



ANALYSIS

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1980, No. 29

An Act to amend the Electoral Act 1956

[7 October 1980]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Electoral Amendment Act 1980, and shall be read together with and deemed part of the Electoral Act 1956 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting in the definition of the term “district”, after the words “‘electoral district’”, the words “or ‘electorate’”.

(2) The said section 2 (1) is hereby further amended by repealing the definition of the term “electoral roll” (as amended by section 3 (3) (b) of the Electoral Amendment Act 1975), and substituting the following definition:

“‘Electoral roll’, in relation to any district, means, subject to sections 60 to 60B of this Act, the forms of application for registration kept by the Registrar of persons registered as electors of that district (including the forms deemed by section 41B (5) or section 43A (4) (a) of this Act to be applications for registration for the purposes of this definition):”.

(3) The said section 2 (1) is hereby further amended by repealing the definition of the term “General electoral district” (as inserted by section 6 (1) of the Electoral Amendment Act 1975), and substituting the following definition:

“‘General electoral district’ means an electoral district other than a Maori electoral district:”.

(4) The said section 2 (1) is hereby further amended by repealing the definition of the term “Maori” (as substituted by section 2 of the Electoral Amendment Act 1975), and substituting the following definition:

“‘Maori’ means a person of the Maori race of New Zealand; and includes any descendant of such a person:”.

(5) The said section 2 (1) is hereby further amended by repealing the definition of the term “Maori electoral district” (as inserted by section 6 (1) of the Electoral Amendment Act 1975), and substituting the following definition:

“‘Maori electoral district’ means an electoral district named in section 23 (1) of this Act:”.

(6) The said section 2 (1) is hereby further amended by inserting, after the definition of the term “prescribed”, the following definition:

“‘Prohibited immigrant’ has the meaning given to it by section 2 (1) of the Immigration Act 1964:”.

(7) Sections 2 and 6 (1) of the Electoral Amendment Act 1975 are hereby consequentially repealed.

3. General electoral population and Maori population—
(1) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “European population”.

(2) The said section 2 (1) is hereby further amended by inserting, after the definition of the term “General electoral district”, the following definition:

“‘General electoral population’ means total population with the following exceptions:

“(a) Maori electoral population:

“(b) Persons residing on board any ship, whether as passengers or members of the crew or otherwise:

“(c) Persons residing temporarily as guests in any guest house, hotel, or motel, whether licensed or not:

“(d) Persons residing temporarily in any defence area as defined in the Defence Act 1971:

“(e) Persons residing as patients or inmates in any hospital or private hospital or institution under the Mental Health Act 1969 or the Hospitals Act 1957 or the Alcoholism and Drug Addiction Act 1966:

“(f) Persons (not being persons detained in a police station pursuant to section 12 (2) of the Penal Institutions Act 1954) detained in any penal institution as defined in the Penal Institutions Act 1954:”.

(3) The said section 2 (1) is hereby further amended by inserting, after the definition of the term “Maori electoral district” (as substituted by section 2 (5) of this Act), the following definition:

“‘Maori electoral population’ means the sum of—

“(a) The total number of persons registered as electors of the Maori electoral districts as at the close of the last day of the period last specified under section 41A (2) or (3) of this Act; and

“(b) A figure representing, in relation to the persons so registered as electors of the Maori electoral districts, the number of their Maori children under the age of 18 years, which figure shall be fixed,—

- “(i) By ascertaining the proportion which the number in paragraph (a) of this definition bears to the total Maori adult population as determined by the last periodical census; and
- “(ii) Subject to subparagraph (iii) of this paragraph, by applying that proportion to the number of Maori children under the age of 18 years as determined by the last periodical census; and
- “(iii) By treating as Maori children under the age of 18 years all of the children under that age who at the last periodical census had at least one parent whose particulars showed that that parent was a Maori:

“Provided that where particulars were obtained from both parents and only one of those parents was shown by those particulars to be a Maori, only half of the children under the age of 18 years of those parents shall be treated as Maori children.”

(4) Section 189 (1) (c) of the principal Act (as substituted by section 6 (4) of the Electoral Amendment Act 1975) is hereby amended by omitting the words “European population”, and substituting the words “General electoral population”.

4. Chief Electoral Officer—Section 5 of the principal Act is hereby amended by omitting the words “this Act”, and substituting the words “the provisions of this Act (except those of Part III)”.

5. New sections inserted—(1) The principal Act is hereby amended by repealing section 7A (as inserted by section 3 (1) of the Electoral Amendment Act 1975), and substituting the following sections:

“7A. **Chief Registrar of Electors**—(1) There shall be a Chief Registrar of Electors who shall be the person exercising the powers, duties, and functions for the time being of the Director-General of the Post Office.

“(2) The Chief Registrar shall, under the direction of the Minister of Justice, be charged with the duty of carrying

Part III of this Act into effect and to that end the Chief Registrar may, both in that capacity and in his capacity as the Director-General of the Post Office, provide such computer and other services and such facilities as he thinks necessary.

“(3) The Chief Registrar may from time to time appoint an officer of the Post Office to be the Deputy Chief Registrar of Electors, who, subject to the control of the Chief Registrar, shall have and may exercise all the powers, functions, and duties of the Chief Registrar.

“7B. Registrar of Electors—(1) There shall be for each electoral district a Registrar of Electors to be appointed by the Chief Registrar.

“(2) Every Registrar shall be an officer of the Post Office appointed by name or as the holder for the time being of any specified office and shall, subject to subsection (3) of this section, be stationed at a post office within the electoral district of which he is Registrar.

“(3) Where, in the opinion of the Chief Registrar,—

“(a) There is no suitable major post office in an electoral district; or

“(b) An officer more suitable for appointment is stationed at a post office in an adjoining district; or

“(c) It appears to be in the public interest to do so,—
he may appoint as the Registrar for the district an officer of the Post Office stationed at a post office in an adjoining electoral district.

“(4) The Registrar shall, under the direction of the Chief Registrar,—

“(a) Compile and keep, as required by this Act, the electoral roll for the Registrar’s electoral district; and

“(b) Carry out such other functions and duties as are specified in this Act.

“(5) The Chief Registrar may from time to time appoint an officer of the Post Office to be the Deputy Registrar for any electoral district, who, subject to the control of the Registrar, shall have and may exercise all the powers, functions, and duties of the Registrar.

“(6) Neither the Registrar nor his deputy shall hold any official position in any political organisation.

“(7) The powers conferred on the Chief Registrar by subsections (1) and (5) of this section include the power to appoint a Registrar or a Deputy Registrar for a named electoral district that is not yet in being or in respect of which a roll has not been compiled.

7c. Appropriation of expenses of Post Office—The expenses incurred by the Post Office in the administration of Part III of this Act shall be paid from the Consolidated Account out of money appropriated by Parliament.”

(2) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “Chief Electoral Officer”, the following definition:

“‘Chief Registrar’ means the Chief Registrar of Electors holding office under section 7A of this Act; and includes his deputy:”.

(3) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “public servant”, the following definition:

“‘Registrar’, in relation to any district, means the Registrar of Electors appointed for that district under section 7B of this Act; and includes his deputy:”.

(4) Section 2 of the principal Act is hereby amended—

(a) By repealing the definition of the term “Electorate Officer” (as inserted by section 3 (2) of the Electoral Amendment Act 1975):

(b) By omitting from subsection (3) (as amended by section 3 (3) (b) of the Electoral Amendment Act 1975) the words “Electorate Officer”, and substituting the word “Registrar”.

(5) Section 121 (3) of the principal Act (as amended by section 3 (5) of the Electoral Amendment Act 1975) is hereby consequentially amended by omitting the words “Electorate Officer’s”, and substituting the word “Registrar’s”.

(6) Section 186 of the principal Act (as amended by section 3 (5) of the Electoral Amendment Act 1975) is hereby amended by omitting the words “Electorate Officers”, and substituting the words “Registrars of Electors”.

(7) The provisions of the principal Act specified in Part I of the Schedule to this Act are hereby amended by omitting the words “Electorate Officer” wherever they occur, and substituting in each case the word “Registrar”.

(8) The provisions of the principal Act specified in Part II of the Schedule to this Act are hereby amended by omitting the words “Electorate Officer” wherever they occur, and substituting in each case the words “Registrar of Electors”.

(9) Every reference to the Electorate Officer—

(a) In any enactment not specified in subsections (4) to (6) of this section or in the Schedule to this Act; or

(b) In any regulation, rule, order, application, electoral roll, notice, or other document in force at the commencement of this section—
shall, after the commencement of this section, be read as a reference to the Registrar of Electors.

(10) The Electoral Amendment Act 1975 is hereby consequentially amended by repealing section 3 and the First Schedule.

6. Division of New Zealand into General electoral districts after each census—Section 16 of the principal Act is hereby amended by omitting the word “European” wherever it appears in subsections (1) and (4), and substituting in each case the words “General electoral”.

7. Allowance for adjustment of quota—Section 17 of the principal Act is hereby amended by omitting the word “European”, and substituting the words “General electoral”.

8. Index of streets and places—The principal Act is hereby amended by inserting, after section 20, the following section:

“20A. (1) The Surveyor-General shall from time to time, at the request of the Chief Electoral Officer, compile an index of the streets and places within each electoral district.

“(2) Copies of the latest index compiled under this section shall be kept for inspection by the public at the office of each Registrar and at such other convenient places within each district as the Minister from time to time directs.

“(3) Every index compiled under this section shall be forwarded to the Government Printer and shall be printed and sold by him.”

9. Rules for determining place of residence within New Zealand—(1) Section 37 (4) of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

“Provided that a New Zealand citizen who is outside New Zealand shall be deemed, subject to section 42 (1) (a) of this Act, to reside where he had his last usual place of abode in New Zealand.”

(2) Section 37 (8) of the principal Act (as added by section 15 of the Electoral Amendment Act 1975) is hereby repealed.

(3) Section 15 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

10. Meaning of “permanent resident of New Zealand”—

(1) The principal Act is hereby amended by repealing section 38 (as amended by section 3 of the Electoral Amendment Act 1977), and substituting the following section:

“38. For the purposes of this Act a person is a permanent resident of New Zealand if, and only if, that person—

“(a) Resides in New Zealand; and

“(b) Is not—

“(i) A prohibited immigrant; or

“(ii) A person obliged, by or pursuant to any Act, to leave New Zealand immediately or within a specified time.”

(2) Section 3 of the Electoral Amendment Act 1977 is hereby consequentially repealed.

11. Qualification of electors—(1) The principal Act is hereby amended by repealing section 39 (as amended by section 16 (1) to (3) of the Electoral Amendment Act 1975 and by section 4 (1) of the Electoral Amendment Act 1977), and substituting the following section:

“39. Subject to the provisions of this Act, every adult person is qualified to be registered as an elector of an electoral district if—

“(a) That person is—

“(i) A New Zealand citizen; or

“(ii) A permanent resident of New Zealand; and

“(b) That person has at some period resided continuously in New Zealand for not less than one year; and

“(c) That person—

“(i) Has resided in that electoral district for not less than 3 months immediately before the date of that person’s application for registration; or

“(ii) Has resided continuously in that electoral district for not less than 3 months and has not subsequently resided continuously for 3 months or more in any one electoral district; or

“(iii) Resides in that electoral district, or has resided in that district and has not subsequently resided in any other electoral district, and, because of that person’s occupation or employment or that of that person’s spouse, whether as a seaman, an actor, or a commercial traveller, or otherwise, that person has not resided continuously for 3 months or more in any one electoral district.”

(2) Section 189 (1) (e) of the principal Act is hereby consequentially amended by omitting the words "Subsection (1) of section 39", and substituting the words "Section 39".

(3) The following enactments are hereby consequentially repealed, namely—

(a) Subsections (1) and (3) of section 16 of the Electoral Amendment Act 1975:

(b) Section 4 (1) of the Electoral Amendment Act 1977.

12. New sections substituted—(1) The principal Act is hereby amended by repealing section 41 (as substituted by section 17 of the Electoral Amendment Act 1975), and substituting the following sections:

"41. Maori option—(1) Subject to this section and to sections 41A to 41C of this Act, a Maori who possesses the qualifications prescribed in that behalf by this Act shall have the option of being registered either as an elector of a Maori electoral district or as an elector of a General electoral district.

"(2) Every such option shall be exercised—

"(a) At the time the Maori first qualifies and applies to be registered as an elector of any electoral district; or

"(b) In the case of a Maori who was not registered as an elector of any electoral district on the first day of the period last specified under section 41A (2) or (3) of this Act, on any subsequent application for registration as an elector; or

"(c) In any other case, in accordance with section 41A or section 41B of this Act.

"41A. Periodic exercise of Maori option and determination of Maori population—(1) Every elector who is a Maori may exercise periodically, in accordance with this section, the option given by section 41 (1) of this Act.

"(2) In the year 1982 and thereafter in every year that a quinquennial census of population is taken, the Minister of Justice shall specify, by notice in the *Gazette*, a period of 3 months during which any Maori may exercise the option given by section 41 (1) of this Act.

"(3) Notwithstanding subsection (2) of this section, where a Parliament is due to expire in a year in which a quinquennial census of population is to be taken, the Minister of Justice shall not, in that year, exercise the power conferred on him by that subsection, but shall instead, in the year following the year in which the quinquennial census of

population is taken, specify, by notice in the *Gazette*, a period of 3 months during which any Maori may exercise the option given by section 41 (1) of this Act.

“(4) For the purpose of enabling the Government Statistician to calculate the Maori electoral population, the Chief Registrar shall, as soon as practicable after the last day of each period specified under subsection (2) or subsection (3) of this section, supply to the Government Statistician the total number of persons registered as electors of the Maori electoral districts as at the close of that last day.

“41B. **Exercise of Maori option**—(1) Notwithstanding section 43A (4) (b) of this Act, every Maori who is an elector on the first day of any period specified under section 41A (2) or (3) of this Act may exercise once during the period beginning with that day and ending with the day immediately preceding the first day of the next succeeding period specified under section 41A (2) or (3) of this Act the option given by section 41 (1) of this Act.

“(2) In each period specified under section 41A (2) or (3) of this Act, the Registrar shall send to every person registered as an elector of the electoral district on the first day of that period a notice in the form prescribed for the purposes of this section.

“(3) Every Maori—

“(a) Who is registered as an elector on the first day of the period during which the notice is sent under subsection (2) of this section; and

“(b) Who—

“(i) Being registered as an elector of a Maori electoral district wishes to be registered as an elector of a General electoral district; or

“(ii) Being registered as an elector of a General electoral district wishes to be registered as an elector of a Maori electoral district,—

shall indicate his choice on the prescribed form, sign it, and return it to the Registrar.

“(4) The Registrar, on receipt of any duly completed form, shall send the form to the Registrar in whose district the elector resides.

“(5) Every duly completed form received by a Registrar pursuant to subsection (4) of this section shall be deemed, for the purposes of the definition of the term ‘electoral roll’ in

section 2 (1) of this Act and for the purposes of sections 56 and 60B of this Act, to be an application for registration as an elector and shall be treated accordingly.

“(6) No elector shall, by reason only of a failure to return a form sent to him under subsection (2) of this section, have his name removed from the electoral roll.

“41c. **Restrictions on transfer between General and Maori electoral rolls**—Except as provided in sections 41 to 41B of this Act, no Maori may transfer from a General electoral roll to a Maori electoral roll or vice versa.”

(2) The following enactments are hereby consequentially repealed, namely—

(a) Section 43B of the principal Act (as inserted by section 21 of the Electoral Amendment Act 1975):

(b) Sections 17 and 21 of the Electoral Amendment Act 1975.

13. Disqualifications for registration—(1) The principal Act is hereby amended by repealing section 42 (as amended by section 3 (1) and (3) of the Electoral Amendment Act 1971, section 18 of the Electoral Amendment Act 1975, and section 5 of the Electoral Amendment Act 1977), and substituting the following section:

“42. (1) The following persons are disqualified for registration as electors:

“(a) A New Zealand citizen who (subject to subsection (3) of this section) is outside New Zealand and has not been in New Zealand within the last 3 years:

“(b) A permanent resident of New Zealand (not being a New Zealand citizen) who (subject to subsection (3) of this section) is outside New Zealand and has not been in New Zealand within the last 12 months:

“(c) A person who is detained in a hospital under the Mental Health Act 1969, being—

“(i) A person who, having been found by a Court or a Judge to be under disability, or having been acquitted on account of insanity, within the meaning of Part VA of the Criminal Justice Act 1954, is detained as a special patient or a committed patient pursuant to an order or direction under section 39G (1) or section 39H or section 39I of the Criminal Justice Act 1954:

“(ii) A person who, having been found by a Court, on conviction of any offence, to be mentally disordered, is detained as a committed patient pursuant to an order under section 39J of the Criminal Justice Act 1954:

“(iii) A person who is subject to a reception order made on an application under section 42 of the Mental Health Act 1969:

“(iv) A person detained under section 43 of the Mental Health Act 1969:

“(d) A person detained in any penal institution pursuant to a conviction:

“(e) A person whose name is on the Corrupt Practices List made out for any district.

“(2) The Registrar of the Court in which any reception order or any order under section 39G (1) or section 39J of the Criminal Justice Act 1954 is made or any person is convicted of a corrupt practice shall, not later than the fifth day of the month next succeeding the date of the order or conviction, forward to the Registrar of Electors of the electoral district in which the patient or offender was residing a certificate showing the name, place of abode, and description of the patient or offender and particulars of the order or conviction.

“(3) Nothing in subsection (1) (a) or (b) of this section applies to—

“(a) A public servant who is outside New Zealand in the course of his duties; or

“(b) A person who—

“(i) Is accompanying a public servant who is outside New Zealand in the course of the public servant's duties; and

“(ii) Is the spouse or the child or the child of the spouse of any such public servant.”

(2) The following enactments are hereby consequentially repealed, namely:

(a) Subsections (1) and (3) of section 3 of the Electoral Amendment Act 1971:

(b) Section 18 of the Electoral Amendment Act 1975:

(c) Section 5 of the Electoral Amendment Act 1977.

14. Compulsory registration of electors—(1) The principal Act is hereby amended by repealing section 43 (as amended by sections 19 and 46 of the Electoral Amendment Act 1975), and substituting the following section:

“43. (1) Every person qualified to be registered as an elector of any electoral district shall if he is in New Zealand make application in the prescribed form to a Registrar of Electors for registration as an elector within one month after the date on which he first becomes qualified to be registered as an elector.

“(2) Every person qualified to be registered as an elector of any electoral district may if he is outside New Zealand make application in the prescribed form to a Registrar of Electors for registration as an elector of that district at any time.

“(3) Where a Maori is qualified to be registered as an elector of both a Maori electoral district and of a General electoral district, this section shall apply with respect to one only of those districts, being the district in respect of which he has exercised his option under section 41 of this Act.

“(4) Where it appears to the Registrar that an applicant is qualified to be registered as an elector of another electoral district, the Registrar shall forthwith send the application to the Registrar of that district.

“(5) Every person commits an offence against this section who, being required by this section to apply for registration as an elector during any period, fails to become so registered during that period, unless he proves that he duly applied for registration or that his failure to apply for registration was not due to wilful default.

“(6) Every such offence shall be a continuing offence until application for registration is duly made.

“(7) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding \$20 on a first conviction, and to a fine not exceeding \$50 on any subsequent conviction.”

(2) The Electoral Amendment Act 1975 is hereby amended by repealing section 19 and so much of the Third Schedule as relates to section 43 (6) of the principal Act.

15. Revision of electoral rolls—(1) The principal Act is hereby amended by repealing section 43A (as inserted by section 20 of the Electoral Amendment Act 1975), and substituting the following section:

“43A. (1) Subject to subsection (2) of this section, in every year that a Parliament is due to expire, every Registrar shall direct an inquiry to be made concerning the particulars of all persons whose names are on the roll for that district:

“Provided that where a roll that is not yet in force has been compiled under section 60 (1) of this Act the inquiry directed to be made under subsection (1) of this section shall be in respect of that roll.

“(2) Where a Parliament is dissolved while an inquiry under subsection (1) of this section is in progress, the Registrar shall not be obliged to complete that inquiry.

“(3) Every inquiry shall be in the prescribed form and shall require the person to whom it is addressed to sign and return the form together with any corrections to the information contained in it.

“(4) Every completed form accepted by the Registrar as being in order—

“(a) Shall be deemed, for the purposes of the definition of the term ‘electoral roll’ in section 2 (1) of this Act and for the purposes of section 60B of this Act, to be an application for registration as an elector; and

“(b) In the case of an elector who is a Maori, shall constitute a sufficient record of the manner in which the elector last exercised his option to register as an elector of a Maori electoral district or as an elector of a General electoral district.

“(5) Where any person fails to respond to an inquiry under subsection (3) of this section, the Registrar shall, after making such further inquiry as he thinks fit, or the Chief Registrar directs, remove the name of that person from the roll.

“(6) Notwithstanding subsection (1) of this section, the inquiries that would be required, but for this subsection, to be directed and undertaken under subsection (1) of this section in the year 1981 shall be directed and undertaken instead in the period of 6 months beginning on the 13th day of October 1980.”

(2) Section 20 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

16. Notification of marriages of women electors—The principal Act is hereby amended by repealing section 47, and substituting the following section:

“47. (1) Where the woman to whom a notice of intended marriage under the Marriage Act 1955 relates is registered as an elector of any district, she or the other party to the intended marriage shall complete the form prescribed for the purposes of this section and give it to the Registrar of Marriages for transmission to the Registrar of Electors for that district.

“(2) The Registrar of Electors who receives the notice shall, after the date of the intended marriage, send to the elector by post a notice inquiring whether any change in the name, address, and description under which she is registered on the roll is required as a result of the marriage.

“(3) If the elector states that a change is required the Registrar of Electors shall amend his roll in accordance with the particulars supplied.

“(4) Where an amendment to the roll is necessary under subsection (3) of this section and the amendment is not made before the issue of the writ for any election, the elector shall, if otherwise qualified, be entitled to vote at that election in respect of her former name as appearing on the roll.”

17. Procedure following application for registration—

(1) The principal Act is hereby amended by repealing section 49 (as substituted by section 23 of the Electoral Amendment Act 1975), and substituting the following section:

“49. (1) If the Registrar is satisfied that any applicant for registration as an elector (whether by transfer from another district, or otherwise) is qualified to be registered, he shall forthwith enter the name of the applicant on the roll.

“(2) Where it appears to the Registrar that an applicant who is a Maori is prevented, by the manner in which he has exercised the option given by section 41 of this Act, from being registered as an elector of the district to which his application relates, the Registrar shall forthwith send the application to the Registrar of the district in respect of which the applicant is entitled to be registered and shall notify the elector of his reasons for refusing the application and of the Registrar to whom the application has been sent.

“(3) The Registrar to whom the application is sent under subsection (2) of this section may register the applicant as an elector of the Registrar’s district (irrespective of the indication on the application of the manner in which the applicant last exercised the option conferred by section 41 of this Act).”

(2) Section 23 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

18. Questioning of applicant for registration—Section 49A of the principal Act (as inserted by section 24 (1) of the Electoral Amendment Act 1975) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) If the Registrar, after making such inquiries as he thinks fit, has reason to believe that any applicant for registration as an elector is not qualified to be registered, he shall forthwith give notice in writing to the applicant setting forth the particulars of which proof is required.”

19. Notice of registration—The principal Act is hereby amended by repealing section 56 (as amended by section 3 (5) of the Electoral Amendment Act 1975), and substituting the following section:

“56. (1) Subject to subsection (2) of this section, the Registrar shall, not later than 14 days after the registration of a person, deliver to that person personally, or send to him by post, notice in writing of his having been so registered.

“(2) Subsection (1) of this section shall not apply where—

“(a) An inquiry in the form prescribed for the purposes of section 43A of this Act is to be sent to the elector within one month after the date of his registration; or

“(b) The registration is effected on the basis of a form to which section 43A (4) (a) of this Act applies.”

20. Removal of names from roll by Registrar of Electors—(1) Section 57 (1) of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) The name of every person who, consequent on a change in his place of residence,—

“(i) Is not qualified to be registered as an elector of the district; and

“(ii) Resides in, and is registered as an elector of, another district:”.

(2) Section 57 (1) of the principal Act is hereby amended by repealing paragraph (c) (as amended by section 25 (b) of the Electoral Amendment Act 1975 and by section 4 (2) of the Electoral Amendment Act 1977), and substituting the following paragraph:

“(c) The name of every person who, on an inquiry made at that person’s address on the roll cannot be found, or who, as a result of any such inquiry, the Registrar of Electors has reason to believe has ceased for 3 months or upwards to reside in the district:”.

(3) Section 25 (b) of the Electoral Amendment Act 1975 and section 4 (2) of the Electoral Amendment Act 1977 are hereby consequentially repealed.

21. Correction of errors—(1) The principal Act is hereby amended by inserting, after section 57, the following section:

“57A. (1) In addition to other powers of alteration conferred by this Act, the Registrar may at any time, subject to subsection (3) of this section, alter the roll—

“(a) By correcting any mistake or omission in the particulars of the enrolment of an elector:

“(b) By striking out the superfluous entry when the name of an elector appears more than once on the roll.

“(2) Where an error made by or on behalf of the Chief Registrar or a Registrar, or, before the commencement of this section, by the Chief Electoral Officer or an Electorate Officer, has resulted in an elector being registered as an elector of a district other than the district in respect of which the elector should have been registered—

“(a) The Registrar of the district in respect of which the elector has been incorrectly registered may, subject to subsection (4) of this section, remove the elector’s name from the roll for that district; and

“(b) The Registrar of the district in respect of which the elector should have been registered may, subject to subsection (4) of this section, place the elector’s name on the roll for that district.

“(3) Where, under subsection (1) (a) or subsection (2) of this section, the particulars of any elector have been altered or the name of any elector has been removed from or placed on a roll, the Registrar shall, not later than 14 days after the date on which the roll is altered, deliver to the elector personally, or send to him by post, notice in writing of the alteration to the roll.

“(4) No alteration pursuant to this section shall be made to the roll for a district between the issue of a writ for an election in that district and the return of the writ.”

(2) Where, before the commencement of this Act, the name of an elector has been removed from a roll as a result of mail sent to that elector by or on behalf of an Electorate Officer or the Chief Electoral Officer being returned marked “Gone—no address”, the removal of that elector’s name shall be deemed to be and to have always been valid.

(3) Nothing in subsection (2) of this section shall limit section 57 (3) of the principal Act or anything done under that section, whether before or after the commencement of this Act.

22. Repeal of redundant provision—Section 58 of the principal Act is hereby repealed.

23. New sections substituted—(1) The principal Act is hereby amended by repealing section 60 (as substituted by section 26 of the Electoral Amendment Act 1975), and substituting the following sections:

“60. New rolls on change of boundaries—(1) Where the gazetting of a Proclamation pursuant to section 19 (1) of this Act defines the boundaries of the electoral districts fixed by the Representation Commission, the Chief Registrar shall, immediately before the next succeeding revision of the rolls under section 43A of this Act,—

“(a) Decide, on the basis of the then existing rolls, which of the electors are entitled to be registered as electors of each electoral district to which that Proclamation relates; and

“(b) Compile for each electoral district to which that Proclamation relates a list of persons appearing to be entitled to be registered as electors of that electoral district.

“(2) For the purposes of the revision of the rolls mentioned in subsection (1) of this section, each list compiled under paragraph (b) of that subsection shall be the electoral roll for the district to which it relates.

“(3) Every roll compiled under section 43A of this Act pursuant to subsection (1) of this section shall come into force as the electoral roll for the district on the dissolution or expiry of the then existing Parliament.

“(4) Every roll to which subsection (3) of this section applies shall, subject to any revision of that roll, continue in force until a new roll for the district is compiled and comes into force.

“(5) The Registrar shall keep every roll to which subsection (3) of this section applies up to date by making all such additions, alterations, and deletions as become necessary.

“60A. Maintenance of rolls being replaced—(1) Where a revision of rolls has been begun pursuant to section 60 (1) of this Act, the respective Registrars of Electors shall not be obliged to keep up to date the rolls for the districts that were in existence immediately before the gazetting of the Proclamation that immediately preceded the revision of the rolls.

“(2) Notwithstanding subsection (1) of this section, the Chief Registrar shall ensure that each Registrar of a district to which that subsection applies has available to him until the

roll for that district ceases to be in force all information necessary to enable him to bring his roll up to date in the event of a by-election in that district (which information may include or consist of photo-copies of original documents).

“(3) Where a by-election is to take place in a district to which subsection (1) of this section applies, the Registrar of that district shall cause an up to date composite roll for the district to be closed and printed as at writ day for the by-election.

“(4) Where a by-election has taken place in a district to which subsection (1) of this section applies, the Registrar of that district shall, after the time allowed for the filing of an election petition in respect of the by-election has expired or, where an election petition is filed in respect of that by-election, after that election petition has been finally disposed of, send to other Registrars of Electors such of the original applications for registration as electors held by him as the Chief Registrar specifies.

“60B. Rolls where Parliament dissolved after change of boundaries and before new rolls completed—(1) Where Parliament is dissolved in the period between the gazetting of a Proclamation pursuant to section 19 (1) of this Act and the completion of the revision of the rolls under section 43A of this Act which next succeeds that gazetting, the Chief Registrar shall—

“(a) Comply with paragraphs (a) and (b) of section 60 (1) of this Act; and

“(b) Direct which of the applications for registration as electors which constituted the rolls of the electoral districts that were defined immediately before that Proclamation took effect shall be sent to the respective Registrars of the electoral districts to which that Proclamation relates.

“(2) Subject to subsection (3) of this section, each list compiled under section 60 (1) (b) of this Act (as applied by subsection (1) (a) of this section) shall be the electoral roll for the district to which it relates and shall come into force as soon as it is compiled.

“(3) The applications for registration sent, pursuant to a direction under subsection (1) (b) of this section, to the Registrar of an electoral district shall, on being received by that Registrar, constitute the electoral roll for the district and the electoral roll specified in subsection (2) of this section shall (without its status as a main roll being affected) then cease to have effect as the electoral roll for the district.

“(4) Every electoral roll to which subsection (3) of this section applies shall, subject to any revision of that electoral roll, continue in force until a new electoral roll for the district is compiled and comes into force.

“(5) The Registrar shall keep every electoral roll to which subsection (2) or subsection (3) of this section applies up to date by making all such additions, alterations, and deletions as become necessary and any additions, alterations, and deletions made to an electoral roll to which subsection (2) of this section applies shall be incorporated, where necessary, in the electoral roll which supersedes it by virtue of subsection (3) of this section.”

(2) Section 26 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

24. Habitation indexes—The principal Act is hereby amended by inserting, after section 60B (as inserted by section 23 (1) of this Act), the following section:

“60c. (1) The Chief Registrar—

“(a) May from time to time compile in respect of any electoral district a habitation index listing, in accordance with their residential addresses, the electors who reside in that electoral district; and

“(b) Shall, as soon as practicable after the printing of a main roll for an electoral district, compile a habitation index under paragraph (a) of this subsection in respect of that district.

“(2) Copies of the latest index compiled under this section in respect of any electoral district shall be kept for inspection by the public at the office of the Registrar and at such other convenient places within the district as the Chief Registrar from time to time directs.

“(3) Any person may on paying the prescribed fee obtain a copy of an index compiled under this section.

“(4) Regulations made under section 188 of this Act may provide for any fee payable under subsection (3) of this section to be reduced where the copy of the index is required for any purpose related to an election or poll.”

25. Main roll to be printed—(1) The principal Act is hereby amended by repealing section 61 (as amended by section 27 of the Electoral Amendment Act 1975), and substituting the following section:

“61. (1) The Registrar for every district shall, at least once in each year, cause to be printed a main roll for the district, which shall contain a list of all persons whose names are lawfully on the electoral roll for the district on a date to be fixed for the closing of the main rolls.

“(2) The date to be fixed for the purposes of subsection (1) of this section shall—

“(a) In the case of a year in which Parliament is due to expire, be fixed by the Governor-General by Order in Council; and

“(b) In the case of any other year, be fixed by the Chief Registrar by notice in the *Gazette*.

“(3) Every main roll printed for any district under this section shall be the main roll for the district until a new main roll is printed for the district.”

(2) Section 27 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

26. Supplementary rolls to be printed—Section 62 of the principal Act is hereby amended by omitting the words “Chief Electoral Officer”, and substituting the words “Chief Registrar of Electors.”

27. Unpublished names—The principal Act is hereby amended by inserting, after section 62, the following section:

“62A. (1) Notwithstanding sections 60, 60c, 61, 62, 63A, and 64 (2) (c) and (d) of this Act, where the Chief Registrar is satisfied, on the application of any person, that the publication of that person’s name would be prejudicial to the personal safety of that person or his family, the Chief Registrar may direct that—

“(a) The name, residence, and occupation of that person shall not be published in any main or supplementary roll or in any list or index that may be available for inspection by the public; and

“(b) The name and particulars of that person shall not be available for inspection under section 64 (2) (c) of this Act; and

“(c) The application for registration of that person shall not be available for inspection under section 64 (2) (d) of this Act.

“(2) Without limiting the discretion conferred on the Chief Registrar by subsection (1) of this section, he may on the production of—

“(a) A non-molestation order that is in force in respect of any person; or

“(b) A statutory declaration from a member of the Police to the effect that he believes that the personal safety of a person or of a person’s family could be prejudiced by the publication of that person’s name,—

exercise in respect of that person’s name, and without further evidence or inquiry, the power conferred on the Chief Registrar by that subsection.”

28. Composite rolls—Section 63A (1) (a) (iii) of the principal Act (as inserted by section 2 of the Electoral Amendment Act 1979) is hereby amended by omitting the words “Chief Electoral Officer”, and substituting the words “Chief Registrar of Electors.”

29. Inspection and purchase of main and supplementary rolls—(1) The principal Act is hereby amended by repealing section 64 (as amended by sections 3 (5) and 29 of the Electoral Amendment Act 1975), and substituting the following section:

“64. (1) Copies of the main roll and of the supplementary rolls for any district shall be kept for inspection by the public at the office of the Registrar, and at each post office within the district that is controlled by a departmental officer of the Post Office, and at such other convenient places within the district as the Minister from time to time directs.

“(2) Any person may inspect at the Registrar’s office without payment at any time between 9 a.m. and 4 p.m. on any day on which the office is open for the transaction of business—

“(a) The main roll and the supplementary rolls so kept:

“(b) The most recent computer compiled list which is held by the Registrar and which shows the names and particulars of the persons who are on the roll for the district:

“(c) The names and particulars of any person whose name is on the electoral roll but not on the main roll or any supplementary roll or the most recent computer compiled list to which paragraph (b) of this subsection applies:

“(d) The application of any person who has applied to be registered as an elector of the district but who is prevented, by section 50 of this Act, from being registered as an elector of the district:

“(e) His own application for registration as an elector:

“(f) The application for registration of any person whose name is on the electoral roll if—

“(i) That person consents to his application being inspected; or

“(ii) The Registrar is satisfied that the inspection of the application is justified by a genuine and proper interest.

“(3) The power of inspection conferred by subsection (2) of this section does not, in the case of a computer compiled list, include the power to copy that list.

“(4) Where any person is entitled to inspect any application, the Registrar shall produce it for inspection not later than 2 working days after a request has been made.

“(5) Any person may on paying the prescribed fee obtain copies of or extracts from the main roll and the supplementary rolls.

“(6) Where any candidate or any person acting on behalf of a political party wishes to obtain for the purposes of the candidate or the political party (and not for resale or commercial purposes) a computer tape containing the names, residences, and occupations (if any) of electors of an electoral district, the Chief Registrar may, in accordance with regulations made under this Act and on being supplied with a computer tape by that candidate or person and on payment of the prescribed fee, record those names, residences, and occupations on that tape and return it to that candidate or person.

“(7) Regulations made under section 188 of this Act—

“(a) May prescribe a scale of fees for the purposes of subsection (5) or subsection (6) of this section; and

“(b) May provide for any fee payable under subsection (5) of this section to be reduced where the copy of the roll is required for any purpose related to an election or poll.”

(2) Section 29 of the Electoral Amendment Act 1975 is hereby consequentially repealed.

30. Dormant file—The principal Act is hereby amended by inserting, after section 65, the following section:

“65A. (1) The Registrar shall keep a dormant file showing the particulars of those persons whose names have been removed from the roll for the district in the course of the latest revision of the roll under section 43A of this Act.

“(2) The file kept under subsection (1) of this section may be used for the purpose of determining whether any person is qualified, under section 99 (c) or (d) of this Act, to vote at any election in the district.

“(3) Notwithstanding section 64 of this Act, any file kept under subsection (1) of this section shall not be available for public inspection.”

31. Form of ballot papers—(1) Section 87 (2A) of the principal Act is hereby repealed.

(2) Section 33 (1) of the Electoral Amendment Act 1975 is hereby consequentially repealed.

32. Interfering with or influencing voters—(1) Section 127 (1) of the principal Act is hereby amended by repealing paragraph (e) and the provisos to that paragraph, and substituting the following paragraph and provisos:

“(e) At any time on polling day before the close of the poll exhibits in or in view of any public place, or publishes or distributes, or broadcasts,—

“(i) Any statement advising or intended or likely to influence any elector as to the candidate or party for whom he should vote; or

“(ii) Any party name, emblem, slogan, or logo:

“Provided that this paragraph shall not apply to any statement, name, emblem, slogan, or logo in a newspaper published before 6 o'clock in the afternoon of the day before polling day:

“Provided also that where any statement, name, emblem, slogan, or logo is so exhibited before polling day in a fixed position not in view of a polling place, it shall not be an offence to leave the statement, name, emblem, slogan, or logo so exhibited on polling day:

“Provided further that this paragraph shall not restrict the publication of any party name in any news which relates to an election and which is published in a newspaper or other periodical or in a radio or television broadcast made by the Broadcasting Corporation of New Zealand or other holder of a warrant under the Broadcasting Act 1976:”.

(2) Section 127 of the principal Act is hereby further amended by repealing subsection (2), and substituting the following subsection:

“(2) It shall not be an offence against this section for any person to wear or display (whether on his person or on any vehicle), in the form of ribbons, streamers, or rosettes, his party’s colours or to wear a party lapel badge.”

33. Power to remove statements, names, emblems, slogans, or logos—The principal Act is hereby amended by inserting, after section 127, the following section:

“127A. (1) The Returning Officer may at any time on polling day before the close of the poll cause to be removed or obliterated—

“(a) Any statement advising or intended or likely to influence any elector as to the candidate or party for whom he should vote; or

“(b) Any party name, emblem, slogan, or logo,—which is exhibited in or in view of any public place and which is so exhibited within 800 metres of a polling place.

“(2) Nothing in subsection (1) (b) of this section shall apply to ribbons, streamers, or rosettes which are worn or displayed by any person (whether on his person or on any vehicle) in his party’s colours or to a party lapel badge worn by any person.

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

34. Consequential amendments to Local Elections and Polls Act 1976—(1) Section 37 of the Local Elections and Polls Act 1976 is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) His name does not appear on the electoral roll in use for that election but—

“(i) It is included on the most recently published electoral roll for the Parliamentary election; or

“(ii) It was omitted from the most recently published electoral roll for the Parliamentary election by virtue of a direction under section 62A of the Electoral Act 1956; or

“(iii) He has enrolled on the roll for the Parliamentary election since that roll was most recently published,—

and the address shown on the most recently published roll for the Parliamentary election or the address in respect of which he is registered as a Parliamentary elector is within the local government area and is his present residential address; or”.

(2) The Local Elections and Polls Amendment Act 1980 is hereby consequentially amended by omitting from sections 2 and 3 the words “Chief Electoral Officer” wherever they appear, and substituting in each case the words “Chief Registrar of Electors”.

SCHEDULE

Section 5 (7)-(9)

PART I

PROVISIONS OF PRINCIPAL ACT WHERE REFERENCES TO ELECTORATE OFFICER ARE TO BE READ AS REFERENCES TO REGISTRAR

Sections 44 (1), 49A (2)-(5), 50, 51, 52, 53, 57, 59, 62 (1), 63 (5)-(6), 65, 67, 68, 69, 77, and 99 (b).

PART II

PROVISIONS OF PRINCIPAL ACT WHERE REFERENCES TO ELECTORATE OFFICER ARE TO BE READ AS REFERENCES TO REGISTRAR OF ELECTORS

Sections 46, 55, 63A, 63B, 121 (3), and 156 (2).

This Act is administered in the Department of Justice.
