

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 20 October 1981

ELECTORAL AMENDMENT BILL

Proposed Amendments

HON. MR McLAY, in Committee, to move the following amendments:

Clause 12A: To insert, after *clause 12*, the following clause:

12A. Rules for determining place of residence within New Zealand—Section 37 of the principal Act is hereby amended by inserting, after subsection (5), the following subsection:

“(5A) Notwithstanding anything in this section, a person who is residing on, or has resided on, Campbell Island or Raoul Island and who, before residing on Campbell Island or Raoul Island resided in some other part of New Zealand, shall be deemed to reside, or to have resided, throughout his period of residence on Campbell Island or Raoul Island, in the place in New Zealand where he had his last usual place of abode before he began to reside on Campbell Island or Raoul Island.”

Clause 13: To omit subclause (2) (all the words in lines 32 to 43 on page 10), and substitute the following subclauses:

(2) Notwithstanding anything in section 41 (2) of the principal Act, but subject to subsection (3) of this section and to subsections (7) and (8) of section 41B of the principal Act, the next occasion on which a Maori, who was, at any time in the period beginning on the 23rd day of March 1976 and ending with the date of the commencement of this subsection, registered as an elector, may exercise the option given by section 41 (1) of the principal Act shall be in the year 1982 in the period of 2 months specified under section 41A (2) of the principal Act.

(3) Any Maori who—

- (a) Was on an electoral roll immediately before the 23rd day of March 1976; and
- (b) Did not complete a form of application for registration as an elector at the time of the quinquennial census of population held on the 23rd day of March 1976; and

(c) After the 23rd day of March 1976 and before the first day of the period specified under section 41A (2) of the principal Act in respect of the year 1982, makes an application for registration as an elector and exercises the option given by section 41 (1) of the principal Act,—

shall, on the first or only occasion on which he exercises that option after the 23rd day of March 1976 and before the first day of that period, be deemed, notwithstanding anything in sections 41 (2) and 41c of the principal Act or in subsection (2) of this section, to have exercised that option at a time when it was lawful to exercise it.

Clause 15: To insert, after the expression “section 56” in line 40 on page 11, the expression “, 57”.

Clause 15A: To insert, after *clause 15*, the following clause:

15A. Restrictions on transfer between General and Maori electoral rolls—The principal Act is hereby amended by repealing section 41c (as enacted by section 12 (1) of the Electoral Amendment Act 1980), and substituting the following section:

“41c. Except as provided in sections 41 to 41B of this Act,—

“(a) No Maori may transfer from a General electoral roll to a Maori electoral roll or vice versa:

“(b) No Maori whose name has been removed from an electoral roll or who ceases to be qualified as an elector of an electoral district may be registered as an elector for a different type of electoral district.”

Clause 16: To insert in line 11 on page 13, after the word “Act”, the expression “; and also”.

To insert, after line 11 on page 13, the following paragraph:

“(c) Within one month after the date on which, following a change in his place of residence from one electoral district to another, he first becomes qualified to be registered as an elector of that other electoral district.”

To omit from line 14 on page 13 the word “subsection”, and substitute the word “subsections”.

To add, after line 18 on page 13, the following subsection:

“(8) Notwithstanding anything in subsections (1) to (7) of this section or in section 37 (5A) of this Act, no person is required to apply for registration as an elector while he is living on Campbell Island or Raoul Island.”

Clause 17: To insert in line 19 on page 13, as subclause (1), the following subclause:

(1) Section 43A of the principal Act (as enacted by section 15 (1) of the Electoral Amendment Act 1980) is hereby amended by omitting from subsection (4) (a) the words “section 60B”, and substituting the words “sections 57 and 60B”.

(2)

Clause 19: To insert in line 17 on page 15, after the words “writ day”, the word “determine”.

To insert in line 18 on page 15, before the word "Enter", the word "To".

To insert in line 20 on page 15, before the word "Delete", the word "To".

Clause 21: To omit from lines 26 and 27 on page 16 the words "from a candidate or a representative of a political party".

Clause 22: To insert, after line 39 on page 16, the following subparagraph:

"(ia) Forms completed under section 41B (3) of this Act; or"

To insert in line 6 on page 17, after the words "graph (i)", the words "or subparagraph (ia)".

Clause 26A: To insert, after *clause 26*, the following clause:

26A. Who may vote—Section 99 of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:

"(da) Any person who is qualified to be registered as an elector of the district pursuant to section 39 of this Act and who resides on Campbell Island or Raoul Island or has resided on either of those Islands at any time in the 3 months before polling day."

Clause 35: To omit this clause, and substitute the following clause:

35. Power to remove statements, names, emblems, slogans, or logos—(1) The principal Act is hereby amended by repealing section 127A (as inserted by section 33 of the Electoral Amendment Act 1980), and substituting the following section:

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

"(a) Any statement advising or intended or likely to influence any elector as to the candidate or party for whom he should or should not vote; or

"(b) Any statement advising or intended or likely to influence any elector to abstain from voting; or

"(c) Any party name, emblem, slogan, or logo,—which is exhibited in or in view of any public place.

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

"(3) Nothing in subsection (1) of this section shall apply to a statement, party name, emblem, slogan, or logo which does not relate specifically to the election campaign and which was so exhibited before polling day in a fixed position and in relation to the New Zealand or regional or campaign headquarters (not being mobile headquarters) of a political party.

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

(2) Section 33 of the Electoral Amendment Act 1980 is hereby consequentially repealed.

EXPLANATORY NOTE

Clause 12A: Residents of Campbell Island or Raoul Island who go to those islands after residing in some other part of New Zealand are to have their place of residence determined for the purpose of the Electoral Act 1956 as if they were still residing in that other part of New Zealand.

Clause 13: The proposed amendment ensures that the exercise, since the 1976 census, of the Maori option by certain Maoris is valid.

On the basis of the decision of the High Court on the Hunua petition Maori electors who did not re-enrol at the time of the 1976 Census were required to be treated in two different ways. Those whose names were carried forward onto Maori rolls were not validly enrolled and could thus exercise the Maori option when they next enrolled. Those whose names were carried forward onto the General rolls were validly enrolled (having been deemed to have exercised an option by default) and thus could next exercise the Maori option only in the prescribed period in 1982.

In practice those Maoris whose names were carried forward onto the Maori rolls and those Maoris whose names were carried forward onto the General rolls have been allowed to exercise the Maori option on their first enrolment since the 1976 Census. This clause recognises and validates the practice.

Clause 15 deems completed Maori option forms to be, for the purposes of section 57 of the principal Act (which deals with the removal of names from the roll by the Registrar), applications for registration.

Clause 15A substitutes a new section 41c in the principal Act. This section prohibits transfers between Maori rolls and General rolls and vice versa except during the period appointed every 5 years for the exercise of the Maori option. The new *paragraph (b)* makes it clear that, except during such a period, no Maori whose name has been removed from an electoral roll or who ceases to be qualified as an elector of an electoral district may be registered as an elector for a different type of electoral district.

Clause 16: The first of the proposed amendments adds a new paragraph to section 43 (1) of the principal Act. The new paragraph requires every elector who changes his place of residence from one electorate to another to apply for registration in respect of his new electorate within one month after the date on which he first becomes qualified to be registered as an elector of his new electorate.

The second of the proposed amendments adds a new subsection to section 43 of the principal Act. The new subsection provides that no person is required to apply for registration as an elector while he is living on Campbell Island or Raoul Island.

Clause 17: The proposed amendment has the effect of deeming completed roll revision cards to be, for the purposes of section 57 of the principal Act (which deals with the removal of names from the roll by the Registrar), applications for registration.

Clause 19 adds new *subsections (4) and (5)* to section 49 of the principal Act (which deals with the procedure following application for registration).

The new subsections enable the Registrar, where applications for registration are received shortly before the issue of the writ, to include the names of the applicants on any main, supplementary, or composite roll printed as at writ day even though he has not had time to ascertain whether the applicants are currently registered as electors of other electoral districts. The Registrar will then have 6 days after writ day within which to complete his checks and, if necessary, to delete the name of the applicant from the roll.

The amendment now proposed will require the Registrar to complete his checks and make his decision within 6 days after writ day but will not oblige him to make the consequential alteration to the roll within that period.

Clause 21 inserts a new section 64A into the principal Act. The new section makes it an offence for any person who receives, for the purpose of processing, from a candidate or a representative of a political party, a computer tape containing the names, residences, and occupations of electors of an electoral district—

- (a) To sell information derived from that tape; or
- (b) To use, for official purposes, information derived from that tape.

Under the amendment now proposed it will not be an ingredient of the offence that the computer tape be received from a candidate or a representative of a political party.

Clause 22: The amendment now proposed relates to the power to destroy records conferred on the Registrar of Electors by the new section 65B. It is proposed to authorise the destruction of completed Maori option cards if 2 general elections have taken place since they came into being. The circumstances in which such cards can be destroyed will accordingly be the same as those applying in respect of applications for registration.

Clause 26A: This proposed new clause enables residents of Campbell Island or Raoul Island to vote at any election (whether or not they are enrolled) if they have the other qualifications of electors.

Clause 35: The proposed new clause substitutes a new section 127A in the principal Act. Paragraph (c) of section 127A (1) is new. The inclusion of this paragraph is consequential on the new *subparagraph (ia)* inserted in section 127 (1) (e) of the Act by *clause 34 (1)* of the Bill.
