

Local Electoral Amendment Regulations 2002

Pursuant to section 139 of the Local Electoral Act 2001, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

		Page
1	Title	3
2	Commencement	4
3	Interpretation	4
4	New regulation 5A inserted	4
	5A General description of Single Transferable Voting electoral system	4
5	New regulation 8 substituted	6
	8 Authorised electoral systems	7
6	Procedure if special votes allowed	7
7	New regulation 48 substituted	7
	48 Interpretation	7
8	Sorting and scrutiny of envelopes on return	8
9	Processing voting documents during the voting period	8
10	Procedure after close of voting	8
11	Public notice of official result of election	8
12	Public notice of official result of poll	8
13	Electoral officer's certificate	8
14	Master roll	9
15	Procedure after close of voting	9
16	Public notice of official result of election	9
17	Public notice of official result of poll	9
18	Electoral officer's certificate	9
19	Master roll	9
20	New Parts 4 and 5 substituted	10

Part4
**Conduct of elections and polls using Single
Transferable Voting electoral system**

90	Application of this Part	10
91	Interpretation	10
92	Transferable valid voting documents for elections	11
93	Transferable valid voting documents for polls	11
94	Forfeiture of deposit	12
	<i>Postal voting</i>	
95	Application of postal voting regulations	12
96	Issue of voting documents	12
97	Spoilt voting documents	13
98	Electoral officer must keep offices open until close of voting	13
99	Voting documents received after close of voting must be marked	13
100	Sorting and scrutiny of envelopes on return	13
101	Processing voting documents during voting period	14
102	Counting of votes after early processing	14
103	Processing of votes where no early processing determination	15
104	Counting of votes after close of voting	15
105	Other disallowed votes	16
106	Official results of election	16
107	Official results of poll	17
108	Public notice of official result of election	18
109	Public notice of official result of poll	19
110	Containers for voting documents	19
111	Electoral records	19
112	Security of voting documents	20
113	Electoral officer may announce number of voting documents sent and returned	20
114	Master roll	20
	<i>Booth voting</i>	
115	Application of booth voting regulations	21
116	Booths, ballot boxes, and voting documents, etc	21
117	Ballot box must be kept secure during voting hours	21
118	Persons may not remain in official places	22
119	Voters may not be spoken to in booths	22

120	Issue of voting documents	22
121	Procedure when second vote applied for in same name	22
122	Spoilt voting documents	23
123	Procedure after close of voting	23
124	Counting of votes after close of voting	23
125	Other disallowed votes	24
126	Official results of election	24
127	Official results of poll	25
128	Public notice of official result of election	26
129	Public notice of official result of poll	27
130	Electoral records	27
131	Security of voting documents	28
132	Master roll	28
133	Mobile polling booths	28
134	Booth voting over consecutive days	29
135	Arrangements for booth voting over consecutive days	29

Part5

Miscellaneous provisions

Declarations

136	Declaration of electoral officer, etc	29
137	Declaration of scrutineers	30

Eligibility of Justices

138	Eligibility of Justices to observe processing of voting documents	30
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Deposits

139	Application for recount	31
140	Petition for inquiry	31

1 Title

- (1) These regulations are the Local Electoral Amendment Regulations 2002.
- (2) In these regulations, the Local Electoral Regulations 2001 SR 2001/145 are called “the principal regulations”.

2 Commencement

These regulations come into force on the day after the date of their notification in the *Gazette*.

3 Interpretation

- (1) Regulation 4(1) of the principal regulations is amended by inserting, after the definition of **Act**, the following definition:

“**blank voting document** has the meaning given to it by—

“(a) regulation 48, for the purposes of Part 3; and

“(b) regulation 91, for the purposes of Part 4”.

- (2) Regulation 4(1) of the principal regulations is amended by revoking the definition of **informal voting document**, and substituting the following definition:

“**informal voting document** has the meaning given to it by—

“(a) regulation 48, for the purposes of Part 3; and

“(b) regulation 91, for the purposes of Part 4”.

- (3) Regulation 4(1) of the principal regulations is amended by inserting, after the definition of **postal voter**, the following definition:

“**Single Transferable Voting electoral system** means the electoral system commonly known as the Single Transferable Voting electoral system using Meek’s method of counting votes, a general description of which is set out in regulation 5A”

- (4) Regulation 4(1) of the principal regulations is amended by adding the following definition:

“**valid voting document** has the meaning given to it by regulation 91, for the purposes of Part 4.”

4 New regulation 5A inserted

The principal regulations are amended by inserting, after regulation 5, the following regulation:

“5A General description of Single Transferable Voting electoral system

The electoral system commonly known as Single Transferable Voting is an electoral system that,—

- “(a) in the case of an election for multi-member vacancies, has the following features:

- “(i) voting by order of preference for the candidates:
 - “(ii) a quota for election, calculated from the number of votes and the number of positions to be filled:
 - “(iii) a first count of first preferences only, and the election of any candidate who equals or exceeds the quota (except in the special case of a multi-way tie):
 - “(iv) redistribution of surplus votes (above the quota) for any candidate in accordance with the voter’s further preferences, and election of any candidate who then reaches the quota:
 - “(v) when no further distribution of surpluses is possible, the exclusion of the candidate who then has the fewest votes, and redistribution of those votes:
 - “(vi) further counting, election, redistribution of surpluses, and exclusion, as necessary, until all positions for election are filled.
- “(b) in the case of an election for a mayoral or single member vacancy, has the following features:
- “(i) voting by order of preference for the candidates:
 - “(ii) an absolute majority of votes for election, calculated from the number of votes and the number of positions to be filled:
 - “(iii) a first count of first preferences only, and the election of any candidate whose votes equals or exceeds the absolute majority of votes (except in the special case of a multi-way tie):
 - “(iv) if no candidate is elected, the exclusion of the candidate who then has the fewest votes, and redistribution of those votes in accordance with the voter’s further preferences, and the election of any candidate

- who then reaches the absolute majority of votes:
- “(vi) if no candidate is elected, further counting and exclusion, until the position for election has been filled:
- “(c) in the case of a poll involving 1 proposal with 3 or more options, or 3 or more proposals, has the following features:
- “(i) voting by order of preference for the proposals or options:
 - “(ii) an absolute majority of votes for the carrying of a proposal or option, calculated from the number of votes and the number of proposals or options to be carried:
 - “(iii) a first count of first preferences only, and the carrying of any proposal or option that equals or exceeds the absolute majority of votes (except in the special case of a multi-way tie):
 - “(iv) if no proposal or option is carried, the exclusion of the proposal or option which then has the fewest votes, and redistribution of those votes in accordance with the voter’s further preferences, and the carrying of any proposal or option that then reaches the absolute majority of votes:
 - “(v) if no proposal or option is carried further counting and exclusion, until one proposal or option has been carried.”

2The features of Meek’s method of counting votes that distinguish it from other methods of counting Single Transferable Votes (which relate to vote transfer, value of surpluses, sharing of votes, recalculation of quota, and the need to use computer technology) are set out in clauses 2 to 6 of Schedule 1 of the Act.

5 New regulation 8 substituted

The principal regulations are amended by revoking regulation 8, and substituting the following regulation:

“8 Authorised electoral systems

The following electoral systems may be used at an election or poll conducted under the Act:

- “(a) the First Past the Post electoral system; or
- “(b) the Single Transferable Voting electoral system.”

6 Procedure if special votes allowed

Regulation 45(1) of the principal regulations is amended by omitting the words “and regulation 55”, and substituting the words “and regulations 55 and 100”.

7 New regulation 48 substituted

The principal regulations are amended by revoking regulation 48, and substituting the following regulation:

“48 Interpretation

In this Part, unless the context otherwise requires,—

“**blank voting document** means a voting document, in the case of an election or a poll, on which the voter has not attempted to indicate his or her intention to vote for 1 or more candidates or 1 or more proposals or options on the voting document with respect to that election or poll

“**informal voting document** means a voting document—

- “(a) in respect of which the electoral officer has reasonable cause to believe that it was not issued to an elector by the electoral officer or other electoral official; or
- “(b) in the case of an election,—
 - “(i) on which the number of candidates for whom the voter has voted exceeds the number of candidates to be elected; or
 - “(ii) that does not clearly indicate the candidate or candidates for whom the voter desired to vote; or
- “(c) in the case of a poll,—
 - “(i) on which the number of proposals or options for which the voter has voted exceeds the number of proposals or options to be carried; or
 - “(ii) that does not clearly indicate the proposals or options for which the voter desired to vote.”

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- 8 Sorting and scrutiny of envelopes on return**
Regulation 55(1) of the principal regulations is amended by omitting the words “on the envelopes”, and substituting the words “visible from the unopened envelopes”.
- 9 Processing voting documents during the voting period**
Regulation 56(3)(c) of the principal regulations is amended by adding the words “or a blank voting document”.
- 10 Procedure after close of voting**
Regulation 59(3) of the principal regulations is amended by adding the words “or any blank voting documents”.
- 11 Public notice of official result of election**
Regulation 62 of the principal regulations is amended by adding to paragraph (e) the word “and” and also by adding the following paragraph:
“(f) the number of blank votes recorded.”
- 12 Public notice of official result of poll**
Regulation 63 of the principal regulations is amended by adding to paragraph (e) the word “and” and also by adding the following paragraph:
“(f) the number of blank votes recorded.”
- 13 Electoral officer’s certificate**
(1) Regulation 66(1) of the principal regulations is amended by adding to paragraph (d) the word “and” and also by adding the following paragraph:
“(e) the number of blank votes recorded.”
(2) Regulation 66(2) of the principal regulations is amended by adding to paragraph (e) the word “and” and also by adding the following paragraph:
“(f) the number of blank votes recorded.”

14 Master roll

Regulation 69(1) of the principal regulations is amended by inserting, before the words “general election”, the word “triennial”.

15 Procedure after close of voting

- (1) Regulation 78(2) of the principal regulations is amended by adding the words “or any blank voting documents”.
- (2) Regulation 78(3) of the principal regulations is amended by inserting, after the words “the election”, the words “or poll”.

16 Public notice of official result of election

Regulation 81 of the principal regulations is amended by adding to paragraph (e) the word “and” and also by adding the following paragraph:

- “(f) the number of blank votes recorded.”

17 Public notice of official result of poll

Regulation 82 of the principal regulations is amended by adding to paragraph (e) the word “and” and also by adding the following paragraph:

- “(f) the number of blank votes recorded.”

18 Electoral officer’s certificate

- (1) Regulation 84(1) of the principal regulations is amended by adding to paragraph (d) the word “and” and also by adding the following paragraph:

“(e) the number of blank votes recorded.”

- (2) Regulation 84(2) of the principal regulations is amended by adding to paragraph (e) the word “and” and also by adding the following paragraph:

“(f) the number of blank votes recorded.”

19 Master roll

Regulation 86(1) of the principal regulations is amended by inserting, before the words “general election”, the word “triennial”.

20 New Parts 4 and 5 substituted

The principal regulations are amended by revoking Part 4, and substituting the following Parts:

“Part4**“Conduct of elections and polls using
Single Transferable Voting electoral
system****“90 Application of this Part**

This Part applies if the electoral system to be used at an election or poll is the Single Transferable Voting electoral system, and the voting methods to be used at the election or poll are either postal voting or booth voting or a combination of both.

“91 Interpretation

“(1) In this Part, unless the context otherwise requires,—

“**blank voting document** means a voting document, in the case of an election or a poll, on which the voter has not attempted to indicate his or her intention to vote for 1 or more candidates or 1 or more proposals or options on the voting document with respect to that election or poll

“**informal voting document** means a voting document—

“(a) in respect of which the electoral officer has reasonable cause to believe that it was not issued to an elector by the electoral officer or other electoral official; or

“(b) in the case of an election,—

“(i) that does not clearly indicate the voter’s unique first preference; or

“(ii) on which a unique first preference is recorded for a candidate who is no longer available for election and no further preferences are indicated on the voting document; or

“(c) in the case of a poll, that does not clearly indicate the voter’s unique first preference

“**valid voting document** means a voting document—

“(a) on which a unique first preference is clearly indicated; and

“(b) subject to regulations 92 and 93, where the voter chooses to do so, on which subsequent consecutive unique preferences are clearly indicated.

“(2) In this Part, unless the context otherwise requires, every reference to a determination or any other action of an electoral officer at an election or poll includes an action taken automatically, without reference to the electoral officer, by a computer program or other process used at the election or poll.

“92 Transferable valid voting documents for elections

“(1) In the case of an election, a valid voting document is transferable up to and until the point that it becomes non-transferable such that no next consecutive unique preference for a non-excluded candidate is clearly indicated or can be identified by the electoral officer.

“(2) Despite subclause (1), if a voter has indicated a preference on his or her voting document for a candidate and section 71(1) of the Act applies in respect of that candidate, then the preference on that valid voting document for that candidate must be ignored and the next unique consecutive preference must be counted.

“(3) Despite subclause (1), if a voter has indicated a preference on his or her voting document for a candidate who ceases to be available for election under section 84(4) of the Act or who is treated as having vacated office under section 88(1) of the Act, then the preference on that valid voting document for that candidate must be ignored and the next unique consecutive preference must be counted.

“93 Transferable valid voting documents for polls

In the case of a poll, a valid voting document is transferable up to and until the point that it becomes non-transferable such that no next consecutive unique preference for a non-excluded proposal or option is clearly indicated or can be identified by the electoral officer.

“94 Forfeiture of deposit

A candidate forfeits his or her deposit under section 59 of the Act if the total number of votes received by the candidate was,—

- “(a) in the case of an election for multi-member vacancies, less than one-quarter of the final quota as determined at the last iteration; and
- “(b) in the case of an election for a mayoral or single member vacancy, less than one-quarter of the final absolute majority of votes as determined at the last iteration.

*“Postal voting***“95 Application of postal voting regulations**

- “(1) Regulations 96 to 106, 108, and 110 to 114 apply if postal voting is being used at an election.
- “(2) Regulations 96 to 105, 107, and 109 to 114 apply if postal voting is being used at a poll.

“96 Issue of voting documents

- “(1) As soon as practicable after the 23rd day before the close of voting and, in any case, not later than the 17th day before the close of voting, the electoral officer must send to each elector on the electoral roll—
 - “(a) the voting documents for any election or poll for which the elector is eligible to vote; and
 - “(b) in the case of an election, the candidate profile statements as set out in regulation 29; and
 - “(c) any other material required to be sent to the elector by regulation 46 or any other enactment; and
 - “(d) a reply-paid return envelope; and
 - “(e) instructions for the return of the voting documents.
- “(2) The electoral officer must send the documents under subclause (1) to each elector—
 - “(a) at the address shown against that elector’s name on the electoral roll; or
 - “(b) at the elector’s usual postal address if, to the electoral officer’s knowledge, that address is different from the address shown on the roll.

“(3) The envelope referred to in subclause (1)(d) must include the information necessary to identify the elector on the electoral roll to whom the voting documents have been sent.

“**97 Spoilt voting documents**

An elector who spoils or loses or fails to receive his or her voting documents before the close of voting must be treated as a special voter, and regulations 35 to 45 apply accordingly.

“**98 Electoral officer must keep offices open until close of voting**

During the voting period, the electoral officer must keep his or her offices open during ordinary office hours and also on polling day until the close of voting so that he or she can receive any voting documents.

“**99 Voting documents received after close of voting must be marked**

“(1) Any voting documents that are delivered after the close of voting to the electoral officer must be marked ‘Disallowed, delivered late.’

“(2) Any voting documents marked ‘Disallowed, delivered late.’ are to be dealt with separately and must not be counted.

“**100 Sorting and scrutiny of envelopes on return**

“(1) At any time before the close of voting, the electoral officer may sort the envelopes containing the voting documents according to the identification information visible from the unopened envelopes.

“(2) The electoral officer may begin a scrutiny of the roll under section 83 of the Act from the unopened envelopes.

“(3) The sorting or the scrutiny must be conducted—

“(a) at preappointed times advised to candidates and their scrutineers appointed under section 66 or section 67 of the Act; and

“(b) in the presence of those scrutineers who choose to be present.

“(4) This regulation is subject to regulation 101.

“101 Processing voting documents during voting period

- “(1) This regulation and regulation 102 apply if the local authority has made a determination under section 79 of the Act authorising the processing of voting documents during the voting period.
- “(2) Before undertaking any step referred to in subclause (3), the electoral officer must—
- “(a) undertake the sorting of unopened envelopes; and
 - “(b) subject the unopened envelopes to the scrutiny of the roll.
- “(3) After an unopened envelope has been sorted and subjected to the scrutiny of the roll, electoral officials may, subject to section 81 of the Act,—
- “(a) extract the voting document; and
 - “(b) if it is a valid voting document, process the voting document in accordance with the Single Transferable Voting electoral system by the vote being recorded electronically from the voting document; and
 - “(c) if it is an informal voting document or a blank voting document, reject the voting document.
- “(4) After any valid voting document has been processed under subclause (3)(b), the valid voting document, either before or after the close of voting, must be processed for a second time by a different person in accordance with the Single Transferable Voting electoral system by the vote being recorded electronically from the voting document.
- “(5) The electoral officer must resolve any discrepancies as to the way in which a valid voting document is processed under subclause (3)(b) and the way in which it is processed under subclause (4).

“102 Counting of votes after early processing

- “(1) As soon as practicable after the close of voting, the votes recorded from the valid voting documents that have been processed under regulation 101(3)(b) and regulation 101(4) must be counted.

- “(2) After the electoral officer has complied with subclause (1), the votes recorded from the valid voting documents must be counted for a second time.
- “(3) Valid voting documents of special voters that have been allowed and that have not yet been counted must be included in the second count under subclause (2).
- “(4) The electoral officer must resolve any discrepancies as to the way in which a valid voting document is counted under subclause (1) and the way in which it is counted under subclause (2).
- “(5) If this regulation applies, regulations 103 and 104 do not apply.

“103 Processing of votes where no early processing determination

- “(1) This regulation and regulation 104 apply if the local authority has not made a determination under section 79 of the Act.
- “(2) Immediately after the close of voting, the electoral officials must, subject to section 81 of the Act,—
 - “(a) process the voting documents in accordance with the Single Transferable Voting electoral system if they are valid voting documents, by the votes being recorded electronically from the voting document; and
 - “(b) reject any voting document if it is an informal voting document or a blank voting document.
- “(3) After any valid voting document has been processed under subclause (2)(a), the valid voting document must be processed for a second time by a different person in accordance with the Single Transferable Voting electoral system by the vote being recorded electronically from the voting document.
- “(4) The electoral officer must resolve any discrepancies as to the way in which a valid voting document is processed under subclause (2)(a) and the way in which it is processed under subclause (3).

“104 Counting of votes after close of voting

- “(1) As soon as practicable after the valid voting documents have been processed under regulation 103(2)(a) and regulation

103(3), the votes recorded from those valid voting documents must be counted.

- “(2) After the electoral officer has complied with subclause (1), the votes recorded from the valid voting documents must be counted for a second time.
- “(3) Valid voting documents of special voters that have been allowed and that have not yet been counted must be counted and the votes must be included in the second count under subclause (2).
- “(4) The electoral officer must resolve any discrepancies as to the way in which a valid voting document is counted under subclause (1) and the way in which it is counted under subclause (2).

“105 Other disallowed votes

For the purpose of section 83(2) of the Act, the manner of disallowing a voting document where the electoral officer is satisfied that more than 1 vote has been cast in the name of an elector at the same election or poll is to mark on every voting document for that elector the words ‘Disallowed, more than 1 vote cast’.

“106 Official results of election

- “(1) The official results of an election for multi-member vacancies must include—
 - “(a) the initial quota as determined at the first iteration; and
 - “(b) the quota as determined at each iteration at which a candidate was elected or excluded; and
 - “(c) the number of votes recorded for each candidate and the number of non-transferable votes at each iteration at which a candidate was elected or excluded; and
 - “(d) the final keep value for each candidate as determined at the iteration at which that candidate was elected or excluded; and
 - “(e) the iteration number at which each candidate was elected or excluded; and
 - “(f) the full names of the candidates who are declared to be elected; and
 - “(g) the full names of the unsuccessful candidates; and

- “(h) the total number of voting documents used at the election, including special voting documents; and
 - “(i) the number of informal voting documents recorded; and
 - “(j) the number of blank voting documents recorded.
- “(2) The official results of an election for a mayoral or single member vacancy must include—
- “(a) the initial absolute majority of votes as determined at the first iteration; and
 - “(b) the absolute majority of votes as determined at each iteration at which a candidate was elected or excluded; and
 - “(c) the number of votes recorded for each candidate and the number of transferable votes at each iteration at which a candidate was excluded; and
 - “(d) the iteration number at which each candidate was excluded; and
 - “(e) the full name of the candidate who is declared to be elected; and
 - “(f) the full names of the unsuccessful candidates; and
 - “(g) the total number of voting documents used at the election, including special voting documents; and
 - “(h) the number of informal voting documents recorded; and
 - “(i) the number of blank voting documents recorded.

“107 Official results of poll

The official results of a poll must include—

- “(a) the initial absolute majority of votes as determined at the first iteration; and
- “(b) the absolute majority of votes as determined at each iteration at which a proposal or option was carried or excluded; and
- “(c) the number of votes recorded for each proposal or option and the number of non-transferable votes at each iteration at which a proposal or option was carried or excluded; and
- “(d) the iteration number at which each proposal or option was carried or excluded; and
- “(e) the proposal or option that is declared to be carried; and

- “(f) the total number of voting documents used at the poll, including special voting documents; and
- “(g) the number of informal voting documents recorded; and
- “(h) the number of blank voting documents recorded.

“108 Public notice of official result of election

- “(1) For the purpose of section 86 of the Act, the public notice declaring the official result of an election for multi-member vacancies must state—
 - “(a) the number of persons to be elected for the local government area; and
 - “(b) the final quota as determined at the last iteration; and
 - “(c) the full names of the candidates who are declared to be elected shown in descending order of election so that the first candidate who was declared to be elected is shown first and so on; and
 - “(d) the full names of the candidates who were excluded shown in the reverse order in which they were excluded so that the candidate who was excluded last is shown first and so on; and
 - “(e) the number of informal voting documents recorded; and
 - “(f) the number of blank voting documents recorded; and
 - “(g) a statement that full details of the official results of the election are available on request from the electoral officer.
- “(2) For the purpose of section 86 of the Act, the public notice declaring the official result of an election for a mayoral or single member vacancy must state—
 - “(a) the local government area; and
 - “(b) the final absolute majority of votes as determined at the last iteration; and
 - “(c) the full name of the candidate who is declared to be elected; and
 - “(d) the full names of candidates who were excluded shown in the reverse order in which they were excluded so that the candidate who was excluded last is shown first and so on; and
 - “(e) the number of informal voting documents recorded; and
 - “(f) the number of blank voting documents recorded; and

- “(g) a statement that full details of the official results of the election are available on request from the electoral officer.

“109 Public notice of official result of poll

For the purpose of section 86 of the Act, the public notice declaring the official result of a poll must state—

- “(a) the local government area; and
- “(b) the proposal with options or the proposals that were the subject of the poll; and
- “(c) the final absolute majority of votes as determined at the last iteration; and
- “(d) the proposal or option that is declared to be carried; and
- “(e) the proposals or options that were excluded shown in the reverse order in which they were excluded so that the proposal or option which was excluded last is shown first and so on; and
- “(f) the number of informal voting documents recorded; and
- “(g) the number of blank voting documents recorded; and
- “(h) a statement that full details of the official results of the poll are available on request from the electoral officer.

“110 Containers for voting documents

- “(1) The electoral officer must provide 1 or more containers to hold used voting documents.
- “(2) Outside of ordinary office hours, the containers must be kept in a locked room or other secure place.

“111 Electoral records

- “(1) As soon as practicable after the voting documents have been counted for a second time for the purpose of section 89(1) of the Act, the voting documents must be secured as follows:
 - “(a) the electoral officials must make up the voting documents (including special voting documents) into parcels and place them in secure containers; and
 - “(b) the electoral officer must endorse and sign a memorandum on each container that states—
 - “(i) the name of the local authority and the local government area; and

- “(ii) the voting period; and
 - “(iii) the number of used voting documents in the container.
- “(2) For the purpose of section 89(5) of the Act, the specified materials that must be secured with the voting documents are—
- “(a) copies of electoral rolls (other than the roll or rolls used for the scrutiny of the roll under section 83 of the Act); and
 - “(b) special voting declarations; and
 - “(c) any other documents used in connection with the election or poll.
- “(3) For the purpose of section 89(1) of the Act, the specified materials must be placed in secure containers, and the electoral officer must endorse and sign a memorandum on the containers giving a general description of the contents of the containers.

“**112 Security of voting documents**

The electoral officer is personally responsible for the safe custody of all used voting documents until they are deposited with the Registrar of a District Court as required by section 89(2) of the Act.

“**113 Electoral officer may announce number of voting documents sent and returned**

The electoral officer may, from time to time during the voting period and up to the close of voting, publicly announce the total number of voting documents that have been issued and the number of voting documents that have been returned to the electoral officer up to that time.

“**114 Master roll**

- “(1) The electoral officer must keep the roll or rolls that were used for the scrutiny of the roll under section 83 of the Act until the next triennial general election of members of the local authority.

- “(2) An elector of the local government area may inspect the roll or rolls at the offices of the local authority without payment of a fee at any time during ordinary office hours.

“Booth voting

“**115 Application of booth voting regulations**

- “(1) Regulations 116 to 126, 128, and 130 to 135 apply if booth voting is being used at an election.
- “(2) Regulations 116 to 125, 127, and 129 to 135 apply if booth voting is being used at a poll.

“**116 Booths, ballot boxes, and voting documents, etc**

The electoral officer must provide the following things for holding an election or poll using booth voting:

- “(a) 1 or more polling booths at each official place at which voting documents are to be issued and, in each booth, 1 or more inner compartments that provide adequate facilities for each elector to vote in secret; and
- “(b) in each polling booth, 1 or more suitable containers that are able to be secured and that have a slit in the upper side by which the voting documents may be put into the container, to be used as ballot boxes; and
- “(c) if the electoral officer considers it desirable in order to ensure that every elector has a reasonable and equal opportunity to vote, translations in whatever languages the electoral officer considers necessary of the ‘Directions to voter’ section of the voting document; and
- “(d) at each polling booth, 1 or more copies of the electoral roll; and
- “(e) a sufficient number of voting documents.

“**117 Ballot box must be kept secure during voting hours**

- “(1) Immediately before the official place is opened for voting and in the sight of any scrutineers present, each electoral official in charge of a polling booth must see that each ballot box is empty and secured.
- “(2) Each ballot box must not be opened again until after the close of voting.

“118 Persons may not remain in official places

No person not actually engaged in voting may remain in an official place except the electoral officials, any of the scrutineers, and as many members of the police as the electoral official in charge thinks necessary to keep the peace.

“119 Voters may not be spoken to in booths

Subject to regulation 34 and except for an electoral official, no person may speak to, or communicate in any way with, any voter in a polling booth, either before or after the voter has voted.

“120 Issue of voting documents

- “(1) Subject to this regulation, every electoral official in charge of a polling booth must issue voting documents to all voters who apply to vote at that polling booth.
- “(2) Every voter applying to vote must state his or her name to the electoral official, and must give any details that are necessary to identify the entry on the electoral roll for that voter.
- “(3) If the name of the voter appears on the roll and it appears from the roll that he or she is qualified to vote,—
- “(a) the electoral official must issue to the voter a voting document for any election or poll for which the voter is eligible to vote; and
 - “(b) the roll must be marked to record the issue of voting documents to that voter.

“121 Procedure when second vote applied for in same name

- “(1) If any person applying for a voting document at any election or poll gives as his or her name the name of any person who appears to the electoral official in charge to have already received a voting document for the same election or poll, that person must be dealt with in the same way as any other voter.
- “(2) Once the voter has voted, the voting document must not be placed in the ballot box but must be returned to the electoral official in charge.
- “(3) The electoral official in charge must determine whether or not the person was entitled to vote.

“122 Spoilt voting documents

- “(1) A voter who spoils his or her voting document must be given a fresh voting document.
- “(2) The electoral official in charge must mark on the spoilt voting document ‘Disallowed, spoilt by voter’.

“123 Procedure after close of voting

- “(1) Immediately after the close of voting, the electoral officials must transfer the voting documents to a central place designated by the electoral officer.
- “(2) The electoral officials must, subject to section 81 of the Act,—
 - “(a) process the voting documents in accordance with the Single Transferable Voting electoral system, if they are valid voting documents, by the votes being recorded electronically from the voting document; and
 - “(b) reject any voting document if it is an informal voting document or a blank voting document.
- “(3) After any valid voting document has been processed under subclause (2)(a), the valid voting document must be processed for a second time by a different person in accordance with the Single Transferable Voting electoral system, by the vote being recorded electronically from the voting document.
- “(4) The electoral officer must resolve any discrepancies as to the way in which a valid voting document is processed under subclause (2)(a) and the way in which it is processed under subclause (3).

“124 Counting of votes after close of voting

- “(1) As soon as practicable after the valid voting documents have been processed under regulation 124(2)(a) and regulation 124(3), the votes recorded from those valid voting documents must be counted.
- “(2) After the electoral officer has complied with subclause (1), the votes recorded from the valid voting documents must be counted for a second time.
- “(3) Valid voting documents of special voters that have been allowed and that have not yet been counted must be counted

and the votes must be included in the second count under subclause (2).

- “(4) The electoral officer must resolve any discrepancies as to the way in which a valid voting document is counted under subclause (1) and the way in which it is counted under subclause (2).

“**125 Other disallowed votes**

For the purpose of section 83(2) of the Act, the manner of disallowing a voting document where the electoral officer is satisfied that more than 1 vote has been cast in the name of an elector at the same election or poll is to mark on every voting document for that elector the words ‘Disallowed, more than 1 vote cast’.

“**126 Official results of election**

- “(1) The official results of an election for multi-member vacancies must include—
- “(a) the initial quota as determined at the first iteration; and
 - “(b) the quota as determined at each iteration at which a candidate was elected or excluded; and
 - “(c) the number of votes recorded for each candidate and the number of non-transferable votes at each iteration at which a candidate was elected or excluded; and
 - “(d) the final keep value for each candidate as determined at the iteration at which that candidate was elected or excluded; and
 - “(e) the iteration number at which each candidate was elected or excluded; and
 - “(f) the full names of the candidates who are declared to be elected; and
 - “(g) the full names of the unsuccessful candidates; and
 - “(h) the total number of voting documents used at the election, including special voting documents; and
 - “(i) the number of informal voting documents recorded; and
 - “(j) the number of blank voting documents recorded.
- “(2) The official results of an election for a mayoral or single member vacancy must include—

- “(a) the initial absolute majority of votes as determined at the first iteration; and
- “(b) the absolute majority of votes as determined at each iteration at which a candidate was elected or excluded; and
- “(c) the number of votes recorded for each candidate at each iteration at which a candidate was excluded; and
- “(d) the iteration number at which each candidate was excluded; and
- “(e) the full name of the candidate who is declared to be elected; and
- “(f) the full names of the unsuccessful candidates; and
- “(g) the total number of voting documents used at the election, including special voting documents; and
- “(h) the number of informal voting documents recorded; and
- “(i) the number of blank voting documents recorded.

“127 Official results of poll

The official results of a poll must include—

- “(a) the initial absolute majority of votes as determined at the first iteration; and
- “(b) the absolute majority of votes as determined at each iteration at which a proposal or option was carried or excluded; and
- “(c) the number of votes recorded for each proposal or option and the number of non-transferable votes at each iteration at which a proposal or option was carried or excluded; and
- “(d) the iteration number at which each proposal or option was carried or excluded; and
- “(e) the proposal or option that is declared to be carried; and
- “(f) the total number of voting documents used at the poll including special voting documents; and
- “(g) the number of informal voting documents recorded; and
- “(h) the number of blank voting documents recorded.

“128 Public notice of official result of election

- “(1) For the purpose of section 86 of the Act, the public notice declaring the official result of an election for multi-member vacancies must state—
- “(a) the number of persons to be elected for the local government area; and
 - “(b) the final quota as determined at the last iteration; and
 - “(c) the full names of the candidates who are declared to be elected shown in descending order of election so that the first candidate who was declared to be elected is shown first and so on; and
 - “(d) the full names of the candidates who were excluded shown in the reverse order in which they were excluded so that the candidate who was excluded last is shown first and so on; and
 - “(e) the number of informal voting documents recorded; and
 - “(f) the number of blank voting documents recorded; and
 - “(g) a statement that full details of the official results of the election are available on request from the electoral officer.
- “(2) For the purpose of section 86 of the Act, the public notice declaring the official result of an election for a mayoral or single member vacancy must state—
- “(a) the local government area; and
 - “(b) the final absolute majority of votes as determined at the last iteration; and
 - “(c) the full name of the candidate who is declared to be elected; and
 - “(d) the full names of candidates who were excluded shown in the reverse order in which they were excluded so that the candidate who was excluded last is shown first and so on; and
 - “(e) the number of informal voting documents recorded; and
 - “(f) the number of blank voting documents recorded; and
 - “(g) a statement that full details of the official results of the election are available on request from the electoral officer.

“129 Public notice of official result of poll

For the purpose of section 86 of the Act, the public notice declaring the official result of a poll must state—

- “(a) the local government area; and
- “(b) the proposal with options or the proposals that were the subject of the poll; and
- “(c) the final absolute majority of votes as determined at the last iteration; and
- “(d) the proposal or option that is declared to be carried; and
- “(e) the proposals or options that were excluded shown in the reverse order in which they were excluded so that the proposal or option which was excluded last is shown first and so on; and
- “(f) the number of informal voting documents recorded; and
- “(g) the number of blank voting documents recorded; and
- “(h) a statement that full details of the official results of the poll are available from the electoral officer.

“130 Electoral records

- “(1) As soon as practicable after the voting documents have been counted for a second time, for the purpose of section 89(1) of the Act, the voting documents must be secured as follows:
 - “(a) the electoral officials must make up the voting documents (including special voting documents) into parcels and place them in secure containers; and
 - “(b) the electoral officer must endorse and sign a memorandum on each container that states—
 - “(i) the name of the local authority and the local government area; and
 - “(ii) the voting period; and
 - “(iii) the number of used voting documents in the container; and
 - “(iv) the place where the votes were cast.
- “(2) For the purpose of section 89(5) of the Act, the specified materials that must be secured with the voting documents are—
 - “(a) copies of electoral rolls (other than the roll or rolls used for the scrutiny of the roll under section 83 of the Act); and
 - “(b) special voting declarations; and

“(c) any other documents used in connection with the election or poll.

“(3) For the purpose of section 89(1) of the Act, the specified materials must be placed in secure containers, and the electoral officer must endorse and sign a memorandum on the containers giving a general description of the contents of the containers.

“**131 Security of voting documents**

“(1) The electoral official in charge of a polling booth must give to the electoral officer a receipt that specifies the total number of voting documents that the electoral official in charge has received for the conduct of voting at the polling booth. The electoral official in charge is personally responsible for the safe custody of those voting documents (whether used or unused) from the time he or she receives them until they are delivered back to the electoral officer after the close of voting.

“(2) On receiving the voting documents under subclause (1), the electoral officer is personally responsible for the safe custody of all used and unused voting documents until they are deposited with the Registrar of a District Court as required by section 89(2) of the Act.

“**132 Master roll**

“(1) The electoral officer must keep the roll or rolls that were used for the scrutiny of the roll under section 83 of the Act until the next triennial general election of members of the local authority.

“(2) An elector of the local government area may inspect the roll or rolls at the offices of the local authority without payment of a fee at any time during ordinary office hours.

“**133 Mobile polling booths**

“(1) An electoral officer may determine for an election or poll where booth voting is being used that mobile polling booths may be used as polling booths.

“(2) If the electoral officer has made a determination under subclause (1),—

- “(a) regulations 116 to 122 apply in relation to the conduct of the election or poll at each mobile polling booth, with any necessary modifications; and
- “(b) as soon as practicable after the close of voting, the ballot boxes from a mobile polling booth must be transferred to a central place, as determined by the electoral officer, to enable the voting documents to be counted.

“134 Booth voting over consecutive days

A local authority may determine, by a resolution, that the voting period for an election or poll where booth voting is being used is for a period specified in the resolution not exceeding 20 days ending with 7 pm on polling day.

“135 Arrangements for booth voting over consecutive days

- “(1) This regulation applies if the local authority makes a determination under regulation 134.
- “(2) Regulations 116 to 122 apply in relation to the conduct of the election or poll over consecutive days, with any necessary modifications.
- “(3) The hours of voting (except for polling day) are the ordinary office hours during the voting period.
- “(4) The electoral officer may, from time to time, during the voting period and up to the close of voting, publicly announce the number of voting documents that have been issued up to that time.

“Part 5

“Miscellaneous provisions

“Declarations

“136 Declaration of electoral officer, etc

Every electoral officer, deputy electoral officer, and other electoral official must make a declaration that—

- “(a) he or she will properly carry out and exercise the duties and powers conferred on an electoral officer, a deputy electoral officer, or other electoral official, as the case

may be, by the Act and regulations made under the Act;
and

- “(b) he or she will not, directly or indirectly, disclose any fact that comes to his or her knowledge at an election or poll that he or she is required by the Act or these regulations not to disclose.

“137 Declaration of scrutineers

Every scrutineer must make a declaration that—

- “(a) he or she will properly exercise the powers conferred on a scrutineer by the Act and regulations made under the Act; and
- “(b) he or she is not a person to whom section 68(3) of the Act applies; and
- “(c) he or she will not, directly or indirectly, disclose any fact that comes to his or her knowledge at an election or poll that he or she is required by the Act or these regulations not to disclose.

“Eligibility of Justices

“138 Eligibility of Justices to observe processing of voting documents

To be eligible for appointment as a Justice of the Peace to observe the processing of voting documents under section 82 of the Act, a Justice must—

- “(a) be nominated by a member of the Royal Federation of New Zealand Justices’ Associations (Inc); and
- “(b) indicate to the electoral officer that the Justice is not—
 - “(i) a member or employee of a local authority or community board; or
 - “(ii) a candidate at the election, or any other election conducted by the electoral officer simultaneously with it; or
 - “(iii) a person who has nominated a candidate at the election, or any other election conducted by the electoral officer simultaneously with it; and
- “(c) indicate to the electoral officer that the Justice consents to observe the early processing of voting documents.

*“Deposits***“139 Application for recount**

The amount of the deposit that must accompany an application for a recount under section 90 of the Act is \$750 inclusive of GST.

“140 Petition for inquiry

The amount of the deposit that must accompany a petition under section 93 of the Act is \$750 inclusive of GST.”

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

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

These regulations come into force on the day after the date of their notification in the *Gazette*. They amend the Local Electoral Regulations 2001 (the **principal regulations**), and, in particular, set out the details and procedures for the conduct of elections and polls under the Local Electoral Act 2001 using the Single Transferable Voting electoral system. They also make a number of technical amendments to the regulations relating to the First Past the Post electoral system.

Regulations 1 and 2 contain the Title and commencement provisions. Regulation 3 amends regulation 4 of the principal regulations by inserting new definitions of the terms blank voting document, informal voting document, Single Transferable Voting electoral system, and valid voting document.

Regulation 4 inserts a new regulation 5A into the principal regulations, which contains a general description of the Single Transferable Voting electoral system.

Regulation 5 substitutes a new regulation 8 into the principal regulations. It sets out the authorised electoral systems that may be used at an election or poll. These are the First Past the Post and Single Transferable Voting electoral systems.

Regulation 6 makes a technical amendment to regulation 45(1) of the principal regulations.

Regulation 7 substitutes a new regulation 48 into the principal regulations. It inserts new definitions of blank voting document and informal voting document for the purposes of Part 3. Regulations 9 to 13 and 15 to 18 make consequential amendments to the principal regulations to reflect these new definitions.

Regulations 8, 14, and 19 make further technical amendments to the principal regulations.

Regulation 20 revokes Part 4 of the principal regulations, which relates to miscellaneous matters, and substitutes a new Part 4 relating to the conduct of elections and polls using the Single Transferable Voting electoral system and a new Part 5 containing miscellaneous matters.

The new Part 4 sets out the way in which elections and polls are to be conducted using either postal voting or booth voting methods. This Part includes regulations about the processing of voting documents both before and after the close of voting, counting of votes, official results of an election or poll, public notice of those official results, and security of voting documents.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 December 2002.
