Electoral (Registration of Sentenced Prisoners) Amendment Act (No 2) 2020

Public Act	2020 No 34
Date of assent	1 July 2020
Commencement	see section 2

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal Act	2
	Part 1 **Amendments relating to registration of sentenced prisoners as electors**	
4	Section 80 amended (Disqualifications for registration)	2
5	Section 86A amended (Registration of prisoners serving sentence of imprisonment of less than 3 years)	2
6	New section 86AB inserted (Registration of prisoners released after serving sentence of imprisonment of 3 years or more)	2
	86AB Registration of prisoners released after serving sentence of imprisonment of 3 years or more	2
7	Section 86B amended (Prison manager to collect and send enrolment information to Electoral Commission)	3
8	Section 86D amended (Delegation of prison manager's functions under sections 86A and 86B)	3
9	Section 86E amended (Prison manager to communicate with prisoner in way prisoner can understand)	3
	Part 2 **Amendment relating to removal of names from roll**	
10	Section 98 amended (Removal of names from roll by Electoral Commission)	4

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Electoral (Registration of Sentenced Prisoners) Amendment Act (No 2) 2020.

2 Commencement

This Act comes into force on the day after the date of Royal assent.

3 Principal Act

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

Part 1
Amendments relating to registration of sentenced prisoners as electors

4 Section 80 amended (Disqualifications for registration)

In section 80(1A), replace "86A and 86B" with "86A, 86AB, and 86B".

5 Section 86A amended (Registration of prisoners serving sentence of imprisonment of less than 3 years)

Replace section 86A(1) with:

(1) This section applies when—

(a) a prisoner who is 18 years or older—

(i) is received into a prison to serve a sentence of imprisonment for a term of less than 3 years; or

(ii) has their sentence of imprisonment reduced or altered on appeal, or following a retrial, to a term of less than 3 years; or

(b) a prisoner turns 18 years while serving a sentence of imprisonment for a term of less than 3 years.

6 New section 86AB inserted (Registration of prisoners released after serving sentence of imprisonment of 3 years or more)

After section 86A, insert:

86AB Registration of prisoners released after serving sentence of imprisonment of 3 years or more

(1) Before a prisoner who is serving a sentence of imprisonment for a term of 3 years or more is released on parole or after serving the full sentence, the prison manager must, if the prisoner is 18 years or older,—

(a) advise the prisoner that if they are a New Zealand citizen or a permanent resident of New Zealand (as defined in section 73) they will, on release,

be qualified to be registered as an elector of an electoral district, and are required by section 82 to apply to the Electoral Commission, within 1 month after their release, for registration; and

(b) ask the prisoner whether they want their enrolment details sent to the Electoral Commission to facilitate their registration as an elector.

(2) If the prisoner wants their enrolment details sent to the Electoral Commission to facilitate their registration as an elector, section 86B applies.

7 Section 86B amended (Prison manager to collect and send enrolment information to Electoral Commission)

(1) In section 86B(1), after "section 86A", insert "or 86AB".

(2) Replace section 86B(2) with:

(2) The prison manager must collect the enrolment information provided by a prisoner and send that information to the Electoral Commission as soon as is reasonably practicable—

(a) after collecting the information, if the information is collected from a prisoner referred to in section 86A; or

(b) after the prisoner's release from prison, if the information is collected from a prisoner referred to in section 86AB.

(3) After section 86B(4), insert:

(5) If, at any time after a prison manager sends a prisoner's information to the Electoral Commission, the overall length of a prisoner's sentence or sentences of imprisonment changes in a way that results in the prisoner becoming disqualified for registration as an elector under section 80(1)(d), the prison manager must advise the Electoral Commission.

8 Section 86D amended (Delegation of prison manager's functions under sections 86A and 86B)

(1) In the heading to section 86D, replace "**86A and 86B**" with "**86A, 86AB, and 86B**".

(2) In section 86D(1) and (2), replace "86A and 86B" with "86A, 86AB, and 86B".

9 Section 86E amended (Prison manager to communicate with prisoner in way prisoner can understand)

In section 86E, replace "86A and 86B" with "86A, 86AB, and 86B".

Part 2
Amendment relating to removal of names from roll

10 Section 98 amended (Removal of names from roll by Electoral Commission)

(1) In section 98(1)(f)(i), after "Commission", insert "; or".

(2) After section 98(1)(f)(i), insert:

(ii) is notified to the Electoral Commission under section 81:

Legislative history

30 June 2020	Introduction (Bill 302–1), first reading, second reading, committee of the whole House, third reading
1 July 2020	Royal assent

This Act is administered by the Ministry of Justice.

Wellington, New Zealand:
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