



ANALYSIS

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1989, No. 30

**An Act to amend the Local Elections and Polls Act 1976**

[6 June 1989]

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

**1. Short Title and commencement**—(1) This Act may be cited as the Local Elections and Polls Amendment Act 1989, 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) Except as otherwise provided in this Act, this Act shall come into force on the 1st day of July 1989.

**2. Interpretation**—Section 2 of the principal Act is hereby amended by inserting in the definition of the term “local authority”, after the words “Water Supply Board”, the words “and any local authority constituted pursuant to a final

reorganisation scheme prepared under section 15B of the Local Government Act 1974”.

**3. New sections inserted**—(1) The principal Act is hereby amended by inserting, after section 5A (as inserted by section 2 of the Local Elections and Polls Amendment Act 1988), the following sections:

“5B. **Conduct of elections**—(1) Every election of members of a territorial authority shall be conducted by a Returning Officer as provided in section 8 of this Act.

“(2) Every triennial general election of members of a regional council shall be conducted either—

“(a) By a Returning Officer appointed by the regional council under section 8 of this Act; or

“(b) By the Returning Officers of those territorial authorities whose districts are wholly or partly within the region of the regional council,—

at the option of the regional council, which shall determine the matter not later than the 15th day of March in the year in which the triennial general election is to be held, and shall advise those territorial authorities accordingly.

“(3) Where all the boundaries of a local authority are the same as the boundaries of a territorial authority or are wholly within the boundaries of a territorial authority, every election of members of that local authority shall be conducted by the Returning Officer of that territorial authority.

“(4) Where all the boundaries of a local authority, except for its seaward boundaries, are the same as those of a regional council, every election of members of that local authority shall be conducted in the manner chosen by the regional council under subsection (2) of this section for the conduct of the elections of its members.

“(5) Every election of members of a local authority that is neither a territorial authority nor a regional council and is a local authority to which neither subsection (3) nor subsection (4) of this section applies shall be conducted by the Returning Officers of the territorial authorities whose districts are wholly or partly within the area of that local authority.

“5c. **Appointment of supervising Returning Officer**—  
(1) Where, by virtue of section 5B of this Act, the Returning Officers of more than one territorial authority are required to conduct the election of members of a local authority, that local authority shall appoint a supervising Returning Officer who shall be—

“(a) The principal administrative officer of the local authority; or

“(b) The Returning Officer of one of the territorial authorities.

“(2) The supervising Returning Officer—

“(a) Shall have all the functions, duties, and powers of a Returning Officer; and

“(b) Shall co-ordinate the activities of the Returning Officers conducting the election.

“5D. **By-elections and polls**—Where any by-election or poll is conducted in respect of any local authority, it shall be conducted in the manner provided or chosen under section 5b of this Act for the preceding triennial general election of that local authority.”

(2) This section shall come into force on the 1st day of November 1989.

**4. New sections inserted**—The principal Act is hereby amended by inserting in Part I, after section 7, the following sections:

“7A. **Electors and voting rights**—Without limiting section 37 of this Act, every person whose name appears on the roll of electors for the time being in force for any local government area shall, unless the person has ceased to possess a qualification as an elector, be an elector under this Act and shall be entitled to exercise one vote—

“(a) At every election taken under this Act for which that roll is used:

“(b) At every poll taken on a proposal that is submitted to electors, pursuant to this Act or any other Act, for which that roll is used if the elector possesses a qualification as an elector in the area over which the poll is taken.

Cf. 1974, No. 66, s. 70; 1986, No. 21, s. 7

“*Electoral Rolls*

“7B. **Compilation of electoral roll**—(1) In every year in which a triennial general election is to be held, the principal administrative officer of every local authority that is conducting an election shall, during the month of July in that year, compile a roll of electors for the local government area to be known as the electoral roll.

“(2) The electoral roll shall comprise the names and addresses, arranged in alphabetical order of their surnames, of

every person whose name appears on the parliamentary electoral roll and whose address on that roll is within the local government area.

“(3) The electoral roll may also contain—

“(a) The occupations and postal addresses of electors; and

“(b) The statistical meshblock areas of the residences of electors; and

“(c) Such other information as has been supplied by the Chief Registrar under section 64A of the Electoral Act 1956 in respect of electors.

“(4) Where the names of 2 or more electors are the same, the principal administrative officer shall distinguish those electors by such appropriate words, abbreviations, or marks on the roll as the principal administrative officer thinks fit.

“(5) For the purposes of compiling the electoral roll, the principal administrative officer shall obtain from the Chief Registrar of Electors under section 64A of the Electoral Act 1956 a computer compiled list or computer tape containing the specified information (as defined in that section) in respect of electors appearing to reside within the local government area of the local authority, and shall use that list or tape to compile the electoral roll.

“(6) In the case of a divided local government area, the electoral roll shall be comprised of—

“(a) Separate rolls for each ward or constituency in the local government area; or

“(b) A single roll in which the ward or constituency in which each elector is qualified shall be appropriately identified.

“(7) Where a local government area contains a community whose boundaries do not coincide with those of a ward, a separate electoral roll may be compiled for that community.

Cf. 1974, No. 66, s. 72; 1986, No. 21, s. 7

“7C. **No person to be enrolled more than once**—The name of any person shall not appear more than once on any electoral roll compiled under this Act.

Cf. 1974, No. 66, s. 73; 1986, No. 21, s. 7

“7D. **Roll to be available for public inspection**—(1) A copy of the electoral roll shall be kept at the principal office of the local authority and at each post office within the local government area that is controlled by an officer of New Zealand Post Limited; and, where separate ward or constituency rolls or a separate community roll are prepared, a copy of the roll of electors of each ward or constituency or

community, as the case may require, shall be kept at some place in the ward or constituency or community.

“(2) The principal administrative officer shall give public notice of the place or places where the roll or rolls are kept.

“(3) The principal administrative officer shall ensure that the roll or rolls, other than those kept at any post office, are open for public inspection at all reasonable hours during a period of not less than 28 days before the closing of the roll in the year in which the roll is compiled.

“(4) The roll or rolls kept at any post office shall be open for public inspection whenever the post office is open for the transaction of business.

Cf. 1974, No. 66, s. 74; 1986, No. 21, s. 7

“7E. **Application for registration as parliamentary elector**—Where any person whose name does not appear on the electoral roll because it does not appear on the appropriate parliamentary roll claims to possess the necessary qualifications as a parliamentary elector for that local government area, or where any person's name, address, or occupation is incorrectly recorded on the electoral roll because it is incorrectly recorded on the parliamentary roll, that person may make application for registration or correction of registration as a parliamentary elector in the form prescribed by the Electoral Act 1956 or by regulations made under that Act.

Cf. 1974, No. 66, s. 75; 1986, No. 21, s. 7

“7F. **Completion of roll**—The principal administrative officer shall, as soon as practicable after the closing of the roll under section 111(1) of this Act, obtain from the Chief Registrar of Electors under section 64A of the Electoral Act 1956 a further computer compiled list or computer tape and shall use that list or tape to complete the compilation of the roll.

Cf. 1974, No. 66, s. 76; 1986, No. 21, s. 7

“7G. **Amendments to roll**—(1) Subject to subsection (2) of this section, the principal administrative officer may, on application of any person who is or claims to be entitled to be enrolled or any other person or otherwise, make any necessary corrections to the names, addresses, occupations, abbreviations, or marks, appearing in the electoral roll.

“(2) The principal administrative officer shall not amend any information received under section 64A of the Electoral Act 1956 except where the principal administrative officer is satisfied that the elector is dead, in which case the principal

administrative officer shall remove the name of the elector from the electoral roll.

Cf. 1974, No. 66, s. 77; 1986, No. 21, s. 7

**“7H. When roll in force—**(1) The principal administrative officer shall ensure that the roll is completed and shall, before the 18th day before polling day, attach to the roll a certificate signed by the principal administrative officer to the effect that the roll has been duly compiled.

“(2) The electoral roll shall come into force on the 18th day before polling day, and shall remain in force until another electoral roll comes into force.

“(3) Once a roll has been completed and certified it shall not be amended for any reason before the conduct of the election or poll for which it has been compiled, except where the principal administrative officer is satisfied that the elector is dead, in which case the principal administrative officer shall remove the name of the elector from the electoral roll.

Cf. 1974, No. 66, s. 78

**“7I. Proof of roll—**(1) Any copy of the electoral roll certified by the principal administrative officer or an officer authorised by the principal administrative officer to be a correct copy of the electoral roll, or of any roll compiled under this Act, shall, in the absence of evidence to the contrary, be sufficient evidence that the roll had been duly compiled.

“(2) The fact that a copy of any such roll has been certified to be a correct copy by any person purporting to be an authorised officer shall, in the absence of evidence to the contrary, be sufficient evidence that the person is duly authorised to do so.

Cf. 1974, No. 66, s. 79

**“7J. Roll for by-election or poll—**(1) For the purpose of conducting an election to fill an extraordinary vacancy, or for the taking of a poll under this or any other Act of the electors of all or part of a local government area, the principal administrative officer shall compile a new electoral roll comprising the names of all the electors entitled to vote at the election or poll.

“(2) For the purpose of compiling any such electoral roll, the principal administrative officer shall obtain from the Chief Registrar of Electors under section 64A of the Electoral Act 1956 a computer compiled list or computer tape containing the specified information (as defined in that section) in respect of electors appearing to reside within the local government area

of the territorial authority, and shall use that list or tape to compile the electoral roll.

“(3) It shall not be necessary to take any action under this section where a poll is being conducted together with and over the same areas as a triennial general election.

“(4) The roll shall be corrected, completed, and certified in the time, manner, and form prescribed by this Act for the preparation of the electoral roll as if the date of the by-election or poll were the date of a triennial general election except that section 7B of this Act shall apply only in relation to the form of the roll to be compiled under subsection (1) of this section.

Cf. 1974, No. 66, s. 80; 1986, No. 21, s. 7; 1988, No. 104, s. 5

**“7k. Use of roll for other local authority election, by-election, or poll—**(1) Where the electoral roll of any local government area is to be used for the purposes of any election or by-election of members of any other local authority or public body or for any poll of electors of any other local authority or public body, the principal administrative officer of the local authority may—

“(a) Prepare a new roll for the purpose; or

“(b) Add to or omit from an official copy of the electoral roll of the local government area the name of every person who is entitled to vote, or, as the case may be, not entitled to vote, at the election or poll; or

“(c) Indicate by appropriate words, abbreviations, or marks on an official copy of the electoral roll of the local government area the name of every person whose name appears on any such roll and who is entitled to vote at the election or poll.

“(2) The roll shall, with the necessary modifications, be corrected, completed, and certified in the appropriate time, manner, and form prescribed with respect to the electoral roll of the local government area.

“(3) The cost, or fair proportion of the cost, of preparing, amending, and printing the roll, as agreed between the local authority for the local government area and the other local authority or public body concerned, shall be paid by that other local authority or other public body concerned, and in the case of dispute the amount shall be fixed by the Audit Office.”

Cf. 1974, No. 66, s. 81 (1)–(3); 1986, No. 21, s. 7

**5. Election to fill extraordinary vacancy—**(1) Section 50 (1) of the principal Act is hereby amended by repealing

paragraph (a) of the proviso (as substituted by section 13 (2) of the Local Elections and Polls Amendment Act 1988), and substituting the following paragraphs:

“(a) Where notice of an extraordinary vacancy in any elective office is received by the Returning Officer, the day to be appointed for the election to fill the extraordinary vacancy shall,—

“(i) Where the notice is received after the 5th day of October and before the 19th day of November in any year, be a day not earlier than the 14th day of February and not later than the 21st day of February in the following year; and

“(ii) Where the notice is received on or after the 19th day of November in any year and before the 8th day of January in the following year, be a day not earlier than the 17th day of March and not later than the 24th day of March in that following year; and

“(iii) In any other case, be a day not later than 75 clear days after the day on which the public notice is first published:

“(aa) Nominations for any extraordinary vacancy shall close—

“(i) Where paragraph (a) (i) of this proviso applies, on the last Friday before the 25th day of December in the year in which the notice of the extraordinary vacancy is received by the Returning Officer; and

“(ii) In any other case, on the 43rd day before the election.”

(2) Section 50 of the principal Act is hereby further amended by adding the following subsection:

“(3) Nothing in this section applies in respect of regional councils or territorial authorities.”

(3) Section 13 (2) of the Local Elections and Polls Amendment Act 1988 is hereby consequentially repealed.

(4) This section shall come into force on the 1st day of November 1989.

**6. Election to fill extraordinary vacancy in local authority**—(1) Section 51 of the principal Act (as substituted by section 20 (1) of the Local Elections and Polls Amendment Act 1982) is hereby amended by adding the following subsection:

“(14) Nothing in this section applies in respect of regional councils or territorial authorities.”



(2) This section shall come into force on the 1st day of November 1989.

**7. Vacation of office of mayor**—(1) Section 52 of the principal Act (as substituted by section 7 (3) of the Local Government Amendment Act (No. 3) 1977) is hereby repealed.

(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 52 of the principal Act.

(3) This section shall come into force on the 1st day of November 1989.

**8. Provisions as to companies, corporations, etc.**—

(1) Section 110 of the principal Act is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

(a) Section 7 of the Local Elections and Polls Amendment Act 1986:

(b) So much of the Fifth Schedule to the Rating Powers Act 1988 as relates to the principal Act.

(3) This section shall come into force on the 1st day of November 1989.

**9. Holding of referendum with election**—The principal Act is hereby amended by repealing section 121, and substituting the following section:

“121. (1) A local authority may direct the Returning Officer to conduct a referendum on any matter relating to—

“(a) The services that are provided or that may be provided by the local authority; or

“(b) Any policy or intended policy of the local authority.

“(2) More than one referendum may be conducted at the same time.

“(3) The result of any such referendum shall not be binding on the local authority.

“(4) The local authority shall determine whether the matter that is the subject of the referendum affects all or part of its district or region and shall direct the Returning Officer to conduct the referendum over all or some of the electors of the district or region accordingly.

“(5) A referendum may be conducted in conjunction with any election or poll or separately.

“(6) A referendum conducted pursuant to this section shall be deemed to be a poll.”

**10. Form of voting paper**—(1) The First Schedule to the principal Act is hereby amended by repealing form 6 (as amended by section 30 of the Local Elections and Polls Amendment Act 1982), and substituting the form 6 set out in the Schedule to this Act.

(2) Section 30 of the Local Elections and Polls Amendment Act 1982 is hereby consequentially repealed.

*Transitional Provisions*

**11. Certain elections not to be held**—(1) Where any final reorganisation scheme prepared under section 15B of the Local Government Amendment Act (No. 3) 1988 or any other final scheme provides for the abolition or reorganisation of any local authority of any kind for which a triennial general election would otherwise have been held on the 14th day of October 1989, that election shall not be held.

(2) Where any scheme (being a final reorganisation scheme prepared under section 15B of the Local Government Amendment Act (No. 3) 1988 or any other final scheme) that has been given effect to by an Order in Council made under section 36 of the principal Act provides for the constitution of a local authority on the 1st day of November 1989, a triennial general election to elect the Mayor (if any) and members of the local authority under the principal Act shall, unless the Order in Council otherwise provides, be held on the 14th day of October 1989.

**12. When members come into office**—Notwithstanding section 6 of the principal Act, every member of a local authority who is elected at the triennial general election held on the 14th day of October 1989 shall come into office on the later of—

- (a) The day next after the day on which he or she is declared to be elected; or
  - (b) The 1st day of November 1989.
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SCHEDULE

Section 10 (1)

NEW FORM 6 SUBSTITUTED IN FIRST SCHEDULE TO LOCAL ELECTIONS AND POLLS ACT 1956

Form 6

Section 25 (1)

VOTING PAPER AT AN ELECTION

Directions to Voter

(Read carefully before voting)

1. Write '✓' in the circle(s) immediately after the name of the candidate(s) for whom you wish to vote.
2. You must not vote for more than [Insert number] candidate(s). However, you may vote for less than [Insert number] candidates if you wish. [Omit the second sentence if election is for only one vacancy].
3. After voting, fold the voting paper so that its contents cannot be seen and place it in the ballot box.
4. If you spoil this ballot paper, you may return it to the officer who issued it and apply for a fresh one.
5. This voting paper must not be taken out of the polling booth.

[Name of local government area] \_\_\_\_\_

Election of Mayor  
(or of Members,  
or as the case may be)

You can vote for  
one candidate.  
or, if the voter may vote for more than one candidate,

You can vote for  
a maximum of [Insert number] candidates.



COOPER, Geoffrey	<input type="radio"/>
RANGI, Henare	<input type="radio"/>
SMITH, Josephine Company Director	<input type="radio"/>
SMITH, Josephine Restaurant Owner	<input type="radio"/>

SCHEDULE—*continued*NEW FORM 6 SUBSTITUTED IN FIRST SCHEDULE TO LOCAL ELECTIONS AND  
POLLS ACT 1956—*continued*Form 6—*continued*VOTING PAPER AT AN ELECTION—*continued*

## NOTES\*

1. In relation to the insertion of party accreditations or other designations, see section 25 (1) of the Act.

2. Where two candidates with the same, or very similar, names are standing, an additional description may be added following the name of the candidate, as provided for by section 25 (1) of the Act.

3. When the election is held by postal vote, the *Directions to Voter* are modified as provided in the Third Schedule to the Act.

\*Not to be printed as part of the form.

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