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1993, No. 98

An Act to amend the Electoral Act 1956

[26 August 1993]

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

1. Short Title and commencement—(1) This Act may be cited as the Electoral Amendment Act 1993, and shall be read together with and deemed part of the Electoral Act 1956 (hereinafter referred to as the principal Act).

(2) Except as provided in sections 2 (5), 3 (3), 5 (2), 7 (2), 10 (2), 11 (2), 14 (2), 15 (3), 16 (2), 30 (2), 32 (2), and 33 (2) of this Act, this Act shall come into force on the day on which it receives the Royal assent.

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “elector”, the following definitions:

“ ‘Electoral Commission’ means the Commission established under section 10A of this Act:

“ ‘Electoral Commissioner’ or ‘Commissioner’ means any person who holds office as a member of the Electoral Commission under section 10E (1) of this Act; and includes any person authorised to exercise the powers, functions, and duties of an Electoral Commissioner:”.

(2) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term “electoral roll”, the following definition:

“ ‘Eligible political party’ means a political party that has at least 500 current financial members:”.

(3) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “mental institution”, and substituting the following definition:

“ ‘Mental institution’ means a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992:”.

(4) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term “roll”, the following definition:

“ ‘Secretary’, in relation to a political party, means the person (whatever his or her designation or office) whose duties include responsibility for—

“(a) Carrying out the administration of the party; and

“(b) Conducting the correspondence of the party:”.

(5) Subsections (1), (2), and (4) of this section shall come into force on the 1st day of July 1994.

3. Chief Electoral Officer—(1) Section 5 of the principal Act (as amended by section 4 of the Electoral Amendment Act 1980) is hereby amended by omitting the words “the provisions of this Act (except those of Part III)”, and substituting the words “the provisions of this Act (except those of Parts IIA and III)”.

(2) Section 4 of the Electoral Amendment Act 1980 is hereby consequentially repealed.

(3) This section shall come into force on the 1st day of July 1994.

4. Registrar of Electors—(1) Section 7B (2) of the principal Act (as amended by section 5 (1) of the Electoral Amendment Act 1980) is hereby amended by omitting the words “a post office”, and substituting the words “an office occupied by New Zealand Post Limited”.

(2) Section 7B of the principal Act (as inserted by section 5 (1) of the Electoral Amendment Act 1980 and amended by section 32 (1) of the State-Owned Enterprises Act 1986) is hereby amended by repealing subsection (3), and substituting the following subsection:

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

“(a) There is no suitable office occupied by New Zealand Post Limited in an electoral district; or

“(b) An officer more suitable for appointment is stationed at an office occupied by New Zealand Post Limited in an adjoining district; or

“(c) It appears to be in the public interest to do so,—
the Chief Registrar may appoint as the Registrar for the district an employee of New Zealand Post Limited stationed at an office occupied by New Zealand Post Limited in an adjoining electoral district.”

5. New Part IA inserted—(1) The principal Act is hereby amended by inserting, after section 10, the following Part:

“PART IA

“ELECTORAL COMMISSION

“10A. **Electoral Commission**—(1) There is hereby established a Commission to be called the Electoral Commission.

“(2) The Commission shall be a body corporate with perpetual succession and a common seal and shall be capable of acquiring, holding, and disposing of real and personal property, of entering into contracts, of suing and being sued,

and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

“10B. Functions—The principal functions of the Electoral Commission shall be—

- “(a) To carry out such duties in relation to the registration of political parties as are prescribed by Part IIA of this Act:
- “(b) To promote public awareness of electoral matters by means of the conduct of education and information programmes or by other means:
- “(c) To consider and report to the Minister or to the House of Representatives on electoral matters referred to the Electoral Commission by the Minister or the House of Representatives.

“10C. Powers—(1) The Electoral Commission shall have all such powers as are reasonably necessary to enable it to carry out its functions.

“(2) Without limiting the generality of subsection (1) of this section, the Commission shall have the power—

- “(a) To initiate, sponsor, and carry out such studies and research as the Commission thinks necessary for the proper discharge of its functions:
- “(b) To publicise, in such manner as the Commission thinks fit, such parts of the Commission’s work as the Commission thinks necessary for the proper discharge of the Commission’s functions, and to consult with any persons or classes of persons:
- “(c) To request advice, assistance, and information from any Government department or any State enterprise within the meaning of the State-Owned Enterprises Act 1986.

“10D. Independence—Except as otherwise provided in this or any other Act, in the performance of its statutory functions the Electoral Commission shall not be responsible to the Minister of Justice or to any other Minister of the Crown, but shall act independently.

“10E. Membership—(1) The Electoral Commission shall consist of—

- “(a) The Secretary for Justice:
- “(b) The Chief Judge of the Maori Land Court:
- “(c) One person who shall be appointed by the Governor-General:

“(d) One person who shall be a Judge of the District Court or of the High Court or of the Court of Appeal.

“(2) The person who holds office under subsection (1) (d) of this section shall be appointed by the Governor-General from a list of 3 persons nominated for the purpose by the Chief Justice, and shall be appointed as the President of the Commission.

“(3) The person who holds office under subsection (1) (c) of this section shall be the chief executive of the Commission.

“10F. **Appointment of Judge as member not to affect tenure, etc.**—The appointment of a Judge as a member of the Electoral Commission, or service by a Judge as a member of the Commission, does not affect the Judge’s tenure of the judicial office or the Judge’s rank, title, status, precedence, salary, annual or other allowances or other rights or privileges as a Judge (including those in relation to superannuation) and, for all purposes, the Judge’s services as a member shall be taken to be service as a Judge.

“10G. **Term of office**—(1) Except as otherwise provided in section 10H of this Act, every Commissioner who holds office under paragraph (c) or paragraph (d) of section 10E (1) of this Act shall hold office for such term, not exceeding 5 years, as the Governor-General on the recommendation of the Minister shall specify in the instrument appointing the Commissioner.

“(2) Every Commissioner appointed for a fixed term shall be eligible for reappointment from time to time.

“(3) Where the term for which a Commissioner has been appointed expires, that Commissioner, unless sooner vacating or removed from office under section 10H of this Act, shall continue to hold office, by virtue of the appointment for the term that has expired, until—

“(a) That Commissioner is reappointed; or

“(b) A successor to that Commissioner is appointed; or

“(c) That Commissioner is informed in writing by the Minister that that Commissioner is not to be reappointed.

“10H. **Vacation of office**—(1) No Commissioner who holds office by virtue of section 10E (1) (c) of this Act shall be removed from office except by the Sovereign or the Governor-General, acting upon an address from the House of Representatives, which address may be moved only on the grounds of that person’s misbehaviour or of that person’s incapacity to discharge the functions of the office of Commissioner.

“(2) The Commissioner who holds office by virtue of section 10E (1) (d) of this Act shall not be removed from the

office of Commissioner, unless that Commissioner is removed or suspended from the Commissioner's judicial office.

“(3) Any Commissioner who holds office by virtue of paragraph (c) or paragraph (d) of section 10E (1) of this Act, may at any time resign the office of Commissioner by notice in writing addressed to the Minister.

“(4) The powers of the Electoral Commission shall not be affected by any vacancy in its membership.

“10I. **Delegation of Commission's powers**—(1) The Electoral Commission may, from time to time, either generally or particularly, by writing signed by all the members of the Commission, delegate to any one Commissioner any of its powers and functions under this Act or any other Act.

“(2) Where the Commission has, pursuant to subsection (1) of this section, delegated any functions or powers to the Commissioner who holds office by virtue of section 10E (1) (c) of this Act, that Commissioner may, with the prior agreement in writing of all members of the Commission, delegate such of those functions or powers as all the members of the Commission approve, to any employee of the Commission.

“(3) Subject to any general or special directions given or conditions imposed by the Commission, the person to whom any functions or powers are delegated under this section may perform those functions or exercise those powers in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.

“(4) The power of the Commission to delegate under this section—

“(a) Is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Commission's functions or powers; but

“(b) Does not limit any power of delegation conferred on the Commission by any other Act.

“(5) A person purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

“(6) A delegation under subsection (1) of this section to the Commissioner who holds office by virtue of section 10E (1) (c) of this Act shall,—

“(a) Subject to paragraph (b) of this subsection, if the Commissioner to whom it was made ceases to hold office, continue to have effect as if made to the

Commissioner who holds office by virtue of section 10E (1) (c) of this Act for the time being; and

“(b) If there is no Commissioner who holds office by virtue of section 10E (1) (c) of this Act for the time being, or if that person is absent from duty, continue to have effect as if made to the person for the time being acting in place of that person.

“(7) A delegation under this section to an employee of the Commission may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or of specified classes of offices.

“(8) A delegation under this section does not affect or prevent the performance of any function or the exercise of any power by the Commission or affect the responsibility of the Commission for the actions of any person acting under the delegation.

“(9) A delegation under this section is revocable at will,—

“(a) In the case of a delegation under subsection (1) of this section, by writing signed by at least 2 members of the Commission; or

“(b) In the case of a delegation under subsection (2) of this section, by writing signed by the Commissioner who holds office by virtue of section 10E (1) (c) of this Act,—

and until it is revoked continues in force according to its tenor.

“10j. **Procedure**—Subject to the provisions of this Act, the Commission may regulate its procedure in such manner as it thinks fit.

“10k. **Proceedings of Electoral Commission**—The provisions of Schedule 1A to this Act shall have effect in relation to the Electoral Commission and its proceedings.

“10l. **Annual report**—(1) As soon as practicable after the end of each financial year ending with the 30th day of June, the Commission shall furnish to the Minister a report on its operations during the year.

“(2) The Minister shall lay a copy of the report before the House of Representatives in accordance with section 44A of the Public Finance Act 1989.”

(2) This section shall come into force on the 1st day of July 1994.

6. Member becoming mentally disordered—(1) The principal Act is hereby amended by repealing section 33 (as

amended by section 4 (1) of the Electoral Amendment Act 1990), and substituting the following section:

“33. (1) Where a member of Parliament is, or is deemed to be, subject to a compulsory treatment order made under Part II of the Mental Health (Compulsory Assessment and Treatment) Act 1992, the Court by which the order is made shall, as soon as may be, give a notice to the Speaker of the making of the order.

“(2) Where a member of Parliament is received or detained in a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992 in accordance with an inpatient order made under Part II of that Act, the person in charge of that hospital shall, as soon as may be, give notice to the Speaker of the reception or detention.

“(3) Where the Speaker receives a notice under subsection (1) or subsection (2) of this section, the Speaker shall forthwith transmit the notice to the Director-General of Health, who, together with some registered medical practitioner named by the Speaker, shall without delay visit and examine the member to whom the notice relates, and shall report to the Speaker whether the member is mentally disordered.

“(4) If the report is to the effect that the member is mentally disordered, the Speaker shall, at the expiration of 6 months from the date of the report if Parliament is then in session, and, if not, then as soon as may be after the date of the commencement of the next ensuing session, require the said Director-General, together with the said medical practitioner or some other medical practitioner named by the Speaker, again to visit and examine the member; and if they report that he or she is still mentally disordered, the Speaker shall forthwith lay both reports before the House of Representatives, and thereupon the seat of the member shall be vacant.

“(5) Every person having charge of any hospital in which any member of Parliament is so received or detained, who wilfully commits a breach of subsection (2) of this section, shall be liable on summary conviction to a fine not exceeding \$2,000.”

(2) Section 4 (1) of the Electoral Amendment Act 1990 is hereby consequentially repealed.

7. New Part II A inserted—(1) The principal Act is hereby amended by inserting, after section 36 (as substituted by section 14 of the Electoral Amendment Act 1975), the following Part:

“PART IIA

“REGISTRATION OF POLITICAL PARTIES

“36A. **Register of Political Parties**—(1) Subject to this Part of this Act, an eligible political party may be registered under this Part of this Act.

“(2) The Electoral Commission shall establish and maintain a Register, to be known as the Register of Political Parties, containing a list of the political parties registered under this Part of this Act.

“36B. **Application for registration**—(1) An application for the registration of an eligible political party may be made to the Electoral Commission—

“(a) By the Secretary of the party; or

“(b) By any member of Parliament who is a current financial member of the party.

“(2) An application for the registration of an eligible political party—

“(a) Shall be in writing; and

“(b) Shall be signed by the applicant; and

“(c) Shall—

“(i) Set out the name of the party; and

“(ii) If the party wishes to be able to use for the purposes of this Act an abbreviation of its name, set out the name of that abbreviation; and

“(iii) Set out the name and address of the applicant and the capacity in which he or she makes the application; and

“(iv) Where the applicant is not the Secretary of the party, set out the name and address of the Secretary of the party; and

“(v) Be accompanied by a declaration, made by the applicant in the manner provided by section 9 of the Oaths and Declarations Act 1957, that the party has at least 500 current financial members.

“(3) Upon receipt of an application for the registration of a political party, the Electoral Commission shall deal with the application in accordance with this Part of this Act and determine whether the party can be registered.

“36C. **Party not to be registered at certain times**—
During the period—

“(a) Commencing on the date beginning with the issue of writs for the election of members of Parliament for all electoral districts within New Zealand; and

“(b) Ending on the day appointed as the latest day for the return of writs containing the names of constituency candidates who are elected,—
no action shall be taken in relation to any application for the registration of a political party.

“36D. **Parties with certain names not to be registered**—
The Electoral Commission shall refuse an application for the registration of a political party if, in its opinion, the name of the party or any proposed abbreviation—

“(a) Is indecent or offensive; or

“(b) Is excessively long; or

“(c) Is likely to cause confusion or mislead electors; or

“(d) Contains any reference to a title or honour or similar form of identification.

“36E. **Other grounds on which registration may be refused**—(1) The Electoral Commission shall refuse an application for the registration of a political party if—

“(a) The application does not comply with section 36B of this Act; or

“(b) If it is satisfied that the party does not have 500 current financial members.

“(2) Unless section 36D of this Act or subsection (1) of this section applies, the Electoral Commission shall, subject to section 36C of this Act, register the political party that is the subject of the application.

“(3) For the purposes of exercising the powers conferred on it by subsection (1) (b) of this section or section 36I of this Act, the Electoral Commission may require a political party to supply to it a list of the party’s current financial members within such time, being a reasonable time, as the Electoral Commission may specify.

“36F. **Registration**—(1) Where the Electoral Commission determines that a political party should be registered, the Electoral Commission shall—

“(a) Register the party by entering in the Register—

“(i) The name of the party; and

“(ii) If an abbreviation of the name of the party was set out in the application, that abbreviation; and

“(b) Give written notice to the applicant that the Electoral Commission has registered the party; and

“(c) Cause notice of the registration of the party to be published in the *Gazette*.

“(2) Where the Electoral Commission determines that an application for the registration of a political party should be

refused, the Commission shall, as soon as reasonably practicable, and in any case not later than 10 working days after the date of the determination, give the applicant written notice that the Commission has refused the application, setting out the reasons for the refusal.

“(3) It shall be the duty of the Secretary of any political party registered under this Act—

“(a) To supply the Electoral Commission with an address for service of all correspondence under this Part of this Act; and

“(b) To notify the Electoral Commission of any changes in the address for service of correspondence; and

“(c) To notify the Electoral Commission whenever a new Secretary of the party is appointed; and

“(d) To notify the Electoral Commission if the number of current financial members of the party falls below 500.

“36C. **Inspection of Register**—Members of the public shall be entitled to inspect the Register of Political Parties without payment at any time between 9.00 a.m. and 4.00 p.m. on any day on which the office of the Electoral Commission is open.

“36H. **Changes to Register**—Where a political party is registered, any person who would be entitled to make an application for registration on behalf of that party may instead make an application for variation of any of the details contained in the Register, and the provisions of sections 36B to 36F of this Act, with any necessary modifications, shall apply to an application for variation.

“36I. **Cancellation of registration**—(1) The Electoral Commission may cancel the registration of a political party at the request of one of the persons specified in section 36B (1) of this Act.

“(2) The Electoral Commission shall cancel the registration of a political party on being satisfied that the number of current financial members of the party has fallen below 500.

“(3) Where the Electoral Commission cancels the registration of any political party, it shall, as soon as reasonably practicable, and in any event not later than 10 working days after the date of the cancellation,—

“(a) Give, where the cancellation was effected under subsection (1) of this section, written notice of the cancellation to both the applicant for cancellation and the Secretary of the political party:

“(b) Give, where the cancellation was effected under subsection (2) of this section, written notice of the cancellation to the Secretary or the last-known Secretary of the political party, which written notice shall set out the reasons for the cancellation:

“(c) Cause notice of the cancellation to be published in the *Gazette*.

“36j. Requirement for registered parties to follow democratic procedures in candidate selection—Every political party that is for the time being registered under this Part of this Act shall ensure that provision is made for participation in the selection of candidates representing the party for election as members of Parliament by—

“(a) Current financial members of the party who are or would be entitled to vote for those candidates at any election; or

“(b) Delegates who have (whether directly or indirectly) in turn been elected or otherwise selected by current financial members of the party; or

“(c) A combination of the persons or classes of persons referred to in paragraphs (a) and (b) of this section.”

(2) This section shall come into force on the 1st day of July 1994.

8. Disqualifications for registration—(1) Section 42 (1) of the principal Act (as substituted by section 13 (1) of the Electoral Amendment Act 1980) is hereby amended by repealing paragraph (c) (as amended by section 150 (1) of the Criminal Justice Act 1985), and substituting the following paragraph:

“(c) A person who is detained in a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992, being—

“(i) A person who, having been found by a Court or a Judge to be under disability within the meaning of Part VII of the Criminal Justice Act 1985, or having been acquitted on account of his or her insanity within the meaning of that Act, is detained as a special patient or patient pursuant to an order or direction under section 115 (1) or section 116 or section 117 of that Act:

“(ii) A person who, having been found by a Court, on conviction of any offence, to be mentally disordered, is detained as a patient pursuant to an

order under section 118 of the Criminal Justice Act 1985:

“(iii) A person who is subject to a compulsory treatment order made on an application under section 45 (3) of the Mental Health (Compulsory Assessment and Treatment) Act 1992:

“(iv) A person detained under section 46 of the Mental Health (Compulsory Assessment and Treatment) Act 1992:”.

(2) Section 42 (2) of the principal Act (as substituted by section 13 (1) of the Electoral Amendment Act 1980) is hereby amended by omitting the words “reception order”, and substituting the words “compulsory treatment order”.

(3) Section 42 (3) (a) of the principal Act (as substituted by section 12 (4) of the Foreign Affairs Amendment Act 1988) is hereby amended by repealing subparagraph (i), and substituting the following subparagraph:

“(i) A public servant or a member of the Defence Force; or”.

(4) The Criminal Justice Act 1985 is hereby consequentially amended by repealing so much of the First Schedule as relates to section 42 (1) (c) of the Electoral Act 1956.

9. Compulsory registration of electors—Section 43 (2) of the principal Act (as substituted by section 11 (1) of the Electoral Amendment Act 1990) is hereby amended by omitting the words “17 years 9 months”, and substituting the words “17 years”.

10. Revision of electoral rolls—(1) Section 43A of the principal Act (as substituted by section 5 (1) of the Electoral Amendment Act 1983) is hereby amended by repealing subsection (7) (as substituted by section 12 (2) of the Electoral Amendment Act 1990), and substituting the following subsection:

“(7) The completed form shall contain the particulars specified in or under paragraphs (a) to (ea) and (g) of section 48 (3) of this Act, and subsections (1), (2), and (4) of that section shall apply, with all necessary modifications, as if the form were an application for registration.”

(2) This section shall come into force on the 1st day of March 1994.

11. Application for registration—(1) Section 48 (3) of the principal Act (as substituted by section 17 of the Electoral

Amendment Act 1990) is hereby amended by inserting, after paragraph (e), the following paragraph:

“(ea) The honorific (if any) by which the person wishes to be addressed.”.

(2) This section shall come into force on the 1st day of March 1994.

12. Procedure following application for registration—Section 49 of the principal Act (as substituted by section 17 (1) of the Electoral Amendment Act 1980 and amended by section 19 (1) of the Electoral Amendment Act 1990) is hereby amended by inserting, after subsection (3), the following subsections:

“(4) Where an application for registration as an elector has been received before the issue of a writ and it has not been possible for the Registrar to ascertain, at the time of the issue of the writ, whether the applicant is currently registered as an elector of another electoral district, the Registrar shall, subject to subsection (5) of this section, include the name of the applicant on any main, supplementary, or composite roll printed as at writ day.

“(5) Notwithstanding anything in this Act, where the Registrar has, under subsection (4) of this section, included the name of any person on any main, supplementary, or composite roll printed as at writ day, the Registrar shall, within 6 days after writ day, determine, either—

“(a) To enter the name of the applicant on the electoral roll; or

“(b) To delete the name of the applicant from that main, supplementary, or composite roll.”

13. Applications received after issue of writ—(1) The principal Act is hereby amended by repealing section 50 (as substituted by section 20 (1) of the Electoral Amendment Act 1990), and substituting the following section:

“50. (1) Where a writ has been issued for an election in a district, then, subject to subsections (2) to (4) of this section, the Registrar shall not, at any time in the period beginning on the day after writ day and ending with the day of the return of the writ, register any application for registration as an elector that the Registrar receives after writ day.

“(2) For the purposes of subsection (1) of this section, an application for registration shall be deemed to have been received on or before writ day if—

“(a) The application or the envelope in which it is contained bears a postmark or date stamp impressed at any New Zealand Post outlet or agency on or before that day; or

“(b) The applicant for registration produces a receipt which relates to the application and which was issued by any New Zealand Post outlet or agency on or before that day.

“(3) Nothing in subsection (1) of this section applies to any applicant who satisfies the Registrar that the applicant has become qualified for registration as an elector of the district in the period commencing on the 31st day before writ day and ending with the close of the day before polling day.

“(4) Where any person applies for registration after a writ has been issued for an election in a district and before 4 p.m. on the day before polling day,—

“(a) The Registrar shall, if the Registrar is satisfied that that person is entitled to be registered under subsection (3) of this section, forthwith enter the name of that person on the electoral roll; and

“(b) The Registrar shall not be required to enter the name of that person on the main roll or any supplementary roll or composite roll used at that election; and

“(c) That person may, at that election, vote only by way of a special vote.”

(2) Section 20 of the Electoral Amendment Act 1990 is hereby consequentially repealed.

14. Supply of computer tapes—(1) Section 64B (1) of the principal Act (as substituted by section 28 (1) of the Electoral Amendment Act 1990) is hereby amended by inserting, after the words “occupations (if any),”, the words “honorifics (if any),”.

(2) This section shall come into force on the 1st day of March 1994.

15. Supply of information on age and Maori descent—

(1) Section 64BA of the principal Act (as substituted by section 28 (1) of the Electoral Amendment Act 1990) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Any person may, in the manner specified in subsection (2A) of this section, request the Chief Registrar to provide to that person,—

“(a) For the purposes of research conducted by that person on a topic that relates to a scientific matter,—

“(i) A list of electors in a particular age group as defined in section 64B (7) of this Act; or

“(ii) A list of electors of Maori descent; or

“(b) For the purposes of research being conducted by that person on a topic that relates to human health,—

“(i) A list of electors whose birthdays fall within a period of 12 months; or

“(ii) A list of electors of Maori descent.”

(2) Section 64BA of the principal Act (as so substituted) is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) Any request made under subsection (1) of this section may seek information about electors appearing to be entitled to vote in,—

“(a) One or more named electoral districts; or

“(b) All electoral districts; or

“(c) One or more named regions or constituencies of a region; or

“(d) One or more named territorial authority districts; or

“(e) One or more named wards; or

“(f) One or more named community board areas;—

but shall not include any request for a random sample of electors.”

(3) This section shall come into force on the 1st day of March 1994.

16. Purchase by candidates and political parties of computer-compiled list of names on dormant file—

(1) Section 65AE (1) of the principal Act (as substituted by section 4 (1) of the Electoral Amendment Act (No. 2) 1985) is hereby amended by omitting from paragraph (a), and also from paragraph (b), the words “and occupations (if any)”, and substituting in each case the words “occupations (if any), and honorifics (if any)”.

(2) This section shall come into force on the 1st day of March 1994.

17. Offence in respect of manipulating or processing electoral information—Section 64BC of the principal Act (as substituted by section 28 (1) of the Electoral Amendment Act 1990) is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) It shall not be an offence against subsection (1) of this section to process, manipulate, or otherwise change information obtained pursuant to any of the provisions of sections 64A, 64B, 64BA, and 65AE of this Act into a different form if—

“(a) The processing or manipulation is done, or the change is effected, by or on behalf of the person by whom the information was obtained; and

“(b) The information, in its different form, is used only for purposes authorised by the provision under which it was obtained.

“(2A) It shall not be an offence against subsection (1) of this section to process, manipulate, or otherwise change information obtained pursuant to any of the provisions of sections 64A, 64B, 64BA, and 65AE of this Act or contained in any habitation index or any printed roll into a different form if the information was obtained under this Act more than 10 years before the date on which the processing or manipulation is done or the change is effected.”

18. Nomination of candidates—Section 80 (4A) (as inserted by section 38 (2) of the Electoral Amendment Act 1990) is hereby amended by omitting the words “the candidate’s name”, and substituting the words “the name that the candidate wishes to appear on the ballot paper”.

19. Deposit by candidate—Section 81 (1) of the principal Act (as substituted by section 39 (1) of the Electoral Amendment Act 1990) is hereby amended by omitting the expression “\$200”, and substituting the expression “\$300”.

20. Form of ballot papers—Section 87 of the principal Act (as substituted by section 40 (1) of the Electoral Amendment Act 1990) is hereby amended by repealing paragraph (b) of subsection (4), and substituting the following paragraph:

“(b) The other names of each candidate that are required to be inserted on the ballot paper shall follow the candidate’s surname.”.

21. Use of public schoolrooms for election meetings—Section 90 (1) of the principal Act is hereby amended by inserting, after the words “cost of lighting”, the words “and heating”.

22. Power to appoint polling places—Section 91 (4) of the principal Act (as substituted by section 43 of the Electoral Amendment Act 1990) is hereby amended by omitting the words “one polling place”, and substituting the words “six polling places”.

23. Use of public schools as polling places—Section 91A of the principal Act (as substituted by section 43 of the Electoral Amendment Act 1990) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The cost of cleaning any part of a school used as a polling place, the cost of heating and lighting arising from the use of a school as a polling place, and the cost of repairing any damage arising from the use of a school as a polling place, shall be defrayed by the Returning Officer out of money to be appropriated by Parliament.”

24. Who may vote—(1) Section 99 of the principal Act is hereby amended by repealing paragraph (b) (as substituted by section 49 (1) of the Electoral Amendment Act 1990), and substituting the following paragraph:

“(b) Any person who, after writ day and before polling day, applies for registration as an elector of the district and satisfies the Registrar, not later than the 9th day after polling day, that that person became qualified for registration as an elector of the district in the period commencing on the 31st day before writ day and ending with the close of the day before polling day:”.

(2) Section 99 of the principal Act is hereby amended by repealing paragraph (d) (as substituted by section 49 (2) of the Electoral Amendment Act 1990), and substituting the following paragraph:

“(d) Any person—

“(i) Who is qualified to be registered as an elector of the district; and

“(ii) Who is or was registered as an elector of the district as a result of having applied, since the last preceding election and not later than writ day, for registration as an elector of the district or, where a change of boundaries has intervened, of some other district in which that person’s then place of residence within the first-mentioned district was then situated:”.

(3) Section 49 of the Electoral Amendment Act 1990 is hereby consequentially repealed.

25. Blind, disabled, or illiterate voters—(1) The principal Act is hereby amended by repealing section 108 (as substituted by section 33 (1) of the Electoral Amendment Act 1981), and substituting the following section:

“108. (1) Any elector who is wholly or partially blind, or (whether because of physical handicap or otherwise) is unable to read or write or has severe difficulty in reading or writing, or is not sufficiently familiar with the English language to vote without assistance, may vote in accordance with the provisions of this section.

“(2) At the request of any such voter, any person nominated by the voter, or, if no person is so nominated, the Deputy Returning Officer, shall accompany the voter into one of the inner compartments provided for the marking of ballot papers, and the ballot paper may there be marked by the voter with the assistance of the person nominated or, as the case may be, of the Deputy Returning Officer, or may be marked by the person nominated or, as the case may be, by the Deputy Returning Officer in accordance with the instructions of the voter.

“(3) A voter to whom subsection (2) of this section applies, whether or not he or she nominates a person for the purposes of that subsection, may nominate a person or another person, as the case may require, to inspect the ballot paper before it is deposited in the ballot box.

“(4) Any elector voting as a special voter may vote in the manner prescribed by this section, with any necessary modifications, or in any manner prescribed by regulations made under this Act.

“(5) Every person commits an offence, and shall be liable on summary conviction to imprisonment for a term not exceeding 3 months, who, being a person who is present in accordance with this section or with any regulations when an elector votes, communicates at any time to any person any information obtained as to the candidate for whom the voter is about to vote or has voted, or as to the number on the ballot paper given to the voter.

“(6) Regulations made under section 188 of this Act may make provision for electors who are wholly or partially blind to vote by means of devices that enable them to vote without assistance despite the fact that they are wholly or partially blind.”

(2) Section 33 of the Electoral Amendment Act 1981 is hereby consequentially repealed.

26. Counting the votes—(1) Section 115 of the principal Act (as amended by section 60 of the Electoral Amendment Act 1990) is hereby amended by repealing subsections (1) and (1A), and substituting the following subsections:

“(1) On completion of the scrutiny required by sections 112 to 114 of this Act, the Returning Officer, with such assistants as the Returning Officer considers necessary, and in the presence of such of the scrutineers appointed under section 112 of this Act as are present (not exceeding, unless the Returning Officer otherwise permits, one scrutineer for each candidate), and also in the presence of some Justice (who shall attend at the request of the Returning Officer), but of no other person, shall select and open one of the parcels of used ballot papers referred to in section 111 (1) (e) of this Act.

“(1A) The procedure set out in subsection (1) of this section need not be delayed until the inquiries under section 113 (2) of this Act, or the inquiries as to the qualifications of persons casting a special vote at the election, have been completed, and the ballot papers from any particular polling booth may be counted while any inquiries in respect of ballot papers from that booth or in respect of the qualifications of persons casting a special vote at the election are being completed, but the count shall not be completed until those inquiries have been completed.”

(2) Section 115 (2) of the principal Act is hereby amended by omitting the words “ballot papers from the parcel so selected have been marked as aforesaid the Returning Officer shall make a record of the last number marked, and shall then”, and substituting the words “parcel selected under subsection (1) of this section has been opened, the Returning Officer shall”.

(3) Section 115 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) After the ballot papers from one parcel have been dealt with in the manner aforesaid, those from the remaining parcels shall be successively dealt with in the like manner.”

(4) Section 115 (6) of the principal Act is hereby amended—

(a) By omitting the words “the numbering”, and substituting the word “counting”; and

(b) By omitting the words “that numbering”, and substituting the words “that counting”.

27. Application to District Court Judge for recount—Section 117 (2) of the principal Act (as substituted by section 61 (1) of the Electoral Amendment Act 1990) is hereby amended by omitting the expression “\$200”, and substituting the expression “\$1,000”.

28. Service of notices—Section 184 (3) of the principal Act is hereby amended by omitting the words “the Post Office”, and substituting the words “New Zealand Post Limited”.

29. Nomination paper—The First Schedule to the principal Act is hereby amended by repealing form 6 (as substituted by section 81 of the Electoral Amendment Act 1990), and substituting the form 6 set out in the First Schedule to this Act.

30. New Schedule 1A inserted—(1) The principal Act is hereby amended by inserting, after the First Schedule, the Schedule 1A set out in the Second Schedule to this Act.

(2) This section and the Second Schedule to this Act shall come into force on the 1st day of July 1994.

31. Consequential amendment—The Third Schedule to the Electoral Act 1993 is hereby consequentially amended by adding the following item:

“1993, No. 98—The Electoral Amendment Act 1993.”

Amendment to Ombudsmen Act 1975

32. Organisations to which Ombudsmen Act 1975 applies—(1) Part II of the First Schedule to the Ombudsmen Act 1975 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

“The Electoral Commission.”

(2) This section shall come into force on the 1st day of July 1994.

Amendments to Public Finance Act 1989

33. Crown entities—(1) The Fourth, Fifth, and Seventh Schedules to the Public Finance Act 1989 (as added by section 41 of the Public Finance Amendment Act 1992) are hereby amended by inserting in each of those Schedules, in its appropriate alphabetical order, the following item:

“Electoral Commission.”

(2) This section shall come into force on the 1st day of July 1994.

SCHEDULES

FIRST SCHEDULE

Section 29

NEW FORM 6 SUBSTITUTED IN FIRST SCHEDULE TO PRINCIPAL ACT

Form 6

Section 80

NOMINATION PAPER

To the Returning Officer

ELECTORAL DISTRICT	
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ELECTION

This nomination is made in relation to the election of a member of Parliament for the above-mentioned Electoral District. The polling day in relation to that election is Saturday, the _____ day of _____ 19____

THE NOMINATORS	Surnames	Given Names	Registered Addresses and Occupations	ROLL NUMBERS		Signatures
				Page No	Line No	
2 Required						
(Please print details)						
				FOR OFFICIAL USE		

We, the nominators specified in this paper, being electors registered for the above-mentioned Electoral District, do hereby nominate for election for that Electoral District, the following person:

	Surname	Given Names	Registered Address	Occupation
Details of Person Nominated as Candidate				

<p>Signature of person nominated as Candidate</p> <p>Name to appear on Ballot Paper</p>	<p>I, (name)</p> <p>being qualified to be a candidate and to be elected a member of Parliament in terms both of section 25 of the Electoral Act 1956 and of any other enactment, hereby consent to the above nomination</p> <p>The name that I wish to appear on the ballot paper (being a name that is short enough to appear on the ballot paper) is shown below</p> <div style="border: 1px solid black; width: 300px; height: 30px; margin: 5px 0;"></div> <p style="text-align: center; font-size: small;">(please print)</p> <p>My telephone contact number is</p>
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<p>Political Party (If any)</p>	<p>*I am a candidate for the Party or</p> <p>*I am an independent candidate</p> <p style="text-align: right; font-size: small;">*Delete whichever is inapplicable</p>
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Signature of Person Nominated Date / /

<p>FOR OFFICIAL USE</p>	<p>Deposit to be refunded to Name</p> <p>Address</p>
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<p>Acknowledgment of nomination</p>	<p>M</p> <p>.....</p> <p>.....</p> <p>Date .. / .. / ..</p>	<p>I acknowledge receipt of your nomination and the deposit of \$300 (inc GST)</p> <p>Electoral District</p> <p>Signature of Returning Officer</p>
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Notes

- 1 As to the nomination of candidates, see section 80 of the Electoral Act 1956.
- 2 As to the required deposit, see section 81 of the Electoral Act 1956.
- 3 As to the acceptance or rejection of nominations, see section 82 of the Electoral Act 1956.
- 4 As to the names under which candidates may be nominated, see subsections (2) to (4) of section 82 of the Electoral Act 1956.
- 5 As to the withdrawal of nominations, see section 83 of the Electoral Act 1956.

Section 30 (1)

SECOND SCHEDULE

NEW SCHEDULE 1A TO PRINCIPAL ACT

Section 10k

SCHEDULE 1A**PROVISIONS RELATING TO ELECTORAL COMMISSION**

1. Remuneration of members of Commission—(1) There shall be paid to the members of the Commission such remuneration by way of fees, salary, wages, or allowances as may from time to time be determined, either generally or in respect of any particular member or members of the Commission, by the Higher Salaries Commission.

(2) Any determination under subclause (1) of this clause shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no such date is specified, the determination shall take effect on the date thereof.

2. Travelling allowances and expenses—(1) The Commission is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Commission travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

3. Staff—(1) Subject to the provisions of this clause, the chief executive of the Electoral Commission may appoint such officers and employees (including acting or temporary or casual officers and employees) as may be necessary for carrying this Act into effect.

(2) The number of persons that may be appointed under this clause, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Minister of Justice.

(3) Officers and employees appointed under this clause shall be employed on such terms and conditions of employment and shall be paid such salaries and allowances as the chief executive from time to time determines in agreement with the State Services Commissioner, or as the Minister from time to time determines in any case where the chief executive and the State Services Commissioner fail to agree.

4. Superannuation or retiring allowances—(1) For the purposes of providing superannuation or retiring allowances for the chief executive and for any of the officers or employees of the Electoral Commission, the chief executive may, out of the funds of the Commission, make payment to or subsidise any superannuation scheme that is registered under the Superannuation Schemes Act 1989.

(2) Notwithstanding anything in this Act, any person who, immediately before being appointed as the chief executive or, as the case may be, becoming an officer or employee of the Electoral Commission, is a contributor to the Government Superannuation Fund under Part II or Part IIA of the Government Superannuation Fund Act 1956 shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as that person continues to hold office as the chief executive or, as the case may be, to be an officer or employee of the Commission; and that Act shall apply to that person in all respects as if that person's service as the chief executive or, as the case may be, as such an officer or employee were Government service.

SECOND SCHEDULE—*continued*SCHEDULE 1A—*continued*PROVISIONS RELATING TO ELECTORAL COMMISSION—*continued*

(3) Subject to the Government Superannuation Fund Act 1956, nothing in subclause (2) of this clause entitles any such person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.

(4) For the purpose of applying the Government Superannuation Fund Act 1956, in accordance with subclause (2) of this clause, to a person who holds office as the chief executive or, as the case may be, is in the service of the Electoral Commission as an officer or employee and (in any such case) is a contributor to the Government Superannuation Fund, the term “controlling authority”, in relation to any such person, means the chief executive.

5. Application of certain Acts to Commission and staff—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the Commission or a person appointed under clause 3 of this Schedule.

6. Services for Commission—(1) The Crown, acting through any Department, may from time to time, at the request of the Commission, execute any work or enter into any arrangements for the execution or provision by the Department for the Commission of any work or service, or for the supply to the Commission of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

(2) To assist the Commission in carrying this Act into effect, the chief executive may on behalf of the Commission engage such contractors or consultants as he or she thinks fit.

7. Funds of Commission—The funds of the Electoral Commission shall consist of—

- (a) Any money appropriated by Parliament for the purposes of the Commission and paid to the Commission for the purposes of the Commission;
- (b) All other money lawfully received by the Commission for the purposes of the Commission;
- (c) All accumulations of income derived from any such money.

8. Bank accounts—(1) The Electoral Commission shall open at any bank or banks such accounts as are necessary for the exercise of the Commission’s functions and powers.

(2) All money received by the Commission, or by any officer or employee of the Commission shall, as soon as practicable after it has been received, be paid into such bank accounts of the Commission as the Commission from time to time determines.

(3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Commission thinks fit.

9. Investment of money—Any money that belongs to the Electoral Commission and that is not immediately required for expenditure by the

SECOND SCHEDULE—*continued*SCHEDULE 1A—*continued*PROVISIONS RELATING TO ELECTORAL COMMISSION—*continued*

Commission may be invested pursuant to section 25 of the Public Finance Act 1989.

10. Commission not to borrow without consent of Minister of Finance—Notwithstanding anything in section 10c of this Act, the Electoral Commission shall not borrow or contract to borrow any money, or renew any loan made to the Commission, without the prior written consent of the Minister of Finance.

11. Seal—The Commission's seal of office shall be judicially noticed in all Courts and for all purposes.

12. Exemption from income tax—The income of the Commission shall be exempt from income tax.

13. Crown entity—(1) The Commission shall be a Crown entity for the purposes of the Public Finance Act 1989.

(2) The annual financial statements of the Commission shall be audited by the Audit Office which, for that purpose, shall have and may exercise all such powers as it has under the Public Finance Act 1977 in respect of public money and public stores.

This Act is administered in the Department of Justice.
