

# **Electoral (Registration by Special Vote) Amendment Bill**

Member's Bill

## **Explanatory note**

### **General policy statement**

This Bill amends the Electoral Act 1993 (the **Act**) to allow unregistered voters to register by completing a special vote and so ensure that their votes are counted.

For various reasons an elector may choose to complete a special vote, which involves submitting their details and signing a statutory declaration in front of a witness, unaware that they are not enrolled to vote. In this case, the elector will receive a letter from the Electoral Commission (the **commission**) advising them that their vote did not count, and requesting that they now enrol by submitting the same details they provided when they cast their special vote. Not only has their vote been disallowed, but an opportunity to engage the elector in the political process has been lost. The elector must also duplicate paperwork necessary for their enrolment.

There were 328,029 special votes cast in 2014. Of the special votes cast in 2014, 27,447 were disallowed because the voter was not enrolled at all. An analysis of the Te Tai Tokerau judicial recount indicated that some voters whose votes had been disallowed because they were not enrolled had completed special vote declarations at previous elections. The commission surmises that these voters thought that completing a special vote declaration would mean they would be enrolled.

With both enrolment and voting now being delivered by a single agency and because both forms require similar details from the elector, the commission suggests legislative change that enables a special vote to be treated as an application to enrol or update details. This will also serve to streamline the enrolment and voting process during the advance voting period.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill comes into force on the day after it receives the Royal assent.

*Clause 3* provides that the Electoral Act 1993 be amended (the **principal Act**).

*Clause 4* amends section 60 to ensure that unregistered voters who complete a special vote are qualified to vote despite the provisions of this section.

*Clause 5* amends section 61 to add unregistered voters as a category able to complete a special vote.

*Clause 6* amends section 83 to allow the completion of a special vote to be an application for registration as a voter.

*Clause 7* amends section 88(1) to allow the completion of a special vote on election day to be considered as an application for registration as an elector.

*Clause 8* amends section 89B to allow the completion of a special vote to be a means of updating registration details.

*Meka Whaitiri*

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### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Electoral (Registration by Special Vote) Amendment Act **2017**.

#### **2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent. 5

#### **3 Principal Act**

This Act amends the Electoral Act 1993 (the **principal Act**).

#### **4 Section 60 amended (Who may vote)**

In section 60, insert as subsection (2): 10

(2) This section is subject to **section 61(1A)**.

**5 Section 61 amended (Special voters)**

After section 61(1), insert:

- (1A) A person who is qualified to be registered as an elector of an electoral district but has not registered as an elector may also vote as a special voter.

**6 Section 83 amended (Application for registration)**

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- (1) In section 83(1)(b), after “form”, insert “; or”.

- (2) After section 83(1)(b), insert:

(c) by completing a special vote on a ballot paper for use by special voters in accordance with section 172(3).

**7 Section 88 amended (Applications received after issue of writ)**

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After section 88(1), insert:

- (1A) Subsection (1) is subject to **section 61(1A)**.

**8 Section 89B (Elector must give notice of change of place of residence within electoral district)**

- (1) In section 89B(3)(b), after “medium”, insert “; or”.

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- (2) After section 89B(3)(b), insert:

(c) by completing a special vote on a ballot paper for use by special voters in accordance with section 172(3).