



**THE ELECTORAL REFERENDUM REGULATIONS 1993**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of August 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 26 of the Electoral Referendum Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Electoral Referendum Regulations 1993.

(2) Except as provided in regulation 18 (3) of these regulations, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Expiry**—These regulations shall expire with the close of the 1st day of July 1994, and on the close of that day shall be deemed to be revoked.

**3. Application of Electoral Act 1956 and Electoral Regulations 1993**—(1) Subject to subclause (2) of this regulation, the provisions of the Electoral Act 1956 and of the Electoral Regulations 1993\* apply, in accordance with section 3 of the Electoral Referendum Act 1993, for the purposes of the binding referendum.

(2) The provisions specified in subclause (1) of this regulation apply, for the purposes of the binding referendum, subject to—

- (a) The modifications made to those provisions—
  - (i) By the Electoral Referendum Act 1993; and
  - (ii) By these regulations; and
- (b) Any other necessary modifications.

**4. Publicity material**—(1) The Chief Electoral Officer shall print and forward to each Returning Officer, before polling day, such information sheets and other material about the electoral systems described in the voting paper as the Chief Electoral Officer considers appropriate.

(2) The information sheets and other material printed and forwarded under subclause (1) of this regulation shall be forwarded to each Returning Officer in such quantities as to enable every elector to inspect the information sheets and the material, if he or she so wishes, before casting his or her vote.

**5. Special voting papers**—(1) The Chief Electoral Officer shall arrange for the printing of special voting papers in the form set out in the Schedule to these regulations and for their distribution to all Returning Officers.

(2) The number of copies printed and the number of copies distributed to each Returning Officer shall be such as to enable issuing officers to issue fully printed special voting papers to those special voters to whom special voting papers are required to be issued.

**6. Issue of special votes**—Regulation 17 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for subparagraph (iv) of subclause (4) (b), there were substituted the following subparagraphs:

“(iv) If, in the case of a general election, the voter is qualified by residence within a no-licence district, a voting paper in form 1 in the Schedule to the Local Restoration Polls Act 1990; and

“(v) A voting paper in the form set out in the Schedule to the Electoral Referendum Regulations 1993.”

**7. Tangata whenua vote**—Regulation 18 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for subparagraph (iii) of subclause (4) (b), there were substituted the following subparagraphs:

“(iii) Where applicable, a voting paper under the Local Restoration Polls Act 1990; and

“(iv) A voting paper in the form set out in the Schedule to the Electoral Referendum Regulations 1993.”

**8. Hospital votes**—Regulation 19 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for subparagraph (ii) of subclause (4) (a), there were substituted the following subparagraphs:

“(ii) Mark any voting paper under the Local Restoration Polls Act 1990 with a tick within the circle immediately after the proposal for which the elector wishes to vote; and

“(iii) Mark the voting paper under the Electoral Referendum Act 1993 with a tick within the circle immediately after the proposal for which the elector wishes to vote.”

**9. Special vote in district before polling day**—Regulation 20 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for subparagraph (ii) of subclause (4) (a), there were substituted the following subparagraphs:

“(ii) Mark any voting paper under the Local Restoration Polls Act 1990 with a tick within the circle immediately after the proposal for which the elector wishes to vote; and

“(iii) Mark the voting paper under the Electoral Referendum Act 1993 with a tick within the circle immediately after the proposal for which the elector wishes to vote.”

**10. Voting by special voter**—Regulation 23 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for paragraph (b) of subclause (4), there were substituted the following paragraphs:

“(b) Mark any voting paper under the Local Restoration Polls Act 1990 with a tick within the circle immediately after the proposal for which the elector wishes to vote; and

“(c) Mark the voting paper under the Electoral Referendum Act 1993 with a tick within the circle immediately after the proposal for which the elector wishes to vote.”

**11. Parcels of unused and spoilt ballot and voting papers, and other papers**—Regulation 45 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect—

(a) As if, after the words “general election” in subclause (2), there were inserted the words “and binding referendum”; and

(b) As if, after the words “the election” in subclause (2) (b), there were inserted the words “or binding referendum”.

**12. Dictation of special votes**—Regulation 56 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, after paragraph (e) of subclause (2), there were inserted the following paragraphs:

“(ea) Extract the voting paper under the Electoral Referendum Act 1993 from the compartment of the envelope marked ‘Ballot and voting papers’ and indicate to the Chief Electoral Officer or

authorised person the manner in which the voting paper has been marked; and

“(eb) Replace the voting paper in the compartment of the envelope marked ‘Ballot and voting papers.’”

**13. Production of copies of special votes**—(1) Regulation 57 (2) of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for paragraph (a), there were substituted the following paragraph:

“(a) Select a declaration in the appropriate form with—

“(i) An accompanying ballot paper; and

“(ii) An accompanying voting paper; and”.

(2) Regulation 57 (2) of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, after paragraph (f), there were inserted the following paragraph:

“(fa) Repeating the procedure described in paragraphs (d) to (f) of this subclause in respect of the voting paper under the Electoral Referendum Act 1993:”.

(3) Regulation 57 (2) of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for paragraph (g), there were substituted the following paragraph:

“(g) Place both the ballot paper and the voting paper in the compartment of the envelope marked ‘Ballot and voting papers’ and seal the compartment after having firmly fixed—

“(i) A piece of gummed paper over the consecutive number on the ballot paper; and

“(ii) A piece of gummed paper over the consecutive number on the voting paper; and”.

**14. Voting by blind voters**—(1) Regulation 62 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for paragraph (d) of subclause (2) there were substituted the following paragraphs:

“(d) Where the elector is issued with a voting paper in form 1 in the Schedule to the Local Restoration Polls Act 1990, a template clipped over the voting paper in such a way as to ensure that each proposal is contained within a separate slot cut in the template; and

“(da) A voting paper under the Electoral Referendum Act 1993; and

“(db) A template clipped over the voting paper under the Electoral Referendum Act 1993 in such a way as to ensure that each proposal is contained within a separate slot cut in the template.”

(2) Regulation 62 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum have effect as if, for paragraph (d) of subclause (3), there were substituted the following paragraphs:

“(d) Where applicable, the 2 proposals contained in the voting paper for the local restoration poll and the number of the slot in the template corresponding to each proposal; and

“(e) The two proposals on the voting paper for the electoral referendum, and the number of the slot in the template corresponding to each proposal.”

(3) Regulation 62 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, for paragraph (b) of subclause (6), there were substituted the following paragraphs:

“(b) Mark any voting paper under the Local Restoration Polls Act 1990 with a tick within the circle immediately after the proposal for which the elector wishes to vote; and

“(c) Mark the voting paper under the Electoral Referendum Act 1993 with a tick within the circle immediately after the proposal for which the elector wishes to vote.”

(4) Regulation 62 of the Electoral Regulations 1993 shall, for the purposes of the binding referendum, have effect as if, after subclause (8), there were inserted the following subclause:

“(8A) The elector shall then proceed to deal with any voting papers under the Electoral Referendum Act 1993 in the manner prescribed by subclauses (6) (c) and (7) of this regulation.”

**15. Counting the votes**—(1) Section 115 of the Electoral Act 1956 shall, for the purposes of the binding referendum, have effect as if there were added to subclause (1) the following proviso:

“Provided that where any parcel opened in accordance with this subsection is found to contain both ballot papers and voting papers, those papers shall be treated as if the ballot papers and the voting papers had been contained in separate parcels.”

(2) Section 115 of the Electoral Act 1956 shall, for the purposes of the binding referendum, have effect as if there were added, after subclause (6), the following subclause:

“(7) The completion of counting of voting papers for the binding referendum may be delayed until all the ballot papers have been dealt with in accordance with this section.”

**16. Disposal of ballot papers, rolls, etc.**—Section 121 of the Electoral Act 1956 shall, for the purposes of the binding referendum, have effect as if, after subsection (1), there were inserted the following subsection:

“(1A) Nothing in subsection (1) of this section shall require the Returning Officer to forward any unused voting papers to the Clerk of the House of Representatives.”

**17. Annotation of list of special votes**—Section 121A of the Electoral Act 1956 shall, for the purposes of the binding referendum, have effect as if, after subsection (1), there were inserted the following subsection:

“(1A) Any six electors who apply for a recount or who file an election petition in respect of the binding referendum may exercise the powers of a candidate under subsection (1) of this section.”

**18. Advertising**—(1) Section 147A of the Electoral Act 1956 shall, for the purposes of the binding referendum, have effect as if, for subsection (1), there were substituted the following subsection:

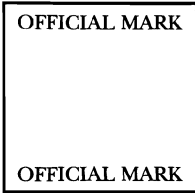
“(1) No person shall publish or cause or permit to be published in any newspaper, periodical, poster, or handbill, or broadcast or cause or permit to be broadcast over any radio or television station, any advertisement used or appearing to be used to promote any proposal in the binding referendum, unless the advertisement contains a statement setting out the true name of the person or organisation for whom or at whose direction it is published.”

(2) Section 147A (4) of the Electoral Act 1956 shall not apply in relation to the binding referendum.

(3) This regulation shall come into force on the 28th day after the date of the notification of these regulations in the *Gazette*.

SCHEDULE  
SPECIAL VOTING PAPER

Reg. 5 (1)



.....  
[Consecutive Number]

..... Electoral District

*Directions*

(Read carefully before voting)

1. You may vote for only one proposal.
2. If you wish to vote, vote by putting a tick in the circle immediately after the proposal you choose.
3. After voting, fold this voting paper so that its contents cannot be seen and place it in the portion of the envelope marked "Ballot and Voting Papers" and seal it.
4. If you spoil this voting paper, return it to the officer who issued it and apply for another.

VOTING SYSTEM PROPOSALS

If 50 percent or more of votes in this referendum are for the retention of the present First-Past-The-Post System, there will be no change to the method of electing members of the House of Representatives.

If a majority of votes in this referendum are for the proposed Mixed Member Proportional System as provided in the Electoral Act 1993, that Act will come into force and the next general election of members of the House of Representatives will be conducted using that system.



Vote Here

I vote for the present <b>FIRST-PAST-THE-POST SYSTEM</b> as provided in the Electoral Act 1956.	<input type="radio"/>
I vote for the proposed <b>MIXED MEMBER PROPORTIONAL SYSTEM</b> as provided in the Electoral Act 1993.	<input type="radio"/>

TICK ONE PROPOSAL

MARTIN BELL,  
Acting for Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations prescribe procedures for the purposes of the binding referendum on proposals for the reform of the electoral system. That referendum is to be held in conjunction with the 1993 general election.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 26 August 1993.

These regulations are administered in the Department of Justice.