



Electoral Amendment Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 14th day of April 2014

Present:

His Excellency the Governor-General in Council

Pursuant to sections 172 and 267 of the Electoral Act 1993, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Electoral Amendment Regulations 2014.

2 Commencement

These regulations come into force on 1 June 2014.

3 Principal regulations

These regulations amend the Electoral Regulations 1996 (the **principal regulations**).

4 Regulation 19 amended (Facilities for special voting)

Replace regulation 19(2) with:

- “(2) Where an election is to be held in any district, the Returning Officer—
- “(a) must, during the period beginning with the completion of the discharge by the Electoral Commission of its duties under section 128 of the Act in respect of the lists of candidates and ending with the close of the day before polling day, maintain within the district at least 1 office, open on such days and at such times as the Returning Officer decides, where—

- “(i) ballot papers and voting papers may be issued to special voters; and
- “(ii) special voters may vote; and
- “(b) may, at any time during the period specified in paragraph (a), maintain outside the district 1 or more offices, open on such days and at such times as the Returning Officer decides, where—
 - “(i) ballot papers and voting papers may be issued to special voters; and
 - “(ii) special voters may vote.”

5 Regulation 21 amended (Issue of special votes)

Replace the heading to regulation 21 with “**Issue of special voting papers**”.

6 New regulations 23A and 23B inserted

After regulation 23, insert:

“23A Telephone dictation of vote by special voter with disability

- “(1) This regulation applies to any person in New Zealand who is qualified to vote at any election in any district as a special voter because he or she has satisfied an Issuing Officer that it will not be practicable for him or her to vote at a polling place in a district without incurring hardship or serious inconvenience on the ground that he or she—
- “(a) is blind; or
 - “(b) is partially blind and is unable to mark the ballot paper without assistance; or
 - “(c) has another physical disability and is unable to mark the ballot paper without assistance.
- “(2) A person to whom this regulation applies may request to vote by dictation if for the particular election a system allowing special votes by dictation is made available by the Electoral Commission.
- “(3) A request under subclause (2)—
- “(a) must be made to the Electoral Commission; and
 - “(b) may be made during the period—
 - “(i) beginning on the day after writ day; and
 - “(ii) ending on a day appointed by the Electoral Commission.

- “(4) On receipt of a request made in accordance with subclause (3), the Electoral Commission must decide whether to grant or decline the request.
- “(5) If for a particular election a system allowing special votes by dictation is made available by the Electoral Commission, the Electoral Commission must make any arrangements that the Electoral Commission considers to be necessary for the issue and receipt of special votes by dictation, including—
- “(a) arrangements for votes to be made by telephone, on such days and at such times as the Electoral Commission may decide; and
 - “(b) to the extent possible, arrangements to preserve the secrecy of the ballot; and
 - “(c) arrangements to ensure that votes are accurately recorded on ballot papers; and
 - “(d) arrangements for envelopes containing special votes recorded under this regulation to be marked with the Electoral Commission’s official mark and forwarded to the Returning Officer for the district for which the vote was issued.
- “(6) To avoid doubt, a voter who is voting by dictation on any day at the time such voting closes is entitled to complete dictating his or her vote.
- “(7) The following regulations apply, with all necessary modifications, to special votes by dictation:
- “(a) regulation 21 (except subclause (5)(a)(iv));
 - “(b) regulation 25(1);
 - “(c) regulation 28(1) and (2)(b);
 - “(d) regulations 32 to 42.

“23B Appointment of Issuing Officers for dictation voting

- “(1) The Electoral Commission may appoint 1 or more Issuing Officers for—
- “(a) issuing special votes to every person whose request under regulation 23A(2) to vote by dictation has been granted by the Electoral Commission under regulation 23A(4); and
 - “(b) receiving special votes by dictation.

- “(2) An Issuing Officer appointed under subclause (1) must, before acting in that capacity, make a declaration in form 1 of Schedule 2 of the Act.”

7 Regulation 24 amended (Special vote in district before polling day)

- (1) In regulation 24(1), replace “either within the elector’s own district or at an office maintained under regulation 19(2)(b)” with “at an office maintained under regulation 19(2)”.
- (2) In regulation 24(9), replace “3 pm” with “2 pm”.

8 New regulation 24A inserted (Scrutineers at advance polling places)

After regulation 24, insert:

“24A Scrutineers at advance polling places

- “(1) In this regulation, **advance polling place** means an office maintained by a Returning Officer under regulation 19(2).
- “(2) Each constituency candidate may at any election appoint 1 or more scrutineers for each advance polling place in a district.
- “(3) No constituency candidate may be appointed a scrutineer under this regulation.
- “(4) If, at any election in a district, no constituency candidate is standing for a political party that is listed in the part of the ballot paper that relates to the party vote, the secretary of the party may appoint 1 or more scrutineers for each advance polling place in a district.
- “(5) Every appointment of a scrutineer must—
- “(a) be in writing; and
 - “(b) be signed by the constituency candidate or, as the case requires, the secretary of the party.
- “(6) The number of scrutineers for a constituency candidate or for a political party that may be present in an advance polling place may not exceed the number of Issuing Officers designated for that advance polling place.
- “(7) Every scrutineer must, before acting in that capacity, make a declaration in form 1 of Schedule 2 of the Act.
- “(8) A scrutineer appointed for an advance polling place may leave and re-enter the place at any time it is open.

- “(9) A scrutineer must not communicate with any voter in an advance polling place either before or after the voter has given his or her vote and, if a scrutineer does so, the scrutineer—
- “(a) may be immediately removed from the advance polling place; and
 - “(b) commits an offence and is liable on conviction to a fine not exceeding \$400.
- “(10) Regulation 65 applies, subject to the following modifications, to scrutineers appointed under subclause (2) or (4):
- “(a) the reference to the hours of polling must be read as if it were a reference to the hours the advance polling place is open:
 - “(b) references to a polling place must be read as if they were references to an advance polling place:
 - “(c) references to the manager of a polling place must be read as if they were references to the manager of the advance polling place.”

9 Regulation 27 amended (Voting by special voter)

- (1) Replace regulation 27(1) with:
- “(1) The vote of an elector voting as a special voter must be exercised—
- “(a) in the manner prescribed by this regulation; or
 - “(b) in accordance with any arrangements made by the Electoral Commission under regulation 23A or 58.”
- (2) In regulation 27(6), replace “a special vote is recorded” with “an elector exercises a special vote”.
- (3) Replace regulation 27(7) with:
- “(7) Where an elector exercises a special vote other than in a polling place, the elector may arrange for the envelope to be delivered to a Returning Officer or an Issuing Officer—
- “(a) by hand; or
 - “(b) by post.
- “(7A) An envelope delivered by hand under subclause (7)(a) must be received before the close of the poll.
- “(7B) An envelope delivered by post under subclause (7)(b) must be—

- “(a) postmarked or date-stamped by any New Zealand Post outlet or agency before polling day; and
- “(b) received not later than noon on the fourth day following polling day.”

10 Regulations 29 and 30 replaced

Replace regulations 29 and 30 with:

“29 Endorsement of envelopes

- “(1) A Returning Officer or an Issuing Officer who receives an envelope in accordance with regulation 27(7A) or in accordance with the requirements of regulation 27(7B) must immediately mark the envelope with his or her official mark.
- “(2) A Returning Officer or an Issuing Officer who receives an envelope otherwise than in accordance with regulation 27(7A) or the requirements of regulation 27(7B) must immediately—
 - “(a) mark the envelope ‘Received late’; and
 - “(b) mark the envelope with his or her official mark; and
 - “(c) sign the envelope.
- “(3) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives an envelope that is delivered either by hand before the close of the poll or by post in accordance with the requirements of regulation 27(7B) must immediately mark the envelope with the Electoral Commission’s official mark.
- “(4) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives an envelope that is delivered either by hand after the close of the poll or by post otherwise than in accordance with the requirements of regulation 27(7B) must immediately—
 - “(a) mark the envelope ‘Received late’; and
 - “(b) mark the envelope with the Electoral Commission’s official mark; and
 - “(c) sign the envelope on behalf of the Electoral Commission.

“30 Delivery of special votes to Returning Officer

- “(1) After marking an envelope in accordance with regulation 29(1) or (2), an Issuing Officer must immediately deliver

the envelope to the Returning Officer by whom the Issuing Officer was appointed.

- “(2) If a Returning Officer receives under subclause (1) an envelope containing a special vote issued for a district that is not the Returning Officer’s district, the Returning Officer must immediately post or forward the envelope to the Returning Officer for the district for which the vote was issued.
- “(3) After marking an envelope in accordance with regulation 29(3) or (4), an Electoral Commissioner or electoral official must immediately arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued.”

11 Regulation 34 amended (Disallowance of special votes received late)

Replace regulation 34(2) with:

- “(2) A Returning Officer must also disallow any special vote if, after examining the envelope and declaration form in respect of that vote, the Returning Officer is satisfied that,—
- “(a) in the case of a vote issued under this Part,—
- “(i) the vote was exercised in a polling place and under regulation 27(6) is deemed to have been received by the Issuing Officer for that polling place at a time later than the close of the poll; or
- “(ii) the vote was exercised other than in a polling place and the envelope is marked under regulation 29(2) or (4) ‘Received late’; or
- “(b) in the case of a vote issued under Part 3, the envelope was not received in accordance with regulation 50(1)(a), (b), or (c); or
- “(c) in the case of a vote issued under Part 4, the vote was not received in accordance with regulation 63A(1)(a) or (b).”

12 Regulation 43 replaced (Overseas Returning Officers and Overseas Issuing Officers)

Replace regulation 43 with:

“43 Overseas Returning Officers and Overseas Issuing Officers

- “(1) For the purpose of taking votes outside New Zealand (other than votes to which Part 4 applies), the Electoral Commission, or an electoral official on behalf of the Electoral Commission, must appoint 1 or more Overseas Returning Officers.
- “(2) In the case of a general election, the Electoral Commission, or an electoral official on behalf of the Electoral Commission, must forward to every Overseas Returning Officer the required number of copies of the following:
- “(a) special ballot papers in form 14; and
 - “(b) party lists in accordance with regulation 18; and
 - “(c) declarations in form 20 or 21; and
 - “(d) any voting paper required to be issued under any enactment.
- “(3) In the case of a by-election, the Electoral Commission, or an electoral official on behalf of the Electoral Commission, must forward to every Overseas Returning Officer the required number of copies of the following:
- “(a) special ballot papers in form 15; and
 - “(b) declarations in form 20 or 21; and
 - “(c) any voting paper required to be issued under any enactment.
- “(4) Any Overseas Returning Officer must—
- “(a) arrange for votes to be taken at such places as the Overseas Returning Officer considers necessary; and
 - “(b) appoint such number of Overseas Issuing Officers as the Overseas Returning Officer considers necessary.
- “(5) An Overseas Returning Officer may exercise all the powers and functions of an Overseas Issuing Officer.”

13 Regulation 45 amended (Issue of votes)

- (1) Replace the heading to regulation 45 with “**Issue of special voting papers**”.
- (2) In regulation 45(1)(b)(i) and (ii), after “copies”, insert “of the documents”.
- (3) In regulation 45(1), replace “special ballot papers and special voting papers” with “those documents”.

14 Regulation 45A replaced (Electronic issue of ballot papers)

Replace regulation 45A with:

“45A Electronic issue of special voting papers

- “(1) In the case of a general election, the Electoral Commission may, as soon as is reasonably practicable after the close of nominations and at any time before the close of the poll, issue electronically the documents referred to in regulation 43(2) to persons outside New Zealand who are electors of any electoral district.
- “(2) In the case of a by-election, the Electoral Commission may, as soon as is reasonably practicable after the close of nominations and at any time before the close of the poll, issue electronically the documents referred to in regulation 43(3) to persons outside New Zealand who are electors of the electoral district in which the by-election is to be or is being held.
- “(3) The following provisions apply, with any necessary modifications, to the issue of documents under this regulation:
- “(a) regulation 21(2):
 - “(b) regulation 21(4):
 - “(c) regulation 21(5)(a)(iv).
- “(4) A copy of the official mark of the Electoral Commission must be present on ballot papers and declarations issued under this regulation.
- “(5) For the purposes of this regulation, documents are issued electronically if the documents are able to be—
- “(a) accessed by electronic means, including (without limitation) by means of remote log-on access; and
 - “(b) readily inspected and reproduced in a useable form.”

15 Regulation 47 replaced (Votes to be returned to Returning Officer or Overseas Returning Officer)

Replace regulation 47 with:

“47 Special votes may be returned by personal delivery or post

- “(1) Any person to whom documents are issued under regulation 45 or 45A may, after voting in the manner prescribed for special voters by Part 2, arrange for an envelope containing the ballot paper, any voting papers, and the declaration to be delivered—

- “(a) by hand or by post to—
 - “(i) an Overseas Returning Officer; or
 - “(ii) an Overseas Issuing Officer; or
 - “(b) by post to—
 - “(i) a Returning Officer in New Zealand; or
 - “(ii) the Electoral Commission.
- “(2) An envelope delivered by hand or by post under subclause (1)(a) must be received by the Overseas Returning Officer or Overseas Issuing Officer by 4 pm local time on the day before polling day.
- “(3) An envelope delivered by post under subclause (1)(b) must be—
 - “(a) postmarked or date-stamped with a date that is at least 2 days before polling day; and
 - “(b) received by the Returning Officer in New Zealand or the Electoral Commission not later than noon New Zealand time on the fourth day after polling day.”

16 Regulation 47A amended (Votes may be returned by facsimile)

- (1) Replace the heading to regulation 47A with “**Special votes may be returned by facsimile**”.
- (2) In regulation 47A(1), replace “special ballot papers and any special voting papers” with “documents”.
- (3) In regulation 47A(1)(b), before “forward”, insert “before the close of the poll,”.
- (4) Revoke regulation 47A(2).

17 Regulation 47B amended (Votes may be returned electronically if secure transmission available)

- (1) Replace the heading to regulation 47B with “**Special votes may be returned electronically if secure transmission available**”.
- (2) In regulation 47B(1),—
 - (a) replace “special ballot papers, special voting papers, and declaration forms” with “documents”; and
 - (b) replace “those papers” with “those documents”.

- (3) In regulation 47B(2)(b), before “forward”, insert “before the close of the poll.”.

18 Regulation 47C revoked (Receipt of special votes electronically)

Revoke regulation 47C.

19 Regulation 48 replaced (Endorsement and posting of envelopes by Overseas Returning Officer)

Replace regulation 48 with:

“48 Endorsement and posting of envelopes

- “(1) An Overseas Returning Officer, an Overseas Issuing Officer, or a Returning Officer in New Zealand who receives delivery of an envelope in accordance with the requirements of regulation 47 must immediately mark the envelope with his or her official mark.
- “(2) An Overseas Returning Officer, an Overseas Issuing Officer, or a Returning Officer in New Zealand who receives delivery of an envelope otherwise than in accordance with the requirements of regulation 47 must immediately—
- “(a) mark on the envelope ‘Received late’; and
- “(b) mark the envelope with his or her official mark; and
- “(c) sign the envelope.
- “(3) Immediately after marking an envelope in accordance with subclause (1) or (2), an Overseas Returning Officer or Overseas Issuing Officer must arrange for the envelope to be posted or forwarded (either directly or through the Ministry of Foreign Affairs and Trade) by the quickest means of transport to the Electoral Commission or to the Returning Officer of the district for which the vote was issued.
- “(4) Immediately after marking an envelope in accordance with subclause (1) or (2), a Returning Officer in New Zealand must post or forward that envelope to the Returning Officer for the district for which the vote was issued (if not the Returning Officer’s own district).
- “(5) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives delivery of an envelope in accordance with the requirements of regulation 47

must immediately mark the envelope with the official mark of the Electoral Commission.

- “(6) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives delivery of an envelope otherwise than in accordance with the requirements of regulation 47 must immediately—
- “(a) mark on the envelope ‘Received late’; and
 - “(b) mark the envelope with the Electoral Commission’s official mark; and
 - “(c) sign the envelope on behalf of the Electoral Commission.
- “(7) Immediately after marking an envelope in accordance with subclause (5) or (6), an Electoral Commissioner or electoral official must arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued.

“48A Receipt of special votes by facsimile

- “(1) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives a ballot paper, any voting papers, and a declaration forwarded by facsimile under regulation 47A must immediately—
- “(a) ensure that particulars of the time and date of receipt of the copies of the ballot paper, any voting papers, and the declaration at the Electoral Commission are endorsed on those papers; and
 - “(b) after taking all reasonable steps to preserve the secrecy of the ballot, place the copies of the ballot paper, any voting papers, and the declaration in the appropriate compartments of a special voter envelope.
- “(2) If the documents referred to in subclause (1) are received before the close of the poll, the Electoral Commissioner or electoral official must mark the envelope with the Electoral Commission’s official mark.
- “(3) If the documents referred to in subclause (1) are received after the close of the poll, the Electoral Commissioner or electoral official must—
- “(a) mark the envelope ‘Received late’; and

- “(b) mark the envelope with the Electoral Commission’s official mark; and
 - “(c) sign the envelope on behalf of the Electoral Commission.
- “(4) Immediately after marking an envelope in accordance with subclause (2) or (3), an Electoral Commissioner or electoral official must arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued.

“48B Receipt of special votes electronically

An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives a ballot paper, any voting papers, and a declaration forwarded electronically under regulation 47B must immediately—

- “(a) print the ballot paper, any voting papers, and the declaration; and
- “(b) ensure that the particulars of the time and date of receipt of the ballot paper, any voting papers, and the declaration at the Electoral Commission are endorsed on those papers; and
- “(c) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration in the appropriate compartments of a special voter envelope; and
- “(d) mark the envelope with the Electoral Commission’s official mark and arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued.”

20 Regulation 50 amended (Overseas special votes received in time)

Replace regulation 50(1) with:

- “(1) This regulation applies to every envelope containing a special vote issued under this Part that is received by the Returning Officer for the district for which the vote was issued—
 - “(a) before the close of the poll; or

- “(b) after the close of the poll but not later than 7 pm of the tenth day following polling day marked under regulation 48(1) or (5) with the official mark of—
 - “(i) an Overseas Returning Officer; or
 - “(ii) an Overseas Issuing Officer; or
 - “(iii) a Returning Officer in New Zealand; or
 - “(iv) the Electoral Commission; or
- “(c) after the close of the poll but not later than 7 pm of the tenth day following polling day marked under regulation 48A(2) or 48B(d) with the official mark of the Electoral Commission.”

21 Regulations 54 to 64 replaced

Replace regulations 54 to 64 with:

“54 Electoral Commission may appoint Issuing Officers

- “(1) The Electoral Commission may appoint 1 or more Issuing Officers to issue ballot papers to special voters to whom this Part applies.
- “(2) Every Issuing Officer must, before acting in that capacity, make a declaration in form 1 of Schedule 2 of the Act before any of the following persons:
 - “(a) a permanent officer in the Government of New Zealand; or
 - “(b) another Issuing Officer; or
 - “(c) a medical practitioner; or
 - “(d) a minister of religion; or
 - “(e) a lawyer or an attorney; or
 - “(f) a notary public; or
 - “(g) a Justice of the Peace; or
 - “(h) any other person approved for the purpose by the Electoral Commission.

“55 Electoral Commission to forward special voting papers to Issuing Officers

- “(1) In the case of a general election, the Electoral Commission, or an electoral official on behalf of the Electoral Commission, must forward to every Issuing Officer the required number of copies of the following:
 - “(a) special ballot papers in form 14; and

- “(b) party lists in accordance with regulation 18; and
 - “(c) declarations in form 19, 20, or 21; and
 - “(d) any voting papers required to be issued under any enactment.
- “(2) In the case of a by-election, the Electoral Commission, or a person authorised by the Electoral Commission to do so, must forward to every Issuing Officer the required number of copies of the following:
- “(a) special ballot papers in form 15; and
 - “(b) declarations in form 19, 20, or 21; and
 - “(c) any voting papers required to be issued under any enactment.
- “(3) If it appears to the Electoral Commission that the copies of the documents referred to in subclause (1) or (2) may not reach an Issuing Officer within the time allowed for the issue of special votes, the Electoral Commission may send those documents to the Issuing Officer by facsimile or electronically.

“56 Issue of special voting papers by Issuing Officers

- “(1) Following receipt of documents under regulation 55, the Issuing Officer may issue those documents to special voters.
- “(2) The issue of documents under subclause (1) must be—
- “(a) in accordance with Part 2; and
 - “(b) after the close of nominations; and
 - “(c) completed before 4 pm New Zealand time on the Thursday before polling day.
- “(3) If the Issuing Officer will be forwarding the vote of a special voter by facsimile or electronically to the Electoral Commission under regulation 61, the Issuing Officer must issue to the special voter together with the documents referred to in subclause (1) a consent form in form 22.

“57 Electoral Commission may issue special voting papers to special voters

- “(1) If an Issuing Officer is not able to issue documents to a special voter under regulation 56, the Electoral Commission may, on the request of the special voter, issue directly to the special

voter in accordance with Part 2 each of the documents referred to in regulation 55(1) or (2), as the case may be.

- “(2) The documents may be issued to the special voter under subclause (1)—
 - “(a) electronically; or
 - “(b) by post, if it is impracticable to issue them electronically; or
 - “(c) by facsimile, if it is impracticable to issue them electronically or by post; or
 - “(d) by dictation, if it is impracticable to issue them by any of the methods specified in paragraphs (a) to (c).
- “(3) A copy of the official mark of the Electoral Commission must be on every ballot paper and every declaration issued under this regulation.
- “(4) For the purposes of subclause (2)(a), documents are issued electronically if those documents are able to be—
 - “(a) accessed by electronic means, including (without limitation) by means of remote log-on access; and
 - “(b) readily inspected and reproduced in a useable form.

“**58 Dictation of special votes**

- “(1) If the Electoral Commission grants a request under regulation 57(2)(d) to issue a vote by dictation, the Electoral Commission must make any arrangements that the Electoral Commission considers to be necessary for the issue and receipt of special votes by dictation, including—
 - “(a) arrangements for the votes to be made by—
 - “(i) radio telephone; or
 - “(ii) any other means that the Electoral Commission may approve; and
 - “(b) to the extent possible, arrangements to preserve the secrecy of the ballot; and
 - “(c) arrangements to ensure votes are accurately recorded on ballot papers; and
 - “(d) arrangements for envelopes containing special votes recorded under this regulation to be marked with the Electoral Commission’s official mark and forwarded to the Returning Officer for the district for which the vote was issued.

- “(2) A special vote by dictation must be received by the Electoral Commission by 4 pm New Zealand time on the Thursday before polling day (the **deadline**).
- “(3) To avoid doubt, a voter who is voting by dictation at the deadline is entitled to complete dictating his or her vote.

“**59 Return of special votes**

- “(1) A special voter to whom documents referred to in regulation 55(1) or (2) have been issued, other than by dictation under regulation 57(2)(d), may, after voting in the manner prescribed for special voters in Part 2, arrange for the ballot paper, any voting papers, and the declaration to be delivered—
 - “(a) by hand, in an envelope, to the Issuing Officer; or
 - “(b) by post, in an envelope, to—
 - “(i) a Returning Officer in New Zealand; or
 - “(ii) the Electoral Commission; or
 - “(c) by facsimile to the Electoral Commission; or
 - “(d) by electronic transmission to the Electoral Commission, if for the particular election a system allowing secure electronic transmission is made available by the Electoral Commission.
- “(2) A special voter may complete and attach to an envelope delivered under subclause (1)(a) a consent form in form 22.
- “(3) An envelope delivered by hand under subclause (1)(a) must be received by the Issuing Officer by 4 pm local time on the day before polling day.
- “(4) An envelope delivered by post under subclause (1)(b) must be—
 - “(a) postmarked or date-stamped with a date that is at least 2 days before polling day; and
 - “(b) received by the Returning Officer in New Zealand, or the Electoral Commission, not later than noon New Zealand time on the fourth day after polling day.
- “(5) A ballot paper, any voting papers and a declaration delivered by facsimile under subclause (1)(c) or electronically under subclause (1)(d) must be received by the Electoral Commission before the close of the poll.

“60 Receipt of special votes by hand or post

- “(1) An Issuing Officer who receives, in accordance with regulation 59(3), an envelope containing a special vote that is delivered by hand under regulation 59(1)(a) must immediately—
- “(a) endorse on the envelope particulars of the place at which, and the time and date on which, he or she receives the envelope; and
 - “(b) mark the envelope with his or her official mark.
- “(2) An Issuing Officer who receives, otherwise than in accordance with regulation 59(3), an envelope containing a special vote that is delivered by hand under regulation 59(1)(a) must immediately—
- “(a) mark the envelope ‘Received late’; and
 - “(b) mark the envelope with his or her official mark; and
 - “(c) sign the envelope.
- “(3) Immediately after dealing with the envelope in accordance with subclause (1) or (2), the Issuing Officer must—
- “(a) post or forward the envelope to the Returning Officer for the district for which the vote was issued; or
 - “(b) forward the contents of the envelope by facsimile or electronic transmission to the Electoral Commission in accordance with regulation 61(2).
- “(4) A Returning Officer in New Zealand who receives, in accordance with the requirements of regulation 59(4), an envelope containing a special vote that is delivered by post under regulation 59(1)(b)(i) must immediately mark the envelope with his or her official mark.
- “(5) A Returning Officer in New Zealand who receives, otherwise than in accordance with the requirements of regulation 59(4), an envelope containing a special vote that is delivered by post under regulation 59(1)(b)(i) must immediately—
- “(a) mark the envelope ‘Received late’; and
 - “(b) mark the envelope with his or her official mark; and
 - “(c) sign the envelope.
- “(6) Immediately after dealing with the envelope in accordance with subclause (4) or (5), a Returning Officer in New Zealand must post or forward the envelope to the Returning Officer for the district for which the vote was issued (if not the Returning Officer’s own district).

- “(7) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives, in accordance with the requirements of regulation 59(4), an envelope containing a special vote that is delivered by post under regulation 59(1)(b)(ii) must immediately mark the envelope with the Electoral Commission’s official mark.
- “(8) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives, otherwise than in accordance with the requirements of regulation 59(4), an envelope containing a special vote that is delivered by post under regulation 59(1)(b)(ii) must immediately—
- “(a) mark the envelope ‘Received late’; and
 - “(b) mark the envelope with the Electoral Commission’s official mark; and
 - “(c) sign the envelope on behalf of the Electoral Commission.
- “(9) Immediately after dealing with the envelope in accordance with subclause (6) or (7), an Electoral Commissioner or electoral official must arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued.

“61 Issuing Officer may forward special votes by facsimile or electronically

- “(1) If an Issuing Officer considers that it is doubtful whether forwarding an envelope containing a special vote under regulation 60(3)(a) will reach the Returning Officer by 7 pm on the tenth day following polling day, the Issuing Officer must, if a completed consent form in form 22 is attached to that envelope, deal with that envelope in accordance with this regulation.
- “(2) If the Issuing Officer is satisfied that no other person is present, the Issuing Officer must, before the close of the poll, take each envelope required to be dealt with under this regulation and do the following:
- “(a) extract the declaration form from the declaration compartment of each envelope, write the consecutive number from the declaration form on the outside of that envelope, and forward the declarations by facsimile or

electronic transmission to the Electoral Commission;
and

- “(b) replace each declaration in the declaration compartment of the corresponding envelope, together with the consent form in form 22; and
- “(c) extract the ballot paper and any voting papers from the compartments of each of the envelopes marked ‘BALLOT AND/OR VOTING PAPERS’, remove any gummed paper covering the consecutive number on the ballot paper and any voting papers, and forward the ballot paper and any voting papers to the Electoral Commission electronically or by facsimile; and
- “(d) replace the ballot paper and any voting papers in the compartment of the corresponding envelope marked ‘BALLOT AND/OR VOTING PAPERS’; and
- “(e) reseal both compartments of the envelope; and
- “(f) endorse on the envelope the words ‘Opened and forwarded under Part 4 of the Electoral Regulations 1996’, and sign and date that endorsement.

“62 Receipt of special votes by facsimile

- “(1) This section applies if an Electoral Commissioner, or electoral official on behalf of the Electoral Commission, receives ballot papers, voting papers, and declarations by facsimile—
 - “(a) under regulation 59(1)(c); or
 - “(b) under regulation 61.
- “(2) If the documents referred to in subclause (1) are received before the close of the poll in accordance with regulation 59(5), an Electoral Commissioner or electoral official on behalf of the Electoral Commission must immediately—
 - “(a) ensure that particulars of the time and date of receipt of the ballot papers, voting papers, and declarations at the Electoral Commission are endorsed on those papers; and
 - “(b) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration form in the appropriate compartments of a special voter envelope; and

- “(c) mark the envelope with the Electoral Commission’s official mark; and
 - “(d) arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued.
- “(3) If the documents referred to in subclause (1) are received after the close of the poll, subclause (2)(c) does not apply and an Electoral Commissioner or electoral official must, before arranging for the envelope to be posted or forwarded under subclause (2)(d),—
- “(a) mark the envelope ‘Received late’; and
 - “(b) mark the envelope with the Electoral Commission’s official mark; and
 - “(c) sign the envelope on behalf of the Electoral Commission.

“**63 Receipt of special votes by electronic transmission**

- “(1) This section applies if an Electoral Commissioner, or electoral official on behalf of the Electoral Commission, receives ballot papers, voting papers, and declarations by electronic transmission—
- “(a) under regulation 59(1)(d) in accordance with regulation 59(5); or
 - “(b) under regulation 61.
- “(2) An Electoral Commissioner or electoral official on behalf of the Electoral Commission must immediately—
- “(a) print the ballot paper, any voting papers, and the declaration; and
 - “(b) ensure that particulars of the time and date of receipt of the ballot papers, voting papers, and declarations at the Electoral Commission are endorsed on those papers; and
 - “(c) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration form in the appropriate compartments of a special voter envelope; and
 - “(d) mark the envelope with the Electoral Commission’s official mark; and

- “(e) arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued.

“63A Special votes under this Part received in time

- “(1) This regulation applies to every envelope containing a special vote issued under this Part that is received by the Returning Officer for the district for which the vote was issued—
 - “(a) before the close of the poll; or
 - “(b) after the close of the poll but not later than 7 pm on the tenth day following polling day—
 - “(i) marked under regulation 60(1)(b) with the official mark of an Issuing Officer; or
 - “(ii) marked under regulation 60(4) with the official mark of a Returning Officer in New Zealand; or
 - “(iii) marked under regulation 60(7), 62(2)(c), or 63(2)(d) with the official mark of the Electoral Commission.
- “(2) The Returning Officer for the district for which the vote was issued must open the declaration compartment of the envelope and extract the declaration form and the provisions of regulations 35 to 42 then apply.

“64 Special votes under this Part received late

- “(1) This regulation applies to every envelope appearing to contain a special vote issued under this Part to which regulation 63A does not apply.
- “(2) The Returning Officer for the district for which the vote was issued must—
 - “(a) extract the declaration form; and
 - “(b) disallow the vote; and
 - “(c) set the envelope aside without opening the compartment labelled ‘BALLOT AND/OR VOTING PAPERS’; and
 - “(d) write across both the declaration form and the envelope ‘Disallowed, received late’.
- “(3) Regulations 39, 40, and 42 apply in respect of votes disallowed under subclause (2).”

22 Regulation 64A amended (Parcels of unused and spoilt ballot and voting and other papers)

- (1) In regulation 64A(1)(a)(iv), replace “regulation 61B” with “regulation 61”.
- (2) In regulation 64A(2)(b)(iv), replace “regulation 61B” with “regulation 61”.

23 Schedule 1 amended

- (1) In Schedule 1, form 14 heading, after “21(1)(a)”, insert “, 43(2)(a), 55(1)(a)”.
- (2) In Schedule 1, form 15 heading, after “21(1)(b)”, insert “, 43(3)(a), 55(2)(a)”.
- (3) In Schedule 1, form 19 heading, after “35(2)(b)”, insert “, 55(1)(c), 55(2)(b)”.
- (4) In Schedule 1, form 20 heading, replace “rr 25(3), 45(2)(a)” with “rr 25(3), 43(2)(c), 43(3)(b), 45(2)(a), 55(1)(c), 55(2)(b)”.
- (5) In Schedule 1, form 21 heading, replace “45(2)(b) 45A(3)” with “43(2)(c), 43(3)(b), 45(2)(b), 55(1)(c), 55(2)(b)”.
- (6) In Schedule 1, form 22 heading, replace “rr 58, 59, 61B” with “rr 56(3), 59(2), 61”.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

These rules, which come into force on 1 June 2014, amend the Electoral Regulations 1996 (the **principal regulations**) to implement 5 substantive changes.

First, *new regulations 23A and 23B* are inserted in the principal regulations to enable the Electoral Commission to make arrangements to receive votes by telephone dictation from special voters in New Zealand for whom it would not be practicable to vote at a polling

place without incurring hardship or serious inconvenience and who need assistance in voting because of blindness or another physical disability. Currently, dictation voting is available only under Part 4 of the principal regulations to voters in remote locations outside New Zealand who do not have access to facsimile facilities. In making dictation voting available to this further class of special voters, the Electoral Commission must make arrangements to ensure that votes are accurately recorded on ballot papers and that, so far as possible, the secrecy of the ballot is preserved.

Secondly, *new regulation 24A* is inserted in the principal regulations to provide for the appointment of scrutineers in advance polling places. An advance polling place is an office maintained by a Returning Officer under regulation 19(2) where special voters may vote before polling day. Such scrutineers are appointed in the same way, and have the same functions and duties, as scrutineers appointed under section 160 of the Electoral Act 1993 for polling places on polling day.

Thirdly, regulation 27 is amended to extend the time frame for the return by post of a special vote exercised in New Zealand. Currently, such votes must be received by a Returning Officer or an Issuing Officer no later than at the close of the poll. Postal votes will be able to be received by a Returning Officer or an Issuing Officer up to noon on the fourth day following polling day in an envelope that is postmarked or date-stamped by a New Zealand Post outlet or agency before polling day. Any postal vote that does not comply with these requirements will be marked as having been received late and disallowed.

Fourthly, the time frames for returning overseas special votes to which Part 3 of the principal regulations applies are also clarified.

Fifthly, the substantive provisions in Part 4 of the principal regulations (Voting from Tokelau, Campbell Island, Raoul Island, Ross Dependency, fishing vessels, and remote locations overseas) are rewritten to make them clearer, particularly in relation to the time frames for the return of votes, and to simplify cross-referencing.

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Electoral Amendment Regulations 2014

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