



# Electoral Amendment Act 2007

Public Act 2007 No 113  
Date of assent 19 December 2007  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Electoral Amendment Act 2007.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act amended**

This Act amends the Electoral Act 1993.

**4 Interpretation**

- (1) Section 3(1) is amended by repealing the definitions of **anonymous** and **election expenses**.
- (2) Section 3(1) is amended by repealing the definition of **corrupt practice** and substituting the following definition:  
“**corrupt practice** means any act declared by this Act or the Electoral Finance Act 2007 to be a corrupt practice”.
- (3) Section 3(1) is amended by repealing the definition of **illegal practice** and substituting the following definition:  
“**illegal practice** means any act declared by this Act or the Electoral Finance Act 2007 to be an illegal practice”.

**5 Electoral Commission**

Section 4 is amended by inserting “and the Electoral Finance Act 2007” after “Act”.

**6 Functions**

Section 5 is amended by repealing paragraph (c) and substituting the following paragraph:

- “(c) to supervise political parties’ and third parties’ compliance with the requirements of the Electoral Finance Act 2007:”.

**7 Membership**

- (1) Section 8(4) is repealed.
- (2) Section 8(5) is repealed.

**8 Term of office**

Section 10 is repealed.

**9 Vacation of office of additional members who hold office for purposes of jurisdiction under Part 6 of Broadcasting Act 1989**

Section 11 is repealed.

**10 Appointment of deputies**

Section 11A(1) is amended by omitting “or section 8(4)(b)”.

**11 Chief Electoral Officer**

Section 18 is amended by inserting “and the Electoral Finance Act 2007” immediately before “into”.

**12 Application for registration**

- (1) Section 63(2)(c)(v) is amended by omitting “section 214D” and substituting “section 10 of the Electoral Finance Act 2007”.
- (2) Section 63(2)(c) is amended by adding the following subparagraph:
  - “(viii) set out in the form required by the Electoral Commission the name, address, and contact details of the person, being a person eligible for appointment under section 9 of the Electoral Finance Act 2007, who is to be appointed as the financial agent of the party, and be accompanied by that person’s signed consent to the appointment; and”.
- (3) Section 63 is amended by adding the following subsection:
  - “(5) For the purposes of subsection (2)(c)(v) and (viii), **address** means,—
    - “(a) in relation to an individual, the full address of the place where that person usually lives:

“(b) in relation to a body corporate or unincorporated, the full address of its principal place of business or head office.”

### **13 Registration**

Section 67(3)(f) is repealed.

### **14 Deposit by party secretary**

- (1) Section 127A(4)(a) is amended by omitting “section 214C” and substituting “section 106 of the Electoral Finance Act 2007”.
- (2) Section 127A(4)(b) is amended by omitting “under section 214E” and substituting “obtained under section 107 of the Electoral Finance Act 2007”.

### **15 Acceptance or rejection of lists by Chief Electoral Officer**

Section 128(1) is amended by inserting the following paragraph after paragraph (d):

“(da) if the list is submitted by a party that—

- “(i) is listed as a third party under section 18 of the Electoral Finance Act 2007; or
- “(ii) has submitted a non-contest declaration under section 15(4) of the Electoral Finance Act 2007 and is awaiting a decision on whether it is to be listed as a third party under section 18 of that Act; or”.

### **16 Deposit by candidate**

Section 144(4) is amended by omitting “a duly completed return under section 210 in respect of that candidate” and substituting “from that candidate duly completed returns under sections 45 and 86 of the Electoral Finance Act 2007”.

### **17 Acceptance or rejection of nomination**

Section 145(1) is amended by inserting the following paragraph after paragraph (c):

“(ca) if the nomination paper indicates that the candidate is a candidate for a political party that—

- “(i) is listed as a third party under section 18 of the Electoral Finance Act 2007; or
- “(ii) has submitted a non-contest declaration under section 15(4) of the Electoral Finance Act 2007 and is awaiting a decision on whether it is to be listed as a third party under that Act; or”.

**18 Deposit payable in respect of bulk nomination schedule**

Section 146F(4) is amended by omitting “a return under section 210 in respect of every constituency candidate nominated in the bulk nomination schedule” and substituting “from every constituency candidate nominated in the bulk nomination schedule duly completed returns under sections 45 and 86 of the Electoral Finance Act 2007”.

**19 Acceptance or rejection of bulk nomination schedule or nomination of candidate**

Section 146G(1) is amended by inserting the following paragraph after paragraph (d):

“(da) if the schedule is lodged by a party that—

- “(i) is listed as a third party under section 18 of the Electoral Finance Act 2007; or
- “(ii) has submitted a non-contest declaration under section 15(4) of the Electoral Finance Act 2007 and is awaiting a decision on whether it is to be listed as a third party; or”.

**20 Interfering with or influencing voters**

Section 197(1) is amended by omitting “\$5,000” and substituting “\$20,000”.

**21 Repeals**

- (1) The headings above each of sections 206, 214A, 214B, 214F, and 214K are omitted.
- (2) The following sections are repealed:
  - (a) sections 206 to 211;
  - (b) sections 213 to 214L;
  - (c) sections 219, 221, 221B, 267A, and 267B.

**22 Electoral advertisements**

Section 221A(1) is amended by inserting “(not being an election advertisement as defined in section 5 of the Electoral Finance Act 2007)” after “election”.

**23 Providing money for illegal purposes**

Section 220 is amended by omitting “, or for any election expenses incurred in excess of the maximum amount allowed by this Act, or for repaying money expended in any such payment or expenses,” and substituting “, or for repaying any money expended in any such payment,”.

**24 Punishment for corrupt or illegal practice**

(1) Section 224(1)(a) is amended by—

- (a) omitting “1 year” and substituting “2 years”; and
- (b) omitting “\$4,000” and substituting “\$40,000”.

(2) Section 224(1)(b) is amended by omitting “\$3,000” and substituting “\$10,000”.

(3) Section 224 is amended by repealing subsection (2) and substituting the following subsection:

“(2) Nothing in this section applies in relation to a corrupt practice under any of the following:

- “(a) section 201; or
- “(b) the Electoral Finance Act 2007; or
- “(c) section 43 of the Citizens Initiated Referenda Act 1993; or
- “(d) section 54 of the Compulsory Retirement Savings Scheme Referendum Act 1997.”

**25 New section 226A inserted**

The following section is inserted after section 226:

**“226A Power to issue search warrants in respect of illegal practice**

“(1) A search warrant may be issued under section 198 of the Summary Proceedings Act 1957 in respect of an illegal practice that constitutes an offence under this Act that—

- “(a) has been committed; or
- “(b) is suspected to have been committed; or
- “(c) is believed to be intended to be committed.

- “(2) Subsection (1) applies even though the offence is not punishable by imprisonment.
- “(3) Where a search warrant is issued under section 198 of the Summary Proceedings Act 1957, as provided for by subsection (1), the following provisions of that Act apply so far as they are applicable and with any necessary modifications:
- “(a) section 198A:
- “(b) section 198B:
- “(c) section 199.
- “(4) It is declared that a person who, under section 199 of the Summary Proceedings Act 1957 (as applied by subsection (3)), has custody of any thing seized under a warrant provided for by subsection (1), may disclose any information contained in or derived from the thing only—
- “(a) for the purposes of section 199 of that Act (as so applied); or
- “(b) for the purposes of investigating or prosecuting an offence; or
- “(c) for the purpose of an appeal or other application that relates to an offence; or
- “(d) for the purposes of complying with any enactment or any order or direction of a court of competent jurisdiction.”

## 26 Schedule 1 amended

Clause 1 of Schedule 1 is repealed.

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### Legislative history

11 December 2007	Divided from Electoral Finance Bill (Bill 130–2) as Bill 130–3B
18 December 2007	Third reading
19 December 2007	Royal assent

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This Act is administered by the Ministry of Justice.

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