# Electoral Amendment Bill

Government Bill

As reported from the Justice and Electoral Committee

## Commentary

### Recommendation

The Justice and Electoral Committee has examined the Electoral Amendment Bill and recommends that it be passed with the amendments shown.

### Introduction

The Electoral Amendment Bill seeks to make amendments to the Electoral Act 1993 to improve services to voters, candidates and parties in time for the 2014 general election. The amendments would allow more use of technology in the conduct of the election.

On 30 April 2013, following its Inquiry into the 2011 General Election, the Justice and Electoral Committee presented a report to the House with 32 recommendations. This bill seeks to implement 11 of the committee's recommendations requiring legislative change, which can be effected in time for the 2014 general election.

This commentary covers the main amendments we recommend to the bill; it does not cover minor or technical amendments.

## Change of address

We recommend amending clause 22 to insert new sections 89B(7) and 89C(14A), so that a registered elector (a voter) who gave late notice to a Registrar of Electors of a change in their address would not be liable to be prosecuted for an earlier failure to do so. This would be consistent with section 82(6) concerning voter registration, and act as an incentive for electors to update their registration details.

## Electioneering

We recommend the removal of clauses 35 and 36, which are to amend sections 197 and 198, to preserve the status quo, allowing members of the public to wear or display on a vehicle, ribbons, streamers, rosettes, or similar items in party colours on election day. The proposed provisions would allow only scrutineers to wear party rosettes inside polling places. We recognise that the general prohibition on electioneering on polling day has long been part of New Zealand's electoral system, with the aim of allowing people to vote without influence. However, we are concerned about the workability and enforceability of the proposed changes and specifically the removal of offending items. In our view issues about electioneering on election day would be more appropriately addressed in a specific review of election day rules.

## Reallocation of list seats

Clause 51 inserts new section 243A, which would require the High Court to direct the Electoral Commission to recalculate and amend the allocation of list seats following a successful electorate seat petition. To avoid confusion between new section 243A and section 258, which gives the Court of Appeal the power to determine election petitions regarding list seat allocation, we recommend that new section 243A(2) be amended to set out more clearly the orders that may be made by the High Court.

## Party donations

Section 210C requires a party secretary to disclose within 10 working days of receipt any donation exceeding $30,000 received from the same donor. Where the donation comprises contributions, there

is currently no requirement to disclose this fact or the identity of the contributors. We recommend inserting new clause 48A to amend section 210C of the Act, to require that, in respect of every contribution to a donation made by the same contributor that exceeds $30,000, the name and address of the contributor, and the amount of the contribution be disclosed. This would make section 210C more consistent with section 210, which requires the disclosure of contributors in annual returns of party donations. Addressing this inconsistency would improve transparency about large contributions.

## Enrolment confirmation cards

We recommend deleting clauses 24 to 28, 31 to 34, 37, and 38, which would expand the use of EasyVote cards, in favour of the existing law. We consider that the proposed provision for a new process known operationally as EasyVote Express would in effect lower the threshold for casting a vote, increasing the potential for fraud and harming the integrity of the voting process. The EasyVote card is an administrative tool; we consider that it should not be used as a record that a voting paper has been issued.

## Confirmation of identity

We recommend the insertion of new clause 24 to amend section 167, to require each voter to verbally give or verbally confirm their name when being issued voting papers. If a person could not do this because they did not understand English or have a physical disability, they could use gestures or the assistance of a person accompanying them. This provision would address our concern about people not explicitly confirming their identity before voting, particularly those with an EasyVote card, who are not currently required to identify themselves verbally.

# Appendix

## Committee process

The Electoral Amendment Bill was referred to the committee on 2 July 2013. The closing date for submissions was 23 August 2013. We received and considered 14 submissions from interested groups and individuals, and heard three of these. We received advice from the Ministry of Justice and the Electoral Commission.

## Committee membership

Scott Simpson (Chairperson)
Paul Foster-Bell
Raymond Huo
Alfred Ngaro
Denis O'Rourke
Katrina Shanks
Hon Maryan Street
Holly Walker
Hon Kate Wilkinson

Holly Walker was replaced by David Clendon for this item of business.

# Key to symbols used in reprinted bill

## As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

*Hon Judith Collins*

# Electoral Amendment Bill

Government Bill

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

**1 Title**

This Act is the Electoral Amendment Act **2013**.

**2 Commencement**

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

## Part 1
## Amendments to principal Act

**3 Principal Act**

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

**4 Section 3 amended (Interpretation)**

In section 3(1), insert in their appropriate alphabetical order:

"**approved electronic medium**, in relation to the making of an application or the providing of any information, means an electronic medium approved by the Electoral Commission for the making of that application or the providing of that information

~~"**enrolment confirmation card** means a document that is issued under **section 156A**~~

"**mental impairment**, in relation to any person, means an impairment causing a person to lack, wholly or partly, the capacity to understand the nature of any decision about registering as an elector

"**representative**, in Part 5, means,—

"(a) in relation to a person who is outside New Zealand, or who has a physical impairment,—

"(i) a person who is a registered elector:

"(ii) an attorney appointed under a power of attorney:

"(b) in relation to a person who has a mental impairment,—

"(i) a person who is a registered elector:

"(ii) a welfare guardian appointed under section 12(1) of the Protection of Personal and Property Rights Act 1988:

"(iii) an attorney appointed under an enduring power of attorney".

**5 New subpart 1 heading in Part 4 inserted**

Before section 62, insert:

"Subpart 1—Registration of political parties".

**6 Section 63 amended (Application for registration)**

(1) In section 63(2)(d)(ii), after "component party", insert "; and".

(2) After section 63(2)(d), insert:

"(e) must be accompanied by the application fee payable under **section 63A**."

**7 Section 63A replaced (Application for registration of party logo)**

Replace section 63A with:

"**63A Application fee**

"(1) The fee payable on making an application under section 63 is $500 (inclusive of goods and services tax).

"(2) The fee must be paid by—

"(a) direct credit to a bank account nominated by the Electoral Commission; or

"(b) bank cheque."

**8 Section 64 amended (Times when registration prohibited)**

(1) In section 64(1), delete "or any application for the registration of the logo of a political party".

(2) Repeal section 64(2).

**9 Section 65A repealed (Certain logos not to be registered)**

Repeal section 65A.

**10 Section 67A repealed (Registration of party logos)**

Repeal section 67A.

**11 Section 68A repealed (Inspection of party logos)**
Repeal section 68A.

**12 Section 69 replaced (Changes to Register)**
Replace section 69 with:

"**69 Changes to Register of Political Parties**

"(1) A person described in section 63(1) may, on behalf of a political party, apply to the Electoral Commission to—
"(a) change the name of the party:
"(b) change the abbreviation of the name of the party.

"(2) Section 63 (except **subsection (2)(e)**) and sections 64 to 67 apply to that application with any necessary modifications."

**13 Section 69A repealed (Changes to party logos)**
Repeal section 69A.

**14 Section 70A repealed (Cancellation of registration of party logo)**
Repeal section 70A.

**15 New subpart 2 of Part 4 inserted**
After section 71B, insert:

"Subpart 2—Registration of party logos

"**71C Application for registration of party logo**

"(1) An application may be made to the Electoral Commission to register the logo of a political party if the political party—
"(a) is registered under **subpart 1**; or
"(b) is unregistered, but an application has been made under **subpart 1** to register that party and that application has not been determined by the Electoral Commission.

"(2) An application to register a party logo—
"(a) may be made by—
"(i) the secretary of the party; or
"(ii) any member of Parliament who is a current financial member of the party; and
"(b) must—
"(i) be in writing; and
"(ii) be signed by the applicant; and

"(iii) be accompanied by—

"(A) 2 identical representations of the party logo in a form satisfactory to the Electoral Commission that show the parts of the logo that are to be in colour and the PMS (Pantone Matching System) colours that are to be used for those parts when the logo is reproduced on the ballot paper; and

"(B) a black and white reproduction of the party logo in a form satisfactory to the Electoral Commission; and

"(iv) be accompanied by a declaration, made by the applicant in the manner provided for by section 9 of the Oaths and Declarations Act 1957, that the use of the logo by the political party will not be an infringement of an intellectual property right of any person, or a breach of any enactment; and

"(v) set out—

"(A) the name and address of the applicant, and the capacity in which he or she makes the application; and

"(B) the name and address of the secretary of the political party, if the applicant is not the secretary of the political party.

"(3) On receipt of an application to register a party logo, the Electoral Commission must deal with the application in accordance with this subpart and determine whether to register the party logo.

"(4) **Subsection (3)** does not apply if, before determining whether to register a party logo, the Electoral Commission—

"(a) receives from any person described in **subsection (2)(a)** written notice that the application to register the party logo is withdrawn; and

"(b) is satisfied the written notice is given by that person on behalf of the party.

"**71D Grounds on which registration refused**

"(1) The Electoral Commission must refuse an application to register the logo of a political party if—

"(a) the Electoral Commission has determined that the political party's application for registration should be refused (in the case of an application made under **section 71C(1)(b)**); or

"(b) the application does not comply with—

"(i) **section 71C(2)(b)(iii)**; or

"(ii) **section 71C(2)(b)(iv)**; or

"(c) the Electoral Commission has reasonable cause to believe that the declaration accompanying the application under **section 71C(2)(b)(iv)** is not correct; or

"(d) the Electoral Commission is of the opinion that the logo—

"(i) is indecent; or

"(ii) is offensive; or

"(iii) is likely to cause confusion or mislead electors; or

"(iv) contains any reference to a title or an honour or a similar form of identification.

"(2) If the Electoral Commission refuses an application to register the logo of a political party, the Electoral Commission must, as soon as is reasonably practicable, and in any case not later than 10 working days after the date of refusal, give the applicant written notice of—

"(a) the refusal; and

"(b) the reasons for the refusal.

"**71E Times when registration of party logos prohibited**

No action may be taken in relation to any application made under **section 71C** during the period that,—

"(a) in relation to a general election,—

"(i) commences on the date beginning with the issue of the writ for the election of members of Parliament for all electoral districts within New Zealand; and

"(ii) ends with the day appointed as the latest day for the return of the writ containing the names of constituency candidates who are elected; and

"(b) in relation to a by-election,—

"(i) commences on the date beginning with the issue of the writ for the by-election; and

"(ii) ends with the day appointed as the latest day for the return of the writ for the by-election.

"**71F Registration of party logos**

If, on receipt of an application under **section 71C**, the Electoral Commission determines to register the logo of a political party, the Electoral Commission must—

"(a) register the logo of the political party in the Register of Political Parties established under section 62(2); and

"(b) give written notice of the registration to the applicant; and

"(c) arrange for the registration to be published in the *Gazette*.

"**71G Inspection of party logos**

The Electoral Commission may publish, in any manner that the Electoral Commission considers appropriate, every party logo that is, or has been, registered in the Register of Political Parties.

"**71H Changes to party logos**

"(1) A person described in **section 71C(2)(a)** may, on behalf of a party whose logo has been registered, apply to the Electoral Commission to—

"(a) vary the form of the party logo; or

"(b) substitute a new party logo; or

"(c) amend the party logo to refer to the new name of the party in any case where there has been a change in the party name.

"(2) **Sections 71C to 71F** apply, with any necessary modifications, to an application made under **subsection (1)**.

"**71I Cancellation of registration of party logo**

"(1) The Electoral Commission must cancel the registration of the logo of a political party if—

"(a) a person described in **section 71C(2)(a)** applies to cancel the registration of the logo and the Electoral Commission is satisfied that the application is made on behalf of the political party; or

"(b) the registration of the political party is cancelled under section 70; or

"(c) the Electoral Commission is satisfied that the use of the logo by the political party constitutes an infringement of an intellectual property right or a breach of an enactment.

"(2) **Section 71E** applies, with any necessary modifications, to an application made under **subsection (1)(a)**.

"(3) If the Electoral Commission cancels the registration of the logo of a political party, the Electoral Commission must, as soon as is reasonably practicable and in any case not later than 10 working days after the date of cancellation,—

"(a) give written notice of the cancellation and the reasons for the cancellation to—

"(i) the applicant, if the registration of the logo was cancelled under **subsection (1)(a)** on the application of a person described in **section 71C(2)(a)(ii)**; and

"(ii) the secretary of the political party; and

"(b) arrange for the cancellation to be published in the *Gazette*."

**16 Section 78 replaced (Exercise of Maori option)**

Replace section 78 with:

"**78 Exercise of Maori option**

"(1) A Maori who is registered as an elector on the first day of an option period may exercise once in that period the Maori option.

"(2) The Registrar must send by post on the first day of an option period a notice in the prescribed form to—

"(a) every person registered as an elector of a Maori electoral district; and

"(b) every person registered as an elector of a General electoral district who has,—

"(i) in his or her application for registration as an elector, specified that he or she is ~~of New Zealand~~ a Maori ~~descent~~; or

"(ii) in response to an inquiry under **section 89D**, notified the Registrar that he or she is ~~of New Zealand~~ a Maori ~~descent~~.

"(3) **Subsection (4)** applies to every Maori—

"(a) who receives a notice sent under **subsection (2)**; and

"(b) who,—

"(i) being registered as an elector of a Maori electoral district, wishes to be registered as an elector of a General electoral district; or

"(ii) being registered as an elector of a General electoral district, wishes to be registered as an elector of a Maori electoral district.

"(4) A Maori to whom this subsection applies may exercise the Maori option by advising whether he or she wishes to be registered as an elector of—

"(a) a General electoral district; or

"(b) a Maori electoral district.

"(5) A Maori who wishes to exercise the Maori option under **subsection (4)** must advise the Registrar as to which option he or she has chosen by—

"(a) indicating his or her choice on the notice received under **subsection (2)**, adding his or her signature and the date, and then returning the notice to the Registrar:

"(b) indicating his or her choice using an approved electronic medium:

"(c) completing an application for registration as an elector in accordance with **section 83**.

"(6) A Maori who is outside New Zealand, or who has a physical or mental impairment may exercise the Maori option through a representative, and **section 86** applies with any necessary modifications.

"(7) On receipt of any advice under **subsection (5)**, the Registrar must send that advice to the Registrar in whose district the Maori resides.

"(8) Advice received under **subsection (5)** is deemed to be an application for registration as an elector for the purposes of—
"(a) the definition of electoral roll in section 3(1); and
"(b) **sections 89A**, 98, and 103.

"(9) A Maori who receives a notice sent under **subsection (2)** but who does not exercise the option given by section 76(1) in the option period continues to be registered on the roll as an elector of the electoral district in which he or she is currently registered.

"(10) If a notice returned to a Registrar under **subsection (5)(a)** is received by the Registrar by post after the end of the option period but not later than noon on the day after the last day of that period, the notice is deemed to have been received in that option period, and the elector must, if the notice is otherwise in order, be deemed to have exercised the option given by section 76(1) in that option period.

"(11) If a notice returned to a Registrar under **subsection (5)(a)** is received by the Registrar within the option period but that notice does not comply with the requirements for signing and dating, the Registrar may treat the notice as being in accordance with those requirements before the end of that option period if the non-compliance is remedied within 6 days after the end of that option period.

"(12) For the purposes of this section,—

"**Maori option** means the option provided by section 76(1)

"**option period** means the period specified in a notice published under section 77(2)

"**person registered as an elector** includes a person of or over the age of 17 years who has had an application under **section 82(2)** to register as an elector accepted by a Registrar of Electors."

**17 Sections 82 to 86 replaced**

Replace sections 82 to 86 with:

"**82 Compulsory registration of electors**

"(1) A person who is qualified to be registered as an elector of any electoral district and who is in New Zealand must apply to a Registrar of Electors for registration as an elector—

"(a) within 1 month after the date on which he or she first becomes qualified to be registered as an elector:

"(b) within 1 month after the date on which he or she ceases to be registered as an elector by reason of the inclusion of his or her name on the dormant roll under **section 89G**.

"(2) Any person aged 17 years or older, but under 18 years, may apply to a Registrar of Electors for registration as an elector, and that person is not then required to apply for registration as an elector on attaining the age of 18 years.

"(3) A person who is qualified to be registered as an elector of any electoral district and who is outside New Zealand may apply at any time to a Registrar of Electors for registration as an elector.

"(4) Where a Maori is qualified to be registered as an elector of both a Maori electoral district and a General electoral district, that person may apply for registration as an elector of only one of those districts, being the district in respect of which that person has exercised his or her option under section 76.

"(5) A person commits an offence against this section who, being required by this section to apply for registration as an elector during any period, knowingly and wilfully fails to apply.

"(6) A person who applies for registration as an elector is not liable to prosecution for ~~an~~ his or her earlier failure to apply for registration as an elector.

"(7) A person who commits an offence against this section is liable on conviction to a fine not exceeding—

"(a) $100 on a first conviction; and

"(b) $200 on a second or subsequent conviction.

"**83 Application for registration**

"(1) An application for registration as an elector may be made to a Registrar of Electors—

"(a) in writing, by completing and signing the prescribed form and returning it to the Registrar of Electors; or

"(b) in an approved electronic medium, by providing the information necessary to complete the prescribed form.

"(2) An application for registration as an elector must state, in respect of the person making the application,—

"(a) the person's full name; and
"(b) the person's date of birth; and
"(c) the place of residence in respect of which registration is claimed, specified in a manner that enables it to be clearly identified; and
"(d) the person's postal address, if different from the address given under **paragraph (c)**; and
"(e) the person's occupation, if any; and
"(f) the honorific (if any) by which the person wishes to be addressed; and
"(g) whether or not the person is ~~of New Zealand~~ a Maori ~~descent~~; and
"(h) any other particulars that are prescribed in regulations.

"(3) A Registrar of Electors may reject an application for registration as an elector if—
"(a) the application is made under **subsection (1)(a)** and the prescribed form is not—
"(i) signed; or
"(ii) completed with the details specified in **subsection (2)(a), (b), (c), and (h)**; or
"(b) the application is made under **subsection (1)(b)** and the information provided does not include the details specified in **subsection (2)(a), (b), (c), and (h)**.

"(4) If a person does not specify in his or her application whether he or she is ~~of New Zealand~~ a Maori ~~descent~~, this Act applies as if the person had specified in his or her application that he or she is not ~~of New Zealand~~ a Maori ~~descent~~.

"(5) An application for registration as an elector that is rejected by the Registrar of Electors is treated as not having been made.

"(6) Where it appears to a Registrar of Electors that a person who has applied for registration as an elector in an electoral district is qualified to be registered as an elector in another electoral district, the Registrar must immediately send that person's application to the Registrar of Electors of that other district.

"**84 Registration of persons outside New Zealand**

A person who is outside New Zealand may apply for registration as an elector under **section 83** through a representative, and **section 86** applies with any necessary modifications.

"**85 Registration of persons who have physical or mental impairment**

A person who has a physical or mental impairment may apply for registration as an elector under **section 83** through a representative, and **section 86** applies with any necessary modifications.

"**86 Representatives**

"(1) A representative acting on behalf of a person must, when making any application or giving any notification, provide a statement that—

"(a) sets out the capacity in which he or she is acting; and

"(b) confirms that he or she is duly authorised to act in making that application or providing that information.

"(2) A statement under **subsection (1)** must be provided—

"(a) in writing, by completing and signing a form approved for the purpose by the Electoral Commission; or

"(b) in an approved electronic medium, by providing the information necessary to complete the form."

**18 Section 87 renumbered (Procedure following application for registration)**

Section 87, as in force immediately before the commencement of this Act, is renumbered as **section 89**.

**19 Section 87A renumbered (Procedure if immigration status means applicant apparently not qualified to be registered)**

Section 87A, as in force immediately before the commencement of this Act, is renumbered as **section 87**.

**20 Section 88 amended (Application received after issue of writ)**

(1) In section 88(2)(b), delete "; or".

(2) Repeal section 88(2)(c).

**21 Section 89 repealed (Notice of registration)**

Repeal section 89 (as in force immediately before the commencement of this Act).

**22 New sections 89A to 89G and cross-headings inserted**

After section 89, insert:

"**89A Notice of registration**

The Registrar must, not later than 14 days after the registration of a person as an elector, deliver to that person personally, or send to that person by post, written notice of the registration.

"*Change of address*

"**89B Elector must give notice of change of place of residence within electoral district**

"(1) This section applies to an elector who, being registered as an elector of an electoral district, changes his or her place of residence within that district.

"(2) The elector must, within 2 months after the date on which he or she changed his or her place of residence, give notice of—

"(a) the change of his or her place of residence; and

"(b) the address of the new place of residence.

"(3) Notice under **subsection (2)** must be given—

"(a) in writing to the Registrar for the electoral district in which the elector resides; or

"(b) in an approved electronic medium.

"(4) An elector who has a physical or mental impairment may give notice under **subsection (2)** through a representative, and **section 86** applies with any necessary modifications.

"(5) On receiving a notice under **subsection (2)**, a Registrar must—

"(a) amend the roll to record the change in the elector's place of residence; and

"(b) give confirmation to the elector, in accordance with section 94A, of that amendment.

"(6) An elector who knowingly and wilfully fails to comply with **subsection (2)**—

"(a) commits an offence and is liable on conviction to a fine—

"(i) not exceeding $50 on a first conviction; and

"(ii) not exceeding $100 on any subsequent conviction; but

"(b) is not, by reason only of that failure, disqualified from voting at an election in the electoral district in which he or she is registered.

"(7) Despite **subsection (6)**, an elector who gives notice of the matters specified in **subsection (2)** after the expiry of the period referred to in that subsection but before the commencement of a prosecution is not liable for prosecution for his or her earlier failure to give notice.

"**89C Elector must give notice of change of place of residence to different electoral district**

"(1) This section applies to an elector who, being registered as an elector of an electoral district, changes his or her place of residence to a different electoral district (the **new electoral district**).

"(2) After continuously residing in the new electoral district for a period of 1 month, the elector must, before the end of a further 1-month period, give notice of—

"(a) the change in his or her place of residence; and

"(b) the address of his or her new place of residence.

"(3) Notice under **subsection (2)** must be given—

"(a) in an approved electronic medium; or

"(b) by applying, under **section 83**, to Registrar B for registration as an elector; or

"(c) in writing (personally, or through an agent) to—

"(i) Registrar B; or

"(ii) Registrar A.

"(4) An elector who has a physical or mental impairment may give notice under **subsection (2)** through a representative, and **section 86** applies with any necessary modifications.

"(5) If notice under **subsection (2)** is given by an elector in the manner permitted by **subsection (3)(a)**, Registrar B must—

"(a) register that elector, in accordance with **section 89**, on roll B; and

"(b) give notice of that registration to—

"(i) the elector, in accordance with **section 89A**; and

"(ii) Registrar A, who must, in accordance with section 98(1)(a), remove the elector's name from roll A.

"(6) If notice under **subsection (2)** is given by an elector in the manner permitted by **subsection (3)(b)**, Registrar B must—

"(a) deal with the application in accordance with sections 88 to **89A**; and

"(b) if he or she registers the name of the elector on roll B, give notice of that registration to Registrar A, who must, in accordance with section 98(1)(a), remove the elector's name from roll A.

"(7) If notice under **subsection (2)** is given by an elector in the manner permitted by **subsection (3)(c)(i)**, Registrar B must send that notification to Registrar A.

"(8) If notice under **subsection (2)** is given by an elector in the manner permitted by **subsection (3)(c)(ii)**, or if a notification is received by Registrar A under **subsection (7)**, **subsections (9) to (13)** apply.

"(9) If Registrar A believes that at least 1 month has elapsed since the change in the elector's place of residence, Registrar A must send to the elector a request for confirmation of the elector's new place of residence.

"(10) A request under **subsection (9)** must be made—

"(a) in writing, in the prescribed form, and contain—

"(i) the particulars of the enrolment of the elector to whom it is addressed; and

"(ii) the address of the elector's new place of residence; and

"(iii) provision for the elector to make changes to the information referred to in **subparagraphs (i) and (ii)**; or

"(b) in an approved electronic medium that enables the elector to make changes to—

"(i) the elector's particulars of enrolment; and

"(ii) the particulars of the address of the elector's new place of residence.

"(11) An elector who receives a request ~~under~~ made pursuant to **subsection (10)(a)~~(i)~~** must, within the time stated by Registrar A, complete and sign the form and return it to Registrar B.

"(12) An elector who receives a request ~~under~~ made pursuant to **subsection ~~(10)(a)(ii)~~ (10)(b)** may respond to that request by sending to Registrar B in an approved electronic medium confirmation of his or her new place of residence.

"(13) After a form is returned under **subsection (11)** or a response is received under **subsection (12)**, Registrar B must—

"(a) register that elector, in accordance with **section 89**, on roll B; and

"(b) give notice of that registration to—

"(i) the elector in accordance with **section 89A**; and

"(ii) Registrar A, who must, in accordance with section 98(1)(a), remove the elector's name from roll A.

"(14) An elector who knowingly or wilfully fails to comply with **subsection (2)** commits an offence and is liable on conviction to a fine—

"(a) not exceeding $100 on a first conviction; and

"(b) not exceeding $200 on any subsequent conviction.

"(14A) Despite **subsection (14)**, an elector who gives notice of the matters specified in **subsection (2)** after the expiry of the period referred to in that subsection but before the commencement of a prosecution is not liable for prosecution for his or her earlier failure to give notice.

"(15) In this section,—

"**Registrar A**, in relation to an elector, means the Registrar for the electoral district in which the elector previously resided

"**Registrar B**, in relation to an elector, means the Registrar for the electoral district in which the elector currently resides

"**roll A**, in relation to an elector, means the roll for the electoral district in which the elector previously resided

"**roll B**, in relation to an elector, means the roll for the electoral district in which the elector currently resides.

*"Updating of electoral rolls*

**"89D Inquiry to be made to update electoral rolls**

"(1) Every Registrar must, at the times required by or under this section, direct an inquiry to be made in relation to the particulars on the roll for every person registered as an elector of the district.

"(2) An inquiry must be made,—

"(a) where practicable, within the period of 12 months ending with the day on which a Parliament is due to expire; and

"(b) at any other time directed by the Electoral Commission.

"(3) In any year in which a triennial general election of members of any local authority must be held under the Local Electoral Act 2001, every Registrar of a district that is, in part or in whole, within the local government area of a local authority must direct an inquiry to be made concerning the particulars on the roll of every person who—

"(a) is registered as an elector of that district; and

"(b) appears from those particulars to reside within that local government area.

"(4) If a roll that is not yet in force has been compiled under section 101(1), the inquiry directed to be made under this section must be in respect of that roll.

"(5) Every inquiry made under **subsection (1)** must—

"(a) be in the prescribed form; and

"(b) contain the particulars on the roll for the elector to whom it is addressed; and

"(c) require the elector, if any of those particulars have changed or are incorrect, to notify the Registrar by—

"(i) changing or correcting on the form where provided any particular that is wrong, and returning the form; or

"(ii) using an approved electronic medium to make any change or correction required to the particulars.

"(6) An elector who has a physical or mental impairment may give a notification required by **subsection (5)** through a represen-

tative, and **section 86** applies with any necessary modifications.

"(7) For the purposes of this section,—

"(a) a **person registered as an elector** includes any person of or over the age of 17 years who has had an application to register as an elector accepted by a Registrar of Electors; and

"(b) the particulars contained in the application to register are the particulars on the roll for that person.

"**89E No inquiry required if application for registration as elector received**

If a Registrar receives, during an inquiry under **section 89D(1)**, or within 28 days before the commencement of an inquiry under that section, a duly completed application for registration as an elector,—

"(a) that application is deemed to be a completed form for the purposes of **section 89D**; and

"(b) the Registrar must notify that elector that he or she will not receive an inquiry under **section 89D**.

"**89F Procedure following inquiry under section 89D**

"(1) If, following an inquiry under **section 89D**, the Registrar receives notice under **section 89D(5)(c)** that an elector has changed his or her place of residence and now resides in another electoral district,—

"(a) the Registrar must,—

"(i) in accordance with section 98(1)(a), remove the elector's name from the roll for the district in which the elector previously resided; and

"(ii) ensure that the notification is sent to the Registrar for the new electoral district (the **new Registrar**); and

"(b) the notification is deemed to be an application for registration for the purposes of **section 82**; and

"(c) the new Registrar must register that elector, in accordance with **section 89**, on the roll for the district in which the elector resides.

"(2) If, following an inquiry under **section 89D**, the Registrar receives notice under **section 89D(5)(c)** of any change or correction to an elector's particulars, other than a change of place of residence referred to in **subsection (1)**, the Registrar must amend the elector's particulars on the roll in accordance with that notification.

"(3) An elector remains on the roll and his or her particulars on the roll remain unchanged if—

"(a) the Registrar does not receive from the elector a form or information under **section 89D(5)(c)**; or

"(b) the Registrar receives from the elector a form or information under **section 89D(5)(c)** with no changes.

"(4) A form that a person intends to return, or returns, under **section 89D(5)(c)(i)** must be signed and may be rejected for incompleteness, in accordance with **subsections (1)(a), (2), and (3) of section 83** (which apply with all necessary modifications), as if the form were an application in respect of registration as an elector.

"(5) Information that an elector intends to supply, or supplies, electronically under **section 89D(5)(c)(ii)**—

"(a) is not an application in respect of registration as an elector required by **section 83(1)(a)** to be signed; but

"(b) may be rejected for incompleteness under **section 83(3)** (which applies with all necessary modifications) if it does not include all the details specified in **section 83(2)(a), (b), (c), and (h)**.

### "89G Elector who cannot be contacted to be included in dormant roll

"(1) This section applies if—

"(a) a Registrar is notified that an inquiry made under **section 89D(1)** or a notice sent under **section 78(2)** cannot be delivered to the elector to whom it is addressed because the whereabouts of the elector are not known; or

"(b) at any other time, the elector cannot be contacted at the elector's address on the roll.

"(2) If this section applies, a Registrar must—

"(a) make any inquiry as to the whereabouts of the elector that the Registrar thinks fit or that the Electoral Commission directs; and

"(b) if the Registrar is unable to contact the elector, remove the name of the elector from the roll and include the name in the dormant roll maintained under section 109."

**23 Sections 90 and 91 and cross-heading above section 90 repealed**

Repeal sections 90 and 91 and the cross-heading above section 90.

**23A Section 127A amended (Deposit by party secretary)**

Replace section 127A(2) with:

"(2) The deposit must be paid by—

"(a) direct credit to a bank account nominated by the Electoral Commission; or

"(b) bank cheque."

**23B Section 146F amended (Deposit payable in respect of bulk nomination schedule)**

Replace section 146F(2) with:

"(2) The deposit must be paid in 1 lump sum by—

"(a) direct credit to a bank account nominated by the Electoral Commission; or

"(b) bank cheque."

~~**24 New section 156A inserted (Enrolment confirmation cards)**~~

~~After section 156, insert:~~

~~"**156A Enrolment confirmation cards**~~

~~"(1) Before any election, the Commission may issue to any elector a document that confirms the elector's eligibility to vote at that election if the elector—~~

~~"(a) is on the main roll or on a supplementary roll; or~~

~~"(b) would, but for a direction under section 115, be on the main roll or on a supplementary roll.~~

"(2) Every enrolment confirmation card must be in a form approved by the Commission and contain the following particulars:

"(a) the election for which the enrolment confirmation card is issued:

"(b) the elector's name:

"(c) the elector's address, except where a direction under section 115 applies to the elector:

"(d) the name or any other identifier of the electoral district in respect of which the elector is eligible to vote:

"(e) the page and line number where the elector's name appears on the main roll or on a supplementary roll or, if a direction under section 115 applies to the elector, a number assigned by the Commission to the elector for the purpose of confirming the elector's enrolment for that election:

"(f) a machine-readable code containing any of the information specified under **paragraphs (a) to (e)**:

"(g) any other matter, other than a photograph of the elector, that the Commission may include to identify the document as an enrolment confirmation card and to inform electors about voting at the election or to enable the elector to access that information.

"(3) Every enrolment confirmation card issued under this section continues to be the property of the Commission."

**25 Section 157 amended (Materials for polling places)**

(1) After section 157(1)(c), insert:

"(ca) 1 or more containers designated by the Returning Officer for the secure storage of enrolment confirmation cards:".

(2) In section 157(1)(d), delete "and supplementary rolls".

**26 Section 163 amended (Ballot box to remain closed during poll)**

(1) In the heading to section 163, after "**Ballot box**", insert "**and container for enrolment confirmation cards**".

(2) After section 163(4), insert:

"(5) This section applies with all necessary modifications to every container designated by the Returning Officer for the secure storage of enrolment confirmation cards."

**27 Section 167 replaced (Issue of ordinary ballot papers)**

Replace section 167 with:

"**167 Issue of ordinary ballot papers**

"(1) An elector may apply to vote by—

"(a) giving an issuing officer the enrolment confirmation card that has been issued to the elector for the current election; or

"(b) informing an issuing officer of the particulars that are necessary to locate the elector's name on the rolls.

"(2) If the elector gives the issuing officer the elector's enrolment confirmation card, the issuing officer must promptly place the enrolment confirmation card in the container designated for the secure storage of those cards.

"(3) If the issuing officer locates the elector's name on a roll under **subsection (1)(b)**, the issuing officer must mark the roll to indicate that the elector has applied to vote.

"(4) After receiving the enrolment confirmation card or locating the elector's name on a roll, the issuing officer must,—

"(a) if the consecutive number printed on the ballot paper can be read without the aid of technology, ensure that a piece of gummed paper is firmly fixed over that number on the ballot paper to conceal it effectively:

"(b) write on the counterfoil of the ballot paper—

"(i) the issuing officer's initials; and

"(ii) the page and line number where the elector's name appears on the roll or the number assigned to the elector under **section 156A(2)(e)**:

"(c) ensure that the official mark of the issuing officer is placed on the ballot paper to indicate that it was issued by an authorised person:

"(d) issue the ballot paper to the elector.

"(5) **Subsection (4)(b)(ii)** overrides section 150(14) and form 13.

~~"(6) Every person commits an offence and is liable on conviction to a fine not exceeding $1,000 who, being an issuing officer, fails to comply with the requirements of this section."~~

**~~28 Section 174A amended (Ballot papers, etc, to be compiled, certified, and sent to Returning Officer)~~**

~~After section 174A(1)(a)(iii), insert:~~

~~"(iiia) the enrolment confirmation cards that electors have given to issuing officers under **section 167(1)(a)**."~~

**24 Section 167 amended (Issue of ordinary ballot papers)**

Replace section 167(2) with:

"(2) An elector who applies to vote must—

"(a) verbally give or verbally confirm his or her name; and

"(b) give or confirm any other particulars that may be necessary to find the elector's name on the rolls.

"(2A) If an elector is unable to comply with the requirement in **subsection (2)(a)** because of an inability to understand English or because of a physical disability, the elector may comply with that requirement by—

"(a) gesture; or

"(b) any other means with the assistance of a person nominated by the elector who is present with the elector."

**29 Section 174C amended (Preliminary count of early votes)**

In section 174C(5)(a), replace "3 pm" with "2 pm".

**30 Section 174F amended (Scrutineers for count of early votes)**

In section 174F(4), replace "2.30 pm" with "1.30 pm".

**~~31 Section 176 amended (Marked copies of rolls to be compared)~~**

~~(1) After section 176(1)(a)(iii), insert:~~

~~"(iv) the enrolment confirmation cards that have been sent to the Returning Officer under section 174A; and".~~

(2) Replace section 176(1)(b)(iii) with:

"(iii) whose name is shown on an enrolment confirmation card that has been sent to the Returning Officer under section 174A; or

"(iv) whose name is shown on the list of post-writ day deletions."

(3) After section 176(1), insert:

"(1A) No printed roll may be marked to indicate that the enrolment confirmation cards sent to the Returning Officer under section 174A include a card for an elector whose name may not be published under a direction under section 115, but the Returning Officer must note that fact on electronic records—

"(a) that are held by the Electoral Commission; and

"(b) that the Returning Officer is, except for the elector's address, able to access for the purposes of the scrutiny."

(4) In section 176(4), after "has been noted,", insert "and the enrolment confirmation cards that have been sent to the Returning Officer under section 174A,".

**32 Section 187 amended (Disposal of ballot papers, rolls, etc)**

After section 187(1A)(b)(ii), insert:

"(iia) the enrolment confirmation cards that have been sent to the Returning Officer under section 174A:".

**33 Section 190 amended (Papers taken from parcels as evidence in certain cases)**

(1) In section 190(1),—

(a) after "copy of a roll,", insert "and any enrolment confirmation card,":

(b) after "if a roll", insert ", enrolment confirmation card,".

(2) In section 190(2), after "any roll so certified as of", insert ", or on any enrolment confirmation card used at,".

**34 Section 196A amended (Unlawful possession of ballot paper)**

In section 196A(1), after "ballot paper", insert "or enrolment confirmation card".

**35 Section 197 amended (Interfering with or influencing voters)**

(1) In section 197(1)(g), repeal all the provisos.

(2) After section 197(1), insert:

"(1A) Subsection (1)(g) does not—

"(a) apply to any statement, name, emblem, slogan, or logo that—

"(i) is published in a newspaper before 6 pm on the day before polling day:

"(ii) is not related specifically to the election campaign and, on polling day, continues to be exhibited in a fixed position on or about a political party's New Zealand or regional campaign headquarters (not being mobile headquarters) as it was before polling day:

"(b) apply to any rosette in party colours (whether or not the rosette includes any party name, statement, emblem, slogan, or logo) worn in a polling place by a person appointed under section 160 as a scrutineer:

"(c) restrict the publication of any party name in any news relating to an election that is published in a newspaper or other periodical or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989."

**36 Section 198 replaced (Power to remove statements, names, emblems, slogans, or logos)**

Replace section 198 with:

"**198 Powers to remove statements and party names, emblems, slogans, and logos**

The Returning Officer may at any time on polling day before the close of the poll cause to be removed or obliterated anything exhibited in, or in view of, any public place that contravenes section 197(1)(g)."

**37 Section 201 amended (Offences in respect of ballot papers and ballot boxes)**

(1) In section 201(1)(a), after "destroys any ballot paper", insert "or any enrolment confirmation card".

~~(2) In section 201(1)(b), after "ballot paper", insert "or any enrolment confirmation card".~~

~~(3) After section 201(1)(d), insert:~~

~~"(da) fraudulently gives an issuing officer an enrolment confirmation card that relates to another person or that has been altered without due authority:~~

~~"(db) fraudulently gives an issuing officer a document that purports to be, but that is not, an enrolment confirmation card:~~

~~"(dc) fraudulently puts an enrolment confirmation card into a container designated by the Returning Officer for the secure storage of enrolment confirmation cards:~~

~~"(dd) fraudulently removes an enrolment confirmation card from a container designated by the Returning Officer for the secure storage of enrolment confirmation cards:".~~

~~(4) In section 201(1)(e), after "ballot papers,", insert "or a container or packet containing enrolment confirmation cards,".~~

### ~~38 Section 202 replaced (Property to be stated as being in Returning Officer)~~

~~Replace section 202 with:~~

~~"202 Property to be stated as being in Returning Officer~~

~~In any prosecution for an offence in relation to any ballot boxes, ballot papers, enrolment confirmation cards or containers designated for the secure storage of such cards, or marking instruments at an election, the property in the boxes, ballot papers, containers, enrolment confirmation cards, and instruments may be stated as being in the Returning Officer."~~

### 39 Section 205M amended (Return may be filed after time limitation if candidate outside New Zealand)

(1) In section 205M(1), after "made", insert "(**election result day**)".

(2) Replace section 205M(2) with:

"(2) The candidate must file a return of election expenses with the Electoral Commission within 85 working days after election result day."

**40 Section 205N amended (Offences relating to return of candidate's election expenses)**

Replace section 205N(1) with:

"(1) A candidate commits an offence and is liable on conviction to a fine not exceeding $40,000 who, without reasonable excuse, files a return of election expenses under section 205K during the period commencing on the day after the date on which the return is required to be filed and ending on the day that is 15 working days later (the **late period**).

"(1A) A candidate is guilty of a corrupt practice who, without reasonable excuse,—

"(a) files a return of election expenses under section 205K after the late period; or

"(b) fails to file a return of election expenses under section 205K."

**41 Section 206I amended (Return of party's election expenses)**

Replace section 206I(1) with:

"(1) Within 90 working days after polling day, a party secretary must file a return of the party's election expenses with the Electoral Commission."

**42 Section 206N amended (Offences relating to return of party's election expenses)**

Replace section 206N(1) with:

"(1) A party secretary commits an offence and is liable on conviction to a fine not exceeding $40,000 who, without reasonable excuse, files a return of election expenses under section 206I during the period commencing on the day after the date on which the return is required to be filed and ending on the day that is 15 working days later (the **late period**).

"(1A) A party secretary is guilty of a corrupt practice who, without reasonable excuse,—

"(a) files a return of election expenses under section 206I after the late period; or

"(b) fails to file a return of election expenses under section 206I."

### 43 Section 206ZE amended (Offences relating to return of registered promoter's election expenses)

Replace section 206ZE(1) with:

"(1) A registered promoter commits an offence and is liable on conviction to a fine not exceeding $40,000 who, without reasonable excuse, files a return of election expenses under section 206ZC during the period commencing on the day after the date on which the return is required to be filed and ending on the day that is 15 working days later (the **late period**).

"(1A) A registered promoter is guilty of a corrupt practice who, without reasonable excuse,—

"(a) files a return of election expenses under section 206ZC after the late period; or

"(b) fails to file a return of election expenses under section 206ZC."

### 44 Section 207C amended (Contributors to be identified)

Replace section 207C(2) and (3) with:

"(2) If this section applies to a donation, the donor must, at the time of making the donation, disclose—

"(a) the fact that the donation is funded from contributions; and

"(b) the following information about any contribution that, either on its own or when aggregated with other contributions made by or on behalf of the same contributor to the donation, exceeds $1,500 in sum or value:

"(i) the name of the contributor; and

"(ii) the address of the contributor; and

"(iii) whether the contributor is an overseas person within the meaning of section 207K; and

"(iv) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and

"(c) the total of all of the amounts disclosed under **paragraph (b)(iv)** in relation to the donation; and

"(d) the total of all of the other contributions made in relation to the donation."

**45 Section 207K amended (Overseas donation or contribution may not exceed $1,500)**

In section 207K(3), replace "from an overseas person" with "made by or on behalf of an overseas person or any contributions made by or on behalf of the same overseas person that when aggregated exceed $1,500".

**46 Section 209 amended (Return of candidate donations)**

(1) Replace section 209(1)(b) with:

"(b) whether section 207C applies to any donation and, if so, and to the extent known or ascertainable from the information supplied under that section, the details specified in **subsection (3)** in respect of every contribution that, either on its own or when aggregated with other contributions made by or on behalf of the same contributor to the donation, exceeds $1,500 in sum or value; and".

(2) In section 209(1)(e), replace "exceeds $1,500" with ", either on its own or when aggregated with other contributions made by the same overseas person to the donation, exceeds $1,500".

(3) Replace section 209(3) with:

"(3) The details referred to in **subsection (1)(b)** are—

"(a) the name of the contributor; and

"(b) the address of the contributor; and

"(c) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and

"(d) the date on which the donation funded from contributions was made."

(4) In section 209(5A)(c), after "contribution", insert "or, in the case of aggregated contributions, the total amount of the aggregated contributions".

**47 Section 209B amended (Offences relating to return of candidate donations)**

Replace section 209B(1) with:

"(1) A candidate commits an offence and is liable on conviction to a fine not exceeding $40,000 who, without reasonable excuse, files a return of candidate donations under section 209 during

the period commencing on the day after the date on which the return is required to be filed and ending on the day that is 15 working days later (the **late period**).

"(1A) A candidate is guilty of a corrupt practice who, without reasonable excuse,—

"(a) files a return of candidate donations under section 209 after the late period; or

"(b) fails to file a return of candidate donations under section 209."

**48 Section 210 amended (Annual return of party donations)**

(1) In section 210(1), replace "by 30 April in each year, a return of the party donations setting out, for the year ending with the immediately preceding 31 December," with "for each year, a return of party donations setting out".

(2) Replace section 210(1)(b) with:

"(b) whether section 207C applies to any donation and, if so, and to the extent known or ascertainable from the information supplied under that section, the details specified in **subsection (3)** in respect of every contribution that, either on its own or when aggregated with other contributions made by or on behalf of the same contributor to the donation, or to other donations during the year, exceeds $15,000 in sum or value; and".

(3) In section 210(1)(da), replace "exceeds $1,500" with ", either on its own or when aggregated with other contributions made by the same overseas person to the donation, exceeds $1,500".

(4) Replace section 210(3) with:

"(3) The details referred to in **subsection (1)(b)** are—

"(a) the name of the contributor; and

"(b) the address of the contributor; and

"(c) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and

"(d) the date on which the donation, or each related donation, funded from contributions was made."

(5) In section 210(5A)(c), after "contribution", insert "or, in the case of aggregated contributions, the total amount of the aggregated contributions".

(6) Replace section 210(7) with:

"(7) A return must—

"(a) be filed by 30 April of the following year; and

"(b) be in the form required by the Electoral Commission; and

"(c) be accompanied by an auditor's report obtained under section 210A."

(7) After section 210(8), insert:

"(9) In this section, **year** means the period of 12 months starting on 1 January and ending with the close of 31 December."

**48A Section 210C amended (Return of party donation received from same donor exceeding $30,000)**

(1) In section 210C(4)(d), after "received", insert "; and".

(2) After section 210C(4)(d), insert:

"(e) the following details in respect of every contribution to the donation made by or on behalf of the same contributor that exceeds $30,000:

"(i) the name of the contributor; and

"(ii) the address of the contributor; and

"(iii) the amount of the contribution."

**49 Section 210D amended (Offences relating to return of party donations)**

(1) Replace section 210D(1) with:

"(1) A party secretary commits an offence and is liable on conviction to a fine not exceeding $40,000 who, without reasonable excuse,—

"(a) files a return of party donations under section 210 during the late period:

"(b) files a return of party donations under section 210C during the late period.

"(1A) A party secretary is guilty of a corrupt practice who, without reasonable excuse,—

"(a) files a return of party donations under section 210 or 210C after the late period; or

"(b) fails to file a return of party donations under—

"(i) section 210:

"(ii) section 210C."

(2) After section 210D(2), insert:

"(3) In this section, **late period**, in relation to the filing of a return, means the period commencing on the day after the date on which the return is required to be filed and ending on the day that is 15 working days later."

**50 New Part 6B inserted**

Before Part 7, insert:

# "Part 6B
# "Loans

"**211 Application of this Part**

This Part applies to loans entered into on behalf of parties.

## "Subpart 1—General provisions relating to loans

"**212 Interpretation**

In this Part,—

"**lender**, in relation to a loan, means the person providing the loan

"**loan**—

"(a) means a written or an oral agreement or arrangement under which a lender lends money or agrees to lend money in the future at specified dates or on request or on the occurrence of a particular event; but

"(b) does not include any money lent by a registered bank at a commercial interest rate

"**loan amount** means—

"(a) the amount of money lent by the lender under the loan; or

"(b) where any money may be lent under the loan in the future, the maximum amount that may be owed at any one time; or

"(c) the total of the amounts in **paragraphs (a) and (b)**, in any case where the lender has provided, and may in the future provide, money under the loan

"**registered bank** has the same meaning as in section 2(1) of the Reserve Bank of New Zealand Act 1989.

"**213 Party secretary may enter into loan on behalf of party**

"(1) A party may enter into a loan only with the authorisation of the party secretary.

"(2) Only the party secretary may enter into a loan on behalf of the party.

"(3) If the party secretary enters into a loan that is not in writing, the party secretary must, as soon as is reasonably practicable, make a written record of the loan.

"(4) A loan entered into in contravention of this section is an illegal contract for the purposes of the Illegal Contracts Act 1970.

"**214 Offence to enter into unauthorised loan**

A person is guilty of—

"(a) a corrupt practice who wilfully contravenes **section 213**; and

"(b) an illegal practice who contravenes **section 213** in any other case.

"**214A Offence to enter into arrangement to circumvent section 213, 214C, or 214F**

A person who enters into an agreement, arrangement, or understanding with any other person for the purpose of circumventing **section 213**, or for the purpose of circumventing the disclosure required by **section 214C or 214F**, is guilty of an illegal practice.

"**214B Records of loans**

"(1) A party secretary must keep proper records of all loans entered into on behalf of the party.

"(2) A party secretary who fails, without reasonable excuse, to comply with **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding $40,000.

## "Subpart 2—Disclosure of loans

### "214C Annual return of loans

"(1) A party secretary must file with the Electoral Commission, for each year, a return setting out—

"(a) the details specified in **subsection (2)** in respect of—

"(i) every loan entered into during the year that has a loan amount exceeding $15,000; and

"(ii) every loan entered into in any previous year that—

"(A) has a loan amount exceeding $15,000; and

"(B) at the close of 31 December of the year for which the return is filed, has an unpaid balance exceeding $15,000; and

"(b) the details specified in **subsection (3)** in respect of every loan entered into during the year that has a loan amount not exceeding $15,000, but which exceeds $15,000 when aggregated with—

"(i) the loan amounts of all other loans provided by the same lender during the year; or

"(ii) the unpaid balances of any loans provided by the same lender during any previous year; and

"(c) the details specified in **subsection (4)** in respect of all other loans entered into during the year that each have loan amounts of not less than $1,500 and not more than $15,000.

"(2) The details referred to in **subsection (1)(a)** are—

"(a) the name of the lender; and

"(b) the address of the lender; and

"(c) the loan amount; and

"(d) the date on which the loan was entered into; and

"(e) the repayment date for the loan, or a statement that there is no repayment date; and

"(f) the interest rate or rates; and

"(g) the unpaid balance of the loan amount, if any; and

"(h) the name and address of any guarantor of the loan; and

"(i) the details of any security given for the loan; and

"(j) whether there is any term of the loan agreement or arrangement that enables the lender to reduce or extinguish the loan amount or interest, or both, or grant any

concession in respect of repayment of that amount or interest, or both.

"(3) The details referred to in **subsection (1)(b)** are—
"(a) the details specified in **subsection (2)**; and
"(b) the total of the aggregated loan amount.

"(4) The details referred to in **subsection (1)(c)** are—
"(a) the number of loans; and
"(b) the total of the aggregated loan amounts.

"(5) A return must—
"(a) be filed by 30 April of the following year; and
"(b) be in a form required by the Electoral Commission; and
"(c) be accompanied by an auditor's report obtained under **section 214D**.

"(6) In this section, **year** means the period of 12 months starting on 1 January and ending with the close of 31 December.

"(7) Despite anything in **subsection (1)**, if a party secretary is required to file under that subsection a return of party loans that relates to the year in which the party became registered, that return is to relate to the period beginning with the date of registration of the party and ending with 31 December of that year.

"**214D Auditor's report on annual return of loans**

"(1) A party secretary must, before the Electoral Commission receives the return required by **section 214C**, obtain from the auditor appointed under section 206J a report on the return.

"(2) The auditor must state in the report whether, in the auditor's opinion, the return fairly reflects the loans entered into by the party.

"(3) The auditor must make any examinations that the auditor considers necessary.

"(4) The auditor must specify in the report any case in which—
"(a) the return does not, in the auditor's opinion, fairly reflect the loans entered into by or on behalf of the party:
"(b) the auditor has not received from the party secretary all the information that the auditor requires to carry out his or her duties:

"(c) proper records of loans entered into by or on behalf of the party have not, in the auditor's opinion, been kept by the party secretary.

"(5) The auditor—

"(a) must have access at all reasonable times to all records, documents, and accounts that relate to the loans entered into by or on behalf of the party and that are held by the party or the party secretary; and

"(b) may require the party secretary to provide any information and explanation that, in the auditor's opinion, may be necessary to enable the auditor to prepare the report.

"**214E Nil return**

If a party secretary considers that there is no relevant information to disclose under **section 214C**, the party secretary must file a nil return under that section.

"**214F Return of loan provided by same lender exceeding $30,000**

"(1) A party secretary must file with the Electoral Commission a return in respect of every loan entered into that has a loan amount exceeding $30,000.

"(2) A party secretary must file with the Electoral Commission a return in respect of every loan entered into—

"(a) that is provided by a lender who, in the 12 months immediately preceding the date on which the loan was entered into (the **last 12 months**), has provided 1 or more other loans to the party (**previous loans**); and

"(b) that exceeds $30,000 when the amount of the loan is aggregated with the loan amounts of all the previous loans.

"(3) If a return is made under **subsection (2)**, the loans disclosed in that return must be disregarded when applying this section in relation to a loan that is entered into by the party after that return is filed.

"(4) A return filed under **subsection (1)** must be in the form required by the Electoral Commission and must set out—

"(a) the name of the lender; and

"(b) the address of the lender; and
"(c) the loan amount; and
"(d) the date on which the loan was entered into; and
"(e) the repayment date for the loan, or a statement that there is no repayment date; and
"(f) the interest rate or rates; and
"(g) the unpaid balance of the loan amount, if any; and
"(h) the name and address of any guarantor of the loan; and
"(i) the details of any security given for the loan; and
"(j) whether there is any term of the loan agreement or arrangement that enables the lender to reduce or extinguish the loan amount or interest, or both, or grant any concession in respect of repayment of that amount or interest, or both.

"(5) A return filed under **subsection (2)** must be in the form required by the Electoral Commission and must set out—
"(a) the details specified in **subsection (4)** in respect of—
"(i) the loan; and
"(ii) all previous loans; and
"(b) the total of the aggregated loan amount.

"(6) A return must be filed under **subsection (1) or (2)** within 10 working days of the loan being entered into by the party.

"**214G Offences relating to return of party loans**

"(1) A party secretary commits an offence and is liable on conviction to a fine not exceeding $40,000 who, without reasonable excuse,—
"(a) files a return of party loans under **section 214C** during the late period:
"(b) files a return of party loans under **section 214F** during the late period.

"(2) A party secretary is guilty of a corrupt practice who, without reasonable excuse,—
"(a) files a return of party loans under **section 214C or 214F** after the late period; or
"(b) fails to file a return of party loans under—
"(i) **section 214C**:
"(ii) **section 214F**.

"(3) A party secretary who files a return under **section 214C or 214F** that is false in any material particular is guilty of—

"(a) a corrupt practice if he or she filed the return knowing it to be false in any material particular; or

"(b) an illegal practice in any other case unless the party secretary proves that—

"(i) he or she had no intention to misstate or conceal the facts; and

"(ii) he or she took all reasonable steps in the circumstances to ensure that the information in the return was accurate.

"(4) A party secretary charged with an offence against **subsection (3)(a)** may be convicted of an offence against **subsection (3)(b)**.

"(5) In this section, **late period**, in relation to the filing of a return, means the period commencing on the day after the date on which the return is required to be filed and ending on the day that is 15 working days later.

"**214H Duty of Electoral Commission**

"(1) If the Electoral Commission believes that any person has committed an offence specified in this Part, the Electoral Commission must report the facts on which that belief is based to the New Zealand Police.

"(2) **Subsection (1)** does not apply if the Electoral Commission considers that the offence is so inconsequential that there is no public interest in reporting those facts to the New Zealand Police.

"**214I Obligation to retain records necessary to verify return of party loans**

"(1) A party secretary must take all reasonable steps to ensure that all records, documents, and accounts that are reasonably necessary to enable returns under **sections 214C and 214F** to be verified are retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the returns or in relation to any matter to which the returns relate.

"(2) A party secretary who fails, without reasonable excuse, to comply with **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding $40,000.

"**214J Return of party loans to be publicly available**

"(1) The Electoral Commission may publish, in any manner that the Electoral Commission considers appropriate, the following returns and reports:

"(a) a return filed under **section 214C**; and

"(b) a report obtained under **section 214D** accompanying a return referred to in **paragraph (a)**; and

"(c) a return filed under **section 214F**.

"(2) During the public inspection period, the Electoral Commission must make available for public inspection a copy of every return and report referred to in **subsection (1)**.

"(3) The Electoral Commission may make inspection under **subsection (2)** subject to the payment of any charges that may be made under the Official Information Act 1982."

**51 New section 243A inserted (Orders to be made by court after determination under section 243 if list seats allocated)**

After section 243, insert:

"**243A Orders to be made by court after determination under section 243 if list seats allocated**

"(1) This section applies if, at the conclusion of the trial of an election petition,—

"(a) the court determines, under section 243, that the candidate who was duly elected was not declared elected under section 179(2) and the candidate who was declared elected under section 179(2) was not duly elected; and

"(b) an allocation of seats by the Electoral Commission under sections 191 to 193 has been made.

"(2) If this section applies, the court must—

~~"(a) order that the declaration made under section 179(2), to the extent that it declares the results for any electoral district, is invalid; and~~

"(a) make an order that any declaration of election made pursuant to section 193(5) is invalid so far as it relates to the election of any specified candidate and that the election of any specified candidate is void; and

"(b) order that the Electoral Commission repeat any or all of the procedures prescribed by sections 191 to 193 and make a further declaration under section 193(5); and

~~"(c) determine whether the return of members of Parliament that is consequential on the allocation under sections 191 to 193 is valid; and~~

~~"(d) make such orders as are necessary to correct any error or invalidity, including—~~

~~"(i) an order that any declaration of election made pursuant to section 193(5), so far as it relates to any candidate named in the order, is invalid and the election of that candidate void:~~

~~"(ii) an order that any candidate not named in a declaration of election made pursuant to section 193(5) is elected as a member of Parliament; and~~

"(e) immediately certify in writing to the Speaker ~~its determinations~~ the orders made under **paragraphs (a) ~~to (d)~~ and (b)**.

"(3) The ~~determinations~~ orders certified under **subsection (2)(e)** are final for all purposes."

**52 Section 266A amended (Expenditure limits to be adjusted each year by Order in Council)**

After section 266A(6), insert:

"(6A) If in any year a regulated period for a general election or a by-election commences before 1 July and ends on or after that date,—

"(a) the adjustments to the amounts referred to in subsection (1) made by the Order in Council that commences on 1 July of that year do not apply in respect of that election or by-election; and

"(b) the adjustments to the amounts referred to in subsection (1) made by the Order in Council of the previous year apply to that election or by-election."

### 53 Schedule 2 amended

(1) In Schedule 2, form 3, delete "CD, Minister of Justice".

(2) In Schedule 2, form 6, delete "CD, Minister of Justice".

(3) In Schedule 2, form 7, delete "CD, Minister of Justice".

### 54 Other amendments to principal Act

(1) Amend the principal Act in the manner set out in the **Schedule**.

(2) By way of explanation,—

(a) the amendments in **Part 1 of the Schedule** make other minor amendments to the principal Act; and

(b) the amendments in **Part 2 of the Schedule** consequentially update cross-references to sections in the principal Act that have been amended or replaced by **Part 1** of this Act; and

(c) the amendments in **Part 3 of the Schedule** replace references to facsimile transmission, to allow for the use of other types of electronic transmission.

### 55 Transitional provision for party logos registered before commencement date

(1) If the logo of a political party was registered before the commencement date and on that date the political party is a registered political party, the logo of that party is deemed to be registered under **section 71F**.

(2) If the logo of a political party was registered before the commencement date and on that date the political party is not a registered political party, the Electoral Commission must cancel the registration of the party logo.

(3) If the Electoral Commission cancels the registration of a party logo under **subsection (2)**, the Electoral Commission must, where practicable, give written notice of the cancellation to the secretary of the political party.

(4) In this section, **commencement date** means the date on which this section comes into force.

**56 Transitional provision for loans entered into on behalf of parties before commencement date**

(1) Nothing in **Part 6B** applies in respect of any loan entered into on behalf of a party before the commencement date.

(2) To avoid doubt, nothing in **section 214C or 214F** relating to aggregations of loans applies to any loan entered into on behalf of a party before the commencement date.

(3) In this section, **commencement date** means the date of commencement of this section.

## Part 2
## Consequential amendments to other enactments

*Amendments to Citizens Initiated Referenda Act 1993*

**57 Amendments to Citizens Initiated Referenda Act 1993**

(1) This section amends the Citizens Initiated Referenda Act 1993.

(2) In the Schedule, form 2, delete "Signature of Minister of Justice:".

(3) In the Schedule, form 2A, delete "Signature of Minister of Justice:".

*Amendment to Referenda (Postal Voting) Act 2000*

**58 Amendment to Referenda (Postal Voting) Act 2000**

(1) This section amends the Referenda (Postal Voting) Act 2000.

(2) In section 3(1), definition of **electoral roll**, paragraph (b), replace "section 83A and 83D" with "**sections 89C and 89F**".

*Amendment to Electoral (Administration) Amendment Act 2011*

**59 Amendment to Electoral (Administration) Amendment Act 2011**

(1) This section amends the Electoral (Administration) Amendment Act 2011.

(2) Repeal section 38.

*Amendments to Electoral Regulations 1996*

**60 Amendments to Electoral Regulations 1996**

Sections ~~60~~ 61 to 64 amend the Electoral Regulations 1996.

**61 ~~Section~~ Regulation 3 replaced (Application for registration)**

Replace regulation 3 with:

"**3 Application for registration**

Every application for registration as an elector made under **section 83(1)(a)** of the Act must be in form 1."

**62 ~~Section~~ Regulation 4A amended (Updating of electoral rolls)**

In regulation 4A, replace "section 83(1)" with "**section 89D(1)**".

**63 ~~Section~~ Regulation 4B amended (Transfer of electors between electorates)**

In regulation 4B, replace "under section 83D(3)" with "made pursuant to **section ~~89C(9)~~ 89C(10)(a)**".

**64 Schedule 1 amended**

(1) In Schedule 1, in the form 1 heading, replace "r 3(a)" with "r 3".

(2) In Schedule 1, revoke form 2.

# Schedule

s 54

## Other amendments to principal Act

### Part 1
### Minor amendments

**Section 143**

Replace section 143(2) with:

"(2) A person's consent to nomination—

"(a) must, unless subsection (3) applies, be given in writing or electronically; but

"(b) need not be given at the time the nomination paper is lodged."

**Section 175**

Replace section 175(2) with:

"(2) Each constituency candidate may appoint 1 or more scrutineers to be present at the scrutiny of the rolls."

Replace section 175(7) with:

"(7) A scrutineer may be appointed under this section electronically."

**Section 207E**

In section 207E(2), replace "subsection (1)(b)" with "subsection (1)".

**Section 263B**

In section 263B(3)(b), replace "Ministry of Transport" with "Registrar of Motor Vehicles".

In section ~~263B(4)(a)~~ 263B(4)(b), replace "Ministry of Transport" with "Registrar of Motor Vehicles".

After section 263B(5), insert:

"(6) In this section, **Registrar of Motor Vehicles** has the same meaning as **Registrar** in section 233(1) of the Land Transport Act 1998."

# Part 2
# Consequential amendments

**Section 3**

In section 3(1), definition of **electoral roll**, replace "section 83" with "**section 89D**".

In section 3(1), definition of **party**, replace "and 6A" with "6A and **6B**".

In section 3(1), definition of **public inspection period**, replace "and 210C," with ", 210C, **214C, and 214F**,".

**Section 94A**

In section 94A(1)(c), replace "paragraph (d), (h), or (i) of section 85(3)" with "**section 83(2)(d), (g), or (h)**".

**Section 97**

After section 97(3), insert:

"(3A) If a person objected to has a physical or mental impairment, that person's representative may sign and forward to the Registrar a statement giving reasons why the person's name should not be removed from the roll."

**Section 98**

Repeal section 98(1)(c).

**Section 101**

In section 101(2), replace "section 83" with "**section 89D**".

In section 101(5)(a), replace "section 83" with "**section 89D**".

In section 101(6), replace "section 83" with "**section 89D**".

**Section 103**

In section 103(4), replace "section 83" with "**section 89D**".

**Section 109**

In section 109(1)(a), replace "section 83C" with "**section 89G**".

In section 109(2)(a), replace "section 83C" with "**section 89G**".

Part 2—*continued*

**Section 118**

Replace section 118 with:

"**118 False statements**

Every person who knowingly and wilfully makes a false statement in any application, certificate, or information supplied for the purposes of this Part is liable on conviction to—

"(a) a term of imprisonment not exceeding 3 months; or

"(b) a fine not exceeding $2,000."

**Section 124**

In section 124(2)(b), replace "section 83" with "**section 89D**".

**Section 127**

In section 127(7), replace "section 67A" with "**section 71F**".

**Section 143**

In section 143(3A), replace "section 67A" with "**section 71F**".

**Section 146E**

In section 146E(4), replace "section 67A" with "**section 71F**".

**Section 226**

After section 226(1)(d), insert:

"(e) **section 214G(1)(a)**".

In section 226(2), replace "section 210D(1)(b) or 206ZE(1)" with "section 206ZE(1), 210D**(1)(b)**, or **214G(1)(b)**".

**Section 263A**

In section 263A(6)(a), replace "section 87A" with "**section 87**".

## Part 3
## Changes of "facsimile transmission" to "electronically"

In the following provisions, replace "facsimile transmission" with "electronically":

Part 3—*continued*

Section 127(3)(b):
Section 127(8)(b):
Section 146B(2)(c):
Section 146B(4)(b):
Section 146D(3)(a):
Section 146E(5)(a):
Section 146H(2):
Section 146I(3):
Section 146K(1)(a):
Section 152B(4)(b):
Section 153G(5)(b).

## Legislative history

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