

**Reprint
as at 1 July 2012**



**Referenda (Postal Voting)
Regulations 2009**
(SR 2009/159)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 2nd day of June 2009

Present:
His Excellency the Governor-General in Council

Pursuant to section 80(1) of the Referenda (Postal Voting) Act 2000, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Justice.

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Regulations

- 1 Title**
These regulations are the Referenda (Postal Voting) Regulations 2009.
- 2 Commencement**
These regulations come into force on 2 July 2009.
- 3 Interpretation**
In these regulations, **Act** means the Referenda (Postal Voting) Act 2000.
- 4 Application for replacement voting paper**
- (1) An application by an elector under section 34(1) of the Act for a replacement voting paper may be made orally or in writing, including, without limitation, by fax, email, or other electronic means, and must state—
- (a) the elector’s full name;
 - (b) the elector’s date of birth;
 - (c) the elector’s current postal address.
- (2) The elector may also be requested to state—
- (a) the elector’s occupation (if any);
 - (b) the address shown against the elector’s name on the referendum roll (if the elector knows that address);
 - (c) a daytime contact telephone number (if available) and an evening contact telephone number (if available).

5 Application to have voting paper faxed

- (1) An application by an elector under section 35(1) of the Act to have the voting paper faxed to the elector may be made orally or in writing, including, without limitation, by fax, email, or other electronic means, and must state—
 - (a) the elector’s full name:
 - (b) the circumstances of the elector, in sufficient detail to enable the Returning Officer to assess the elector’s eligibility to have the voting paper faxed to the elector:
 - (c) the elector’s date of birth:
 - (d) the fax number to which the voting paper for the elector is to be faxed:
 - (e) a daytime contact telephone number (if available) and an evening contact telephone number (if available).
- (2) The elector may also be requested to state—
 - (a) the elector’s occupation (if any):
 - (b) the address shown against the elector’s name on the referendum roll (if the elector knows that address).

6 Application to have relevant parts of voting paper dictated

- (1) An application by an elector under section 35(2) of the Act to have the relevant parts of the voting paper dictated to the elector may be made orally or in writing, including, without limitation, by email or other electronic means, and must state—
 - (a) the elector’s full name:
 - (b) the circumstances of the elector, in sufficient detail to enable the Returning Officer to assess the elector’s eligibility to have the relevant parts of the voting paper dictated to the elector:
 - (c) the elector’s date of birth:
 - (d) a telephone number or other number that can be used to dictate the relevant parts of the voting paper to the elector:
 - (e) a daytime contact telephone number (if available) and an evening contact telephone number (if available).
- (2) The elector may also be requested to state—
 - (a) the elector’s occupation (if any):

- (b) the address shown against the elector's name on the referendum roll (if the elector knows that address).

7 Dictating vote to Returning Officer

- (1) If an elector who is entitled to vote by dictating his or her vote to the Returning Officer indicates to the Returning Officer that he or she wishes to vote in that way, the Returning Officer must receive the elector's dictation in an area where no one other than the Returning Officer is present or within hearing range.
- (2) If under section 38(4) of the Act the Returning Officer has marked a voting paper in accordance with the elector's instructions, the Returning Officer must endorse on the back of the voting paper the words "Produced by dictation under section 38(4) of the Act", and must sign and date the endorsement.

8 Declaration as to erasure of electoral information

The declaration required to be made by section 27(2)(b) of the Act must be in form 1 of the Schedule.

9 Notice of opposition to application

A notice of intention to oppose an application or applications under section 53(1) of the Act must be in form 2 of the Schedule.

Schedule

rr 8, 9

Forms

Form 1

r 8

**Declaration by person who had copy of
referendum roll or supplementary roll**

To the Electoral Commission

I, [*name, residence, occupation*], solemnly and sincerely declare—

- (a) that I had a copy of [*specify “the referendum roll” or “the referendum roll and the supplementary referendum roll”*] for the purposes of the conduct of the referendum held on [*date*] on [*describe proposal or question*]; and
- (b) that I have fully complied with my obligations under section 27(2) of the Referenda (Postal Voting) Act 2000 by—
 - *(i) erasing from any electronic storage medium held by me:
 - *(ii) deleting from any electronic system used by me:any copy of the whole or any part of [*specify “the referendum roll” or “the referendum roll and the supplementary referendum roll”*] and any mark made under any of sections 26(6), 34(3)(b), 35(5), or 42(2)(b) of the Act.

*Select the paragraph(s) that apply.

Signature:

Declared at [*place, date*]

Before me: [*name, signature*]

(Justice of the Peace/solicitor/Returning Officer*)

*Select one.

Schedule form 1: amended, on 1 July 2012, by section 64(2) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Form 2

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Notice of opposition to inquiry into result of
referendum

In the High Court of New Zealand

No:

Wellington Registry

In the matter of a referendum held on [date] on [describe proposal
or question]**Respondent**

- 1 The respondent is a group of [number in group] electors who intend to oppose the application or applications [describe application or applications] for an inquiry into the result of the referendum.
- 2 The name, address, electoral district, and signature of each member of the group is set out in the appendix to this application.
- 3 The spokesperson for the group is [name, address of spokesperson].
- 4 The respondent acts—
 - *(a) through a solicitor, who is [name, address of solicitor];
or
 - *(b) through its spokesperson, who is [name, address of spokesperson].

*Select one.

Address for service

The respondent's address for service is [address].

Signature

Signature:

(spokesperson for respondent/person on behalf of spokesperson for respondent*)

*Select one.

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1 July 2012

Referenda (Postal Voting) Regulations 2009

Form 2—*continued*

Appendix
Members of respondent group

Name	Address	Electoral district	Signature
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Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 4 June 2009.

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 - 2 Status of reprints
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Notes

1 *General*

This is a reprint of the Referenda (Postal Voting) Regulations 2009. The reprint incorporates all the amendments to the regulations as at 1 July 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Electoral (Administration) Amendment Act 2011 (2011 No 57): section 64
