal was higher (*or* lower) than that given in the public notice [*or* that the (*poll*) referendum was void].

A.B.,  
C.D.,  
etc.