Version
as at 6 June 2026

Local Electoral Act 2001

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Date of assent	29 May 2001
Commencement	see section 2

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Note

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

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

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1 Title

This Act is the Local Electoral Act 2001.

2 Commencement

(1) This Act comes into force on a date to be appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made appointing different dates for different provisions.

(2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1): Local Electoral Act 2001 (except section 135) brought into force, on 1 July 2001, by clause 2 of the Local Electoral Act Commencement Order 2001 (SR 2001/144).

Section 2(1): section 135 brought into force, on 25 December 2002, by section 42(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 2(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3 Purpose

The purpose of this Act is to modernise the law governing the conduct of local elections and polls and, in doing this, to—

(a) provide sufficient flexibility in the law to readily accommodate new technologies and processes as they are developed (through the use of regulations to prescribe matters of detail that will be the subject of future change); and

(b) adopt uniform rules in relation to—

(i) the timing of local elections; and

(ii) the right of individuals to vote, stand for election, and nominate candidates for election; and

(iii) the appointment, powers, and duties of electoral officers and other electoral officials; and

(iv) the compilation of electoral rolls; and

(v) the procedures to be adopted for the conduct of elections and polls; and

(vi) offences against this Act and penalties for those offences; and

(vii) disputed elections; and

(viii) electoral expenses; and

(ix) extraordinary vacancies; and

(c) allow diversity (through local decision-making) in relation to—

(i) the particular electoral system to be used for local elections and polls; and

(ia) the regular review of representation arrangements for local authorities; and

(ii) the particular voting method to be used for local elections and polls; and

(d) implement the principles set out in section 4.

Section 3(c)(ia): inserted, on 25 December 2002, by section 3 of the Local Electoral Amendment Act 2002 (2002 No 85).

4 Principles

(1) The principles that this Act is designed to implement are the following:

(aa) representative and substantial electoral participation in local elections and polls:

(a) fair and effective representation for individuals and communities:

(b) all qualified persons have a reasonable and equal opportunity to—

(i) cast an informed vote:

(ii) nominate 1 or more candidates:

(iii) accept nomination as a candidate:

(c) public confidence in, and public understanding of, local electoral processes through—

(i) the provision of a regular election cycle:

(ii) the provision of elections that are managed independently from the elected body:

(iii) protection of the freedom of choice of voters and the secrecy of the vote:

(iv) the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:

(v) the provision of impartial mechanisms for resolving disputed elections and polls.

(2) Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.

(3) This section does not override any other provision in this Act or any other enactment.

Section 4(1)(aa): inserted, on 21 March 2019, by section 9 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Part 1
Preliminary provisions

5 Interpretation

(1) In this Act, unless the context otherwise requires,—

allotment has the meaning given by section 218(2) of the Resource Management Act 1991

assessment date means a date after the last periodic census on which the Government Statistician assessed the number of persons

candidate—

(a) means a person who has been nominated as a candidate in any election; and

(b) includes, in Parts 5 and 5A, a person who has declared his or her intention of becoming a candidate

census means the census of population and dwellings carried out by Statistics New Zealand under the Data and Statistics Act 2022

close of nominations, in relation to any election, means 12 noon on nomination day

close of voting, in relation to any election or poll, means,—

(a) if booth voting is the method of voting used at the election or poll, 7 pm on polling day:

(b) if postal voting is the method of voting used at the election or poll, 12 noon on polling day:

(c) if any other method of voting is used at the election or poll, the prescribed time and day at which the period during which an elector may cast a vote at an election or poll ends

Commission means the Local Government Commission continued by section 37V of the Local Government Act 1974 or section 28 of the Local Government Act 2002

community has the same meaning as in section 5(1) of the Local Government Act 2002

community board has the same meaning as in section 5(1) of the Local Government Act 2002

constituency means a constituency established under this Act and resulting from the division, for electoral purposes, of a region

counting program is a computer application program used to implement the New Zealand method of counting single transferable votes that must operate within a particular operating environment

district means the district of a local authority; and includes a region

dormant roll means a dormant roll referred to in section 109 of the Electoral Act 1993

election means election to any office in, under, or in connection with any local authority, local board, community board, or other body required by law to be filled by the election of the electors of any local government area

elector means any person entitled under any law for the time being in force to vote at an election or poll, as the case may be, held under this Act

Electoral Commission means the Electoral Commission established by section 4B of the Electoral Act 1993

electoral officer means a person appointed under section 12(1); and includes any person for the time being exercising all or any of the duties and powers of that person

electoral official means an electoral officer, a deputy electoral officer, and any person authorised to exercise any power or perform any duty of an electoral officer under section 12(2)

electoral system means any of the following electoral systems that are prescribed for use at an election or poll:

(a) the system commonly known as First Past the Post:

(b) the system commonly known as Single Transferable Voting (STV) using the New Zealand method of counting single transferable votes

electronic includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic

estimated general electoral population means the estimated total ordinarily resident population as at the assessment date with the exception of the estimated Māori electoral population

estimated Māori electoral population means an estimated figure representing both the persons registered as electors of the Māori electoral districts and a proportion of Māori persons who are not registered as electors of any electoral district and a proportion of Māori persons under the age of 18 years, which figure must be fixed—

(a) by ascertaining a proportion determined by dividing—

(i) the total number of persons, on the assessment date,—

(A) registered as electors of Māori electoral districts; or

(B) named on the dormant rolls for Māori electoral districts; by

(ii) the total number of Māori persons, on the assessment date,—

(A) registered as electors of Māori electoral districts or General electoral districts; or

(B) named on the dormant rolls for Māori electoral districts or General electoral districts; and

(b) by applying the proportion ascertained under paragraph (a) to the total number of ordinarily resident Māori persons on the assessment date

extraordinary vacancy means a vacancy occurring in any elective office except for the purpose of any triennial or other general election

First Past the Post means the electoral system that is described generally in section 5A

general constituency, in relation to a region, means every constituency of the region that is not a Māori constituency

General electoral district has the meaning given in section 3(1) of the Electoral Act 1993

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

general ward, in relation to the district of a territorial authority, means every ward of the district that is not a Māori ward

local authority means a territorial authority or regional council; and also includes any other elected or partly-elected body (other than a local board or a community board) to which this Act, or any of its predecessors, is applied or has been made to apply by any other enactment

local board has the same meaning as in section 5(1) of the Local Government Act 2002

local board area has the same meaning as in section 5(1) of the Local Government Act 2002

local government area means the area comprised within the jurisdiction of a local authority; and includes a subdivision of that area

Māori has the meaning given in section 3(1) of the Electoral Act 1993

Māori constituency means a Māori constituency created in accordance with Schedule 1A

Māori electoral district has the same meaning as in section 3(1) of the Electoral Act 1993

Māori electoral population means a figure representing both the persons registered as electors of the Māori electoral districts and a proportion of Māori

persons who are not registered as electors of any electoral district and a proportion of Māori persons under the age of 18 years, which figure must be fixed—

(a) by ascertaining a proportion determined by dividing—

(i) the total number of persons, on census day, either—

(A) registered as electors of Māori electoral districts; or

(B) named on the dormant rolls for Māori electoral districts; by

(ii) the total number of Māori persons, on census day, either—

(A) registered as electors of Māori electoral districts or General electoral districts; or

(B) named on the dormant rolls for Māori electoral districts or General electoral districts; and

(b) by applying the proportion ascertained under paragraph (a) to the total number of ordinarily resident Māori persons on census day

Māori ward means a Māori ward created in accordance with Schedule 1A

member of a local authority, in relation to a local authority, includes the mayor

Minister means the Minister of Local Government

New Zealand method of counting single transferable votes means the method of counting votes described in Schedule 1A of the Local Electoral Regulations 2001

nomination day means the 71st day before polling day

official document includes any facsimile, electronic document, or electronic message created or transmitted by or to an electoral officer or other electoral official under this Act or regulations made under this Act

official place means any place at which there are provided, for the time being, opportunities or facilities for members of the public to—

(a) vote; or

(b) apply for an ordinary or special vote; or

(c) inspect the electoral roll; or

(d) apply for enrolment or for amendment of the electoral roll; or

(e) lodge nominations of candidates for an election

on census day, in relation to a number or information, means that number or information as determined by the last periodic census

poll means the submission to the vote of electors for decision of a proposal or the provision of opinion on a proposal or other matter, other than an election, that is required to be submitted under this Act or any other Act to which this Act, or any of its predecessors, is applied or has been made to apply

polling day means the day on which the voting period for an election or poll ends

region has the same meaning as in section 5(1) of the Local Government Act 2002

regional council has the same meaning as in section 5(1) of the Local Government Act 2002

roll or **roll of electors**, in relation to any local authority, means any list or roll made in a manner provided by law that contains the names of the persons entitled to vote at an election or poll

Single Transferable Voting means the electoral system described generally in section 5B

subdivision means a ward of a district of a territorial authority, a constituency of a region, a subdivision of a local board area or community, or any other division of a local government area for electoral purposes or for the purposes of any poll

territorial authority has the same meaning as in section 5(1) of the Local Government Act 2002; but does not include the Minister of the Crown who is responsible for the administration of that Act

unitary authority has the meaning given in section 5(1) of the Local Government Act 2002

voting document includes, if appropriate provision for electronic voting is made in regulations under this Act,—

(a) an electronic document or electronic message that is designed to enable a voter to record his or her vote at an election or poll and transmit it electronically for counting; and

(b) any copy of that document or message (with or without the voter's vote recorded); and

(c) any record of that document or message with the voter's vote recorded

voting method means any of the following methods of voting that are prescribed for use at an election or poll:

(a) the method of voting commonly known as booth voting:

(b) the method of voting commonly known as postal voting:

(c) any form of electronic voting:

(d) any method of voting involving a combination of or choice between more than 1 of the methods of voting referred to in paragraphs (a) to (c):

(e) any other method of voting (however described)

voting period, in relation to an election or poll, means—

(a) if booth voting is the method of voting used at the election or poll, the period between 9 am and 7 pm on polling day and any earlier prescribed period:

(b) if postal voting is the method of voting used at the election or poll, the period of 32 and a half days ending with 12 noon on polling day:

(c) if any other method of voting is used at the election or poll, the prescribed period during which an elector may cast a vote at the election or poll

ward means a ward established under this Act and resulting from the division, for electoral purposes, of the district of a territorial authority.

(2) In this Act, every reference to the electoral officer is, unless the context otherwise requires, a reference to the electoral officer responsible for the conduct or undertaking of the election or poll or other thing to which the reference relates.

(3) In this Act, every reference to an election on a specified date or day is, unless the context otherwise requires, a reference to an election, the polling day for which is on that date or day.

Compare: 1976 No 144 s 2

Section 5(1) **allotment**: inserted, on 29 June 2013, by section 4(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 5(1) **allotment**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 5(1) **anonymous**: repealed, on 29 June 2013, by section 4(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 5(1) **assessment date**: inserted, on 31 August 2023, by section 4(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 5(1) **candidate**: inserted, on 29 June 2013, by section 4(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 5(1) **census**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **census**: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 5(1) **Chief Registrar of Electors**: repealed, on 1 July 2012, by section 58(2) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 5(1) **Commission**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **community**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 5(1) **community board**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 5(1) **constituency**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **counting program**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **district**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 5(1) **dormant roll**: inserted, on 31 March 2023, by section 14(1) of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

Section 5(1) **election**: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **Electoral Commission**: inserted, on 1 July 2012, by section 58(3) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 5(1) **electoral system** paragraph (b): amended, on 25 December 2002, by section 4(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **estimated general electoral population**: inserted, on 31 August 2023, by section 4(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 5(1) **estimated Māori electoral population**: inserted, on 31 August 2023, by section 4(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 5(1) **First Past the Post**: inserted, on 7 July 2004, by section 3(1) of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 5(1) **general constituency**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **General electoral district**: inserted, on 31 March 2023, by section 14(1) of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

Section 5(1) **general electoral population**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **general ward**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **local authority**: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **local board**: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **local board area**: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **Māori**: inserted, on 31 March 2023, by section 14(1) of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

Section 5(1) **Māori constituency**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **Māori electoral district**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **Māori electoral population**: replaced, on 31 March 2023, by section 14(2) of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

Section 5(1) **Māori ward**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **Meek's method of counting votes**: repealed, on 25 December 2002, by section 4(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **New Zealand method of counting single transferable votes**: inserted, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 5(1) **New Zealand method of counting single transferable votes**: amended, on 7 July 2004, by section 3(2) of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 5(1) **nomination day**: amended, on 1 April 2025, by section 4(1) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 5(1) **on census day**: inserted, on 31 March 2023, by section 14(1) of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

Section 5(1) **region**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 5(1) **regional council**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 5(1) **Registrar of Electors**: repealed, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Section 5(1) **Single Transferable Voting**: inserted, on 7 July 2004, by section 3(3) of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 5(1) **subdivision**: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **territorial authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 5(1) **unitary authority**: inserted, on 31 August 2023, by section 4(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 5(1) **voting method** paragraph (d): amended, on 9 April 2019, by section 4 of the Local Electoral Matters Act 2019 (2019 No 7).

Section 5(1) **voting period** paragraph (b): amended, on 1 April 2025, by section 4(2) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 5(1) **ward**: added, on 25 December 2002, by section 4(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

5AA Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Section 5AA: inserted, on 2 March 2021, by section 4 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

5AA Temporary definition of public notice as result of outbreak of COVID-19

[Repealed]

Section 5AA: repealed, on 1 November 2020, by section 5AA(4).

5A General description of First Past the Post electoral system

For local electoral purposes, the First Past the Post electoral system,—

(a) in the case of an election, has the following features:

(i) voters may cast as many votes as there are positions to be filled:

(ii) where a single position is to be filled, the candidate who receives the highest number of votes is elected:

(iii) where more than 1 position is to be filled, the candidates equal to the number of positions who receive the highest number of votes are elected:

(b) in the case of a poll, has the features specified in paragraph (a) as if, with all necessary modifications, every reference to a candidate were a reference to the matter or matters that are the subject of the poll.

Section 5A: inserted, on 7 July 2004, by section 4 of the Local Electoral Amendment Act 2004 (2004 No 62).

5B General description of Single Transferable Voting electoral system

For local electoral purposes, the Single Transferable Voting electoral system,—

(a) in the case of an election for multi-member vacancies, has the following features:

(i) voters express a first preference for 1 candidate and may express second and further preferences for other candidates:

(ii) a quota for election is calculated from the number of votes and positions to be filled:

(iii) the first preferences are counted and any candidate whose first preference votes equal or exceed the quota is elected:

(iv) if insufficient candidates are elected under subparagraph (iii), the proportion of an elected candidate's votes above the quota is redistributed according to voters' further preferences, and—

(A) candidates who then reach the quota are elected; and

(B) the candidate with the fewest votes is excluded:

(v) the excluded candidate's votes are redistributed according to voters' further preferences:

(vi) if insufficient candidates are elected under subparagraphs (iv) and (v), the steps described in subparagraphs (iv) and (v) are repeated until all positions are filled:

(b) in the case of an election for a mayoral or single member vacancy, has the following features:

(i) voters express a first preference for 1 candidate and may express second and further preferences for other candidates:

(ii) an absolute majority of votes for election is calculated from the number of votes and positions to be filled:

(iii) the first preferences are counted and, if a candidate's first preference votes equal or exceed the absolute majority of votes, that candidate is elected:

(iv) if no candidate is elected under subparagraph (iii), the candidate with the fewest votes is excluded and that candidate's votes are redistributed according to voters' further preferences:

(v) if no candidate is elected under subparagraph (iv), the steps described in subparagraph (iv) are repeated until a candidate is elected:

(c) in the case of a poll, has the features specified in paragraphs (a) and (b) as if, with all necessary modifications, every reference to a candidate were a reference to the matter or matters that are the subject of the poll.

Section 5B: inserted, on 7 July 2004, by section 4 of the Local Electoral Amendment Act 2004 (2004 No 62).

6 Act binds Crown

This Act binds the Crown.

7 Application

This Act applies to—

(a) every election of the mayor of a territorial authority; and

(b) every election of 1 or more members of a territorial authority; and

(c) every election of 1 or more members of a regional council; and

(ca) every election of 1 or more members of a local board; and

(d) every election of 1 or more members of a community board; and

(e) every election of 1 or more members of a licensing trust; and

(f) *[Repealed]*

(g) any other election to which this Act, or its predecessors, is applied by any other Act, to the extent provided in that Act; and

(h) every poll required by any Act to be taken under this Act, or its predecessors; and

(i) any other election conducted as a consequence of a direction under section 8; and

(j) any referendum deemed to be a poll by section 9.

Section 7(ca): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 7(f): repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

8 Holding of other elections

(1) A local authority may direct the electoral officer to conduct an election (whether on behalf of some other person or body or otherwise) that is not required to be held under this or any other Act.

(2) More than 1 election may be conducted as a consequence of a direction under this section at the same time.

(3) An election conducted as a consequence of a direction under this section may be conducted in conjunction with any other election or poll, or separately.

(4) An election conducted as a consequence of a direction under this section is an election to which this Act applies.

(5) This section does not prevent a local authority from directing the conduct of an election otherwise than under this section on behalf of some other person or body, if that election is conducted separately from any other election or poll.

9 Holding of referendum

(1) A local authority may direct the electoral officer to conduct a referendum that is not required to be held under this or any other Act on—

(a) any matter relating to—

(i) the services that are provided or that may be provided by the local authority; or

(ii) any policy or intended policy of the local authority; or

(b) any proposal relating to—

(i) the current or future activities or objectives of the local authority; or

(ii) the current or future well-being of its local government area.

(2) The local authority—

(a) must determine whether the matter that is the subject of the referendum affects all or part of its local government area; and

(b) must direct the electoral officer to conduct the referendum for all or the appropriate electors of the local government area accordingly.

(3) More than 1 referendum may be conducted at the same time as a consequence of a direction under this section.

(4) A referendum may be conducted as a consequence of a direction under this section in conjunction with any other election or poll, or separately.

(5) A referendum conducted as a consequence of a direction under this section is a poll to which this Act applies.

(6) This section does not prevent a local authority from directing the conduct of a referendum otherwise than under this section on a matter or proposal referred to in subsection (1), if that referendum is conducted separately from any election or poll.

(7) The result of any referendum conducted as a consequence of a direction under this section is not binding on the local authority unless it resolves otherwise or any enactment provides otherwise.

Section 9(7): replaced, on 12 October 2025, by section 5 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

10 Triennial general election

(1) The next triennial general election of members of every local authority and community board is on 13 October 2001.

(2) A general election of members of every local authority, local board, or community board must be held on the second Saturday in October in every third year after the general election referred to in subsection (1).

Compare: 1976 No 144 s 4

Section 10(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

11 Triennial general election not necessary in certain cases

Despite section 10, if a general election of any local authority, local board, or community board is held within 12 months before the date of a triennial general election under that section, a triennial general election must not be held for that local authority, local board, or community board.

Compare: 1976 No 144 s 5

Section 11: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Officials

12 Electoral officer

(1) For every local authority there must at all times be an electoral officer appointed by the local authority to exercise the powers and carry out the duties conferred on the electoral officer by this Act and any other enactment, in relation to that local authority.

(2) The electoral officer may—

(a) delegate to any person or class of persons any power or duty under this Act or regulations made under this Act (except this power of delegation):

(b) appoint or engage any person or class of persons for the purposes of carrying out any of those powers or duties.

(3) An electoral officer, unless he or she dies, resigns, is dismissed from office, or becomes incapable of acting, remains in office until his or her successor comes into office.

13 Deputy electoral officer

(1) Every electoral officer must appoint a deputy electoral officer.

(2) The deputy electoral officer must act as electoral officer if the electoral officer dies, resigns, is dismissed from office, or becomes incapable of acting, and must continue to act until—

(a) the electoral officer is again capable of acting; or

(b) a new electoral officer is appointed and comes into office.

(3) The deputy electoral officer has all the powers of the electoral officer and must carry out the duties of the electoral officer while the deputy is acting as the electoral officer.

14 Rules applying to electoral officers, deputy electoral officers, and other electoral officials

(1) An electoral officer, deputy electoral officer, or other electoral official is not subject to the directions of any local authority, local board, or community board in the exercise of powers or the carrying out of duties under this Act or regulations made under this Act.

(2) An electoral officer, deputy electoral officer, or other electoral official must not exercise any powers or carry out any duties under this Act or any regulations made under this Act unless he or she has made a declaration containing the prescribed details and the declaration is current.

(2A) A declaration made under subsection (2) must be witnessed as follows:

(a) in the case of a declaration by an electoral officer or a deputy electoral officer, by a person authorised under section 9 or 11 of the Oaths and Declarations Act 1957 to take declarations:

(b) in the case of a declaration by an electoral official, by any of the following:

(i) an electoral officer:

(ii) a deputy electoral officer:

(iii) a person authorised under section 9 or 11 of the Oaths and Declarations Act 1957 to take declarations.

(3) For the purposes of subsection (2), a declaration is current until,—

(a) in the case of a declaration made on or after 1 February in the year in which a triennial general election is to be held, the close of 31 January in the third year after the year in which the declaration is made:

(b) in the case of a declaration made at any other time, the close of 31 January in the year in which the next triennial general election is to be held.

(4) A person must not be appointed or act as electoral officer, deputy electoral officer, or other electoral official if that person is—

(a) a candidate in any election to be conducted; or

(b) a member of any local authority, local board, or community board for whom an election or poll is to be conducted.

(5) The chief executive of a local authority (however described) must not be appointed or act as an electoral officer, deputy electoral officer, or other electoral official, unless the local authority concerned is satisfied that no other course of action is reasonably practicable in the circumstances.

(6) Subsection (1) is subject to section 8(1) and section 9(1).

Section 14(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 14(2A): inserted, on 6 June 2026, by section 153 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

Section 14(4)(b): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 14(5): amended, on 25 December 2002, by section 5 of the Local Electoral Amendment Act 2002 (2002 No 85).

Duties of electoral officers

15 General duties of electoral officer

(1) An electoral officer is responsible for conducting every election or poll—

(a) falling within the description of the type of election or poll he or she was appointed to conduct; and

(b) to be held or taken within the local government area for which he or she was appointed to conduct elections and polls.

(2) An electoral officer is responsible, in accordance with the provisions of this Act and regulations made under this Act, for—

(a) the compilation and certification of electoral rolls:

(b) the publication of any public notice relating to elections and polls and the calling of nominations, required to be given:

(c) receiving nominations, candidate profile statements, and deposits required to be paid:

(d) issuing and receiving ordinary and special votes and other official documents:

(e) the processing and counting of votes:

(f) the declaration of results:

(g) receiving returns of electoral donations and expenses:

(h) investigating possible offences and reporting alleged offences to the Police.

(3) The electoral officer has all the powers and duties conferred on the electoral officer by this Act or any other enactment.

(4) Subsections (1) and (2) are subject to sections 16 to 19.

Section 15(2)(g): amended, on 29 June 2013, by section 5 of the Local Electoral Amendment Act 2013 (2013 No 40).

16 Conduct of elections and polls for territorial authorities, local boards, and community boards

Every election of 1 or more members of a territorial authority and its local boards and community boards (if any) or poll of electors of that territorial

authority or those local boards or community boards must be conducted by an electoral officer as provided in section 15.

Compare: 1976 No 144 s 5B(1)

Section 16 heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 16: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

17 Conduct of elections and polls for local authorities that are not territorial authorities

Every election of 1 or more members of a local authority that is not a territorial authority by the electors of a local government area or poll of those electors must be conducted by the electoral officer for the local authority as provided in section 15 and either section 18 or section 19.

18 Conduct of election or poll in conjunction with other election or poll

If section 17 applies, and the election of 1 or more members of a local authority that is not a territorial authority or a poll of the electors of that authority is to be conducted in conjunction with the election of 1 or more territorial authorities in the same local government area, for the purposes of the election of members of the local authority that is not a territorial authority or the poll of electors of that authority,—

(a) the electoral roll for the election or poll comprises the relevant part or parts of the electoral roll or rolls compiled by the electoral officer or officers of the territorial authority or authorities that are wholly or partly within the local government area of the local authority that is not a territorial authority and the relevant details of any other person qualified to vote at the election or poll; and

(b) it is not necessary for the electoral officer of the local authority that is not a territorial authority to compile and certify that electoral roll; and

(c) the electoral officer or officers of the territorial authority or authorities that are wholly or partly within the local government area of the local authority that is not a territorial authority are responsible for—

  (i) issuing and receiving ordinary and special votes and other official documents; and

  (ii) carrying out any power or duty delegated to that officer or officers under section 12(2)(a); or

  (iii) carrying out any power or duty that the officer or officers have been appointed or engaged to carry out under section 12(2)(b); and

(d) if any electors at the election or poll are in a local government area that is not within the district of a territorial authority, the duties referred to in paragraph (c) must, in respect of those electors, be carried out by one of

the electoral officers referred to in that paragraph appointed by the local authority for whom the election is held or poll is taken.

Section 18(c): substituted, on 7 July 2004, by section 5 of the Local Electoral Amendment Act 2004 (2004 No 62).

19 Conduct of separate election or poll

(1) If section 17 applies, but the election of 1 or more members of a local authority that is not a territorial authority or the poll of the electors of that authority is not to be conducted in conjunction with an election of members of any territorial authority or a poll of electors of that authority, the electoral officer of the local authority that is not a territorial authority may—

(a) carry out all duties required by section 15(2); or

(b) require the electoral officer or electoral officers of the territorial authorities wholly or partly within the local government area of the local authority that is not a territorial authority to take responsibility for carrying out any duty delegated to that person under section 12(2) by the electoral officer of the local authority for whom the election or poll is held or taken.

(2) If any of the electors at the election or poll are in a local government area that is not within the district of a territorial authority and subsection (1)(b) applies, the duties referred to in subsection (1)(b) must, in respect of those electors, be carried out by one of the electoral officers referred to in that paragraph, appointed by the local authority for whom the election is held or poll is taken.

Duties of programmers and certifiers

Heading: inserted, on 7 July 2004, by section 6 of the Local Electoral Amendment Act 2004 (2004 No 62).

19AA Duties of programmers

Every person responsible for the design of a counting program intended to implement the New Zealand method of counting single transferable votes must take all reasonable steps to ensure that the program produces outcomes that are consistent with the process specified in Schedule 1A of the Local Electoral Regulations 2001.

Section 19AA: inserted, on 7 July 2004, by section 6 of the Local Electoral Amendment Act 2004 (2004 No 62).

19AB Duties of certifiers

A counting program may not be used at an election or poll under this Act, for the purpose of implementing the New Zealand method of counting single transferable votes, unless a certifier appointed for the purpose by the Secretary for Local Government has first certified that the program produces outcomes that are consistent with the process specified in Schedule 1A of the Local Electoral Regulations 2001.

Section 19AB: inserted, on 7 July 2004, by section 6 of the Local Electoral Amendment Act 2004 (2004 No 62).

Part 1A
Representation arrangements for elections of territorial authorities, regional councils, local boards, and community boards

Part 1A: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Part 1A heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19A Membership of territorial authorities

Every governing body of a territorial authority is to consist of not fewer than 6 members nor more than 30 members, including the mayor, who are the members of the territorial authority.

Compare: 1974 No 66 s 101C

Section 19A: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19B Basis of election of mayor of territorial authority

(1) The mayor of a territorial authority is to be elected by the electors of the district as a whole.

(2) The election of the mayor is to be held at the same time as the general election of the other members of the territorial authority.

Section 19B: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19C Basis of election of members of territorial authority

(1) A district of a territorial authority may be divided into wards for electoral purposes.

(2) If a district is divided into wards, some of the members of the territorial authority may be elected by the electors of the district as a whole, but, in that case, the other members of the territorial authority must be elected by the electors of each ward of the district.

(3) Each ward must elect at least 1 member of the territorial authority.

(4) If a district is not divided into wards, the members of the territorial authority must be elected by the electors of the district as a whole.

(5) If a district is divided into wards, each member of the territorial authority representing a ward must be elected by the electors of that ward.

Compare: 1974 No 66 ss 101D(1), (3), 101E(1), (3), (4)

Section 19C: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19D Membership of regional councils

Every governing body of a regional council is to consist of not fewer than 6 members nor more than 14 members, who are the members of the regional council.

Compare: 1974 No 66 s 101CA

Section 19D: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19E Basis of election of members of regional council

(1) A region must be divided into constituencies for electoral purposes.

(2) The members of a regional council must be elected by the electors of each constituency of the region.

(3) The members of a regional council may not be elected partly by the electors of the region and partly by the electors of each constituency of the region.

(4) Each constituency must elect at least 1 member of the regional council.

(5) The members of the regional council representing the respective constituencies of the region must be elected by the electors of those constituencies respectively.

Compare: 1974 No 66 ss 101D(2), (3), 101E(1), (2)

Section 19E: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19EA Membership of local boards

(1) Every local board—

(a) must consist of not fewer than 5 members nor more than 12 members, including the chairperson; and

(b) must include at least 5 elected members; and

(c) may, if an Order in Council under section 25 of the Local Government Act 2002 so provides, include 1 or more appointed members.

(2) The maximum number of members appointed under subsection (1)(c) must be less than half the total number of members.

(3) The persons who are appointed under subsection (1)(c) as members of the local board must—

(a) be members of, and must be appointed by, the governing body for the district in which the local board area is situated; and

(b) be members of the governing body representing a ward that is wholly or predominantly within the local board area.

Section 19EA: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19EB Basis of election of chairperson of local board in certain circumstances

(1) This section applies if an Order in Council under section 25 of the Local Government Act 2002 provides that the chairperson of a local board is to be directly elected to that office.

(2) If this section applies, the chairperson of the local board is to be elected by the electors of the local board area as a whole.

(3) An election under subsection (2) is to be held at the same time as the general election of the other members of the local board.

Section 19EB: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19EC Basis of election of members of local board

(1) A local board area may be subdivided for electoral purposes.

(2) Each subdivision must elect at least 1 member of the local board.

(3) If a local board area comprises 2 or more whole wards, the elected members of the local board may be elected by the electors of each ward.

(4) If the local board area is not subdivided for electoral purposes, the members of the local board must, unless they are to be elected in accordance with subsection (3), be elected by the electors of the local board area as a whole.

(5) If a local board area is subdivided for electoral purposes or if the members of the local board are to be elected in accordance with subsection (3),—

(a) each member of the local board who represents a subdivision must be elected by the electors of that subdivision; and

(b) each member of the local board who represents a ward must be elected by the electors of that ward.

Section 19EC: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19F Membership of community boards

(1) Every community board—

(a) is to consist of not fewer than 4 members nor more than 12 members; and

(b) is to include at least 4 elected members; and

(c) may include appointed members.

(2) The number of appointed members is to be less than half the total number of members.

(3) The persons who are appointed under subsection (1)(c) as members of the community board must—

(a) be members of, and must be appointed by, the territorial authority for the district in respect of which the community is constituted; and

(b) if the territorial authority is divided into wards, also be members of the territorial authority representing a ward in which the community is situated.

Compare: 1974 No 66 s 101ZQ(1), (2), (5)

Section 19F: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19G Basis of election of members of community board

(1) The part of a district in respect of which a community is constituted may be subdivided for electoral purposes.

(2) Each subdivision must elect at least 1 member of the community board.

(3) If a community comprises 2 or more whole wards, the elected members of the community board may be elected by the electors of each ward.

(4) If the community is not subdivided for electoral purposes, the members of the community board must, unless they are to be elected in accordance with subsection (3), be elected by the electors of the community as a whole.

(5) If a community is subdivided for electoral purposes or if the members of the community board are to be elected in accordance with subsection (3),—

(a) each member of the community board who represents a subdivision must be elected by the electors of the subdivision; and

(b) each member of the community board who represents a ward must be elected by the electors of that ward.

Compare: 1974 No 66 s 101E(5)

Section 19G: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19H Review of representation arrangements for elections of territorial authorities

(1) A territorial authority must determine by resolution, and in accordance with this Part,—

(a) whether the members of the territorial authority (other than the mayor) are proposed to be elected—

(i) by the electors of the district as a whole; or

(ii) by the electors of 2 or more wards; or

(iii) in some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and

(b) in any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and

(c) in any case to which paragraph (a)(iii) applies,—

(i) the proposed number of members to be elected by the electors of the district as a whole; and

(ii) the proposed number of members to be elected by the wards of the district; and

(d) in any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—

(i) the proposed name and the proposed boundaries of each ward; and

(ii) the number of members proposed to be elected by the electors of each ward; and

(e) the proposed number of elected members of any local board and, if an Order in Council under section 25 of the Local Government Act 2002 so provides, the proposed number of appointed members of that board; and

(f) whether the elected members of any local board are proposed to be elected—

(i) by the electors of the local board area as a whole; or

(ii) by the electors of 2 or more subdivisions of the local board area; or

(iii) if the local board area comprises 2 or more wards, by the electors of each ward; and

(g) in any case to which paragraph (f)(ii) applies,—

(i) the proposed name and the proposed boundaries of each subdivision; and

(ii) the number of members proposed to be elected by the electors of each subdivision; and

(h) in any case to which paragraph (f)(iii) applies, the number of members of the local board proposed to be elected by the electors of each ward; and

(i) the proposed name of any local board.

(2) The determination required by subsection (1) must be made by a territorial authority,—

(a) on the first occasion, either in 2003 or in 2006; and

(b) subsequently, at least once in every period of 6 years after the year in which the first determination was made.

(2A) To avoid doubt, subsection (2) is subject to sections 19K(1AA) and 19M(1).

(3) This section must be read in conjunction with section 19ZH and Schedule 1A.

Compare: 1974 No 66 s 101H(1)

Section 19H: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19H(1)(d)(ii): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(e): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(f): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(g): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(h): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(i): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(2)(b): replaced, on 29 June 2013, by section 6(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19H(2A): inserted, on 29 June 2013, by section 6(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

19I Review of representation arrangements for elections of regional councils

(1) A regional council must determine by resolution, and in accordance with this Part,—

(a) the proposed number of constituencies; and

(b) the proposed name and the proposed boundaries of each constituency; and

(c) the number of members proposed to be elected by the electors of each constituency.

(2) The determination required by subsection (1) must be made by the regional council,—

(a) on the first occasion, either in 2003 or in 2006; and

(b) subsequently, at least once in every period of 6 years after the year in which the first determination was made.

(2A) To avoid doubt, subsection (2) is subject to sections 19K(1AA) and 19M(1).

(3) This section must be read in conjunction with section 19ZH and Schedule 1A.

Compare: 1974 No 66 s 101H(2)

Section 19I: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19I(2)(b): replaced, on 29 June 2013, by section 7(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19I(2A): inserted, on 29 June 2013, by section 7(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

19J Review of community boards

(1) A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities),—

(a) there should be communities and community boards; and

(b) if so resolved, the nature of any community and the structure of any community board.

(2) The resolution referred to in subsection (1) must, in particular, determine—

(a) whether 1 or more communities should be constituted:

(b) whether any community should be abolished or united with another community:

(c) whether the boundaries of a community should be altered:

(d) whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:

(e) whether the boundaries of any subdivision should be altered:

(f) the number of members of any community board:

(g) the number of members of a community board who should be elected and the number of members of a community board who should be appointed:

(h) whether the members of a community board who are proposed to be elected are to be elected—

(i) by the electors of the community as a whole; or

(ii) by the electors of 2 or more subdivisions; or

(iii) if the community comprises 2 or more whole wards, by the electors of each ward:

(i) in any case to which paragraph (h)(ii) applies,—

(i) the proposed name and the proposed boundaries of each subdivision; and

(ii) the number of members proposed to be elected by the electors of each subdivision.

(3) Nothing in this section limits the provisions of section 19F.

Compare: 1974 No 66 s 101ZR(3)

Section 19J: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19JAA Review of local board area boundaries by unitary authority

(1) A unitary authority may, when it passes a resolution under section 19H, determine by that resolution not only the matters referred to in that section but also new proposed boundaries of local board areas in the district of the unitary authority.

(2) In determining new proposed boundaries of local board areas, the unitary authority must ensure that—

(a) the population affected by the new proposed boundaries will not exceed the population transfer limit prescribed by regulations made under this Act; and

(b) the boundaries of the local board areas will—

(i) enable democratic local decision making by, and on behalf of, communities of interest throughout the district; and

(ii) enable equitable provision to be made for the current and future well-being of all communities of interest within the affected area; and

(c) the boundaries of local board areas coincide with boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and

(d) so far as is practicable, local board area boundaries coincide with ward boundaries.

(3) Regulations may—

(a) prescribe a population transfer limit by specifying a limit on the proportion of the population of an existing local board area that would, if the new proposed boundaries were to take effect,—

(i) cease to be included in the population of that local board area; or

(ii) be added to the population of that local board area:

(b) apply different population transfer limits in different circumstances:

(c) set out 1 or more methods by which the applicable population transfer limit is calculated.

(4) This section does not prevent a unitary authority from applying to the Local Government Commission for an alteration of the boundaries of local board areas as part of a local government reorganisation under the Local Government Act 2002 instead of determining new proposed boundaries of local board areas in accordance with this section.

Section 19JAA: inserted, on 31 August 2023, by section 11 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19JA Minor alterations to boundaries by territorial authority

(1) A territorial authority may, in accordance with this section, determine by resolution new proposed boundaries of wards, communities, or subdivisions of local board areas or communities of the district of the territorial authority.

(2) The territorial authority must be satisfied that,—

(a) since the existing boundaries of the wards, communities, or subdivisions of local board areas or communities took effect as the basis for election at the last triennial general election, there have been changes at or near those boundaries to the boundaries of 1 or more allotments; and

(b) the proposed boundaries of the wards, communities, or subdivisions constitute only minor alterations to the existing boundaries; and

(c) the minor alterations will maintain the effective representation of communities of interest affected by the changes to the boundaries of the allotments; and

(d) so far as is practicable, the proposed boundaries of the wards, communities, or subdivisions coincide with the boundaries of allotments; and

(e) so far as is practicable, ward boundaries coincide with community boundaries (if applicable).

(3) Every meeting at which the territorial authority deliberates on the proposals contained in the resolution must be open to the public, except as provided by Part 7 of the Local Government Official Information and Meetings Act 1987.

(4) The territorial authority must refer the resolution to the Commission, together with the information concerning the communities of interest and population of the district or local board area or community, and the proposed wards, communities, or subdivisions, that is held by the territorial authority and is necessary for the purposes of subsection (6).

(5) However, the territorial authority must not refer the resolution and information to the Commission after 15 January in the year of a triennial general election.

(6) On receiving the reference, the Commission must—

(a) consider the resolution and information forwarded to it; and

(b) determine whether to uphold the proposed boundaries of the wards, communities, or subdivisions.

(7) For the purposes of making its determination, the Commission may make any inquiries that it considers appropriate.

(8) The Commission may determine to uphold the proposed boundaries only if it is satisfied of the matters specified in subsection (2).

(9) The Commission must make its determination under subsection (6)(b) before 11 April in the year of the next triennial general election.

(10) Section 19S applies to the Commission's determination as if it were made under section 19R(1)(b), and section 19Y(3) to (6) apply with any necessary modifications.

(11) A territorial authority must not use this section if the territorial authority—

(a) is required to make a resolution under section 19H before the next triennial general election; or

(b) has, since the last triennial general election, made a resolution under section 19H; or

(c) has, since the last triennial general election, already made a resolution under this section that was upheld by the Commission under subsection (6)(b).

Section 19JA: inserted, on 29 June 2013, by section 8 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19JA(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19JA(2)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19JA(4): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19JB Minor alterations to boundaries by regional council

(1) A regional council may, in accordance with this section, determine by resolution new proposed boundaries of constituencies of the region of the regional council.

(2) The regional council must be satisfied that,—

(a) since the existing boundaries of the constituencies took effect as the basis for election at the last triennial general election, there have been changes at or near those boundaries to the boundaries of 1 or more allotments; and

(b) the proposed boundaries of the constituencies constitute only minor alterations to the existing boundaries; and

(c) the minor alterations will maintain the effective representation of communities of interest affected by the changes to the boundaries of the allotments; and

(d) so far as is practicable, the proposed boundaries of the constituencies coincide with the boundaries of allotments; and

(e) so far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts or the boundaries of wards.

(3) Every meeting at which the regional council deliberates on the proposals contained in the resolution must be open to the public, except as provided by Part 7 of the Local Government Official Information and Meetings Act 1987.

(4) The regional council must refer the resolution to the Commission, together with the information concerning the communities of interest and population of the region, and the proposed constituencies, that is held by the regional council and is necessary for the purposes of subsection (6).

(5) However, the regional council must not refer the resolution and information to the Commission after 15 January in the year of a triennial general election.

(6) On receiving the reference, the Commission must—

(a) consider the resolution and information forwarded to it; and

(b) determine whether to uphold the proposed boundaries of the constituencies.

(7) For the purposes of making its determination, the Commission may make any inquiries that it considers appropriate.

(8) The Commission may determine to uphold the proposed boundaries only if it is satisfied of the matters specified in subsection (2).

(9) The Commission must make its determination under subsection (6)(b) before 11 April in the year of the next triennial general election.

(10) Section 19S applies to the Commission's determination as if it were made under section 19R(1)(b), and section 19Y(3) to (6) apply with any necessary modifications.

(11) A regional council must not use this section if the regional council—

(a) is required to make a resolution under section 19I before the next triennial general election; or

(b) has, since the last triennial general election, made a resolution under section 19I; or

(c) has, since the last triennial general election, already made a resolution under this section that was upheld by the Commission under subsection (6)(b).

Section 19JB: inserted, on 29 June 2013, by section 8 of the Local Electoral Amendment Act 2013 (2013 No 40).

19K Requirements for resolution

(1AA) A resolution under section 19H, 19I, 19J, or 19JAA that affects the next triennial general election of members of a territorial authority, regional council, local board, or community board must be passed no earlier than 20 December of the year that is 2 years before the year of the election and no later than 31 July of the year that is immediately before the year of the election.

(1) Every resolution specified in subsection (3) must include or be accompanied by a description of each proposed ward, constituency, community, or subdivision, and its proposed boundaries, so as to make each proposed ward, constituency, community, or subdivision readily identifiable to the public.

(2) If any resolution under section 19H, 19I, 19J, or 19JAA proposes any change to the basis of election, membership, or boundaries of wards, constituencies, communities, local board areas, or subdivisions of local board areas which applied at the last triennial general election of members of the territorial authority, regional council, local board, or community board, that resolution must include an explanation of the reasons for the proposed change.

(3) Subsection (1) applies to every resolution under any of the following provisions:

(a) section 19H(1)(a)(ii) or (iii) or (g):

(b) section 19I(1):

(c) section 19J(2)(a) to (e) or (h)(iii):

(d) section 19JAA(1).

Compare: 1974 No 66 s 101H(3), (4)

Section 19K: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19K(1AA): replaced, on 31 August 2023, by section 12(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19K(2): amended, on 31 August 2023, by section 12(3) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19K(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19K(3): replaced, on 31 August 2023, by section 12(4) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19L Distribution of copies of resolution

If a territorial authority or regional council makes a resolution under section 19H, 19I, 19J, or 19JAA, that territorial authority or regional council must, as soon as practicable after making that resolution,—

(a) send a copy of that resolution to—

(i) the Commission; and

(ii) the Surveyor-General; and

(iii) the Government Statistician; and

(iv) the Remuneration Authority; and

(b) in the case of a resolution made by a regional council, send a copy of that resolution to every territorial authority whose district or a part of whose district is within the region; and

(c) in the case of a resolution made by a territorial authority, send a copy of that resolution to any regional council for a region in which the district of the territorial authority or any part of that district is situated.

Compare: 1974 No 66 s 101I

Section 19L: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19L: amended, on 31 August 2023, by section 13(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19L(a)(iv): replaced, on 29 June 2013, by section 10 of the Local Electoral Amendment Act 2013 (2013 No 40).

19M Public notice of proposals and responsibilities in relation to submissions

(1) A territorial authority or regional council that makes a resolution under section 19H, 19I, 19J, or 19JAA must, within 14 days after making the resolution (but, in the year immediately before the year of a triennial general election, not later than 8 August), give public notice of the proposals contained in the resolution.

(2) The public notice must—

(a) include a statement about how persons interested in the proposals may inspect the full proposals; and

(b) specify the communities of interest considered by the territorial authority or regional council as required by section 19T and section 19V or, as the case may require, section 19U and section 19V; and

(c) specify the ratio of population to proposed members for each proposed ward (if any) or constituency or subdivision (if any), and the reasons for those proposals in terms of section 19V(2) and, if applicable, section 19V(3); and

(d) specify a period of not less than 1 month from the date of the first or only publication of the notice within which persons interested in the resolution may make submissions on the resolution to the territorial authority or regional council.

(3) A territorial authority or regional council to whom subsection (1) applies must—

(a) ensure that any person who makes a submission on the proposal within the period referred to in subsection (2)(d)—

(i) is sent a written notice acknowledging receipt of that person's submission; and

(ii) is given a reasonable opportunity to be heard by the territorial authority or regional council (if that person so requests); and

(b) ensure that the notice given to a person under paragraph (a) contains information—

(i) advising that person of that person's opportunity to be heard; and

(ii) explaining how that person may exercise that person's opportunity to be heard; and

(c) ensure that, except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act 1987, every meeting at which submissions on a resolution referred to in subsection (1) are heard or at which the territorial authority or regional council deliberates on the proposal is open to the public; and

(d) subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on a resolution of that kind available to the public.

Compare: 1974 No 66 s 101J(1)

Section 19M: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19M(1): amended, on 31 August 2023, by section 14(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19M(1): amended, on 31 August 2023, by section 14(b) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19N Response to submissions

(1) The territorial authority or regional council must, within 8 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M,—

(a) consider all submissions received and may, by resolution, make such amendments to the resolution made under section 19H, 19I, 19J, or 19JAA, as the case may be, as it thinks fit; and

(b) give public notice of its proposals.

(2) The public notice must—

(a) incorporate any amendments resolved under subsection (1)(a); and

(b) state both the reasons for the amendments and the reasons for any rejection of submissions; and

(ba) specify the communities of interest considered by the territorial authority (as required by sections 19T and 19V) or regional council (as required by sections 19U and 19V); and

(bb) specify the ratio of population to proposed members for each proposed ward, constituency, or subdivision, and the reasons for those proposals in terms of section 19V(2) and, if applicable, section 19V(3); and

(c) specify the right of appeal conferred by section 19O, including the place and closing date for the receipt of appeals; and

(d) if the territorial authority or regional council has amended its proposals under subsection (1)(a), specify the right of objection conferred by section 19P, including the place and closing date for the receipt of objections.

(3) The territorial authority or regional council by which the public notice was given must—

(a) send a copy of that notice to—

(i) the Commission; and

(ii) the Surveyor-General; and

(iii) the Government Statistician; and

(iv) the Remuneration Authority; and

(b) if that notice was given by a territorial authority, send a copy of that notice to any regional council for a region in which the district of the territorial authority or any part of that district is situated; and

(c) if that notice was given by a regional council, send a copy of that notice to every territorial authority whose district or a part of whose district is within the region.

Compare: 1974 No 66 s 101J(3), (6)

Section 19N: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19N(1): amended, on 31 August 2023, by section 15(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19N(1)(a): amended, on 31 August 2023, by section 15(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19N(2)(ba): inserted, on 29 June 2013, by section 11(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19N(2)(bb): inserted, on 29 June 2013, by section 11(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19N(3)(a)(iv): replaced, on 29 June 2013, by section 11(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

19O Appeals

(1) Any person who or organisation (including a local board or community board) that has made submissions on a resolution made under section 19H, 19I, 19J, or 19JAA may lodge a written appeal against the decision of the territorial authority or regional council at the principal office of the territorial authority or regional council on or before the date specified in the public notice of that decision.

(2) That date—

(a) must not be earlier than 1 month after the date of the first or only publication of the public notice; and

(b) must not, in a year immediately before the year of a triennial general election, be later than 3 December.

(3) An appeal lodged under this section—

(a) must identify the matters to which the appeal relates:

(b) may raise only those matters that were raised in the appellants' submissions.

Compare: 1974 No 66 s 101J(4)

Section 19O: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19O(1): amended, on 31 August 2023, by section 16(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19O(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19O(2)(b): amended, on 31 August 2023, by section 16(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19P Objections

(1) If the territorial authority or regional council has, under section 19N(1)(a), amended the resolution made by it under section 19H, 19I, 19J, or 19JAA, any interested person or organisation (including a local board or community board) may lodge a written objection to the amended resolution at the principal office

of the territorial authority or regional council on or before the date specified in the public notice, which date must be the same date as that specified for the closing of receipt of appeals under section 19O.

(2) An objection lodged under this section must identify the matters to which the objection relates.

Compare: 1974 No 66 s 101J(5)

Section 19P: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19P(1): amended, on 31 August 2023, by section 17 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19P(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19Q Obligation to forward appeals and objections to Commission

If the territorial authority or regional council receives any appeal under section 19O or any objection under section 19P, the territorial authority or regional council must, as soon as practicable, but, in a year immediately before the year of a triennial general election, in no case later than 20 December, forward to the Commission—

(a) the resolution made under section 19H, 19I, 19J, or 19JAA and any resolution made under section 19N(1)(a) that made amendments to the resolution made under section 19H or section 19I or section 19J; and

(b) a copy of the public notice given under section 19N(1)(b); and

(c) every submission made to the territorial authority or regional council on the resolution made by the territorial authority or regional council under section 19H, 19I, 19J, or 19JAA; and

(d) every appeal and objection received by the territorial authority or regional council under section 19O or section 19P; and

(e) such information concerning the communities of interest and population of the district or region or local board area or community, or any proposed ward or constituency or subdivision, as is held by the territorial authority or regional council and is necessary for the purposes of section 19R.

Compare: 1974 No 66 s 101J(7)

Section 19Q: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Q: amended, on 31 August 2023, by section 18(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19Q(a): amended, on 31 August 2023, by section 18(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19Q(c): amended, on 31 August 2023, by section 18(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19Q(e): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19R Commission to determine appeals and objections

(1) The Commission must—

(a) consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and

(b) subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—

(i) in the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:

(ii) in the case of a regional council that has made a resolution under section 19I, the matters specified in that section:

(iii) in the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section:

(iv) in the case of a unitary authority that has made a resolution under section 19JAA, the matters specified in that section.

(2) For the purposes of making a determination under subsection (1)(b), the Commission—

(a) may make any enquiries that it considers appropriate; and

(b) may hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.

(3) The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).

Compare: 1974 No 66 s 101K(1), (2)

Section 19R: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19R(1)(b)(iv): inserted, on 31 August 2023, by section 19(3) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19S Determination of Commission

(1) Notice in writing of every determination made under section 19R(1)(b), setting out the reasons for the determination, must be given by the Commission to the territorial authority or regional council concerned, and by public notice.

(2) As soon as practicable after the publication of a public notice under subsection (1), the Commission must send a copy of that notice to—

(a) the Surveyor-General; and

(b) the Government Statistician; and

(c) the Remuneration Authority; and

(d) the Secretary for Local Government.

(3) Subject to Part 2AA of the Local Government Act 1974 or Schedule 5 of the Local Government Act 2002, the determination of the Commission made under section 19R(1)(b) is final and comes into force for the next triennial general election, and continues in effect until a subsequent determination under this Part comes into effect.

Compare: 1974 No 66 s 101K(3)–(5)

Section 19S: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19S(2)(c): amended, on 29 June 2013, by section 12 of the Local Electoral Amendment Act 2013 (2013 No 40).

19T Requirement for effective representation and other factors in determination of membership and basis of election of territorial authorities and local boards

(1) In determining the matters specified in paragraphs (a) to (d) of section 19H(1), the territorial authority and, where appropriate, the Commission must ensure—

(a) that the election of members of the territorial authority (other than the mayor), in one of the ways specified in subparagraphs (i) to (iii) of section 19H(1)(a), will provide effective representation of communities of interest within the district; and

(b) that ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and

(c) that, so far as is practicable, ward boundaries coincide with any local board area or community boundaries.

(2) In determining the matters specified in section 19H(1)(e) to (h), the territorial authority and, where appropriate, the Commission must ensure—

(a) that the election of members of the local board, in one of the ways specified in section 19H(1)(f)(i) to (iii), will provide effective representation of communities of interest within the local board area; and

(b) that the boundaries of subdivisions coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and

(c) that, so far as is practicable, subdivision boundaries coincide with ward boundaries.

Compare: 1974 No 66 s 101L(2), (4)

Section 19T: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19T heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19T(1)(c): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19T(2): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19U Requirement for effective representation and other factors in determination of membership and basis of election of regional council

In determining the matters specified in paragraphs (a) to (c) of section 19I(1), the regional council and, where appropriate, the Commission must ensure—

(a) that the number and boundaries of constituencies will provide effective representation of communities of interest within the region; and

(b) that constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and

(c) that, so far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts or the boundaries of wards.

Compare: 1974 No 66 s 101L(1)

Section 19U: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

(1) In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or local board area or community and every ward or constituency or subdivision within the district or region or local board area or community.

(2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or local board area or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any).

(3) Despite subsection (2),—

(a) if the territorial authority or the Commission considers that 1 or more of the following apply, wards and subdivisions of a local board area or a community may be defined and membership distributed between them in a way that does not comply with subsection (2):

(i) non-compliance with subsection (2) is required for effective representation of communities of interest within island communities or

isolated communities situated within the district of the territorial authority; or

(ii) compliance with subsection (2) would limit effective representation of communities of interest by dividing a community of interest between wards or subdivisions; or

(iii) compliance with subsection (2) would limit effective representation of communities of interest by uniting within a ward or subdivision 2 or more communities of interest with few commonalities of interest:

(b) if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).

(4) A territorial authority or regional council that decides under subsection (3) not to comply with subsection (2) must refer that decision to the Commission together with the information specified in section 19Q(a) to (e).

(5) A reference under subsection (4) must be treated as if it were an appeal against the decision of the territorial authority or regional council, for the purposes of sections 19R (other than subsection (1)(b)), 19S, and 19Y, which apply with any necessary modifications.

(6) On receiving a reference under subsection (4), the Commission must determine, under section 19R(1), whether—

(a) to uphold the decision of the territorial authority or regional council; or

(b) to alter that decision.

Compare: 1974 No 66 s 101L(3)

Section 19V: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19V(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19V(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19V(2): amended, on 7 July 2004, by section 7 of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 19V(3)(a): replaced, on 29 June 2013, by section 13(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19V(3)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19V(4): amended, on 29 June 2013, by section 13(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19V(4): amended, on 29 June 2013, by section 13(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19V(5): amended, on 29 June 2013, by section 13(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19V(6)(a): amended, on 29 June 2013, by section 13(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

19W Factors in determination of matters in relation to community boards

In determining the matters specified in paragraphs (a) to (i) of section 19J(2), the territorial authority and, where appropriate, the Commission must ensure—

(a) that, in the case of the matters specified in paragraphs (a) to (g) of section 19J(2), it has regard to such of the criteria as apply to local government reorganisation under the Local Government Act 1974 or the Local Government Act 2002 as the territorial authority or the Commission considers appropriate in the circumstances; and

(b) that the election of members of the community board, in one of the ways specified in subparagraphs (i) to (iii) of section 19J(2)(h), will provide effective representation of communities of interest within the community and fair representation of electors; and

(c) that the boundaries of every community, and of every subdivision of a community, coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

Compare: 1974 No 66 ss 101ZH(2), 101ZL

Section 19W: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19W(a): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

19X Certificate of Government Statistician

(1) For the purposes of sections 19H to 19W, the certificate of the Government Statistician as to the population of any region, district, local board area, constituency, ward, community, or subdivision or any proposed constituency, ward, community, or subdivision is to be—

(a) a certificate of the ordinarily resident population as shown by the figures for the most recently published census (other than the figures for a census carried out in the year before a triennial general election of a territorial authority or regional council or the year in which such an election is to be held); or

(b) a certificate of the ordinarily resident population as assessed by the Government Statistician at any later date assessed by the Government Statistician.

(2) Every territorial authority and every regional council must supply to the Government Statistician such information as may be required by the Government Statistician concerning the definition of any area to which any certificate of the kind referred to in subsection (1) is to relate.

Compare: 1974 No 66 s 101L(5)

Section 19X: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19X(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19Y When determinations take effect

(1) If there are no submissions on the proposal publicly notified under section 19M by a territorial authority or regional council, or if there are no appeals against, or objections to, a resolution publicly notified under section 19N(1) by a territorial authority or a regional council, the proposal or amended proposal, as the case may be, becomes the basis for election at the next triennial general election of the territorial authority or regional council or local board or community board, and continues in effect until a subsequent determination under this Part comes into effect, and the territorial authority or regional council must give public notice accordingly of that basis for election.

(2) As soon as practicable after the publication of a public notice under subsection (1), the territorial authority or regional council by which that notice was given must—

(a) send a copy of that notice to—

(i) the Commission; and

(ii) the Surveyor-General; and

(iii) the Government Statistician; and

(iv) the Remuneration Authority; and

(v) the Secretary for Local Government; and

(b) if that notice was given by a territorial authority, send a copy of that notice to any regional council for a region in which the district of the territorial authority or a part of that district is situated; and

(c) if that notice was given by a regional council, send a copy of that notice to every territorial authority whose district or a part of whose district is within the region.

(3) If a territorial authority or a regional council has, under subsection (1), or the Commission has, under section 19S(1), given public notice of the basis of election for the next triennial general election for a territorial authority or regional council or local board or community board, no such basis has effect unless—

(a) a description or plan of each ward or constituency or community or subdivision has been sent to the Surveyor-General; and

(b) the Surveyor-General, or a person appointed by the Surveyor-General, certifies that the description or plan is sufficient to render the boundaries of each ward or constituency or community or subdivision capable of identification.

(4) If the description of any ward or constituency or community or subdivision to which subsection (3) applies is defective, but the Surveyor-General, or a person appointed by the Surveyor-General, certifies that it can be amended and the defect overcome without making any change in what was evidently intended to be the area comprised in the description, the description—

(a) may be so amended by resolution; and

(b) if so amended, has effect as if the provisions of subsection (3) had been complied with.

(5) The territorial authority or regional council must reimburse the Commission for any costs incurred by the Commission in obtaining the certificate required by subsection (3) or must meet the cost of the production of that certificate if required to do so by the Surveyor-General.

(6) The following provisions apply to every determination of the Commission under this section:

(a) it is to come into force at the next triennial general election, except so far as may be necessary to provide for that election; and

(b) a copy must be kept at the office of the territorial authority or regional council, and must be available for inspection without fee by any person during normal office hours.

Compare: 1974 No 66 s 101M

Section 19Y: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Y(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19Y(2)(a)(iv): amended, on 29 June 2013, by section 14 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19Y(3): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Māori wards and Māori constituencies

Heading: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19Z Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies

(1) Any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes.

(2) Any regional council may resolve that the region be divided into 1 or more Māori constituencies for electoral purposes.

(2A) The powers in subsections (1) and (2) to resolve to establish Māori wards and Māori constituencies for electoral purposes include the powers to disestablish them.

(2B) The requirements that apply in relation to establishing Māori wards and Māori constituencies for electoral purposes also apply, with all necessary modifications, to their disestablishment.

(3) A resolution under this section,—

(a) if made after a triennial general election but no later than 12 September of the year that is 2 years before the next triennial general election, takes effect, subject to paragraph (c), for the purposes of the next triennial general election of the territorial authority or regional council; and

(b) in any other case, takes effect, subject to paragraph (c), for the purposes of the next but one triennial general election; and

(c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until—

(i) a further resolution under this section takes effect; or

(ii) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.

(4) This section is subject to section 19ZE and to clauses 2(5) and 4(4) of Schedule 1A.

(5) In this section and in sections 19ZB to 19ZG, **associated election**, in relation to any 2 successive triennial general elections of a territorial authority or regional council, means—

(a) any election to fill an extraordinary vacancy in the membership of the body concerned that is held—

(i) between those elections; or

(ii) after the second of those elections but before the subsequent triennial general election:

(b) an election of the members of the body concerned under section 258I or 258M of the Local Government Act 2002 that is held—

(i) between those elections; or

(ii) after the second of those elections but before the subsequent triennial general election.

Section 19Z: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Z(2A): inserted, on 12 October 2025, by section 6(1) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 19Z(2B): inserted, on 12 October 2025, by section 6(1) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 19Z(3)(a): amended, on 12 October 2025, by section 6(2) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 19Z(3)(c): replaced, on 12 October 2025, by section 6(3) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 19Z(4): replaced, on 12 October 2025, by section 6(4) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 19Z(5): amended, on 12 October 2025, by section 6(5) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 19Z(5): amended, on 2 March 2021, by section 6(3) of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Section 19Z(5)(b): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

19ZA Public notice of right to demand poll

(1) A territorial authority or regional council that passes a resolution under section 19Z must give public notice, not later than the required date, of the right to demand, under section 19ZB, a poll on the question whether,—

(a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

(b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.

(2) The public notice under subsection (1) must include—

(a) notice of the resolution under section 19Z; and

(b) a statement that a poll is required to countermand that resolution.

(3) In subsection (1), **required date** means,—

(a) in the case of a resolution under section 19Z that is made after a triennial general election but not later than 12 September of the year that is 2 years before the next triennial general election, 19 September in that year:

(b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution.

(4) This section is subject to section 19ZE.

Section 19ZA: inserted, on 12 October 2025, by section 7 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

19ZA Public notice of right to demand poll

[Repealed]

Section 19ZA: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZB Electors may demand poll

(1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,—

(a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

(b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.

(2) This section is subject to section 19ZE.

(3) In this section and section 19ZC,—

demand means a demand referred to in subsection (1)

specified number of electors, in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.

Section 19ZB: inserted, on 12 October 2025, by section 7 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

19ZB Electors may demand poll

[Repealed]

Section 19ZB: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZC Requirements for valid demand

(1) A demand must be made by notice in writing—

(a) signed by a specified number of electors; and

(b) delivered to the principal office of the territorial authority or regional council.

(2) An elector may sign a demand and be treated as one of the specified number of electors only if,—

(a) in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or

(b) in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector's address as shown on that roll is within the region; or

(c) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a) or (b),—

(i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and

(ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or

(d) the address given by the elector who signed the demand is confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector and the address—

(i) is, if the demand was given to a territorial authority, within the district of the territorial authority; or

(ii) is, if the demand was delivered to a regional council, within the region of the regional council; or

(e) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the territorial authority or, as the case may require, the regional council.

(3) Every elector who signs a demand must state, against the elector's signature,—

(a) the elector's name; and

(b) the address for which the person is qualified as an elector of the territorial authority or regional council.

(4) If a valid demand is received after 11 December in the year that is 2 years before the next triennial general election, the poll required by the demand—

(a) must be held after 28 March in the year before the triennial general election; and

(b) has effect in accordance with section 19ZG(4) (which provides that the poll has effect for the purposes of the next but one triennial general election and the subsequent triennial general election).

(5) The chief executive of the territorial authority or regional council must, as soon as practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with section 19ZB and this section.

(6) This section is subject to section 19ZE.

Section 19ZC: inserted, on 12 October 2025, by section 7 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

19ZC Requirements for valid demand

[Repealed]

Section 19ZC: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZD Territorial authority or regional council may resolve to hold poll

(1) A territorial authority or regional council may, at any time, resolve that a poll be held on the question whether,—

(a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

(b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.

(2) A resolution under subsection (1) may, but need not, specify the date on which the poll is to be held.

(3) The date specified for the holding of a poll must not be a date that would require deferral of the poll under section 138A.

(4) The chief executive of the territorial authority or regional council must give notice to the electoral officer of a resolution under subsection (1),—

(a) if no date for the holding of the poll is specified in the resolution, as soon as is practicable:

(b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that will enable the poll to be conducted in accordance with section 19ZF(3).

(5) This section is subject to section 19ZE.

Section 19ZD: inserted, on 12 October 2025, by section 7 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

19ZD Territorial authority or regional council may resolve to hold poll

[Repealed]

Section 19ZD: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZE Limitation on division into Māori wards or Māori constituencies

Sections 19Z to 19ZD do not apply, in relation to a territorial authority or regional council, if—

(a) a poll on the question described in section 19ZB or section 19ZD held under section 19ZF took effect at the previous triennial general election of the territorial authority or regional council or takes effect at the next triennial general election of the territorial authority or regional council; or

(b) another enactment requires that the district be divided into 1 or more Māori wards or the region be divided into 1 or more Māori constituencies.

Section 19ZE: inserted, on 12 October 2025, by section 7 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

19ZE Limitation on division into Māori wards or Māori constituencies

[Repealed]

Section 19ZE: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZF Poll of electors

(1) If the electoral officer for a territorial authority or regional council receives notice under section 19ZC(5) or section 19ZD(4), the electoral officer must,

as soon as practicable after receiving that notice, give public notice of the poll under section 52.

(2) Despite subsection (1), if an electoral officer for a territorial authority or regional council receives 1 or more notices under both section 19ZC(5) and section 19ZD(4), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that those polls would, if combined, take effect at the same general election, and if it is practicable to combine those polls, be combined.

(3) A poll held under this section must be held not later than 103 days after the date on which—

(a) the notice referred to in subsection (1) is received; or

(b) the last notice referred to in subsection (2) is received.

(4) Subsection (3) is subject to subsection (2), section 19ZC(4), and section 138A.

(5) Every poll under this section that is held in conjunction with a triennial general election, or held after that date but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held, determines whether, for the next 2 triennial general elections for the territorial authority or regional council and any associated election,—

(a) the district of the territorial authority is to be divided into 1 or more Māori wards; or

(b) the region of the regional council is to be divided into 1 or more Māori constituencies.

(6) Every poll under this section that is held at some other time determines whether, for the next but one triennial general election and the following triennial general election for the territorial authority or regional council and any associated election,—

(a) the district of the territorial authority is to be divided into 1 or more Māori wards; or

(b) the region of the regional council is to be divided into 1 or more Māori constituencies.

(7) Subsections (5) and (6) are subject to clauses 2(5) and 4(4) of Schedule 1A.

Section 19ZF: inserted, on 12 October 2025, by section 7 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

19ZF Poll of electors

[Repealed]

Section 19ZF: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZG Effect of poll

(1) Subsection (2) applies to a poll held in conjunction with a triennial general election or held after that election but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held.

(2) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—

(a) in the case of a territorial authority, for the next 2 triennial general elections of the territorial authority, and any associated election; and

(b) in the case of a regional council, for the next 2 triennial general elections of the regional council, and any associated election; and

(c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.

(3) Subsection (4) applies to a poll held at some other time.

(4) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—

(a) in the case of a territorial authority, for the next but one triennial general election and the following triennial general election of the territorial authority, and any associated election; and

(b) in the case of a regional council, for the next but one triennial general election and the following triennial general election of the regional council, and any associated election; and

(c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.

(5) This section is subject to clauses 2(5) and 4(4) of Schedule 1A.

Section 19ZG: inserted, on 12 October 2025, by section 7 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

19ZG Effect of poll

[Repealed]

Section 19ZG: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZH Basis of election of territorial authority and regional council

If, for the purpose of a triennial general election,—

(a) a district of a territorial authority is required to be divided into 1 or more Māori wards; or

(b) a region of a regional council is required to be divided into 1 or more Māori constituencies,—

the provisions of this Part (other than those of sections 19B, 19G, and 19J, and those of this section) are subject to the provisions of Schedule 1A.

Section 19ZH: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Guidelines

Heading: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19ZI Guidelines in relation to reviews of representation or minor alterations to boundaries

(1) The Commission must issue guidelines identifying factors and considerations for territorial authorities or regional councils to take into account in making determinations under any of the provisions of sections 19H to 19JB and Schedule 1A.

(2) The Commission may, from time to time, amend or revoke any guidelines issued under subsection (1).

(3) Any guidelines issued under subsection (1) may relate to territorial authorities or regional councils generally or to a specific class of territorial authorities or regional councils.

(4) The Commission must, as soon as practicable after issuing any guidelines under subsection (1),—

(a) send a copy of those guidelines to every territorial authority and every regional council; and

(b) publish in the *Gazette* a notice—

(i) stating that the guidelines have been issued; and

(ii) naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase or both.

(5) The Commission must ensure that, so long as the guidelines remain in force, copies of the guidelines are available—

(a) for inspection by members of the public free of charge; and

(b) for supply to members of the public either free of charge or for purchase at a reasonable price.

(6) The provisions of subsections (4) and (5) apply, with all necessary modifications, in respect of any amendment or revocation of any guidelines issued under subsection (1).

Section 19ZI: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19ZI heading: amended, on 29 June 2013, by section 15(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19ZI(1): amended, on 29 June 2013, by section 15(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Part 2
Local elections and polls

Electoral rights

20 Right to vote in election or poll

(1) Every person whose name appears on the electoral roll in force in any district of a territorial authority or in the local government area of any other local authority as a residential elector or a ratepayer elector is, unless the person has ceased to possess a qualification as a residential elector or ratepayer elector, an elector and is entitled to exercise 1 vote—

(a) at every election for which that roll indicates the elector is qualified to exercise a vote; and

(b) at every poll for which that roll indicates the elector is qualified to exercise a vote.

(2) Every person who has qualified as a residential elector before the close of voting, and who applied to enrol as an elector not later than the day before the close of voting but whose name does not appear on the electoral roll or whose voting entitlements are incorrectly recorded on that roll, is an elector and is entitled to exercise 1 vote—

(a) at every election for which that elector is qualified to exercise a vote; and

(b) at every poll for which that elector is qualified to exercise a vote.

(3) Every person who has qualified as a ratepayer elector before the close of voting and who applied to enrol as a ratepayer elector not later than the day before the close of voting but whose name does not appear on the electoral roll or whose voting entitlements are incorrectly recorded on that roll, is an elector and is entitled to exercise 1 vote—

(a) at every election for which that elector is qualified to exercise a vote; and

(b) at every poll for which that elector is qualified to exercise a vote.

(4) No person is entitled to vote more than once at the same election or poll.

Compare: 1976 No 144 s 7A

21 Special voting

Any elector may vote at an election or poll as a special voter if—

(a) the elector's name does not appear on the copy of the roll used for that election or poll or has been wrongly deleted from that copy; or

(b) in the case of an election or poll relating to a ward, local board area, community, or constituency, the elector has qualified as an elector and the name of the elector is entered on a roll for the territorial authority or other local authority in whose district or region the ward, local board area, community, or constituency is situated, but is not entered on a roll in respect of that ward, local board area, community, or constituency; or

(c) the elector is a person to whom, for any other reason, section 20(2) or (3) applies; or

(d) the elector spoils, loses, or does not receive his or her voting documents; or

(e) the elector satisfies the electoral officer that it will not be possible or practicable for the elector to vote by casting an ordinary vote without incurring hardship or undue inconvenience.

Section 21(b): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

22 Voting by special voters

(1) Despite anything to the contrary in this Act, a special voter may vote in any manner and subject to any condition prescribed by regulations made under this Act, and the voting documents must be dealt with in the prescribed manner.

(2) Subject to this Act and to any regulations made under this Act, the provisions of this Act and any regulations made under this Act, as far as applicable and with the necessary modifications, apply with respect to voting by special voters and to their votes.

23 Residential electors

Every parliamentary elector is qualified as a residential elector of a local government area if the address in respect of which the person is registered as a parliamentary elector is within the local government area.

Compare: 1974 No 66 s 101F(1)

24 Ratepayer electors

(1) Every parliamentary elector is qualified as a ratepayer elector of a region, a district, a local board area, or a community if the address for which the person is registered as a parliamentary elector is outside the region, district, local board area, or community, and—

(a) that person is identified in the appropriate valuation roll as the sole ratepayer in respect of a rating unit within the region, district, local board area, or community; or

(b) that person is nominated to be enrolled as a ratepayer elector in respect of a rating unit within the region, district, local board area, or community, owned by 1 or more ratepayers, none of whom is qualified as a residential elector within the region, district, local board area, or community.

(2) Subsection (1) does not authorise the nomination of different persons by the same ratepayer or ratepayers in respect of different properties within the same region, district, local board area, or community.

Compare: 1974 No 66 s 101F(2)

Section 24(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 24(1)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 24(1)(a): amended, on 7 July 2004, by section 8(a) of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 24(1)(b): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 24(1)(b): amended, on 7 July 2004, by section 8(b)(i) of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 24(1)(b): amended, on 7 July 2004, by section 8(b)(ii) of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 24(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

24A Electors of Māori wards

(1) In the case of a triennial general election, every residential elector of a district who, on the day before polling day for the election,—

(a) is registered as a parliamentary elector at an address within a Māori ward; and

(b) is registered as an elector of a Māori electoral district,—

is, at that triennial general election, an elector of that Māori ward.

(2) In the case of a triennial general election, every person who, on the day before polling day for the election, is a ratepayer elector of a district—

(a) whose entitlement as an elector arises in respect of property in a Māori ward; and

(b) who is registered as an elector of a Māori electoral district,—

is, at that general election, an elector of that Māori ward.

(3) In the case of an election to fill an extraordinary vacancy or an election called under section 258I or 258M of the Local Government Act 2002, every residential elector of a district who, on the day before polling day for the election,—

(a) is registered as a parliamentary elector at an address within a Māori ward; and

(b) is registered as an elector of a Māori electoral district,—

is, at that election, an elector of that Māori ward.

(4) In the case of an election to fill an extraordinary vacancy or an election called under section 258I or 258M of the Local Government Act 2002, every person who, on the day before polling day for the election, is a ratepayer elector of a district—

(a) whose entitlement as an elector arises in respect of property in a Māori ward; and

(b) who is registered as a elector of a Māori electoral district,—

is, at the election, an elector of that Māori ward.

Compare: 2001 No 1 (L) s 10(1)(a), (2)(a)

Section 24A: inserted, on 25 December 2002, by section 7 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 24A(3): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 24A(4): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

24B Voting rights at triennial general election of territorial authority

(1) A person who, under section 24A, is an elector of a Māori ward of a territorial authority is, at a triennial general election,—

(a) entitled to vote—

(i) at the election of the mayor; and

(ii) at the election of the member or members who will represent that Māori ward; and

(iii) at the election of the member or members (if any) to be elected to represent the whole of the district; and

(iv) at the election of the member or members of the appropriate local board or community board (if any) situated within or partly within the Māori ward; but

(b) not entitled to vote at the election of the member or members who will represent any other ward of the territorial authority.

(2) No other person is entitled, at a triennial general election, to vote at the election of the member or members who will represent that Māori ward of that territorial authority.

Compare: 2001 No 1 (L) s 11

Section 24B: inserted, on 25 December 2002, by section 7 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 24B(1)(a)(iv): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

24C Voting rights at election to fill extraordinary vacancy in respect of Māori ward

(1) A person who, under section 24A, is an elector of a Māori ward of a territorial authority is, at any election to fill an extraordinary vacancy in the office of a member who represents that Māori ward, entitled to vote at that election.

(2) No other person is entitled to vote at any election to fill an extraordinary vacancy in the office of a member who will represent that Māori ward of that territorial authority.

Compare: 2001 No 1 (L) s 12

Section 24C: inserted, on 25 December 2002, by section 7 of the Local Electoral Amendment Act 2002 (2002 No 85).

24D Electors of Māori constituencies

(1) In the case of a triennial general election, every residential elector of a region who, on the day before polling day for the election,—

(a) is registered as an elector at an address within a Māori constituency; and

(b) is registered as an elector of a Māori electoral district,—

is, at that triennial general election, an elector of that Māori constituency.

(2) In the case of a triennial general election, every person who, on the day before polling day for the election, is a ratepayer elector of a region—

(a) whose entitlement as an elector arises in respect of property in a Māori constituency; and

(b) who is registered as an elector of a Māori electoral district,—

is, at that triennial general election, an elector of that Māori constituency.

(3) In the case of an election to fill an extraordinary vacancy or an election called under section 258I or 258M of the Local Government Act 2002, every residential elector of a region who, on the day before polling day for the election,—

(a) is registered as a parliamentary elector at an address within a Māori constituency; and

(b) is registered as an elector of a Māori electoral district,—

is, at that election, an elector of that Māori constituency.

(4) In the case of an election to fill an extraordinary vacancy or an election called under section 258I or 258M of the Local Government Act 2002, every person who, on the day before polling day for the election, is a ratepayer elector of the region—

(a) whose entitlement as an elector arises in respect of property in a Māori constituency; and

(b) who is registered as an elector of a Māori electoral district,—

is, at that election, an elector of that Māori constituency.

Compare: 2001 No 1 (L) s 10(1)(a), (2)(a)

Section 24D: inserted, on 25 December 2002, by section 7 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 24D(3): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 24D(4): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

24E Voting rights at triennial general election of regional council

(1) A person who, under section 24D, is an elector of a Māori constituency of a regional council is, at a triennial general election,—

(a) entitled to vote at the election of the member or members who will represent that constituency; but

(b) not entitled to vote at the election of the member or members who will represent any other constituency of the regional council.

(2) No other person is entitled, at a triennial general election, to vote at the election of the member or members who will represent that Māori constituency of that regional council.

Compare: 2001 No 1 (L) s 11

Section 24E: inserted, on 25 December 2002, by section 7 of the Local Electoral Amendment Act 2002 (2002 No 85).

24F Voting rights at election to fill extraordinary vacancy in respect of Māori constituency

(1) A person who, under section 24D, is an elector of a Māori constituency of a regional council is, at any election to fill an extraordinary vacancy in the office of a member who represents that Māori constituency, entitled to vote at that election.

(2) No other person is entitled to vote at any election to fill an extraordinary vacancy in the office of a member who will represent that Māori constituency of that regional council.

Compare: 2001 No 1 (L) s 12

Section 24F: inserted, on 25 December 2002, by section 7 of the Local Electoral Amendment Act 2002 (2002 No 85).

25 Candidate qualifications

(1) Every parliamentary elector is qualified to be a candidate at every election to be held under this Act if that person is a New Zealand citizen.

(2) This section is subject to section 58.

Section 25(1): substituted, on 25 December 2002, by section 8 of the Local Electoral Amendment Act 2002 (2002 No 85).

26 Right to nominate candidate

Two or more electors of a local government area or, in the case of an election in any subdivision, 2 or more electors of that subdivision, are qualified to nominate, in the manner provided in section 55, 1 or more qualified persons as candidates at the election in that area or subdivision.

Compare: 1976 No 144 s 12(1)

Electoral systems for elections

27 Local authority may resolve to change electoral systems

(1) Any local authority may, not later than 12 September in the year that is 2 years before the year in which the next triennial general election is to be held, resolve that the next 2 triennial general elections of the local authority and its local boards or community boards (if any), and any associated election, will be held using a specified electoral system other than that used for the previous triennial general election.

(2) A resolution under this section—

(a) takes effect, subject to paragraph (b), for the next 2 triennial general elections of the local authority and its local boards or community boards (if any), and any associated election; and

(b) continues in effect until either—

(i) a further resolution under this section takes effect; or

(ii) a poll of electors of the local authority held under section 33 takes effect.

(3) This section is subject to section 32.

(4) In this section, and in sections 28 to 34, **associated election**, in relation to any 2 successive triennial general elections of a local authority (and its local boards or community boards (if any)), means—

(a) any election to fill an extraordinary vacancy in the membership of the body concerned that is held—

(i) between those elections; or

(ii) after the second of those elections but before the subsequent triennial general election:

(b) an election of the members of the body concerned called under section 258I or 258M of the Local Government Act 2002 that is held—

(i) between those elections; or

(ii) after the second of those elections but before the subsequent triennial general election.

Section 27(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 27(1): amended, on 25 December 2002, by section 9(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 27(2)(a): substituted, on 25 December 2002, by section 9(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 27(2)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 27(2)(b)(ii): amended, on 25 December 2002, by section 9(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 27(4): added, on 25 December 2002, by section 9(4) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 27(4): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 27(4)(b): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

28 Public notice of right to demand poll on electoral system

(1) Every local authority must, not later than 19 September in the year that is 2 years before the year in which the next triennial general election is to be held, give public notice of the right to demand, under section 29, a poll on the electoral system to be used for the elections of the local authority and its local boards or community boards (if any).

(2) If the local authority has passed a resolution under section 27 that takes effect at the next triennial election, every notice under subsection (1) must include—

(a) notice of that resolution; and

(b) a statement that a poll is required to countermand that resolution.

(2A) Despite subsections (1) and (2), if, on or before the date referred to in subsection (1), the local authority has passed a resolution under section 31 and has specified a date for the holding of the poll that is on or before 28 March in the year before the next triennial general election, subsection (1) does not apply.

(3) This section is subject to section 32.

Section 28(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 28(1): amended, on 25 December 2002, by section 10(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 28(2): amended, on 25 December 2002, by section 10(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 28(2A): inserted, on 25 December 2002, by section 10(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 28(2A): amended, on 1 April 2025, by section 8 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

29 Electors may demand poll

(1) A specified number of electors of a local authority may, at any time, demand that a poll be held on a proposal by those electors that a specified electoral system be used at the elections of the local authority and its local boards or community boards (if any).

(2) This section is subject to section 32.

(3) In this section and sections 30 and 31,—

demand means a demand referred to in subsection (1)

specified number of electors, in relation to a local authority, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous general election of the local authority.

Section 29(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 29(1): amended, on 25 December 2002, by section 11 of the Local Electoral Amendment Act 2002 (2002 No 85).

30 Requirements for valid demand

(1) A demand must be made by notice in writing—

(a) signed by a specified number of electors; and

(b) delivered to the principal office of the local authority.

(2) An elector may sign a demand and be treated as one of the specified number of electors only if—

(a) the name of that elector appears,—

(i) in the case of a territorial authority, on the electoral roll of the territorial authority; and

(ii) in the case of any other local authority, on the electoral roll of any territorial authority or other local authority as the name of a person eligible to vote in an election of that local authority; or

(b) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a),—

(i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and

(ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the local authority; or

(c) the address given by the elector who signed the demand is—

(i) confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector; and

(ii) within the district of the local authority; or

(d) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the local authority.

(3) Every elector who signs a demand must state, against his or her signature,—

(a) the elector's name; and

(b) the address for which the person is qualified as an elector of the local authority.

(3A) If a valid demand is received after 11 December in the year that is 2 years before the next triennial general election, the poll required by the demand—

(a) must be held after 28 March in the year before that election; and

(b) has effect in accordance with section 34(2) (which provides that the poll has effect for the purposes of the next but one triennial general election of the local authority and the subsequent triennial general election).

(4) The chief executive of the local authority must, within 2 working days after receiving it, give notice to the electoral officer of every valid demand for a poll made in accordance with section 29 and this section.

(5) This section is subject to section 32.

Section 30(1)(b): substituted, on 25 December 2002, by section 12(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 30(2)(b)(i): amended, on 1 July 2012, by section 58(5) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 30(2)(c)(i): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Section 30(3A): inserted, on 25 December 2002, by section 12(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 30(3A): amended, on 31 August 2023, by section 25(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 30(3A)(a): amended, on 1 April 2025, by section 9 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 30(3A)(a): amended, on 31 August 2023, by section 25(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 30(4): amended, on 31 August 2023, by section 25(3) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 30(4): amended, on 25 December 2002, by section 12(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

31 Local authority may resolve to hold poll

(1) A local authority may, no later than 11 December in the year that is 2 years before the year in which the next triennial general election is to be held, resolve that a poll be held on a proposal that a specified electoral system be used for the elections of the local authority and its local boards or community boards (if any).

(2) A resolution may, but need not, specify a date on which the poll is to be held.

(2A) The date specified for the holding of a poll must not be a date that would require deferral of the poll under section 138A.

(3) The chief executive of the local authority must give notice to the electoral officer of any resolution under subsection (1),—

(a) if no date for the holding of the poll is specified in the resolution, within 2 working days after the resolution is made:

(b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that enables the poll to be conducted in accordance with section 33(3).

(4) This section is subject to section 32.

Section 31(1): substituted, on 25 December 2002, by section 13(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 31(1): amended, on 31 August 2023, by section 26(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 31(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 31(2): substituted, on 25 December 2002, by section 13(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 31(2A): inserted, on 25 December 2002, by section 13(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 31(3): substituted, on 25 December 2002, by section 13(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 31(3)(a): amended, on 31 August 2023, by section 26(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

32 Limitation on change to electoral systems

Sections 27 to 31 do not apply if—

(a) a poll on the proposal described in section 29 or section 31 held under section 33 took effect at the previous triennial general election of the local authority or takes effect at the next triennial general election of the local authority:

(b) another enactment requires a particular electoral system to be used for the election of members of a local authority.

Section 32(a): substituted, on 25 December 2002, by section 14 of the Local Electoral Amendment Act 2002 (2002 No 85).

33 Poll of electors

(1) If the electoral officer for a local authority receives notice under section 30(4) or section 31(3), the electoral officer must, as soon as is practicable after receiving that notice, give public notice of the poll under section 52.

(2) Despite subsection (1), if an electoral officer for a local authority receives 1 or more notices under both sections 30(4) and 31(3), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that the result of those polls would take effect at the same election, and if it is practicable to combine those polls, be combined.

(3) A poll held under this section must be held not later than 103 days after the date on which—

(a) the notice referred to in subsection (1) is received; or

(b) the last notice referred to in subsection (2) is received.

(3A) Subsection (3) is subject to subsection (2), section 30(3A) and section 138A.

(3B) Voters at a poll held under this section decide the proposal or proposals that are the subject of the poll by voting for one of the electoral systems named in the voting document or, as the case may require, expressing a preference in respect of each of the electoral systems named in the voting document.

(4) Every poll under this section that is held in conjunction with a triennial general election or held after that election but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held determines whether the electoral system to be used for the next 2 triennial general elections of the local authority and its local boards or community boards (if any) and any associated election is to be—

(a) the electoral system used at the previous general election of the local authority; or

(b) the electoral system specified in any resolution under section 27; or

(c) the electoral system specified in any demand submitted within the appropriate period of which the electoral officer has received notice under section 30(4) and, if notice of more than 1 such demand is received, one of the systems specified in those demands and, if so, which one; or

(d) the electoral system specified in any resolution of which the electoral officer has received notice under section 31(3).

(5) Every poll under this section that is held at some other time determines whether the electoral system to be used at the next but one triennial general election of the local authority and its local boards or community boards (if any) and any associated election is to be—

(a) the electoral system used at the previous general election of the local authority; or

(b) the electoral system specified in any resolution under section 27; or

(c) the electoral system specified in any demand submitted within the appropriate period of which the electoral officer has received notice under section 30(4) and, if notice of more than 1 such demand is received, one of the systems specified in those demands and, if so, which one; or

(d) the electoral system specified in any resolution of which the electoral officer has received notice under section 31(3).

Section 33(2): substituted, on 25 December 2002, by section 15(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(3): amended, on 1 April 2025, by section 10(1) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 33(3A): inserted, on 25 December 2002, by section 15(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(3B): inserted, on 25 December 2002, by section 15(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(4): substituted, on 25 December 2002, by section 15(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(4): amended, on 1 April 2025, by section 10(2) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 33(4): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 33(5): added, on 25 December 2002, by section 15(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(5): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

34 Effect of poll

(1) If a poll is held under section 33 in conjunction with a triennial general election or held after that election but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held, the electoral system adopted or confirmed must be used—

(a) for the next 2 triennial general elections:

(b) for any associated election:

(c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 27 takes effect or a further poll held under section 33 takes effect, whichever occurs first.

(2) If a poll is held under section 33 at some other time, the electoral system adopted or confirmed must be used—

(a) for the next but one triennial general election and the following triennial general election:

(b) for any associated election:

(c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 27 takes effect or a further poll held under section 33 takes effect, whichever occurs first.

Section 34: substituted, on 25 December 2002, by section 16 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 34(1): amended, on 1 April 2025, by section 11 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 34(1)(c): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 34(2)(c): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Electoral systems for polls

35 Electoral systems for polls

(1) Every poll conducted for a local authority must be conducted using an electoral system adopted by resolution of the local authority—

(a) for the purposes of the particular poll; or

(b) for the purposes of 2 or more polls that are to be conducted at the same time.

(2) If a poll is to be conducted for a local authority and there is no applicable resolution, that poll must be conducted using the electoral system commonly known as First Past the Post.

Voting methods

36 Voting method for elections and polls

(1) Every election or poll conducted for a local authority must be conducted using 1 or more methods of voting adopted by resolution of the local authority—

(a) for the purposes of a particular election or poll; or

(b) for the purposes of more than 1 election or more than 1 poll, or both, that are to be conducted at the same time.

(2) If an election or poll is to be conducted and there is no applicable resolution under subsection (1), that election or poll must be conducted by postal voting.

(3) Despite subsections (1) and (2),—

(a) if any election or poll is to be conducted in conjunction with the election of 1 or more territorial authorities in the same local government area, the voting method to be used for that election or poll within the district of each territorial authority is the voting method or methods to be used for the election of that territorial authority:

(b) if 2 or more elections or 2 or more polls are to be conducted within the district of a territorial authority separately from any election of that territorial authority, and, as a consequence of the operation of subsection (1) or subsection (2), those elections and polls are required to be conducted using different voting methods,—

(i) the local authorities concerned must determine which of those voting methods must be used to conduct the elections and polls; and

(ii) if no agreement is reached under subparagraph (i), those elections and polls must be conducted by postal voting.

(4) Subsection (5) applies if—

(a) regulations authorise the use of a voting method, for the purpose of conducting a trial of that method, by a specified class of elector in any specified class of election or poll or in any specified election or poll; and

(b) the local authority adopts that voting method for the specified class by resolution in accordance with those regulations.

(5) The voting method to be used by the specified class of elector in the election or poll must be the method adopted by resolution under subsection (4).

(6) If, under subsection (5), any election or poll of 1 or more territorial authorities in which a voting method is to be used by a specified class of elector is to be conducted in conjunction with 1 or more other elections or polls, that voting method is to be used by the specified class of elector in each of the elections or polls.

(7) If subsection (5) or (6) (or both) apply to an election or a poll, the voting method or methods to be used for other electors in the election or poll must be determined in accordance with subsections (1) to (3).

Section 36(4): inserted, on 9 April 2019, by section 5 of the Local Electoral Matters Act 2019 (2019 No 7).

Section 36(5): inserted, on 9 April 2019, by section 5 of the Local Electoral Matters Act 2019 (2019 No 7).

Section 36(6): inserted, on 9 April 2019, by section 5 of the Local Electoral Matters Act 2019 (2019 No 7).

Section 36(7): inserted, on 9 April 2019, by section 5 of the Local Electoral Matters Act 2019 (2019 No 7).

37 Consultation

(1) Before passing any resolution under section 36(1) or (4) that will apply to elections or polls conducted for any other local authority, the local authority concerned must consult that local authority.

(2) In determining what resolution is to be adopted under section 36, the local authority concerned must have regard to the results of any consultation under subsection (1).

Section 37(1): amended, on 9 April 2019, by section 6 of the Local Electoral Matters Act 2019 (2019 No 7).

Electoral rolls

38 Compilation of electoral roll

(1) In every year in which a triennial general election is to be held, the electoral officer for every territorial authority must compile a roll of electors of the district of that territorial authority to be known as the electoral roll.

(2) If—

(a) an election to fill an extraordinary vacancy; or

(b) a poll of electors—

is to be held within a district at any time other than in conjunction with a triennial general election, the electoral officer for the territorial authority for the district or, as the case may require, the electoral officer of the local authority for whom the election or poll is to be held or taken must compile a roll of electors entitled to vote in that election or poll.

(3) Every electoral roll must—

(a) include the name of every residential elector and ratepayer elector of the district of the territorial authority or, as the case may require, the local authority for whom the election or poll is to be held or taken who, as at the prescribed date, is entitled, under this Act and regulations made under this Act, to be included in the roll; and

(b) include any other prescribed details; and

(c) comply with any other prescribed requirements.

(4) For the purposes of determining the names and other details of residential electors to be included in the electoral roll, the electoral officer must obtain from the Electoral Commission under section 113 of the Electoral Act 1993 a computer-compiled list containing the specified information (as contained in that section) in respect of electors appearing to reside within the local government area of the local authority.

Section 38(4): amended, on 1 July 2012, by section 58(6) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

39 Public notice of procedures for enrolment as ratepayer on electoral roll

(1) The electoral officer—

(a) must ensure that public notice of the qualifications and procedures for enrolment or nomination as a ratepayer elector, is given during the month of May in each year in which a triennial general election is held; and

(b) must ensure that notice of the qualifications and procedures for enrolment or nomination as a ratepayer elector is delivered with the rates

assessment or at least 1 rates invoice delivered by the territorial authority before September in each year in which a triennial general election is held; and

(c) may give any additional public notice and any specific notice of the qualifications and procedures for enrolment or nomination as a ratepayer elector that the electoral officer considers desirable.

(2) Any public notice given under subsection (1) may be given jointly by the electoral officers of 2 or more territorial authorities and, in determining whether that public notice is to be given jointly, each electoral officer must have regard to the effectiveness and cost of the public notice.

Compare: 1976 No 144 s 7BEB

Section 39(1)(b): amended, on 7 July 2004, by section 9 of the Local Electoral Amendment Act 2004 (2004 No 62).

40 No person to be enrolled more than once for local authority or local board or community board

The name of any person must not appear more than once in the same electoral roll.

Section 40 heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

41 Supply of information by Electoral Commission

(1) If the electoral officer wishes to find out whether any person is qualified as a ratepayer elector under section 24 and is registered as a parliamentary elector in respect of an address outside the region, district, local board area, or community, the Electoral Commission, on the request of the electoral officer, must inform the electoral officer whether that person is registered as a parliamentary elector in respect of that address.

(2) The electoral officer may request the Electoral Commission to inform the electoral officer if any person who is qualified as a ratepayer of a region, district, local board area, or community is registered as a parliamentary elector of a Māori electoral district.

(3) If the Electoral Commission receives a request under subsection (2), the Electoral Commission must provide the information requested by the electoral officer, if the electoral officer has provided adequate identifying information.

Compare: 1976 No 144 s 7BF

Section 41 heading: amended, on 1 July 2012, by section 58(7) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 41(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 41(1): amended, on 1 July 2012, by section 58(8) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 41(2): added, on 25 December 2002, by section 17 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 41(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 41(2): amended, on 1 July 2012, by section 58(8) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 41(3): added, on 25 December 2002, by section 17 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 41(3): amended, on 1 July 2012, by section 58(8) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 41(3): amended, on 1 July 2012, by section 58(9) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

42 Roll to be available for public inspection

(1) A copy of an electoral roll must,—

(a) if the roll is compiled by an electoral officer of a territorial authority, be kept at the principal office of the territorial authority and at every other place within the district that the electoral officer and the occupier of that place agree is a place at which a copy of the roll may be kept:

(b) if the roll is compiled by an electoral officer of a local authority that is not a territorial authority, be kept at the principal office of the local authority and at every other place within the local government area that the electoral officer and the occupier of that place agree is a place at which a copy of the roll may be kept.

(2) The electoral officer must give public notice of the place or places where the roll is kept.

(3) The electoral officer must ensure that the copy of the roll kept at the principal office of the territorial authority or, as the case may require, the local authority, is open for public inspection at all reasonable hours during a period of not less than 28 days before the closing of the roll in the year in which the roll is compiled.

(4) The copy or copies of the roll kept at any other place must be open for public inspection whenever the place is open to members of the public.

Compare: 1976 No 144 s 7D

43 Inspection of rolls at meetings and hui

(1) The electoral officer must, at the request of any person, make the electoral roll available for public inspection, under the supervision of any person nominated by the electoral officer, at any meeting or hui.

(2) A request made under subsection (1) need not be granted unless the electoral officer is satisfied that a large number of persons are likely to attend the meeting or hui in respect of which the request is made.

(3) If a roll is made available for public inspection under subsection (1), the roll must be made available at such times and places as the electoral officer thinks fit.

Compare: 1993 No 87 s 111

44 Application for registration as parliamentary elector

(1) Subsection (2) applies to any person who claims to be qualified as a parliamentary elector in respect of an address within the district of a territorial authority but whose name—

(a) does not appear on the electoral roll because it does not appear on the appropriate parliamentary roll; or

(b) is incorrectly recorded on the electoral roll; or

(c) is recorded on the electoral roll with an incorrect address or occupation.

(2) Any person to whom this subsection applies may make application for registration or correction of registration as a parliamentary elector in the form prescribed by the Electoral Act 1993 or by regulations made under that Act.

Compare: 1976 No 144 s 7E

45 Completion of electoral roll

The electoral officer must, as soon as practicable after the closing of the electoral roll, obtain from the Electoral Commission under section 113 of the Electoral Act 1993 a further computer-compiled list, and must complete the compilation of the electoral roll,—

(a) in the case of residential electors, by using that list; or

(b) in the case of ratepayer electors, from the applications received until the closing of the electoral roll.

Compare: 1976 No 144 s 7F

Section 45: amended, on 1 July 2012, by section 58(10) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

46 Removal of names from electoral roll

(1) The electoral officer may at any time remove from the electoral roll the name of any person entered on that roll as a ratepayer elector if, to the knowledge of the electoral officer, that person is no longer qualified in respect of the property for which that person was enrolled.

(2) If the name of any person entered on an electoral roll as a ratepayer elector is removed from that roll for any reason other than the death of that person, the electoral officer must immediately give to that person, by notice in writing addressed to that person at that person's last known address, notice of the removal of that person's name.

Compare: 1976 No 144 s 7FA

47 Amendments to roll

(1) The electoral officer may, on the application of any person who is or claims to be entitled to be enrolled or any other person or otherwise, make any necessary corrections to any names, addresses, occupations, abbreviations, marks, or other details, appearing in the electoral roll.

(2) Despite subsection (1), the electoral officer must not amend any information received under section 113 of the Electoral Act 1993 unless the electoral officer is satisfied that the elector is dead, in which case the electoral officer must remove the name of the elector from the electoral roll.

(3) If the electoral officer receives advice from the Electoral Commission that a person whose name is included on the electoral roll as a ratepayer elector is eligible to be included on the roll as a residential elector, the electoral officer must amend the roll accordingly.

Compare: 1976 No 144 s 7G

Section 47(3): amended, on 1 July 2012, by section 58(11) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

48 Objections to roll

(1) Any person may, not later than the day on which the electoral roll closes, object to the electoral roll on either of the following grounds:

(a) that any person entered on the roll as a ratepayer elector does not possess the necessary qualification for entry on the roll at the time when the objection is lodged; or

(b) that the person making the objection is not on the roll and possesses the necessary qualification to be entered on the roll as a ratepayer elector at the time when the objection is lodged.

(2) Every objection must be lodged in writing with the electoral officer and, in the case of an objection under subsection (1)(b), must, if an application for enrolment is required by regulations made under this Act, include a completed application for enrolment.

(3) The electoral officer must—

(a) inquire into and determine whether or not the objection should be allowed; and

(b) give the objector written notice of the decision.

Compare: 1976 No 144 s 7GA

49 Appeals to District Court in respect of roll

(1) Any person aggrieved by any decision of the electoral officer under section 48 may appeal to a District Court Judge against the decision.

(2) The appeal may be brought by the appellant lodging a notice of appeal in the office of the District Court that is closest to the principal office of the local authority that appointed the electoral officer.

(3) The notice of appeal must be lodged within 7 days after the date on which the appellant receives, under section 48(3)(b), written notice of the decision to which the appeal relates.

(4) Either before or immediately after lodging the notice of appeal, the appellant must serve a copy of the notice of appeal on the electoral officer.

(5) The District Court must fix a time and place for the hearing of the appeal.

(6) The appeal must be heard as soon as practicable and the Registrar of the court must notify the appellant and the electoral officer of the time and place of hearing.

(7) A District Court Judge must hear and determine the objection and may order—

(a) the addition to the roll of the name of any person who possesses the necessary qualifications; and

(b) the removal of the name of any person who does not.

Compare: 1976 No 144 s 7GB

50 Closing of electoral roll

(1) An electoral roll closes at the time prescribed in respect of the election or poll to which the roll relates, and remains closed until the election is held or the poll is taken.

(2) No alteration or addition may be made in or to any electoral roll while it is closed, except—

(a) in cases where an appeal was pending under section 49 when the roll was closed; or

(b) for the purpose of complying with a claim for enrolment or of an application for the alteration of an entry in the electoral roll, delivered to the electoral officer before the closing of the roll; or

(c) if the electoral officer is satisfied that an elector is dead.

Compare: 1976 No 144 s 7H(3)

51 When roll in force

(1) The electoral officer must ensure that the electoral roll is completed and must, before the time prescribed for the certification of the electoral roll, certify that the roll has been compiled.

(2) The electoral roll comes into force on the prescribed day in respect of the election or poll for which it was compiled and remains in force until another electoral roll comes into force.

(3) Any copy of the electoral roll certified by the electoral officer to be a correct copy of the electoral roll, or of any roll compiled under this Act is, in the absence of evidence to the contrary, sufficient evidence that the roll has been properly compiled.

(4) The fact that a copy of any electoral roll has been certified to be a correct copy by any person purporting to be authorised to do so is, in the absence of evidence to the contrary, sufficient evidence that the person is so authorised.

Compare: 1976 No 144 ss 7H, 7I

Part 3
Conduct of elections and polls

Notice of election or poll

52 Notice of election or poll

(1) An electoral officer responsible for the conduct of an election or poll must give public notice of that election or poll—

(a) stating the date of the election or poll; and

(b) identifying the local government area in respect of which the election or poll is to be held; and

(c) identifying the electoral officer or electoral officers who will be responsible for conducting the election or poll; and

(d) stating the electoral system to be used for the election or poll; and

(e) stating the voting method or voting methods to be used for the election or poll; and

(f) advising electors of—

(i) the day and time when the electoral roll closes; and

(ii) when and how the electoral roll may be inspected; and

(iii) when and how persons may enrol or amend enrolment details; and

(g) *[Repealed]*

(h) containing any other information that is required or allowed to be included in the notice by regulations made under this Act.

(2) Notice under subsection (1) must be given not later than 25 days before the earlier of—

(a) the closing of the electoral roll; or

(b) the day and time by which nominations must be received.

(3) If an electoral officer is required to give public notice of more than 1 election or more than 1 poll, or both, the notices required to be given under this section may be combined.

(4) An electoral officer who gives public notice under this section must send a copy of that notice to any other electoral officer involved in the conduct of the election or poll.

Section 52(1)(g): repealed, on 25 December 2002, by section 18 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 52(2): amended, on 1 April 2025, by section 12 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

53 Additional material to be included in notice in respect of election

In the case of an election, a notice under section 52 must also state—

(a) the day and time by which nominations must be received; and

(b) the rights of a candidate to submit a candidate profile statement and the manner in which it may be submitted; and

(c) the manner in which nominations must be made; and

(d) the amount of any deposit required to be paid in respect of nominations and the manner in which that deposit must be paid; and

(e) the number of vacancies to be filled.

54 Additional material to be included in notice in respect of poll

In the case of a poll, a notice under section 52 must also—

(a) state the proposal or subject matter of the poll; and

(b) in the case of a binding poll, state the consequences of each possible result of the poll; and

(c) in the case of a non-binding poll, state the intentions (if any) of the local authority or other body on whose behalf the poll is conducted in respect of each possible result of the poll.

Candidacy

55 Nomination of candidates

(1) Any 2 electors who are qualified to nominate a candidate may nominate a person who is qualified to be a candidate as a candidate at an election—

(a) in the prescribed manner; and

(b) before 12 noon on nomination day (the close of nominations).

(2) An electoral officer must not accept the nomination of a candidate unless—

(a) the person nominated, by notice in writing, consents to nomination and certifies that he or she is qualified to be a candidate under section 25 and is not disqualified under section 58; and

(b) the person nominated is qualified to be a candidate; and

(ba) each of the persons who nominated the candidate are persons other than the candidate; and

(c) the persons who nominated the candidate are qualified to nominate the candidate; and

(d) the nomination complies with subsections (1) and (4); and

(e) the electoral officer receives the deposit prescribed for the applicable class of elections; and

(f) the electoral officer receives the following together:

(i) the nomination paper required by subsection (1):

(ii) the consent and certification required by paragraph (a):

(iii) the deposit required by paragraph (e).

(3) The consent and certification required by subsection (2)(a) may be given in a manner other than in writing that is approved by the electoral officer.

(4) A nomination under subsection (1) must state—

(a) the name under which the candidate is seeking election:

(b) any organisation or group with which the candidate claims to be affiliated for the purposes of identifying that affiliation in the voting documents at the election:

(c) whether or not a candidate who does not claim any affiliation referred to in paragraph (b) wishes to be identified in the voting documents at the election as an independent candidate.

(5) Any person may inspect any nomination or consent without payment of any fee at any time during ordinary office hours at the office of the electoral officer.

Section 55(2)(ba): inserted, on 25 December 2002, by section 19(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 55(2)(e): replaced, on 29 June 2013, by section 16(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 55(2)(f): inserted, on 29 June 2013, by section 16(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 55(3): replaced, on 29 June 2013, by section 16(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 55(3): amended, on 31 August 2023, by section 29 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

56 Name of candidate

An electoral officer must not accept the nomination of a candidate if the electoral officer is not satisfied, by the evidence (if any) that the electoral officer requires, that the name under which the candidate is nominated is—

(a) the name under which the candidate's birth was registered; or

(b) the name registered for the candidate under subpart 6 of Part 2 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 at least 6 months before nomination day; or

(c) the name by which the candidate was commonly known during the 6 months before nomination day, not being a name that—

(i) might cause offence to a reasonable person; or

(ii) is unreasonably long; or

(iii) is, or includes or resembles, an official title or rank; or

(iv) is likely to cause confusion or to mislead electors.

Section 56(b): replaced, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Section 56(c)(iii): substituted, on 25 December 2002, by section 20 of the Local Electoral Amendment Act 2002 (2002 No 85).

57 Affiliation of candidate

(1) If an electoral officer is in any doubt about a candidate's eligibility to claim an affiliation, the electoral officer may require the candidate to produce evidence sufficient to satisfy the electoral officer of the candidate's eligibility to claim that affiliation.

(2) If an electoral officer considers that the candidate is not eligible to claim an affiliation or that the affiliation claimed might cause offence to a reasonable person or is likely to cause confusion to or mislead electors,—

(a) the electoral officer must, after consultation with the candidate, allow the affiliation that the electoral officer and the candidate agree on to appear on voting documents in place of the affiliation specified in the notice of nomination; or

(b) if the consultation referred to in paragraph (a) does not result in agreement or is not reasonably practicable to undertake, the electoral officer must not allow any affiliation in respect of that candidate to appear on voting documents.

(3) In this section, an **affiliation** is an endorsement by any organisation or group (whether incorporated or unincorporated).

57A Candidacy for more than 1 ward or constituency or subdivision prohibited

No person may, at the same time, be a candidate for election for more than 1 ward or constituency of the same local authority or for more than 1 subdivision of a local board area or community.

Section 57A: inserted, on 25 December 2002, by section 21 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 57A: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

57B Candidacy for ward and membership at large prohibited

(1) No person may, at the same time, be a candidate for election in a ward and a candidate for election by the electors of the district as a whole as a member of the territorial authority of which that ward forms part.

(2) Subsection (1) does not apply to a person who is a candidate for election—

(a) as a member in a ward; and

(b) as mayor of the territorial authority of which that ward forms part.

Section 57B: inserted, on 25 December 2002, by section 21 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 57B(2): added, on 7 July 2004, by section 10 of the Local Electoral Amendment Act 2004 (2004 No 62).

58 Candidacy for both regional council and constituent authority prohibited

(1) In this section,—

constituent authority, in relation to any region, means—

(a) a territorial authority having jurisdiction over a constituent district; or

(aa) a local board for a local board area that is wholly or partly within the region; or

(b) a community board for a community that is wholly or partly within the region

member, in relation to a constituent authority, includes a mayor.

(2) No person may, at the same time, be both a candidate for election to a regional council for a region and a candidate for election to a constituent authority of that region.

(3) No member of a constituent authority of a region may be a candidate for election to the regional council for the region.

(4) No member of a regional council for a region may be a candidate for election to a constituent authority of that region.

(5) Subsections (3) and (4) do not apply if a general election of members of the regional council of a region is to be held concurrently with a general election of members of a constituent authority of that region.

Compare: 1974 No 66 s 101GA

Section 58(1) **constituent authority** paragraph (aa): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

58AA Prohibition on candidacy for local board

(1) No member of the governing body of a unitary authority may be a candidate for election as a member of a local board for a local board area within the district of the unitary authority.

(2) Subsection (1) does not apply if a general election of members of the governing body of the unitary authority is to be held at the same time as a general election of members of the local board.

Section 58AA: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

58A Prohibition on candidacy for community board

(1) No member of a territorial authority may be a candidate for election as a member of a community board that is constituted in respect of part of the district of the territorial authority.

(2) Subsection (1) does not apply if a general election of members of the territorial authority is to be held at the same time as a general election of members of the community board.

Section 58A: inserted, on 25 December 2002, by section 22 of the Local Electoral Amendment Act 2002 (2002 No 85).

59 Forfeiture of deposit and refund of deposit

(1) If the total number of votes received by any candidate is less than the minimum number of votes prescribed for the purposes of this section in relation to the electoral system used at the election, the deposit is forfeited and paid into the general fund of the local authority.

(2) The deposit must be returned to the person who paid it or, as the case may require, to his or her personal representatives if—

(a) subsection (1) does not apply to the candidate or the candidate—

(i) withdraws his or her nomination before the close of nominations; or

(ia) has his or her nomination cancelled because of incapacitation (certified by a medical practitioner) after the close of nominations but before the close of voting; or

(ii) is elected without an election; or

(iii) dies before the close of voting; or

(iv) becomes incapable under this or any other Act of holding the office for which he or she was a candidate before the close of voting; and

(b) the candidate (other than a candidate who dies before the close of voting) complies with section 112A (which requires candidates to file a return of electoral donations and expenses).

(3) Subsection (2)(a) overrides subsection (1).

Compare: 1976 No 144 s 15

Section 59(2): substituted, on 25 December 2002, by section 23 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 59(2)(a)(i): replaced, on 29 June 2013, by section 17(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 59(2)(a)(ia): inserted, on 29 June 2013, by section 17(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 59(2)(b): replaced, on 29 June 2013, by section 17(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 59(3): added, on 25 December 2002, by section 23 of the Local Electoral Amendment Act 2002 (2002 No 85).

60 Withdrawal, death, or incapacity of candidate before close of nominations

(1) Any candidate at an election may, before the close of nominations, withdraw his or her nomination by written notice given to the electoral officer.

(2) If the electoral officer receives notice under subsection (1), the nomination must be treated in all respects as if it had not been made.

(3) If the electoral officer receives advice before the close of nominations that a candidate has died, that candidate's nomination must be treated in all respects as if it had not been made.

(4) If the electoral officer receives advice before the close of nominations that a candidate is, or has become, incapable under any Act of holding the office for which he or she is a candidate, that candidate's nomination must be treated in all respects as if it had not been made.

Compare: 1976 No 144 ss 16, 17(1)

Candidate profile statements

61 Candidate profile statements

(1) Every candidate may provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).

(2) A candidate profile statement,—

(a) if—

(i) in English or Māori or both, must not exceed 150 words in each of the languages used in the statement:

(ii) in a language other than English or Māori, must not exceed 150 words, or the equivalent, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate); and

(b) must be provided to the electoral officer, together with the nomination paper and other things referred to in section 55(2)(f); and

(c) must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under section 55(4) to be affiliated, or his or her status as an independent candidate, and the candidate's contact details), and the candidate's policies and intentions if elected to office; and

(ca) must state whether or not the candidate's principal place of residence, being the address in respect of which the candidate is registered as a parliamentary elector, is in the local government area for which the candidate seeks election (for example, either "My principal place of residence is in the Lambton Ward" or "My principal place of residence is not in the Lambton Ward"); and

(cb) if the candidate is seeking election to any other positions in elections to which this Act applies (under section 7), must specify each position and state that the candidate is seeking to be elected to the positions; and

(d) must comply with any prescribed requirements; and

(e) may include a recent photograph of the candidate alone.

(2A) The information required by subsection (2)(ca) and (cb) does not count for the purposes of the word limit under subsection (2)(a).

(3) If a candidate profile statement is submitted in Māori and English, the information contained in each language must be substantially consistent with the information contained in the other language.

(4) If the electoral officer is not satisfied that a candidate profile statement complies with subsection (2) or, if applicable, subsection (3), the electoral officer must, as soon as practicable, return the statement to the candidate and must—

(a) specify the concerns of the electoral officer and the reasons for those concerns; and

(b) unless the candidate profile statement does not comply with subsection (2)(b), specify a period, which must not be less than 3 days from the date of return of the statement, during which the candidate may submit an amended candidate profile statement to the electoral officer.

(5) A candidate is to be treated as having failed to provide a candidate profile statement, if subsection (4)(b) applies to the candidate and the candidate—

(a) fails to submit an amended candidate profile statement within the period specified in subsection (4)(b); or

(b) submits an amended candidate profile statement that, in the opinion of the electoral officer, does not comply with subsection (2) or, if applicable, subsection (3).

(6) An electoral officer—

(a) is not required to verify or investigate any information included in a candidate profile statement:

(b) may include, in or with any candidate profile statement that is published, displayed, or distributed, any disclaimer concerning the accuracy of the information contained in the statement that the electoral officer considers appropriate:

(c) is not liable in respect of—

(i) any statement contained in or omitted from the candidate profile statement or the work of a translator prudently selected by the electoral officer; or

(ii) the exercise of the powers and functions conferred on the electoral officer by this section.

Section 61(2)(b): replaced, on 29 June 2013, by section 18(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 61(2)(c): amended, on 25 December 2002, by section 24(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 61(2)(ca): inserted, on 29 June 2013, by section 18(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 61(2)(cb): inserted, on 29 June 2013, by section 18(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 61(2A): inserted, on 29 June 2013, by section 18(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 61(4)(b): amended, on 25 December 2002, by section 24(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 61(5): amended, on 25 December 2002, by section 24(4) of the Local Electoral Amendment Act 2002 (2002 No 85).

62 Provision of candidate profile statements to electors

(1) An electoral officer who receives a candidate profile statement in accordance with section 61 must ensure that all prescribed requirements concerning the publication, display, or distribution of candidate profile statements to electors at the election are complied with.

(2) Any failure by an electoral officer to comply with this section does not invalidate an election.

Procedures after close of nominations

63 If number of candidates does not exceed number of vacancies, candidates to be declared elected

(1) If, at the close of nominations for an election, the number of candidates does not exceed the number of vacancies to be filled, the electoral officer must, as soon as practicable after the close of nominations, declare all nominated candidates to be elected.

(2) A declaration under subsection (1) must be given by public notice in the prescribed manner.

Compare: 1976 No 144 s 18(1)

64 Vacancies remaining unfilled to be extraordinary vacancies

If, at the close of nominations for an election, the number of candidates is less than the number of vacancies to be filled, a vacancy remaining unfilled—

(a) is an extraordinary vacancy; and

(b) is to be treated as occurring on polling day, even though on polling day any other member or members continue in office under section 116.

Further notice of election or poll

65 Further notice to electors of election or poll

(1) As soon as practicable after the close of nominations or the closing of the electoral roll, whichever is the later, the electoral officer must give further public notice of the election or poll, and of every other election and poll that will be conducted in conjunction with the election or poll.

(2) Every notice under subsection (1) must—

(a) state the date of the election or poll; and

(b) state the day and time at which the voting period begins and ends; and

(c) state the electoral system to be used for the election or poll; and

(d) state the voting method or voting methods to be used for the election or poll; and

(da) *[Repealed]*

(e) contain any other information that is required or allowed to be included in the notice by regulations made under this Act.

(3) In the case of an election, a notice under subsection (1) must also state the number of vacancies to be filled and the names and affiliations, if any, of the candidates.

(4) A notice under subsection (1) may also contain any other information relating to the conduct of the election or poll that the electoral officer considers desirable to encourage participation by electors in the election or poll.

Compare: 1976 No 144 s 20(1)

Section 65(2)(da): repealed, on 29 June 2013, by section 19 of the Local Electoral Amendment Act 2013 (2013 No 40).

Scrutineers

66 Scrutineers at election

A candidate may, by notice in writing, appoint 1 or more scrutineers for the purposes of an election.

67 Scrutineers at poll

Any 10 or more electors who are in favour of or opposed to any one proposal at a poll may, by notice in writing, appoint 1 or more scrutineers for the purposes of the poll.

68 General rules affecting scrutineers

(1) An appointment under section 66 or section 67 is not valid unless a copy of the notice of appointment is delivered by the candidate, or the 10 electors, as the case may be, to the electoral officer not less than 24 hours before the close of voting at the election or poll.

(2) A person appointed as a scrutineer must not act in that capacity until he or she has made a declaration containing the prescribed details.

(3) A person must not be appointed as a scrutineer if he or she is—

(a) a candidate, in the case of an election; or

(b) a member or employee of any local authority or local board or community board for whom an election or poll is being conducted; or

(c) under the age of 18 years.

(4) Not more than 1 scrutineer for any candidate or for or against any one proposal may be present at the same place, for the purposes of performing his or her duties as a scrutineer, at the same time.

(5) Subject to subsection (4), any scrutineer—

(a) may be present when—

(i) any step referred to in section 80 is being completed after the close of voting; or

(ii) a scrutiny to which section 83 applies is being conducted; or

(iii) votes are being counted under section 84; and

(b) may, while votes are being counted under section 84, inspect any voting documents (whether formal or informal) that are the subject of the count.

(6) An electoral officer may, at the request of a scrutineer or candidate made before the close of voting at an election, or at the request of a scrutineer made before the close of voting at a poll, supply to that scrutineer or candidate the names of persons from whom voting documents have been received, either at no cost or for a reasonable price, and in a format that the electoral officer considers appropriate.

Compare: 1976 No 144 s 27(1)–(3)

Section 68(1): amended, on 25 December 2002, by section 26(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 68(3)(b): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 68(5): substituted, on 25 December 2002, by section 26(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 68(6): added, on 25 December 2002, by section 26(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Death, incapacity, or invalid or cancelled nominations of candidates

Heading: replaced, on 29 June 2013, by section 20 of the Local Electoral Amendment Act 2013 (2013 No 40).

69 Application for cancellation of nomination if candidate incapacitated after close of nominations

(1) An application may be made for the cancellation of the nomination of a candidate if the candidate becomes incapacitated after the close of nominations but before the close of voting.

(2) The application must be made to the electoral officer by—

(a) the 2 electors who nominated the candidate; or

(b) if 1 or both electors are unavailable or unable to act for any reason, a person with authority to act on the candidate's behalf.

(3) The application must be made on a form provided by the electoral officer, and must be witnessed by a Justice of the Peace or a solicitor.

(4) The application must be accompanied by a certificate signed by a medical practitioner that certifies—

(a) as to the candidate's condition; and

(b) that, in the practitioner's opinion, the candidate is incapacitated.

(5) The application must be submitted to the electoral officer—

(a) as soon as practicable after the candidate becomes incapacitated; and

(b) before the close of voting.

(6) The application may be submitted by hand, post, fax, or electronic transmission.

(7) In this section,—

incapacitated means that a candidate, because he or she is suffering from a serious illness or has sustained a serious injury, would be unlikely to be capable of performing the functions and duties of office if elected to the office

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

Section 69: replaced, on 29 June 2013, by section 21 of the Local Electoral Amendment Act 2013 (2013 No 40).

69A How application for cancellation of nomination dealt with

(1) On receiving an application under section 69, the electoral officer must promptly determine whether the candidate became incapacitated (as defined by section 69(7)) after the close of nominations but before the close of voting.

(2) For the purposes of making the determination, the electoral officer may make any inquiries, and seek any assistance (including expert medical assistance), that the electoral officer considers necessary.

(3) If, before the close of voting, the electoral officer determines that the candidate became incapacitated as described in subsection (1), the electoral officer must cancel the candidate's nomination.

(4) If the electoral officer has not made a determination before the close of voting, the application is to be treated as having been declined.

(5) As soon as practicable after making a determination, the electoral officer must inform the applicant of the determination.

Section 69A: inserted, on 29 June 2013, by section 21 of the Local Electoral Amendment Act 2013 (2013 No 40).

70 Death, incapacity, or invalid nomination of mayoral candidate after close of nominations

(1) This section applies if, after the close of nominations but before the close of voting, an electoral officer becomes aware that a candidate in a mayoral election—

(a) has died; or

(b) has become incapable under any Act of holding the office for which the candidate was nominated; or

(c) was not validly nominated; or

(d) was not qualified to be nominated as a candidate.

(2) If it is practicable to do so before polling day, the electoral officer must, by public notice,—

(a) give notice of the death, or the incapacity, or the invalid nomination of the candidate; and

(b) countermand the notice of the election given under section 65; and

(c) declare the election to be void.

(3) Any votes in the election must not be counted but all other provisions of this Act and regulations made under this Act relating to the secrecy of the vote and security of election records apply in respect of that election.

(4) A new election must be held and the provisions of section 102 apply accordingly, with any necessary modifications.

Compare: 1976 No 144 s 22

71 Death, incapacity, or invalid or cancelled nomination of candidate

(1) This section and section 72 apply if—

(a) the electoral officer has cancelled under section 69A a candidate's nomination in any election; or

(b) the electoral officer becomes aware, after the close of nominations but before the close of voting, that a candidate in any election other than a mayoral election—

(i) has died; or

(ii) has become incapable under any Act of holding the office for which the candidate was nominated; or

(iii) was not validly nominated; or

(iv) was not qualified to be nominated as a candidate.

(2) If it is practicable to do so before polling day, the electoral officer must give public notice of the death, incapacity, or invalid or cancelled nomination of the candidate.

(3) The electoral officer must take such steps as are practicable to ensure that electors do not vote for a candidate in ignorance of the death, incapacity, or invalid or cancelled nomination of that candidate.

(4) Any failure by the electoral officer to ensure that an elector or electors do not vote for a candidate in ignorance of the death, incapacity, or invalid or cancelled nomination of the candidate does not invalidate an election.

(5) If the electoral system used at the election is First Past the Post, any vote cast for a deceased or incapacitated candidate, or for a candidate whose nomination is invalid or cancelled, or for a candidate who is no longer available for election under section 84, is void.

(6) If the electoral system used at the election is Single Transferable Voting, any preference recorded on a voting document for a deceased or incapacitated candidate, or for a candidate whose nomination is invalid or cancelled, or for a candidate who is no longer available for election under section 84, must not be recorded at the count as a preference for that person, but must instead be treated in accordance with regulations made under this Act.

Compare: 1976 No 144 s 23(1), (2)

Section 71 heading: replaced, on 29 June 2013, by section 22(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 71(1)(a): replaced, on 29 June 2013, by section 22(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 71(2): amended, on 29 June 2013, by section 22(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 71(3): amended, on 29 June 2013, by section 22(4) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 71(4): amended, on 29 June 2013, by section 22(4) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 71(5): substituted, on 25 December 2002, by section 27 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 71(5): amended, on 29 June 2013, by section 22(5) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 71(6): added, on 25 December 2002, by section 27 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 71(6): amended, on 29 June 2013, by section 22(5) of the Local Electoral Amendment Act 2013 (2013 No 40).

72 If election becomes unnecessary

(1) If the death, incapacity, or invalid or cancelled nomination of a candidate means that the election is unnecessary, the electoral officer must, as soon as practicable after the close of nominations, give public notice declaring all remaining candidates to be elected in the prescribed manner.

(2) If subsection (1) applies, the votes in the election must not be counted, but all other provisions of this Act and regulations made under this Act relating to

the secrecy of the vote and security of election records apply in respect of that election.

Compare: 1976 No 144 s 23(3)

Section 72(1): amended, on 29 June 2013, by section 23 of the Local Electoral Amendment Act 2013 (2013 No 40).

Adjourned elections or polls

73 Adjournment of election or poll

(1) This section applies if the electoral officer believes on reasonable grounds that electors are, or are likely to be, denied a reasonable opportunity to cast a valid vote at an election or poll because of—

(a) natural disaster; or

(b) adverse weather conditions; or

(c) the breakdown of communication or energy services; or

(d) riot or disorder; or

(e) any other event.

(2) If this section applies, the electoral officer may adjourn the close of voting for a period not exceeding 14 days, and may continue to adjourn the close of voting, if necessary, until the election or poll can be held or taken, as the case may be.

(3) The electoral officer must give public notice of every adjournment under this section as soon as practicable, and may give any other notice that the electoral officer considers desirable.

Compare: 1976 No 144 s 48

73A Adjournment of electoral processes

(1) The Governor-General may, by Order in Council made in accordance with this section, specify a later date for 1 or more of the following in respect of a triennial general election of members of 1 or more local authorities, local boards, and community boards:

(a) the date by which, or dates during which, a certain qualification entitles an elector to be included on the electoral roll:

(b) the nomination day:

(c) the polling day:

(d) the date by which anything else may or must be done under this Act or regulations made under this Act.

(2) The Order in Council must be made in the year in which the triennial general election is to be held.

(3) A date specified by the Order in Council must be no more than 6 weeks after the date that would otherwise have applied.

(4) A date may be specified by the Order in Council only if the order commences on or before the date that would otherwise have applied.

(5) The Order in Council must be made on the recommendation of the Minister.

(6) Before recommending the making of the Order in Council, the Minister—

(a) must be satisfied, on reasonable grounds, that the order is necessary to ensure that the adverse effects of an emergency (whether local or national) or of anything referred to in section 73(1)(a) to (d) do not deny electors a reasonable opportunity to cast a valid vote, nominate a candidate, or accept nomination as a candidate in relation to the election; and

(b) must have consulted every local authority and electoral officer that will be affected.

(7) Upon the commencement of an Order in Council made under this section,—

(a) a date specified in the order has effect in relation to the triennial general election of members of the 1 or more local authorities, local boards, and community boards to which the order applies; and

(b) this Act and any regulations made under this Act apply to the election with any necessary modifications.

(8) The electoral officer must, as soon as practicable, give public notice of every change of date made by the Order in Council, and may give any other notice that the electoral officer considers desirable.

(9) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 73A: inserted, on 29 June 2013, by section 24 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 73A(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 73A(7)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 73A(9): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

73AB Adjournment of electoral processes and conduct of polls while epidemic notice in force for COVID-19

[Repealed]

Section 73AB: repealed, on 20 October 2022, by section 73AC(1).

73AC Repeal and revocation

[Repealed]

Section 73AC: repealed, on 20 October 2022, by section 73AC(1).

73B Electoral officer may abandon voting method

(1) The electoral officer may abandon a voting method if, at any time during the voting period, the electoral officer has reasonable grounds to consider that the method has failed or been compromised.

(2) Without limiting subsection (1), a voting method fails or is compromised if—

(a) a system or facility used for the method fails or malfunctions with the effect that some or all of the votes cast using the method are destroyed or otherwise irretrievable:

(b) a system or facility used for the method has been manipulated with the effect that it is not possible for the electoral officer to be satisfied, for some or all of the votes cast using the method, that the votes are recorded accurately.

(3) If the voting method involves a combination of or choice between methods, the decision to abandon a method applies only to (and affects only votes cast using) the method that has failed or been compromised.

(4) If the electoral officer abandons a voting method,—

(a) any votes cast using the method must be disregarded (including for the purpose of section 83(2)); and

(b) an elector whose vote is disregarded may vote again—

(i) using another method of voting (if subsection (3) applies); or

(ii) by casting a special vote; and

(c) if the public notice under subsection (5)(a) is given less than 14 days before the close of voting, the electoral officer must adjourn the close of voting to the date that is 14 days after the public notice is given.

(5) The electoral officer must, as soon as is reasonably practicable,—

(a) give public notice that the method has been abandoned and of the matters described in subsection (4); and

(b) if it is possible to identify electors whose votes have been disregarded, take all reasonable steps to notify those electors that the method has been abandoned and of the matters described in subsection (4).

(6) The electoral officer may give any other notice that the electoral officer considers desirable.

Section 73B: inserted, on 9 April 2019, by section 7 of the Local Electoral Matters Act 2019 (2019 No 7).

Voting, processing, and counting of votes

74 Electoral officer to maintain security and secrecy at election or poll

The electoral officer must take all reasonable steps to ensure that—

(a) the security of voting documents and other electoral records is maintained; and

(b) voting documents and other electoral records are dealt with in the prescribed manner; and

(c) no electoral official, Justice of the Peace, or scrutineer discloses any information as to any candidate for whom, or the proposal for which, the voter is about to vote or has voted unless that disclosure—

(i) is required to conduct the count; or

(ii) is otherwise authorised by law or any court of competent jurisdiction; and

(d) the processing and counting of votes, and the scrutiny of the electoral roll, are conducted in a manner that facilitates checking of the processes adopted to conduct those duties (whether at a recount, inquiry, or otherwise).

75 What voting documents for election must contain

(1) Every voting document for an election must contain the following directions to the voter:

(a) the voter should read the directions carefully before voting; and

(b) if the First Past the Post electoral system is being used at the election,—

(i) how and where on the voting document a voter exercises his or her vote (for example, a tick against a box); and

(ii) the minimum and maximum number of candidates for which a voter may exercise his or her vote; and

(c) if the Single Transferable Voting electoral system is being used at the election,—

(i) how and where on the voting document a voter indicates his or her preferences; and

(ii) the minimum and maximum number of candidates for which a voter may indicate his or her preferences; and

(d) what the voter should do if he or she spoils the voting document; and

(e) what the voter must do with the voting document after voting; and

(f) any other relevant requirements that are particular to the voting method or the electoral system that is being used.

(2) In addition to the directions to the voter, every voting document for an election must contain the following:

(a) information necessary to identify the elector on the electoral roll and the voting documents issued to that elector; and

(b) the name of the local government area to which the election relates; and

(c) the position or positions to be filled at the election; and

(d) the name under which each candidate is seeking election, and the name of any organisation or group with which the candidate claims to be affiliated or, if applicable, the status of the candidate as an independent candidate; and

(e) information that is necessary to distinguish any candidates that have the same or very similar names; and

(f) an illustration of how and where the voter indicates his or her choice or preferences, as the case may be; and

(g) a warning describing the offences that a person may commit under sections 122(1)(a), 123(1)(c), and 124(b).

(3) Voting documents for an election may contain any other information that the electoral officer considers appropriate to ensure that—

(a) all electors who are qualified to vote have a reasonable and equal opportunity to vote (including, without limitation, information in a language other than English); and

(b) the secrecy of the vote is maintained.

Section 75(2)(f): amended, on 29 June 2013, by section 25(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 75(2)(g): inserted, on 29 June 2013, by section 25(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

76 What voting documents for polls must contain

(1) Every voting document for a poll must contain the following directions to the voter:

(a) the voter should read the directions carefully before voting; and

(b) if the First Past the Post electoral system is being used for the poll, how and where on the voting document a voter exercises his or her vote (for example, a tick against a box); and

(c) if the Single Transferable Voting electoral system is being used for the poll, how and where on the voting document a voter indicates his or her preference; and

(d) what the voter should do if he or she spoils the voting document; and

(e) what the voter must do with the voting document after voting; and

(f) any other requirements that are particular to the voting method or electoral system that is being used.

(2) In addition to the directions to the voter, every voting document for a poll must contain the following:

(a) information that is necessary to identify the elector on the electoral roll and the voting document issued to that elector; and

(b) the name of the local government area to which the poll relates; and

(c) a full statement of the proposal of the poll and whether or not the poll is a binding poll or a non-binding poll; and

(d) an illustration of how and where the voter indicates his or her choice or preferences, as the case may be; and

(e) a warning describing the offences that a person may commit under sections 122(1)(a), 123(1)(c), and 124(b).

(3) Voting documents for a poll may contain any other information that the electoral officer considers appropriate to ensure that—

(a) all electors who are qualified to vote have a reasonable and equal opportunity to vote (including, without limitation, information in a language other than English); and

(b) the secrecy of the vote is maintained.

Section 76(2)(d): amended, on 29 June 2013, by section 26(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 76(2)(e): inserted, on 29 June 2013, by section 26(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

77 Approval of voting documents for use at elections and polls

A voting document may not be used at an election or poll unless it is consistent with at least 1 of the general formats that have been approved for use by the Secretary for Local Government or a person appointed by the Secretary for the purpose of approving formats for voting documents under this section.

78 Voting

(1) An elector may cast a vote using a voting document during the voting period in accordance with regulations made under this Act.

(2) No vote received by the electoral officer after the close of voting may be counted, unless permitted by regulations made under this Act.

79 Early processing of votes

[Repealed]

Section 79: repealed, on 29 June 2013, by section 27 of the Local Electoral Amendment Act 2013 (2013 No 40).

80 Processing before close of voting

(1) The electoral officer may, at his or her discretion, process during the voting period and in the prescribed manner any voting documents received before the close of voting for any election or poll.

(2) Subsection (1) does not require the electoral officer to ensure the taking of any particular step (whether prescribed or otherwise) in relation to the processing of a voting document during the voting period if the electoral officer decides, on reasonable grounds, that it is not efficient to take that step in relation to that voting document in that period.

(3) Any step that, in relation to a voting document, is started but not completed at the close of voting must be completed after the close of voting in the prescribed manner.

(4) If the processing of a voting document is not completed at the close of voting, the processing of the voting document must be completed after the close of voting.

Section 80(1): replaced, on 29 June 2013, by section 28 of the Local Electoral Amendment Act 2013 (2013 No 40).

81 Scrutineers' presence at processing prohibited before close of voting

(1) No scrutineer may be present when any step referred to in section 80 is being taken during the voting period.

(2) *[Repealed]*

(3) *[Repealed]*

Section 81(2): repealed, on 25 December 2002, by section 29 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 81(3): repealed, on 25 December 2002, by section 29 of the Local Electoral Amendment Act 2002 (2002 No 85).

82 Justices of the Peace to observe processing before close of voting

(1) The electoral officer must appoint at least 1 Justice of the Peace, and may appoint as many additional Justices as the electoral officer considers necessary, to observe the processing of voting documents under section 80.

(2) At least 1 Justice appointed under subsection (1) must be present when any step referred to in section 80 is being taken during the voting period or is being completed after the close of voting.

(3) Every Justice appointed under subsection (1) must give a certificate to the electoral officer stating whether or not the Justice is satisfied that section 80 and the regulations prescribing the procedure for early processing of voting documents were complied with while the Justice was observing the processing of voting documents.

(4) A Justice who gives a certificate stating that he or she is not satisfied that section 80 or that the applicable regulations were complied with must attach a

report to the certificate setting out any way in which the section or regulations, as the case may be, were not complied with.

83 Scrutiny of roll

(1) The electoral officer must, in the presence of those scrutineers who choose to be present and any Justice of the Peace appointed under section 82 who chooses to be present, record, before the counting of the votes, the name of all electors who appear to have voted at the election or poll.

(2) If the electoral officer is satisfied that more than 1 vote has been cast in the name of any elector at the same election or poll, the electoral officer must disallow every vote cast in the name of that elector, in the prescribed manner.

(3) Despite subsection (2), if the electoral officer is satisfied that the elector cast only 1 vote and was not in any way involved with the casting of the other vote or votes, the electoral officer must allow the elector's vote and disallow the other vote or votes.

(4) Subsection (1) is subject to section 68(4).

Section 83(1): amended, on 7 July 2004, by section 12 of the Local Electoral Amendment Act 2004 (2004 No 62).

84 Counting of votes

(1) Immediately after the close of voting, the electoral officer must, in the presence of those scrutineers who choose to be present and any Justice of the Peace appointed under section 82 who chooses to be present, count the votes cast at the election or poll in accordance with—

(a) the procedures prescribed for counting in respect of the electoral system used for the election or poll; and

(b) the procedures prescribed for counting in respect of the voting method or voting methods used at the election or poll.

(2) Subsections (3) to (5) apply if elections for the position of mayor and a member or members of the territorial authority are held at the same time using either the Single Transferable Voting electoral system or the First Past the Post electoral system.

(3) If the electoral officer is satisfied, after the close of voting, that any person who is a candidate for the position of mayor and is also a candidate at the election of the member or members of the territorial authority will be declared to be elected as mayor, the electoral officer must endorse that opinion on the candidate's nomination form for the position of mayor.

(4) If the electoral officer makes an endorsement under subsection (3), that candidate ceases to be available for election, and cannot be elected at the election of the member or members of the territorial authority.

(5) If, for any reason, a person is declared to be elected as mayor and that person is also elected to be a member of the territorial authority, section 88 applies.

(5A) Subsections (5B) to (5D) apply if elections for the position of a member or members of a territorial authority and a member or members of any of its local boards or community boards are held at the same time using either the Single Transferable Voting electoral system or the First Past the Post electoral system.

(5B) If the electoral officer is satisfied, after the close of voting, that any person who is a candidate for the position of member of a territorial authority and is also a candidate at the election of the member or members of any of its local boards or community boards will be declared to be elected as a member of the territorial authority, the electoral officer must endorse that opinion on the candidate's nomination form for the position of member of the territorial authority.

(5C) If the electoral officer makes an endorsement under subsection (5B), that candidate ceases to be available for election, and cannot be elected at the election of the member or members of the local board or community board.

(5D) If, for any reason, a person is declared to be elected as a member of the territorial authority and that person is also elected to be a member of a local board or community board, section 88A applies.

(6) Subsection (1) is subject to section 68(4).

Section 84(5A): inserted, on 25 December 2002, by section 30 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 84(5A): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 84(5B): inserted, on 25 December 2002, by section 30 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 84(5B): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 84(5C): inserted, on 25 December 2002, by section 30 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 84(5C): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 84(5D): inserted, on 25 December 2002, by section 30 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 84(5D): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

85 Preliminary results

The electoral officer must, in accordance with the prescribed requirements, make any announcements required by regulations made under this Act concerning the preliminary results of an election or poll.

Section 85: substituted, on 25 December 2002, by section 31 of the Local Electoral Amendment Act 2002 (2002 No 85).

86 Declaration of result

The electoral officer conducting an election or poll must give public notice declaring the official result of the election or poll in the prescribed manner as soon as practicable after—

(a) *[Repealed]*

(b) the validity of all special votes has been determined; and

(c) all valid votes have been counted.

Section 86(a): repealed, on 7 July 2004, by section 13 of the Local Electoral Amendment Act 2004 (2004 No 62).

87 Death or incapacity of elected candidate before declaration of result of election

(1) This section applies if—

(a) a candidate in any election dies or becomes incapable under any Act of holding the office for which the candidate was nominated; and

(b) the death or incapacity occurs after the close of voting; and—

(i) before the declaration of the result of the election under section 86; or

(ii) if an amended declaration of the result of the election is ordered under section 92(3), before that amended declaration has been given; and

(c) that candidate would, had the death or incapacity not occurred, have been declared to be elected.

(2) If the candidate is a candidate other than a candidate in a mayoral election,—

(a) the electoral officer must give public notice declaring any other successful candidate at the election to be elected; and

(b) the vacancy arising from the death or incapacity of the candidate is to be treated as an extraordinary vacancy occurring on the date of the declaration or of the amended declaration, as the case may be.

(3) If the candidate is a candidate in a mayoral election, the electoral officer must, by public notice,—

(a) give notice of the death, or the incapacity, or the invalid nomination of the candidate; and

(b) countermand the notice of the election given under section 65; and

(c) declare the election to be void.

(4) If subsection (3) applies, any votes in the election must not be counted, but all other provisions of this Act and regulations made under this Act relating to the secrecy of the vote and security of election records apply in respect of that election.

(5) If subsection (3) applies, a new election must be held and the provisions of section 102 apply accordingly, with any necessary modifications.

Compare: 1976 No 144 s 44

88 What happens if same person elected as mayor and another member

(1) If, at any elections for the mayor and a member or members of a territorial authority held at the same time, a person is declared to be elected as the mayor and that person is also elected to be another member (and that person is not deprived of either office by a recount under section 92 or on a petition under section 93), that person is to be treated as having vacated office as another member.

(2) If subsection (1) applies and the elections were conducted using the First Past the Post electoral system, then,—

(a) subject to paragraph (b), the electoral officer conducting the election must give an amended declaration under section 86 declaring the highest polling unelected candidate at the election to be elected; and

(b) if the district of the territorial authority is divided into wards for electoral purposes, the electoral officer conducting the election must give an amended declaration under section 86 declaring the highest polling unelected candidate at the election in the ward at which the person elected as mayor was also elected as another member to be elected.

(3) If subsection (1) applies and the elections were conducted using the Single Transferable Voting electoral system, then,—

(a) subject to paragraph (b), the electoral officer must—

(i) determine, in accordance with any regulations made under this Act, the unelected candidate who would have been declared to be elected if the person elected as mayor had not stood at the election; and

(ii) give an amended declaration under section 86 declaring that unelected candidate to be elected:

(b) if the district of the territorial authority is divided into wards for electoral purposes, the electoral officer conducting the election must—

(i) determine, in accordance with any regulations made under this Act, the unelected candidate who would have been declared to be elected at the election in the ward at which the person who was elected as mayor was also elected as another member, if the person elected as mayor had not stood at that election; and

(ii) give an amended declaration under section 86 declaring that unelected candidate to be elected.

(4) In every case to which subsection (2) or subsection (3) applies, the period of 21 days referred to in section 93(2) in respect of the person declared by that

amended declaration to be elected as a member, begins to run from the date of the amended declaration.

(5) If there is no other candidate who may lawfully be declared to be elected by means of the amended declaration, an extraordinary vacancy in the office of member is to be treated as having occurred on the date on which the mayor came into office as mayor.

Compare: 1974 No 66 s 101W

Section 88(3)(a)(i): amended, on 25 December 2002, by section 32(a) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 88(3)(b)(i): amended, on 25 December 2002, by section 32(b) of the Local Electoral Amendment Act 2002 (2002 No 85).

88A What happens if same person elected to both territorial authority and local board or community board

(1) This section applies if, at any elections held at the same time for a member or members of a territorial authority and a member or members of a local board or community board constituted in respect of part of the district of the territorial authority, a person is declared to be elected as a member of the territorial authority and that person is also declared to be elected as a member of the local board or community board (and that person is not deprived of either office by a recount under section 92 or on a petition under section 93).

(2) If this section applies, the person declared to be elected to both offices must be treated as having vacated office as a member of the local board or community board, as the case may be.

Section 88A: inserted, on 25 December 2002, by section 33 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 88A heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88A(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88A(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

88B Amended declaration if election under First Past the Post electoral system

If section 88A applies and the elections were conducted using the First Past the Post electoral system, then,—

(a) subject to paragraphs (b) and (c), the electoral officer conducting the election of members of the local board or community board must give an amended declaration under section 86 declaring the highest polling unelected candidate at the election to be elected; and

(b) if the local board area or part of the district in respect of which the community is constituted is divided into wards or subdivisions for electoral purposes, the electoral officer conducting the election must, subject to paragraph (c), give an amended declaration under section 86 declaring

the highest polling unelected candidate at the election in the ward or subdivision (at which the person elected as a member of the territorial authority was also elected as a member of the local board or community board, as the case may be) to be elected; and

(c) the electoral officer must, in determining for the purposes of paragraph (a) or paragraph (b) the person who is the highest polling unelected candidate, ignore any unelected candidate for membership of the local board or community board who was elected as a member of the territorial authority.

Section 88B: inserted, on 25 December 2002, by section 33 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 88B(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88B(b): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88B(c): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

88C Amended declaration if election under Single Transferable Voting electoral system

If section 88A applies and the elections were conducted using the Single Transferable Voting electoral system, then,—

(a) subject to paragraphs (b) and (c), the electoral officer must—

(i) determine, in accordance with any regulations made under this Act, the unelected candidate who would have been declared to be elected as a member of the local board or community board if the person elected as a member of the territorial authority had not stood at the election; and

(ii) give an amended declaration under section 86 declaring that unelected candidate to be elected:

(b) if the local board area or part of the district in respect of which the community is constituted is divided into wards or subdivisions for electoral purposes, the electoral officer conducting the election must—

(i) determine, in accordance with any regulations made under this Act, the unelected candidate who would have been declared to be elected (at the election in the ward or subdivision at which the person who was elected as a member of the territorial authority was also elected as a member of the local board or community board, as the case may be) if the person elected as a member of the territorial authority had not stood at that election; and

(ii) give an amended declaration under section 86 declaring that unelected candidate to be elected:

(c) the electoral officer must, in determining for the purposes of paragraph (a) or paragraph (b) the unelected candidate who is to be declared by the amended declaration to be elected, treat all persons who were elected as members of the territorial authority as if they had never stood for election as members of the local board or community board.

Section 88C: inserted, on 25 December 2002, by section 33 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 88C(a)(i): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88C(b): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88C(b)(i): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88C(c): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

88D Application of provision relating to petition for inquiry

In every case to which section 88B or section 88C applies, the period of 21 days referred to in section 93(2) in respect of the person declared by that amended declaration to be elected as a member of the local board or community board begins to run from the date of the amended declaration.

Section 88D: inserted, on 25 December 2002, by section 33 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 88D: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

88E What happens if no amended declaration can be made

(1) This section applies if, in any case to which section 88A applies, there is no other candidate who may lawfully be declared to be elected by means of the amended declaration as a member of the local board or community board.

(2) If this section applies, an extraordinary vacancy in the office of member of the local board or community board is to be treated as having occurred on the date on which the person who was declared to be elected both as a member of the territorial authority and as a member of the local board or community board came into office as a member of the territorial authority.

Section 88E: inserted, on 25 December 2002, by section 33 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 88E(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88E(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

88F What happens if member of local board or community board becomes member of territorial authority

(1) This section applies if, at any election other than an election to which section 88A applies, a person who is a member of a local board or community board

constituted in respect of part of a district of a territorial authority is declared to be elected as a member of that territorial authority (and that person is not deprived of his or her office as a member of that territorial authority by a recount under section 92 or a petition under section 93).

(2) If this section applies, the person declared to be elected as a member of the territorial authority must be treated as having vacated office as a member of the local board or community board.

Section 88F: inserted, on 25 December 2002, by section 33 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 88F heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88F(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 88F(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

89 Electoral records

(1) As soon as practicable after the completion of the count, the electoral officer must secure all voting documents and specified materials in the prescribed manner.

(2) The voting documents and materials referred to in subsection (1) must be deposited with the Registrar of the District Court that, in the opinion of the electoral officer, is nearest to the principal office of the local authority.

(3) The Registrar of the District Court must ensure that the voting documents and materials received under subsection (2) or section 102C—

(a) are kept securely—

(i) for a period of 21 days after public notice is given declaring the result of the election or poll; or

(ii) in a case where an application is made for a recount or an inquiry or a petition demanding an inquiry is filed, until the completion of the recount or inquiry; and

(b) are then destroyed.

(4) Access to the voting documents and materials received under subsection (2) or section 102C must not be given to any person except—

(a) on the order of a court of competent jurisdiction; or

(b) in accordance with section 102G(2)(b) or regulations made under this Act.

(5) In this section and in section 102C, **specified materials** means those documents or records specified in regulations made under this Act as materials to which this section applies.

Section 89(1): amended, on 7 July 2004, by section 14 of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 89(3): amended, on 9 April 2019, by section 8(1) of the Local Electoral Matters Act 2019 (2019 No 7).

Section 89(3)(a)(ii): amended, on 9 April 2019, by section 8(2) of the Local Electoral Matters Act 2019 (2019 No 7).

Section 89(4): amended, on 9 April 2019, by section 8(3) of the Local Electoral Matters Act 2019 (2019 No 7).

Section 89(4)(b): amended, on 9 April 2019, by section 8(4) of the Local Electoral Matters Act 2019 (2019 No 7).

Section 89(5): amended, on 9 April 2019, by section 8(5) of the Local Electoral Matters Act 2019 (2019 No 7).

Part 4
Recounts and inquiries

Part 4 heading: replaced, on 31 August 2023, by section 30 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Recount of votes cast at election

90 Application by candidate for recount

(1) If any candidate has reason to believe that the public declaration by the electoral officer of the number of votes received by any candidate is incorrect, and that on a recount of those votes the first-mentioned candidate might be elected, he or she may, within 3 working days after the public declaration, apply to a District Court Judge for a recount of the votes.

(2) Every application for a recount must be accompanied by the prescribed deposit.

(3) If the District Court Judge is satisfied that the applicant has reasonable grounds to believe that the declaration is incorrect and that on a recount the applicant might be elected, the District Court Judge must, as soon as practicable after receiving the application, and the deposit required by subsection (2),—

(a) cause a recount of the votes to be made; and

(b) give notice in writing to the electoral officer and to each of the candidates and to each scrutineer appointed under section 66 or section 91 of the time and place at which the recount will be made.

Compare: 1976 No 144 s 43(1)–(3)

Section 90 heading: amended, on 31 August 2023, by section 31(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 90(1): amended, on 31 August 2023, by section 31(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

90A Application by electoral officer for recount

(1) An electoral officer must apply to a District Court Judge for a recount if—

(a) an equal number of votes is received by 2 or more candidates in an election; and

(b) the addition of 1 vote would entitle one of those candidates to be declared elected.

(2) The application must be made as soon as practicable after all valid votes have been counted and before the official results are declared.

(3) The District Court Judge must, as soon as practicable after receiving the application,—

(a) cause a recount of the votes to be made; and

(b) give notice in writing to the electoral officer, each of the candidates, and each scrutineer appointed under section 66 or 91 of the time and place at which the recount will be made.

Section 90A: inserted, on 31 August 2023, by section 32 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

91 Scrutineers at recount

(1) Each candidate may, by notice in writing, appoint 1 or more scrutineers for the recount, whether or not the candidate has already appointed 1 or more scrutineers under section 66.

(2) Subsections (2) and (3) of section 68 apply, with any necessary modifications, for the purposes of an appointment under this section.

(3) Not more than 1 scrutineer for any candidate (whether appointed under section 66 or under this section) may be present at the same time at a recount.

Compare: 1976 No 144 s 43(4), (5)

92 Conduct of recount

(1) At the recount, the electoral officer must produce to the District Court Judge all the voting documents used at the election.

(2) The recount must be made in the presence of the District Court Judge, or of an officer appointed by him or her for the purpose, and—

(a) must, as far as is practicable, be made in the manner provided in the case of the original count unless the District Court Judge orders otherwise; and

(b) section 74 (relating to security and secrecy) applies, with any necessary modifications, to the recount.

(3) If, on the recount, the District Court Judge finds that the public declaration was incorrect, the Judge must order the electoral officer to give an amended declaration under section 86 of the result of the election.

(4) *[Repealed]*

Compare: 1976 No 144 s 43(6)–(9)

Section 92(4): repealed, on 31 August 2023, by section 33 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

92A Costs of recount

(1) If the recount is conducted on application by a candidate under section 90, the District Court Judge—

(a) may make any order as to the costs of, and incidental to, the recount that the Judge considers just; and

(b) subject to any order, must direct that the deposit required by section 90 be returned to the person who paid it.

(2) If the recount is conducted on application by an electoral officer under section 90A, the District Court Judge must order the local authority to meet the costs of, and incidental to, the recount, unless the Judge considers that it would be unreasonable for the local authority to bear those costs.

Section 92A: inserted, on 31 August 2023, by section 34 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

92B Affected candidate may withdraw if votes tied after recount

(1) This section applies if—

(a) a recount determines that an equal number of votes has been received by 2 or more candidates (the **affected candidates**); and

(b) the addition of 1 vote would entitle any of those affected candidates to be declared elected.

(2) An affected candidate may withdraw as a candidate for election by giving notice in writing (a **notice of withdrawal**) to the electoral officer within 3 working days after the recount.

(3) A notice of withdrawal may be submitted by hand, post, fax, or electronic transmission.

(4) If the electoral officer receives a notice of withdrawal from an affected candidate in accordance with subsections (2) and (3), that candidate ceases to be available for election.

(5) However, a notice of withdrawal is ineffective and the affected candidate who gave it (the **relevant affected candidate**) does not cease to be available for election if—

(a) the electoral officer has received notices of withdrawal from all the affected candidates in accordance with subsections (2) and (3); and

(b) the notice of withdrawal given by the relevant affected candidate was the notice received last by the electoral officer.

(6) If only 1 candidate remains available for election at the close of the third working day after the recount, the electoral officer must give an amended declaration under section 86 of the result of the election.

Section 92B: inserted, on 31 August 2023, by section 34 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Petition for inquiry into election or poll

Heading: amended, on 9 April 2019, by section 9 of the Local Electoral Matters Act 2019 (2019 No 7).

93 Petition for inquiry

(1) Any candidate or any 10 electors with a complaint about the conduct of an election or poll may file a petition in the District Court demanding—

(a) an inquiry into the conduct of the election or poll; or

(b) an inquiry into the conduct of a candidate or any other person at the election or poll.

(2) A petition under subsection (1) must—

(a) be filed within 21 days after public notice is given declaring the result or, as the case may be, the amended result of the election or poll; and

(b) be filed in the District Court to which the voting documents for the election or poll to be inquired into were forwarded; and

(c) be accompanied by the prescribed deposit; and

(d) specify the specific grounds on which the complaint is based; and

(e) be heard and determined by a District Court Judge.

(3) If a petition under subsection (1) is filed at the District Court, a Registrar of that court must immediately send a copy of the petition to the electoral officer.

Compare: 1976 No 144 s 99

Section 93(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

94 Specified grounds only to be investigated

(1) No grounds other than those stated in the petition may be investigated, except with the leave of the District Court Judge hearing the petition.

(2) Leave may be given under subsection (1)—

(a) only after reasonable notice has been given to any affected person; and

(b) on such terms and conditions (if any) that the District Court Judge considers just.

(3) Despite subsection (1),—

(a) if the petition concerns an election, evidence may be given to prove that the election of any defeated candidate would be invalid in the same manner as if the petition had complained of the candidate's election:

(b) if the petition concerns a poll, evidence may be given to prove that a proposal other than that declared to be carried was—

(i) carried and not rejected; or

(ii) rejected and not carried.

Compare: 1976 No 144 s 100

95 Who may be respondent

(1) Notice of an intention to oppose a petition may be filed in the District Court in which the petition is filed by—

(a) any candidate or any 10 electors, if the petition concerns an election; or

(b) any 10 electors, if the petition concerns a poll; or

(c) an electoral officer or other electoral official, if the petition complains of the conduct of the electoral officer or other electoral official.

(2) The person or persons who file a notice under subsection (1) are the respondent or respondents to the petition.

Compare: 1976 No 144 s 101

96 Time for holding inquiry

The inquiry must be commenced within 14 days after the filing of the petition, and not less than 7 days' public notice must be given of the time and place at which the inquiry will be held.

Compare: 1976 No 144 s 102

97 Powers of District Court Judge

(1) For the purposes of the inquiry, the District Court Judge conducting it—

(a) has and may exercise all the powers of citing parties, compelling evidence, and maintaining order that the Judge would have in the Judge's ordinary civil jurisdiction; and

(b) may, in addition, at any time during the inquiry direct a recount or scrutiny of the votes given at the election or poll.

(2) If a recount or scrutiny is conducted under subsection (1)(b), the District Court Judge must disallow the vote of every person who—

(a) has voted, despite not being entitled to vote at the election or poll; or

(b) has voted more than once at the election or poll.

Compare: 1976 No 144 s 103

98 Result of inquiry

The District Court Judge must determine whether,—

(a) as a result of an irregularity that in the Judge's opinion materially affected the result of the election or poll, the election or poll is void:

(b) in the case of an election, the candidate whose election is complained of, or any and which other candidate, was elected:

(c) in the case of a poll, any and which proposal was carried.

Compare: 1976 No 144 s 104

99 Election or poll not void by reason of certain irregularities

(1) If subsection (2) applies, an election or poll must not be declared void on the ground of—

(a) any irregularity in any of the proceedings preliminary to the voting; or

(b) any failure to hold the election or poll at any place appointed for holding the election or poll; or

(c) a failure to comply with the directions contained in this Act or any regulations made under this Act as to the conduct of the election or poll or the counting of the votes; or

(d) by any mistake in the use of prescribed forms.

(2) This subsection applies if the District Court Judge conducting an inquiry into the conduct of an election or poll, having taken account of whether the election or poll was conducted in accordance with the principles set out in section 4, considers that the irregularity, failure, or mistake referred to in subsection (1) did not affect the result of the election or poll.

Compare: 1976 No 144 s 120

100 Costs of inquiry

(1) The District Court Judge may order that all or part of the expenses of, or incidental to, the inquiry are to be met by—

(a) any party or parties to the inquiry; or

(b) any electoral officer or other electoral official if the Judge declares the election or poll void on the ground of negligence or intentional or reckless misconduct by that electoral officer or other electoral official.

(2) The order has the same effect and may be enforced as a judgment for a debt obtained under the District Court Act 2016.

(3) Despite subsection (1), no order may be made against any person who is not a party to the inquiry unless the person has been summoned to appear and give evidence at the inquiry.

Compare: 1976 No 144 s 106(1)

Section 100(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

101 Return of deposit

(1) The District Court Judge must direct that the deposit required by section 93(2)(c) be returned to the person who paid it unless, in the opinion of the Judge, the petitioner or petitioners have failed to establish—

(a) the grounds of complaint specified in the petition; or

(b) any other grounds investigated with the leave of the Judge.

(2) If paragraph (a) or paragraph (b) of subsection (1) applies, the deposit, or any part of the deposit remaining after any order under section 100 is satisfied, is forfeited to the Crown.

(3) This section applies subject to any order made under section 100.

Compare: 1976 No 144 s 106(2)

102 New election or poll if election or poll declared void

(1) If an election or poll is declared void, a new election or poll must be held or taken under the same provisions, as far as practicable, as those applicable to the void election or poll.

(2) The new election or poll must be held or taken,—

(a) in a case where the election or poll is declared void in the period beginning on 25 December in any year and ending on 25 October in the following year, as soon as is practicable, but not later than 103 days after the date on which the electoral officer is notified of the declaration:

(b) in a case where the election or poll is declared void in the period after 25 October and before 25 December in any year, on a day not more than 103 days after 27 December.

(3) The only persons eligible to vote at the new election or poll are the persons who were eligible to vote at the void election or poll.

(4) The electoral roll to be used for the new election or poll is the electoral roll used at the void election or poll, without any amendments or additions.

(5) Despite subsections (3) and (4), if an election or poll is declared void as a result of an irregularity in the electoral roll, the District Court Judge may order that, for the purposes of the new election or poll,—

(a) specified amendments or additions or deletions be made to that roll; or

(b) specified kinds of amendments or additions or deletions be made to that roll; or

(c) an updated version of that roll be prepared incorporating 1 or more of the changes authorised under paragraphs (a) or (b).

(6) The only persons eligible to be nominated as candidates at the new election are the persons who were qualified to be nominated as candidates at the void election.

Compare: 1976 No 144 s 107

Section 102(2)(a): amended, on 1 April 2025, by section 13(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 102(2)(a): amended, on 1 April 2025, by section 13(b) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 102(2)(b): amended, on 1 April 2025, by section 13(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 102(2)(b): amended, on 1 April 2025, by section 13(b) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Application by electoral officer for inquiry into election or poll

Heading: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102A Application by electoral officer for inquiry

(1) An electoral officer who has reasonable grounds to believe that an irregularity of the type described in section 102G(1)(a) has occurred in relation to an election or poll for which the electoral officer is responsible may apply to the District Court for an inquiry into the election or poll.

(2) The application may be made jointly with 1 or more electoral officers responsible for affected elections or polls.

(3) The application must—

(a) be filed after the close of voting and before the official results are declared, but in any case not more than 21 days after the close of voting; and

(b) be served on the electoral officer responsible for any affected election or poll that is not a subject of the application; and

(c) be heard and determined by a District Court Judge.

(4) For the purposes of this section, an election or poll is **affected** if the outcome of the election or poll is to be determined (to any extent) by votes cast in any election or poll conducted in conjunction with an election or poll described in subsection (1).

Compare: 2001 No 35 s 93

Section 102A: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102B Preliminary or official results not to be announced or declared

(1) After an application for an inquiry has been made in respect of an election or poll, the electoral officer must not, despite sections 85 and 86,—

(a) make any announcement (or any further announcement) of the preliminary results of the election or poll; or

(b) declare the official result of the election or poll.

(2) Subsection (1) applies subject to section 102G(2) and to any order of the District Court.

Section 102B: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102C Deposit of electoral records

(1) As soon as practicable after an application for an inquiry has been made,—

(a) the electoral officer must secure all voting documents and specified materials in the prescribed manner; and

(b) the voting documents and materials must be deposited with the District Court.

(2) *See* section 89.

Section 102C: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102D Notice of application

(1) As soon as practicable after an application for an inquiry has been made, the electoral officer must—

(a) give public notice of the application; and

(b) if the application concerns an election, give written notice of the application to each candidate.

(2) The notice must specify the elections and polls in respect of which the application is made and state the grounds for the application.

(3) If the application for an inquiry is made jointly, the electoral officers may give public notice under this section jointly.

Section 102D: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102E Who may be respondent

(1) A notice of an intention to oppose an application for an inquiry may be filed by—

(a) any candidate or any 10 electors, if the application concerns an election; or

(b) any 10 electors, if the application concerns a poll.

(2) A person who files a notice under subsection (1) is a respondent to the application.

Compare: 2001 No 35 s 95

Section 102E: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102F Time for holding inquiry

An inquiry must be commenced within 14 days after the filing of an application for an inquiry, and not less than 7 days' public notice must be given of the time and place at which the inquiry will be held.

Compare: 2001 No 35 s 96

Section 102F: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102G Result of inquiry

(1) The District Court Judge conducting the inquiry must determine whether—

(a) an irregularity occurred that has—

(i) materially affected the result of the election or poll (which may include, for example, an irregularity resulting in an insufficient number of votes being capable of being counted or relied upon for there to be confidence in any result); or

(ii) directly or indirectly severely undermined public confidence in the integrity of the election or the validity of the results (or both); and

(b) as a result of the irregularity, the election or poll is void.

(2) If the District Court Judge determines that the election or poll is not void,—

(a) the electoral officer must, as soon as practicable after the determination,—

(i) give public notice of the determination; and

(ii) subject to any direction of the Judge, take any other steps necessary to complete the electoral officer's functions in relation to the election or poll in accordance with this Act:

(b) if the electoral officer requires the voting documents and materials deposited with the District Court under section 102C(1) for the purpose of paragraph (a)(ii), the voting documents and materials must be provided to the electoral officer.

(3) A determination under this section that an election or poll is not void does not preclude, or determine an inquiry on, a petition under section 93.

Section 102G: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102H Provisions that apply to inquiry

The following provisions apply to the inquiry:

(a) section 97 (which relates to the powers of the District Court Judge conducting the inquiry):

(b) section 99 (which provides that elections or polls must not be declared void on the ground of certain irregularities):

(c) section 100(1)(a), (2), and (3) (which relates to the costs of an inquiry).

Section 102H: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

102I New election or poll if election or poll declared void

(1) Section 102 (which provides for a new election or poll to be held or taken if an election or poll is declared void) applies to the inquiry, subject to the modifications described in subsections (2) and (3).

(2) If an election or poll is declared void as a result of an irregularity in the operation of a voting method, the District Court Judge may order that the new election or poll be conducted—

(a) using a different voting method; or

(b) using the same method, subject to specified modifications.

(3) A District Court Judge who makes an order under subsection (2) may also, if the Judge considers it necessary, postpone the date by which the new election or poll must be held or taken beyond the date provided for in section 102(2).

Compare: 2001 No 35 s 102

Section 102I: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

Order to be final

Heading: inserted, on 9 April 2019, by section 10 of the Local Electoral Matters Act 2019 (2019 No 7).

103 Order to be final

(1) Every determination or order under this Part is final and may not be removed into the High Court by any procedure.

(2) No proceedings may be brought in the High Court questioning the validity of any election or poll under this Act.

Compare: 1976 No 144 s 108

Part 5
Electoral donations and expenses

Part 5 heading: replaced, on 29 June 2013, by section 29 of the Local Electoral Amendment Act 2013 (2013 No 40).

Subpart 1—Electoral donations

Subpart 1: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103A Interpretation

In this subpart and subpart 3, unless the context otherwise requires,—

anonymous, in relation to an electoral donation, means a donation that is made in such a way that the candidate who receives the donation—

(a) does not know the identity of the donor; and

(b) could not, in the circumstances, reasonably be expected to know the identity of the donor

contribution means any thing (being money or the equivalent of money or goods or services or a combination of those things) that makes up a donation or is included in a donation or has been used to wholly or partly fund a donation, and that—

(a) was given—

(i) to the donor; or

(ii) to a person who was required or expected to pass on all or any of its amount or value to the donor, whether directly or indirectly (for example, through 1 or more intermediaries, trustees, or nominees); and

(b) would have been a donation if it had been given directly to the candidate; and

(c) was given in the knowledge or expectation (whether by reference to a trust, an agreement, or an understanding) that it would be wholly or partly applied to make up, or to be included in, or to fund, a donation

contributor means a person who makes a contribution and who immediately before making the contribution—

(a) beneficially holds any money, or the equivalent of money, or any goods that make up the contribution or are included in the contribution; or

(b) provides any services that make up the contribution or are included in the contribution or pays for those services out of money that the person beneficially holds

donation funded from contributions means a donation that is made up of, includes, or is wholly or partly funded from 1 or more contributions

donor means a person who makes an electoral donation

electoral donation or **donation** means a donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things) that is made to a candidate, or to any person on the candidate's behalf, for use in the candidate's campaign for election and—

(a) includes,—

(i) where goods or services are provided to a candidate, or to any person on the candidate's behalf, under a contract or an arrangement at a value that is less than their reasonable market value, the latter being a value that exceeds $300, the amount of the difference between the former value and the reasonable market value of those goods or services; and

(ii) where goods or services are provided by a candidate under a contract or an arrangement at a value that is more than their reasonable market value, the amount of the difference between that value and the reasonable market value of those goods or services; and

(b) excludes—

(i) the labour of any person that is provided to a candidate free of charge by that person; and

(ii) goods or services provided free of charge to a candidate, or to any person on the candidate's behalf, that have a reasonable market value of $300 or less

receive, in relation to a donation, means to get a donation that has been given or sent by—

(a) the donor directly; or

(b) the donor indirectly, via a transmitter

transmitter means a person to whom a donor gives or sends a donation for transmittal to a candidate.

Compare: 1993 No 87 s 207

Section 103A: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103B Donations and contributions include GST

All references to the amount or value of a donation or contribution are inclusive of any goods and services tax incurred by the donor or contributor in respect of the goods or services donated or contributed.

Compare: 1993 No 87 s 207A

Section 103B: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103C Donations to be transmitted to candidate

Every person, other than a candidate, to whom an electoral donation is given or sent must, within 10 working days after receiving the donation, transmit the donation to the candidate.

Compare: 1993 No 87 s 207B(1)

Section 103C: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103D Contributors to be identified

(1) This section applies to a donation (other than an anonymous donation) that is made up of, includes, or is wholly or partly funded from 1 or more contributions.

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

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

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

(i) the name of the contributor; and

(ii) the address of the contributor; and

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

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

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

(3) A candidate must give back to the donor the entire amount of the donation, or its entire value, if the candidate knows, or has reasonable grounds to believe, that the donor has failed to comply with subsection (2) in any respect.

(4) For the purpose of section 112A, any amount given back by a candidate under subsection (3) is taken not to have been received by the candidate.

Compare: 1993 No 87 s 207C

Section 103D: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103E Offence relating to contravention of section 103D

A donor who fails to comply with section 103D with the intention of concealing the identity of any or all of the contributors commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1993 No 87 s 207D

Section 103E: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103F Identity of donor to be disclosed by transmitter, if known

(1) When a transmitter transmits a donation to a candidate on behalf of the donor, the transmitter must disclose to the candidate—

(a) the fact that the donation is transmitted on behalf of the donor; and

(b) the name and address of the donor; and

(c) whether section 103D applies to the donation and, if so, all information disclosed by the donor under subsection (2) of that section.

(2) Where a transmitter does not disclose, or is unable to disclose, the information required by subsection (1), then the donation must be treated as an anonymous donation.

Compare: 1993 No 87 s 207E

Section 103F: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103G Offence relating to contravention of section 103F

A transmitter who fails to comply with section 103F(1) with the intention of concealing the identity of the donor or any or all of the contributors commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1993 No 87 s 207F

Section 103G: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103H Disclosure of identity of donor

If any person involved in the administration of the affairs of a candidate in relation to his or her election campaign knows the identity of the donor of an anonymous donation exceeding $1,500, the person must disclose the identity of the donor to the candidate.

Compare: 1993 No 87 s 207G(1)

Section 103H: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103I Offence relating to contravention of section 103H

A person who fails to comply with section 103H with the intention of concealing the identity of the donor commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1993 No 87 s 207H

Section 103I: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103J Anonymous donation may not exceed $1,500

(1) If an anonymous donation exceeding $1,500 is received by a candidate in relation to an election campaign, the candidate must, within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less $1,500.

(2) If an anonymous donation exceeding $1,500 is received by a candidate who is seeking election to more than 1 office, the candidate must—

(a) designate 1 election campaign for election to 1 office for which the donation will be used; and

(b) within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less $1,500.

(3) An electoral officer who receives an amount under subsection (1) or (2) must, within 20 working days of receiving that amount,—

(a) issue a receipt to the candidate; and

(b) pay the amount into the general fund of the local authority that appointed the electoral officer.

Compare: 1993 No 87 s 207I(1)

Section 103J: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103K Offence relating to contravention of section 103J

(1) A person who enters into an agreement, arrangement, or understanding with any other person that has the effect of circumventing section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding $5,000.

(2) A candidate who contravenes section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1993 No 87 s 207J

Section 103K: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

103L Records of electoral donations

(1) A candidate must keep proper records of all donations received by him or her.

(2) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1993 No 87 s 207M

Section 103L: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

Subpart 2—Electoral expenses

Subpart 2 heading: inserted, on 29 June 2013, by section 30 of the Local Electoral Amendment Act 2013 (2013 No 40).

104 Interpretation

In this subpart and subpart 3,—

applicable period before the close of polling day means the period beginning 3 months before the close of polling day and ending with the close of polling day

electoral activity, in relation to a candidate at an election, means an activity—

(a) that is carried out by the candidate or with the candidate's authority; and

(b) that relates to the candidate solely in the candidate's capacity as a candidate and not to the candidate—

(i) in his or her capacity as a member of the local authority or local board or community board, or as the holder of any other office; or

(ii) in any other capacity; and

(c) that comprises—

(i) advertising of any kind; or

(ii) radio or television broadcasting; or

(iii) publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; or

(iv) any electronic communication to the public, including (without limitation) the establishment or operation of a website or other method of communication to the public using the Internet; and

(d) that relates exclusively to the campaign for the election of the candidate; and

(e) that takes place within the applicable period before the close of polling day

electoral expenses, in relation to a candidate at an election,—

(a) means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and

(b) includes expenses that are incurred by or on behalf of the candidate, before or after the applicable period before the close of polling day, in respect of any electoral activity; and

(c) includes the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and

(d) includes the cost of any printing or postage in respect of any electoral activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the candidate; but

(e) does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used in good faith by the candidate as the candidate's personal means of transport; and

(f) does not include expenses incurred by the candidate in preparing a candidate profile statement; and

(g) does not include the labour of any person that is provided to the candidate free of charge by that person; and

(h) does not include the cost of any framework (other than a commercial framework) that supports a hoarding on which an advertisement is displayed

population means the population, as at the day that is 3 months before the close of polling day, of a local government area as specified in a certificate issued in respect of that area by the Government Statistician.

Compare: 1993 No 87 ss 213(1), 214F

Section 104: amended, on 29 June 2013, by section 31(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 104 **electoral activity** paragraph (b)(i): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 104 **electoral donation**: repealed, on 29 June 2013, by section 31(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 104 **electoral expenses** paragraph (g): amended, on 29 June 2013, by section 31(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 104 **electoral expenses** paragraph (h): inserted, on 29 June 2013, by section 31(4) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 104 **population**: amended, on 25 December 2002, by section 34 of the Local Electoral Amendment Act 2002 (2002 No 85).

105 Periods for claiming and paying expenses

(1) No claim against a candidate, or against any agent of a candidate, in respect of any electoral expenses is recoverable unless it is sent to the candidate within 30 days after the day on which the successful candidates are declared to be elected.

(2) All electoral expenses incurred by or on behalf of a candidate must be paid within 60 days after the day on which the successful candidates are declared to be elected.

(3) A person who makes a payment in breach of this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1993 No 87 s 206

Section 105(3): inserted, on 29 June 2013, by section 32 of the Local Electoral Amendment Act 2013 (2013 No 40).

106 Procedure if claim disputed

(1) If a candidate, in the case of a claim for electoral expenses sent in to him or her within the time allowed by this Act, disputes it, or fails to pay it within 60 days,—

(a) the claim is a disputed claim; and

(b) the claimant may, if he or she thinks fit, within a further 30 days, bring an action for the disputed claim in any court of competent jurisdiction.

(2) Any sum paid by the candidate to satisfy the judgment or order of the court in any action referred to in subsection (1) is to be treated as paid within the time allowed by this Act.

Compare: 1993 No 87 s 207

107 Leave to pay claim after time limited

(1) The District Court may, on the application of the claimant or the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any electoral expenses, even though it is sent in after the time allowed by this Act, if the court considers it in the interests of justice to grant that leave.

(2) Any sum specified in the order granting that leave may be paid by the candidate and, when paid, is to be treated as paid within the time allowed by this Act.

Compare: 1993 No 87 s 208

Section 107(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

108 Payments to be vouched by bill

Every payment made in respect of any electoral expenses must, except when it is less than $200 (inclusive of goods and services tax), be vouched by—

(a) a bill stating the particulars; and

(b) a receipt.

Compare: 1993 No 87 s 209

109 Return of electoral expenses

[Repealed]

Section 109: repealed, on 29 June 2013, by section 33 of the Local Electoral Amendment Act 2013 (2013 No 40).

110 Return to be open for public inspection

[Repealed]

Section 110: repealed, on 29 June 2013, by section 33 of the Local Electoral Amendment Act 2013 (2013 No 40).

111 Maximum amount of electoral expenses

(1) The total electoral expenses (inclusive of goods and services tax) of a candidate must not—

(a) exceed $3,500 if any local government area over which the election is held has a population smaller than 5 000:

(b) exceed $7,000 if any local government area over which the election is held has a population smaller than 10 000 and larger than 4 999:

(c) exceed $14,000 if any local government area over which the election is held has a population smaller than 20 000 and larger than 9 999:

(d) exceed $20,000 if any local government area over which the election is held has a population smaller than 40 000 and larger than 19 999:

(e) exceed $30,000 if any local government area over which the election is held has a population smaller than 60 000 and larger than 39 999:

(f) exceed $40,000 if any local government area over which the election is held has a population smaller than 80 000 and larger than 59 999:

(g) exceed $50,000 if any local government area over which the election is held has a population smaller than 100 000 and larger than 79 999:

(h) exceed $55,000 if any local government area over which the election is held has a population smaller than 150 000 and larger than 99 999:

(i) exceed $60,000 if any local government area over which the election is held has a population smaller than 250 000 and larger than 149 999:

(j) exceed $70,000 if any local government area over which the election is held has a population smaller than 1 000 000 and larger than 249 999:

(k) exceed the sum referred to in subsection (1A) if any local government area over which the election is held has a population of 1 000 000 or more.

(1A) The sum is—

(a) $100,000 plus the amount prescribed under section 139(1)(ha) for each elector; or

(b) $100,000 plus 50 cents for each elector, if no amount is prescribed under section 139(1)(ha).

(2) Despite subsection (1), if a candidate is a candidate for more than 1 election held at the same time, the total electoral expenses (inclusive of goods and services tax) of that candidate must not exceed the highest amount permitted under subsection (1) in respect of any one of the elections for which the person is a candidate.

Compare: 1993 No 87 s 213(2)

Section 111(1)(j): substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 111(1)(k): added, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 111(1A): inserted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

112 Apportionment of electoral expenses

(1) If any activity of the kind described in paragraphs (a) to (d) of the definition of the term electoral activity (as set out in section 104) is, in relation to a candidate at an election, carried on both before and within the applicable period before the close of polling day,—

(a) the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the candidate) must be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in the applicable period before the close of polling day; and

(b) the fair proportion of those expenses are electoral expenses.

(2) If any election activity relates exclusively to campaigns for the election of 2 or more candidates, any electoral expenses in respect of that electoral activity must be apportioned equitably in relation to each of those candidates.

Compare: 1993 No 87 ss 213(4), 214(1)

Section 112(2): amended, on 25 December 2002, by section 36 of the Local Electoral Amendment Act 2002 (2002 No 85).

112AA Offence to pay electoral expenses in excess of relevant prescribed maximum

(1) This section applies to any candidate or other person who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of

any electoral expenses any sum in excess of the relevant maximum amount prescribed by section 111.

(2) The candidate or person commits an offence and is liable on conviction—

(a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding $10,000, if he or she knew the payment was in excess of the relevant prescribed maximum amount; or

(b) to a fine not exceeding $5,000 in any other case, unless he or she proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the relevant prescribed maximum amount.

Section 112AA: inserted, on 29 June 2013, by section 34 of the Local Electoral Amendment Act 2013 (2013 No 40).

Subpart 3—Return of electoral donations and expenses

Subpart 3: inserted, on 29 June 2013, by section 35 of the Local Electoral Amendment Act 2013 (2013 No 40).

112A Return of electoral donations and expenses

(1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must file a return of electoral donations and expenses.

(2) However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (**election result day**), the return must be filed within 76 days after election result day.

(3) The return of electoral donations and expenses must set out—

(a) the details specified in subsection (4) in respect of every electoral donation (other than a donation of the kind referred to in paragraph (c)) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds $1,500 in sum or value; and

(b) whether any donation is funded from contributions, and if so, and to the extent known or ascertainable from the information supplied under section 103D, the details specified in subsection (5) in respect of every contribution that, either on its own or when aggregated with other contributions by the same contributor to the donation, exceeds $1,500 in sum or value; and

(c) the details specified in subsection (6) in respect of every anonymous electoral donation received by the candidate that exceeds $1,500; and

(d) details of the candidate's electoral expenses.

(4) The details referred to in subsection (3)(a) are—

(a) the name of the donor; and

(b) the address of the donor; and

(c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and

(d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received.

(5) The details referred to in subsection (3)(b) are—

(a) the name of the contributor; and

(b) the address of the contributor; and

(c) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions.

(6) The details referred to in subsection (3)(c) are—

(a) the date the donation was received; and

(b) the amount of the donation; and

(c) the amount paid to the electoral officer under section 103J(1) or (2) and the date that payment was made.

(7) Every return filed under this section must be in the form prescribed in Schedule 2.

(8) It is the duty of every electoral officer to ensure that this section is complied with.

(9) In this section, **file** in relation to a return, means to send the return to the electoral officer responsible for the conduct of the election.

Compare: 1993 No 87 s 209

Section 112A: inserted, on 29 June 2013, by section 35 of the Local Electoral Amendment Act 2013 (2013 No 40).

112B Nil return

If a candidate considers that there is no relevant information to disclose under section 112A, the candidate must file a nil return under that section.

Compare: 1993 No 87 s 209A

Section 112B: inserted, on 29 June 2013, by section 35 of the Local Electoral Amendment Act 2013 (2013 No 40).

112C Failure to file return of electoral donations and expenses

A candidate who fails, without reasonable excuse, to comply with section 112A commits an offence and is liable on conviction to—

(a) a fine not exceeding $1,000; and

(b) if he or she has been elected to office, a further fine not exceeding $400 for every day that he or she continues to hold office until the return is filed.

Section 112C: inserted, on 29 June 2013, by section 35 of the Local Electoral Amendment Act 2013 (2013 No 40).

112D Filing a false return of electoral donations and expenses

A candidate who files a return under section 112A that is false in any material particular commits an offence and is liable on conviction—

(a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding $10,000, if he or she filed the return knowing it to be false in any material particular; or

(b) to a fine not exceeding $5,000 in any other case, unless the candidate proves that—

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

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

Section 112D: inserted, on 29 June 2013, by section 35 of the Local Electoral Amendment Act 2013 (2013 No 40).

112E Obligation to retain records necessary to verify return

(1) A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return under section 112A to be verified.

(2) The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates.

(3) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $5,000.

Compare: 1993 No 87 s 209C

Section 112E: inserted, on 29 June 2013, by section 35 of the Local Electoral Amendment Act 2013 (2013 No 40).

112F Return of electoral donations and expenses to be open for public inspection

(1) The electoral officer must keep every return filed under section 112A in the electoral officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates (the **public inspection period**).

(2) During the public inspection period the electoral officer must—

(a) publish, electronically or in any other manner the electoral officer considers appropriate, every return filed under section 112A; and

(b) make available for public inspection a copy of every return filed under section 112A; and

(c) provide to any person upon request a copy of 1 or more returns filed under section 112A, subject to the payment of any charges that may be

made under the Local Government Official Information and Meetings Act 1987.

Section 112F: inserted, on 29 June 2013, by section 35 of the Local Electoral Amendment Act 2013 (2013 No 40).

Part 5A
Electoral advertising

Part 5A heading: inserted, on 29 June 2013, by section 36 of the Local Electoral Amendment Act 2013 (2013 No 40).

113 Advertisements for candidates

(1) No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.

(2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—

(a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and

(b) the advertisement contains a statement setting out the true name and contact details of the person or persons for whom or at whose direction it is published.

(3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.

(4) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—

(a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and

(b) the advertisement contains a statement setting out—

(i) the true name and contact details of the person or persons for whom or at whose direction it is published; and

(ii) the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.

(5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in

a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.

(6) A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $1,000.

(7) In this section, **contact details** means 1 or more of the following:

(a) a residential or business address:

(b) an email address:

(c) a post office box number:

(d) a phone number:

(e) a link to a page on an Internet site, if the page contains 1 or more of the contact details specified in paragraphs (a) to (d).

Compare: 1993 No 87 s 221

section 113(2)(b): replaced, on 1 July 2022, by section 4(1) of the Local Electoral (Advertising) Amendment Act 2022 (2022 No 37).

section 113(4)(b)(i): replaced, on 1 July 2022, by section 4(2) of the Local Electoral (Advertising) Amendment Act 2022 (2022 No 37).

Section 113(6): inserted, on 29 June 2013, by section 37 of the Local Electoral Amendment Act 2013 (2013 No 40).

section 113(7): inserted, on 1 July 2022, by section 4(3) of the Local Electoral (Advertising) Amendment Act 2022 (2022 No 37).

114 Use of public money

Sections 111 and 112 do not validate any use of public money that would otherwise be unlawful.

Compare: 1993 No 87 s 213(5)

Part 6
Term of elected members and extraordinary vacancies

Term of membership of elected members

115 When members come into office

(1) A candidate who is declared to be elected comes into office on the day after the day on which the official result of the election is declared by public notice under section 86.

(2) *[Repealed]*

(3) A person appointed to fill an extraordinary vacancy comes into office at the time of his or her appointment.

Section 115(1): replaced, on 21 March 2019, by section 10 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 115(2): repealed, on 29 June 2013, by section 38 of the Local Electoral Amendment Act 2013 (2013 No 40).

116 When members leave office

(1) Every member of a local authority or local board or community board, unless vacating office sooner, vacates office,—

(a) in a case where the member's office is the subject of an election, when the members elected at the next election come into office:

(b) in a case where provision is made by any enactment to fill a vacancy by appointment, when the member's successor comes into office.

(2) Despite subsection (1)(a), if a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election.

Section 116(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 116(2): added, on 25 December 2002, by section 37 of the Local Electoral Amendment Act 2002 (2002 No 85).

Filling of extraordinary vacancies

117 Extraordinary vacancy in local authority or local board or community board

(1) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under this Act.

(2) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board 12 months or less than 12 months before the next triennial general election, the chief executive of the local authority concerned must notify the local authority or local board or community board of the vacancy immediately.

(3) On receiving notice under subsection (2), the local authority or local board or community board must, at its next meeting (other than an extraordinary meeting) or, if that is not practicable, at its next subsequent meeting (other than an extraordinary meeting), determine by resolution—

(a) that the vacancy will be filled by the appointment by the local authority or local board or community board of a person named in the resolution who is qualified to be elected as a member; or

(b) that the vacancy is not to be filled.

(4) If for any reason the person specified in the resolution is unavailable, or otherwise unable to be notified of the appointment, a further vacancy occurs in that office.

(5) Despite subsection (3), if the vacancy is for the office of mayor, the vacancy must not be left unfilled but must be filled by appointment of one of the other members of the local authority as mayor.

(6) If any member is appointed or elected to fill a vacancy in the office of mayor,—

(a) the person is to be treated as having vacated the office of a member; and

(b) the vacancy in the office of a member is an extraordinary vacancy and this section and sections 118 to 120 apply.

Section 117 heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 117(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 117(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 117(2): amended, on 25 December 2002, by section 38 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 117(3): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 117(3): amended, on 7 July 2004, by section 15 of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 117(3)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

117A Power to fill by appointment extraordinary vacancy in local board or community board

If a local authority, despite complying with section 120, is unable to fill by election an extraordinary vacancy in the office of an elected member of a local board or community board (being an extraordinary vacancy to which section 117(1) applies), the local board or community board may (instead of having the local authority conduct a further election in accordance with section 120) determine by resolution that the vacancy will be filled by the appointment by the local board or community board of a person named in the resolution who is qualified to be elected as a member.

Section 117A: inserted, on 25 December 2002, by section 39 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 117A heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 117A: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

118 Notice of intention to fill vacancy by appointment

(1) If, under section 117(3)(a) or section 117A, a local authority or local board or community board resolves that a vacancy will be filled by the appointment of a person by the local authority or local board or community board, it must

immediately, unless the vacancy is for the office of mayor, give public notice of—

(a) the resolution; and

(b) the process or criteria by which the person named in the resolution was selected for appointment.

(2) The local authority or local board or community board must, at a meeting held not later than the expiry of the prescribed period, by resolution confirm the appointment described in the resolution under subsection (1); and the person appointed is for all purposes to be treated as having been elected to fill the vacancy on the date on which that resolution is made.

(3) For the purposes of subsection (2), the **expiry of the prescribed period** is 30 days after the date of notification of the resolution under subsection (1).

(4) If for any reason the person specified in the resolution is unavailable or otherwise unable to be confirmed in the appointment, a further vacancy occurs in that office.

Section 118(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 118(1): amended, on 25 December 2002, by section 40 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 118(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

119 Notice of intention to leave vacancy unfilled

If, under section 117(3)(b), a local authority or local board or community board resolves not to fill a vacancy, it must immediately give public notice of its decision.

Section 119: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

120 Election to fill extraordinary vacancy

(1) If an extraordinary vacancy is to be filled by an election,—

(a) the chief executive of the local authority concerned must give notice of the vacancy to the electoral officer; and

(b) the election must be held not later than 103 days after the date on which the electoral officer receives notice of the vacancy, and the provisions of this Act and any regulations made under this Act apply accordingly and with any necessary modifications.

(2) If an election is to be held under subsection (1), an election must be held at the same time to fill every extraordinary vacancy on the local authority or local board or community board—

(a) that is unfilled at the time the extraordinary vacancy occurred; or

(b) that is created after the extraordinary vacancy occurred and before the election commences.

(3) If the electoral officer receives notice of an extraordinary vacancy to which subsection (2)(b) refers before the commencement of voting at the election, the electoral officer may—

(a) countermand the notice previously given in respect of the election to fill the first-mentioned vacancy or vacancies; and

(b) give fresh notice appointing the polling day for an election to fill all the vacancies.

(4) All nominations received in respect of the countermanded election that are still in effect on the date of the giving of the fresh public notice continue in effect as if they had been made in respect of the election to be held on the substituted day appointed by the electoral officer.

(5) Any qualified person who was not nominated as a candidate at the countermanded election may be nominated as a candidate at the election to be held on the substituted date.

Section 120(1)(a): amended, on 25 December 2002, by section 41 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 120(1)(b): amended, on 1 April 2025, by section 14 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Section 120(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

120A Change of voting period for election to fill extraordinary vacancy in Ōtorohanga District Council during COVID-19 restricted movement period

[Repealed]

Section 120A: repealed, on 20 October 2022, by section 120C(1).

120B Modification to section 120 if new extraordinary vacancy to be filled by election while epidemic notice in force for COVID-19

[Repealed]

Section 120B: repealed, on 20 October 2022, by section 120C(1).

120C Repeal

[Repealed]

Section 120C: repealed, on 20 October 2022, by section 120C(1).

Part 7
Offences

121 Illegal nomination, etc

Every person commits an offence, and is liable on conviction to a fine not exceeding $2,000, who—

(a) consents to being nominated as a candidate for an elective office knowing that he or she is incapable under any Act of holding that office; or

(b) signs a nomination paper purporting to nominate as a candidate a person who is, to the knowledge of the person signing, incapable under any Act of holding that office; or

(c) signs a nomination paper purporting to nominate another person as a candidate knowing that he or she is not qualified to vote at the election of the person named in the nomination paper as the candidate.

Compare: 1976 No 144 s 53

Section 121: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

122 Interfering with or influencing voters

(1) Every person commits an offence, and is liable on conviction to a fine not exceeding $5,000, who—

(a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote:

(b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be in imitation of any voting document to be used at the election or poll that,—

(i) in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote:

(ii) in the case of a poll, includes a statement or indication as to how any person should vote:

(iii) in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes:

(c) prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.

(2) Despite subsection (1)(b), it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed—

(a) the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and

(b) nothing else.

(3) Nothing in this section applies to—

(a) any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or

(b) any candidate profile statement, published, displayed, or distributed under the authority of this Act or regulations made under this Act.

Compare: 1976 No 144 s 54

Section 122(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

123 Offences in respect of official documents

(1) Every person commits an offence who—

(a) intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll:

(b) intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll:

(c) forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document:

(d) supplies, without authority, a voting document to any person:

(e) obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority:

(f) intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.

(2) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years:

(b) in the case of any other person, to imprisonment for a term not exceeding 6 months.

Compare: 1976 No 144 s 56(1)–(3)

Section 123(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

124 Voting offences

Every person commits an offence, and is liable on conviction to imprisonment for a term not exceeding 2 years, who—

(a) votes or applies to vote more than once at the same election or poll; or

(b) without authority, removes, deletes, or otherwise interferes with any voting document, or other record of a vote that has been cast.

Compare: 1976 No 144 s 56(4)

Section 124: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

125 Bribery

(1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,—

(a) gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or

(b) gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or

(c) corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or

(d) makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector; or

(e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b), obtains, or tries to obtain, the election of any person or the vote of any elector; or

(f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election or poll; or

(g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.

(2) An elector commits the offence of bribery if,—

(a) before or during the voting period at the election or poll, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to refrain from voting:

(b) after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(3) Every person who commits the offence of bribery is liable on conviction to imprisonment for a term not exceeding 2 years.

Compare: 1976 No 144 s 57

Section 125(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

126 Treating

(1) Every person commits the offence of treating who corruptly, before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person—

(a) for the purpose of influencing that person or any other person to vote or refrain from voting; or

(b) for the purpose of obtaining his or her election; or

(c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(2) Every holder of a licence under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision—

(a) to any person, if the supply is demanded for 1 or more of the purposes specified in subsection (1); or

(b) to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.

(3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.

(4) Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.

(5) Every person who commits the offence of treating is liable on conviction to imprisonment for a term not exceeding 2 years.

Compare: 1976 No 144 s 58

Section 126(2): amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 126(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

127 Undue influence

(1) Every person commits the offence of undue influence—

(a) who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person—

(i) in order to induce or compel that person to vote or refrain from voting:

(ii) on account of that person having voted or refrained from voting:

(b) who, by abduction, duress, or any fraudulent device or means,—

(i) impedes or prevents the free exercise of the vote of any elector:

(ii) compels, induces, or prevails upon any elector either to vote or to refrain from voting.

(2) Every person who commits the offence of undue influence is liable on conviction to imprisonment for a term not exceeding 2 years.

Compare: 1976 No 144 s 59; 1997 No 13 s 59

Section 127(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

128 Personation

(1) Every person commits the offence of personation who, at any election or poll,—

(a) votes in the name of some other person (whether living or dead), or of a fictitious person:

(b) having voted, votes again at the same election or poll:

(c) having returned a voting document, applies for or returns another voting document with the intention of returning an additional valid voting document or invalidating a vote already cast at the same election or poll (whether or not any voting document he or she returns is valid).

(2) Every person who commits the offence of personation is liable on conviction to imprisonment for a term not exceeding 2 years.

Compare: 1976 No 144 s 60; 1997 No 13 s 60

Section 128(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

129 Infringement of secrecy

(1) Every electoral officer, deputy electoral officer, and other electoral official—

(a) must maintain and assist in maintaining the secrecy of the voting; and

(b) must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.

(2) No person, except as provided by this Act or regulations made under this Act, may—

(a) interfere with or attempt to interfere with a voter when marking or recording his or her vote; or

(b) attempt to obtain, in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, any information as to any candidate for whom, or the proposal for or against which, the voter is about to vote or has voted; or

(c) communicate at any time to any person any information obtained in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, as to—

(i) any candidate for whom, or the proposal for or against which, the voter is about to vote or has voted; or

(ii) any number on a voting document marked or transmitted by the voter.

(3) Every person present at the counting of votes must—

(a) maintain and assist in maintaining the secrecy of the voting; and

(b) must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom, or proposal for or against which, any vote is cast by a particular voter.

(4) No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.

(5) Every person commits an offence who contravenes or fails to comply with this section.

(6) Every person who commits an offence against subsection (5) is liable on conviction to imprisonment for a term not exceeding 6 months.

Compare: 1976 No 144 s 62

Section 129(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

130 Disclosing voting or state of election or poll

(1) Every electoral officer, deputy electoral officer, other electoral official, Justice of the Peace, or scrutineer commits an offence who—

(a) makes known for what candidate or candidates or for which proposal any particular voter has voted for or against, except as provided by this Act or regulations made under this Act; or

(b) before the close of voting, makes known the state of the election or poll or gives or pretends to give any information by which the state of the election or poll may be known.

(2) Subsection (1)(b) does not prevent an electoral officer from disclosing the total number of voting documents so far returned at an election or poll at any time during the voting period.

(3) A person who commits an offence against subsection (1) is liable on conviction to a fine—

(a) not exceeding $5,000 for an electoral officer or deputy electoral officer:

(b) not exceeding $2,000 for any other person.

Compare: 1976 No 144 s 63

Section 130(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

131 Penalty for electoral officer, deputy electoral officer, and other electoral officials

Every electoral officer, deputy electoral officer, or other electoral official commits an offence, and is liable on conviction to a fine not exceeding $2,000, who is guilty of any intentional or reckless act of commission or omission contrary to the provisions of this Act or regulations made under this Act in respect of any election or poll, and for which no other penalty is imposed by this Act or regulations made under this Act.

Compare: 1976 No 144 s 64

Section 131: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Electoral expenses

[Repealed]

Heading: repealed, on 29 June 2013, by section 39 of the Local Electoral Amendment Act 2013 (2013 No 40).

132 Payments in breach of section 105

[Repealed]

Section 132: repealed, on 29 June 2013, by section 39 of the Local Electoral Amendment Act 2013 (2013 No 40).

133 Failure to transmit return

[Repealed]

Section 133: repealed, on 29 June 2013, by section 40 of the Local Electoral Amendment Act 2013 (2013 No 40).

134 False return

[Repealed]

Section 134: repealed, on 29 June 2013, by section 40 of the Local Electoral Amendment Act 2013 (2013 No 40).

135 Unauthorised advertisements

[Repealed]

Section 135: repealed, on 29 June 2013, by section 40 of the Local Electoral Amendment Act 2013 (2013 No 40).

136 Excessive expenditure

[Repealed]

Section 136: repealed, on 29 June 2013, by section 40 of the Local Electoral Amendment Act 2013 (2013 No 40).

General provisions

137 Property may be stated as being in electoral officer

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, and instruments is to be treated as that of the electoral officer at that election or poll.

Compare: 1976 No 144 s 61

138 Duty to take action in respect of offences

(1) Subsection (2) applies if an electoral officer—

(a) receives a written complaint that an offence has been committed under—

(i) Part 5; or

(ii) Part 5A; or

(iii) this Part; or

(b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).

(2) If this subsection applies, the electoral officer must—

(a) report the complaint or belief to the Police; and

(b) provide the Police with the details of any inquiries that he or she considers may be relevant.

(3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.

(4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

Section 138: replaced, on 29 June 2013, by section 41 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 138(1)(a)(ii): replaced, on 5 December 2013, by section 4 of the Local Electoral Amendment Act (No 2) 2013 (2013 No 123).

Section 138(1)(a)(iii): inserted, on 5 December 2013, by section 4 of the Local Electoral Amendment Act (No 2) 2013 (2013 No 123).

138AA Time limit for prosecutions

(1) A prosecution under section 112C must be commenced within 6 months of the date on which the return was required to be filed.

(2) A prosecution under section 103K or 112D must be commenced—

(a) within 6 months of the date on which the prosecutor is satisfied that there is sufficient evidence to warrant the commencement of the proceedings; but

(b) not later than 3 years after the offence was committed.

Section 138AA: inserted, on 29 June 2013, by section 41 of the Local Electoral Amendment Act 2013 (2013 No 40).

Part 8
Miscellaneous provisions

138A Special provision in relation to certain elections to fill extraordinary vacancies and certain polls

(1) Despite section 19ZF(3), section 33(3), and section 120(1),—

(a) if an electoral officer receives a notice under section 19ZC(5), section 19ZD(4), section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 14 September in any year and ends with the close of 20 November in that year, the polling day for the poll under section

19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 3 March in the following year; and

(b) if an electoral officer receives a notice under section 19ZC(5), section 19ZD(4), section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 21 November in any year and ends with the close of 15 December in that year, the polling day for the poll under section 19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 28 March in the following year; and

(c) if an electoral officer receives a notice under section 19ZC(5), section 19ZD(4), section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 16 December in any year and ends with the close of 12 January in the following year, the polling day for the poll under section 19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 24 April in that following year.

(2) In any case to which paragraph (a) or paragraph (b) or paragraph (c) of subsection (1) applies, the requirements of this Act apply as if the notice referred to in the paragraph had been received by the electoral officer on the last day of the period specified in that paragraph.

Compare: 1976 No 144 s 50(1)

Section 138A: inserted, on 25 December 2002, by section 44 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 138A(1): replaced, on 12 October 2025, by section 16 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

139 Regulations

(1) The Governor-General may, by Order in Council, make regulations—

(a) prescribing the powers and duties of electoral officers or other electoral officials, either generally or in relation to any specified class of election or poll or in relation to any specified election or specified poll:

(b) authorising the use of one or both electoral systems in elections and polls, or any specified class of election or poll, or any specified election or poll, describing each authorised electoral system, and prescribing conditions, standards, performance measures, and forms for the operation of that system:

(c) authorising the use of 1 or more voting methods in elections and polls, or any specified class of election or poll, or any specified election or poll (or, for the purpose of conducting a trial of a voting method, by a specified class of elector or by all electors in any specified class of election or poll or in any specified election or poll), describing each authorised voting method, and prescribing conditions, standards, performance measures, and forms for the operation of that method:

(d) prescribing conditions, standards, performance measures, procedures, and forms for the operation of special voting:

(e) authorising the use of special procedures for the casting of votes by any specified class of person, including (without limitation) persons with specified disabilities, and persons living or travelling overseas or living in remote locations:

(f) prescribing standards, performance measures, procedures, and forms for the purposes of enrolment or the compilation and use of electoral rolls, authorising the creation and use of electoral rolls for the purpose of any specified class of election or poll or for any specified election or poll or any other specified purpose, and regulating the use of electoral rolls generally:

(g) prescribing deposits or fees to be paid under this Act or regulations made under this Act or authorising the imposition of reasonable charges for the performance of specified functions:

(h) prescribing standards, performance measures, procedures, and forms for the conduct of elections or polls, or any specified class of election or poll, or any specified election or poll, and regulating the conduct of those elections or polls:

(ha) prescribing the amount for each elector for the purposes of section 111(1A)(a):

(i) regulating the conduct of electoral officers, deputy electoral officers, other electoral officials, scrutineers, candidates, voters, electors, and any other person, at elections or polls, or at any specified class of election or poll, or at any specified election or poll:

(j) prescribing forms required for the purposes of this Act or in connection with the enrolment of electors or in connection with any election or poll:

(k) prescribing offences in respect of the contravention of, or non-compliance with, any regulations made under this Act:

(l) prescribing penalties for offences against regulations made under this Act, not exceeding a fine of $2,000:

(la) regulating (in any way that is not inconsistent with Part 1A and Schedule 1A) the method of determining membership and the basis of election of local authorities:

(m) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

(2) Regulations may not be made under subsection (1)(c) authorising the use of a voting method (other than booth voting or postal voting or a combination of both methods) unless the Minister advises that he or she is satisfied that the voting method to be authorised for use will be able to operate in a manner consistent with the principles described in section 4.

(3) The Minister may not give the advice referred to in subsection (2) unless he or she has first consulted with those organisations or bodies that the Minister con-

siders to be representative of organisations or persons likely to be substantially affected by the regulations.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1976 No 144 s 123

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 139(1)(c): amended, on 9 April 2019, by section 11 of the Local Electoral Matters Act 2019 (2019 No 7).

Section 139(1)(ha): inserted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 139(1)(la): inserted, on 25 December 2002, by section 45 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 139(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

140 Powers and duties of electoral officers

Regulations made under section 139(1)(a) may include (without limitation) provision for the following:

(a) 2 or more electoral officers to undertake specified duties or exercise specified powers in relation to the same election or poll:

(b) 1 or more electoral officers to issue directions to other electoral officers in relation to a specified class of election or poll, or any specified election or poll:

(c) 1 or more electoral officers to exercise, in relation to a specified class of election or poll or any specified election or poll some, but not all, of the powers given to electoral officers by this Act or regulations made under this Act.

140A Electoral systems

Regulations made under section 139(1)(b) may include (without limitation) provisions—

(a) authorising or requiring 1 counting program to be used for the purpose of implementing the New Zealand method of counting single transferable votes or authorising more than 1 counting program or authorising a class of counting programs to be used for that purpose:

(ab) for the purposes of assisting programmers and certifiers to perform the duties imposed by sections 19AA and 19AB, describing the technical

processes involved in the implementation of the New Zealand method of counting single transferable votes:

(b) regulating the certification of 1 or more counting programs or any class of counting programs for the purpose of implementing the New Zealand method of counting single transferable votes:

(c) regulating the operating environment in which any counting program can be used for the purpose of implementing the New Zealand method of counting single transferable votes:

(d) regulating the way in which any other computer program can be used for the purposes of an election or poll under this Act:

(e) imposing conditions or restrictions in relation to the use of any such counting program or other computer program for the purposes of an election or poll under this Act.

Section 140A: inserted, on 25 December 2002, by section 46 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 140A(ab): inserted, on 7 July 2004, by section 16 of the Local Electoral Amendment Act 2004 (2004 No 62).

141 Voting methods

(1) Regulations made under section 139(1)(c) may include (without limitation) provisions prohibiting or regulating the use of the same or different voting methods for different elections or polls, or elections and polls,—

(a) that are conducted—

(i) at the same or similar times; or

(ii) in the same or in similar local government areas; or

(iii) by the same electoral officer:

(b) using the same or different electoral systems.

(2) Regulations made under section 139(1)(c) may specify a class of elector by reference to—

(a) a local government area or subdivision in which the specified class of electors is eligible to vote; or

(b) any other characteristic that makes a voting method suitable for the specified class of electors (for example, in relation to an electronic method of voting, the members of the specified class may reside overseas or in remote locations, or have a relevant disability).

(3) If regulations made under section 139(1)(c) prescribe as part of a voting method the use of electors' date of birth information,—

(a) the regulations must also prescribe—

(i) measures to prevent unauthorised access to, or use of, electors' date of birth information; and

(ii) the manner in which documents or records containing electors' date of birth information must be secured after the completion of the count (in accordance with section 89(1)):

(b) any document or record containing an elector's date of birth must be treated as specified material for the purpose of section 89(5).

Section 141(2): inserted, on 9 April 2019, by section 12 of the Local Electoral Matters Act 2019 (2019 No 7).

Section 141(3): inserted, on 9 April 2019, by section 12 of the Local Electoral Matters Act 2019 (2019 No 7).

142 Electoral rolls

(1) Regulations made under section 139(1)(f) may include (without limitation)—

(a) provision for different forms of electoral rolls for different classes of local government areas, including (without limitation) divided local government areas, and local government areas containing 1 or more local board areas or communities:

(b) requirements for residential electors or ratepayer electors, or any class of residential elector or ratepayer elector, to complete and deliver specified information (whether as a condition of enrolment or otherwise):

(c) requirements for the Electoral Commission to supply specified information in the prescribed manner to an electoral officer, or other electoral official, or any other class of person (with or without fee or on payment of a reasonable charge):

(d) requirements concerning the procedures for enrolment of ratepayer electors:

(e) provisions regulating the method and form of nomination of ratepayer electors for enrolment by organisations, bodies, societies or associations, or other persons (whether corporate or unincorporate):

(f) provisions regulating the inspection, copying by and use of electoral rolls by local authorities, electoral officials, members of the public or any class of persons, either generally or for any specified purposes.

(2) Despite subsection (1) and section 139(1)(f), regulations made under section 139(1)(f) must not provide for any electoral roll to include an elector's date of birth.

Section 142(1)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 142(1)(c): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Section 142(1)(c): amended, on 1 July 2012, by section 58(12) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 142(2): inserted, on 9 April 2019, by section 13 of the Local Electoral Matters Act 2019 (2019 No 7).

143 Conduct of elections and polls

(1) Regulations made under section 139(1)(h) may include (without limitation)—

(a) provisions—

(i) prescribing the method of conducting elections to fill extraordinary vacancies, and requiring any other class of election to be held using that method:

(ii) varying the method of conducting polls prescribed in this Act if the poll is conducted under section 18 or section 19:

(b) provisions regulating—

(i) the nomination of candidates:

(ii) candidate profile statements:

(iii) the issuing, handling, and processing of voting documents and other official documents:

(iv) the management of official places:

(v) communication between voters and other persons:

(vi) procedures for voting:

(vii) the handling of spoilt voting documents:

(viii) procedures after the close of voting:

(ix) the scrutiny of the electoral roll:

(x) the conduct of the count:

(xi) the declaration of the result of the election or poll:

(c) provisions authorising or requiring electoral officers to publish, display, or distribute in the prescribed manner neutral information designed to assist voters to exercise an informed vote at polls conducted under this Act.

(2) Without limiting the powers conferred by section 139(1)(h), different provision may be made for the matters referred to in subsection (1)(b) in respect of—

(a) each electoral system:

(b) each voting method:

(c) ordinary and special voting respectively:

(d) elections and polls respectively:

(e) different classes of elections and polls.

Section 143(1)(b)(x): amended, on 7 July 2004, by section 17 of the Local Electoral Amendment Act 2004 (2004 No 62).

144 Transitional regulations

[Repealed]

Section 144: repealed, on 1 July 2002, by section 145.

145 Expiry of section 144

Section 144 expires on the close of 30 June 2002 and on the close of that date is repealed.

146 Regulations having effect under this Act

(1) The Local Government (Electoral) Regulations 1992 (SR 1992/62) are to be treated as regulations made under this Act.

(2) The regulations specified in subsection (1) may be amended from time to time under the corresponding empowering provision (if any) in this Act or (if there is no corresponding provision in this Act), as if this section contained the relevant empowering provision (as it read immediately before the commencement of this section).

147 Cost of elections and polls

(1) If the electoral officer of a local authority conducts an election or poll, the reasonable costs and expenses of conducting that election or poll (except expenses of scrutineers and other expenses incurred by or on behalf of candidates) must be paid by the local authority.

(2) If an electoral officer of a local authority conducts an election or poll using the services of any electoral official employed by or engaged by or on behalf of another local authority, the local authority for whom the election or poll is conducted must pay to the local authority whose employees or contractors have provided services the reasonable costs and expenses incurred by that local authority, as agreed by or on behalf of the local authorities concerned.

(3) Any dispute about the amount to be paid under subsection (2) must be determined by the Auditor-General after any inquiry that the Auditor-General thinks fit.

(4) The decision of the Auditor-General under subsection (3) is final and binding on the local authorities concerned.

(5) Nothing in this section limits the provisions of any other Act.

Compare: 1976 No 144 s 118

148 Validation of irregularities

(1) The Governor-General may, by Order in Council published in the *Gazette*, do any of the things described in subsection (2) if—

(a) anything is omitted to be done at the time required by or under this Act or any regulations made under this Act; or

(b) anything cannot be done at the time required by or under this Act or any regulations made under this Act; or

(c) anything is done before or after the time required by or under this Act or any regulations made under this Act; or

(d) anything is otherwise irregularly done in matter of form; or

(e) sufficient provision is not made by or under this Act or any regulations made under this Act.

(2) The things are,—

(a) at any time before or after the time within which the thing is required to be done, to extend that time; or

(b) to validate anything done before or after the time required; or

(c) to validate anything irregularly done in matter of form; or

(d) to make such other provision for the case as he or she thinks fit.

Compare: 1976 No 144 s 122; 1997 No 13 s 63

Section 148 compare note: replaced, on 31 August 2023, by section 35 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

149 Amendments to section 101ZQ of Local Government Act 1974

[Repealed]

Section 149: repealed, on 25 December 2002, by section 53(c) of the Local Electoral Amendment Act 2002 (2002 No 85).

150 Amendment to Schedule 2 of New Zealand Public Health and Disability Act 2000

Amendment(s) incorporated in the Act(s).

151 Amendments to other enactments

The enactments set out in Schedule 3 are amended in the manner set out in that schedule.

152 Repeals and revocations

(1) The enactments set out in Part 1 of Schedule 4 are repealed.

(2) The regulations set out in Part 2 of Schedule 4 are revoked.

153 Transitional provisions relating to electoral systems

Sections 27 to 35 (which relate to electoral systems for elections and polls) do not apply to the triennial general election to be held on 13 October 2001 or to any poll taken in conjunction with that election, and that election (and any poll taken in conjunction with that election), and any election to fill an extraordinary vacancy held before the triennial general election in October 2004, must be conducted using the First Past the Post electoral system.

Section 153: amended, on 25 December 2002, by section 47 of the Local Electoral Amendment Act 2002 (2002 No 85).

154 Transitional provisions relating to returning officers

(1) Every person who, immediately before the commencement of this Act, was the returning officer for a local authority is, without further appointment, the electoral officer for that local authority.

(2) Despite section 14(2) and subsection (1), a person who becomes an electoral officer by operation of subsection (1) must complete a declaration of the appropriate kind as soon as practicable after the commencement of this section.

155 Transitional provisions relating to electoral rolls

Sections 38 to 51 (which relate to electoral rolls) do not apply to the triennial general election to be held on 13 October 2001 or to any poll taken in conjunction with that election.

156 Further transitional provisions relating to electoral rolls

(1) For the purposes of the triennial general election and any poll to be held on 13 October 2001,—

(a) sections 7B to 7K of the Local Elections and Polls Act 1976 continue to apply subject to the provisions of this section and with any other necessary modifications; but

(b) the residential electoral roll required by section 7BA of that Act and the ratepayer electoral roll required by section 7BB of that Act must, if the rolls relate to the same local government area, be treated as 1 electoral roll for the purposes of this Act.

(2) For the purposes of the triennial general election and any poll to be held on 13 October 2001:

(a) section 7BA of the Local Elections and Polls Act 1976 applies as if, after the words "Local Government Act 1974" in subsection (1), there appeared the words "or, as the case requires, section 23 of the Local Electoral Act 2001":

(b) section 7BB of the Local Elections and Polls Act 1976 applies as if, after the words "Local Government Act 1974" in subsection (1)(a), there appeared the words "or, as the case requires, section 24 of the Local Electoral Act 2001":

(c) section 7BE of the Local Elections and Polls Act 1976 applies as if, after the words "Local Government Act 1974" in subsection (1), there appeared the words "or, as the case requires, section 24 of the Local Electoral Act 2001":

(d) section 7BF of the Local Elections and Polls Act 1976 applies as if, after the words "Local Government Act 1974" in subsection (1), there appeared the words "or, as the case requires, section 24 of the Local Electoral Act 2001".

(3) For the purposes of the triennial general election and any poll to be held on 13 October 2001, section 7H of the Local Elections and Polls Act 1976 applies as if,—

(a) for the words "before the 18th day before polling day" which appear in subsection (1), there were substituted the words "before 14 September 2001"; and

(b) for the words "on the 18th day before polling day" which appear in subsection (2), there were substituted the words "on 14 September 2001".

(4) For the purposes of the triennial general election and any poll to be held on 13 October 2001, section 111 of the Local Elections and Polls Act 1976 applies as if,—

(a) for the words "sections 22 and 107 of this Act", which appear in subsection (1), there were substituted the words "section 70 of the Local Electoral Act 2001"; and

(b) for the words "4 o'clock in the afternoon of the 43rd day", which appear in subsection (1), there were substituted the words "4 o'clock in the afternoon of 31 August 2001"; and

(c) for the words "paragraph (b) or paragraph (c) of section 37 of this Act", which appear in subsection (2), there were substituted the words "section 20(2) or section 21 of the Local Electoral Act 2001".

(5) For the purposes of the triennial general election and any poll to be held on 13 October 2001, any power or duty conferred on the principal administrative officer of a local authority by sections 7B to 7K of the Local Elections and Polls Act 1976 may instead be exercised by the electoral officer of that authority.

(6) This section overrides section 151.

157 Transitional provisions relating to voting documents

For the purposes of the triennial general election and any poll to be held on 13 October 2001,—

(a) sections 75 to 77 do not apply to voting documents:

(b) sections 25 and 25A of the Local Elections and Polls Act 1976 apply to the voting documents to be used at the election and any poll, and those sections and the provisions referred to in those sections apply—

(i) as if every reference to a "voting paper" or "voting papers" were a reference to a "voting document" or "voting documents", as the case may require; and

(ii) with any modifications specified in regulations made under this Act; and

(iii) with any other necessary modifications.

Schedule 1
Transitional, savings, and related provisions

s 5AA

Schedule 1: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Part 1
Provisions relating to Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021

Schedule 1 Part 1: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

1 Definitions

In this Part, unless the context otherwise requires,—

amendment Act means the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021

commencement date means the date on which the amendment Act comes into force

transition period means the period beginning on the commencement date and ending on 21 May 2021.

Schedule 1 clause 1: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

2 Territorial authority or regional council may resolve during transition period to establish Māori wards or Māori constituencies for next triennial general election

(1) Any territorial authority may resolve at any time during the transition period that the district be divided into 1 or more Māori wards for electoral purposes.

(2) Any regional council may resolve at any time during the transition period that the region be divided into 1 or more Māori constituencies for electoral purposes.

(3) A resolution under subclause (1) or (2)—

(a) may be made despite any poll held under section 19ZF before the commencement date; and

(b) takes effect for the purposes of the next 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until a further resolution under section 19Z takes effect.

(4) This clause—

(a) is subject to clauses 2(5) and 4(4) of Schedule 1A (as if this clause were in Part 1A of this Act); and

(b) does not apply to Bay of Plenty Regional Council (*see* the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001).

(5) In this clause, **associated election** has the same meaning as in section 19Z.

Schedule 1 clause 2: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

3 Territorial authority or regional council may revoke resolution made under section 19Z before commencement date

(1) This clause applies to a resolution of a territorial authority or regional council made under section 19Z at any time during the period—

(a) commencing on 13 October 2019; and

(b) ending on the day before the commencement date.

(2) The territorial authority or regional council may, at any time during the transition period, revoke the resolution.

Schedule 1 clause 3: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

4 No poll may be demanded on or after commencement date to countermand resolution made under section 19Z before commencement date

(1) This clause applies in relation to a resolution of a territorial authority or regional council made under section 19Z before the commencement date.

(2) No demand for a poll to countermand the resolution may be made under section 19ZB on or after the commencement date despite any public notice having been given under section 19ZA by the territorial authority or regional council before the commencement date of a right to demand a poll.

Schedule 1 clause 4: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

5 Demand for poll by electors under sections 19ZB and 19ZC before commencement date must be disregarded on commencement date

(1) This clause applies if—

(a) a territorial authority or regional council receives a demand for a poll made in accordance with sections 19ZB and 19ZC before the commencement date; and

(b) the poll has not been held as at the commencement date.

(2) The demand must be disregarded on and after the commencement date.

(3) The chief executive of the territorial authority or regional council must not give notice to the electoral officer of the demand on or after the commencement date.

(4) An electoral officer for a territorial authority or regional council who, before the commencement date, receives notice under section 19ZC(5) of a demand

for a poll must not give public notice of the poll on or after the commencement date.

Schedule 1 clause 5: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

6 Resolution of territorial authority or regional council made under section 19ZD before commencement date ceases to have effect on commencement date

(1) This clause applies to a resolution of a territorial authority or regional council under section 19ZD(1) if—

(a) the resolution was made before the commencement date; and

(b) the poll has not been held as at the commencement date.

(2) The resolution ceases to have effect on the commencement date.

(3) An electoral officer who, before the commencement date, received a notice under section 19ZD of a resolution that a poll be held must not give public notice of the poll on or after the commencement date.

Schedule 1 clause 6: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

7 Electoral officer must give public notice that any poll announced before commencement date will not be held

(1) This clause applies to an electoral officer who, during the period of 89 days before the commencement date, gives public notice of a poll in accordance with section 19ZF(1).

(2) The electoral officer must, as soon as practicable after the commencement date, give public notice that the poll will not be held.

Schedule 1 clause 7: inserted, on 2 March 2021, by section 9 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Part 2
Provisions relating to Local Government Electoral Legislation Act 2023

Schedule 1 Part 2: inserted, on 31 August 2023, by section 36(3)(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

8 Interpretation

In this Part,—

amendment Act means the Local Government Electoral Legislation Act 2023

commencement date means the date on which sections 30 to 34 of the amendment Act come into force.

Schedule 1 clause 8: inserted, on 31 August 2023, by section 36(3)(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

9 Transitional provision relating to certain recounts

The amendments made by sections 30 to 34 of the amendment Act apply in respect of an election if—

(a) the electoral officer has given public notice of the election before the commencement date and nominations for the election close after the commencement date; or

(b) on or after the commencement date, the electoral officer gives public notice under section 52, or fresh public notice under section 120(3), of the election.

Schedule 1 clause 9: inserted, on 31 August 2023, by section 36(3)(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Part 3
Provisions relating to Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

Schedule 1 Part 3: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

10 Interpretation

(1) In this Part, unless the context otherwise requires,—

amendment Act means the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

associated election has the same meaning as in section 19Z

commencement date means the date on which section 17 of the amendment Act comes into force

group 1 local authority means a territorial authority or regional council named in the first column of the table in subclause (2)

group 2 local authority means a territorial authority or regional council named in the second column of the table in subclause (2)

transition period means the period starting on the commencement date and ending on 6 September 2024.

(2)

Group 1 local authorities	Group 2 local authorities
Far North District Council	Central Hawke's Bay District Council
Gisborne District Council	Hauraki District Council
Hamilton City Council	Hutt City Council
Hastings District Council	Kapiti Coast District Council
Hawke's Bay Regional Council	Kawerau District Council
Horowhenua District Council	Napier City Council
Kaipara District Council	South Wairarapa District Council
Manawatu District Council	Tasman District Council

Group 1 local authorities	Group 2 local authorities
Manawatū-Whanganui Regional Council	Thames-Coromandel District Council
Marlborough District Council	Upper Hutt City Council
Masterton District Council	Wellington Regional Council
Matamata-Piako District Council	Western Bay of Plenty District Council
Nelson City Council	Whanganui District Council
New Plymouth District Council	
Northland Regional Council	
Ōtorohanga District Council	
Palmerston North City Council	
Porirua City Council	
Rangitikei District Council	
Rotorua District Council	
Ruapehu District Council	
South Taranaki District Council	
Stratford District Council	
Taranaki Regional Council	
Tararua District Council	
Taupo District Council	
Tauranga City Council	
Waikato District Council	
Waipa District Council	
Wellington City Council	
Whakatane District Council	
Whangarei District Council	

Schedule 1 clause 10: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Provisions relating to group 1 local authorities

Heading: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

11 Group 1 local authority must resolve to retain or resolve to disestablish Māori wards or Māori constituencies

(1) This clause applies to a group 1 local authority.

(2) A group 1 local authority must, by 6 September 2024,—

(a) resolve to retain the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020; or

(b) resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020.

(3) A resolution under subclause (2)(b) takes effect for the 2025 and 2028 triennial general elections of the local authority, and for any associated election, and continues in effect until—

(a) a resolution under section 19Z takes effect; or

(b) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.

(4) *See* clause 39 concerning the requirement for a group 1 local authority to hold a binding poll if it resolves under subclause (2)(a) to retain the 1 or more Māori wards or Māori constituencies it has established.

Schedule 1 clause 11: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

12 Special consultative procedure does not apply to resolution

A group 1 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 11(2)(a) or (b).

Schedule 1 clause 12: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

13 Effect of resolution to disestablish

(1) A resolution of a group 1 local authority to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b) does not affect—

(a) any decision of the local authority made after the local authority's resolution under section 19Z to establish those Māori wards or Māori constituencies; or

(b) any elections held after the resolution referred to in paragraph (a) and before the commencement date.

(2) Subclause (1) is subject to subclause (3).

(3) If a group 1 local authority resolves to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b),—

(a) any determination of the group 1 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under the provisions of Part 1A of this Act); and

(b) any proceedings before the Local Government Commission under section 19R relating to a determination referred to in paragraph (a) also come to an end and the Commission is not required to take any further action in respect of the determination.

(4) Subclause (3) applies regardless of whether public notice of the proposal contained in the resolution under section 19H, 19I, or 19J has been published under section 19M or 19N.

Schedule 1 clause 13: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

14 Local authority resolving to disestablish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set

(1) A group 1 local authority that resolves to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b) must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.

(2) For the purposes of subclause (1), the local authority may—

(a) resolve to revert to its representation arrangements that applied at the 2019 triennial general elections (**pre-2020 representation arrangements**), if the requirements in clause 15 are satisfied; or

(b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections in accordance with sections 19H to 19Q and 19T to 19Y, as modified by clauses 21 to 28.

(3) A group 1 local authority must undertake a shortened review of its representation arrangements for elections, in 2024, if the requirements in clause 15 are not satisfied (*see* clauses 21 to 28).

(4) To avoid doubt, sections 19R and 19S continue to apply in relation to a shortened review of representation arrangements that a local authority resolves, or is required, to undertake under subclause (2)(b) or (3).

Schedule 1 clause 14: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

15 Requirements to be satisfied for local authority to revert to pre-2020 representation arrangements

(1) A group 1 local authority may resolve under clause 14(2)(a) to revert to its pre-2020 representation arrangements only if the arrangements will provide fair and effective representation of communities of interest in accordance with sections 19T to 19W.

(2) The local authority must, before passing a resolution referred to in subclause (1),—

(a) request 2023 population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the pre-2020 representation arrangements; and

(b) provide to Statistics New Zealand such information that it may require concerning the definition of any area to which any of the estimates referred to in paragraph (a) are to relate; and

(c) table the following at the meeting at which the resolution is to be considered:

(i) the 2023 population estimates:

(ii) an explanation of how the requirements for fair and effective representation of communities of interest in accordance with sections 19T to 19W will be met if the local authority reverts to the pre-2020 representation arrangements:

(iii) a statement from the Local Government Commission on the consistency of the pre-2020 representation arrangements with section 19V(2), taking into account the 2023 population estimates.

(3) For the purposes of considering the fair and effective representation of communities of interest in accordance with sections 19T to 19W, if an exception from compliance under section 19V(3) has been upheld on a determination by the Local Government Commission under section 19V(6) relating to specific wards, constituencies, or subdivisions in the local authority's pre-2020 representation arrangements, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).

Schedule 1 clause 15: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

16 Objections process does not apply to resolution to revert to pre-2020 representation arrangements

Section 19P does not apply in respect of a resolution made by a group 1 local authority under clause 14(2)(a).

Schedule 1 clause 16: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

17 Adjustments to boundaries by group 1 local authority

(1) This clause applies to a group 1 local authority that resolves under clause 14(2)(a) to revert to its pre-2020 representation arrangements.

(2) The group 1 local authority must seek and consider advice from Statistics New Zealand as to any adjustments that Statistics New Zealand has made to the boundaries of relevant statistical meshblock areas since—

(a) notice of a Local Government Commission determination was given under section 19S(1); or

(b) public notice of the proposed pre-2020 arrangements was given under section 19M, if there were no submissions on the proposal; or

(c) public notice of the pre-2020 arrangements was given under section 19N(1), if there were no appeals or objections made to the Local Government Commission.

(3) The group 1 local authority must determine by resolution any necessary adjustments to be made to the boundaries of any ward, constituency, community, or subdivision to ensure that they coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand.

Schedule 1 clause 17: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

18 Local authority must notify resolution to revert to pre-2020 representation arrangements

A group 1 local authority that resolves under clause 14(2)(a) to revert to its pre-2020 representation arrangements must—

(a) give public notice of the resolution, including the following information for the next triennial general election:

(i) the number of elected positions the local authority will have:

(ii) the number of appointed positions for community boards (if any):

(iii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each:

(iv) whether any adjustments have been made by Statistics New Zealand to the meshblocks aligning with the ward, constituency, community, or subdivision boundaries used for the 2019 or 2016 triennial general elections and whether adjustments have been made to boundaries under clause 17; and

(b) as soon as practicable, send a copy of the notice to the following:

(i) the Local Government Commission:

(ii) the Surveyor-General:

(iii) the Government Statistician:

(iv) the Remuneration Authority:

(v) such other local authorities as may be required under section 19Y(2)(b) and (c); and

(c) provide to the Surveyor-General—

(i) a copy of the plans for the arrangements they are reverting to; or

(ii) in a case where minor changes have been made to boundaries in accordance with clause 17, new plans for the arrangements incorporating those changes.

Schedule 1 clause 18: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

19 When notified basis for election for next triennial election has effect

(1) If a group 1 local authority has, under clause 18, given public notice of the basis of election for the next triennial election of the local authority, no such basis has effect unless—

(a) a description or plan of each ward or constituency or community or subdivision has been sent to the Surveyor-General; and

(b) the Surveyor-General, or a person appointed by the Surveyor-General, certifies that the description or plan is sufficient to render the boundaries of each ward or constituency or community or subdivision capable of identification.

(2) If the description of any ward or constituency or community or subdivision to which subclause (1) applies is defective, but the Surveyor-General, or a person appointed by the Surveyor-General, certifies that it can be amended and the defect overcome without making any change in what was evidently intended to be the area comprised in the description, the description—

(a) may be so amended by resolution; and

(b) if so amended, has effect as if the provisions of subclause (1) had been complied with.

Schedule 1 clause 19: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

20 Group 1 local authority reverting to pre-2020 electoral arrangements: representation review after 2025 triennial general elections

A group 1 local authority that resolves to disestablish its Māori wards or Māori constituencies and revert to its pre-2020 electoral arrangements must complete its next representation review in the 2025 to 2028 local government term.

Schedule 1 clause 20: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Shortened representation review process

Heading: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

21 Application of clauses 22 to 28

Clauses 22 to 28 apply to a group 1 local authority that resolves under clause 11(2)(b) to disestablish the 1 or more Māori wards or Māori constituencies it has established since 2020 and—

(a) resolves under clause 14(2)(b) to undertake, in 2024, a shortened review of its representation arrangements for the 2025 triennial general election; or

(b) is required under clause 14(3) to undertake a shortened review of its representation arrangements for the 2025 triennial general election.

Schedule 1 clause 21: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

22 Requirements for resolution

Section 19K applies as if, in subsection (1AA), the words “must be passed no earlier than 20 December of the year that is 2 years before the year of the election and no later than 31 July of the year that is immediately before the

year of the election" were replaced with "must be passed by 13 September 2024".

Schedule 1 clause 22: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

23 Public notice of proposals and responsibilities

Section 19M applies as if,—

(a) in subsection (1), the words "must, within 14 days after making the resolution (but, in the year immediately before the year of a triennial general election, not later than 8 August)" were replaced with "must, within 7 days after making the resolution and not later than 20 September 2024"; and

(b) in subsection (2)(d), the words "specify a period of not less than 1 month from" were replaced with the words "specify a period that ends not later than 11 October 2024 and that is of not less than 3 weeks from".

Schedule 1 clause 23: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

24 Response to submissions

Section 19N applies as if, in subsection (1), the words "must, within 8 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M" were replaced with "must, within 6 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M".

Schedule 1 clause 24: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

25 Appeals

Section 19O applies as if,—

(a) in subsection (2)(a), the words "must not be earlier than 1 month" were replaced with "must not be earlier than 3 weeks"; and

(b) the words in subsection (2)(b) were replaced with "must not, in the year before the 2025 triennial general election, be later than 13 December 2024".

Schedule 1 clause 25: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

26 Obligation to forward appeals and objections to Commission

Section 19Q applies as if the reference to "20 December," were replaced with "23 December 2024,".

Schedule 1 clause 26: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

27 Commission to determine appeals and objections

Section 19R applies as if, in subsection (3), the words "before 11 April in the year of a triennial general election" were replaced with "before 11 April 2025".

Schedule 1 clause 27: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

28 Group 1 local authority completing shortened representation review process: representation review after 2025 triennial general election

A group 1 local authority that completes a shortened review process must undertake its next review of representation arrangements in accordance with the requirement in section 19H(2)(b) or 19I(2)(b) (whichever applies).

Schedule 1 clause 28: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Provisions relating to group 2 local authorities

Heading: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

29 Group 2 local authority must resolve to affirm or resolve to rescind resolution to establish Māori wards or Māori constituencies

(1) A group 2 local authority must, by 6 September 2024,—

(a) resolve to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election; or

(b) resolve to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election.

(2) *See* clause 39 concerning the requirement for a group 2 local authority to hold a binding poll if it resolves under subclause (1)(a) to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.

Schedule 1 clause 29: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

30 Special consultative procedure does not apply to resolution

A group 2 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 29(1)(a) or (b).

Schedule 1 clause 30: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

31 Effect of resolution to rescind

(1) If a group 2 local authority passes a resolution under clause 29(1)(b) to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for

the 2025 triennial general election, any determination of the group 2 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under Part 1A of this Act).

(2) Subclause (1) applies regardless of whether public notice of the proposal has been published under section 19M or 19N of this Act.

Schedule 1 clause 31: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

32 Group 2 local authority rescinding resolution to establish Māori wards or Māori constituencies must decide how representation arrangements for 2025 triennial general election to be set

A group 2 local authority that resolves under clause 29(1)(b) to rescind its resolution to establish 1 or more Māori wards or Māori constituencies must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.

Schedule 1 clause 32: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

33 Options for representation arrangements for 2025 triennial general election if representation review completed since 2019

(1) This clause applies to a group 2 local authority if it has completed a representation review since the 2019 triennial general election.

(2) For the purposes of clause 32, the group 2 local authority is not required to, but may, resolve to complete a shortened representation review process in 2024.

(3) If the group 2 local authority resolves to complete a shortened representation review process, that process must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.

(4) If the group 2 local authority does not resolve to complete a shortened review process in 2024, its existing representation arrangements continue to apply for the 2025 triennial general election in accordance with section 19H(2)(b) or 19I(2)(b) (whichever applies).

Schedule 1 clause 33: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

34 Options for representation arrangements for 2025 triennial general election if no representation review completed since 2019

(1) This clause applies to a group 2 local authority if it has not completed a representation review since the 2019 triennial general election.

(2) The group 2 local authority may, for the 2025 triennial general election,—

(a) resolve to continue its existing representation arrangements, if the requirements in clause 35 are met; or

(b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections.

(3) A group 2 local authority must undertake a shortened review of its representation arrangements, in 2024, if the requirements in clause 35 are not met.

(4) A shortened review process undertaken under subclause (2)(b) or (3) must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.

Schedule 1 clause 34: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

35 Requirements to be satisfied for group 2 local authority to continue existing representation arrangements

(1) A group 2 local authority that has not completed a representation review since 2019 may continue its existing representation arrangements only if the arrangements will provide fair and effective representation of communities of interest in accordance with sections 19T to 19W.

(2) The local authority must, before passing a resolution under clause 34(2)(a) to continue its existing representation arrangements,—

(a) request 2023 population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the local authority's existing representation arrangements; and

(b) provide to Statistics New Zealand such information as may be required by it concerning the definition of any area to which any of the estimates referred to in paragraph (a) are to relate; and

(c) table the following at the meeting at which the resolution is to be considered:

(i) the 2023 population estimates:

(ii) an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority continues its existing representation arrangements:

(iii) a statement from the Local Government Commission on the consistency of the existing representation arrangements with section 19V(2), taking into account the 2023 population estimates.

(3) For the purposes of considering the fair and effective representation of communities of interest in accordance with sections 19T to 19W, if an exception from compliance under section 19V(3) has previously been upheld on a determination by the Local Government Commission under section 19V(6) relat-

ing to specific wards, constituencies, or subdivisions in the local authority's pre-2020 representation arrangements, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).

Schedule 1 clause 35: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

36 Objections process does not apply to resolution to continue existing representation arrangements

Section 19P does not apply in respect of a resolution made by a group 2 local authority made under clause 34(2)(a).

Schedule 1 clause 36: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

37 Group 2 local authority must notify resolution to continue existing representation arrangements

(1) A group 2 local authority that resolves under clause 34(2)(a) to continue its existing representation arrangements must—

(a) give public notice of the resolution, including the following information for the next triennial general election:

(i) the number of elected positions the local authority will have:

(ii) the number of appointed positions for community boards (if any):

(iii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each; and

(b) as soon as practicable, send a copy of the notice to the following:

(i) the Local Government Commission:

(ii) the Surveyor-General:

(iii) the Government Statistician:

(iv) the Remuneration Authority:

(v) such other local authorities as may be required under section 19Y(2)(b) and (c).

(2) If either Western Bay of Plenty District Council or Central Hawke's Bay District Council gives public notice under subclause (1), the local authority must, in addition, meet the requirements specified in clause 19(1) and (2) as if the reference to a group 1 local authority were a reference to a group 2 local authority.

Schedule 1 clause 37: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

38 Group 2 local authority: representation review after 2025 triennial general election

(1) A group 2 local authority that has not completed a representation review since the 2019 triennial general election and that resolves under clause 34(2)(a) to continue its existing representation arrangements for the 2025 triennial general election must complete its next representation review in the 2025 to 2028 local government term.

(2) A group 2 local authority that has completed a representation review since the 2019 triennial general election or that completes a shortened representation review process in accordance with the provisions of this Part must complete its next representation review in accordance with the requirements in section 19H(2)(b) or 19I(2)(b) (whichever applies).

Schedule 1 clause 38: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Conduct of binding polls in conjunction with 2025 triennial general election

Heading: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

39 Local authority resolving to retain, or to affirm resolution to establish, Māori wards or Māori constituencies must conduct binding poll in 2025

(1) This clause applies to—

(a) a group 1 local authority that resolves under clause 11(2)(a) to retain the 1 or more Māori wards or Māori constituencies it has established:

(b) a group 2 local authority that resolves under clause 29(1)(a) to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.

(2) A group 1 or group 2 local authority to which this clause applies must hold a poll on the question whether, from the 2028 triennial general election,—

(a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

(b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.

(3) The poll must be conducted using the First Past the Post electoral system.

(4) The poll must, in each case, be held—

(a) in conjunction with the 2025 triennial general election; and

(b) in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.

(5) Every poll held under this Act as required by this clause determines the question referred to in subclause (2)(a) or (b) (whichever applies) for the next 2

triennial general elections for the territorial authority or regional council, and for any associated election, after the 2025 triennial general election.

Schedule 1 clause 39: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

40 Notice of poll must be included in public notice for 2025 triennial general election

If a local authority is required under clause 39 to hold a poll in conjunction with the 2025 triennial general election, the electoral officer responsible for the conduct of the election must—

(a) include public notice of that poll in the notice of the election required to be given under section 52; and

(b) conduct the poll in conjunction with the election accordingly.

Schedule 1 clause 40: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

41 Application of limitation on division into Māori wards or Māori constituencies

Section 19ZE applies as if a poll held under clause 39 on the question specified in clause 39(2) were a poll on a proposal described in section 19ZE(a) held under section 19ZF.

Schedule 1 clause 41: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

42 Review of representation arrangements following conduct of poll

Poll resulting in "Yes" vote

(1) Subclauses (2) and (3) apply to a group 1 or group 2 local authority if 50% or more of the valid votes cast in a poll held by the local authority as required by clause 39 are "Yes" votes.

(2) The local authority must follow the process set out in Schedule 1A of this Act in the 2025 to 2028 electoral term if it has not completed a representation review since the 2022 triennial general election.

(3) The local authority may continue its existing representation arrangements in the 2025 to 2028 electoral term if it has completed a representation review since the 2022 triennial general election.

Poll resulting in "No" vote

(4) If more than 50% of the valid votes cast in a poll held by a group 1 or group 2 local authority under clause 39 are "No" votes, the local authority—

(a) must complete a representation review in the 2025 to 2028 electoral term; and

(b) must not follow the process set out in Schedule 1A in the 2025 to 2028 electoral term.

(5) Subclause (4) applies despite section 19Z(3)(c).

Schedule 1 clause 42: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Group 1 and group 2 local authorities: extension to 31 July 2024 deadline for initial representation review proposals

Heading: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

43 Application of clauses 44 to 46

Clauses 44 to 46 apply—

(a) only if they commence on or before 31 July 2024; and

(b) only to a group 1 or group 2 local authority that is required to pass a resolution under section 19H, 19I, or 19J by 31 July 2024 but has not passed the resolution by that date.

Schedule 1 clause 43: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

44 Extension of time for passing initial representation review resolution

A local authority to which this clause applies may pass the resolution referred to in clause 43(b) by 13 September 2024.

Schedule 1 clause 44: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

45 Local authority using extended time must follow shortened representation review process

A group 1 or group 2 local authority that passes a resolution in accordance with clause 44 must undertake a shortened review of its representation arrangements in accordance with the requirements of clauses 23 to 27.

Schedule 1 clause 45: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

46 When next representation review required

A group 1 or group 2 local authority that undertakes a shortened review under clause 45 must undertake its next review of representation arrangements in accordance with the requirement under section 19H(2)(b) or 19I(2)(b) (whichever applies).

Schedule 1 clause 46: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Provisions applying to Tauranga City Council

Heading: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

47 Application of clauses 48 to 54

Clauses 48 to 54 apply to Tauranga City Council (the **Council**).

Schedule 1 clause 47: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

48 Council must resolve to disestablish Māori ward or resolve to hold poll

The Council must, by 30 November 2026,—

(a) resolve to disestablish (for the 2028 triennial general election onwards) its Māori ward; or

(b) resolve to hold, by 28 March 2027, a poll on the question whether the district should be divided into 1 or more Māori wards.

Schedule 1 clause 48: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

49 Effect of resolution to disestablish

(1) A resolution of the Council to disestablish its Māori ward under clause 48(a) does not affect—

(a) any decision of the Council made after the Council's 2021 resolution under section 19Z that its district be divided into its Māori ward (the **2021 resolution**); or

(b) elections held since the 2021 resolution and before the commencement date.

(2) A resolution of the Council to disestablish its Māori ward applies for the next 2 triennial general elections of the Council.

Schedule 1 clause 49: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

50 Council must hold binding poll in accordance with resolution and specified requirements

(1) This clause applies if the Council resolves under clause 48(b) to hold a poll.

(2) The Council must, by 28 March 2027, hold a poll on the question whether the district should be divided into 1 or more Māori wards.

(3) The poll must be held in accordance with the requirements in clause 52.

Schedule 1 clause 50: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

51 Application of limitation on division into Māori wards

Section 19ZE applies as if a poll held under clause 50 on the question specified in clause 50(2) were a poll on a proposal described in section 19ZE(a) held under section 19ZF.

Schedule 1 clause 51: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

52 Requirements for binding poll

(1) The Council chief executive must notify the electoral officer, by 1 December 2026, of the date on which the poll under clause 50 is to be held.

(2) The date specified for the holding of the poll must not be a date that would require deferral of the poll under section 138A.

(3) The electoral officer must give public notice of the poll under section 52 as soon as practicable after receiving the notice under subclause (1).

(4) The poll must be conducted using the First Past the Post electoral system.

(5) The poll must be held in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act (as modified by this Part) that concern the conduct of a poll.

Schedule 1 clause 52: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

53 Effect of poll

(1) If 50% or more of the valid votes cast in the poll are "Yes" votes, the Council must follow the process set out in Schedule 1A in the 2025 to 2028 term.

(2) If more than 50% of the valid votes cast in the poll are "No" votes, the Council must not follow the process set out in Schedule 1A.

(3) Subsection (2) applies despite section 19Z(3)(c).

(4) The outcome of the poll determines whether, for the next 2 triennial general elections of the Council, the district is to be divided into 1 or more Māori wards.

(5) The outcome of the poll must be included in the Council's 2027 representation review.

Schedule 1 clause 53: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

54 Obligations of electoral officer if notice requirements for binding poll not met

(1) This clause applies if the electoral officer does not receive a notice that accords with clause 52(1) and (2) by 1 December 2026.

(2) The electoral officer must—

(a) fix a date, which must be not later than 28 March 2027, for the holding of the poll; and

(b) give public notice of the poll in accordance with section 52; and

(c) conduct the poll on the date fixed for holding it.

Schedule 1 clause 54: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Guidelines

Heading: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

55 Commission must issue guidelines for resolutions and determinations under transitional provisions

(1) The Commission must issue guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account in passing resolutions and making determinations referred to in the provisions of this Part.

(2) The Commission may, from time to time, amend or revoke guidelines issued under subclause (1).

(3) Guidelines issued under subclause (1) may relate to group 1 or group 2 local authorities generally or to a specific class of those authorities.

(4) The Commission must, as soon as practicable after issuing guidelines under subclause (1),—

(a) send a copy of those guidelines to every group 1 and group 2 local authority; and

(b) publish in the *Gazette* a notice—

(i) stating that the guidelines have been issued; and

(ii) naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase at a reasonable price.

(5) Subclauses (3) and (4) apply, with all necessary modifications, in respect of any amendment to or revocation of guidelines issued under subclause (1).

Schedule 1 clause 55: inserted, on 31 July 2024, by section 17(a) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28).

Schedule 1
New Zealand method of counting single transferable votes

[Repealed]

s 5

Schedule 1: repealed, on 7 July 2004, by section 18 of the Local Electoral Amendment Act 2004 (2004 No 62).

Schedule 1A
Provisions relating to Māori wards and Māori constituencies

s 19ZH

Schedule 1A: inserted, on 25 December 2002, by section 49 of the Local Electoral Amendment Act 2002 (2002 No 85).

1 Review of representation arrangements for election of territorial authority

(1) If, for the purposes of a triennial general election, a district of a territorial authority (being a district that is not already divided into 1 or more Māori wards) is required to be divided into 1 or more Māori wards, the territorial authority must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 July in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19H.

(2) That determination must be made as if the territorial authority were required by section 19H to determine by resolution, in accordance with Part 1A,—

(a) the proposed number of members of the territorial authority (other than the mayor); and

(b) whether—

(i) all of the proposed members of the territorial authority (other than the mayor) are to be separately elected by the electors of 1 or more Māori wards and the electors of 1 or more general wards; or

(ii) some of the proposed members of the territorial authority (other than the mayor) are to be elected by the electors of the district as a whole and some to be elected separately by the electors of 1 or more Māori wards and 1 or more general wards, and, if so, what number of members are to be elected by electors of the district as a whole, and what number are to be elected separately; and

(c) the proposed number of members of the territorial authority to be elected by the electors of 1 or more Māori wards; and

(d) the proposed number of members of the territorial authority to be elected by electors of 1 or more general wards; and

(e) the proposed name and the proposed boundaries of each ward; and

(f) the number of members proposed to be elected by the electors of each Māori ward; and

(g) the number of members proposed to be elected by the electors of each general ward.

(3) This clause does not limit section 19B(1).

Compare: 2001 No 1 (L) s 5

Schedule 1A clause 1(1): amended, on 31 August 2023, by section 37(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 1(2)(b)(ii): amended, on 29 June 2013, by section 42 of the Local Electoral Amendment Act 2013 (2013 No 40).

2 Calculation of number of Māori and general ward members

(1) The number of members to be elected by the electors of 1 or more Māori wards of the district of a territorial authority (**Māori ward members**) is to be determined in accordance with the following formula:

$$nmm = mepd \div (mepd + gepd) \times nm$$

where—

nmm is the number of Māori ward members

mepd is the Māori electoral population or estimated Māori electoral population of the district

gepd is the general electoral population or estimated general electoral population of the district

nm is the proposed number of members of the territorial authority (other than the mayor).

(2) If a determination is made under clause 1(2)(b)(ii), the definition of nm in the formula must be applied as if for the words "proposed number of members of the territorial authority (other than the mayor)" there were substituted the words "proposed number of members of the territorial authority (other than the mayor and the members to be elected by electors of the district as a whole)".

(3) If the number of the Māori ward members (other than the mayor) calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori ward members must be the next whole number above the number that includes the fraction.

(4) The number of members to be elected by the electors of 1 or more general wards is to be determined by subtracting from the proposed number of members of the territorial authority (other than the mayor, or, if the case requires, other than the mayor and the members of the territorial authority to be elected by electors of the district as a whole) the number of Māori ward members, as calculated under subclauses (1) and (3).

(5) Despite Part 1A and the provisions of this schedule, if the number of Māori ward members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori ward members as so determined is a fraction of the whole number 1 that does not exceed one half),—

(a) the district must not be divided into 1 or more Māori wards and 1 or more general wards:

(b) the provisions of clauses 1, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19H or section 19R.

Compare: 2001 No 1 (L) s 6

Schedule 1A clause 2(1) formula: amended, on 31 August 2023, by section 37(4)(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 2(1) formula: amended, on 31 August 2023, by section 37(4)(b) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 2(5): amended, on 28 June 2006, by section 5(1) of the Local Electoral Amendment Act 2006 (2006 No 25).

3 Review of representation arrangements for election of regional council

(1) If, for the purposes of a triennial general election, a region of a regional council (being a region that is not already divided into 1 or more Māori constituencies) is required to be divided into 1 or more Māori constituencies, the regional council must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 July in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19I.

(2) That determination must be made as if the regional council were required by section 19I to determine by resolution, in accordance with Part 1A,—

(a) the proposed number of members of the regional council; and

(b) the proposed number of members of the regional council to be elected by the electors of 1 or more Māori constituencies; and

(c) the proposed number of members of the regional council to be elected by electors of 1 or more general constituencies; and

(d) the proposed name and the proposed boundaries of each constituency; and

(e) the number of members proposed to be elected by the electors of each Māori constituency; and

(f) the number of members proposed to be elected by the electors of each general constituency.

Compare: 2001 No 1 (L) s 5

Schedule 1A clause 3(1): amended, on 31 August 2023, by section 37(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

4 Calculation of number of Māori and general constituency members

(1) The number of members to be elected by the electors of 1 or more Māori constituencies of a regional council (**Māori constituency members**) is to be determined in accordance with the following formula:

$$nmm = mepr \div (mepr + gepr) \times nm$$

where—

nmm is the number of Māori constituency members

mepr is the Māori electoral population or estimated Māori electoral population of the region

gepr is the general electoral population or estimated general electoral population of the region

nm is the proposed number of members of the regional council.

(2) If the number of the Māori constituency members calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori constituency members must be the next whole number above the number that includes the fraction.

(3) The number of members to be elected by the electors of 1 or more general constituencies is to be determined by subtracting from the proposed number of members of the regional council the number of Māori constituency members, as calculated under subclauses (1) and (2).

(4) Despite Part 1A and the provisions of this schedule, if the number of Māori constituency members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori constituency members as so determined is a fraction of the whole number 1 that does not exceed one half),—

(a) the region must not be divided into 1 or more Māori constituencies and 1 or more general constituencies:

(b) the provisions of clauses 3, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19I or section 19R.

Compare: 2001 No 1 (L) s 6

Schedule 1A clause 4(1) formula: amended, on 31 August 2023, by section 37(4)(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 4(1) formula: amended, on 31 August 2023, by section 37(4)(b) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 4(4): amended, on 28 June 2006, by section 5(2) of the Local Electoral Amendment Act 2006 (2006 No 25).

5 Relationship with other provisions

(1) In exercising its powers and duties under sections 19H to 19U, and sections 19W to 19Y, a territorial authority or regional council or, as the case may require, the Commission must ensure that any proposal, revised proposal, or determination made under any of those sections is,—

(a) in the case of a territorial authority, consistent with the calculations required by clause 2; and

(b) in the case of a regional council, consistent with the result of the calculations required by clause 4.

(2) If it is proposed to alter the proposed number of members of a territorial authority or regional council at any time after that number is first determined in accordance with clause 1 or clause 3, the territorial authority or regional

council or, as the case may require, the Commission must again make, in accordance with the method of calculation specified in clause 2 or the method of calculation specified in clause 4, as the case may require, the determinations required by clause 1 or clause 3.

(3) Subclause (2) does not limit subclause (1).

Compare: 2001 No 1 (L) s 7

6 Supplementary provisions regarding wards, constituencies, and boundaries

In determining the number of wards and the boundaries of Māori wards, and the number of constituencies and the boundaries of Māori constituencies, a territorial authority or regional council or, as the case may require, the Commission must, in addition to satisfying the requirements of section 19T or section 19U,—

(a) ensure, to the extent that is reasonably practicable and is consistent with the requirements of paragraph (b), that—

(i) the ratio of members to Māori electoral population or estimated Māori electoral population in each Māori ward produces a variance of no more than plus or minus 10% (if 2 or more Māori wards for the district are proposed); and

(ii) the ratio of members to Māori electoral population or estimated Māori electoral population in each Māori constituency produces a variance of no more than plus or minus 10% (if 2 or more Māori constituencies for the region are proposed):

(b) have regard to—

(i) the boundaries of any existing Māori electoral district; and

(ii) communities of interest; and

(iii) rohe of iwi and hapū.

Schedule 1A clause 6(a)(i): amended, on 31 August 2023, by section 37(7) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 6(a)(ii): amended, on 31 August 2023, by section 37(7) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 6(b)(ii): amended, on 31 August 2023, by section 37(9) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 6(b)(iii): inserted, on 31 August 2023, by section 37(10) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

7 Population figures

(1) The Government Statistician must, at the request of a territorial authority or regional council or, if appropriate, the Commission, supply the territorial authority or regional council or the Commission with—

(a) a certificate specifying—

(i) the Māori electoral population of the district or region; and

(ii) the general electoral population of the district or region; or

(b) a certificate specifying—

(i) the estimated Māori electoral population of the district or region; and

(ii) the estimated general electoral population of the district or region.

(2) The numbers included in the certificate described in subclause (1)(a) must be derived from information contained in—

(a) the most recent report of the Government Statistician to the Surveyor-General and the other members of the Representation Commission made under section 35(6) of the Electoral Act 1993; or

(b) if subclause (2A) applies, the alternative report referred to in subclause (2A)(b).

(2A) In a year where a periodic census is held but a report under section 35(6) of the Electoral Act 1993 is not due to be completed (for the purposes of that Act) until after 1 April of the following year (*see* the definition of counting day in section 79(2) of that Act),—

(a) the Electoral Commission must, as soon as practicable after census day, supply to the Government Statistician the information listed in section 79(1) of that Act as on census day; and

(b) the Government Statistician must prepare an alternative report for the purposes of this Act, with the information referred to in paragraph (a).

(3) A certificate issued under subclause (1) is conclusive evidence of the information contained in that certificate.

Compare: 2001 No 1 (L) s 9

Schedule 1A clause 7(1): replaced, on 31 August 2023, by section 37(11) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 7(2): replaced, on 31 March 2023, by section 15 of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

Schedule 1A clause 7(2): amended, on 31 August 2023, by section 37(12) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 7(2A): inserted, on 31 March 2023, by section 15 of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

8 This schedule to be read with Local Government Act 1974 or Local Government Act 2002 and other provisions of this Act

(1) This schedule is to be read in conjunction with the provisions of the Local Government Act 1974 or the Local Government Act 2002 and the other provisions of this Act, and the provisions of the Local Government Act 1974 or the Local Government Act 2002 and the other provisions of this Act and the provisions of any regulations made under either the Local Government Act

1974 or the Local Government Act 2002 or this Act apply accordingly and with any necessary modifications.

(2) However, if there is any inconsistency between the provisions of this schedule and any provisions of the Local Government Act 1974 or the Local Government Act 2002 or of this Act or of any regulations made under the Local Government Act 1974 or the Local Government Act 2002 or this Act, this schedule prevails.

Compare: 2001 No 1 (L) s 4

Schedule 2
Return of electoral donations and expenses

s 112A

Schedule 2: replaced, on 29 June 2013, by section 43 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 112A, Local Electoral Act 2001

I, [*name*], was a candidate for the following elections held on [*date*]:

[*List all elections at which the candidate stood for election on the above date.*]

Part A
Return of electoral donations

I make the following return of all electoral donations received by me that exceed $1,500:

[*Set out the following details in respect of every electoral donation received (other than an anonymous electoral donation) that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds $1,500 in sum or value:*

- *the name of the donor:*
- *the address of the donor:*
- *the amount of the donation or, in the case of aggregated donations, the total amount of the donations:*
- *the date the donation was received or, in the case of aggregated donations, the date that each donation was received.*

Set out the following details in respect of every anonymous electoral donation received that exceeds $1,500:

- *the date the donation was received:*
- *the amount of the donation:*
- *the specific election campaign to which the donation was designated:*
- *the amount paid to the electoral officer and the date the payment was made.*

In the case of any electoral donation funded from contributions, set out the following details in respect of each contribution that, either on its own or when aggregated with other contributions made by the same contributor to the donation, exceeds $1,500 in sum or value:

- *the name of the contributor:*
- *the address of the contributor:*
- *the total amount of the contributor's contributions made in relation to the donation.*]

Part B
Return of electoral expenses

I make the following return of all electoral expenses incurred by me:

[*Set out the following details in respect of every electoral expense incurred by or on behalf of the candidate at the election in respect of any electoral activity:*

- *the name and description of every person or body of persons to whom any sum was paid:*
- *the reason that sum was paid.*

Sums paid for radio broadcasting, television broadcasting, newspaper advertising, posters, pamphlets, etc, must be set out separately and under separate headings.]

Signed:

Date:

Place:

Schedule 3
Enactments amended

s 151

Part 1
Acts amended

Electoral Act 1993 (1993 No 87)

Amendment(s) incorporated in the Act(s).

Goods and Services Tax Act 1985 (1985 No 141)

Amendment(s) incorporated in the Act(s).

Human Rights Act 1993 (1993 No 82)

Amendment(s) incorporated in the Act(s).

Income Tax Act 1994 (1994 No 164)

Amendment(s) incorporated in the Act(s).

Legal Services Act 2000 (2000 No 42)

Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66)

Amendment(s) incorporated in the Act(s).

New Zealand Public Health and Disability Act 2000 (2000 No 91)

Amendment(s) incorporated in the Act(s).

Privacy Act 1993 (1993 No 28)

Amendment(s) incorporated in the Act(s).

Public Works Act 1981 (1981 No 35)

Amendment(s) incorporated in the Act(s).

Sale of Liquor Act 1989 (1989 No 63)

Amendment(s) incorporated in the Act(s).

Summary Proceedings Act 1957 (1957 No 87)

Amendment(s) incorporated in the Act(s).

Part 2
Regulations amended

Electoral Regulations 1996 (SR 1996/93)

Amendment(s) incorporated in the regulations.

Sale of Liquor Regulations 1990 (SR 1990/61)

Amendment(s) incorporated in the regulations.

Schedule 4
Repeals and revocations

s 152

Part 1
Enactments repealed

Health Reforms (Transitional Provisions) Act 1993 (1993 No 23)
Amendment(s) incorporated in the Act(s).

Local Elections and Polls Act 1976 (1976 No 144)

Local Government Amendment Act 1991 (1991 No 49)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1992 (1992 No 42)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 3) 1996 (1996 No 83)
Amendment(s) incorporated in the Act(s).

Postal Services Act 1998 (1998 No 2)
Amendment(s) incorporated in the Act(s).

Sale of Liquor Amendment Act 1991 (1991 No 52)
Amendment(s) incorporated in the Act(s).

Part 2
Regulations revoked

Harbour Boards Elections Regulations 1952 (SR 1952/16)

Hospital Boards and Committees of Management Regulations 1959 (SR 1959/130)

Local Elections and Polls (Postal Voting) Order 1971 (SR 1971/129)

Local Elections and Polls (Postal Voting) Order 1974 (SR 1974/113)

Local Elections and Polls (Postal Voting) Order (No 2) 1974 (SR 1974/132)

Soil Conservation Combined District Election Regulations 1944 (SR 1944/17)

Notes

1 General

This is a consolidation of the Local Electoral Act 2001 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

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

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

3 Editorial and format changes

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

4 Amendments incorporated in this consolidation

Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26): section 153

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (2024 No 28): Part 1

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Local Government Electoral Legislation Act 2023 (2023 No 57): Part 1

Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62): Part 2

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Local Electoral (Advertising) Amendment Act 2022 (2022 No 37)

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57): section 147

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

Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3)

Local Electoral Matters Act 2019 (2019 No 7): Part 1

Local Government Regulatory Systems Amendment Act 2019 (2019 No 6): Part 2

Electoral Amendment Act 2017 (2017 No 9): section 114

District Court Act 2016 (2016 No 49): section 261

Local Government Act 2002 Amendment Act 2014 (2014 No 55): section 76

Local Electoral Amendment Act (No 2) 2013 (2013 No 123)

Local Electoral Amendment Act 2013 (2013 No 40)

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)

Local Government Act 2002 Amendment Act 2012 (2012 No 93): section 43

Criminal Procedure Act 2011 (2011 No 81): section 413

Electoral (Administration) Amendment Act 2011 (2011 No 57): section 58

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)

Local Electoral Amendment Act 2006 (2006 No 25)

Local Electoral Amendment Act 2004 (2004 No 62)

Local Electoral Amendment Act 2002 (2002 No 85)

Local Government Act 2002 (2002 No 84): section 262

Local Electoral Act Commencement Order 2001 (SR 2001/144)

Local Electoral Act 2001 (2001 No 35): sections 5AA, 145, 73AC(1), 120C(1)

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