

Version  
as at 28 October 2021



## Election Access Fund Act 2020

Public Act      2020 No 4  
Date of assent      16 March 2020  
Commencement      see section 2

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Justice.**

12	Section 5 amended (Functions)	4
13	Section 8 amended (Electoral Commission must report on general election)	4

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

**1 Title**

This Act is the Election Access Fund Act 2020.

**2 Commencement**

This Act comes into force on 1 July 2021.

**Part 1  
Preliminary provisions**

**3 Purpose**

The purpose of this Act is to establish a fund designed to remove or reduce barriers to standing as a candidate in a general election or a by-election faced by individuals as a consequence of their disability and which non-disabled individuals do not face.

**4 Interpretation**

In this Act, unless the context otherwise requires,—

**by-election** has the same meaning as in section 3(1) of the Electoral Act 1993  
**candidate**—

- (a) means a constituency candidate or a list candidate within the meaning of those terms in section 3(1) of the Electoral Act 1993; and
- (b) includes a person who has declared their intention of becoming a constituency candidate or a list candidate

**Electoral Commission** has the same meaning as in section 3(1) of the Electoral Act 1993

**fund** means the fund established under section 6

**general election** has the same meaning as in section 3(1) of the Electoral Act 1993

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.

**5 Act binds the Crown**

This Act binds the Crown.

## Part 2 Election Access Fund

### 6 Election Access Fund established

- (1) The Electoral Commission must establish a fund to facilitate the participation of disabled persons standing as candidates in, or seeking selection as candidates in, general elections or by-elections.
- (2) In each year, out of an appropriation by Parliament for the purpose, the fund must be paid a general grant.
- (3) The amount of the grant must be determined by the Minister, taking into account the purpose of this Act set out in section 3.

### 7 Eligibility for funding for election access

- (1) The Electoral Commission must, by notice, set out the basis on which a person listed in subsection (3) may be eligible for a payment out of the fund.
- (2) The Electoral Commission must not issue a notice under subsection (1) without first consulting persons and organisations that the Commission considers appropriate, having regard to the purpose of the fund.
- (3) A person may be eligible for a payment out of the fund if the person is a disabled person who is standing as a candidate in, or seeking selection as a candidate in, a general election or a by-election.
- (4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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#### Legislation Act 2019 requirements for secondary legislation made under this section

<b>Publication</b>	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 7(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 7(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 8 Payment from fund not election expense or donation

Any payment made from the fund to a candidate is not to be treated as—

- (a) an election expense for the purposes of subpart 1 or 2 of Part 6A of the Electoral Act 1993; or
- (b) a candidate donation or a party donation for the purposes of subpart 3 of Part 6A of that Act.

**9 Payment from fund is exempt income**

Any payment from the fund to a candidate is exempt income of the candidate for the purposes of section CW 64 of the Income Tax Act 2007 (which provides for exemptions from income tax under other Acts).

**10 Review of Act**

- (1) The Minister must, no later than 6 months after the date on which the Electoral Commission provides its first report on this Act under section 8(1) of the Electoral Act 1993 after the commencement of this Act,—
  - (a) review, or arrange for a review of, the operation and effectiveness of this Act; and
  - (b) prepare a report on that review.
- (2) The review must—
  - (a) consider the operation, purpose, and scope of the fund; and
  - (b) assess whether any amendments to this Act are necessary or desirable.
- (3) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed.

*Amendments to Electoral Act 1993***11 Amendments to Electoral Act 1993**

Sections 12 and 13 amend the Electoral Act 1993.

**12 Section 5 amended (Functions)**

After section 5(c), insert:

- (ca) administer the fund established by section 6 of the Election Access Fund Act 2020:

**13 Section 8 amended (Electoral Commission must report on general election)**

After section 8(1)(d), insert:

- (da) the funding provided under the Election Access Fund Act 2020 to disabled persons standing as candidates, or seeking selection as candidates, to facilitate their participation in the election; and

## **Notes**

### **1    *General***

This is a consolidation of the Election Access Fund Act 2020 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2    *Legal status***

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3    *Editorial and format changes***

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4    *Amendments incorporated in this consolidation***

Secondary Legislation Act 2021 (2021 No 7): section 3