



ANALYSIS

- | | |
|---|---|
| Title | 16. Voting by special voters |
| 1. Short Title | 17. Death or incapacity of elected candidate before declaration of result of election |
| 2. Interpretation | 18. Disposal of voting papers, rolls, etc. |
| 3. Deputy Returning Officers, poll clerks, and interpreters | 19. Election to extraordinary vacancy |
| 4. Declaration of Returning Officer, Deputy Returning Officers, poll clerks, and interpreters | 20. Election to fill extraordinary vacancy in local authority |
| 5. Nomination of candidate | 21. Vacant of office of Mayor |
| 6. Deposit by candidates | 22. Interfering with or influencing voters |
| 7. Forfeiture of deposit, and refund of deposit | 23. Issue of voting papers |
| 8. Death or incapacity of candidate before close of nominations | 24. Postal voting papers returned after close of voting to be marked |
| 9. Notice of nominations and election | 25. Right of elector to vote as special voter |
| 10. Death or incapacity of candidate for Mayor after close of nominations | 26. Petition for inquiry |
| 11. Death or incapacity of candidate (other than for Mayor) after close of nominations | 27. New election or poll when election or poll declared void |
| 12. Form of voting papers | 28. Qualifications of electors and members |
| 13. Issue of voting papers | 29. Form of nomination paper |
| 14. Blind, disabled, or illiterate voter | 30. Form of voting paper at election |
| 15. Special voters | 31. Modifications of Act where election taken by postal vote |
| | 32. Modification of Act where election taken over consecutive days |
| | 33. Consequential amendments Schedule |

1982, No. 33

An Act to amend the Local Elections and Polls Act 1976
[21 October 1982]

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 Local Elections and Polls Amendment Act 1982, and shall be read together with and deemed part of the Local Elections and Polls Act 1976 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by adding the following definition:

“‘Working day’ means any day of the week other than—

“(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day; and

“(b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year:”.

3. Deputy Returning Officers, poll clerks, and interpreters—Section 9 of the principal Act is hereby amended by adding the following subsection:

“(8) No member of the local authority nor any candidate at the election—

“(a) Shall be appointed or shall act as a Deputy Returning Officer, poll clerk, or interpreter at the election; or

“(b) Shall assist in any way with the conduct of the election.”

4. Declaration of Returning Officer, Deputy Returning Officers, poll clerks, and interpreters—(1) The principal Act is hereby amended by repealing section 10, and substituting the following section:

“10. (1) Every Returning Officer and every substitute for a Returning Officer shall, before entering on the duties of his office, make a declaration in form 1 in the First Schedule to this Act before a Justice, or before the Chairman of the local authority.

“(2) Every Deputy Returning Officer and every poll clerk and every interpreter shall, before the polling period, make a declaration in form 1 in the First Schedule to this Act.

“(3) Every substitute for a Deputy Returning Officer shall, before acting as such, and every other person who assists with the conduct of the election after the close of voting shall, before beginning to do so, make a declaration in form 1 in the First Schedule to this Act.

“(4) Every declaration in form 1 in the First Schedule to this Act which is made pursuant to subsection (2) or subsection (3) of this section shall be made before the Returning Officer, or a Justice or solicitor or Postmaster, or a Deputy Returning Officer.”

(2) The First Schedule to the principal Act is hereby amended by inserting in form 1, after the word “Interpreter”,

the words “*Person (not being a Returning Officer, Deputy Returning Officer, Poll Clerk, or Scrutineer) assisting with the conduct of the election after the close of voting”.

5. Nomination of candidate—(1) Section 12 (4) of the principal Act is hereby amended by omitting the word “accepted”, and substituting the word “received”.

(2) Section 12 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) The receipt given in respect of a nomination paper shall not constitute an acknowledgment that the nomination paper is in order.”

6. Deposit by candidates—(1) The principal Act is hereby amended by repealing section 14, and substituting the following section:

“14. (1) Every candidate at any election, or some person on his behalf, shall, at the time the nomination paper is delivered to the Returning Officer, deposit with the Returning Officer the sum required by subsection (2) of this section, and no nomination of a candidate at any such election shall be accepted by the Returning Officer unless that deposit is so made.

“(2) The deposit shall—

“(a) In the case of a candidate for a community council, be the sum of \$30; and

“(b) In the case of any other candidate, be the sum of \$100.

“(3) The deposit shall be paid in the form of money, a money order, a money order telegram, a bank draft, or a cheque.”

(2) Form 2 in the First Schedule to the principal Act is hereby amended by omitting the expression “\$30”, and substituting the expression “\$.....”.

7. Forfeiture of deposit, and refund of deposit—Section 15 of the principal Act is hereby amended by repealing paragraphs (d) and (e), and substituting the following paragraphs:

“(d) Being a candidate for the office of Mayor of a borough or a district, dies, or becomes incapable under any Act of holding that office, in such circumstances that a new election is required to be held pursuant to section 22 of this Act; or

“(e) Not being a candidate for the office of Mayor of a borough or a district,—

“(i) Dies before the close of voting; or

“(ii) Becomes, before the close of voting, incapable under any Act of holding the office for which he is a candidate,—”.

8. Death or incapacity of candidate before close of nominations—Section 17 (1) of the principal Act is hereby amended by inserting, after the word “died”, the words “or has become incapable under any Act of holding the office for which he is a candidate”.

9. Notice of nominations and election—(1) Section 20 (1) of the principal Act is hereby amended by omitting the word “immediately” in both places where it occurs, and substituting in each case the words “as soon as practicable”.

(2) Section 20 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) The public notice under subsection (2) of this section shall indicate which of the polling places have suitable access for persons who are physically disabled.”

10. Death or incapacity of candidate for Mayor after close of nominations—The principal Act is hereby amended by repealing section 22, and substituting the following section:

“22. (1) Where, after the close of nominations and before polling day, any candidate for the office of Mayor of a borough or a district dies or becomes incapable under any Act of holding that office, the Returning Officer shall, upon being satisfied of the fact of the death or incapacity, by public notice countermand the notice of the election.

“(2) Where, on polling day before the hour of 7 o'clock in the afternoon, any such candidate dies or becomes incapable of holding such office, the Returning Officer shall, upon being satisfied of the fact of the death or incapacity, immediately instruct every Deputy Returning Officer to cease issuing voting papers for that election, and by public notice declare the election to be void.

“(3) Where, after the hour of 7 o'clock in the afternoon of polling day and before the declaration of the result of the election, any such candidate dies or becomes incapable of holding such office, and it is found on the completion of the count of votes or on a recount that the candidate, if still living

or not incapacitated, would have been elected, the Returning Officer shall, upon being satisfied of the fact of the death or incapacity, by public notice declare the election to be void.

“(4) The provisions of this Act as to an equality of votes between candidates shall apply, notwithstanding the death or incapacity of one of those candidates after the close of the election.

“(5) Where the election for the office of Mayor is interrupted in consequence of the death or incapacity of a candidate, all voting papers placed in the several ballot boxes shall be taken out by the several Deputy Returning Officers immediately the polling booths are closed, and, being made up into secured packages, shall be sent unopened to the Returning Officer, who shall deal with them in accordance with section 45 of this Act.

“(6) Notwithstanding anything in subsection (5) of this section, where a combined voting paper is used for the election of the Mayor and members of a borough or district and a candidate for Mayor dies or becomes incapable under any Act of holding that office, the combined voting papers shall continue to be used for recording the votes for candidates for the office of councillor and, at the close of voting, shall be treated in the same manner as other votes in accordance with this Act.

“(7) Where under this section any election is countermanded or deemed to be void, a new election shall be held as if an extraordinary vacancy had occurred on the date of the publication of the public notice countermanding the election or declaring the election to be void, and, except as provided in subsections (8) and (9) of this section, all proceedings in connection with the new election shall be had and taken anew.

“(8) Only persons who were eligible to vote at the countermanded or void election shall be eligible to vote at the new election, and the roll which was to be used at the countermanded or void election shall be used at the new election without any amendment or addition.

“(9) The nomination of any candidate accepted for the countermanded or void election shall be deemed to have been made in respect of the new election.”

11. Death or incapacity of candidate (other than for Mayor) after close of nominations—The principal Act is hereby amended by repealing section 23, and substituting the following section:

“23. (1) Where—

“(a) After the close of nominations and before polling day, any candidate, other than a candidate for the office of Mayor, dies or becomes incapable under any Act of holding the office for which he is a candidate; or

“(b) Any such candidate dies or becomes incapable as aforesaid before the close of nominations but advice of his death or incapacity is received by the Returning Officer after the close of nominations,—

the provisions of section 21 of this Act, so far as they are applicable and with the necessary modifications, shall apply as if the deceased or incapacitated candidate had retired on the date of his death or incapacity or, as the case may be, on the date on which advice of his death or incapacity is received by the Returning Officer.

“(2) Where, on polling day before the close of voting, any candidate, other than a candidate for the office of Mayor, dies or becomes incapable under any Act of holding the office for which he is a candidate and the Returning Officer is satisfied of the fact of the death or incapacity, the Returning Officer shall, unless the election has become unnecessary through the death or incapacity of the candidate, as soon as practicable instruct every Deputy Returning Officer to strike out the name of the deceased or incapacitated candidate from every voting paper issued by the Deputy Returning Officer after he receives that instruction, but the fact that any voting paper is issued without the name of the deceased or incapacitated candidate being struck out shall not invalidate the election. Any vote cast for the deceased or incapacitated candidate on any voting paper from which his name has not been struck out shall be void.

“(3) Where the Returning Officer becomes aware on polling day that an election has been made unnecessary through the death or incapacity of a candidate, he shall, upon being satisfied of the fact of the death or incapacity, immediately instruct every Deputy Returning Officer to cease issuing the voting papers for that election, and shall by public notice declare the remaining candidates to be elected. All voting papers in the ballot boxes for that election shall be taken out by the several Deputy Returning Officers immediately the polling places are closed, and, being made up into secured packages, shall be sent unopened to the Returning Officer, who shall deal with them in accordance with section 45 of this Act.

“(4) Notwithstanding anything in subsection (3) of this section, where a combined voting paper is used for the election of the Mayor and members of a borough or district and, because of the death or incapacity of a candidate for councillor, an election for the office of councillor becomes unnecessary, the combined voting papers shall continue to be used for recording the votes for candidates for the office of Mayor and, at the close of voting, shall be treated in the same manner as other votes in accordance with this Act.”

12. Form of voting papers—Section 25 (5) of the principal Act is hereby amended by adding the words “or shall be marked with a distinctive colour or symbol sufficient to enable the voting papers for each election to be readily distinguished from each other”.

13. Issue of voting papers—Section 32 (4) (b) of the principal Act is hereby amended by omitting all the words after the words “voting paper” in the first place where they occur.

14. Blind, disabled, or illiterate voter—(1) Section 36 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) Has severe difficulty in reading or writing; or”.

(2) Section 36 of the principal Act is hereby amended by inserting in subsection (3) (as substituted by section 2 (1) of the Local Elections and Polls Amendment Act (No.2) 1977), after the words “paragraph (b)”, the words “or paragraph (ba)”.

15. Special voters—(1) The principal Act is hereby amended by repealing section 37 (as amended by section 34 (1) of the Electoral Amendment Act 1980), and substituting the following section:

“37. Any elector may vote at any election as a special voter, if—

“(a) The elector’s name does not appear on the copy of the roll used for that election or has been deleted from that copy, and the elector has reasonable cause to believe that the elector’s name was entered on the roll or, as the case may be, should not have been deleted from that copy; or

- “(b) The elector’s 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) The elector 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 the elector is registered as a Parliamentary elector is within the local government area and is the elector’s present residential address; or
- “(c) The elector has qualified as an elector not earlier than the day preceding the day on which the roll was closed and before polling day and has applied before polling day to have the elector’s name entered on the roll; or
- “(d) The elector will on polling day be outside New Zealand; or
- “(e) The elector will be absent from the local government area on polling day; or
- “(f) The elector will throughout the hours of voting on polling day be travelling under conditions which will preclude the elector from attending to vote at any polling place appointed for the local government area; or
- “(g) The elector is ill or infirm, and by reason of that illness or infirmity will be precluded from attending to vote at any polling place appointed for the local government area; or
- “(h) In the case of a woman, she will by reason of pregnancy or recent childbirth be precluded from attending to vote at any polling place appointed for the local government area; or
- “(i) The elector has a religious objection to voting at a polling place on the day of the week on which polling day falls; or
- “(j) The elector satisfies the Returning Officer or Deputy Returning Officer that on any other ground it will

not be possible for the elector to vote at a polling place appointed for the local government area without incurring hardship or undue inconvenience."

(2) Section 34 (1) of the Electoral Amendment Act 1980 is hereby consequentially repealed.

16. Voting by special voters—Section 38 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

"(2A) Notwithstanding anything in subsection (1) or subsection (2) of this section, or in any regulations made pursuant to this Act, where the name of any person who applies in person for a special vote appears on a copy of the roll used for the purpose of the election, the Issuing Officer may, if he thinks fit, instead of issuing to that person a special voting paper and a declaration, issue to that person a voting paper in form 6 in the First Schedule to this Act, and that voting paper shall be treated as if it had been issued under section 32 of this Act. In any such case, the special vote shall be exercised forthwith by the voter in accordance with section 34 of this Act, and this Act shall thereupon apply as if the voter had exercised his vote at a polling booth during the hours of voting, and, notwithstanding section 29 of this Act, the Returning Officer or Deputy Returning Officer shall provide a locked ballot box for the deposit of ordinary voting papers issued in accordance with this subsection."

17. Death or incapacity of elected candidate before declaration of result of election—The principal Act is hereby amended by repealing section 44, and substituting the following section:

"44. Where, after the close of the voting, any candidate (not being a candidate for the office of Mayor) dies or becomes incapable of holding the office for which he is a candidate and the death or incapacity occurs—

“(a) Before the declaration of the result of the election in accordance with section 42 (5) of this Act; or

“(b) Where a recount is applied for and an amended declaration of the result of the election is ordered pursuant to section 43 (8) of this Act, before that amended declaration has been given,—

and that candidate would, but for his death or incapacity, have been declared to be elected, the Returning Officer shall declare the other successful candidates to be elected, and the

vacancy resulting from the death or incapacity of the candidate shall be deemed to be an extraordinary vacancy occurring on the date of the declaration or of the amended declaration, as the case may be, as if that candidate has been a member of the local authority on the date of the declaration or amended declaration."

18. Disposal of voting papers, rolls, etc.—(1) Section 45 (1) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:

"(b) He shall properly secure the several packets, and endorse them with a description of the contents thereof respectively and the name of the local government area and the date of the polling, and shall sign the endorsement; and shall forthwith forward the packets to the Registrar of the District Court which, in the Returning Officer's opinion, is nearest to the principal office of the local authority."

(2) The principal Act is hereby amended by omitting from section 46 (3) the words "the nearest District Court" in both places where they occur, and substituting in each case the words "a District Court".

19. Election to extraordinary vacancy—(1) Section 50 (1) of the principal Act is hereby amended by omitting the words "forthwith, by public notice in form 2 in the First Schedule to this Act, appoint a day, being not more than 42 clear days after the receipt by him of notice of the vacancy", and substituting the words ", not later than 7 clear days after the receipt by him of that notice, by public notice in form 2 in the First Schedule to this Act, appoint a day, being not more than 49 clear days after the day on which that public notice is first published".

(2) Section 50 (1) of the principal Act is hereby amended by omitting from paragraph (a) of the proviso the expression "42", and substituting the expression "49".

20. Election to fill extraordinary vacancy in local authority—(1) The principal Act is hereby amended by repealing section 51 (as amended by section 7 (3) of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

"51. (1) Except where otherwise provided in any other Act, where it comes to the knowledge of the Clerk or other

principal administrative officer of any local authority, whether by notice or otherwise, that an extraordinary vacancy has occurred in the office of an elected member of the local authority (not being the office of Mayor), he shall forthwith notify the local authority of the vacancy, and the local authority shall at its next ordinary meeting or, if that is not practicable, at its next subsequent ordinary meeting, by resolution determine—

- “(a) That the vacancy shall be filled in the manner prescribed by the provisions in that behalf of this Act; or
- “(b) That the vacancy shall be filled by the appointment to be made by the local authority of a person qualified to be elected to be a member thereof:

“Provided that where any such vacancy occurs within 6 months before the date fixed for the next triennial general election, the local authority may by resolution determine that the vacancy shall not be filled.

“(2) Notwithstanding anything to the contrary in subsection (1) of this section, but subject to section 52 of this Act, where any extraordinary vacancy occurs in the office of a member (not being the office of Mayor) of a territorial authority (as defined in the Local Government Act 1974) the district of which has not been divided into wards, it shall not be necessary to hold an election to fill that vacancy or to resolve to fill the vacancy by appointment unless—

- “(a) The total number of members of the territorial authority does not exceed 12, and another extraordinary vacancy then remains unfilled; or
- “(b) The total number of members of the territorial authority exceeds 12, and at least 2 other extraordinary vacancies then remain unfilled.

“(3) For the purposes of subsection (2) of this section, in determining the total number of members of a territorial authority, the Mayor shall be deemed not to be such a member.

“(4) Where an election is required to be held to fill any extraordinary vacancy pursuant to subsection (1) (a) or subsection (5) of this section, an election shall be held at the same time to fill every other vacancy then existing in the office of a member of the Council.

“(5) Where under subsection (1) (b) of this section a local authority determines that a vacancy shall be filled by an appointment to be made by the local authority or where under subsection (2) of this section the council of the

territorial authority resolves not to fill a vacancy which has occurred more than 6 months before the date fixed for the next triennial general election, it shall forthwith give public notice of its decision, and not less than the specified number of electors for the time being on the roll of the local authority, by notice in writing under their hands delivered at the office of the local authority not later than 22 working days after the date of the giving of that public notice, may demand that an election be held to fill the vacancy. If such a demand is made, an election shall be held accordingly.

“(6) Every person who signs a demand that an election be held to fill a vacancy shall clearly state, against his signature,—

“(a) His full name; and

“(b) The address in respect of which he possesses his qualification as an elector.

“(7) Subject to subsection (8) of this section, where no demand for a poll is received by the local authority pursuant to subsection (5) of this section, the local authority (other than a territorial authority which, in accordance with subsection (2) of this section, has resolved not to fill a vacancy) shall, at a meeting held not later than 30 days after the expiration of the time specified in that subsection for demanding a poll, by resolution make an appointment to fill the vacancy, and shall forthwith give public notice of that appointment. The person so appointed shall for all purposes be deemed to have been elected to fill the vacancy on the date on which that resolution is made.

“(8) Where a notice in writing (which purports to be a demand for a poll but which is found to be signed by less than the specified number of electors) is received by the local authority within the time specified in subsection (5) of this section for demanding a poll, any meeting required by subsection (7) of this section shall be held in time if it is held within 60 days after the expiration of the time so specified.

“(9) The Clerk or other principal administrative officer shall forthwith give notice to the Returning Officer of every decision of the local authority under subsection (1) (a) of this section and of every decision of the local authority under the proviso to subsection (1) of this section.

“(10) Where, under subsection (5) of this section, a demand for an election is received, the Clerk or other principal administrative officer shall, within 30 days after the receipt by him of the demand, give notice to the Returning Officer that an election is to be held.

“(11) Where under subsection (1) (a) or under subsection (5) of this section an election to fill an extraordinary vacancy is required to be held, then, for the purposes of section 50 (1) of this Act, the vacancy shall be deemed to have occurred—

- “(a) In the case of an election pursuant to a resolution of the local authority, on the date on which the resolution is made;
- “(b) In the case of an election pursuant to a demand of the electors, on the day on which the Clerk or other principal administrative officer gives to the Returning Officer notice that an election is to be held.

“(12) For the purposes of subsection (5) of this section, the term ‘specified number’ means a number equal to 5 percent of the number of electors who were on the roll of electors of the local authority, or of the subdivision in the case of a vacancy in the office of a member representing a subdivision of a local government area, for the immediately preceding general election of members of the local authority or representing that subdivision, as the case may be.

“(13) An elector may sign a demand made under subsection (5) of this section and be counted as one of the specified number of electors only if—

- “(a) The name of that elector appears on the roll of electors of the local authority or the relevant subdivision of that roll; or
- “(b) The name of that elector does not appear on the roll of electors of the local authority or the relevant subdivision of that roll 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) The elector 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 relevant local government area or within the relevant subdivision of that area, as the case may require, and is his present residential address.”

(2) The Local Government Amendment Act (No. 3) 1977 is hereby consequentially amended by repealing so much of Part II of the Third Schedule as relates to section 51 of the principal Act.

21. Vacation of office of Mayor—Section 52 of the principal Act (as inserted by section 7 (3) of the Local Government Amendment Act (No. 3) 1977) is hereby amended by adding the following paragraph:

“(e) At an election to fill an extraordinary vacancy in the office of Mayor, an election shall be held at the same time to fill every extraordinary vacancy then existing in the office of a member of the council.”

22. Interfering with or influencing voters—The principal Act is hereby amended by repealing section 54, and substituting the following section:

“54. (1) Every person commits an offence, and is liable to a fine not exceeding \$200, who—

“(a) In any way interferes with any person, either in a polling place or while on his way thereto, with the intention of influencing him or advising him as to his vote;

“(b) In or in view or hearing of any polling place, at any time during the hours of voting, holds or takes part in any demonstration or procession having direct or indirect reference to the election by any means whatsoever;

“(c) In or in view of any polling place or within the hearing of any voter in any polling place, at any time during the hours of voting, makes any statement or exhibits any material having direct or indirect reference to the election by means of any loudspeaker or public address apparatus or voice amplifying apparatus or cinematograph or television apparatus or by playing or exhibiting any recording of any such material;

“(d) Uses or permits the use in any polling place, at any time during the hours of voting, of any radio-receiving or television-receiving apparatus in such a manner that any statement which has direct or indirect reference to the election and which is being broadcast can be heard or, as the case may be, seen by any voter in that polling place:

“(e) Prints or publishes or distributes or delivers to any person any document, paper, or notice being or purporting to be in imitation of any voting paper to be used at the election which—

“(i) Has thereon the names of the candidates or any of them, together with any direction or indication as to the candidate for whom any person should vote; or

“(ii) In any way contains any such direction or indication or has thereon any matter likely to influence any voter:

“Provided that any person may print, publish, distribute, or deliver a card or ticket (not being an imitation voting paper) on which is printed the names of all or any of the candidates and the elective offices for which they are candidates, with or without the name of the party or parties to which those candidates belong and including those who are independent, and nothing else:

“(f) At any time, in or in view of any polling place, exhibits, during the hours of voting, any statement advising or intended or likely to influence any person as to the candidate or party for whom he should vote:

“Provided that the Returning Officer may at any time during the hours of voting cause to be removed or obliterated any statement to which this paragraph applies which is exhibited in or in view of a polling place, and may recover all expenses incurred in so doing from the persons by whom or by whose direction the statement was exhibited, as a debt due by them, jointly and severally, to the local authority:

“Provided also that this paragraph shall not apply to the wearing or displaying (whether on the person or not) of any party emblem:

“(g) Exhibits or leaves in any polling place any card or paper having thereon any direction or indication as to how any person should vote or as to the method of voting:

“(h) Prints, publishes, or distributes any instruction on the method of marking the voting paper which differs from that set out in the ‘Directions to Voter’ section required by this Act to be included in the voting paper, so as to be likely to cause confusion or mislead voters:

“(i) At any time during the hours of voting, within, or at the entrance to, or in the vicinity of, any polling place and other than in the capacity of a person acting officially at the election—

“(i) Gives or offers to give any person any written or oral information as to any name or number on the roll being used at the election:

“(ii) Permits or offers to permit any person to examine any copy of the roll being used by the officers conducting the election.

“(2) Nothing in this section shall apply to any official statement or announcement made or exhibited under the authority of this Act.”

23. Issue of voting papers—Section 68 (2) of the principal Act is hereby amended by omitting the words “on its face”.

24. Postal voting papers returned after close of voting to be marked—The principal Act is hereby amended by repealing section 72, and substituting the following section:

“72. (1) Any envelope which contains voting papers and which is delivered after the close of voting to the Returning Officer or any Deputy Returning Officer shall be placed unopened in 1 or more parcels.

“(2) Each parcel shall be sealed and marked ‘Delivered after the close of voting’, and shall be signed by the Returning Officer or the Deputy Returning Officer and marked with his official mark.”

25. Right of elector to vote as special voter—Section 73 of the principal Act is hereby amended by inserting, after the words “or to have”, the words “lost or”.

26. Petition for inquiry—(1) Section 99 (3) of the principal Act is hereby amended by omitting the words “nearest to the principal polling place”, and substituting the words “to which the voting papers were forwarded pursuant to section 45 (1) (b) of this Act”.

(2) Section 99 of the principal Act is hereby amended by adding the following subsection:

“(4) The Registrar of the Court shall forthwith send a copy of the petition of the Returning Officer.”

27. New election or poll when election or poll declared void—(1) Section 107 (1) of the principal Act is hereby amended by omitting the words “of that declaration”, and substituting the words “on which the Returning Officer is notified of that declaration”.

(2) Section 107 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Notwithstanding anything in subsection (1) of this section, where as a result of an irregularity in the roll the election or poll is declared void, the District Court Judge may order that specified amendments or additions or deletions or specified kinds of amendments or additions or deletions be made to that roll for the purposes of the new election or poll.”

28. Qualifications of electors and members—The principal Act is hereby amended by repealing section 112, and substituting the following section:

“112. (1) For the purposes of this section—

“‘Enemy subject’ means any person who is a subject of a State with which Her Majesty is for the time being at war;

“‘Local authority’ includes an Education Board, and such other public bodies as are from time to time declared by the Governor-General, by Order in Council, to be local authorities for the purposes of this section.

“(2) Notwithstanding anything to the contrary in any Act relating to the constitution of any local authority or to the conduct of elections and polls by or in connection with any such local authority, the following provisions shall apply in relation to the constitution of local authorities and the conduct of local elections and polls.

“(3) Any person who is an enemy subject shall not be qualified to vote at any election or poll conducted by any local authority, or be capable of being elected or appointed as a member of any local authority.

“(4) Any person who, at the commencement of the Local Elections and Polls Amendment Act 1982, was not enrolled as an elector of a district or, being otherwise qualified as an elector of a district, had not made application for enrolment as an elector of the local authority shall be capable of becoming an elector of a local authority only if, having met any other requirement for enrolment as an elector of the local authority, and not being otherwise disqualified, he is also—

“(a) A New Zealand citizen; or

- “(b) A permanent resident of New Zealand within the meaning of section 38 of the Electoral Act 1956.
- “(5) Any person shall, in addition to the requirements of any other Act, be capable of being a candidate or elected or appointed as a member of a local authority only if he is also—
- “(a) A New Zealand citizen; or
 - “(b) A person (not being an alien within the meaning of section 2 of the Citizenship Act 1977) who was, at the commencement of the Local Elections and Polls Amendment Act 1982,—
 - “(i) Enrolled as an elector of the district of a local authority; or
 - “(ii) Being qualified for enrolment as an elector of the district of a local authority, had made application for enrolment as an elector of that district.
- “(6) Every person who by this section is disqualified from being elected or appointed as a member of a local authority commits an offence if he consents to be nominated for election or appointment, or to be appointed, as a member of any such local authority.
- “(7) Every person who by this section is disqualified from voting at any election or poll commits an offence if he attempts to vote or votes at any such election or poll, or applies for enrolment on the roll of electors for any such election or poll.
- “(8) Every person who commits an offence against this section is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$200, or to both.”

29. Form of nomination paper—(1) Form 3 in the First Schedule to the principal Act is hereby amended by omitting the paragraph beginning with the words “I, A.B.,”, and substituting the following paragraphs:

“I, A. B., [*Electoral qualification*], being eligible for election in terms both of section 112 of the Local Elections and Polls Act 1976 and of any other Act, hereby consent to the above nomination.

In the public notice given under section 20 (1) of the Local Elections and Polls Act 1976, I wish my party accreditation (or other designation) to be shown as *..... [To be deleted if the candidate does not wish to claim any party accreditation or designation.]”

(2) The said form 3 is hereby further amended by adding to the NOTE the following clauses:

“4. Nominations of candidates must be in the hands of the Returning Officer not later than noon on the day of 19.....

“5. Each nomination must be accompanied by the required deposit of \$.....”

30. Form of voting paper at election—Form 6 in the First Schedule to the principal Act is hereby amended by adding to clause 2 of the *Directions to Voter* the words “However, you may vote for less than that number of candidates if you wish. [Omit the second sentence if only 1 candidate is to be elected]”.

31. Modifications of Act where election taken by postal vote—(1) The Third Schedule to the principal Act is hereby amended by omitting the first item relating to section 45, and substituting the following item:

“Section 45 ...	By omitting from subsection (1) (a) the words ‘section 41’, and substituting the words ‘section 78’.”
-----------------	---

(2) The Third Schedule to the principal Act is hereby further amended by omitting the items relating to sections 47 and 48, and substituting the following items:

“Section 47 ...	By omitting this section.
“Section 48 ...	By omitting this section, and substituting the following section:

‘48. Adjournment of election—
Where the election cannot start or has to be suspended, whether by reason of riot or open violence, natural disaster, and industrial dispute, or any other cause, the Returning Officer shall adjourn the taking of the election to a day not later than the fourteenth day after the day originally appointed, and if necessary for further periods, not exceeding 14 days at any one time, until the election can be taken, and shall forthwith give public notice of the adjournment in such manner as he thinks fit.’ ”

(3) The said Third Schedule is hereby further amended by omitting the item relating to section 54, and substituting the following item:

- “Section 54 ... | By omitting from subsection (1) (a) the words ‘either in a polling place or while on his way thereto’.
- By inserting in paragraphs (b), (c), (d), (f), and (i) of subsection (1), after the words ‘during the hours of voting’ wherever they occur, the words ‘on the day of the close of voting’.”

32. Modification of Act where election taken over consecutive days—The Fourth Schedule to the principal Act is hereby amended by omitting the item relating to section 54, and substituting the following item:

- “Section 54 ... | By omitting paragraphs (b) and (c) of subsection (1), and substituting the following paragraphs:
- ‘(b) At any time, in any polling place, during the hours of voting or, on the last day of the polling period in or in view or hearing of any polling place during those hours, holds or takes part in any demonstration or procession having direct or indirect reference to the election by any means whatsoever;
- ‘(c) At any time, in any polling place, during the hours of voting, or, on the last day of the polling period in or in view of any polling place or within the hearing of any voter in any polling place during those hours, makes any statement or exhibits any material having direct or indirect reference to the election by means of any loud-speaker or public address apparatus or voice amplifying apparatus or cinematograph or television apparatus or by playing or exhibiting any recording of any such material:’.

By omitting paragraph (f) of subsection (1), and inserting the following paragraph:

'(f) At any time, in any polling place, during the hours of voting, or, on the last day of the polling period in or in view of any polling place during those hours, exhibits any statement advising or intended or likely to influence any person as to the candidate or party for whom he should vote.'

By inserting in paragraph (i) of subsection (1), after the words 'hours of voting', the words 'on any day that is part of the polling period'."

33. Consequential amendments—The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

Section 33

SCHEDULE**CONSEQUENTIAL AMENDMENTS**

Enactment Amended	Amendment
1908, No. 96—The Land Drainage Act 1908 (R.S. Vol. 6, p. 641)	By inserting in section 9 (1), before the word "Every", the words "Subject to section 112 of the Local Elections and Polls Act 1976".
1908, No. 165—The River Boards Act 1908 (1957 Reprint Vol. 13, p. 397)	By inserting in section 28, after the word "except", the words "as provided in section 112 of the Local Elections and Polls Act 1976 or".
1920, No. 15 (Local)—The Christchurch Tramway District Act 1920	By repealing paragraph (c) of section 22, and substituting the following paragraph: "(c) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.".
1925, No. 38—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)	By repealing paragraph (b) of section 21, and substituting the following paragraph: "(b) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.".
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)	By repealing paragraph (b) of section 54 (1), and substituting the following paragraph: "(b) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.".
1947, No. 35—The Masterton Licensing Trust Act 1947 (R.S. Vol. 3, p. 445)	By repealing subsection (1) of section 10, and substituting the following subsection: "(1) Subject to section 112 of the Local Elections and Polls Act 1976, every person shall be an elector of the Masterton Licensing Trust district who is entitled by virtue of a residential qualification, being a qualification in respect of an address within the Trust district, to vote at any election of members of the local authority of any district of which the whole or part is situated within the Trust district."
	By inserting in section 14 (1), after paragraph (a), the following paragraph: "(aa) A person who is disqualified for election under section 112 of the Local Elections and Polls Act 1976.".

SCHEDULE—*continued*CONSEQUENTIAL AMENDMENTS—*continued*

Enactment Amended	Amendment
1949, No. 43—The Licensing Trusts Act 1949 (R.S. Vol. 3, p. 289)	<p>By repealing subsection (1) of section 9, and substituting the following subsection:</p> <p>“(1) Subject to section 112 of the Local Elections and Polls Act 1976, every person shall be an elector of the Trust district who is entitled by virtue of a residential qualification, being a qualification in respect of an address within the Trust district, to vote at any election of members of the local authority of any district of which the whole or part is situated within the Trust district.”</p>
1950, No. 33—The Invercargill Licensing Trust Act 1950 (R. S. Vol. 3, p. 19)	<p>By inserting in section 14 (1), after paragraph (a), the following paragraph:</p> <p>“(aa) A person who is disqualified for election under section 112 of the Local Elections and Polls Act 1976.”.</p>
1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)	<p>By repealing subsection (1) of section 10, and substituting the following subsection:</p> <p>“(1) Subject to section 112 of the Local Elections and Polls Act 1976, every person shall be an elector of the Invercargill Licensing Trust district who is entitled by virtue of a residential qualification, being a qualification in respect of an address within the Trust district to vote at any election of members of the local authority of any district of which the whole or part is situated within the Trust district.”</p>
1951, No. 21 (Local)—The Christchurch District Drainage Act 1951	<p>By inserting in section 15 (1), after paragraph (a), the following paragraph:</p> <p>“(aa) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.”.</p>
	<p>By repealing paragraph (c) of section 31 (1), and substituting the following paragraph:</p> <p>“(c) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.”.</p>
	<p>By inserting in subsection (1) of section 8 (as substituted by section 4 of the Christchurch District Drainage Amendment Act 1967), after the words “being an elector of</p>

SCHEDULE—*continued*CONSEQUENTIAL AMENDMENTS—*continued*

Enactment Amended	Amendment
1951, No. 21 (Local)— The Christchurch District Drainage Act 1951— <i>continued</i>	that or any other sub-district”, the words “and not being a person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976”.
1957, No. 40—The Hospitals Act 1957 (R.S. Vol. 2, p. 757)	By repealing paragraph (b) of section 33, and substituting the following paragraph: “(b) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.”.
1963, No. 15 (Local)— The North Shore Drainage Act 1963	By inserting in section 5 (2), after the words “or that part of that local district, as the case may be”, the words “and not being a person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976”.
1964, No. 135—The Education Act 1964 (Reprinted 1975, Vol. 3, p. 1699)	By adding to section 18 (c) the expression “; or”. By adding to section 18 the following paragraph: “(d) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.”.
1966, No. 27 (Local)— The Masterton Trust Lands Act 1966	By repealing paragraph (b) of section 10 (1), and substituting the following paragraph: “(b) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.”.
1967, No. 147—The Agricultural Pests Destruction Act 1967	By repealing paragraph (b) of section 47 (1), and substituting the following paragraph: “(b) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.”.
1974, No. 66—The Local Government Act 1974 (R.S. Vol. 5, p. 77)	By omitting from section 64 (e) (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) the words “rights of aliens”, and substituting the words “qualifications of electors and members”.
	By omitting from section 69 (1) (as so enacted) the words “section 110”, and substituting the words “sections 110 and 112”.

SCHEDULE—*continued*
CONSEQUENTIAL AMENDMENTS—*continued*

Enactment Amended	Amendment
1974, No. 66—The Local Government Act 1974 (R.S. Vol. 5, p. 77)— <i>continued</i>	By inserting in section 71 (as enacted by section 7 (1) of the Local Government Amendment Act 1979), after the words “Subject to this Act”, the words “and to section 112 of the Local Elections and Polls Act 1976”.
1978, No. 11 (Local)—The Auckland Electric Power Board Act 1978	By repealing paragraph (b) of section 7, and substituting the following paragraph: “(b) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.”.
1979, No. 4 (Local)—The Greytown Trust Lands Act 1979	By repealing paragraph (b) of section 8 (1), and substituting the following paragraph: “(b) A person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976.”.

This Act is administered in the Department of Internal Affairs.
