

Electoral (Strengthening Democracy) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill amends the Electoral Act 1993 (the Act) to reform and strengthen New Zealand's democracy. The reforms are either the result of recommendations from the Electoral Commission or responding to recently highlighted shortcomings in the Act.

The seven areas of reform in the Bill are:

- Enabling voters of Māori descent to change roll type at any time
- Extending the voting age to 16 years
- Removing the requirement for NZ citizens living overseas to have visited New Zealand within the last 3 years to maintain their voting rights
- Giving all people in prison the right to vote
- Implementing the Electoral Commission's 2012 MMP Review recommendations
- Strengthening transparency and safeguards on donations to parties and candidates
- Extending the reserved provisions to include all provisions that reduce eligibility to register as an elector or to vote at an election.

Government electoral bills over the last decade have largely tinkered with the Act, rather than making more substantive reforms to safeguard our democracy for the future. This Bill seeks to bring impetus to electoral reform during this parliamentary term.

The seven issues in this Bill cover a broad range of electoral issues and seek to ensure fair and transparent electoral processes, giving disenfranchised people their right to vote, and increased participation and confidence in our democracy.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill will commence on the day after the date it receives Royal assent, except that **Part 4** and **Part 5** come into force on the day after the day of the return of the writ for the first general election held after this Act receives the Royal assent.

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

Part 1

Amendments to Maori electoral option

Part 1 provides that Maori can exercise the option to register as an elector of a Maori electoral district or of a General electoral district at any time, rather than only within the Maori electoral option period. This is primarily done under *clause 8* by deleting section 77, which removes the requirement for the Minister to specify the period for exercising the Maori option. Consequential amendments are made in *clauses 4 to 7* to sections 3, 35, 45, and 76 of the principal Act.

Clause 9 replaces section 78 with new sections 78 and 78A. New section 78 provides how Maori may exercise the option. New section 78A provides that the Electoral Commission must send a notice to Maori about exercising the option. New subsection 78(3) prescribes the meaning of **person registered as an elector** for the purposes of that section, which, in accordance with the amendments in **Part 2**, lowers the age at which a person may be registered as an elector from 16 years to 15 years.

Part 2

Extending the voting age

Part 2 provides that the voting age is lowered from 18 years to 16 years. It does that primarily by amending the meaning of **adult** to mean persons of or over the age of 16 years, rather than 18 years. (Section 74 provides that every adult person is qualified to be registered as an elector). This Part also provides a number of consequential amendments, including:

- (a) *clause 12* amends section 82 to lower the age at which a person may apply to the Electoral Commission for registration as an elector from 17 years to 15 years; and
- (b) *clause 14* amends section 92 to lower the age of people whose death the Registrar-General of Births, Deaths and Marriages must notify the Electoral Commission.

Part 3

Removal of absence limits for citizens for are overseas

Part 3 removes the disqualification for registration as an elector of New Zealand citizens who are outside New Zealand and have not been in New Zealand within the last 3 years. It does that by repealing section 80(1)(a) and making minor consequential amendments to section 72(8) and section 80(3).

Part 4

Repeal of prohibition on prisoner voting

Clause 18 amends section 80 to remove the current requirement that persons detained in a prison under sentences of life imprisonment, preventative detention, or imprisonment for a term of 3 or more years are disqualified for registration as electors.

Clause 19 repeals section 81, which requires prison managers to give notice to the Electoral Commission about the details of every person received into a prison who is sentenced to imprisonment.

Clause 20 replaces sections 86A to 86E.

- New section 86A places an obligation on a prison manager to advise a prisoner about the qualifications for registration as an elector and to ask the prisoner whether they want their enrolment facilitated.
- New section 86B describes the information that the prisoner must provide the prison manager if the prisoner would like their enrolment facilitated. It also places an obligation on the prison manager to send that information to the Electoral Commission as soon as is reasonably practicable.
- New section 86C provides that the Electoral Commission must treat the information received from the prison manager as an application to register as an elector.
- New section 86D provides a power for the prison manager to delegate these obligations to a prison officer.
- New section 86E requires the prison manager to communicate with a prisoner in a way that the prisoner can reasonably be expected to understand.

Clause 21 makes a consequential amendment to section 98 of the principal Act.

Clause 22 repeals the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010 to ensure that all prisoners are no longer disqualified from registration on the basis of being sentenced to imprisonment.

Part 5

Party rules

Clause 23 amends section 71B by providing that, in any dispute relating to the selection or ranking of candidates to represent a party as members of Parliament, the rules

that were submitted to the Electoral Commission at the time of the dispute are the rules applicable to the dispute.

Part 6

List seats

Clause 24 amends section 127 by requiring a party to provide a statutory declaration that its party list, submitted under this section, was compiled in accordance with the party's rules.

Clause 25 amends section 191 by:

- amending the party vote threshold from 5% to 4%, under which a party does not qualify for any party seats:
- removing the electoral seat threshold, which qualifies a party for party list seats:
- replacing the reference to 120 seats with a mechanism by which the total number of Parliamentary seats is calculated:
- providing that the total number of electoral seats must be 60% of the total number of Parliamentary seats:
- providing that the total number of Parliamentary seats must be reduced by the number of persons who are elected and who are a member of a party that did not achieve at least 4% of the party vote.

Clause 26 inserts *new section 193B*, which requires the Electoral Commission to review the operation of the party vote threshold after three general elections.

Part 7

Donations

Clause 27 inserts *new sections 207BA and 207BB*. *New section 207BA* provides that a candidate must either return to the donor or pay to the Electoral Commission any part of a donation or aggregation of donations that exceed \$35,000. *New section 207BB* provides that agreements, arrangements, or understandings that circumvent section 207JBA may be a corrupt practice or an illegal practice (for which section 224 provides the maximum punishment).

Clause 28 amends section 207C by lowering the threshold for the disclosure of details of contributions from a New Zealand person from \$1,500 to \$1,000.

Clause 29 amends section 207G by lowering the threshold, from \$1,500 to \$1,000, at which a person who knows the identity of an anonymous donor must disclose that identity.

Clause 30 amends section 207I by lowering the threshold, from \$1,500 to \$1,000, for which anonymous donations received by a candidate or a party and for which there are reasonable grounds to suspect they come from an overseas person must be paid to the Electoral Commission.

Clause 31 repeals subpart 4 of Part 6A, which provides a method of making donations that are protected from disclosure.

Clause 32 replaces section 209 with *new sections 209 and 209AA*, which:

- lower the threshold, from \$1,500 to \$1,000, at which candidates must provide details on donations or aggregation of donations, contributions to donations, and anonymous donations:
- require candidates to provide details of overseas donations:
- require candidates to provide details of donations, or aggregations of donations, exceeding \$35,000:
- require candidates to provide details of the total number and amount of donations that do not exceed \$1,000.

Clause 33 replaces section 210 with *new sections 210 and 210AA*, which:

- lower the threshold, from \$1,500 to \$1,000, at which candidates must provide details on donations or aggregation of donations, contributions to donations, and anonymous donations:
- require candidates to provide details of overseas donations:
- require details of donations, or aggregations of donations, exceeding \$35,000 to be provided:
- require details of the total number and amount of donations that do not exceed \$1,000 to be provided.

Clause 34 makes a minor amendment to section 210C as a consequence of the new limit of \$1,000 on all anonymous donations.

Clause 35 inserts *new sections 213A and 213B*. *New section 213A* prohibits a party secretary entering into a loan exceeding \$35,000. *New section 213B* prohibits a party from entering into a loan with an overseas person.

Clause 36 amends section 214 to provide that contraventions of *new sections 213A and 213B* are corrupt practices or illegal practices (for which section 224 provides the maximum punishment).

Clause 37 amends section 214A to provide that agreements, arrangements, or understandings for the purpose of circumventing *sections 213A and 213B* may also make a person guilty of an illegal practice.

Clause 38 amends section 214C to lower the threshold, from \$1,500 to \$1,000, at which a party secretary must provide details in its returns on loans.

Part 8

Expanding reserved provisions

Clause 39 amends section 268 to extend the number of provisions that may be repealed or amended only if the proposal for repeal or amendment is agreed to by 75 per cent of the members of the House or at a poll of electors.

Golriz Ghahraman

Electoral (Strengthening Democracy) Amendment Bill

Member's Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Electoral (Strengthening Democracy) Amendment Act **2022**.

2 Commencement

- (1) This Act comes into force on the day after the date on which it receives the Royal assent, except as provided in **subsection (2)**. 5
- (2) **Part 4** and **Part 5** come into force on the day after the day of the return of the writ for the first general election conducted after this Act receives the Royal assent.

3 Principal Act

This Act amends the Electoral Act 1993 (the **principal Act**). 10

Part 1

Amendments to Maori electoral option

4 Section 3 amended (Interpretation)

In section 3, definition of **Maori electoral population**, paragraph (a)(i), replace “the last day of the period specified in the last notice published under section 77(2)” with “the date determined by the Government Statistician”. 5

5 Section 35 amended (Division of New Zealand into General electoral districts)

(1) Replace section 35(5) with:

(5) The Electoral Commission must supply the Government Statistician with the information required under section 45(3A) on the date determined by the Government Statistician under that section. 10

(2) In section 35(6)(b), replace “section 77(6), to supply to the Government Statistician as soon as practicable after the last day of the period specified in the notice published under section 77(2),” with “to supply under section 45(3A),”. 15

6 Section 45 amended (Maori representation)

After section 45(3), insert:

(3A) For the purpose of enabling the Government Statistician to calculate the Maori electoral population, the Electoral Commission must, on a date determined by the Government Statistician, supply to the Government Statistician— 20

- (a) the total number of persons registered as electors of the Maori electoral districts as at the close of that date; and
- (b) the total number of persons registered as electors of the General electoral districts, who, as at the close of that date, are recorded as having given written notice to the Electoral Commission that they are persons of New Zealand Maori descent; and 25
- (c) the total number of persons whose names are shown on the dormant rolls maintained under section 109 for the Maori electoral districts; and
- (d) the total number of persons whose names are shown on the dormant rolls maintained under section 109 for General electoral districts who are recorded as having given written notice that they are persons of New Zealand Maori descent. 30

7 Section 76 amended (Maori option)

(1) In section 76(1), replace “sections 77 to 79” with “sections 78 and 79”.

(2) Repeal section 76(2)(b). 35

(3) In section 76(2)(c), delete “section 77 or”.

8 Section 77 repealed (Periodic exercise of Maori option and determination of Maori electoral population)

Repeal section 77.

9 Section 78 replaced (Exercise of Maori option)

Replace section 78 with:

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78 Exercise of Maori option

(1) Every Maori may exercise the option given by section 76(1) at any time by advising the Electoral Commission whether they wish to be registered as an elector of—

- (a) a General electoral district; or
- (b) a Maori electoral district.

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(2) A Maori who wishes to exercise the option under section 76(1) must do so in a form and manner approved by the Electoral Commission.

(3) 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.

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(4) Advice received under **subsection (1)** 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.

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(5) A Maori who receives a notice sent under **section 78A** but who does not exercise the option given in section 76(1) continues to be registered on the roll as an elector of the electoral district in which he or she is currently registered.

78A Electoral Commission to notify Maori of the option

(1) The Electoral Commission must, at least once between each periodical census, send a notice to—

25

- (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 Maori; or

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(ii) in response to an inquiry under section 89D, notified the Electoral Commission that he or she is Maori.

(2) A notice under **subsection (1)** must—

- (a) contain particulars about whether the person to whom the notice is addressed is currently registered as an elector of a Maori electoral district or a General electoral district; and

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- (b) advise the person to whom the notice is addressed that they may exercise the option under section 76(1); and
- (c) provide advice on the form and manner for exercising the option under section 76(1).
- (3) In this section, **person registered as an elector** includes a person of or over the age of 15 years who has had an application under section 82(2) to register as an elector accepted by the Electoral Commission. 5

Part 2

Extending the voting age

- 10 Section 3 amended (Interpretation)** 10
- (1) In section 3, definition of **adult**,—
- (a) paragraph (a), replace “18 years” with “16 years”; and
- (b) paragraph (b),—
- (i) replace “18 years” with “16 years”; and
- (ii) replace “18th” with “16th”. 15
- (2) In section 3, definition of **Maori electoral population**, replace “18 years” with “16 years”.
- 11 Section 60 amended (Who may vote)**
- In section 60(f), replace “18 years” with “16 years”.
- 12 Section 82 amended (Compulsory registration of electors)** 20
- In section 82(2),—
- (a) replace “17 years” with “15 years”; and
- (b) replace “18 years” with “16 years” in both places.
- 13 Section 89D amended (Inquiry to be made to update electoral rolls)**
- In section 89D(7)(a), replace “17 years” with “15 years”. 25
- 14 Section 92 amended (Notification of death of registered elector)**
- In section 92(1), replace “17 years” with “15 years”.
- 15 Section 263B amended (Disclosure of personal information for enrolment purposes)**
- In section 263B(2), replace “17 years” with “15 years”. 30

Part 3

Removal of absence limits for citizens who are overseas

16 Section 72 amended (Rules for determining place of residence within New Zealand)

In section 72(8), delete “; but nothing in this subsection shall affect the application of section 80(1)(a) for the purpose of determining the qualification of any person for registration as an elector.” 5

17 Section 80 amended (Disqualifications for registration)

- (1) Repeal section 80(1)(a).
 (2) In section 80(3), delete “(a) or”. 10

Part 4

Repeal of prohibition on prisoner voting

18 Section 80 amended (Disqualifications for registration)

Repeal section 80(1)(d).

19 Section 81 repealed (Detention in prison pursuant to sentence of imprisonment) 15

Repeal section 81.

20 Sections 86A to 86E replaced

Replace sections 86A to 86E with:

86A Registration of prisoners 20

- (1) This section applies when—
- (a) a prisoner who is 16 years or older is received into a prison to serve a sentence of imprisonment; or
 - (b) a prisoner turns 16 years while serving a sentence of imprisonment.
- (2) If this section applies, the prison manager must, as soon as is reasonably practicable,—
- (a) advise the prisoner that if they are a New Zealand citizen or a permanent resident of New Zealand (as defined in section 73) and have at some time resided continuously in New Zealand for a period of not less than 1 year they are qualified to be registered as an elector of an electoral district, and are required by section 82 to apply to the Electoral Commission for registration; and 25
 - (b) ask the prisoner whether they want their enrolment details sent to the Electoral Commission to facilitate their registration as an elector. 30

- (3) If the prisoner wants their enrolment details sent to the Electoral Commission to facilitate their registration as an elector, **section 86B** applies.
- 86B Prison manager to collect and send enrolment information to Electoral Commission**
- (1) If a prisoner referred to in **section 86A** wants their enrolment details sent to the Electoral Commission to facilitate their registration as an elector, the prisoner must provide to the prison manager the following information for that purpose:
- (a) the prisoner's details specified in section 83(2)(a), (b), (c), (d), (g), and (h); and
- (b) if the prisoner is of Maori descent and at the time of providing their enrolment details is eligible to exercise the option referred to in section 76(1), whether the prisoner's preference is to be enrolled on the Maori electoral roll or General electoral roll.
- (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 after collecting the information.
- (3) If a prisoner wishes to apply for a direction under section 115 (unpublished names), the prison manager must—
- (a) assist the prisoner to prepare an application accompanied by supporting information; and
- (b) send the application and supporting information to the Electoral Commission with the prisoner's enrolment information.
- (4) A prison manager may not use or disclose the information collected from a prisoner other than in accordance with **subsection (2) or (3)**.
- 86C Enrolment information received from prison manager treated as application for registration**
- (1) The Electoral Commission must, for the purposes of this Act, treat—
- (a) the receipt of a person's details referred to in **section 86B(1)(a)** as an application by the person to register as an elector of an electoral district; and
- (b) the receipt of a person's preference referred to in **section 86B(1)(b)** to be enrolled on the Maori electoral roll as a request by the person to be registered as an elector of Maori electoral district.
- (2) This section overrides section 83(1) to (4).
- 86D Delegation of prison manager's functions under sections 86A and 86B**
- (1) A prison manager may delegate to 1 or more prison officers the prison manager's functions under sections 86A and 86B.

- (2) Subject to any directions or conditions imposed by the prison manager, a prison officer to whom the prison manager's functions are delegated under this section may carry out those functions in the same manner and with the same effect as if they had been conferred on the prison officer directly by sections 86A and 86B.
- (3) A delegation must be in writing and may be revoked at any time. 5
- (4) In this section, **prison officer** means an officer within the meaning of paragraph (a)(ii) of the definition of that term in section 3(1) of the Corrections Act 2004.
- 86E Prison manager to communicate with prisoner in way prisoner can understand** 10
- When carrying out their duties under section 86A and 86B, a prison manager must communicate with a prisoner in a way that the prisoner can reasonably be expected to understand.
- 21 Section 98 amended (Removal of names from roll by Electoral Commission)** 15
- Repeal section 98(1)(f)(ii).
- 22 Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010 repealed.**
- Repeal the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010. 20

Part 5

Party rules

- 23 Section 71B amended (Obligation to provide copy of party membership rules and candidate selection rules)**
- (1) In the heading to section 71B, insert “**and ranking**” after “**selection**”. 25
- (2) In section 71B(1)(b), insert “and ranking” after “selection”.
- (3) After section 71B(4), insert:
- (5) In any dispute relating to the selection or ranking of candidates to represent a party for election as members of Parliament, the rules that are held by the Electoral Commission under this section at the time of the dispute are the rules that are applicable to the dispute. 30

Part 6

List seats

- 24 Section 127 amended (Election of list candidates)**
- After section 127(2)(c)(iii), insert: 35

- (iv) that the list was compiled in accordance with the party's rules relating to the selection and ranking of candidates; and

25 Section 191 amended (Election of other members)

- (1) Replace section 191(4) with:
- (4) The Electoral Commission must disregard any total under the name of any party that has not achieved a total that is at least 4% of the total number of all the party votes received by all the parties listed on the part of the ballot paper that relates to the party vote. 5
- (2) After section 191(6), insert:
- (6A) The Electoral Commission must then determine the total number of Parliamentary seats, which is calculated in accordance with the following formula: 10
- $$a=(b\times 100\div 60)$$
- where—
- a is the total number of Parliamentary seats
- b is the total number of electorate seats 15
- (6B) In **subsection (6A)**, the total number of electorate seats means the sum of—
- (a) the number of General electoral districts of the South Island (which is 16, as is provided by section 35(3)(a)); and
- (b) the number of General electoral districts of the North Island (as is provided by the process described in section 35(3)(c)); and 20
- (c) the number of Maori electoral districts (as is provided by the process described in section 45(3)(a)).
- (6C) If the total number of Parliamentary seats as calculated under **subsection (6A)** is not a whole number, that number must be rounded to the closest whole number that is an odd number. 25
- (3) In section 191(7), replace “the highest 120 quotients ” with “the highest number of quotients that equal the total number of Parliamentary seats, as that is determined under **subsection (6A)**”.
- (4) Replace section 191(8) with: 30
- (8) The Electoral Commission must, for the purposes of applying subsection (7), deduct from the total number of Parliamentary seats, as that is determined under **subsection (6A)**, the number of persons whose names are endorsed on the writ pursuant to section 185 as a person declared to be elected as a member of Parliament and who are— 35
- (a) an independent; or
- (b) a member of a political party that did not appear on the list of parties in that part of the ballot paper that relates to the party vote (not being a political party that is, in accordance with the details held by the Electoral

	Commission under any of the provisions of sections 127(3A) and 128A, a component party of a political party that did appear on that list); or	
	(c) a member of a political party that has not achieved a total that is at least 4% of the total number of all the party votes received by all the parties listed on the part of the ballot paper that relates to the party vote.	5
26	New section 193B inserted (Electoral Commission must review party vote threshold)	
	After section 193, insert:	
	193B Electoral Commission must review party vote threshold	
(1)	As soon as practicable after the third general election has been held after Part 5 of the Electoral (Strengthening Democracy) Amendment Act 2022 comes into force, the Electoral Commission must—	10
	(a) review the threshold set by section 191(4); and	
	(b) report its findings to the Minister.	
(2)	In undertaking the review, the Electoral Commission must consider—	15
	(a) the effect of the threshold set by section 191(4) on the operation of the electoral system; and	
	(b) whether there should be further changes to the party vote threshold.	
(3)	The Minister must present a copy of the report to the House of Representatives as soon as practicable after receiving it.	20

Part 7 Donations

27	New sections 207BA and 207BB inserted (Donation may not exceed \$35,000)	
	After section 207B, insert:	25
	207BA Donation may not exceed \$35,000	
(1)	If a candidate receives a candidate donation that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$35,000 in sum or value, the candidate must, within 20 working days of receipt of the donation,—	30
	(a) return to the donor the total amount donated, or its value, less \$35,000; or	
	(b) if this is not possible, pay the total amount donated, or its value, less \$35,000 to the Electoral Commission.	
(2)	If a party secretary receives a party donation that, either on its own or when aggregated with all other donations made by or on behalf of the same donor	35

	during the same calendar year, exceeds \$35,000, the party secretary must, within 20 working days of receipt of the donation,—	
	(a) return to the donor the total amount donated, or its value, less \$35,000; or	
	(b) if this is not possible, pay the total amount donated, or its value, less \$35,000 to the Electoral Commission.	5
(3)	All amounts received by the Electoral Commission under this section must be paid into a Crown Bank Account.	
207BB	Offence relating to contravention of section 207JA	
(1)	A person who enters into an agreement, arrangement, or understanding with any other person that has the effect of circumventing section 207BA(1) or (2) is guilty of—	10
	(a) a corrupt practice if the circumvention was wilful; or	
	(b) an illegal practice in any other case.	
(2)	A candidate or party secretary who contravenes section 207BA(1) or (2) is guilty of an illegal practice.	15
28	Section 207C amended (Contributors to be identified)	
	In section 207C(2)(b)(i), replace “\$1,500” with “\$1,000”.	
29	Section 207G amended (Disclosure of identity of donor)	
	In section 207G, replace “\$1,500” with “\$1,000” in each place.	20
30	Section 207I amended (Anonymous donations)	
	In section 207I, replace “\$1,500” with “\$1,000” in each place.	
31	Subpart 4 of Part 6A repealed (Donations protected from disclosure)	
	Repeal subpart 4 of Part 6A.	
32	Section 209 replaced (Return of candidate donations)	25
	Replace section 209 with:	
209	Return relating to candidate donations	
(1)	A candidate must file with the Electoral Commission a return setting out—	
	(a) the details specified in section 209AA(1) in respect of every candidate donation (other than a donation of the kinds referred to in paragraphs (c) and (e)) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,000 in sum or value; and	30

- (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 **section 209AA(2)** 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 \$1,000 in sum or value; and 5
- (c) the details specified in **section 209AA(3)** in respect of every anonymous candidate donation received by the candidate exceeding \$1,000; and
- (d) the details specified in **section 209AA(4)** in respect of every candidate donation and every contribution to a candidate donation received by the candidate from an overseas person; and 10
- (e) the details specified in **section 209AA(5)** in respect of every candidate donation received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$35,000 in sum or value; and 15
- (f) the details specified in **section 209AA(6)** in respect of every candidate donation received by the candidate that—
- (i) does not exceed \$1,000; and
 - (ii) is not set out in a return under **paragraphs (b) or (d)**. 20
- (2) A return must—
- (a) be in the form required by the Electoral Commission; and
 - (b) be filed at the same time as the candidate files a return of election expenses under section 205K.
- 209AA Details for returns relating to candidate donations** 25
- (1) The details referred to in **section 209(1)(a)** are—
- (a) the name of the donor; and
 - (b) the address of the donor; and
 - (c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and 30
 - (d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
- (2) The details referred to in **section 209(1)(b)** are—
- (a) the name of the contributor; and
 - (b) the address of the contributor; and 35
 - (c) the amount of the contribution or, in the case of the aggregated contributions, the total amount of the aggregated contributions; and
 - (d) the date on which the donation funded from contributions was made.

- (3) The details referred to in **section 209(1)(c)** are—
- (a) the date the donation was received; and
 - (b) the amount of the donation; and
 - (c) the amount paid to the Electoral Commission under section 207I(1), and the date that payment was made. 5
- (4) The details referred to in **section 209(1)(d)** are—
- (a) the name of the overseas person; and
 - (b) the address of the overseas person; and
 - (c) the amount of the donation or contribution to a donation; and
 - (d) the date the donation was received; and 10
 - (e) the amount returned to an overseas person or paid to the Electoral Commission under **section 207K(2) or (3)**, and the date of that return or payment, as the case may be.
- (5) The details referred to in **section 209(1)(e)** are—
- (a) the name of the donor; and 15
 - (b) the address of the donor; and
 - (c) the amount of the donation, or in the case of aggregated donations, the total amount of the donations; and
 - (d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received; and 20
 - (e) the amount returned to the donor or paid to the Electoral Commission under **section 207JA**, and the date of that return or payment, as the case may be.
- (6) The details referred to in **section 209(1)(f)** are—
- (a) the number of donations; and 25
 - (b) the combined amount of the donations.

33 Section 210 replaced (Annual return of party donations)

Replace section 210 with:

210 Return relating to party donations

- (1) A party secretary must file with the Electoral Commission, for each calendar year, a return of party donations setting out— 30
- (a) the details specified in **section 210AA(1)** for every party donation (other than a donation of the kinds referred to in **paragraphs (c) and (e)**) received by the party secretary that, either on its own or when aggregated with all other donations made by or on behalf of the same donor during the month, exceeds \$1,000 in sum or value; and 35

- (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 **section 210AA(2)** 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 month, exceeds \$1,000 in sum or value; and 5
- (c) the details specified in **section 210AA(3)** in respect of every anonymous party donation received by the party secretary that exceeds \$1,000; and 10
- (d) the details specified in **section 210AA(4)** in respect of every party donation and every contribution to a party donation received by the party secretary from an overseas person; and
- (e) the details specified in **section 210AA(5)** in respect of every party donation received by the party secretary that, either on its own or when aggregated with all other donations made by or on behalf of the same donor during the calendar year, exceeds \$35,000; and 15
- (f) the details specified in **section 210AA(6)** in respect of every party donation received by the party secretary that— 20
- (i) does not exceed \$1,000; and
- (ii) is not set out in a return under **paragraphs (b) or (d)**.
- (2) A return must—
- (a) be in the form required by the Electoral Commission; and
- (b) be filed by 30 April of the following year; and
- (c) be accompanied by an auditor’s report obtained under section 210A. 25
- (3) Despite anything in **subsection (1)**, if a party secretary is required to file under that subsection a return of party donations that relates to the calendar 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. 30

210AA Details for returns relating to party donations

- (1) The details referred to in **section 210(1)(a)** are—
- (a) the name of the donor; and
- (b) the address of the donor; and
- (c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and 35
- (d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
- (2) The details referred to in **section 210(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
- (3) The details referred to in **section 210(1)(c)** are—
- (a) the date the donation was received; and
- (b) the amount of the donation; and
- (c) the amount paid to the Electoral Commission under section 207I(2), and the date that payment was made. 10
- (4) the details referred to in **section 210(1)(d)** are—
- (a) the name of the overseas person; and
- (b) the address of the overseas person; and
- (c) the amount of the donation or contribution; and 15
- (d) the date the donation was received; and
- (e) the amount returned to an overseas person or paid to the Electoral Commission under **section 207K(2) or (3)**, and the date of that return or payment, as the case may be.
- (5) The details referred to in **section 210(1)(e)** are— 20
- (a) the name of the donor; and
- (b) the address of the donor; and
- (c) the amount of the donation, or in the case of aggregated donations, the total amount of the donations; and
- (d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received; and 25
- (e) the amount returned to the donor or paid to the Electoral Commission under **section 207JA**, and the date of that return or payment, as the case may be.
- (6) The details referred to in **section 210(1)(f)** are— 30
- (a) the number of donations; and
- (b) the combined amount of the donations.
- 34 Section 210C amended (Return of party donation received from same donor exceeding \$30,000)**
- In section 210C(4), delete “(if known)” in each place. 35

35 New sections 213A and 213B inserted (Loan may not exceed \$35,000)

After section 213, insert:

213A Loan may not exceed \$35,000

- (1) A party secretary must not enter into a loan for which the loan amount exceeds \$35,000. 5
- (2) A party secretary must not enter into a loan knowing that the lender has already loaned or donated an amount or amounts exceeding \$35,000 to the party or to candidates of the party in the same calendar year.
- (3) A loan entered into in contravention of this section is an illegal contract for the purposes of subpart 5 of Part 2 of the Contract and Commercial Law Act 2017. 10

213B Loans from overseas persons prohibited

- (1) A party must not enter into a loan with an overseas person.
- (2) In this section, **overseas person** has the same meaning as in section 207K.
- (3) A loan entered into in contravention of this section is an illegal contract for the purposes of subpart 5 of Part 2 of the Contract and Commercial Law Act 2017. 15

36 Section 214 amended (Offence to enter into unauthorised loan)

- (1) In the heading to section 214, replace “**enter into unauthorised loan**” with “**contravene section 213, 213A, or 213B**”.
- (2) In section 214, replace “section 213 ”with “section 213, 213A, or 213B” in each place. 20

37 Section 214A amended (Offence to enter into arrangement to circumvent section 213, 214C, or 214F)

- (1) In the heading to section 214A, replace “**213**” with “**213, 213A, 213B**”.
- (2) In section 214A, replace “section 213” with “sections 213, 213A, or 213B”.

38 Section 214C amended (Annual return of loans) 25

Replace section 214C(1) with:

- (1) A party secretary must file with the Electoral Commission, for each calendar 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 \$1,000; and 30
 - (ii) every loan entered into in any previous calendar year that—
 - (A) has a loan amount exceeding \$1,000; and
 - (B) at the last day of the year for which the return is filed, has an unpaid balance exceeding \$1,000; and 35

- (b) the details specified in subsection (3) in respect of every loan entered into during the year that has a loan amount not exceeding \$1,000, but which exceeds \$1,000 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 the previous calendar 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 more than \$1,000.

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Part 8

Expanding reserved provisions

39 Section 268 amended (Restriction on amendment or repeal of certain provisions)

- (1) Replace section 268(1)(e) with:
- (e) sections 60, 74, and 80, and the definition of the term adult in section 3(1), relating to who is qualified to register as an elector and to vote at an election:
- (2) After section 268(1), insert:
- (1A) Despite subsection (1)(e), sections 60, 74, and 80, and the definition of the term adult in section 3(1), are not reserved provisions to the extent that a repeal or an amendment to those provisions would have the effect of extending qualification to register as an elector or to vote at an election.

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