

ELECTORAL AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes a number of significant amendments to the Electoral Act 1956. Most of the amendments are based on the recent Third Report of the Select Committee on the Electoral Law (hereinafter referred to in this Explanatory Note as the "Third Report").

Clause 1 relates to the Short Title of the Bill.

Clause 2 enacts a new definition of the term "adult" (which definition is an entrenched provision so far as it prescribes 18 years as the minimum age for persons qualified to be registered as electors or to vote). Under the new definition a person who turns 18 in the period beginning on the Monday before polling day and ending on polling day is on and after that Monday to be treated as an adult for the purposes of the election. See paragraph 6.03 (a) of the Third Report.

Clause 3 enacts a new section 39 (which section deals with the qualification of electors). The section is an entrenched provision so far as it prescribes 18 years as the minimum age for persons qualified to be registered as electors or to vote.

The new section incorporates 3 main changes.

The new *section 39 (1) (c) (i)* makes it clear that the electoral district for which a person is qualified is the last in which the person has continuously resided for a period equalling or exceeding 3 months.

The new *section 39 (1) (c) (ii)* provides that where a person has never resided continuously in any one electoral district for a period equalling or exceeding 3 months the electoral district for which the person is qualified is the electoral district in which the person resides or has last resided. The existing provision, *section 39 (c) (iii)*, is to the same effect but it is limited to persons who follow certain specified occupations. That limitation in respect of occupations is not re-enacted. See paragraph 6.04 of the Third Report.

The new *section 39 (2)* is a new provision. It provides that where a person's period of continuous residence in an electoral district is, as at the commencement of the Monday immediately before polling day, short of 3 months by not more than 6 days that person shall be deemed, on and after that Monday, to have resided continuously in the electoral district for a period of 3 months. See paragraph 6.03 (b) of the Third Report.

Clause 4 enacts a new *section 40* (which relates to registration in respect of more than one electoral district). The new section contains 2 qualifications on the existing rule that a person is not entitled to be registered as an elector of more than one electoral district.

The first qualification is that contained in the new *subsection (2)*. That subsection provides that where an elector is qualified to be registered as an elector of an electoral district, his registration as an elector of that district is not invalid by reason only of the fact that his name appears on the roll of another electoral district for which he has, consequent on a change in his place of residence, ceased to be qualified.

The second qualification is that contained in the new *subsection (3)*. That subsection provides that where an elector who is not a Maori is registered as an elector of a General electoral district, his registration as an elector of that district shall not be invalid by reason only of the fact that he was at one time registered as both an elector of that district and an elector of a Maori electoral district.

See paragraph 6.02 of the Third Report.

Clause 5 enacts a new *section 43A* (which deals with the revision of electoral rolls). *Subsection (3)* is new. It provides that, in every year in which a Parliament is due to expire, the Chief Registrar shall specify by notice in the *Gazette* the period during which the roll revision is to take place. See paragraph 5.02 (a) of the Third Report.

Subsection (6) (a) has been modified. The existing provision (*subsection (4) (a)*) deems a completed roll revision card to be, for certain purposes, an application for registration as an elector. The new provision widens the deeming effect of the provision. The main effect is to do away with the need for an elector to fill in a normal application where the elector returns a roll revision card showing that the elector has changed electorates more than 3 months earlier. See paragraph 5.02 (b) of the Third Report.

Clause 6 amends *section 47* of the principal Act (which relates to the notification of marriages of women electors). Where a woman marries she may have her name changed on the electoral roll. Where this change is not made before the issue of the writ for an election, the elector, if otherwise qualified, is entitled to vote at the election in respect of her former name as appearing on the roll. Consequent on the changes made by the new *section 57* (as enacted by *clause 10* of the Bill), *section 47 (4)* will now provide that where the change in name does not appear on the main or supplementary roll as printed for the election, the elector, if otherwise qualified, is entitled to vote at that election in respect of her former names appearing on the roll.

Clause 7 amends *section 49* of the principal Act (which deals with the manner in which applications for registration are dealt with).

Subsections (4) and (5) (which were added by *section 21* of the Electoral Amendment Act 1981) 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 then has 6 days after writ day in which to complete his checks and, if necessary, delete the name of the applicant from the roll.

The new *subsection (6)* (added by this clause) provides that where the Registrar determines to delete the name of the applicant pursuant to *subsection (5)*, he must forthwith deliver notice of that determination to the applicant.

The new *subsection (7)* provides that where, pursuant to a determination under *subsection (5)*, the name of an applicant is so deleted, that name shall, for the purposes of *section 57 (2)* (as enacted by *clause 10* of the Bill), be deemed to have been removed from the roll. This means that if the Registrar discovers that he has deleted the name by mistake or by clerical error or as a result of false information, he may restore the name to the roll.

Clause 8 amends section 50 of the principal Act (which deals with applications for registration received after the issue of a writ). That section provides, subject to 2 exceptions, that no person whose application is received after 6 o'clock in the afternoon of writ day shall be registered as an elector of the district before the expiration of 7 clear days after polling day. That section (as amended by this clause) will provide that such an application is not to be registered before the day following the day of the return of the writ.

Clause 9 enacts a new section 56 of the principal Act (which deals with notice of registration as an elector). The general rule is that the Registrar is required, not later than 14 days after the registration of a person, to deliver to that person personally, or to send to him by post, notice in writing of his having been so registered. One of the existing exceptions to that general rule is that the Registrar is not required to give that notice where registration is effected on the basis of a roll revision form. *Subsection (3)* of the new section provides that where registration of a person is effected in a roll revision period the Registrar is required, not later than 6 weeks after the end of that period, to deliver to that person personally, or to send to him by post, notice in writing of his having been so registered. See paragraph 5.02 (c) of the Third Report.

Clause 10 enacts new sections 57 and 57A. The new *section 57* deals with the removal of names from the roll by the Registrar. The new *section 57A* deals with the giving of notice of alterations to the roll under *section 57*.

Paragraphs (g) to (i) of the new *section 57 (1)* are new provisions, although they replace in part the existing section 57 (1) (a) (which is a remnant of the previous system of registration). The new paragraph empowers the Registrar to remove from the roll—

- (a) The name of every person who, being a Maori, is registered in contravention of section 41C of the principal Act;
- (b) Where the roll is for a Maori electoral district, the name of every person who is not a Maori;
- (c) The name of every person who has been registered for the district—
 - (i) By mistake; or
 - (ii) By clerical error; or
 - (iii) As a result of false information.

Subsection (4) of the new *section 57* has been redrafted but corresponds in substance with section 57A (2) of the existing Act.

Subsection (5) of the new *section 57* is a new provision. The new subsection provides that where, pursuant to section 57, the name of a person is removed from a roll in the period commencing on the day after writ day and ending on the day before polling day, the Registrar shall, on removing that name, enter it on a list to be known as the "list of post-writ day deletions".

The new *section 57A* provides that where, pursuant to any of the provisions of section 57, the name of a person is removed from or entered on the roll, the Registrar is required to give notice in writing of that removal or entry to that person not later than 14 days after the date of the removal or entry.

Subsection (4) is new. It provides that where the name is removed or entered in the period beginning on the day after writ day and ending on the day before polling day, the notice—

- (a) Shall be delivered to the person personally; and
- (b) Shall be so delivered forthwith.

Clause 11 amends section 60c of the principal Act (which provides for the compilation and printing of habitation indexes). Provision is now made for the inclusion of additional information in the habitation index. *Section 60c (1) (a) (ii)*

is new. It provides that each habitation index is to show, against the name of each elector, the number of the elector on the main roll or, as the case may be, on any supplementary roll for the electoral district. See paragraph 5.01 of the Third Report.

Clause 12 amends section 64 of the principal Act (which provides for the inspection and purchase of main and supplementary rolls).

Subclause (1) includes among the documents which any person may inspect at the Registrar's office without payment at any time between 9 a.m. and 4 p.m. on any day on which the office is open for the transaction of business, the list of post-writ day deletions referred to in section 57 (5) of the principal Act (as set out in *clause 10 (1)* of the Bill).

Subclause (2) adds a new *subsection (6A)* to section 64 of the principal Act. The new subsection provides for the supply of computer print outs to local authorities for local authority electoral purposes. See paragraph 5.03 of the Third Report.

Clause 13 enacts a new *section 65* of the principal Act (which deals with the supply of copies of rolls to Returning Officers). The copies supplied will not show deletions made in the period beginning on the day after writ day and ending on the day before polling day. Instead the Returning Officer will be supplied separately with a copy of the list of post-writ day deletions referred to in section 57 (5) of the principal Act (as set out in *clause 10 (1)* of the Bill).

Clause 14 amends section 67 of the principal Act (which prescribes certain offences such as the offence of wilfully misleading any Registrar in the compilation of any roll or list). Under subsection (2) of that section it is the duty of the Registrar to institute a prosecution against any person whom he believes to have committed any offence against the section. This clause provides, instead, that, where the Registrar believes that any person has committed an offence against the section, his duty is to report the facts upon which that belief is based to the Police. See paragraph 8.03 of the Third Report.

Clause 15 amends section 82 of the principal Act (which deals with the acceptance and rejection of nominations). Under section 82 (1A) (c) there is power to reject a nomination if the returning officer is not satisfied that the name under which the candidate is nominated is the name by which the candidate was commonly known on the date 6 months immediately preceding nomination day. The new *paragraph (c)* (as substituted by *subclause (1)* of this clause) empowers the Returning Officer to reject a nomination if he is not satisfied that the name under which the candidate is nominated is the name by which the candidate was commonly known throughout the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer.

Section 82 (1A) (d) contains a similar provision relating to a name adopted by deed poll. Under the existing *paragraph (d)* that name must have been adopted at least 6 months before nomination day. Under the new *paragraph (d)* (as substituted by *subclause (1)* of this clause), the name must have been adopted by deed poll before the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer and must have been used by the candidate throughout that 12 months period.

See paragraph 7.01 of the Third Report.

Clause 16 amends section 92 (1A) of the principal Act. That provision (as enacted in 1981) requires the Returning Officer to provide—

- (a) Each polling booth in respect of a General electoral district with a copy of the roll for each Maori electoral district in which the land in the General electoral district is included; and

(b) Each polling booth in respect of a Maori electoral district with a copy of the roll for the General electoral district in which the polling booth is situated.

The new subsection (as enacted by this clause) requires those rolls to be supplied to each polling place instead of to each polling booth. See paragraph 5.04 of the Third Report.

Clause 17 amends section 99 of the principal Act (which sets out the persons qualified to vote at an election). Section 99 (a) (as enacted in 1956) provides that any person whose name lawfully appears on the main roll or any supplementary roll for the district is qualified to vote. The new *paragraph (a)* (as substituted by this clause) makes it clear that such a person, to be qualified to vote, must be qualified to be registered as an elector for the district at the time when he votes. See paragraph 6.05 of the Third Report.

Clause 18 enacts a new *section 113* of the principal Act (which provides for the comparison of master copies of rolls). Provision is now made for the disallowance of votes made by electors whose names appear on the list of post-writ day deletions. See section 57 (5) of the principal Act (as set out in *clause 10* of the Bill). See paragraph 8.01 of the Third Report.

Clause 19 amends section 132 of the principal Act. The new *subsection (1)* (as substituted by this clause) provides for a comprehensive declaration of secrecy to be applied to all persons appointed for the purposes of the principal Act. See paragraph 8.02 of the Third Report.

Clause 20 amends section 136 of the principal Act. That section, as amended by this clause, will provide that every payment made in respect of any election expenses shall, except when less than \$20, be vouched by a bill stating the particulars, and by a receipt. The existing limit is \$10. See paragraph 7.02 of the Third Report.

Clause 21 amends section 137 of the principal Act (which provides for returns of election expenses). Under section 137 (5) it is the duty of the Returning Officer, if the provisions of section 137 are not faithfully complied with, to institute a prosecution for an offence against the section. *Subsection (6)* (as enacted by this clause) provides, instead, that, where the Returning Officer believes that any person has committed an offence against the section, his duty is to report the facts upon which that belief is based to the Police. See paragraph 8.03 of the Third Report.

Clause 22 amends section 139 of the principal Act. That section sets the maximum amount that a candidate may expend by way of election expenses within the 3 months immediately preceding polling day. This clause increases that maximum amount from \$4,000 to \$5,000. See paragraph 7.02 of the Third Report.

Clause 23 amends section 140 of the principal Act (which prescribes the offence of personation). Under subsection (4) of that section, it is the duty of the Returning Officer to institute a prosecution against any person whom he believes to have committed the offence of personation. Under *subsection (4)* (as enacted by this clause) it is provided, instead, that where the Returning Officer believes that any person has committed that offence, it is his duty to report the facts on which that belief is based to the Police. See paragraph 8.03 of the Third Report.

Clause 24 amends section 162 of the principal Act (which deals with the trial of an election petition).

Subclause (1) provides that where an elector—

(a) Has been registered as an elector of a district by an error on the part of an official; and

(b) Has exercised his vote in respect of that district in good faith and without notice of the error,—

his vote shall not be disallowed by reason only of that error. See paragraph 6.06 of the Third Report.

Subclause (2) creates 2 new presumptions. Subject to section 37 (4) of the principal Act, on the trial of an election petition—

(a) Proof that an elector has permanently left his registered address without notifying the Registrar of his new address shall be prima facie evidence that the elector has ceased to reside in the district; and

(b) Proof that an elector has left the registered address for a period of 3 months or more shall be prima facie evidence that he has ceased to be qualified as an elector of the district.

See paragraph 6.05 of the Third Report.

Hon. Mr McLay

ELECTORAL AMENDMENT

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A BILL INTITULED

An Act to amend the Electoral Act 1956

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

5 **1. Short Title**—This Act may be cited as the Electoral Amendment Act 1983, and shall be read together with and deemed part of the Electoral Act 1956* (hereinafter referred to as the principal Act).

*R.S. Vol. 7, p. 161
Amendment: 1981, No. 120

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “adult” (as amended by section 2 (1) of the Electoral Amendment Act 1974), and substituting the following definition:

“ ‘Adult’—

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“(a) Means a person of or over the age of 18 years; but

“(b) Where a writ has been issued for an election, includes, on or after the Monday immediately before polling day, a person under the age of 18 years if that person’s 18th birthday falls in the period beginning on that Monday and ending on polling day.”

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(2) Section 2 (1) of the Electoral Amendment Act 1974 is hereby repealed.

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3. Qualification of electors—(1) The principal Act is hereby amended by repealing section 39 (as substituted by section 11 (1) of the Electoral Amendment Act 1980), and substituting the following section:

“39. (1) Subject to the provisions of this Act, every adult person is qualified to be registered as an elector of an electoral district if—

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“(a) That person is—

“(i) A New Zealand citizen; or

“(ii) A permanent resident of New Zealand; and

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“(b) That person has at some period resided continuously in New Zealand for not less than one year; and

“(c) That electoral district—

“(i) Is the last in which that person has continuously resided for a period equalling or exceeding 3 months; or

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“(ii) Where that person has never resided continuously in any one electoral district for a period equalling or exceeding 3 months, is the electoral district in which that person resides or has last resided.

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“(2) Where a writ has been issued for an election, every person who, on the Monday immediately before polling day, is residing in an electoral district and whose period of continuous residence in that district, being a period that includes the Sunday immediately before polling day, is, as at the commencement of the Monday immediately before polling day, short of 3 months by not more than 6 days shall, for the

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purposes of **subsection (1) (c)** of this section, be deemed, on and after that Monday, to have resided continuously in that electoral district for a period of 3 months.”

5 (2) Section 11 (1) of the Electoral Amendment Act 1980 is hereby consequentially repealed.

4. Registration in respect of more than one electoral district—The principal Act is hereby amended by repealing section 40, and substituting the following section:

10 “40. (1) Subject to **subsections (2) and (3)** of this section, a person shall not be entitled to be registered as an elector of more than one electoral district.

15 “(2) Where an elector is qualified to be registered as an elector of an electoral district, his registration as an elector of that district shall not be invalid by reason only of the fact that his name appears on the roll of another electoral district for which he has, consequent on a change in his place of residence, ceased to be qualified.

20 “(3) Where an elector who is not a Maori is registered as an elector of a General electoral district, his registration as an elector of that district shall not be invalid by reason only of the fact that he was at one time registered as both an elector of that district and an elector of a Maori electoral district.”

5. Revision of electoral rolls—(1) The principal Act is hereby amended by repealing section 43A (as substituted by
25 section 15 (1) of the Electoral Amendment Act 1980 and amended by section 19 of the Electoral Amendment Act 1981), and substituting the following section:

30 “43A. (1) Subject to **subsections (2) and (4)** of this section, in every year in which a Parliament is due to expire, every Registrar shall direct an inquiry to be made concerning the particulars of all persons whose names are on the roll for that district.

35 “(2) Where a roll that is not yet in force has been compiled under section 60 (1) of this Act, the inquiry directed to be made under **subsection (1)** of this section shall be in respect of that roll.

40 “(3) In every year in which a Parliament is due to expire, the Chief Registrar shall specify, by notice in the *Gazette*, a period during which the inquiries directed under **subsection (1)** of this section shall be undertaken.

“(4) Where a Parliament is dissolved while an inquiry under **subsection (1)** of this section is in progress, the Registrar shall not be obliged to complete that inquiry.

“(5) Every inquiry shall be in the prescribed form and shall require the person to whom it is addressed to sign and return the form together with any corrections to the information contained in it.

“(6) Every completed form accepted by the Registrar as being in order— 5

“(a) Shall be deemed, except for the purposes of section 41 of this Act, to be an application for registration as an elector; and

“(b) In the case of an elector who is a Maori, shall constitute a sufficient record of the manner in which the elector last exercised his option to register as an elector of a Maori electoral district or as an elector of a General electoral district. 10

“(7) The completed form shall contain the particulars specified in paragraphs (a), (b), (c), (e), and (f) of section 48 (3) of this Act, and subsections (1), (2), (4), and (5) of that section shall apply, with all necessary modifications, as if the form were an application for registration. 15

“(8) Where any person fails to respond to an inquiry under subsection (5) of this section the Registrar shall, after making such further inquiry as he thinks fit, or the Chief Registrar directs, remove the name of that person from the roll.” 20

(2) Section 41B (1) of the principal Act (as enacted by section 16 of the principal Act) is hereby consequentially amended by omitting the expression “section 43A (4) (b)”, and substituting the expression “**section 43A (6) (b)**”. 25

(3) The following enactments are hereby consequentially repealed:

(a) Section 15 of the Electoral Amendment Act 1980: 30

(b) Section 19 of the Electoral Amendment Act 1981.

6. Notification of marriages of women electors—Section 47 (4) of the principal Act (as enacted by section 16 of the Electoral Amendment Act 1980) is hereby amended by omitting the words “is not made before the issue of the writ”, and substituting the words “does not appear on the main or supplementary roll printed”. 35

7. Procedure following application for registration—Section 49 of the principal Act (as substituted by section 17 (1) of the Electoral Amendment Act 1980 and as amended by section 21 of the Electoral Amendment Act 1981) is hereby amended by adding the following subsections: 40

“(6) Where the Registrar determines to delete the name of the applicant pursuant to subsection (5) of this section, he shall forthwith deliver notice of that determination to the applicant.

5 “(7) Where, pursuant to a determination under subsection (5) (b) of this section, the name of an applicant is deleted from a main, supplementary, or composite roll, that name shall, for the purposes of section 57 (2) of this Act, be deemed to have been removed from the roll.”

8. Applications received after issue of writ—Section 50
10 of the principal Act is hereby amended by omitting the words “expiration of 7 clear days after polling day”, and substituting the words “day following the day of the return of the writ”.

9. Notice of registration—(1) The principal Act is hereby
15 amended by repealing section 56 (as substituted by section 19 of the Electoral Amendment Act 1980), and substituting the following section:

“56. (1) Subject to **subsections (2) and (3)** of this section, the Registrar shall, not later than 14 days after the registration of a person, deliver to that person personally, or send to him by
20 post, notice in writing of his having been so registered.

“(2) **Subsection (1)** of this section shall not apply where an inquiry in the form prescribed for the purposes of **section 43A** of this Act is to be sent to the elector within one month after the date of his registration.

25 “(3) Where registration of a person is effected at any time in a period specified by the Chief Registrar under **section 43A (3)** of this Act, **subsection (1)** of this section shall not apply, but the Registrar shall, not later than 6 weeks after the end of that period, deliver to that person personally, or send to him by
30 post, notice in writing of his having been so registered.”

(2) Section 19 of the Electoral Amendment Act 1980 is hereby consequentially repealed.

10. New sections substituted—(1) The principal Act is
35 hereby amended by repealing sections 57 and 57A (as inserted by section 21 (1) of the Electoral Amendment Act 1980), and substituting the following sections:

“57. Removal of names from roll by Registrar—

(1) Subject to **subsection (6)** of this section, the Registrar shall remove from the roll—

40 “(a) The name of every person who, consequent on a change in his place of residence,—

- “(i) Is not qualified to be registered as an elector of the district; and
- “(ii) Resides in, and is registered as an elector of, another district:
- “(b) The name of every person of whose identity the Registrar is satisfied and whose death has been notified to him— 5
- “(i) By any Registrar of Births and Deaths; or
- “(ii) By the father, mother, or spouse of that person or by a sister or brother of that person: 10
- “(c) The name of every person whom he has reason to believe has not marked or signed his application for registration in accordance with section 48 or **section 43A (5)** of this Act and who has failed, after being requested in writing by the Registrar, to complete a new application for registration marked or signed in accordance with section 48 or **section 43A (5)** of this Act, as the case may require: 15
- “(d) The name of every person who, on an inquiry made at that person’s address on the roll, cannot be found, or who, as a result of any such inquiry, the Registrar of Electors has reason to believe has ceased for 3 months or upwards to reside in the district: 20
- “(e) The name of every person whose name is entered on the Corrupt Practices List made out for any district: 25
- “(f) The name of every person whose disqualification under section 42 of this Act is duly certified to him:
- “(g) The name of every person who, being a Maori, is registered in contravention of section 41C of this Act: 30
- “(h) Where the roll is for a Maori electoral district, the name of every person who is not a Maori:
- “(i) The name of every person who has been registered for the district—
- “(i) By mistake; or 35
- “(ii) By clerical error; or
- “(iii) As a result of false information.
- “(2) Notwithstanding anything in this Act, the Registrar, on being satisfied that the name of any person has been omitted or removed from the roll— 40
- “(a) By mistake; or
- “(b) By clerical error; or
- “(c) As a result of false information,—
- may restore the name of that person to the roll at any time.

“(3) In addition to other powers of alteration conferred by this Act, the Registrar may at any time, subject to **subsection (6)** of this section, alter the roll—

5 “(a) By correcting any mistake or omission in the particulars of the enrolment of a person:

“(b) By striking out the superfluous entry when the name of a person appears more than once on the roll.

“(4) Where—

10 “(a) An error made by or on behalf of the Chief Registrar or a Registrar, or, before the commencement of the Electoral Amendment Act 1980, by the Chief Electoral Officer or an Electorate Officer, has resulted in a person being registered as an elector of a district other than the district in respect of which the person should have been registered; and

15 “(b) The person’s name has, pursuant to **subsection (1) (i)** of this section, been removed from the roll of the district for which the person was incorrectly registered,—

20 the Registrar of the district in respect of which the person should have been registered may, subject to **subsection (6)** of this section, place the person’s name on the roll for that district.

25 “(5) Where, pursuant to this section, the name of a person is removed from the roll in the period commencing on the day after writ day and ending on the day before polling day, the Registrar shall, on removing that name, enter it on a list to be known as the ‘list of post-writ day deletions’.

30 “(6) No alteration pursuant to this section shall be made to the roll for a district in the period beginning on polling day and ending on the day after the day of the return of the writ.

35 “57A. **Notice of alterations to roll**—(1) Where, pursuant to any of the provisions of **paragraphs (c) to (i) of subsection (1) of section 57** of this Act, the name of a person is removed from the roll, the Registrar shall, in accordance with **subsection (3) or subsection (4)** of this section, deliver or send to that person, unless notice is given to that person pursuant to **subsection (2)** of this section, notice in writing of the removal of that person’s name from the roll.

40 “(2) Where the name of a person (being a name which, pursuant to **section 57 (1) (i)** of this Act, has been removed from a roll) is entered, pursuant to **section 57 (4)** of this Act, on another roll, the Registrar who enters that person’s name on

that other roll shall, in accordance with **subsection (3) or subsection (4)** of this section, deliver or send to that person notice in writing of the entry of that person's name on that other roll.

"(3) Subject to **subsection (4)** of this section, the notice required by **subsection (1) or subsection (2)** of this section— 5

"(a) Shall be delivered to the person personally or sent to the person by post; and

"(b) Shall be so delivered or sent not later than 14 days after the date on which,— 10

"(i) Where the notice is required by **subsection (1)** of this section, the person's name is removed; or

"(ii) Where the notice is required by **subsection (2)** of this section, the person's name is entered.

"(4) Where the name is removed or entered, as the case may be, in the period beginning on the day after writ day and ending on the day before polling day, the notice required by **subsection (1) or subsection (2)** of this section— 15

"(a) Shall be delivered to the person personally; and

"(b) Shall be so delivered forthwith." 20

(2) The following enactments are hereby consequentially repealed:

(a) Section 25 (a) of the Electoral Amendment Act 1975:

(b) Sections 20 and 21 (1) of the Electoral Amendment Act 1980: 25

(c) Sections 23 and 24 of the Electoral Amendment Act 1981.

(3) Part I of the Schedule to the Electoral Amendment Act 1980 is hereby consequentially amended by omitting the expression "57,".

11. Habitation indexes—Section 60c (1) of the principal Act (as inserted by section 24 of the Electoral Amendment Act 1980) is hereby amended by repealing paragraph (a), and substituting the following paragraph: 30

"(a) May from time to time compile in respect of any electoral district a habitation index— 35

"(i) Listing, in accordance with their residential addresses, the electors who reside in that electoral district; and

"(ii) Showing, against the name of each elector, the number of the elector on the main roll, or, as the case may be, on any supplementary roll for that electoral district; and". 40

12. Inspection and purchase of main and supplementary rolls—(1) Section 64 (2) of the principal Act (as enacted by section 29 (1) of the Electoral Amendment Act 1980) is hereby amended by adding the following paragraph:

5 “(g) The list of post-writ day deletions referred to in **section 57 (5)** of this Act.”

(2) Section 64 of the principal Act (as so enacted) is hereby amended by inserting, after subsection (6), the following subsection:

10 “(6A) Where any officer of a local authority acting on behalf of a local authority wishes to obtain for the purpose of compiling a roll of electors for a local authority or for the purpose of ascertaining whether an elector may vote at an election in respect of a local authority as a special voter (and
15 for no other purposes) a computer compiled list or computer tape containing the names, residences, and occupations (if any) of electors of an electoral district, the Chief Registrar may, in accordance with regulations made under this Act,—

20 “(a) Give that officer, on payment of the prescribed fee, such a computer compiled list; or

“(b) On being supplied with a computer tape by that officer and on payment of the prescribed fee, record those names, residences, and occupations on that tape and return it to that officer.”

25 **13. Copies of rolls for Returning Officer**—(1) The principal Act is hereby amended by repealing section 65, and substituting the following section:

“65. The Registrar shall supply to the Returning Officer for the district—

30 “(a) As many copies as he may require of the main roll and the supplementary rolls, showing all deletions (except deletions made (otherwise than pursuant to section 49 (5) of this Act) in the period beginning on the day after writ day and ending on the day before polling day) from the electoral roll and certified correct by the Registrar; and
35

“(b) A copy of the list of post-writ day deletions referred to in **section 57 (5)** of this Act.”

40 (2) Part I of the Schedule to the Electoral Amendment Act 1980 is hereby consequentially amended by omitting the expression “65”.

14. Wilfully misleading Registrar—Section 67 of the principal Act is hereby amended by repealing subsection (2) (as amended by section 5 (7) of the Electoral Amendment Act 1980), and substituting the following subsection:

“(2) Where the Registrar believes that any person has committed an offence against this section, he shall report the facts on which that belief is based to the Police.”

15. Acceptance or rejection of nomination—(1) Section 82 of the principal Act is hereby amended by repealing subsection (1A) (as inserted by section 2 of the Electoral Amendment Act 1972), and substituting the following subsections:

“(1A) Subject to the concurrence of the Chief Electoral Officer, the Returning Officer shall not accept the nomination of any candidate if the Returning Officer is not satisfied, by such evidence (if any) as the Returning Officer requires, that the name under which the candidate is nominated is—

“(a) The name under which the candidate’s birth was registered, with any alteration or addition made thereto under section 17 of the Births and Deaths Registration Act 1951; or

“(b) In the case of a person who has been adopted, the name conferred on that person by the adoption order; or

“(c) The name by which the candidate was commonly known throughout the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer; or

“(d) The name which was adopted by the candidate by deed poll registered under section 17A of the Births and Deaths Registration Act 1951 before the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer and which was used by the candidate throughout that period.

“(1B) Notwithstanding anything in subsection (1A) of this section, in applying that subsection in the case of any female candidate who is or has been married, her husband’s surname may be substituted for her surname in any of the cases specified in paragraphs (a) to (d) of that subsection, unless, if her husband were nominated as a candidate under that surname, the Returning Officer would be required to reject his nomination under the provisions of that subsection.”

(2) The Electoral Amendment Act 1972 is hereby consequentially repealed.

16. Polling booths, polling places, ballot boxes, ballot papers, etc.—

(1) Section 92 of the principal Act is hereby amended by repealing subsection (1A) (as inserted by section 29 of the Electoral Amendment Act 1981), and substituting the following subsection:

“(1A) The Returning Officer shall provide—

“(a) Each polling place in respect of a General electoral district with a copy of the roll for each Maori electoral district in which the land in the General electoral district is included; and

“(b) Each polling place in respect of a Maori electoral district with a copy of the roll for the General electoral district in which the polling place is situated.”

(2) Section 29 of the Electoral Amendment Act 1981 is hereby consequentially repealed.

17. Who may vote—Section 99 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Any person whose name lawfully appears on the main roll or any supplementary roll for the district and who is qualified to be registered as an elector for the district.”

18. Marked copies of rolls to be compared—The principal Act is hereby amended by repealing section 113, and substituting the following section:

“113. (1) The Returning Officer—

“(a) Shall, in the presence and hearing of his assistants (if any) and such scrutineers as are entitled to be present under this Act or any other Act, but of no other person, compare one with another—

“(i) All the certified copies of the main roll and supplementary rolls on which the fact of any person having received a ballot paper has been noted; and

“(ii) All records of special votes exercised in respect of the district; and

“(iii) The list of post-writ day deletions supplied to the Returning Officer by the Registrar of Electors pursuant to **section 65 (b)** of this Act; and

“(b) Shall on an unmarked copy of the main roll and every supplementary roll (called the master roll) draw a line through the number and name of any elector—

“(i) Who is shown on any of the certified copies of the rolls as having received a ballot paper; or

“(ii) Who is shown in any record of special votes issued as having received a ballot paper; or

“(iii) Whose name is shown on the list of post-writ day deletions.

“(2) If on that comparison, or from the checking of declarations in respect of special votes, or from the report of a Deputy Returning Officer on the ballot papers set aside under section 109 of this Act, and after such inquiry as the Returning Officer deems necessary, it appears that the same voter has received more than one ballot paper, the Returning Officer—

“(a) Shall, in the presence of his assistants (if any) and such scrutineers as choose to be present, but of no other person, open the parcel or parcels of ballot papers used at the polling booth or polling booths at which that voter appears to have received a ballot paper; and

“(b) Shall select from the parcel or parcels the ballot papers which appear from their consecutive numbers and counterfoils to have been issued to that voter; and

“(c) Shall, subject to **subsection (3)** of this section, disallow every vote appearing to have been given by means of the ballot papers so selected.

“(3) Notwithstanding **subsection (2) (c)** of this section, if the Returning Officer is satisfied—

“(a) That one and only one of the ballot papers was lawfully received by the voter entitled thereto; and

“(b) That the voter entitled thereto was not in any way concerned in the issue of the other ballot paper or ballot papers,—

the Returning Officer shall allow the vote of that voter and shall disallow the other vote or votes.

“(4) If, on the comparison with all the certified copies of the main roll and supplementary rolls on which the fact of any person having received a ballot paper has been noted, and all records of special votes exercised in respect of the district, and the list of post-writ day deletions, it appears that any person has received a ballot paper by giving a name shown on the list of post-writ day deletions, the Returning Officer—

“(a) Shall, in the presence of his assistants (if any) and such scrutineers as choose to be present, but of no other person, open the parcel or parcels of ballot papers used at the polling booth or polling booths at which any such ballot paper appears to have been received; and

“(b) Shall select from the parcel or parcels every ballot paper which appears from its consecutive number and counterfoil to have been so received; and

“(c) Subject to **subsections (5) and (6)** of this section, shall disallow every vote appearing to have been given by means of any ballot paper so selected.

5 “(5) Notwithstanding **subsection (4) (c)** of this section, but subject to **subsection (6)** of this section, if the Returning Officer is satisfied that the name by which a ballot paper selected under **subsection (4) (b)** of this section was received was entered on the list of post-writ day deletions by mistake or clerical error or as a result of false information, he shall allow the vote
10 given by means of that ballot paper.

“(6) Notwithstanding **subsections (4) and (5)** of this section, if—

“(a) The Returning Officer is satisfied that the name by which a ballot paper selected under **subsection (4) (b)** of this section was received was entered on the list of post-writ day deletions by mistake or clerical error or as
15 a result of false information; and

“(b) More than one ballot paper was received by the giving of a name shown on the list of post-writ day deletions; and

20 “(c) The Returning Officer is satisfied—

“(i) That one and only one of the ballot papers was lawfully received by the voter entitled thereto; and

25 “(ii) That the voter entitled thereto was not in any way concerned in the issue of the other ballot paper or ballot papers,—

the Returning Officer shall allow the vote of that voter and shall disallow the other vote or votes.

30 “(7) For the purposes of **subsections (2) and (4)** of this section, every ballot paper issued to a special voter shall be deemed to have been issued at a polling booth.

35 “(8) Except in the case of the ballot papers so selected therefrom, the Returning Officer shall inspect only the consecutive numbers on the ballot papers in the several parcels so opened, and shall so cover the ballot papers that no person present shall have the opportunity of determining the candidate for whom any particular voter has voted.”

19. **Infringement of secrecy**—Section 132 of the principal Act is hereby amended by repealing subsection (1), and
40 substituting the following subsection:

“(1) Every official, clerk, scrutineer, interpreter, or other person appointed for the purposes of this Act shall use or disclose information acquired by him in that capacity only in accordance with his official duty or his duty as a scrutineer,
45 as the case may require.”

20. Payments to be vouched by bill—(1) Section 136 of the principal Act (as amended by section 43 of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$10”, and substituting the expression “\$20”.

(2) Section 43 of the Electoral Amendment Act 1981 is hereby 5
consequentially repealed.

21. Return of election expenses—Section 137 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsections:

“(5) It shall be the duty of the Returning Officer to see that 10
the provisions of this section are faithfully complied with.

“(6) Where the Returning Officer believes that any person has committed an offence against this section, he shall report the facts on which that belief is based to the Police.”

22. Maximum amount of election expenses—Section 15
139 (2) of the principal Act (as enacted by section 44 (1) of the Electoral Amendment Act 1981) is hereby amended by omitting the expression “\$4,000”, and substituting the expression “\$5,000”.

23. Personation—Section 140 of the principal Act is hereby 20
amended by repealing subsection (4), and substituting the following subsection:

“(4) Where the Returning Officer believes that any person has committed an offence against this section, he shall report the facts on which that belief is based to the Police.” 25

24. Trial of petition—(1) Section 162 (4) of the principal Act is hereby amended by adding the following proviso:

“Provided also that where an elector—

“(a) Has been registered as an elector of the district by an error on the part of an official; and 30

“(b) Has exercised his vote in respect of that district in good faith without notice of the error,—

his vote shall not be disallowed by reason only of that error.”

(2) Section 162 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection: 35

“(4A) Subject to section 37 (4) of this Act, on the trial of an election petition,—

- “(a) Proof that an elector has permanently left his registered address without notifying the Registrar of his new address shall be prima facie evidence that the elector has ceased to reside in the district; and
- 5 “(b) Proof that an elector has permanently left the registered address for a period of 3 months or more shall be prima facie evidence that he has ceased to be qualified as an elector of the district.”