

Reprint  
as at 11 September 2020



## Electoral Regulations 1996 (SR 1996/93)

Michael Hardie Boys, Governor-General

### Order in Council

At Wellington this 6th day of May 1996

Present:

The Right Hon Don McKinnon presiding in Council

Pursuant to the Electoral Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Justice.**

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Electoral Regulations 1996.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

### 2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**the Act** means the Electoral Act 1993

**Commonwealth country** means a country that is an independent sovereign member of the Commonwealth; and includes every territory for whose international relations the Government of that country is responsible; and also includes the Republic of Ireland as if that country were a member of the Commonwealth

**Commonwealth representative** means an Ambassador, High Commissioner, Minister, Chargé d’Affaires, Consular Officer, Trade Commissioner or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer; and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Minister, or Chargé d’Affaires

**electronic** includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic, and **electronically** has a corresponding meaning

**Issuing Officer**—

- (a) means any person, whether in New Zealand or overseas, who is authorised to issue ballot papers to special voters; and
- (b) includes an issuing officer within the meaning of section 3(1) of the Act

**Overseas Issuing Officer**, wherever it appears in Part 3,—

- (a) means a person appointed under regulation 43 to be an Overseas Issuing Officer; and
- (b) includes any person for the time being authorised to exercise or perform any of the powers or functions of an Overseas Issuing Officer

**Overseas Returning Officer** means an Overseas Returning Officer appointed under these regulations; and includes any person for the time being authorised to exercise or perform any of the powers or functions of an Overseas Returning Officer

**polling day**, in relation to any election, means the polling day appointed in the writ for that election

**unit** means any of the naval, military, or air forces of New Zealand, or any section or detachment thereof.

- (2) A reference in these regulations to a numbered form is a reference to a form so numbered in Schedule 1.
- (3) Where a reference in these regulations to a ballot paper is not accompanied by a reference to a voting paper, that reference to a ballot paper shall, unless the context otherwise requires, include a reference to any voting paper required by any enactment to be issued in accordance with these regulations.
- (4) Forms prescribed under these regulations may be altered to suit the circumstances of any case to which they may be applicable.

Regulation 2(1) **electronic**: inserted, on 1 February 2014, by regulation 4 of the Electoral Amendment Regulations 2013 (SR 2013/41).

Regulation 2(1) **Issuing Officer**: substituted, on 16 May 2002, by regulation 3(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 2(1) **Overseas Deputy Returning Officer** or **Deputy Returning Officer**: revoked, on 16 May 2002, by regulation 3(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 2(1) **Overseas Issuing Officer**: inserted, on 16 May 2002, by regulation 3(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

## Part 1

### Registration of electors

#### 3 Application for registration

Every application for registration as an elector made under section 83(1)(a) of the Act must be in a form that the Electoral Commission has approved.

Regulation 3: replaced, on 25 March 2014, by section 52 of the Electoral Amendment Act 2014 (2014 No 8).

Regulation 3: amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

#### 4 Exercise of Maori option

Every notice under section 78(2) of the Act must be in a form that the Electoral Commission has approved.

Regulation 4: amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

#### 4A Updating of electoral rolls

Every inquiry under section 89D(1) of the Act must be in a form that the Electoral Commission has approved.

Regulation 4A: inserted, on 18 March 2002, by regulation 4 of the Electoral Amendment Regulations 2002 (SR 2002/56).

Regulation 4A: amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 4A: amended, on 25 March 2014, by section 53 of the Electoral Amendment Act 2014 (2014 No 8).

#### 4B Transfer of electors between electorates

Every request, made pursuant to section 89C(10)(a) of the Act, for confirmation of an elector's new place of residence must be in a form that the Electoral Commission has approved.

Regulation 4B: inserted, on 18 March 2002, by regulation 4 of the Electoral Amendment Regulations 2002 (SR 2002/56).

Regulation 4B: amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 4B: amended, on 25 March 2014, by section 54 of the Electoral Amendment Act 2014 (2014 No 8).

#### 5 Combination of exercise of Maori option with roll revision

*[Revoked]*

Regulation 5: revoked, on 18 March 2002, by regulation 5 of the Electoral Amendment Regulations 2002 (SR 2002/56).

**6 Revision of electoral rolls**

*[Revoked]*

Regulation 6: revoked, on 18 March 2002, by regulation 5 of the Electoral Amendment Regulations 2002 (SR 2002/56).

**7 Notice of transfer**

*[Revoked]*

Regulation 7: revoked, on 18 March 2002, by regulation 5 of the Electoral Amendment Regulations 2002 (SR 2002/56).

**8 Advice of change of address to another district**

*[Revoked]*

Regulation 8: revoked, on 18 March 2002, by regulation 5 of the Electoral Amendment Regulations 2002 (SR 2002/56).

**9 Notification of death**

*[Revoked]*

Regulation 9: revoked, on 18 March 2002, by regulation 5 of the Electoral Amendment Regulations 2002 (SR 2002/56).

**10 Notification of intended marriage**

*[Revoked]*

Regulation 10: revoked, on 18 March 2002, by regulation 5 of the Electoral Amendment Regulations 2002 (SR 2002/56).

**11 Notification of change of name**

*[Revoked]*

Regulation 11: revoked, on 18 March 2002, by regulation 5 of the Electoral Amendment Regulations 2002 (SR 2002/56).

**12 List of late enrolments**

- (1) As soon as practicable after polling day, the Electoral Commission must send to the Returning Officer a list of those persons whose names have been entered on the electoral roll for the district after writ day and by the end of polling day under section 88(3) or (4) of the Act.
- (2) Nothing in this regulation requires the Electoral Commission to complete processing all applications for registration received by the Electoral Commission under section 88(3) or (4) of the Act before forwarding the list referred to in subclause (1) to the Returning Officer.

Regulation 12(1): replaced, on 11 March 2020, by section 19(1) of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 12(2): amended, on 11 March 2020, by section 19(2) of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 12(2): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

**13 Supply of rolls and electoral information in electronic form**

- (1) Every person is entitled to a copy of a printed main roll with its supplements, as one roll, on payment of a fee of—
  - (a) \$30.20; or
  - (b) in any case where the Electoral Commission is satisfied that the copy is required for a purpose that relates to an election or to the conduct of a poll that is required by or under an Act, \$10.90.
- (2) The fee payable on each request for information, under section 112 or section 114 of the Act, to be supplied on a computer-compiled list is \$455.50 plus \$2.40 for every 1 000 lines on the list.
- (3) The fee payable on each request for the supply of information, under section 112 or section 114 of the Act, to be supplied on an electronic storage medium is \$455.50 plus \$42.30 for each such medium.
- (4) Requests under section 112 or section 114 of the Act must be processed in the order in which they are received, and their processing must not take priority over electoral roll maintenance work.

Regulation 13: substituted, on 18 March 2002, by regulation 6 of the Electoral Amendment Regulations 2002 (SR 2002/56).

Regulation 13(1)(a): amended, on 1 July 2011, by regulation 4(1) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

Regulation 13(1)(b): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 13(1)(b): amended, on 1 July 2011, by regulation 4(2) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

Regulation 13(2): amended, on 1 July 2011, by regulation 4(3)(a) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

Regulation 13(2): amended, on 1 July 2011, by regulation 4(3)(b) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

Regulation 13(3): amended, on 1 July 2011, by regulation 4(4)(a) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

Regulation 13(3): amended, on 1 July 2011, by regulation 4(4)(b) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

**14 Supply of electoral information in electronic form to local authorities and designated bodies**

- (1) When electoral information is to be supplied, in accordance with section 113 of the Act, on any electronic storage medium, the fee specified in subclause (2) is payable if the information is not required for the conduct of an election or a by-election, or the conduct of any poll that is required by or under an Act.
- (2) The fee referred to in subclause (1) is \$455.50 plus \$42.30 for each electronic storage medium.

Regulation 14: substituted, on 18 March 2002, by regulation 6 of the Electoral Amendment Regulations 2002 (SR 2002/56).

Regulation 14(2): amended, on 1 July 2011, by regulation 5(a) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

Regulation 14(2): amended, on 1 July 2011, by regulation 5(b) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

## **15 Purchase of habitation indexes**

The fee payable for a copy of a habitation index compiled under section 108 of the Act shall be \$120.80:

provided that the fee shall be reduced to \$36.30 if the Electoral Commission is satisfied that the copy is required for any purpose relating to an election or poll that is required by or under any Act.

Regulation 15: amended, on 1 July 2011, by regulation 6(a) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

Regulation 15 proviso: amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 15 proviso: amended, on 1 July 2011, by regulation 6(b) of the Electoral (Fees) Amendment Regulations 2011 (SR 2011/161).

## **Part 2 Special voting**

### **16 List of constituency candidates**

The Returning Officer's advice to the Electoral Commission under section 147 of the Act shall—

- (a) state the names of the constituency candidates exactly as they are to be printed on the ballot paper; and
- (b) state, in relation to the name of each constituency candidate, either the name of the candidate's political party or the word "INDEPENDENT"; and
- (c) be accompanied by copies of the party logos (if any) submitted under section 143(3A) of the Act in respect of the constituency candidates.

Regulation 16: amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

### **17 Printing of ballot papers**

- (1) The Electoral Commission must arrange for the printing of special ballot papers for every electoral district as soon as practicable after nomination day.
- (2) The ballot paper must be,—
  - (a) in the case of a general election, in form 14; or
  - (b) in the case of a by-election, in form 15.
- (3) Ballot papers may be printed without counterfoils.

Regulation 17: substituted, on 16 May 2002, by regulation 4 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 17(1): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

## 18 Party lists

- (1) Where, for the purposes of any general election being conducted in accordance with the Act, lists of candidates (in this regulation called **party lists**) are submitted to the Electoral Commission under section 127 of the Act, the Electoral Commission must, as soon as reasonably practicable after nomination day for that election, send to each Returning Officer copies of each party list (not being a list rejected under section 128 of the Act).
- (2) Where the names of more than 65 candidates are included on a party list, only the first 65 of those names shall be included on each copy of that list sent under subclause (1) to each Returning Officer.
- (3) *[Revoked]*
- (4) *[Revoked]*

Regulation 18(1): amended, on 1 October 2010, by section 32(2)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 18(1): amended, on 16 May 2002, by regulation 5(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 18(3): revoked, on 16 May 2002, by regulation 5(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 18(4): revoked, on 16 May 2002, by regulation 5(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

## 19 Facilities for special voting

- (1) Following the close of nominations and the completion of the discharge by the Electoral Commission of its duties under section 128 of the Act in respect of the lists of candidates, ballot papers may be issued to special voters at any time before the close of the poll,—
  - (a) in the case of a general election, by any Returning Officer or any Issuing Officer, to electors of any electoral district;
  - (b) in the case of a by-election in any electoral district, by the Returning Officer for the district, or any Issuing Officer or any Registrar of Electors, or any person authorised by any Registrar of Electors, to electors of the district.
- (2) Where an election is to be held in any district, the Returning Officer—
  - (a) must, during the period beginning with the completion of the discharge by the Electoral Commission of its duties under section 128 of the Act in respect of the lists of candidates and ending with the close of the day before polling day, maintain within the district at least 1 office, open on such days and at such times as the Returning Officer decides, where—

- (i) ballot papers and voting papers may be issued to special voters; and
  - (ii) special voters may vote;
- (b) may, at any time during the period specified in paragraph (a), maintain outside the district 1 or more offices, open on such days and at such times as the Returning Officer decides, where—
  - (i) ballot papers and voting papers may be issued to special voters; and
  - (ii) special voters may vote.
- (3) Ballot papers and voting papers may be issued to special voters during the hours of polling by any Issuing Officer in a like manner as by Returning Officers.
- (4) It shall be the duty of every Returning Officer to ensure that, as far as practicable, facilities for special voting are made available at every hospital, maternity home, or institution for the reception or relief of persons requiring medical or surgical or other treatment or suffering from any illness, disease, or disability, or for convalescent, aged, infirm, incurable, destitute, or poor people.
- (5) Without limiting the generality of subclause (3), for the purpose of enabling hospital votes to be exercised in accordance with regulation 23, the Returning Officer in whose district any such hospital, maternity home, or institution as aforesaid is situated shall ensure that, as far as practicable, there are provided at the hospital, maternity home, or institution the main and supplementary rolls, ballot papers, and voting papers for the districts ordinarily served by the hospital, maternity home, or institution, and a ballot box for each such district.
- (6) Any person issuing ballot papers or voting papers in any hospital, maternity home, or institution may, with the approval of the chief executive officer or other person having charge of the hospital, maternity home, or institution, be accompanied by any persons appointed respectively by the local branches of political or other organisations interested in the election or poll; and if he or she is not accompanied by any such person he or she shall be accompanied by a person appointed by the Returning Officer.
- (7) Copies of party lists—
  - (a) must be available for inspection by special voters; and
  - (b) may be sent to special voters who do not apply in person for special voting papers.

Regulation 19(1): amended, on 1 October 2010, by section 32(2)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 19(1)(a): amended, on 16 May 2002, by regulation 6(1)(a) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 19(1)(b): amended, on 16 May 2002, by regulation 6(1)(b) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 19(2): replaced, on 1 June 2014, by regulation 4 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 19(3): amended, on 16 May 2002, by regulation 6(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 19(7): added, on 16 May 2002, by regulation 6(3) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

## **20 Application for special vote**

An application for a special vote may be made—

- (a) in person by the elector:
- (b) by a written application signed by the elector:
- (c) by a written application signed on behalf of the elector pursuant to an authority signed by the elector:
- (d) in any other manner, if the person issuing the ballot paper is satisfied that the application is made in good faith and that it is not practicable to make it in a manner prescribed by paragraphs (a) to (c).

## **21 Issue of special voting papers**

- (1) Subject to regulation 19, any Issuing Officer may, upon application made by or on behalf of an elector in accordance with regulation 20, issue,—
  - (a) in the case of a general election, a special ballot paper in form 14:
  - (b) in the case of a by-election, a special ballot paper in form 15.
- (2) The Issuing Officer shall, in the case of a general election,—
  - (a) insert in the ballot paper in form 14 in the space for the declaration number, the consecutive number printed or otherwise entered on the declaration referred to in subclause (5)(a)(i); and
  - (b) except where the ballot paper has been printed in accordance with regulation 17, insert in the part of the ballot paper in form 14 relating to the party vote the name of each political party that has submitted a list of candidates in accordance with section 127 of the Act (not being a list rejected under section 128 of the Act) as shown on the list supplied by the Electoral Commission; and
  - (c) except where the ballot paper has been printed in accordance with regulation 17, insert in the part of the ballot paper in form 14 relating to the electorate vote the names of the constituency candidates; and
  - (d) except where the ballot paper has been printed in accordance with regulation 17, insert in the part of the ballot paper in form 14 relating to the electorate vote immediately under the name of each constituency candidate in the manner prescribed by section 150(6)(d) of the Act, either—
    - (i) the name of the constituency candidate’s political party; or
    - (ii) the word “INDEPENDENT”.

- (3) The Issuing Officer shall, in the case of a by-election,—
  - (a) insert in the ballot paper in form 15 in the space for the declaration number, the consecutive number printed or otherwise entered on the declaration referred to in subclause (5)(a)(i); and
  - (b) except where the ballot paper has been printed in accordance with regulation 17, insert in the part of the ballot paper in form 15 relating to the electorate vote the names of the constituency candidates; and
  - (c) except where the ballot paper has been printed in accordance with regulation 17, insert in the part of the ballot paper in form 15 relating to the electorate vote immediately under the name of each constituency candidate, in the manner prescribed by section 150(6)(d) of the Act, either—
    - (i) the name of the constituency candidate’s political party; or
    - (ii) the word “INDEPENDENT”.
- (4) Special ballot papers issued pursuant to paragraph (a) or paragraph (b) of subclause (1) may include logos in accordance with section 172(3A) of the Act.
- (5) Every person issuing a ballot paper in accordance with subclause (1)—
  - (a) shall issue together with the ballot paper—
    - (i) a declaration in a form that the Electoral Commission has approved; and
    - (ii) if a declaration is issued, an envelope that—
      - (A) contains 2 self-contained compartments; and
      - (B) is addressed by the Issuing Officer to the Returning Officer for the district for which the vote is issued; and
    - (iii) any voting paper required to be issued under any enactment; and
    - (iv) unless the ballot paper is being issued to the voter in person, an instruction sheet on special voting.
  - (b) *[Revoked]*
- (6) *[Revoked]*
- (7) *[Revoked]*
- (8) Where a ballot paper or a voting paper is issued under this regulation, the Issuing Officer shall ensure—
  - (a) that a piece of gummed paper is firmly fixed over the consecutive number on that ballot paper or voting paper so as to conceal that number effectively; and
  - (b) that the Issuing Officer’s official mark is placed on—
    - (i) that ballot paper; and
    - (ii) that voting paper; and
    - (iii) the declaration form.

Regulation 21 heading: replaced, on 1 June 2014, by regulation 5 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 21(2)(b): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 21(5)(a)(i): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 21(5)(a)(ii): replaced, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 21(5)(b): revoked, on 16 May 2002, by regulation 7 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 21(6): revoked, on 11 March 2020, by section 20 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 21(7): revoked, on 16 May 2002, by regulation 7 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

## 22 Tangata whenua votes

*[Revoked]*

Regulation 22: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

## 23 Hospital votes

- (1) In these regulations, the term **hospital vote** means a special vote exercised in accordance with this regulation.
- (2) Where under regulation 20(a) an application for a special vote is made in person by an elector who is a patient in any hospital, maternity home, or institution referred to in regulation 19(4), an Issuing Officer, instead of issuing a special ballot paper under regulation 21(1), may issue a ballot paper in accordance with section 167 of the Act; and in any such case that section shall apply with the necessary modifications.
- (3) The following provisions shall not apply in respect of a hospital vote:
  - (a) the provisions of regulation 21;
  - (b) the provisions of regulations 24 to 42.
- (4) *[Revoked]*
- (5) Every elector who exercises a hospital vote shall alone and secretly—
  - (a) mark the party vote portion of the ballot paper with a tick within the circle immediately after the name of the party for which the voter wishes to vote; and
  - (b) mark the electorate vote portion of the ballot paper with a tick within the circle immediately before the name of the constituency candidate for whom the voter wishes to vote; and
  - (c) mark any voting paper in accordance with the instructions on that voting paper.
- (6) Where a hospital vote is exercised by a voter who—

- (a) is wholly or partially blind; or
  - (b) whether because of physical handicap or otherwise, is unable to read or write; or
  - (c) has severe difficulty in reading or writing; or
  - (d) is not sufficiently familiar with the English language to vote without assistance,—
- section 170 of the Act shall apply, so far as it is applicable and with the necessary modifications.
- (7) Subject to subclause (6), every person present when a hospital vote is exercised by a voter—
- (a) shall refrain from looking at or becoming acquainted with the vote given by the voter; and
  - (b) shall not in any way attempt to influence or interfere with the voter in the exercise of his or her vote; and
  - (c) shall not allow any person—
    - (i) to see or become acquainted with the voter's vote; or
    - (ii) to assist the voter to vote; or
    - (iii) to interfere in any way with the voter in relation to his or her vote.
- (8) When a hospital vote under this regulation has been exercised by a voter, the voter—
- (a) shall fold his or her ballot paper so that the contents cannot be seen; and
  - (b) shall fold any voting paper or voting papers so that the contents cannot be seen; and
  - (c) shall then deposit the ballot paper so folded and the voting paper or voting papers (if any) so folded in the ballot box for the appropriate district.
- (9) *[Revoked]*
- (10) Every Issuing Officer authorised to issue hospital votes must, in respect of each district and in accordance with the instructions of the Returning Officer,—
- (a) make up into separate parcels, endorsed in accordance with section 174A(1)(b) of the Act,—
    - (i) the certified copies of the main roll and supplementary rolls that have been marked by Issuing Officers to indicate the persons who applied to vote; and
    - (ii) all the counterfoils of ballot papers that have been issued to voters and all the unused ballot papers and voting papers; and
    - (iii) all the spoilt ballot papers and voting papers; and

- (b) deliver into the possession of the Returning Officer the hospital votes and all parcels mentioned in paragraph (a).

(11) *[Revoked]*

Regulation 23(4): revoked, on 16 May 2002, by regulation 9(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 23(9): revoked, on 16 May 2002, by regulation 9(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 23(10): substituted, on 16 May 2002, by regulation 9(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 23(11): revoked, on 16 May 2002, by regulation 9(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

### **23A Telephone dictation of vote by special voter with disability**

- (1) This regulation applies to any person in New Zealand who is qualified to vote at any election in any district as a special voter because he or she has satisfied an Issuing Officer that it will not be practicable for him or her to vote at a polling place in a district without incurring hardship or serious inconvenience on the ground that he or she—
  - (a) is blind; or
  - (b) is partially blind and is unable to mark the ballot paper without assistance; or
  - (c) has another physical disability and is unable to mark the ballot paper without assistance.
- (2) A person to whom this regulation applies may request to vote by dictation if for the particular election a system allowing special votes by dictation is made available by the Electoral Commission.
- (3) A request under subclause (2)—
  - (a) must be made to the Electoral Commission; and
  - (b) may be made during the period—
    - (i) beginning on the day after writ day; and
    - (ii) ending on a day appointed by the Electoral Commission.
- (4) On receipt of a request made in accordance with subclause (3), the Electoral Commission must decide whether to grant or decline the request.
- (5) If for a particular election a system allowing special votes by dictation is made available by the Electoral Commission, the Electoral Commission must make any arrangements that the Electoral Commission considers to be necessary for the issue and receipt of special votes by dictation, including—
  - (a) arrangements for votes to be made by telephone, on such days and at such times as the Electoral Commission may decide; and
  - (b) to the extent possible, arrangements to preserve the secrecy of the ballot; and

- (c) arrangements to ensure that votes are accurately recorded on ballot papers; and
- (d) arrangements for the envelopes containing special votes recorded under this regulation to be marked with the Electoral Commission's official mark and then to be—
  - (i) forwarded to the Returning Officer for the district for which the vote was issued; or
  - (ii) placed in a box or receptacle that is specially provided for the votes of special voters.
- (6) To avoid doubt, a voter who is voting by dictation on any day at the time such voting closes is entitled to complete dictating his or her vote.
- (7) The following regulations apply, with all necessary modifications, to special votes by dictation:
  - (a) regulation 21 (except subclause (5)(a)(iv));
  - (b) regulation 25(1);
  - (c) regulation 28(1) and (2)(b);
  - (d) regulations 32 to 42.

Regulation 23A: inserted, on 1 June 2014, by regulation 6 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 23A(5)(d): replaced, on 27 July 2020, by regulation 4 of the Electoral Amendment Regulations 2020 (LI 2020/122).

### **23B Appointment of Issuing Officers for dictation voting**

- (1) The Electoral Commission may appoint 1 or more Issuing Officers for—
  - (a) issuing special votes to every person whose request under regulation 23A(2) to vote by dictation has been granted by the Electoral Commission under regulation 23A(4); and
  - (b) receiving special votes by dictation.
- (2) Every Issuing Officer must, before entering into the duties of office, declare that he or she will comply with section 203.
- (3) The declaration must—
  - (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.

Regulation 23B: inserted, on 1 June 2014, by regulation 6 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 23B(2): replaced, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 23B(3): inserted, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

**24 Special vote in district before polling day**

- (1) Where under regulation 20(a) an application for a special vote is made in person by an elector before polling day at an office maintained under regulation 19(2) by the Returning Officer of the elector's own district, an Issuing Officer, instead of issuing a special ballot paper under regulation 21(1), may issue a ballot paper in accordance with section 167 of the Act; and in any such case that section shall apply with the necessary modifications.
- (2) The following provisions shall not apply in respect of a special vote under this regulation:
  - (a) the provisions of regulation 21;
  - (b) the provisions of regulations 25 to 42.
- (3) *[Revoked]*
- (4) Every voter who exercises a vote under this regulation shall alone and secretly—
  - (a) mark the party vote portion of the ballot paper with a tick within the circle immediately after the name of the party for which the voter wishes to vote; and
  - (b) mark the electorate vote portion of the ballot paper with a tick within the circle immediately before the name of the constituency candidate for whom the voter wishes to vote; and
  - (c) mark any voting paper in accordance with the instructions on that voting paper.
- (5) Where a special vote under this regulation is exercised by a voter who—
  - (a) is wholly or partially blind; or
  - (b) whether because of physical handicap or otherwise, is unable to read or write; or
  - (c) has severe difficulty in reading or writing; or
  - (d) is not sufficiently familiar with the English language to vote without assistance,—section 170 of the Act shall apply, so far as it is applicable and with the necessary modifications.
- (6) Subject to subclause (5), every person present when a special vote under this regulation is exercised by a voter—
  - (a) shall refrain from looking at or becoming acquainted with the vote given by the voter; and
  - (b) shall not in any way attempt to influence or interfere with the voter in the exercise of his or her vote; and
  - (c) shall not allow any person,—
    - (i) to see or become acquainted with the voter's vote; or

- (ii) to assist the voter to vote; or
  - (iii) to interfere in any way with the voter in relation to his or her vote.
- (7) When a special vote under this regulation has been exercised by a voter, the voter—
  - (a) shall fold his or her ballot paper so that the contents cannot be seen; and
  - (b) shall fold any voting paper or voting papers so that the contents cannot be seen; and
  - (c) shall then deposit the ballot paper so folded and the voting paper or voting papers (if any) so folded in the ballot box for the appropriate district.
- (8) *[Revoked]*
- (9) At any time before 2 pm on polling day, every Issuing Officer authorised to issue special votes under this regulation must, in respect of each district,—
  - (a) make up into separate parcels, endorsed in accordance with section 174A(1)(b) of the Act,—
    - (i) the certified copies of the main roll and supplementary rolls that have been marked by Issuing Officers to indicate the persons who applied to vote; and
    - (ii) all the counterfoils of ballot papers that have been issued to voters and all the unused ballot papers and voting papers; and
    - (iii) all the spoiled ballot papers and voting papers; and
  - (b) deliver into the possession of the Returning Officer the sealed or locked ballot box and, if applicable, its key and all parcels mentioned in paragraph (a).
- (10) *[Revoked]*

Regulation 24(1): amended, on 1 June 2014, by regulation 7(1) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 24(2)(b): amended, on 1 January 2011, by section 42(3) of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137).

Regulation 24(3): revoked, on 1 January 2011, by section 42(4) of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137).

Regulation 24(4): amended, on 1 January 2011, by section 42(5) of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137).

Regulation 24(8): revoked, on 16 May 2002, by regulation 10(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 24(9): substituted, on 16 May 2002, by regulation 10(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 24(9): amended, on 1 June 2014, by regulation 7(2) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 24(9)(b): amended, on 1 January 2011, by section 42(6) of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137).

Regulation 24(10): revoked, on 16 May 2002, by regulation 10(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

#### **24A Scrutineers at advance polling places**

- (1) In this regulation, **advance polling place** means an office maintained by a Returning Officer under regulation 19(2).
- (2) Each constituency candidate may at any election appoint 1 or more scrutineers for each advance polling place in a district.
- (3) No constituency candidate may be appointed a scrutineer under this regulation.
- (4) If, at any election in a district, no constituency candidate is standing for a political party that is listed in the part of the ballot paper that relates to the party vote, the secretary of the party may appoint 1 or more scrutineers for each advance polling place in a district.
- (5) Every appointment of a scrutineer must—
  - (a) be in writing; and
  - (b) be signed by the constituency candidate or, as the case requires, the secretary of the party.
- (6) The number of scrutineers for a constituency candidate or for a political party that may be present in an advance polling place may not exceed the number of Issuing Officers designated for that advance polling place.
- (7) Every scrutineer must, before being allowed to act, declare that he or she will comply with section 203.
- (7A) The declaration must—
  - (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.
- (8) A scrutineer appointed for an advance polling place may leave and re-enter the place at any time it is open.
- (9) A scrutineer must not communicate with any voter in an advance polling place either before or after the voter has given his or her vote and, if a scrutineer does so, the scrutineer—
  - (a) may be immediately removed from the advance polling place; and
  - (b) commits an offence and is liable on conviction to a fine not exceeding \$400.
- (10) Regulation 65 applies, subject to the following modifications, to scrutineers appointed under subclause (2) or (4):
  - (a) the reference to the hours of polling must be read as if it were a reference to the hours the advance polling place is open:
  - (b) references to a polling place must be read as if they were references to an advance polling place:

- (c) references to the manager of a polling place must be read as if they were references to the manager of the advance polling place.

Regulation 24A: inserted, on 1 June 2014, by regulation 8 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 24A(7): replaced, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 24A(7A): inserted, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

#### **24B Special vote by person affected by significant event**

- (1) This regulation applies to any person in New Zealand who is qualified to vote at an election in any district as a special voter because the person has satisfied the Electoral Commission that, as a result of a significant event, it will not be practicable for the person to vote at a polling place in a district without incurring hardship or serious inconvenience.
- (2) A person to whom this regulation applies may request the Electoral Commission to have the papers referred to in regulation 21 issued to them in 1 of the following ways:
- (a) by dictation, if for the particular election a system allowing special votes by dictation is made available by the Electoral Commission;
  - (b) electronically;
  - (c) by facsimile.
- (3) A request under subclause (2) may be made during the period—
- (a) beginning the day on which an advance polling place is open for voting in the district in which the person is qualified to vote; and
  - (b) ending at noon on polling day.
- (4) If the Electoral Commission grants a request under subclause (2)(a) and allows a person to vote by dictation, regulation 23A applies with all necessary modifications.
- (5) If the Electoral Commission grants a request under subclause (2)(b) and allows a person to vote electronically, regulation 45A(4) and (5) applies with all necessary modifications.
- (6) If the Electoral Commission grants a request under subclause (2)(c) and allows a person to vote by facsimile, a copy of the official mark of the Electoral Commission must be present on the ballot papers and declarations.
- (7) A person to whom papers have been issued under subclause (5) must return the papers to the Electoral Commission electronically in a manner specified by the Electoral Commission.
- (8) Papers returned electronically or by facsimile must be received by the Electoral Commission before the close of the poll.

- (9) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission receives any papers electronically in accordance with subclause (7) or (8), or by facsimile in accordance with subclause (8), must immediately—
- (a) print the ballot paper and voting papers, and the declaration, if received electronically; and
  - (b) ensure that the time and date of receipt of the ballot paper, any voting papers, and the declaration at the Electoral Commission are endorsed on those papers; and
  - (c) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration in the appropriate compartments of a special voter envelope; and
  - (d) mark the envelope with the Electoral Commission's official mark and then—
    - (i) forward the envelope to the Returning Officer for the district for which the vote was issued; or
    - (ii) deal with the envelope in accordance with regulations 32 to 42, and references in those regulations to a Returning Officer must be read as references to an Electoral Commissioner or electoral official.
- (10) This regulation does not apply to any person if—
- (a) the Chief Electoral Officer has exercised his or her discretion under section 195B of the Act to use alternative voting processes in the district in which the person is qualified to vote; and
  - (b) the person is able to use those alternative voting processes to vote.
- (11) In this regulation, **significant event**, in relation to an elector, means an event or circumstance caused by adverse weather conditions, or an occurrence beyond the control of the elector, that impedes the elector's travel to a polling place (for example, road closures due to storm damage or flooding).

Regulation 24B: inserted, on 27 July 2020, by regulation 5 of the Electoral Amendment Regulations 2020 (LI 2020/122).

#### **24C Special vote by person in isolation or quarantine**

- (1) This regulation applies to any person in New Zealand who is qualified to vote at an election in any district as a special voter because the person—
- (a) intends to be absent, or is absent, from that district on polling day by reason of being in a place of isolation or quarantine in accordance with the requirements of a COVID-19 order or other enactment; or
  - (b) is unable to attend to vote at any polling place in that district by reason of having COVID-19 and being in a place of isolation or quarantine in

accordance with the requirements of a COVID-19 order or other enactment; or

- (c) satisfies the Electoral Commission that, by reason of being in a place of isolation or quarantine in accordance with the requirements of a COVID-19 order or other enactment, it will not be practicable for the person to vote at a polling place in a district without incurring hardship or serious inconvenience.
- (2) A person to whom this regulation applies may make a request to the Electoral Commission to vote by dictation.
  - (3) A request under subclause (2) may be made during the period—
    - (a) beginning on 5 October 2020; and
    - (b) ending at 5 pm on polling day.
  - (4) If the Electoral Commission grants a request under subclause (2) and allows a person to vote by dictation, regulation 23A(5) to (7) applies with all necessary modifications.
  - (5) In this regulation,—
    - COVID-19 order** has the meaning given to it by section 5(1) of the COVID-19 Public Health Response Act 2020
    - place of isolation or quarantine**, for a person, means—
      - (a) a facility that is allocated or determined as that person’s place of isolation or quarantine under clause 12 of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020; or
      - (b) a ship on which the person has arrived in New Zealand and on which the person is required to remain in accordance with the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020
    - polling day** means polling day for the 2020 general election.
  - (6) This regulation is revoked on 1 December 2020.

Regulation 24C: inserted, on 11 September 2020, by regulation 4 of the Electoral Amendment Regulations (No 4) 2020 (LI 2020/244).

## 25 Declaration by special voter

- (1) Every person who makes a declaration under this Part or Part 3 must indicate on the declaration the ground or grounds on which that person is claiming a special vote.
- (2) The declaration must—
  - (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.

Regulation 25: replaced, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

**26 Witnesses authorised by candidates**

- (1) Each candidate may nominate 1 or more persons authorised by the candidate to witness special voting declarations.
- (2) Every nomination under this regulation shall—
  - (a) be in writing; and
  - (b) contain the name of the candidate; and
  - (c) contain either—
    - (i) the name of the electoral district in respect of which the candidate is seeking election; or
    - (ii) the name of the political party on whose list the name of the candidate appears; and
  - (d) contain the full name and address of the nominated witness; and
  - (e) be signed by the candidate.
- (3) On receipt of any nomination made under this regulation, the Returning Officer shall approve or reject the nomination.
- (4) The Returning Officer may at any time revoke his or her approval of the nomination of any witness if he or she has reason to believe that the witness is not complying with any duty imposed on the witness under these regulations.
- (5) Where a nomination is rejected or revoked, the Returning Officer shall, upon request by the nominating candidate, inform the candidate of the reason for the rejection or revocation of the nomination.
- (6) Subject to regulation 27(10), a person approved under this regulation and authorised by a candidate to witness, for the purposes of the election, declarations by special voters may witness the declaration of any special voter.

**27 Voting by special voter**

- (1) The vote of an elector voting as a special voter must be exercised—
  - (a) in the manner prescribed by this regulation; or
  - (b) in accordance with any arrangements made by the Electoral Commission.
- (2) Where the elector applies in person for a special vote, the Issuing Officer shall, after the completion of the declaration,—
  - (a) place the declaration in the compartment of the envelope marked “Declaration”; and
  - (b) after sealing the compartment of the envelope marked “Declaration”, hand to the elector—
    - (i) that envelope; and
    - (ii) a special ballot paper; and

- (iii) any voting papers issued under any enactment.
- (3) Where the elector does not apply in person for a special vote, the elector shall, after completing the declaration, place the declaration in the compartment of the envelope marked “Declaration”.
- (3A) *[Revoked]*
- (3B) *[Revoked]*
- (4) When the declaration has, as the case may require, been dealt with as required by subclause (2) or subclause (3), the elector shall then alone and secretly—
  - (a) mark the party vote portion of the ballot paper with a tick within the circle immediately after the name of the party for which the elector wishes to vote; and
  - (b) mark the electorate vote portion of the ballot paper with a tick within the circle immediately before the name of the constituency candidate for whom the elector wishes to vote; and
  - (c) mark any voting paper in accordance with the instructions on that voting paper.
- (5) The ballot paper and any voting papers shall then be placed in the compartment of the envelope marked “BALLOT AND/OR VOTING PAPERS” and the compartment sealed.
- (6) Where an elector exercises a special vote in a polling place, the envelope shall be deposited as an Issuing Officer directs either in the ballot box or in a receptacle specially provided for the votes of special voters, and every such envelope shall be deemed to have been received by the Issuing Officer for that polling place at the time when it was so deposited.
- (7) Where an elector exercises a special vote other than in a polling place, the elector may arrange for the envelope to be delivered to a Returning Officer or an Issuing Officer—
  - (a) by hand; or
  - (b) by post.
- (7A) An envelope delivered by hand under subclause (7)(a) must be received before the close of the poll.
- (7B) An envelope delivered by post under subclause (7)(b) must be—
  - (a) postmarked or date-stamped by any New Zealand Post outlet or agency before polling day; and
  - (b) received not later than noon on the fourth day following polling day.
- (8) If the elector—
  - (a) is wholly or partially blind; or
  - (b) whether because of physical handicap or otherwise, is unable to read or write; or

- (c) has severe difficulty in reading or writing; or
  - (d) is not sufficiently familiar with the English language to vote without assistance,—
- he or she may vote in accordance with subclause (9) or subclause (10).
- (9) If an elector to whom subclause (8) applies votes at a polling place, the provisions of section 170 of the Act shall apply with the necessary modifications.
  - (10) If an elector to whom subclause (8) applies votes otherwise than at a polling place, the witness to the declaration (who shall not be a person approved under regulation 26) shall—
    - (a) assist the elector to mark the ballot paper and any voting papers; or
    - (b) mark the ballot paper and any voting papers as instructed by the elector.

Regulation 27(1): replaced, on 1 June 2014, by regulation 9(1) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 27(1)(b): amended, on 27 July 2020, by regulation 6 of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 27(3A): revoked, on 11 March 2020, by section 21(1) of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 27(3B): revoked, on 11 March 2020, by section 21(1) of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 27(4): amended, on 11 March 2020, by section 21(2) of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 27(6): amended, on 1 June 2014, by regulation 9(2) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 27(6): amended, on 16 May 2002, by regulation 12(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 27(6): amended, on 16 May 2002, by regulation 12(4)(a) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 27(6): amended, on 16 May 2002, by regulation 12(4)(b) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 27(7): replaced, on 1 June 2014, by regulation 9(3) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 27(7A): inserted, on 1 June 2014, by regulation 9(3) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 27(7B): inserted, on 1 June 2014, by regulation 9(3) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 27(9): amended, on 16 May 2002, by regulation 12(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 27(10): amended, on 16 May 2002, by regulation 12(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

## **28 Duty of persons present when vote exercised**

- (1) Every person present when an elector is exercising a special vote shall comply with the foregoing provisions of this Part so far as they relate to that person.

- (2) Subject to subclauses (8) to (10) of regulation 27, every person present when an elector is exercising a special vote—
- (a) shall refrain from looking at or becoming acquainted with the vote given by the elector; and
  - (b) shall not in any way attempt to influence or interfere with the elector in the exercise of his or her vote; and
  - (c) shall not allow any person—
    - (i) to see or become acquainted with the elector’s vote; or
    - (ii) to assist the elector to vote; or
    - (iii) to interfere in any way with the elector in relation to his or her vote.

**29 Endorsement of envelopes**

- (1) A Returning Officer or an Issuing Officer who receives an envelope in accordance with regulation 27(7A) or in accordance with the requirements of regulation 27(7B) must immediately mark the envelope with his or her official mark.
- (2) A Returning Officer or an Issuing Officer who receives an envelope otherwise than in accordance with regulation 27(7A) or the requirements of regulation 27(7B) must immediately—
  - (a) mark the envelope “Received late”; and
  - (b) mark the envelope with his or her official mark; and
  - (c) sign the envelope.
- (3) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives an envelope that is delivered either by hand before the close of the poll or by post in accordance with the requirements of regulation 27(7B) must immediately mark the envelope with the Electoral Commission’s official mark.
- (4) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives an envelope that is delivered either by hand after the close of the poll or by post otherwise than in accordance with the requirements of regulation 27(7B) must immediately—
  - (a) mark the envelope “Received late”; and
  - (b) mark the envelope with the Electoral Commission’s official mark; and
  - (c) sign the envelope on behalf of the Electoral Commission.

Regulation 29: replaced, on 1 June 2014, by regulation 10 of the Electoral Amendment Regulations 2014 (LI 2014/122).

**30 Delivery of special votes to Returning Officer**

- (1) After marking an envelope in accordance with regulation 29(1) or (2), an Issuing Officer must immediately deliver the envelope to the Returning Officer by whom the Issuing Officer was appointed.
- (2) If a Returning Officer receives under subclause (1) an envelope containing a special vote issued for a district that is not the Returning Officer's district, the Returning Officer must immediately post or forward the envelope to the Returning Officer for the district for which the vote was issued.
- (3) After marking an envelope in accordance with regulation 29(3) or (4), the Electoral Commissioner or electoral official must immediately—
  - (a) arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued; or
  - (b) deal with the envelope in accordance with regulations 32 to 42, and references in those regulations to a Returning Officer must be read as references to an Electoral Commissioner or electoral official.

Regulation 30: replaced, on 1 June 2014, by regulation 10 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 30(3): replaced, on 27 July 2020, by regulation 7 of the Electoral Amendment Regulations 2020 (LI 2020/122).

**31 Delivery of applications to Returning Officer**

*[Revoked]*

Regulation 31: revoked, on 16 May 2002, by regulation 14 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

**32 Returning Officer to extract declaration form**

- (1) At the first opportunity, the Returning Officer for the district for which the vote was issued shall open the declaration compartment of the envelope and extract therefrom the declaration form.
- (2) The Returning Officer must ensure that the declaration form and its envelope are marked with the same unique number.

Regulation 32(2): substituted, on 27 September 2007, by regulation 5 of the Electoral Amendment Regulations 2007 (SR 2007/260).

**33 Declaration form enclosed in ballot and voting paper compartment**

- (1) Notwithstanding anything in these regulations, if the Returning Officer has reason to believe that the declaration form in respect of any special vote is enclosed in the compartment that contains the ballot paper (being the compartment of the envelope marked "BALLOT AND/OR VOTING PAPERS", the Returning Officer may open that compartment and extract the declaration form.
- (2) In every such case the Returning Officer shall immediately reseal the compartment containing the ballot paper and the voting papers (if any) and shall do everything possible to preserve the secrecy of the ballot. Upon resealing the

compartment the Returning Officer shall endorse on it the words “Opened pursuant to regulation 33”, and shall sign the endorsement.

**34 Disallowance of special votes received late**

- (1) If any envelope appearing to contain a special vote issued under this Part for a Returning Officer’s district is received by the Returning Officer later than 7 pm on the tenth day after polling day, the Returning Officer shall disallow the vote.
- (2) A Returning Officer must also disallow any special vote if, after examining the envelope and declaration form in respect of that vote, the Returning Officer is satisfied that,—
  - (a) in the case of a vote issued under this Part,—
    - (i) the vote was exercised in a polling place and under regulation 27(6) is deemed to have been received by the Issuing Officer for that polling place at a time later than the close of the poll; or
    - (ii) the vote was exercised other than in a polling place and the envelope is marked under regulation 29(2) or (4) “Received late”; or
  - (b) in the case of a vote issued under Part 3, the envelope was not received in accordance with—
    - (i) regulation 50(1)(a), (b), or (c); or
    - (ii) regulation 50(2); or
    - (iii) regulation 50(3)(a), (b), or (c); or
  - (c) in the case of a vote issued under Part 4, the envelope was not received in accordance with—
    - (i) regulation 63A(1)(a) or (b); or
    - (ii) regulation 63A(2)(a) or (b); or
    - (iii) regulation 63A(3)(a), (b), (c), or (d).
- (3) Where a Returning Officer disallows a vote under this regulation, the compartment containing the ballot and voting papers shall be left unopened and the Returning Officer shall set aside the envelope after having written across it and across the declaration form the words “Disallowed, received late”.

Regulation 34(1): amended, on 27 July 2020, by regulation 8(1) of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 34(2): replaced, on 1 June 2014, by regulation 11 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 34(2)(b): replaced, on 27 July 2020, by regulation 8(2) of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 34(2)(c): replaced, on 27 July 2020, by regulation 8(2) of the Electoral Amendment Regulations 2020 (LI 2020/122).

**35 Electoral Commission to determine whether person casting special vote is qualified to vote**

The Electoral Commission must—

- (a) examine each declaration for a special vote (not being a special vote that is disallowed because it has been received late) for the purpose of determining whether the person is qualified to vote; and
- (b) ensure that the following words, as the case requires, are shown on the declaration:
  - (i) “Qualified”;
  - (ii) “Not Qualified”;
  - (iii) “Party Vote Qualified”.

Regulation 35: replaced, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

**36 Duties of Electoral Commission**

- (1) When examining a declaration, the Electoral Commission must determine whether the name stated in the declaration is that of a person—
  - (a) who is qualified to vote under section 60 of the Act; or
  - (b) whose party vote may not be disallowed under section 178(5A) of the Act.
- (2) Without limiting any other steps that the Electoral Commission may take or the information it may use when making its determination, the Electoral Commission—
  - (a) must ascertain whether the name stated in the declaration appears on the roll for the district;
  - (b) must take into account, and may accept as sufficient evidence that the name stated in the declaration is that of a person qualified to vote, any endorsement made, under regulation 21(6), on the declaration;
  - (c) must, where section 60(b) of the Act may be applicable, check the applications for registration received by the Electoral Commission after writ day and before polling day;
  - (d) must, where section 60(c) of the Act may be applicable, ascertain whether the name stated in the declaration is that of a person who, at the time of the last election, was registered as an elector of the district, or, where a change of boundaries has intervened, of some other district in which the person’s place of residence was then situated;
  - (e) must, where section 60(d) of the Act may be applicable, ascertain whether the name stated in the declaration appears on a dormant roll for the district as it existed on the day before polling day;

- (f) must, where section 60(e) of the Act may be applicable, ascertain whether a resident or former resident of Campbell Island or Raoul Island has made the declaration:
- (fa) must, where section 60(g) of the Act may be applicable, check the applications for registration received by the Electoral Commission on polling day:
- (g) must, where section 178(5A) of the Act may be applicable, ascertain whether the name stated in the declaration appears on the roll for any district.

Regulation 36: replaced, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 36(2)(fa): inserted, on 11 March 2020, by section 22 of the Electoral Amendment Act 2020 (2020 No 2).

### **37 Allowance or disallowance of votes by Returning Officer**

- (1) Where the words “Not qualified” are shown on a declaration, the Returning Officer shall disallow the vote of the elector stated in the declaration form.
- (1A) If the words “Party vote qualified” are shown on a declaration, the Returning Officer must allow the party vote, but disallow the electorate vote, of the elector stated in the declaration form unless the Returning Officer is required to disallow the party vote in accordance with subclause (3) or subclause (4).
- (2) If the word “Qualified” is shown on a declaration, the Returning Officer shall allow the vote of the elector named in the declaration unless the Returning Officer is required to disallow the vote in accordance with subclause (3) or subclause (4).
- (3) If a declaration of the kind mentioned in subclause (1A) or subclause (2) does not indicate the ground or grounds on which a special vote is claimed, the Returning Officer shall disallow the vote of the elector stated in the declaration except in any case where—
  - (a) the elector’s name does not appear on the main roll or any supplementary roll for the district or has been wrongly deleted from any such roll; or
  - (b) the official mark of the Issuing Officer witnessing the declaration and the date shown on the declaration indicate that the declaration was made on polling day outside the electoral district.
- (4) If a declaration of the kind mentioned in subclause (1A) or subclause (2) is not signed both by the declarant and by a witness authorised by or under these regulations to witness the declaration, the Returning Officer shall disallow the vote of the elector stated in the declaration:  
provided that where—
  - (a) the declaration is signed by the declarant; and
  - (b) either—

- (i) no person has signed the declaration form as a witness; or
- (ii) a person other than a person authorised by or under these regulations to witness the declaration has signed the declaration as a witness,—

the Returning Officer shall not disallow the vote if the Returning Officer is satisfied that the declarant signed the declaration in the presence of a person authorised by or under these regulations to witness the declaration.

- (5) Where a Returning Officer disallows a vote under this regulation, the Returning Officer shall endorse on the envelope and on the declaration form the words “Disallowed, not qualified”, or on the declaration the words “Disallowed, declaration not in order”, as the case may require.
- (6) The Returning Officer shall not disallow the vote of an elector on the ground that the elector has failed to show his or her date of birth or former names in a declaration (being a declaration of the kind mentioned in subclause (2)).

Regulation 37(1): amended, on 23 June 2017, by regulation 4(1) of the Electoral Amendment Regulations 2017 (LI 2017/83).

Regulation 37(1): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 37(1A): inserted, on 16 May 2002, by regulation 17(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 37(1A): amended, on 23 June 2017, by regulation 4(1) of the Electoral Amendment Regulations 2017 (LI 2017/83).

Regulation 37(1A): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 37(2): amended, on 23 June 2017, by regulation 4(2) of the Electoral Amendment Regulations 2017 (LI 2017/83).

Regulation 37(3): amended, on 16 May 2002, by regulation 17(2)(a) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 37(4): amended, on 16 May 2002, by regulation 17(2)(b) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

### **38 Procedure where vote allowed**

- (1) If a Returning Officer allows a vote under regulation 37(2), that Returning Officer must identify the envelope with the declaration form when the vote is allowed and must place the envelope in a box specially set aside for the purpose.
- (2) If a Returning Officer allows a party vote under regulation 37(1A), that Returning Officer must identify the envelope with the declaration form when the party vote is allowed and must place the envelope in a box specially set aside for the purpose.
- (3) The boxes referred to in subclauses (1) and (2) must be boxes that can be securely closed.

Regulation 38: substituted, on 16 May 2002, by regulation 18 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

**39 Declaration forms to be held by Returning Officer for scrutiny**

The Returning Officer shall hold for production at the scrutiny of the rolls under section 175 of the Act all declaration forms returned to the Returning Officer under regulation 36 together with those retained by the Returning Officer under regulation 35 and those in respect of special votes that have been disallowed as having been received late.

**40 Parcels of forms and envelopes**

After the scrutiny of the rolls, the Returning Officer shall make up into separate parcels—

- (a) all declaration forms;
- (b) all disallowed envelopes in respect of which the compartment containing the ballot paper and the voting papers (if any) has not been opened.

**41 Opening of envelopes containing votes allowed**

Subject to regulation 33, the ballot and voting paper compartments of the envelopes placed, in accordance with regulation 38, in boxes that can be securely closed shall not be opened until the official count conducted under section 178 of the Act, and shall then be opened in the presence of such scrutineers as choose to be present.

Regulation 41: amended, on 16 May 2002, by regulation 19 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

**42 Parcels to be forwarded to Clerk of House of Representatives**

After the votes have been recorded at the official count and after any recount has been disposed of, the Returning Officer shall forward to the Clerk of the House of Representatives, with the ordinary ballot papers and voting papers, the parcels referred to in regulation 40.

*Temporary provisions*

Heading: inserted, on 31 July 2020, by regulation 4 of the Electoral Amendment Regulations (No 2) 2020 (LI 2020/166).

**42A Application of temporary provisions in Schedule 3**

- (1) The temporary provisions set out in Schedule 3 are for the purposes of the general election and referendums to be held on 17 October 2020 and apply during the period—
  - (a) beginning on 31 July 2020; and
  - (b) ending on the day on which the writ for the 2020 general election is returned by the Electoral Commission.
- (2) The temporary provisions have the following effect while they apply:
  - (a) clause 1 of Schedule 3 replaces regulation 20;
  - (b) clause 2 of Schedule 3 replaces regulations 25 and 26;

- (c) clause 3 of Schedule 3 replaces regulation 27:
- (d) clause 4 of Schedule 3 replaces regulation 37.
- (3) During the application of the temporary provisions, regulations 20, 25, 26, 27, and 37 are suspended.
- (4) During the application of the temporary provisions, a cross-reference in the principal regulations or any other enactment or document to a suspended provision is to be treated as a cross-reference to the corresponding replacement provision.
- (5) This regulation and Schedule 3 are revoked on the day on which the writ for the 2020 general election is returned by the Electoral Commission.
- (6) Despite subclause (5), this regulation and Schedule 3 continue to have effect for the purpose of determining—
  - (a) any election petition presented to the High Court or Court of Appeal under the Act relating to the general election to be held on 17 October 2020:
  - (b) any petition to the High Court under the Referendums Framework Act 2019 relating to the referendums to be held on 17 October 2020:
  - (c) any recount of votes cast by electors at the general election or the referendums to be held on 17 October 2020.

Regulation 42A: inserted, on 31 July 2020, by regulation 4 of the Electoral Amendment Regulations (No 2) 2020 (LI 2020/166).

Regulation 42A(1): amended, on 28 August 2020, by regulation 4(1) of the Electoral Amendment Regulations (No 3) 2020 (LI 2020/227).

Regulation 42A(1)(b): replaced, on 28 August 2020, by regulation 4(2) of the Electoral Amendment Regulations (No 3) 2020 (LI 2020/227).

Regulation 42A(5): replaced, on 28 August 2020, by regulation 4(3) of the Electoral Amendment Regulations (No 3) 2020 (LI 2020/227).

Regulation 42A(6)(a): amended, on 28 August 2020, by regulation 4(4) of the Electoral Amendment Regulations (No 3) 2020 (LI 2020/227).

Regulation 42A(6)(b): amended, on 28 August 2020, by regulation 4(4) of the Electoral Amendment Regulations (No 3) 2020 (LI 2020/227).

Regulation 42A(6)(c): amended, on 28 August 2020, by regulation 4(4) of the Electoral Amendment Regulations (No 3) 2020 (LI 2020/227).

## **Part 3**

### **Overseas special voting**

#### **43 Overseas Returning Officers and Overseas Issuing Officers**

- (1) For the purpose of taking votes outside New Zealand (other than votes to which Part 4 applies), the Electoral Commission, or an electoral official on behalf of the Electoral Commission, must appoint 1 or more Overseas Returning Officers.

- (2) In the case of a general election, the Electoral Commission, or an electoral official on behalf of the Electoral Commission, must forward to every Overseas Returning Officer the required number of copies of the following:
  - (a) special ballot papers in form 14; and
  - (b) party lists in accordance with regulation 18; and
  - (c) declarations in a form that the Electoral Commission has approved for use by special voters under this Part or Part 4; and
  - (d) any voting paper required to be issued under any enactment.
- (3) In the case of a by-election, the Electoral Commission, or an electoral official on behalf of the Electoral Commission, must forward to every Overseas Returning Officer the required number of copies of the following:
  - (a) special ballot papers in form 15; and
  - (b) declarations in a form that the Electoral Commission has approved for use by special voters under this Part or Part 4; and
  - (c) any voting paper required to be issued under any enactment.
- (4) Any Overseas Returning Officer must—
  - (a) arrange for votes to be taken at such places as the Overseas Returning Officer considers necessary; and
  - (b) appoint such number of Overseas Issuing Officers as the Overseas Returning Officer considers necessary.
- (5) An Overseas Returning Officer may exercise all the powers and functions of an Overseas Issuing Officer.

Regulation 43: replaced, on 1 June 2014, by regulation 12 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 43(2)(c): replaced, on 23 June 2017, by regulation 5(1) of the Electoral Amendment Regulations 2017 (LI 2017/83).

Regulation 43(3)(b): replaced, on 23 June 2017, by regulation 5(2) of the Electoral Amendment Regulations 2017 (LI 2017/83).

#### **44 Declarations by Overseas Returning Officers and Overseas Issuing Officers**

- (1) Every Overseas Returning Officer and Overseas Issuing Officer must, before entering into the duties of office, declare that he or she will comply with section 203.
- (2) The declaration must—
  - (a) be in a form that the Electoral Commission has approved; and
  - (b) be witnessed as specified in the form.

Regulation 44: replaced, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

**44A Application for special vote by persons outside New Zealand**

- (1) A person who is qualified to vote at an election in any district and who is outside New Zealand (an **overseas elector**) may apply to vote as a special voter.
- (2) An application may be made in any of the ways specified in regulation 20.
- (3) Voting papers may be issued to an overseas elector—
  - (a) in person, under regulation 45; or
  - (b) by post, under regulation 45, if the Electoral Commission considers there is sufficient time for the overseas elector to receive the voting papers by post and make arrangements for their return; or
  - (c) electronically, under regulation 45A.
- (4) In this regulation, **voting papers** means the documents referred to in regulation 43(2) or (3).

Regulation 44A: inserted, on 27 July 2020, by regulation 9 of the Electoral Amendment Regulations 2020 (LI 2020/122).

**45 Issue of special voting papers**

- (1) Following—
  - (a) the close of nominations; and
  - (b) the receipt by any Overseas Returning Officer or Overseas Issuing Officer of,—
    - (i) in the case of a general election, the copies of the documents forwarded under regulation 43(2); or
    - (ii) in the case of a by-election, the copies of the documents forwarded under regulation 43(3),—

the Overseas Returning Officer or Overseas Issuing Officer may, subject to regulation 46, issue those documents to electors of any electoral district in accordance with Part 2 at any time before 4 pm local time on the day before polling day.

- (2) Notwithstanding subclause (1),—
  - (a) the declaration form issued to a member of the Defence Force relying upon section 60(f) of the Act must be in a form that the Electoral Commission has approved; and
  - (b) the declaration issued to other electors who are outside New Zealand (including members of the Defence Force not relying upon section 60(f) of the Act although entitled to do so) must be in a form that the Electoral Commission has approved.

Regulation 45 heading: replaced, on 1 June 2014, by regulation 13(1) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 45(1): amended, on 1 June 2014, by regulation 13(3) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 45(1): amended, on 16 May 2002, by regulation 22 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 45(1)(b): amended, on 16 May 2002, by regulation 22 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 45(1)(b)(i): amended, on 1 June 2014, by regulation 13(2) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 45(1)(b)(ii): amended, on 1 June 2014, by regulation 13(2) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 45(2)(a): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 45(2)(b): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

#### **45A Electronic issue of special voting papers**

- (1) In the case of a general election, the Electoral Commission may, as soon as is reasonably practicable after the close of nominations and at any time before the close of the poll, issue electronically the documents referred to in regulation 43(2) to persons outside New Zealand who are electors of any electoral district.
- (2) In the case of a by-election, the Electoral Commission may, as soon as is reasonably practicable after the close of nominations and at any time before the close of the poll, issue electronically the documents referred to in regulation 43(3) to persons outside New Zealand who are electors of the electoral district in which the by-election is to be or is being held.
- (3) The following provisions apply, with any necessary modifications, to the issue of documents under this regulation:
  - (a) regulation 21(2);
  - (b) regulation 21(4);
  - (c) regulation 21(5)(a)(iv).
- (4) A copy of the official mark of the Electoral Commission must be present on ballot papers and declarations issued under this regulation.
- (5) For the purposes of this regulation, documents are issued electronically if the documents are able to be—
  - (a) accessed by electronic means, including (without limitation) by means of remote log-on access; and
  - (b) readily inspected and reproduced in a useable form.

Regulation 45A: replaced, on 1 June 2014, by regulation 14 of the Electoral Amendment Regulations 2014 (LI 2014/122).

#### **46 Members of Defence Force voting as special voters**

- (1) The officer commanding every unit comprising members of the Defence Force shall afford all necessary facilities for members of the Defence Force to cast their votes in accordance with this Part so far as may be done consistently with the proper performance of their duties.

- (2) Where any member of the Defence Force is in a hospital, sanatorium, or other institution, that member of the Defence Force shall, for the purposes of these regulations, be deemed to be a member of the unit under the command of the officer in charge of the hospital, sanatorium, or other institution.
- (3) *[Revoked]*
- (4) *[Revoked]*
- (5) Every person who knowingly and wilfully makes a false statement for the purpose of voting under section 60(f) of the Act, or who votes under that provision when that person has already received a ballot paper for the same election, shall be liable on conviction or on conviction by the Court Martial to a fine not exceeding \$1,000.
- (6) Every Issuing Officer shall, where possible, be supplied with a sufficient number of ballot papers, envelopes, forms and all other materials for taking the votes of any members of the Defence Force who apply to that Issuing Officer.
- (7) Following—
- (a) the close of nominations; and
  - (b) the receipt by the Issuing Officer of,—
    - (i) in the case of a general election, the copies forwarded under regulation 43(2); and
    - (ii) in the case of a by-election, the copies forwarded under regulation 43(3),—

the votes of members of the Defence Force comprised in any unit may be cast at any convenient time or times before 4 pm local time on the day before polling day and, as far as practicable, notice shall be given of the day appointed for the closing of the poll.

Regulation 46(3): revoked, on 16 May 2002, by regulation 24 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 46(4): revoked, on 1 February 2014, by regulation 7 of the Electoral Amendment Regulations 2013 (SR 2013/41).

Regulation 46(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 46(5): amended, on 1 July 2009, by section 87 of the Court Martial Act 2007 (2007 No 101).

#### **47 Special votes may be returned by personal delivery or post**

- (1) Any person to whom documents are issued under regulation 45 or 45A may, after voting in the manner prescribed for special voters by Part 2, arrange for an envelope containing the ballot paper, any voting papers, and the declaration to be delivered—
- (a) by hand or by post to—
    - (i) an Overseas Returning Officer; or

- (ii) an Overseas Issuing Officer; or
- (b) by post to—
  - (i) a Returning Officer in New Zealand; or
  - (ii) the Electoral Commission.
- (2) An envelope delivered by hand or by post under subclause (1)(a) must be received by the Overseas Returning Officer or Overseas Issuing Officer by 4 pm local time on the day before polling day.
- (3) An envelope delivered by post under subclause (1)(b) must be—
  - (a) postmarked or date-stamped before polling day; and
  - (b) received by the Returning Officer in New Zealand or the Electoral Commission not later than noon New Zealand time on the ninth day after polling day.

Regulation 47: replaced, on 1 June 2014, by regulation 15 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 47(3): replaced, on 27 July 2020, by regulation 10 of the Electoral Amendment Regulations 2020 (LI 2020/122).

#### **47A Special votes may be returned by facsimile**

- (1) Any elector to whom documents are issued under regulation 45 or regulation 45A may, after voting in the manner prescribed for special voters,—
  - (a) if applicable, remove any gummed paper that is fixed over the consecutive number on the ballot paper or any voting paper; and
  - (b) before the close of the poll, forward the ballot paper, any voting papers, and the declaration to the Electoral Commission by facsimile.
- (2) *[Revoked]*

Regulation 47A: inserted, on 16 May 2002, by regulation 25 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 47A heading: replaced, on 1 June 2014, by regulation 16(1) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 47A(1): amended, on 1 June 2014, by regulation 16(2) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 47A(1)(b): amended, on 1 June 2014, by regulation 16(3) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 47A(1)(b): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 47A(2): revoked, on 1 June 2014, by regulation 16(4) of the Electoral Amendment Regulations 2014 (LI 2014/122).

#### **47B Special votes may be returned electronically if secure transmission available**

- (1) Electors to whom documents are issued under regulation 45 or 45A may return those documents in accordance with subclause (2) if, for that particular elec-

tion, a system allowing secure electronic transmission is made available by the Electoral Commission for that purpose.

- (2) If subclause (1) applies, an elector may, after voting in the manner prescribed for special voters,—
- (a) if applicable, remove any gummed paper that is fixed over the consecutive number on the ballot paper or any voting papers; and
  - (b) before the close of the poll, forward the ballot paper, any voting papers, and the declaration to the Electoral Commission electronically in a manner specified by the Electoral Commission on its Internet site.

Regulation 47B: inserted, on 1 February 2014, by regulation 8 of the Electoral Amendment Regulations 2013 (SR 2013/41).

Regulation 47B heading: replaced, on 1 June 2014, by regulation 17(1) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 47B(1): amended, on 1 June 2014, by regulation 17(2)(a) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 47B(1): amended, on 1 June 2014, by regulation 17(2)(b) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 47B(2)(b): amended, on 1 June 2014, by regulation 17(3) of the Electoral Amendment Regulations 2014 (LI 2014/122).

#### **47C Receipt of special votes electronically**

*[Revoked]*

Regulation 47C: revoked, on 1 June 2014, by regulation 18 of the Electoral Amendment Regulations 2014 (LI 2014/122).

#### **48 Endorsement and posting of envelopes**

- (1) An Overseas Returning Officer, an Overseas Issuing Officer, or a Returning Officer in New Zealand who receives delivery of an envelope in accordance with the requirements of regulation 47 must immediately mark the envelope with his or her official mark.
- (2) An Overseas Returning Officer, an Overseas Issuing Officer, or a Returning Officer in New Zealand who receives delivery of an envelope otherwise than in accordance with the requirements of regulation 47 must immediately—
- (a) mark on the envelope “Received late”; and
  - (b) mark the envelope with his or her official mark; and
  - (c) sign the envelope.
- (3) Immediately after marking an envelope in accordance with subclause (1) or (2), an Overseas Returning Officer or Overseas Issuing Officer must arrange for the envelope to be posted or forwarded (either directly or through the Ministry of Foreign Affairs and Trade) by the quickest means of transport to the Electoral Commission or to the Returning Officer of the district for which the vote was issued.

- (4) Immediately after marking an envelope in accordance with subclause (1) or (2), a Returning Officer in New Zealand, if that officer is not the Returning Officer for the district for which the vote was issued, must post or forward the envelope to—
  - (a) the Returning Officer for the district for which the vote was issued; or
  - (b) the Electoral Commission.
- (4A) Immediately after marking an envelope in accordance with subclause (1) or (2), a Returning Officer in New Zealand, if the Returning Officer for the district in which the vote was issued, may post or forward the envelope to the Electoral Commission.
- (5) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives delivery of an envelope in accordance with the requirements of regulation 47 must immediately mark the envelope with the official mark of the Electoral Commission.
- (6) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives delivery of an envelope otherwise than in accordance with the requirements of regulation 47 must immediately—
  - (a) mark on the envelope “Received late”; and
  - (b) mark the envelope with the Electoral Commission’s official mark; and
  - (c) sign the envelope on behalf of the Electoral Commission.
- (7) After marking an envelope in accordance with subclause (5) or (6), the Electoral Commissioner or electoral official must immediately—
  - (a) arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued; or
  - (b) place the envelope in a box or receptacle that is specially provided for the votes of special voters.

Regulation 48: replaced, on 1 June 2014, by regulation 19 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 48(4): replaced, on 27 July 2020, by regulation 11(1) of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 48(4A): inserted, on 27 July 2020, by regulation 11(1) of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 48(7): replaced, on 27 July 2020, by regulation 11(2) of the Electoral Amendment Regulations 2020 (LI 2020/122).

#### **48A Receipt of special votes by facsimile**

- (1) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives a ballot paper, any voting papers, and a declaration forwarded by facsimile under regulation 47A must immediately—
  - (a) ensure that particulars of the time and date of receipt of the copies of the ballot paper, any voting papers, and the declaration at the Electoral Commission are endorsed on those papers; and

- (b) after taking all reasonable steps to preserve the secrecy of the ballot, place the copies of the ballot paper, any voting papers, and the declaration in the appropriate compartments of a special voter envelope.
- (2) If the documents referred to in subclause (1) are received before the close of the poll, the Electoral Commissioner or electoral official must mark the envelope with the Electoral Commission's official mark.
- (3) If the documents referred to in subclause (1) are received after the close of the poll, the Electoral Commissioner or electoral official must—
  - (a) mark the envelope "Received late"; and
  - (b) mark the envelope with the Electoral Commission's official mark; and
  - (c) sign the envelope on behalf of the Electoral Commission.
- (4) After marking an envelope in accordance with subclause (2) or (3), the Electoral Commissioner or electoral official must immediately—
  - (a) arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued; or
  - (b) place the envelope in a box or receptacle that is specially provided for the votes of special voters.

Regulation 48A: inserted, on 1 June 2014, by regulation 19 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 48A(4): replaced, on 27 July 2020, by regulation 12 of the Electoral Amendment Regulations 2020 (LI 2020/122).

#### **48B Receipt of special votes electronically**

An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives a ballot paper, any voting papers, and a declaration forwarded electronically under regulation 47B must immediately—

- (a) print the ballot paper, any voting papers, and the declaration; and
- (b) ensure that the particulars of the time and date of receipt of the ballot paper, any voting papers, and the declaration at the Electoral Commission are endorsed on those papers; and
- (c) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration in the appropriate compartments of a special voter envelope; and
- (d) mark the envelope with the Electoral Commission's official mark and immediately—
  - (i) arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued; or
  - (ii) place the envelope in a box or receptacle that is specially provided for the votes of special voters.

Regulation 48B: inserted, on 1 June 2014, by regulation 19 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 48B(d): replaced, on 27 July 2020, by regulation 13 of the Electoral Amendment Regulations 2020 (LI 2020/122).

#### **49 Parcels of spoilt ballot and voting papers, and other papers**

- (1) Immediately after the expiration of the time mentioned in regulation 45, every Overseas Returning Officer—
  - (a) shall compile, and certify as correct, a list showing the consecutive numbers of all unused declarations; and
  - (b) shall make up into separate parcels—
    - (i) all spoilt ballot papers and all spoilt voting papers and all spoilt declarations,—
    - (ii) *[Revoked]*and shall mark each parcel to show the nature of its contents.
- (2) The Overseas Returning Officer shall, if the parcels contain papers relating to a general election, deal with those parcels and the other parcels similarly made up by the Overseas Returning Officer as follows:
  - (a) the Overseas Returning Officer, having compiled and certified as correct a list showing the consecutive numbers of all unused declarations, shall destroy all unused ballot papers and all unused voting papers and all unused declarations; and
  - (b) the Overseas Returning Officer shall enclose in 1 or more separate packets all the parcels containing spoilt ballot papers and spoilt voting papers and spoilt declarations; and
  - (c) the Overseas Returning Officer shall enclose in 1 or more separate packets all the parcels containing other papers in connection with the election (including the list compiled under subclause (1)(a)); and
  - (d) the Overseas Returning Officer shall endorse each such packet with a description of its contents, and shall sign the endorsement, and shall despatch the packets to the Electoral Commission at Wellington.
- (3) The Overseas Returning Officer shall, if the parcels contain papers relating to a by-election, deal with those parcels and the other parcels similarly made up by the Overseas Returning Officer as follows:
  - (a) the Overseas Returning Officer having compiled, and certified as correct, a list showing the consecutive numbers of all unused declarations, shall destroy all unused ballot papers and all unused declarations; and
  - (b) the Overseas Returning Officer shall enclose in 1 or more separate packets all the parcels containing spoilt ballot papers and spoilt declarations; and

- (c) the Overseas Returning Officer shall enclose in 1 or more separate packets all the parcels containing other used papers in connection with the by-election (including the list compiled under subclause 1(a)); and
  - (d) the Overseas Returning Officer shall endorse each such packet with a description of its contents, and shall sign the endorsement, and shall despatch the packets to the Electoral Commission at Wellington.
- (4) An Electoral Commissioner, on behalf of the Electoral Commission, must—
- (a) enclose in 1 or more parcels the packets received by the Electoral Commission in accordance with this regulation; and
  - (b) properly secure the parcels; and
  - (c) endorse each parcel with a description of its contents; and
  - (d) sign the endorsement and immediately forward the parcels to the Clerk of the House of Representatives.
- (5) The Clerk shall forthwith give or send to the Electoral Commission a receipt for the parcels, which receipt shall be signed by the Clerk.

Regulation 49(1)(a): amended, on 11 March 2020, by section 23 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 49(1)(b)(i): amended, on 11 March 2020, by section 23 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 49(1)(b)(ii): revoked, on 16 May 2002, by regulation 27 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 49(2)(a): amended, on 11 March 2020, by section 23 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 49(2)(b): amended, on 11 March 2020, by section 23 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 49(2)(d): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 49(3)(a): amended, on 11 March 2020, by section 23 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 49(3)(b): amended, on 11 March 2020, by section 23 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 49(3)(d): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 49(4): substituted, on 1 October 2010, by section 32(2)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 49(5): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

## **50 Overseas special votes received in time**

- (1) This regulation applies to every envelope containing a special vote issued under this Part that is received by the Returning Officer for the district for which the vote was issued—
- (a) before the close of the poll; or

- (b) after the close of the poll but not later than 7 pm of the tenth day following polling day marked under regulation 48(1) or (5) with the official mark of—
    - (i) an Overseas Returning Officer; or
    - (ii) an Overseas Issuing Officer; or
    - (iii) a Returning Officer in New Zealand; or
    - (iv) the Electoral Commission; or
  - (c) after the close of the poll but not later than 7 pm of the tenth day following polling day marked under regulation 48A(2) or 48B(d) with the official mark of the Electoral Commission.
- (2) This regulation also applies to every envelope containing a special vote issued under this Part that is received by the Electoral Commission from a Returning Officer under regulation 48(4)(b)—
- (a) before the close of the poll; or
  - (b) after the close of the poll but not later than 7pm on the tenth day following polling day and marked under regulation 48(1).
- (3) This regulation also applies to every envelope containing a special vote issued under this Part that is marked by an Electoral Commissioner or electoral official—
- (a) under regulation 48(5), and placed in a box or receptacle in accordance with regulation 48(7)(b):
  - (b) under regulation 48A(2), and placed in a box or receptacle in accordance with regulation 48A(4)(b):
  - (c) under regulation 48B(d), and placed in a box or receptacle in accordance with subparagraph (ii) of that paragraph.
- (4) Regulations 32, 33, and 35 to 42 apply in respect of an envelope described in subclause (1), (2), or (3), and all references in those regulations to a Returning Officer must be read as references also to an Electoral Commissioner or electoral official.
- (5) After extracting from an envelope a declaration form completed by a member of the New Zealand Defence Force, the Returning Officer, Electoral Commissioner, or electoral official (as the case may be) must—
- (a) securely attach the envelope to the declaration form; and
  - (b) take the action required under regulation 52 (and for this purpose references in that regulation to a Returning Officer must be read as references also to an Electoral Commissioner or electoral official).

Regulation 50(1): replaced, on 1 June 2014, by regulation 20 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 50(2): replaced, on 27 July 2020, by regulation 14 of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 50(3): inserted, on 27 July 2020, by regulation 14 of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 50(4): inserted, on 27 July 2020, by regulation 14 of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 50(5): inserted, on 27 July 2020, by regulation 14 of the Electoral Amendment Regulations 2020 (LI 2020/122).

### **51 Overseas special votes received late**

- (1) This regulation applies in respect of every envelope appearing to contain a special vote issued under this Part and to which regulation 50 does not apply.
- (2) The Returning Officer for the district for which the vote was issued, an Electoral Commissioner, or an electoral official (as the case may be) must—
  - (a) extract the declaration form from the envelope; and
  - (b) disallow the vote; and
  - (c) set the envelope aside without opening the compartment labelled “BALLOT AND/OR VOTING PAPERS”; and
  - (d) write across both the declaration form and the envelope “Disallowed, received late”.
- (3) Regulations 35 to 42 apply in respect of the envelope and all references in those regulations to a Returning Officer must be read as references also to an Electoral Commissioner or electoral official.

Regulation 51: replaced, on 27 July 2020, by regulation 15 of the Electoral Amendment Regulations 2020 (LI 2020/122).

### **52 Allowance or disallowance of votes of members of Defence Force**

- (1) The Returning Officer for the district in respect of which a special vote has been cast in an election by a member of the Defence Force must allow the special vote if—
  - (a) the member of the Defence Force has made a declaration that the Returning Officer is satisfied establishes the member’s right to vote in the Returning Officer’s district at the election, and has signed that declaration; and
  - (b) a witness has signed the declaration, or the Returning Officer is otherwise satisfied that the declaration was signed by the member before a witness.
- (2) If a special vote cast by a member of the Defence Force is not allowed under subclause (1), the Returning Officer must disallow the special vote.

Regulation 52: replaced, on 11 March 2020, by section 24 of the Electoral Amendment Act 2020 (2020 No 2).

**Part 4**  
**Voting from Tokelau, Campbell Island, Raoul Island, Ross  
Dependency, vessels, offshore installations, remote islands  
administered by Department of Conservation, and remote locations  
overseas**

Part 4: substituted, on 16 May 2002, by regulation 29 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Part 4 heading: amended, on 23 June 2017, by regulation 6 of the Electoral Amendment Regulations 2017 (LI 2017/83).

**53 Application of Part**

This Part applies to—

- (a) special voters on Tokelau, Campbell Island, Raoul Island, and the Ross Dependency; and
- (b) special voters on vessels not scheduled to return to port during the period beginning with the close of nominations and ending with the close of the poll; and
- (ba) special voters on offshore installations; and
- (bb) special voters on remote islands administered by the Department of Conservation; and
- (c) special voters who—
  - (i) are overseas during the period between nomination day and polling day; and
  - (ii) by reason of their remote location, have had no access at any time during that period to special voting facilities other than those provided by this Part.

Regulation 53: substituted, on 16 May 2002, by regulation 29 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 53(b): amended, on 23 June 2017, by regulation 7(1) of the Electoral Amendment Regulations 2017 (LI 2017/83).

Regulation 53(ba): inserted, on 23 June 2017, by regulation 7(2) of the Electoral Amendment Regulations 2017 (LI 2017/83).

Regulation 53(bb): inserted, on 23 June 2017, by regulation 7(2) of the Electoral Amendment Regulations 2017 (LI 2017/83).

**54 Electoral Commission may appoint Issuing Officers**

- (1) The Electoral Commission may appoint 1 or more Issuing Officers to issue ballot papers to special voters to whom this Part applies.
- (2) Every Issuing Officer must, before entering into the duties of office, declare that he or she will comply with section 203.
- (3) The declaration must—

- (a) be in a form that the Electoral Commission has approved; and
- (b) be witnessed as specified in the form.

Regulation 54: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 54(2): replaced, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 54(3): inserted, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

### **55 Electoral Commission to forward special voting papers to Issuing Officers**

- (1) In the case of a general election, the Electoral Commission, or an electoral official on behalf of the Electoral Commission, must forward to every Issuing Officer the required number of copies of the following:
  - (a) special ballot papers in form 14; and
  - (b) party lists in accordance with regulation 18; and
  - (c) declarations in a form that the Electoral Commission has approved for use by special voters under this Part or Part 4; and
  - (d) any voting papers required to be issued under any enactment.
- (2) In the case of a by-election, the Electoral Commission, or a person authorised by the Electoral Commission to do so, must forward to every Issuing Officer the required number of copies of the following:
  - (a) special ballot papers in form 15; and
  - (b) declarations in a form that the Electoral Commission has approved for use by special voters under this Part or Part 4; and
  - (c) any voting papers required to be issued under any enactment.
- (3) If it appears to the Electoral Commission that the copies of the documents referred to in subclause (1) or (2) may not reach an Issuing Officer within the time allowed for the issue of special votes, the Electoral Commission may send those documents to the Issuing Officer by facsimile or electronically.

Regulation 55: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 55(1)(c): replaced, on 23 June 2017, by regulation 8(1) of the Electoral Amendment Regulations 2017 (LI 2017/83).

Regulation 55(2)(b): replaced, on 23 June 2017, by regulation 8(2) of the Electoral Amendment Regulations 2017 (LI 2017/83).

### **56 Issue of special voting papers by Issuing Officers**

- (1) Following receipt of documents under regulation 55, the Issuing Officer may issue those documents to special voters.
- (2) The issue of documents under subclause (1) must be—
  - (a) in accordance with Part 2; and
  - (b) after the close of nominations; and

- (c) completed before 4 pm New Zealand time on the Thursday before polling day.
- (3) If the Issuing Officer will be forwarding the vote of a special voter by facsimile or electronically to the Electoral Commission under regulation 61, the Issuing Officer must issue to the special voter together with the documents referred to in subclause (1) a consent form in a form that the Electoral Commission has approved.

Regulation 56: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 56(3): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

### **57 Electoral Commission may issue special voting papers to special voters**

- (1) If an Issuing Officer is not able to issue documents to a special voter under regulation 56, the Electoral Commission may, on the request of the special voter, issue directly to the special voter in accordance with Part 2 each of the documents referred to in regulation 55(1) or (2), as the case may be.
- (2) The documents may be issued to the special voter under subclause (1)—
  - (a) electronically; or
  - (b) by post, if it is impracticable to issue them electronically; or
  - (c) by facsimile, if it is impracticable to issue them electronically or by post; or
  - (d) by dictation, if—
    - (i) it is impracticable to issue them by any of the methods specified in paragraphs (a) to (c); and
    - (ii) the request of the special voter to issue a vote by dictation is made no later than 4 pm on the Thursday before polling day.
- (3) A copy of the official mark of the Electoral Commission must be on every ballot paper and every declaration issued under this regulation.
- (4) For the purposes of subclause (2)(a), documents are issued electronically if those documents are able to be—
  - (a) accessed by electronic means, including (without limitation) by means of remote log-on access; and
  - (b) readily inspected and reproduced in a useable form.

Regulation 57: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 57(2)(d): replaced, on 23 June 2017, by regulation 9 of the Electoral Amendment Regulations 2017 (LI 2017/83).

### **58 Dictation of special votes**

- (1) If the Electoral Commission grants a request under regulation 57(2)(d) to issue a vote by dictation, the Electoral Commission must make any arrangements

that the Electoral Commission considers to be necessary for the issue and receipt of special votes by dictation, including—

- (a) arrangements for the votes to be made by—
    - (i) radio telephone; or
    - (ii) any other means that the Electoral Commission may approve; and
  - (b) to the extent possible, arrangements to preserve the secrecy of the ballot; and
  - (c) arrangements to ensure votes are accurately recorded on ballot papers; and
  - (d) arrangements for the envelopes containing special votes recorded under this regulation to be marked with the Electoral Commission's official mark and then to be—
    - (i) forwarded to the Returning Officer for the district for which the vote was issued; or
    - (ii) placed in a box or receptacle that is specially provided for the votes of special voters.
- (2) A special vote by dictation must be received by the Electoral Commission by 7 pm New Zealand time on polling day (the **deadline**).
- (3) To avoid doubt, a voter who is voting by dictation at the deadline is entitled to complete dictating his or her vote.

Regulation 58: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 58(1)(d): replaced, on 27 July 2020, by regulation 16 of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 58(2): amended, on 23 June 2017, by regulation 10 of the Electoral Amendment Regulations 2017 (LI 2017/83).

## **58A Electronic issue of ballot papers, etc**

*[Revoked]*

Regulation 58A: revoked, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

## **59 Return of special votes**

- (1) A special voter to whom documents referred to in regulation 55(1) or (2) have been issued, other than by dictation under regulation 57(2)(d), may, after voting in the manner prescribed for special voters in Part 2, arrange for the ballot paper, any voting papers, and the declaration to be delivered—
- (a) by hand, in an envelope, to the Issuing Officer; or
  - (b) by post, in an envelope, to—
    - (i) a Returning Officer in New Zealand; or
    - (ii) the Electoral Commission; or

- (c) by facsimile to the Electoral Commission; or
  - (d) by electronic transmission to the Electoral Commission, if for the particular election a system allowing secure electronic transmission is made available by the Electoral Commission.
- (2) A special voter may complete and attach to an envelope delivered under subclause (1)(a) a consent form in a form that the Electoral Commission has approved.
  - (3) An envelope delivered by hand under subclause (1)(a) must be received by the Issuing Officer by 4 pm local time on the day before polling day.
  - (4) An envelope delivered by post under subclause (1)(b) must be—
    - (a) postmarked or date-stamped before polling day; and
    - (b) received by the Returning Officer in New Zealand, or the Electoral Commission, not later than noon New Zealand time on the ninth day after polling day.
  - (5) A ballot paper, any voting papers and a declaration delivered by facsimile under subclause (1)(c) or electronically under subclause (1)(d) must be received by the Electoral Commission before the close of the poll.

Regulation 59: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 59(2): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 59(4): replaced, on 27 July 2020, by regulation 17 of the Electoral Amendment Regulations 2020 (LI 2020/122).

## **60 Receipt of special votes by hand or post**

- (1) An Issuing Officer who receives, in accordance with regulation 59(3), an envelope containing a special vote that is delivered by hand under regulation 59(1)(a) must immediately—
  - (a) endorse on the envelope particulars of the place at which, and the time and date on which, he or she receives the envelope; and
  - (b) mark the envelope with his or her official mark.
- (2) An Issuing Officer who receives, otherwise than in accordance with regulation 59(3), an envelope containing a special vote that is delivered by hand under regulation 59(1)(a) must immediately—
  - (a) mark the envelope “Received late”; and
  - (b) mark the envelope with his or her official mark; and
  - (c) sign the envelope.
- (3) Immediately after dealing with the envelope in accordance with subclause (1) or (2), the Issuing Officer must—
  - (a) post or forward the envelope to the Returning Officer for the district for which the vote was issued; or

- (b) forward the contents of the envelope by facsimile or electronic transmission to the Electoral Commission in accordance with regulation 61(2).
- (4) A Returning Officer in New Zealand who receives, in accordance with the requirements of regulation 59(4), an envelope containing a special vote that is delivered by post under regulation 59(1)(b)(i) must immediately mark the envelope with his or her official mark.
- (5) A Returning Officer in New Zealand who receives, otherwise than in accordance with the requirements of regulation 59(4), an envelope containing a special vote that is delivered by post under regulation 59(1)(b)(i) must immediately—
  - (a) mark the envelope “Received late”; and
  - (b) mark the envelope with his or her official mark; and
  - (c) sign the envelope.
- (6) Immediately after marking an envelope in accordance with subclause (4) or (5), a Returning Officer in New Zealand, if that officer is not the Returning Officer for the district for which the vote was issued, must post or forward the envelope to—
  - (a) the Returning Officer for the district for which the vote was issued; or
  - (b) the Electoral Commission.
- (6A) Immediately after marking an envelope in accordance with subclause (4) or (5), a Returning Officer in New Zealand, if that officer is the Returning Officer for the district in which the vote was issued, may post or forward the envelope to the Electoral Commission.
- (7) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives, in accordance with the requirements of regulation 59(4), an envelope containing a special vote that is delivered by post under regulation 59(1)(b)(ii) must immediately mark the envelope with the Electoral Commission’s official mark.
- (8) An Electoral Commissioner or electoral official who, on behalf of the Electoral Commission, receives, otherwise than in accordance with the requirements of regulation 59(4), an envelope containing a special vote that is delivered by post under regulation 59(1)(b)(ii) must immediately—
  - (a) mark the envelope “Received late”; and
  - (b) mark the envelope with the Electoral Commission’s official mark; and
  - (c) sign the envelope on behalf of the Electoral Commission.
- (9) After marking the envelope in accordance with subclause (7) or (8), the Electoral Commissioner or electoral official must immediately—
  - (a) arrange for the envelope to be posted or forwarded to the Returning Officer for the district for which the vote was issued; or

- (b) place the envelope in a box or receptacle that is specially provided for the votes of special voters.

Regulation 60: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 60(6): replaced, on 27 July 2020, by regulation 18(1) of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 60(6A): inserted, on 27 July 2020, by regulation 18(1) of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 60(9): replaced, on 27 July 2020, by regulation 18(2) of the Electoral Amendment Regulations 2020 (LI 2020/122).

## **61 Issuing Officer may forward special votes by facsimile or electronically**

- (1) If an Issuing Officer considers that it is doubtful whether forwarding an envelope containing a special vote under regulation 60(3)(a) will reach the Returning Officer by 7 pm on the tenth day following polling day, the Issuing Officer must, if a completed consent form in a form that the Electoral Commission has approved is attached to that envelope, deal with that envelope in accordance with this regulation.
- (2) If the Issuing Officer is satisfied that no other person is present, the Issuing Officer must, before the close of the poll, take each envelope required to be dealt with under this regulation and do the following:
  - (a) extract the declaration form from the declaration compartment of each envelope, write the consecutive number from the declaration form on the outside of that envelope, and forward the declarations by facsimile or electronic transmission to the Electoral Commission; and
  - (b) replace each declaration in the declaration compartment of the corresponding envelope, together with the consent form in a form that the Electoral Commission has approved; and
  - (c) extract the ballot paper and any voting papers from the compartments of each of the envelopes marked “BALLOT AND/OR VOTING PAPERS”, remove any gummed paper covering the consecutive number on the ballot paper and any voting papers, and forward the ballot paper and any voting papers to the Electoral Commission electronically or by facsimile; and
  - (d) replace the ballot paper and any voting papers in the compartment of the corresponding envelope marked “BALLOT AND/OR VOTING PAPERS”; and
  - (e) reseal both compartments of the envelope; and
  - (f) endorse on the envelope the words “Opened and forwarded under Part 4 of the Electoral Regulations 1996”, and sign and date that endorsement.

Regulation 61: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 61(1): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Regulation 61(2)(b): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

### **61A Votes may be returned electronically if secure transmission available**

*[Revoked]*

Regulation 61A: revoked, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

### **61B Issuing Officer may forward special votes electronically or by facsimile**

*[Revoked]*

Regulation 61B: revoked, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

### **62 Receipt of special votes by facsimile**

- (1) This section applies if an Electoral Commissioner, or electoral official on behalf of the Electoral Commission, receives ballot papers, voting papers, and declarations by facsimile—
  - (a) under regulation 59(1)(c); or
  - (b) under regulation 61.
- (2) If the documents referred to in subclause (1) are received before the close of the poll in accordance with regulation 59(5), an Electoral Commissioner or electoral official on behalf of the Electoral Commission must immediately—
  - (a) ensure that particulars of the time and date of receipt of the ballot papers, voting papers, and declarations at the Electoral Commission are endorsed on those papers; and
  - (b) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration form in the appropriate compartments of a special voter envelope; and
  - (c) mark the envelope with the Electoral Commission's official mark; and
  - (d) arrange for the envelope to be—
    - (i) posted or forwarded to the Returning Officer for the district for which the vote was issued; or
    - (ii) placed in a box or receptacle that is specially provided for the votes of special voters.
- (3) If the documents referred to in subclause (1) are received after the close of the poll, subclause (2)(c) does not apply and an Electoral Commissioner or electoral official must, before arranging for the envelope to be posted or forwarded under subclause (2)(d),—

- (a) mark the envelope “Received late”; and
- (b) mark the envelope with the Electoral Commission’s official mark; and
- (c) sign the envelope on behalf of the Electoral Commission.

Regulation 62: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 62(2)(d): replaced, on 27 July 2020, by regulation 19 of the Electoral Amendment Regulations 2020 (LI 2020/122).

### **63 Receipt of special votes by electronic transmission**

- (1) This section applies if an Electoral Commissioner, or electoral official on behalf of the Electoral Commission, receives ballot papers, voting papers, and declarations by electronic transmission—
  - (a) under regulation 59(1)(d) in accordance with regulation 59(5); or
  - (b) under regulation 61.
- (2) An Electoral Commissioner or electoral official on behalf of the Electoral Commission must immediately—
  - (a) print the ballot paper, any voting papers, and the declaration; and
  - (b) ensure that particulars of the time and date of receipt of the ballot papers, voting papers, and declarations at the Electoral Commission are endorsed on those papers; and
  - (c) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration form in the appropriate compartments of a special voter envelope; and
  - (d) mark the envelope with the Electoral Commission’s official mark; and
  - (e) arrange for the envelope to be—
    - (i) posted or forwarded to the Returning Officer for the district for which the vote was issued; or
    - (ii) placed in a box or receptacle that is specially provided for the votes of special voters.

Regulation 63: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 63(2)(e): replaced, on 27 July 2020, by regulation 20 of the Electoral Amendment Regulations 2020 (LI 2020/122).

### **63A Special votes under this Part received in time**

- (1) This regulation applies to every envelope containing a special vote issued under this Part that is received by the Returning Officer for the district for which the vote was issued—
  - (a) before the close of the poll; or
  - (b) after the close of the poll but not later than 7 pm on the tenth day following polling day—

- (i) marked under regulation 60(1)(b) with the official mark of an Issuing Officer; or
  - (ii) marked under regulation 60(4) with the official mark of a Returning Officer in New Zealand; or
  - (iii) marked under regulation 60(7), 62(2)(c), or 63(2)(d) with the official mark of the Electoral Commission.
- (2) This regulation also applies to every envelope containing a special vote issued under this Part that is received by the Electoral Commission from a Returning Officer under regulation 60(6)(b)—
- (a) before the close of the poll; or
  - (b) after the close of the poll but not later than 7pm on the tenth day following polling day and marked under regulation 60(4).
- (3) This regulation also applies to every envelope containing a special vote issued under this Part that is marked by an Electoral Commissioner or electoral official—
- (a) under arrangements made pursuant to regulation 58(1)(d), and placed in a box or receptacle in accordance with subparagraph (ii) of that paragraph;
  - (b) under regulation 60(7), and placed in a box or receptacle in accordance with regulation 60(9)(b);
  - (c) under regulation 62(2)(c), and placed in a box or receptacle in accordance with regulation 62(2)(d)(ii);
  - (d) under regulation 63(2)(d), and placed in a box or receptacle in accordance with regulation 63(2)(e)(ii).
- (4) Regulations 32, 33, and 35 to 42 apply in respect of an envelope described in subclauses (1), (2), and (3), and all references in those regulations to a Returning Officer must be read as references also to an Electoral Commissioner or electoral official.

Regulation 63A: inserted, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 63A(2): replaced, on 27 July 2020, by regulation 21 of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 63A(3): inserted, on 27 July 2020, by regulation 21 of the Electoral Amendment Regulations 2020 (LI 2020/122).

Regulation 63A(4): inserted, on 27 July 2020, by regulation 21 of the Electoral Amendment Regulations 2020 (LI 2020/122).

#### **64 Special votes under this Part received late**

- (1) This regulation applies to every envelope appearing to contain a special vote issued under this Part to which regulation 63A does not apply.

- (2) The Returning Officer for the district for which the vote was issued, Electoral Commission, Electoral Commissioner, or electoral official (as the case may be) must—
- (a) extract the declaration form; and
  - (b) disallow the vote; and
  - (c) set the envelope aside without opening the compartment labelled “BALLOT AND/OR VOTING PAPERS”; and
  - (d) write across both the declaration form and the envelope “Disallowed, received late”.
- (3) Regulations 39, 40, and 42 apply in respect of votes disallowed under sub-clause (2).

Regulation 64: replaced, on 1 June 2014, by regulation 21 of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 64(2): amended, on 27 July 2020, by regulation 22 of the Electoral Amendment Regulations 2020 (LI 2020/122).

#### **64A Parcels of unused and spoilt ballot and voting and other papers**

- (1) Immediately after polling day for a general election, the Issuing Officer must—
- (a) make up into separate parcels—
    - (i) all unused ballot papers and all unused voting papers and all unused declarations; and
    - (ii) all spoilt ballot papers and all spoilt voting papers and all spoilt declarations; and
    - (iii) any other papers; and
    - (iv) all envelopes dealt with in accordance with regulation 61; and
  - (b) mark each parcel made up under paragraph (a) to show the nature of its contents; and
  - (c) post or forward the parcels to the Electoral Commission as soon as practicable.
- (2) Immediately after polling day for a by-election, the Issuing Officer must—
- (a) retain in secure storage all unused ballot papers and voting papers and all other unused papers held by the Issuing Officer for the purposes of the Act; and
  - (b) make up into separate parcels—
    - (i) all unused ballot papers and all unused declarations; and
    - (ii) all spoilt ballot papers and all spoilt declarations; and
    - (iii) any other papers; and
    - (iv) all envelopes dealt with in accordance with regulation 61; and

- (c) mark each parcel made up under paragraph (b) to show the nature of its contents; and
  - (d) post or forward the parcels to the Electoral Commission as soon as practicable.
- (3) An Electoral Commissioner, on behalf of the Electoral Commission, must—
- (a) enclose in 1 or more parcels the parcels received by the Electoral Commission in accordance with this regulation (except the parcels containing only unused papers); and
  - (b) properly secure the parcels; and
  - (c) endorse each parcel with a description of its contents; and
  - (d) sign the endorsement and immediately forward the parcels to the Clerk of the House of Representatives.
- (4) The Clerk of the House of Representatives must immediately give or send to the Electoral Commission a signed receipt for the parcels.

Regulation 64A: inserted, on 16 May 2002, by regulation 29 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 64A(1)(a)(i): amended, on 11 March 2020, by section 25 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 64A(1)(a)(ii): amended, on 11 March 2020, by section 25 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 64A(1)(a)(iv): amended, on 1 June 2014, by regulation 22(1) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 64A(1)(c): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 64A(2)(b)(i): amended, on 11 March 2020, by section 25 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 64A(2)(b)(ii): amended, on 11 March 2020, by section 25 of the Electoral Amendment Act 2020 (2020 No 2).

Regulation 64A(2)(b)(iv): amended, on 1 June 2014, by regulation 22(2) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Regulation 64A(2)(d): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 64A(3): amended, on 1 October 2010, by section 32(2)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 64A(3)(a): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 64A(4): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

## Part 5 General provisions

### 65 Scrutineers' lists of persons who have voted

- (1) During the hours of polling, any scrutineer in a polling place may from time to time, from information supplied by the manager of a polling place, prepare lists or marked copies of the roll to show the names and roll numbers of persons who have voted, and send any such list or copy out of the polling place.
- (2) Any person may from time to time enter any polling place for the purpose of receiving and taking away any such list or copy. No such person shall—
  - (a) communicate with any voter in the polling place; or
  - (b) communicate with any scrutineer in the polling place except for the purpose of receiving and taking away any such list or copy.
- (3) Nothing in this regulation affects the duties or powers of the manager of a polling place under section 194 of the Act.

Regulation 65(1): amended, on 16 May 2002, by regulation 30(1)(a) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 65(1): amended, on 16 May 2002, by regulation 30(1)(b) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 65(3): amended, on 16 May 2002, by regulation 30(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

### 66 Interpreters

- (1) Interpreters designated under section 158(3)(b) of the Act are under the directions of the manager of the polling place.
- (2) Where it appears to a Returning Officer that an elector is unfamiliar with the English language, the Returning Officer shall, before calling on an interpreter, if present, for assistance, draw to the elector's attention a poster containing instructions, both in English and in languages other than English, on how to vote, which poster shall, for that purpose, be prominently displayed in a convenient position in each polling place.
- (3) If—
  - (a) no such poster is available; or
  - (b) the elector, having had the poster drawn to the elector's attention, still requires assistance because of the elector's lack of familiarity with the English language,—the Returning Officer shall call on an interpreter, if present, to assist.
- (4) The Returning Officer shall, upon request by a candidate, supply the names of any interpreters appointed by the Returning Officer and the polling places in respect of which they have been appointed.

Regulation 66(1): substituted, on 16 May 2002, by regulation 31(1) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 66(2): amended, on 16 May 2002, by regulation 31(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 66(3): amended, on 16 May 2002, by regulation 31(2) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

Regulation 66(4): amended, on 16 May 2002, by regulation 31(3) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

## **67 Improvised forms**

Where any form prescribed by or referred to in these regulations is not available, a form may be improvised, and if the intention is clear it shall be accepted for all purposes under these regulations.

## **68 Offences**

Every person commits an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months who—

- (a) improperly obtains or retains a special ballot paper or voting paper, or makes a false statement for the purpose of obtaining a special ballot paper or voting paper or who persuades or induces, or associates himself or herself with any person in persuading or inducing, any person to make such a false statement; or
- (b) being a person to whom an envelope containing or purporting to contain a special ballot paper is entrusted by a voter for the purpose of posting or delivering it to a Returning Officer or Issuing Officer, fails forthwith to post or deliver the envelope; or
- (c) in any manner delays the posting or delivery of any envelope containing or purporting to contain a special ballot paper; or
- (d) makes a false statement or declaration for the purposes of these regulations in relation to special voting; or
- (e) acts in contravention of or fails to comply in any respect with any of the provisions of these regulations relating to special voting.

Regulation 68: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 68(b): amended, on 16 May 2002, by regulation 32 of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

## **69 Goods and services tax**

The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

## **70 Revocations**

The regulations specified in Schedule 2 are hereby revoked.

## Schedule 1 Forms

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9	Notification of death of person of or over the age of 17 years <i>[Revoked]</i>	64
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22	Consent by elector to special vote being forwarded electronically or by facsimile to Electoral Commission <i>[Revoked]</i>	71
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Form 1  
Enrolling to vote: Application

*[Revoked]*

r 3

Schedule 1 form 1: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Form 2  
Application for registration of a mentally incapable person as a parliamentary  
elector

*[Revoked]*

rr 3(1)(b), 7(5)(b)

Schedule 1 form 2: revoked, on 25 March 2014, by section 55(2) of the Electoral Amendment Act 2014 (2014 No 8).

Form 3  
Notice of registration as an elector

*[Revoked]*

r 3(2)

Schedule 1 form 3: revoked, on 18 March 2002, by regulation 7(5) of the Electoral Amendment Regulations 2002 (SR 2002/56).

Form 4  
Notice concerning exercise of Maori option

*[Revoked]*

r 4

Schedule 1 form 4: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Form 5  
Roll revision and Maori option

*[Revoked]*

r 5

Schedule 1 form 5: revoked, on 18 March 2002, by regulation 7(5) of the Electoral Amendment Regulations 2002 (SR 2002/56).

Form 6  
Enrolment inquiry

*[Revoked]*

r 4A

Schedule 1 form 6: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

## Form 7

Request by Registrar of Electors for confirmation of elector's new place of residence

*[Revoked]*

r 4B

Schedule 1 form 7: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

## Form 8

Parliamentary electoral roll: Change of electorate by mentally incapable person

*[Revoked]*

r 8(a)

Schedule 1 form 8: revoked, on 18 March 2002, by regulation 7(5) of the Electoral Amendment Regulations 2002 (SR 2002/56).

## Form 9

Notification of death of person of or over the age of 17 years

*[Revoked]*

r 9

Schedule 1 form 9: revoked, on 18 March 2002, by regulation 7(5) of the Electoral Amendment Regulations 2002 (SR 2002/56).

## Form 10

Notification to Registrar of Electors of intended marriage

*[Revoked]*

r 10(1)

Schedule 1 form 10: revoked, on 18 March 2002, by regulation 7(5) of the Electoral Amendment Regulations 2002 (SR 2002/56).

## Form 11

Verification of particulars that may alter as a result of marriage

*[Revoked]*

r 10(2)

Schedule 1 form 11: revoked, on 18 March 2002, by regulation 7(5) of the Electoral Amendment Regulations 2002 (SR 2002/56).

## Form 12

Notification of change of name by deed poll

*[Revoked]*

r 11(1)

Schedule 1 form 12: revoked, on 18 March 2002, by regulation 7(5) of the Electoral Amendment Regulations 2002 (SR 2002/56).

Form 13  
Reminder to apply for registration  
*[Revoked]*

r 11(3)

Schedule 1 form 13: revoked, on 18 March 2002, by regulation 7(5) of the Electoral Amendment Regulations 2002 (SR 2002/56).

Form 14  
Special ballot paper for general election

rr 17(2), 21(1)(a), 43(2)(a), 55(1)(a)

OFFICIAL MARK

.....  
[Declaration Number]

## YOU HAVE 2 VOTES

PARTY VOTE		ELECTORATE VOTE																																																																														
<p style="text-align: center; font-size: small;"><i>Explanation</i></p> <p style="font-size: x-small;">This vote decides the share of seats which each of the parties listed below will have in Parliament. Vote by putting a tick in the circle immediately after the party you choose.</p>		<p style="text-align: center; font-size: small;"><i>Explanation</i></p> <p style="font-size: x-small;">This vote decides the candidate who will be elected Member of Parliament for the [insert name] ELECTORATE. Vote by putting a tick in the circle immediately before the candidate you choose.</p>																																																																														
Vote for only one party	Vote Here	Vote Here																																																																														
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**Final Directions**

1. If you spoil this ballot paper, return it to the officer who issued it and apply for a new ballot paper.
2. After voting, fold this ballot paper so that its contents cannot be seen and place it, together with any voting papers, in that portion of the envelope provided marked "BALLOT AND/OR VOTING PAPERS" and seal it.

**Notes\***

- 1 As to the insertion of names of political parties, see ss 150(6)(d), 150(10), and 151 of the Act.
  - 2 As to the insertion of the word "INDEPENDENT", see s 150(8) of the Act.
- \* Not to be printed as part of the form.

Schedule 1 form 14 heading: amended, on 1 June 2014, by regulation 23(1) of the Electoral Amendment Regulations 2014 (LI 2014/122).

Form 15  
Special ballot paper for by-election

rr 17(2)(b), 21(1)(b), 43(3)(a), 55(2)(a)



.....  
[Declaration Number]

**Election of member of Parliament for the [insert name]  
ELECTORATE**

*Directions*

Vote by putting a tick in the circle immediately before the name of the candidate you choose.



Vote for only one candidate

Vote Here

<input type="radio"/>	<b>ARNOLD, Kristeena Wendy Jane</b> LABOUR
<input type="radio"/>	<b>BABBINGTON, Santaana</b> NEW ZEALAND PARTY
<input type="radio"/>	<b>CAPSTEEN, Timothy John Albert</b> CITIZENS AGAINST POLITICAL PARTIES
<input type="radio"/>	<b>CHRISTENSEN, Cristopher</b> INDEPENDENT
<input type="radio"/>	<b>HIGGINSON, Florence Joan</b> McGILLICUDDY SERIOUS
<input type="radio"/>	<b>NIGHTINGALE, Kenneth</b> DEMOCRATS
<input type="radio"/>	<b>O'SULLIVAN, Samantha</b> NATIONAL
<input type="radio"/>	<b>PHILLIPS, Joshua</b> NEW LABOUR
<input type="radio"/>	<b>SEARANKE, John</b> MANA MOTUHAKE
<input type="radio"/>	<b>SHAW, Denis</b> IMPERIAL BRITISH CONSERVATIVE

*[Insert  
party  
logo (if  
registered)  
to the  
right of  
the name  
of the  
candidate.]*

*Final Directions*

1. If you spoil this ballot paper, return it to the officer who issued it and apply for a new ballot paper.
2. After voting, fold this ballot paper so that its contents cannot be seen and place it in that portion of the envelope provided marked "BALLOT AND/OR VOTING PAPERS" and seal it.

**Notes\***

- 1 As to the insertion of names of political parties, see ss 150(6)(d), 150(10), and 151 of the Act.
  - 2 As to the insertion of the word "INDEPENDENT", see s 150(8) of the Act.
- \* Not to be printed as part of the form.

Schedule 1 form 15 heading: amended, on 1 June 2014, by regulation 23(2) of the Electoral Amendment Regulations 2014 (LI 2014/122).

## Form 16

Declaration by voter before polling day where voter is on printed roll for that electorate

*[Revoked]*

rr 21(5)(a)(i), 25(1A)

Schedule 1 form 16: revoked, on 1 January 2011, by section 42(8) of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137).

## Form 17

Declaration by special voter where voter is present at issuing office or polling place or by tangata whenua voter

*[Revoked]*

rr 21(5)(a)(i), 22(3), 25(1A)

Schedule 1 form 17: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

## Form 18

Declaration by special voter where voter is not present at issuing office or polling place

*[Revoked]*

rr 21(5)(a)(i), 25(2)

Schedule 1 form 18: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

## Form 19

Declaration by resident or former resident of Campbell Island or Raoul Island

*[Revoked]*

rr 21(5)(a)(i), 25(2), 35(2)(b), 55(1)(c),  
55(2)(b)

Schedule 1 form 19: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

## Form 20

Declaration by member of Defence Force applying to vote as a special voter

*[Revoked]*

rr 25(3), 43(2)(c), 43(3)(b), 45(2)(a),  
55(1)(c), 55(2)(b)

Schedule 1 form 20: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Form 21

Declaration by special voter who is overseas or on fishing vessel

*[Revoked]*

rr 25(3), 43(2)(c), 43(3)(b), 45(2)(b),  
55(1)(c), 55(2)(b)

Schedule 1 form 21: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Form 22

Consent by elector to special vote being forwarded electronically or by  
facsimile to Electoral Commission

*[Revoked]*

rr 56(3), 59(2), 61

Schedule 1 form 22: revoked, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Form 23

Consent by elector to special vote being radioed to Chief Electoral Officer

*[Revoked]*

rr 56, 57, 60

Schedule 1 form 23: revoked, on 16 May 2002, by regulation 33(3) of the Electoral Amendment Regulations (No 2) 2002 (SR 2002/96).

## Schedule 2

### Regulations revoked

r 70

**Electoral Regulations 1993 (SR 1993/142)**

**Electoral Regulations 1993, Amendment No 1 (SR 1993/269)**

**Electoral Regulations 1993, Amendment No 2 (SR 1993/393)**

**Electoral Regulations 1993, Amendment No 3 (SR 1994/151)**

**Electoral Regulations 1993, Amendment No 4 (SR 1996/11)**

## Schedule 3

### Temporary provisions

r 42A

Schedule 3: inserted, on 31 July 2020, by regulation 5 of the Electoral Amendment Regulations (No 2) 2020 (LI 2020/166).

#### 1 Application for special vote

An application for a special vote may be made—

- (a) in person by the elector; or
- (b) by a written application—
  - (i) signed by the elector; or
  - (ii) signed on behalf of the elector under an authority signed by the elector; or
- (c) in any other manner approved by the Electoral Commission (for example, by telephone).

Schedule 3 clause 1: inserted, on 31 July 2020, by regulation 5 of the Electoral Amendment Regulations (No 2) 2020 (LI 2020/166).

#### 2 Declaration by special voter

- (1) Every person who makes a declaration as a special voter under this clause or Part 3 must indicate in the declaration the ground or grounds on which the person is claiming a special vote.
- (2) A declaration must be in a form approved by the Electoral Commission and witnessed by a qualified witness.
- (3) A **qualified witness** is a person who—
  - (a) is authorised to take statutory declarations under the Oaths and Declarations Act 1957; or
  - (b) is registered as an elector of an electoral district; or

- (c) is approved by a Returning Officer to witness a declaration; or
  - (d) is a relative of the declarant; or
  - (e) is a member of the declarant's household.
- (4) However, a declaration that is made by a person as a special voter in New Zealand need not be witnessed if—
- (a) the declarant is making the declaration in a place other than—
    - (i) a polling place; or
    - (ii) a hospital, a maternity home, or an institution referred to in regulation 19(4); or
    - (iii) a prison; or
    - (iv) a place of isolation or quarantine at which they are required to remain by—
      - (A) an order made under section 11(1) of the COVID-19 Public Health Response Act 2020; or
      - (B) a medical officer of health under the Health Act 1956; and
  - (b) the declarant has satisfied the Electoral Commission that because of the declarant's circumstances it is not reasonable to require that their declaration be witnessed by a qualified witness.

Schedule 3 clause 2: inserted, on 31 July 2020, by regulation 5 of the Electoral Amendment Regulations (No 2) 2020 (LI 2020/166).

### **3 Voting by special voter**

- (1) The vote of an elector voting as a special voter must be exercised—
  - (a) in the manner prescribed by this clause; or
  - (b) in accordance with any arrangements made by the Electoral Commission.
- (2) If the elector applies in person for a special vote, the Issuing Officer must, after the elector has made the declaration,—
  - (a) place the declaration in the compartment of the envelope marked "Declaration"; and
  - (b) seal that compartment and hand to the elector—
    - (i) the envelope; and
    - (ii) a special ballot paper; and
    - (iii) any voting papers issued under any enactment.
- (3) If the elector does not apply in person for a special vote, the elector must, after making the declaration, place the declaration in the compartment of the envelope marked "Declaration".
- (4) When the declaration has been dealt with as required by subclause (2) or (3), the elector must then alone and secretly—

- (a) mark the party vote portion of the ballot paper with a tick within the circle immediately after the name of the party for which the elector wishes to vote; and
  - (b) mark the electorate vote portion of the ballot paper with a tick within the circle immediately before the name of the constituency candidate for whom the elector wishes to vote; and
  - (c) mark any voting paper in accordance with the instructions on that voting paper.
- (5) The ballot paper and any voting papers must then be placed in the compartment of the envelope marked “BALLOT AND/OR VOTING PAPERS” and the compartment sealed.
- (6) If an elector exercises a special vote in a polling place, the envelope must be deposited as an Issuing Officer directs either in the ballot box or in a receptacle specially provided for the votes of special voters, and every envelope is deemed to have been received by the Issuing Officer for that polling place at the time it was deposited.
- (7) If any elector exercises a special vote other than in a polling place, the elector may arrange for the envelope to be delivered to a Returning Officer or an Issuing Officer—
  - (a) by hand; or
  - (b) by post.
- (8) An envelope delivered by hand under subclause (7)(a) must be received before the close of the poll.
- (9) An envelope delivered by post under subclause (7)(b) must be received—
  - (a) on or before polling day; or
  - (b) no later than noon on the fourth day following polling day if postmarked or date-stamped by any New Zealand Post outlet or agency before polling day.
- (10) An elector may vote in accordance with subclause (11) or (12) if the elector—
  - (a) is wholly or partially blind; or
  - (b) is unable to read or write; or
  - (c) has severe difficulty in reading or writing; or
  - (d) is not sufficiently familiar with the English language to vote without assistance.
- (11) If an elector to whom subclause (10) applies votes at a polling place, section 170 of the Act applies with any necessary modifications.
- (12) If an elector to whom subclause (10) applies does not vote at a polling place, the person who witnessed the elector’s declaration must or, if the elector’s dec-

laration was not required to be witnessed, any person who is qualified to witness a declaration may—

- (a) assist the elector to mark the ballot paper and any voting papers; or
- (b) mark the ballot paper and any voting papers as instructed by the elector.

Schedule 3 clause 3: inserted, on 31 July 2020, by regulation 5 of the Electoral Amendment Regulations (No 2) 2020 (LI 2020/166).

#### **4 Allowance or disallowance of votes by Returning Officer**

- (1) If the words “Not qualified” are shown on a declaration, the Returning Officer must disallow the vote of the elector named in the declaration form.
- (2) If the words “Party vote qualified” are shown on a declaration, the Returning Officer must allow the party vote, but disallow the electorate vote, of the elector named in the declaration form unless the Returning Officer is required to disallow the party vote in accordance with subclause (4), (5), or (6).
- (3) If the word “Qualified” is shown on a declaration, the Returning Officer must allow the vote of the elector named in the declaration form unless the Returning Officer is required to disallow the vote in accordance with subclause (4), (5), or (6).
- (4) If a declaration referred to in subclause (2) or (3) does not indicate the ground or grounds on which a special vote is claimed, the Returning Officer must disallow the vote of the elector named in the declaration form, unless—
  - (a) the elector’s name does not appear on the main roll or any supplementary roll for the district or has been wrongly deleted from any such roll; or
  - (b) the official mark of the Issuing Officer witnessing the declaration and the date shown on the declaration indicate that the declaration was made on polling day outside the electoral district.
- (5) If a declaration referred to in subclause (2) or (3) is not signed by the elector named in the declaration form, the Returning Officer must disallow the vote of the elector.
- (6) If the declaration referred to in subclause (2) or (3) is required to be witnessed but the declaration form has not been signed by a person who is qualified to witness a declaration, the Returning Officer must disallow the vote unless satisfied that the declaration was made in the presence of a qualified witness.
- (7) If the Returning Officer disallows a vote under this clause, the Returning Officer must endorse on the envelope and on the declaration form the words “Disallowed, not qualified”, or on the declaration the words “Disallowed, declaration not in order”.
- (8) The Returning Officer must not disallow the vote of an elector on the ground that the elector has failed to show their date of birth or former names in a declaration (being a declaration of the kind referred to in subclause (3)).

Schedule 3 clause 4: inserted, on 31 July 2020, by regulation 5 of the Electoral Amendment Regulations (No 2) 2020 (LI 2020/166).

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 9 May 1996.

## Reprints notes

### 1 *General*

This is a reprint of the Electoral Regulations 1996 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Electoral Amendment Regulations (No 4) 2020 (LI 2020/244)  
Electoral Amendment Regulations (No 3) 2020 (LI 2020/227)  
Electoral Amendment Regulations (No 2) 2020 (LI 2020/166)  
Electoral Amendment Regulations 2020 (LI 2020/122)  
Electoral Amendment Act 2020 (2020 No 2): sections 19–25  
Electoral Amendment Regulations 2017 (LI 2017/83)  
Electoral Amendment Act 2017 (2017 No 9): section 114  
Electoral Amendment Regulations 2014 (LI 2014/122)  
Electoral Amendment Act 2014 (2014 No 8): sections 52–55  
Electoral Amendment Regulations 2013 (SR 2013/41)  
Criminal Procedure Act 2011 (2011 No 81): section 413  
Electoral (Fees) Amendment Regulations 2011 (SR 2011/161)  
Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137): section 42  
Electoral (Administration) Amendment Act 2010 (2010 No 26): section 32(1)(c), (2)(c)  
Court Martial Act 2007 (2007 No 101): section 87  
Electoral Amendment Regulations 2007 (SR 2007/260)  
Electoral Amendment Regulations (No 2) 2002 (SR 2002/96)  
Electoral Amendment Regulations 2002 (SR 2002/56)