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1991, No. 50

An Act to amend the Local Elections and Polls Act 1976

[28 June 1991]

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 1991, 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) This Act shall come into force on the 1st day of October 1991.

2. New sections substituted—The principal Act is hereby amended by repealing sections 7B and 7C (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989), and substituting the following sections:

“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 consist of a residential electoral roll and a ratepayer electoral roll.

“7BA. **Residential electoral roll**—(1) The residential electoral roll shall comprise the names and addresses, arranged in alphabetical order of their surnames, of every person who, as at the 14th day of July, is qualified as an elector of the local authority under section 101F(1) of the Local Government Act 1974.

“(2) For the purposes of compiling the residential electoral roll, the principal administrative officer shall obtain from the Registrar of Electors under section 64A of the Electoral Act 1956 a computer-compiled list or computer tape containing the specified information (as contained 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.

“(3) The residential 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 residential electors are the same, the principal administrative officer shall distinguish those electors by such appropriate words, abbreviations, or marks as the principal administrative officer thinks fit.

“7BB. **Ratepayer electoral roll**—(1) The ratepayer electoral roll shall comprise the names, arranged in alphabetical order of their surnames, of every person for the time being qualified as an elector of the local authority under section 101F(2) of the Local Government Act 1974 who has, after the 1st day of April and before the 14th day of July of that year, enrolled or been nominated under section 7BG of this Act together with the address of the property in respect of which that person has been enrolled or nominated.

“(2) The ratepayer electoral roll may also contain—

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

“(b) The addresses in respect of which they are registered as Parliamentary electors; and

“(c) Identification of the elections in which the electors are qualified to vote.

“7BC. Rolls for divided local government area—In the case of a divided local government area, the electoral rolls shall consist of—

- “(a) Separate residential and ratepayer electoral rolls for each ward or constituency in the local government area; or
- “(b) Single residential and ratepayer electoral rolls on which the ward or constituency for which each elector is qualified is appropriately identified.

“7BD. Rolls where local government area contains one or more communities—Where a local government area contains one or more communities,—

- “(a) A separate residential electoral roll may be compiled for each community; and
- “(b) A separate ratepayer roll shall be compiled for each community.

“7BE. Enrolment on ratepayer electoral roll—(1) For the purposes of compiling the ratepayer electoral roll, the principal administrative officer shall, before the end of May in each year in which a triennial general election is to be held, send to the person or persons listed on the valuation roll as the occupier or occupiers of a separately rateable property within the local government area an application for enrolment in the prescribed form.

“(2) Where 2 or more persons are listed on the valuation roll as the occupiers of a separately rateable property within the local government area, it shall be sufficient for the purposes of subsection (1) of this section if the principal administrative officer sends an application for enrolment in the prescribed form to one of those persons.

“(3) The principal administrative officer shall keep a supply of applications for enrolment in the prescribed form to issue on request.

“(4) Any person who qualifies as an elector in terms of section 101F (2) of the Local Government Act 1974 may apply for enrolment at any time in the prescribed form.

“(5) After making such inquiries as he or she considers appropriate and after determining that the name of no other person has been included on the ratepayer electoral roll in respect of the separately rateable property of which the applicant is an occupier, the principal administrative officer shall include on the ratepayer electoral roll the name of the applicant if the principal administrative officer is satisfied that the applicant is qualified.

“(6) Every person whose name is entered on a roll of electors pursuant to this section shall, for the purposes of any election or poll, be deemed to possess a rating qualification for the purpose of voting.

“**7BF. Supply of information by Chief Registrar of Electors**—Where the principal administrative officer wishes to ascertain whether any person who has made an application for enrolment on the ratepayer electoral roll is qualified as an elector in terms of section 101F(2) of the Local Government Act 1974 and is registered in respect of an address outside the region, district, or community, the Chief Registrar of Electors under the Electoral Act 1956, on receiving a request from any such principal administrative officer in relation to any such person, shall inform that principal administrative officer whether that person is registered as a parliamentary elector in respect of that address.

“**7BG. Nominations in respect of ratepayer electoral roll**—(1) Any bank, joint stock or other company, firm, partners, joint tenants, or tenants in common, any body corporate or corporation sole, or any society or association of persons, whether corporate or unincorporate,—

“(a) Occupying any rateable property within the meaning of the Rating Powers Act 1988; and

“(b) Whose name or names appear in the occupier’s column of a valuation roll within the meaning of that Act as the occupier of that rateable property—

may, by applying in the form prescribed for the purposes of section 7BE of this Act to the principal administrative officer of the local authority, nominate some member or officer of the bank, company, firm, body corporate, society, or association, or any one of those partners, joint tenants, or tenants in common, or, in the case of a corporation sole, any person, to be entered on the ratepayer electoral roll for the local government area of the local authority in which the property is situated.

“(2) No bank, company, firm, body corporate, corporation sole, society, association, partners, joint tenants, or tenants in common to which this section applies owning two or more separately rateable properties within the local government area of any local authority may nominate more than one person to appear on the ratepayer electoral roll for the local government area of that local authority.

“(3) Any nomination under this section may at any time, by notice in writing delivered or sent to the principal administrative officer of the local authority at the office of the

local authority, be revoked by the bank, company, firm, society, body corporate, corporation sole, association, partners, joint tenants, or tenants in common by which or by whom it was made.

“7C. **No person to be enrolled more than once**—(1) The name of any person shall not appear more than once on the electoral roll of an undivided district or on the electoral roll of any ward of a divided district or on the electoral roll of any community.

“(2) In the case of a divided district, the name of any person shall not appear on the electoral roll for more than one ward or constituency.

“(3) A ratepayer elector having qualifications in more than one ward or constituency shall be enrolled for the ward or constituency which contains the property specified in that person’s enrolment application.”

3. New sections substituted—The principal Act is hereby amended by repealing section 7F (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989), and substituting the following sections:

“7F. **Completion of roll**—The principal administrative officer shall—

“(a) 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 residential electoral roll; and

“(b) Complete the compilation of the ratepayer electoral roll from the applications received up until the closing of the roll.

“7FA. **Removal of names from roll**—(1) The principal administrative officer may at any time remove from the ratepayer electoral roll the name of any person if, to the knowledge of the principal administrative officer, that person is no longer qualified in respect of the property for which that person was enrolled.

“(2) Where the name of any person is removed from the ratepayer roll for any reason other than the death of that person, the principal administrative officer shall forthwith give to that person, by notice in writing addressed to that person at

that person's last known address, notice of the removal of that person's name."

4. Amendments to roll—Section 7C of the principal Act (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by adding the following subsection:

"(3) Where the principal administrative officer receives advice from the Chief Registrar that a person whose name is included on the roll pursuant to section 7BB of this Act is eligible to be on the roll pursuant to section 7BA of this Act, the principal administrative officer shall amend the roll accordingly."

5. New sections inserted—The principal Act is hereby amended by inserting, after section 7C (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989), the following sections:

7GA. Objections to roll—(1) Any person may, not later than the day on which the roll closes, object to the ratepayer roll on either of the following grounds:

"(a) That any person on the roll does not possess the necessary qualification at the time when the objection is lodged; or

"(b) That the person making the objection is not on the roll and possesses the necessary qualification at the time when the objection is lodged.

"(2) Every objection shall be lodged in writing with the principal administrative officer and in the case of an objection under subsection (1) (b) of this section shall include a completed application for enrolment in the form prescribed for the purposes of section 7BE of this Act.

"(3) The principal administrative officer shall inquire into and determine whether or not the objection should be allowed and shall give the objector written notice of the decision.

7GB. Appeals to District Court in respect of roll—(1) Any person aggrieved by any decision of the principal administrative officer under section 7GA of this Act may appeal to a District Court Judge against the decision.

"(2) The appeal shall be instituted by the appellant lodging a notice of appeal in the office of the District Court that is closest to the principal office of the local authority.

"(3) The notice of appeal shall be lodged within 7 days after the date on which the appellant receives, under section 7GA (3)

of this Act, written notice of the decision to which the appeal relates.

“(4) Either before or immediately after lodging the notice of appeal, the appellant shall serve a copy of the notice of appeal on the principal administrative officer.

“(5) The District Court shall fix a time and place for the hearing of the appeal.

“(6) The appeal shall be heard as soon as practicable and the Registrar of the Court shall notify the appellant and the principal administrative officer of the time and place.

“(7) A District Court Judge shall hear and determine the objection and may order the addition to the roll of the name of any person who possesses the necessary qualifications and the removal of the name of any person who does not.”

6. Roll for by-election or poll—(1) Section 7J (2) of the principal Act (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by omitting the words “of the territorial authority”, and substituting the words “in which the election or poll is to be taken”.

(2) Section 7J of the principal Act (as so enacted) is hereby further amended by repealing subsection (4), and substituting the following subsection:

“(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—

“(a) The provisions of sections 7B to 7BD of this Act shall apply only to the form of the roll to be compiled under subsection (1) of this section; and

“(b) The provisions of section 7BE (1) of this Act shall not apply; and

“(c) The roll to be publicly notified shall be the roll used in the previous election subject to any additions or deletions of ratepayer electors.”