

Compulsory Retirement Savings Scheme Referendum Act 1997

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Compulsory Retirement Savings Scheme Referendum Act 1997: repealed, on
2 April 1998, by section 2.

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This Act is administered in the Ministry of Justice

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An Act to provide for the holding, in 1997, of a referendum on a proposal for a compulsory retirement savings scheme

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

1 Short Title and commencement

- (1) This Act may be cited as the Compulsory Retirement Savings Scheme Referendum Act 1997.
- (2) This Act comes into force on the day after the date on which it receives the Royal assent.

2 Expiry

This Act expires, and is repealed, at the end of 6 months after the declaration of the result of the referendum under section 46.

3 Interpretation

- (1) In this Act, unless the context otherwise requires,—

Chief Registrar—

- (a) Means the Chief Registrar of Electors referred to in section 9(1); and
- (b) Includes the Chief Registrar's deputy; and
- (c) Includes any person acting under a delegation under section 10(2):

Clerk of the House means the Clerk of the House of Representatives

District means a General electoral district or a Maori electoral district constituted under the Electoral Act 1993

Elector means a person whose name lawfully appears on the referendum roll or the supplementary referendum roll

Electoral roll, in relation to any district, and subject to sections 101 to 103 of the Electoral Act 1993,—

- (a) Means the forms that the Registrar keeps of applications for registration of persons registered under the Electoral Act 1993 as electors of that district; and
- (b) Includes the forms deemed by section 83(6) of the Electoral Act 1993 to be applications for registration as an elector:

Electorate code means a number indicating the district for which any elector is qualified to be enrolled

Give public notice means to do both of the following

- (a) Publish a notice in the *Gazette*; and
- (b) Issue a press statement:

Minister means the Minister of Justice

New Zealand Post Limited—

- (a) Means the company called New Zealand Post Limited incorporated under the Companies Act 1955 pursuant to the State-Owned Enterprises Act 1986; and
- (b) Includes that company on its reregistration under the Companies Act 1993:

Official publicity campaign means the publicity campaign conducted by the panel

Panel means the panel appointed by the Minister to conduct, on behalf of the Government of New Zealand, a publicity campaign about the referendum

Preliminary referendum roll means the list of electors described in section 13(1)

Processed means processed under section 40; and **process** and **processing** have corresponding meanings

Question means the question described in section 5

Referendum roll means the list of electors described in section 19(1)

Registrar, in relation to any district,—

- (a) Means the Registrar of Electors appointed for that district under section 22 of the Electoral Act 1993; and
- (b) Includes the Registrar of Electors' deputy:

Registrar of Births and Deaths means a Registrar within the meaning of the Births, Deaths, and Marriages Registration Act 1995

Returned, in relation to a voting paper, means returned to the office of the Returning Officer

Returning Officer—

- (a) Means the Returning Officer referred to in section 7(1); and
- (b) Includes the Returning Officer's deputy; and
- (c) Includes any person acting under a delegation under section 10(1):

Returning Officer's copy means the copy of the referendum roll and the supplementary referendum roll supplied under section 22

Roll identifier number means the randomly generated number assigned to each elector by the Chief Registrar

Supplementary referendum roll means the list of electors described in section 20(1)

Voting paper,—

- (a) When used in the definition of **returned**, and in sections 6(3)(c) and 37 to 47, means the detachable part of a voting paper in the prescribed form:
- (b) When used in sections 52, 54, 59 to 62, and 65(c), means—
 - (i) The detachable part of a voting paper in the prescribed form; or
 - (ii) A voting paper in the prescribed form:
- (c) When used elsewhere in this Act, means a voting paper in the prescribed form:

Voting period means the voting period for the referendum described in section 28.

- (2) A reference to a numbered form is a reference to the form so numbered in Schedule 1.

Part 1

Purpose and question

4 Purpose

The purpose of this Act is to provide for the holding of a referendum of electors, referred to in this Act as the referendum, on a proposal for a compulsory retirement savings scheme.

5 Question

The question to be put to electors at the referendum is—
Do you support the proposed compulsory retirement savings scheme?"

6 Form of voting paper

(1) The voting paper must have the following heading:

“Referendum on the Compulsory Retirement Savings Scheme”.

(2) The voting paper must have the following explanatory note:

“Explanation

Use this voting paper to have your say on the proposed compulsory retirement savings scheme. A summary of the scheme is with this voting paper. A full description is in the [*title of Government publication describing the proposed compulsory retirement savings scheme*] dated [*date*]. The Government will introduce legislation to set up the scheme if more people voting at the referendum vote ‘yes’ than vote ‘no’.”

(3) The voting paper must—

(a) Set out the question; and

(b) Set out the following answers:

“YES I support the proposed compulsory retirement savings scheme

NO I do not support the proposed compulsory retirement savings scheme”; and

(c) Set out instructions on how to vote and how to return the voting paper; and

(d) Provide a space for the voter to indicate the answer for which he or she wishes to vote; and

(e) Set out the following numbers:

- (i) The elector's roll identifier number and the elector's electorate code; and
 - (ii) The voting paper's number—
in accordance with the following rules:
 - (iii) An elector's roll identifier number must be unique to that elector; and
 - (iv) A voting paper's number must be unique to that voting paper; and
 - (v) Voting paper numbers must be in a consecutive sequence that starts at 1; and
 - (f) Be in the prescribed form.
- (4) When printed, the voting paper must set out, in place of the italicised words and square brackets in subsection (2), the title and date of the Government publication describing the proposed compulsory retirement savings scheme.

Part 2

Officials

7 Returning Officer

- (1) The Chief Electoral Officer referred to in section 18 of the Electoral Act 1993 is the Returning Officer for the referendum.
- (2) The Returning Officer is, under the direction of the Secretary for Justice, charged with the duty of implementing this Act (except Part 3).
- (3) The Returning Officer must, as his or her first duty, make a declaration in form 1 before a Justice of the Peace or a solicitor.

8 Returning Officer may employ or engage persons

- (1) The Returning Officer may employ or engage such persons as the Returning Officer considers are required for the purposes of the referendum.
- (2) A person engaged under subsection (1) may employ or engage such persons as the person considers are required for the purposes of the referendum.
- (3) Every person employed or engaged under subsection (1) or subsection (2)—
 - (a) Is under the direction of the Returning Officer; and

- (b) Must, as the person's first duty, make a declaration in form 1 before the Returning Officer, a Justice of the Peace, or a solicitor.

9 Chief Registrar of Electors

- (1) The Chief Registrar of Electors referred to in section 21 of the Electoral Act 1993 is, under the direction of the Minister, charged with the duty of implementing Part 3.
- (2) For the purposes of implementing Part 3, the Chief Registrar may, both in that capacity and in the capacity of the Chief Executive of New Zealand Post Limited, provide such computer and other services, and such facilities, as the Chief Registrar thinks necessary.

10 Delegation by Returning Officer or Chief Registrar

- (1) The Returning Officer may, either generally or particularly, delegate to—
 - (a) Any specified person employed or engaged under section 8(1); or
 - (b) Persons of a specified class employed or engaged under section 8(1)—
any of the Returning Officer's functions, powers, rights, and duties, except this power of delegation.
- (2) The Chief Registrar may, either generally or particularly, delegate to—
 - (a) A specified employee of New Zealand Post Limited; or
 - (b) Employees of New Zealand Post Limited of a specified class—
any of the Chief Registrar's functions, powers, rights, and duties, except this power of delegation.
- (3) A delegation under this section must be made in writing, and the document must be signed by the maker of the delegation.

11 Provisions applying to delegations

- (1) The provisions of this section apply to a delegation under section 10.
- (2) Subject to any general or particular directions given or conditions imposed from time to time by the maker of the delega-

tion, the delegate may exercise the functions, powers, rights, or duties in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.

- (3) Every person purporting to act under a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.
- (4) A delegation does not affect or prevent the performance or exercise of any function, power, right, or duty by its maker.
- (5) A delegation continues in force according to its tenor until it is revoked.
- (6) If the maker ceases to hold office, the delegation continues to have effect as if made by the successor in office of the maker.
- (7) The maker, or a successor, may revoke the delegation at any time by written notice to the delegate.

Part 3

Rolls of electors

12 Purposes of rolls

- (1) Every preliminary referendum roll printed under section 13(3) has the following purposes:
 - (a) It is, for the purposes of the Electoral Act 1993, the main roll for the district for the year in which it is printed; and
 - (b) It facilitates the holding of the referendum.
- (2) The purpose of every unprinted preliminary referendum roll, the referendum roll, and the supplementary referendum roll is to facilitate the holding of the referendum.

Preliminary referendum rolls

13 Preliminary referendum rolls

- (1) The preliminary referendum roll for each district is a list of all persons whose names are lawfully on the electoral roll for the district on a date to be appointed for the closing of the preliminary referendum rolls.
- (2) The Chief Registrar must appoint the date for the closing of the preliminary referendum rolls and give notice of it in the *Gazette*.

- (3) The Registrar of each district must print the preliminary referendum roll for the district as soon as practicable after that date.
- (4) No printed preliminary referendum roll is to list any person whose details are not published or available under the Electoral Act 1993 as a result of a direction by the Chief Registrar under section 115 of that Act.

14 Form of printed preliminary referendum rolls

- (1) Although every printed preliminary referendum roll is the main roll for the district, section 106 of the Electoral Act 1993, relating to the form of the main roll and supplementary rolls, does not apply to any printed preliminary referendum roll and this section applies instead.
- (2) Every printed preliminary referendum roll must show, in alphabetical order of surnames, the following details for each person listed:
 - (a) Name; and
 - (b) Postal address; and
 - (c) Occupation (if any).
- (3) The names on each page of every printed preliminary referendum roll must be numbered consecutively, beginning with the number 1 for the first name on each page.
- (4) The pages of every printed preliminary referendum roll must be numbered consecutively, beginning with the number 1 for the first page.

15 Section 110 of Electoral Act 1993 not to apply to printed preliminary referendum rolls

Although every printed preliminary referendum roll is the main roll for the district, section 110 of the Electoral Act 1993 does not apply to any printed preliminary referendum roll and sections 16 and 17 apply instead.

16 Public inspection of printed preliminary referendum rolls

- (1) Copies of the printed preliminary referendum roll must be kept at the office of the Registrar for the district.
- (2) Any person may inspect the printed preliminary referendum roll—

- (a) At the Registrar's office; and
 - (b) Without payment; and
 - (c) At any time between 9 am and 4 pm on any day on which the office is open for the transaction of business, until 4 pm on the day before the first day of the voting period.
- (3) Copies of the printed preliminary referendum roll must also be kept at such other places within the district as the Minister or the Chief Registrar directs.
- (4) Any person may inspect the printed preliminary referendum roll, without payment, at a place at which it is kept as a result of a direction under subsection (3).
- (5) Every person holding a copy of a printed preliminary referendum roll as a result of a direction under subsection (3) must return it to the office of the Registrar for the district before 4 pm on the day before the first day of the voting period.
- (6) The right of inspection conferred by subsections (2) and (4) does not include rights to copy or purchase the whole or any part of the printed preliminary referendum roll.

17 Public use of printed preliminary referendum rolls

- (1) Any person may use a copy of a printed preliminary referendum roll for the purposes of—
- (a) Checking that persons qualified to be on it are on it;
 - (b) Checking that persons not qualified to be on it are not on it;
 - (c) Encouraging persons qualified to be on it, whether or not they are, to apply for registration as electors under the Electoral Act 1993.
- (2) A person who wants to use a printed preliminary referendum roll for these purposes must—
- (a) Complete a form, provided by the Chief Registrar, applying for a copy; and
 - (b) State in the form that—
 - (i) The roll is required for the purposes set out in subsection (1); and
 - (ii) The roll will not be used for any other purpose.

- (3) The Chief Registrar must supply, without charge, a copy of the roll applied for to a person who completes the form.
- (4) Every person holding a copy of a printed preliminary referendum roll as a result of an application under subsection (2) must return it to the office of the Chief Registrar before 4 pm on the day before the first day of the voting period.
- (5) The right to use a printed preliminary referendum roll conferred by subsection (1) does not include the right to copy the whole or any part of it.

18 Objections to registration

- (1) A person registered as an elector under the Electoral Act 1993, or qualified to be registered, may object to the name of any person being on the preliminary referendum roll for any district on the ground that that person is not qualified to be registered under the Electoral Act 1993 as an elector of that district.
- (2) An objection must be made before the date appointed for the closing of the referendum roll under section 19(2).
- (3) Sections 95(2), 95A to 95D, and 97 of the Electoral Act 1993 apply, as far as they are applicable and with any necessary modifications, to an objection.

Referendum roll and supplementary referendum roll

19 Referendum roll

- (1) The referendum roll is a list of all persons whose names are lawfully on any electoral roll for any district on a date to be appointed for the closing of the referendum roll.
- (2) The Governor-General must appoint, by Order in Council, the date for the closing of the referendum roll.
- (3) The Chief Registrar must compile the referendum roll as soon as practicable after that date.

20 Supplementary referendum roll

- (1) The supplementary referendum roll is a list of all persons who meet the following criteria:
 - (a) The person's name does not appear on the referendum roll; and

- (b) The person makes an application, that is received before the commencement of the voting period, under the Electoral Act 1993 for registration as an elector of a district; and
 - (c) The person is qualified, at the time of making the application, to be registered as an elector of a district under the Electoral Act 1993.
- (2) For the purposes of subsection (1)(b), an application is received before the commencement of the voting period if—
- (a) The application, or the envelope in which it is contained, bears a postmark or date stamp impressed at any New Zealand Post Limited outlet or agency before the commencement of the voting period; or
 - (b) The applicant produces a receipt that relates to the application and that was issued by any New Zealand Post Limited outlet or agency before the commencement of the voting period.
- (3) The Chief Registrar must compile the supplementary referendum roll as soon as practicable after the commencement of the voting period.

21 Form of referendum roll and supplementary referendum roll

The referendum roll and the supplementary referendum roll must—

- (a) Be in electronic form; and
- (b) Contain the following details for each person listed:
 - (i) Full name; and
 - (ii) Postal address; and
 - (iii) Occupation (if any); and
 - (iv) Preferred honorific (if any); and
 - (v) Date of birth; and
 - (vi) Electorate code; and
 - (vii) Roll identifier number.

22 Supply of copy of rolls to Returning Officer

At the request of the Returning Officer, the Chief Registrar must supply the Returning Officer with a copy of the referendum roll and the supplementary referendum roll.

23 Persons who qualify to register as electors during voting period

- (1) This section applies to every person who—
 - (a) Will become qualified, during the voting period, to be registered as an elector of a district under the Electoral Act 1993; and
 - (b) Makes an application, that is received before the commencement of the voting period, under the Electoral Act 1993 for registration as an elector of a district.
- (2) Such a person is entitled—
 - (a) To be listed in the referendum roll or the supplementary referendum roll as if that person were qualified to be registered as an elector of the district; and
 - (b) To be registered as an elector of the district on the day on which the person becomes qualified to be registered, without making any further application.
- (3) For the purposes of subsection (1)(b), an application is received before the commencement of the voting period if—
 - (a) The application, or the envelope in which it is contained, bears a postmark or date stamp impressed at any New Zealand Post Limited outlet or agency before the commencement of the voting period; or
 - (b) The applicant produces a receipt that relates to the application and that was issued by any New Zealand Post Limited outlet or agency before the commencement of the voting period.

24 Persons who, at commencement of voting period, are dead or disqualified or removed from roll

- (1) The Chief Registrar must supply the Returning Officer with the roll identifier number of every elector who is on the referendum roll or the supplementary referendum roll but who, at the commencement of the voting period, falls into a category described in this section.
- (2) The first category is every elector—
 - (a) Who is dead; and
 - (b) Whose death has been notified to a Registrar—
 - (i) By any Registrar of Births and Deaths; or

- (ii) By the father, mother, or spouse of the elector or by a sister or brother of the elector; and
 - (c) Of whose identity the Registrar is satisfied.
- (3) The second category is every elector who is disqualified from registration as an elector under section 80 of the Electoral Act 1993.
- (4) The third category is every elector whose name has been removed from a roll under—
 - (a) Section 95B or section 96 or section 97 of the Electoral Act 1993; or
 - (b) Section 18(3).
- (5) The Chief Registrar must supply the roll identifier number—
 - (a) In electronic form; and
 - (b) As soon as practicable after the Chief Registrar ascertains it, and before the end of the voting period.
- (6) The Returning Officer must make a mark on the Returning Officer's copy, by the elector's name, to indicate that the elector is dead, disqualified, or removed from a roll.

25 Protection of referendum roll and supplementary referendum roll

- (1) The referendum roll and the supplementary referendum roll must not be printed or made available for purchase or public inspection in any form.
- (2) Every person who has a copy of the referendum roll or the supplementary referendum roll must, as soon as practicable after the declaration of the result of the referendum under section 46,—
 - (a) Erase from any computer tape, disk, or diskette held by that person, and delete from any electronic system used by that person, any copy of the whole or any part of the referendum roll and the supplementary referendum roll and any mark made under sections 24(6), 32(3)(b), 33(5), or 40(2)(b); and
 - (b) Make a declaration to the Chief Registrar in the prescribed form that he or she has complied with paragraph (a).

- (3) Subsection (2) does not apply to the Returning Officer acting under section 47(1)(b) or to the Clerk of the House acting under section 47(2).

26 Supply and protection of information used for official publicity campaign

- (1) At the request in writing of the panel, the Chief Registrar must supply to the panel on computer tape the information described in subsection (2).
- (2) The information is a list of every person whose name appears on the referendum roll or supplementary referendum roll, except any person whose details are not published or available under the Electoral Act 1993 as a result of a direction by the Chief Registrar under section 115 of that Act, that shows the following details for each person listed:
- (a) Full name; and
 - (b) Postal address; and
 - (c) Preferred honorific (if any).
- (3) The panel may supply to any person, for the purposes of a task required for the official publicity campaign, any or all of the information supplied under subsection (1) or the original or a copy of any computer tape on which the information was supplied.
- (4) As soon as practicable after the conclusion of the official publicity campaign, the panel must—
- (a) Erase from any computer tape, disk, or diskette held by the panel, and delete from any electronic system used by the panel, any information supplied under subsection (1); and
 - (b) Make a declaration to the Chief Registrar in the prescribed form that it has complied with paragraph (a).
- (5) As soon as practicable after completing every task for which information was supplied under subsection (3), the person must—
- (a) Erase from any computer tape, disk, or diskette held by that person, and delete from any electronic system used by that person, any information supplied under subsection (3); and

- (b) Make a declaration to the Chief Registrar in the prescribed form that the person has complied with paragraph (a).

Part 4 Conduct of referendum

27 Who may vote

Every elector is qualified to vote at the referendum.

28 Voting period

- (1) The voting period commences at the start of the 21st day before the day appointed under this section for the close of the voting period.
- (2) The voting period closes at 7 pm on a Friday to be appointed by the Governor-General by Order in Council.
- (3) The Governor-General may,—
 - (a) From time to time, before the commencement of the voting period, revoke an Order in Council made under subsection (2) and make another order appointing a later Friday; and
 - (b) As a consequence of making an order under paragraph (a), revoke any Order in Council made under section 19(2) and make another order appointing a later date for the closing of the referendum roll.

Dispatching voting papers

29 Meaning of dispatched

A voting paper is dispatched by the Returning Officer to an elector when,—

- (a) If the voting paper is posted under section 31 or section 32, the Returning Officer places it in the custody of New Zealand Post Limited;
- (b) If the voting paper is faxed under section 33(4)(a), the Returning Officer's fax machine generates a record of the transmission of the voting paper to the elector's fax number:

- (c) If the relevant parts of the voting paper are dictated under section 33(4)(b), the Returning Officer is satisfied that the elector has heard every word dictated.

30 Period for dispatching voting papers

The period during which the Returning Officer may dispatch voting papers to electors—

- (a) Commences at the start of the first day of the voting period; and
- (b) Closes at midnight on the day before the last day of the voting period.

31 Dispatching voting papers by post

- (1) As soon as practicable after the commencement of the voting period, the Returning Officer must post each elector 1 voting paper addressed to the elector at the address shown against the elector's name on the Returning Officer's copy.
- (2) In order to carry out his or her duty under subsection (1), the Returning Officer may place voting papers in the custody of New Zealand Post Limited on the day before the first day of the voting period.

32 Dispatching replacement voting papers by post

- (1) A person may apply to the Returning Officer for a replacement voting paper, on the grounds that—
 - (a) He or she is an elector; and
 - (b) He or she has—
 - (i) Spoilt, destroyed, or lost his or her voting paper; or
 - (ii) Not received his or her voting paper.
- (2) An application must—
 - (a) Be made before noon on the second day before the last day of the voting period; and
 - (b) Be made in the prescribed manner; and
 - (c) Contain the elector's current postal address.
- (3) If the Returning Officer is satisfied that the person is an elector, the Returning Officer must—

- (a) Post the elector 1 voting paper addressed to the elector at his or her current postal address; and
- (b) Make a mark on the Returning Officer's copy, by the elector's name, to indicate that the Returning Officer posted a replacement voting paper to the elector; and
- (c) Provide the Chief Registrar with the name, date of birth, and current postal address of the elector, if the current postal address is different from the postal address shown on the Returning Officer's copy.

33 Dispatching voting papers by fax or dictation

- (1) A person may apply to the Returning Officer to have the voting paper faxed to him or her, on the grounds that he or she—
 - (a) Is an elector; and
 - (b) Will be, or is, during the voting period,—
 - (i) On Tokelau, Campbell Island, or Raoul Island; or
 - (ii) In the Ross Dependency; or
 - (iii) On a fishing vessel; or
 - (iv) In some remote location overseas; and
 - (c) Will not receive, or has not received, a voting paper posted to him or her at the address shown against his or her name on the Returning Officer's copy; and
 - (d) Cannot reasonably be expected, in all the circumstances, to make, or to have made, his or her own arrangements for the voting paper to be forwarded to him or her; and
 - (e) Has access to a fax machine; and
 - (f) Consents to the Returning Officer faxing the voting paper to him or her.
- (2) A person may apply to the Returning Officer to have the relevant parts of the voting paper dictated to him or her, on the grounds that he or she—
 - (a) Is an elector; and
 - (b) Will be, or is, during the voting period,—
 - (i) On Tokelau, Campbell Island, or Raoul Island; or
 - (ii) In the Ross Dependency; or
 - (iii) On a fishing vessel; and

- (c) Will not receive, or has not received, a voting paper posted to him or her at the address shown against his or her name on the Returning Officer's copy; and
 - (d) Cannot reasonably be expected, in all the circumstances, to make, or to have made, his or her own arrangements for the voting paper to be forwarded to him or her; and
 - (e) Does not have access to a fax machine; and
 - (f) Consents to the Returning Officer dictating the relevant parts of the voting paper to him or her.
- (3) An application must—
- (a) Be made before noon on the second day before the last day of the voting period; and
 - (b) Be made in the prescribed manner.
- (4) If the Returning Officer is satisfied that subsection (1) or subsection (2) applies to an elector, the Returning Officer may, in accordance with any regulations made under this Act,—
- (a) Fax the voting paper to the elector; or
 - (b) Dictate the relevant parts of the voting paper to the elector.
- (5) The Returning Officer must make a mark on the Returning Officer's copy, by the elector's name, to indicate that the voting paper has been faxed, or its relevant parts dictated, to the elector under subsection (4).

34 Envelopes and information accompanying voting papers

- (1) When the Returning Officer posts a voting paper under section 31 or section 32, the Returning Officer must post with it an envelope of 1 of the following kinds:
- (a) A postage-paid envelope addressed to the Returning Officer, if the address shown against the elector's name on the Returning Officer's copy is an address in New Zealand; or
 - (b) An envelope addressed to the Returning Officer, if the address shown against the elector's name on the Returning Officer's copy is an address outside New Zealand.
- (2) When the Returning Officer posts or faxes a voting paper under sections 31, 32, or 33(4)(a), the Returning Officer—

- (a) Must post or fax with it a copy of the summary of the compulsory retirement savings scheme prepared by the panel for the purpose; and
- (b) May post or fax with it information, in any language or languages, on how to vote and how to return the voting paper.

35 Extension of voting period

- (1) The Returning Officer may extend the voting period if he or she is of the opinion described in subsection (2).
- (2) The opinion is that industrial action, natural disaster, adverse weather conditions, or any other thing has had, or will have, the effect—
 - (a) Of delaying the dispatch of voting papers so much that electors have not had, or will not have, a reasonable opportunity to vote and return their voting papers before the close of the voting period; or
 - (b) Of delaying the return of voting papers so much that voting papers that would otherwise have been returned before the close of the voting period will not be returned by that time.
- (3) An extension may apply to—
 - (a) The whole of New Zealand; or
 - (b) An area or areas of New Zealand; or
 - (c) Any or all of Tokelau, Campbell Island, Raoul Island, or the Ross Dependency.
- (4) The Returning Officer may extend the voting period as many times as he or she thinks necessary. Each extension is to be for the period the Returning Officer thinks necessary, up to a maximum of 14 days.
- (5) As soon as practicable, the Returning Officer must give—
 - (a) Public notice of every extension of the voting period; and
 - (b) Such other notice of the extension as he or she thinks fit.
- (6) Even though the Returning Officer extends the voting period in relation to—
 - (a) An area or areas of New Zealand; or

- (b) Any or all of Tokelau, Campbell Island, Raoul Island, or the Ross Dependency,—
the Returning Officer may, after the voting period has closed in the rest of New Zealand, from time to time give public notice of the results of voting in the whole or part of the rest of New Zealand.

Marking and returning voting papers

36 Method of voting

- (1) The voter votes by marking the voting paper with a tick within the space provided for the answer for which the voter wishes to vote.
- (2) If any voter—
(a) Is visually impaired; or
(b) Is, for any reason, unable to read or write; or
(c) Is not sufficiently familiar with any language or languages used on the voting paper to vote without assistance,—
the voting paper may be marked in the manner described in subsection (3).
- (3) The manner is—
(a) By the voter, with the assistance of a person authorised by the voter; or
(b) By a person authorised by the voter, in accordance with the voter's instructions.
- (4) A voter to whom the Returning Officer has dictated the relevant parts of the voting paper under section 33(4)(b) may, in accordance with any regulations made under this Act, dictate his or her vote to the Returning Officer. The Returning Officer must mark the voting paper in accordance with the voter's instructions.

37 Return of voting papers to Returning Officer

- (1) A voter to whom a voting paper was faxed under section 33(4)(a) may return the voting paper by fax to the office of the Returning Officer.
- (2) Any other voter may return the voting paper by—

- (a) Delivering it by hand to the office of the Returning Officer; or
 - (b) Posting it to the office of the Returning Officer,— and the voting paper may be, but does not have to be, enclosed in an envelope addressed to the Returning Officer.
- (3) A voter to whom section 36(2) applies may ask the authorised person to either—
- (a) Assist the voter to comply with subsection (1); or
 - (b) Comply with that subsection on behalf of the voter.
- (4) When a voter votes in accordance with section 36(4), the voting paper is returned when the Returning Officer marks the voting paper.

38 Times for return of voting papers

- (1) A voting paper returned by hand or fax must be returned before 7 pm on the last day of the voting period.
- (2) A voting paper returned by post must—
- (a) Be returned before noon on the 4th day after the last day of the voting period; and
 - (b) Bear a postmark or date stamp, either on its envelope (if any) or on the voting paper itself, that was—
 - (i) Impressed at any New Zealand Post Limited outlet or agency on a day during the voting period; or
 - (ii) Impressed in any country outside New Zealand before or on the second to last day of the voting period.
- (3) A voting paper returned under section 37(4) must be returned before 7 pm on the last day of the voting period.

39 Voting papers returned late

If any voting papers or envelopes containing voting papers are returned, but not in accordance with section 38, the Returning Officer must—

- (a) Enclose them in 1 or more parcels; and
- (b) Seal each parcel and mark it “Disallowed, received late”.

Progressive processing of voting papers

40 Processing of voting papers

- (1) As soon as practicable after any voting paper is returned in accordance with section 38, the Returning Officer must deal with it under subsection (2).
- (2) The Returning Officer must, in a manner that preserves the secrecy of the vote,—
 - (a) If the voting paper is in an envelope, extract the voting paper; and
 - (b) Make a mark on the Returning Officer’s copy, by the elector’s name, to indicate that the voting paper dispatched to that elector has been returned; and
 - (c) If the voting paper is valid, record the voter’s vote as “yes”, “no”, or informal; and
 - (d) If the voting paper is invalid, record the voting paper as invalid and the reason for its invalidity; and
 - (e) Place the voting paper in secure storage under the control of the Returning Officer.
- (3) The Returning Officer may carry out the duties in subsection (2) by a method and procedure he or she thinks fit, including the use of computer technology.

41 Informal voting papers

A voting paper is informal if the Returning Officer is satisfied that the voting paper does not clearly indicate the answer for which the voter wished to vote.

42 Invalid voting papers

A voting paper is invalid if the Returning Officer is satisfied that the voting paper—

- (a) Is a forgery or a copy; or
- (b) Was dispatched by the Returning Officer to a person whose roll identifier number was supplied to the Returning Officer under section 24; or
- (c) Was posted to an elector under section 31, if—
 - (i) A voting paper was also posted or faxed to the elector under section 32 or section 33(4)(a); or

- (ii) The relevant parts of the voting paper were also dictated to the elector under section 33(4)(b); or
- (d) Was marked by a person other than—
 - (i) The elector intended to receive the voting paper; or
 - (ii) If section 36(2) applies, a person authorised by the voter to mark the voting paper; or
 - (iii) If section 36(4) applies, the Returning Officer; or
- (e) Was marked in breach of section 59(2) or section 60(1); or
- (f) Was not returned in accordance with section 38; or
- (g) If returned by fax, is not a true copy of the original voting paper marked by the voter; or
- (h) Is damaged in such a way as to prevent it being processed.

43 Protection of secrecy during processing

- (1) The Returning Officer must ensure that—
 - (a) The processing of voting papers is conducted at the office of the Returning Officer or in premises authorised by the Returning Officer; and
 - (b) When the office of the Returning Officer or any other premises are being used for the processing of voting papers, a sign is placed outside the office or premises stating that this is the case and that entry is prohibited without the express authorisation of the Returning Officer; and
 - (c) No person, without the express authorisation of the Returning Officer, enters the office of the Returning Officer or any other premises when the sign is in place; and
 - (d) The result of voting is not calculated, whether partially or finally, before 7 pm on the last day of the voting period.
- (2) The Returning Officer must take all reasonable steps to ensure the safe custody of all returned voting papers until they have been sent to the Clerk of the House under section 47.

44 Supervision of processing

- (1) After consultation with the Chief District Court Judge, the Minister must appoint as many District Court Judges or retired District Court Judges to observe the processing of voting papers as the Minister considers necessary.
- (2) On the application of the Returning Officer, any person so appointed must finally determine whether or not any voting paper is valid or formal.

Announcing results

45 Procedure after close of voting period

As soon as practicable after 7 pm on the last day of the voting period, the Returning Officer must—

- (a) Calculate the number of votes received for each answer to the question from the voting papers processed as at 7 pm on the last day of the voting period; and
- (b) Issue a press statement giving the numbers; and
- (c) Complete the processing of voting papers returned in accordance with section 38.

46 Declaration of result of referendum

When all the voting papers returned in accordance with section 38 have been processed, the Returning Officer must—

- (a) Calculate the total number of votes received for each answer to the question; and
- (b) Declare the result of the referendum by giving public notice of it in form 2; and
- (c) Give public notice of the following for each district: the votes received for the answer “Yes”, the votes received for the answer “No”, and the number of informal votes.

47 Disposal of voting papers and rolls

(1) As soon as practicable after declaring the result of the referendum, the Returning Officer must—

- (a) Enclose and securely seal in 1 or more separate parcels—
 - (i) All returned voting papers, used or unused; and

- (ii) The record of informal and invalid voting papers; and
 - (iii) The Returning Officer's copy; and
- (b) Send the parcels to the Clerk of the House.
- (2) The Clerk of the House must—
 - (a) As soon as practicable, sign a receipt for the parcels and send it to the Returning Officer; and
 - (b) Keep the parcels safely for 6 months unopened, unless a court of competent jurisdiction or the House of Representatives orders them, or any of them, to be opened; and
 - (c) Ensure that at the end of 6 months the parcels are destroyed unopened in the presence of the Clerk of the House.
- (3) Section 190 of the Electoral Act 1993 applies, as far as it is applicable and with any necessary modifications, to everything kept by the Clerk of the House under subsection (2).

Advertising

48 Advertisers to be identified

- (1) This section does not apply to an advertisement—
 - (a) Relating to any aspect of the referendum; and
 - (b) Published or broadcast by—
 - (i) The panel; or
 - (ii) The Returning Officer; or
 - (iii) The Chief Registrar; and
 - (c) Containing a statement or symbol indicating that the advertisement has been authorised by one of those persons.
- (2) This section does not apply to the publication or broadcast of any news or comments relating to any aspect of the referendum.
- (3) A person who publishes or broadcasts an advertisement relating to any aspect of the referendum must include in the advertisement a statement setting out the true name of the person who commissioned it and that person's postal address.

Part 5 Offences

Offences

49 Officials

- (1) Every person commits an offence who, being—
 - (a) The Returning Officer; or
 - (b) Any person employed or engaged under section 8; or
 - (c) The Chief Registrar; or
 - (d) Any employee of New Zealand Post Limited; or
 - (e) Any person acting under a delegation under section 10,—

uses or discloses information acquired by that person in that capacity in connection with the referendum, knowing that the use or disclosure is not required or permitted for the performance of that person's official duty.
- (2) Every person who commits an offence against this section is guilty of a corrupt practice for the purposes of the Electoral Act 1993.

50 Rolls

- (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000—
 - (a) Who removes a copy of a printed preliminary referendum roll from any place where it is kept under section 16(1) or (3), except for the purpose of returning it to the Registrar for the district:
 - (b) Who fails, without reasonable excuse, to comply with section 16(5):
 - (c) Who fails, without reasonable excuse, to comply with section 17(4).
- (2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$50,000—
 - (a) Who knowingly copies the whole or any part of a copy of a printed preliminary referendum roll:
 - (b) Who knowingly supplies or receives the whole or any part of a copy of a printed preliminary referendum roll, except for the purposes of section 16(3) or section 17(3):

- (c) Who knowingly uses the whole or any part of a copy of a printed preliminary referendum roll, except for the purposes of—
 - (i) Checking that persons qualified to be on it are on it:
 - (ii) Checking that persons not qualified to be on it are not on it:
 - (iii) Encouraging persons qualified to be on it, whether or not they are, to apply for registration as electors under the Electoral Act 1993:
 - (d) Who fails, without reasonable excuse, to comply with section 25(2).
- (3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 who, except for the purposes of the referendum, knowingly copies, supplies, receives, or uses—
- (a) The whole or any part of an unprinted preliminary referendum roll, the referendum roll, or the supplementary referendum roll, including any mark made under sections 24(6), 32(3)(b), 33(5), or 40(2)(b); or
 - (b) The whole or any part of any copy of an unprinted preliminary referendum roll, the referendum roll, or the supplementary referendum roll, including any mark made under sections 24(6), 32(3)(b), 33(5), or 40(2)(b).

51 Official publicity campaign

- (1) Every person who knowingly copies, supplies, receives, or uses any information supplied under section 26(1) or (3), except for the purposes of the official publicity campaign, commits an offence and is liable on summary conviction to a fine not exceeding \$100,000.
- (2) Every person who fails, without reasonable excuse, to comply with section 26(4) or (5) commits an offence and is liable on summary conviction to a fine not exceeding \$50,000.

52 Influencing electors generally

- (1) Every person who, at any time during the 3 days immediately before the commencement of the voting period or during the

voting period, prints or distributes or delivers to any person anything—

- (a) That is or purports to be an imitation of the voting paper together with any direction or indication as to the answer for which any person should or should not vote; or
- (b) That is or purports to be an imitation of the voting paper and that has on it any matter likely to influence any vote—

commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

- (2) Nothing in this section applies to anything said or done—
 - (a) For the purposes of the official publicity campaign; or
 - (b) For the purposes of the referendum, by—
 - (i) The Returning Officer; or
 - (ii) A person employed or engaged under section 8; or
 - (iii) A person acting under a delegation under section 10(1).

53 Advertisers

Every person to whom section 48 applies commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 who fails, without reasonable excuse, to comply with that section.

54 Voting papers

- (1) Every person commits an offence who—
 - (a) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys a voting paper or an envelope containing a voting paper:
 - (b) Supplies a voting paper to any person knowing that the person is not the person intended to receive the voting paper:
 - (c) Dictates the relevant parts of the voting paper to a person, knowing that the person is not the person to whom the parts were intended to be dictated:
 - (d) Without due authority, destroys, takes, or interferes with a voting paper or an envelope containing a voting paper—

- (i) In use for the purposes of the referendum; or
 - (ii) Kept after the declaration of the result as a record of the referendum.
- (2) Every person who commits an offence against this section is liable on conviction on indictment,—
 - (a) If the Returning Officer, or any person employed or engaged under section 8, or any person acting under a delegation under section 10(1), to imprisonment for a term not exceeding 2 years:
 - (b) If any other person, to imprisonment for a term not exceeding 6 months.
- (3) Every person who commits an offence against this section is guilty of a corrupt practice for the purposes of the Electoral Act 1993.

55 Bribery

- (1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,—
 - (a) Gives any money to or gets any office for any voter, or to or for any other person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting at the referendum:
 - (b) Corruptly does any such act on account of any voter having voted or refrained from voting at the referendum:
 - (c) Makes a gift to or gets an office for any person in order to induce that person to get, or try to get, the vote of any voter at the referendum.
- (2) Every person commits the offence of bribery who—
 - (a) Advances or pays or causes to be paid any money to or to the use of any other person intending that that money or any part of it will be expended in bribery at the referendum:
 - (b) Knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly expended in bribery at the referendum.
- (3) A voter commits the offence of bribery if, before or during the voting period, he or she directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for,

any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at the referendum.

- (4) Every person commits the offence of bribery if, after the voting period, the person directly or indirectly, on the person's own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at the referendum.
- (5) Every person who commits the offence of bribery is guilty of a corrupt practice for the purposes of the Electoral Act 1993.

56 Interpretation provision for section 55

- (1) In section 55(1),—
 - (a) References to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to get or try to get, any money or valuable consideration:
 - (b) References to getting any office include references to giving, getting, agreeing to give or get, offering, promising, or promising to get or to try to get, any office, place, or employment.
- (2) Section 55(1) and (2) do not apply to money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning the referendum.
- (3) In section 55(1) and (3), **voter** includes a person who has or claims to have a right to vote at the referendum.

57 Treating

- (1) Every person commits the offence of treating who corruptly, on that person's own or by another person, either before, during, or after the voting period, directly or indirectly gives or provides, or pays wholly or partly the expense of giving or providing, any food, drink, entertainment, or provision to or for any person—

- (a) For the purpose of corruptly influencing that person or any other person to vote or refrain from voting at the referendum:
 - (b) On account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting, at the referendum.
- (2) Every person commits the offence of treating who, being the holder of a licence for the sale by retail of intoxicating liquor, before or during the voting period, knowingly supplies any food, drink, entertainment, or provision—
- (a) To any person where the supply is demanded for the purpose of treating:
 - (b) To any persons, whether electors or not, for the purpose of getting votes for any answer to the question, and without receiving payment for it at the time when it is supplied.
- (3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.
- (4) Every person who commits the offence of treating is guilty of a corrupt practice for the purposes of the Electoral Act 1993.

58 Undue influence

- (1) Every person commits the offence of undue influence—
- (a) Who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint upon or against any person—
 - (i) In order to induce or compel that person to vote for any answer to the question:
 - (ii) On account of that person having voted for any answer to the question:
 - (iii) On account of that person having voted or refrained from voting at the referendum:
 - (b) Who, by abduction, duress, or any fraudulent device or means,—
 - (i) Impedes or prevents the free exercise of the vote of any elector at the referendum:

- (ii) Compels, induces, or prevails upon any elector either to vote or to refrain from voting at the referendum.
- (2) Every person who commits the offence of undue influence is guilty of a corrupt practice for the purposes of the Electoral Act 1993.

59 Voting

- (1) Every person who—
 - (a) Is present in accordance with section 36(3) when a voter votes; and
 - (b) Communicates at any time to any person any information obtained as to the answer for which the voter is about to vote or has voted—
commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.
- (2) Every person—
 - (a) Who—
 - (i) Is authorised by a voter to mark the voting paper under section 36(3)(b); or
 - (ii) Being the Returning Officer or a person acting under a delegation under section 10(1), marks a voting paper under section 36(4); and
 - (b) Does not mark the voting paper in accordance with the voter's instructions—
commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.
- (3) Every person who, except for a lawful purpose, interferes with or attempts to interfere with a voter marking his or her voting paper at the referendum commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

60 Personation

- (1) Every person commits the offence of personation who—
 - (a) Marks any voting paper knowing that he or she is not the person intended to receive the voting paper:
 - (b) Dictates a vote knowing that he or she is not the person to whom the relevant parts of the voting paper were intended to be dictated:

- (c) Having returned a voting paper, returns another voting paper with the intention of returning an additional valid voting paper, whether or not any voting paper he or she returns is valid.
- (2) If the Returning Officer believes that any person has committed an offence against this section, the Returning Officer must report the facts on which that belief is based to the Police.
- (3) Every person who commits, or aids, abets, counsels, or procures the commission of, the offence of personation is guilty of a corrupt practice for the purposes of the Electoral Act 1993.

61 Processing

- (1) Every person who, without the express authorisation of the Returning Officer, enters the office of the Returning Officer or any other premises when the sign referred to in section 43(1)(b) is in place commits an offence and is liable on summary conviction to a fine not exceeding \$2,000.
- (2) If the Returning Officer, or a person acting under a delegation under section 10(1), fails to take all reasonable steps as required by section 43(2), with the result that any returned voting paper is removed from his or her custody, he or she is liable on summary conviction to a fine not exceeding \$2,000.
- (3) Every person commits an offence who, being present at the processing of voting papers,—
 - (a) Fails to maintain and aid in maintaining the secrecy of the voting;
 - (b) Communicates any information obtained at the processing of voting papers as to the answer for which any vote is given in any particular voting paper.
- (4) Every person who commits an offence against subsection (3) is guilty of a corrupt practice for the purposes of the Electoral Act 1993.

Miscellaneous

62 Property may be stated as being in Returning Officer

In any prosecution for an offence in relation to any voting paper or any envelope containing any voting paper, the prop-

erty in the voting paper or envelope may be stated as being in the Returning Officer.

Part 6 Miscellaneous provisions

63 Validation of irregularities

- (1) If—
- (a) Anything is omitted to be done at the time required by or under this Act; or
 - (b) Anything cannot be done at the time required by or under this Act; or
 - (c) Anything is done before or after the time required by or under this Act; or
 - (d) Anything is otherwise irregularly done in matter of form; or
 - (e) Sufficient provision is not made by or under this Act,—the Governor-General may, by Order in Council published in the *Gazette*, do any of the things described in subsection (2).
- (2) The things are—
- (a) At any time before or after the time within which the thing is required to be done, to extend that time; or
 - (b) To validate anything done before or after the time required; or
 - (c) To validate anything irregularly done in matter of form; or
 - (d) To make such other provision for the case as he or she thinks fit.

64 Enactments amended

The enactments specified in Schedule 2 are amended in the manner indicated in that schedule.

65 Regulations

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

- (a) Prescribing forms for the purposes of this Act:

- (b) Prescribing the manner in which an application for a replacement voting paper must be made:
- (c) Providing for the faxing of voting papers under section 33(4)(a):
- (d) Providing for the dictation of the relevant parts of voting papers under section 33(4)(b) and the dictation of votes under section 36(4):
- (e) Applying, with or without modifications, for the purposes of this Act, the provisions of the Electoral Act 1993 and any regulations made under that Act:
- (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.

Schedule 1

Sections 7(3), 8(3)(b)

Forms

Form 1

Declaration by Returning Officer or by person
employed or engaged for the purposes of the
referendum

Form 2

Section 46

Declaration of result of referendum

I declare the result of the referendum taken over the period commencing on
and ending on on the question—

“Do you support the proposed compulsory retirement savings scheme?”

to be as follows:

Votes received for the answer “Yes” :
 Votes received for the answer “No” :
 Number of informal votes :

Dated at this day of 19

AB
Returning Officer

**Schedule 2
Enactments amended**

Enactment	Amendment
1957, No 87—The Summary Proceedings Act 1957 (RS Vol 9, p 583)	By inserting in Part 2 of Schedule 1, in its appropriate alphabetical order, the following item: “The Compulsory Retirement Savings Scheme Referendum Act 1997 54 Voting papers
1993, No 87—The Electoral Act 1993 (RS Vol 35, p 39)	By adding to section 224(2) the words “, or under section 54 of the Compulsory Retirement Savings Scheme Referendum Act 1997”.