

Electoral Amendment Regulations (No 2) 2002

Pursuant to section 267 of the Electoral Act 1993, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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(No 2) 2002**

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1 Title

- (1) These regulations are the Electoral Amendment Regulations (No 2) 2002.
- (2) In these regulations, the Electoral Regulations 1996¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Interpretation

- (1) Regulation 2(1) of the principal regulations is amended by revoking the definition of **Issuing Officer**, and substituting the following definition:

“**Issuing Officer**—

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

- (2) Regulation 2(1) of the principal regulations is amended by revoking the definition of **Overseas Deputy Returning Officer**, and substituting the following definition:

“**Overseas Issuing Officer**, wherever it appears in Part III,—

- “(a) means a person appointed under regulation 43 to be an Overseas Issuing Officer; and

¹ SR 1996/93

- “(b) includes any person for the time being authorised to exercise or perform any of the powers or functions of an Overseas Issuing Officer.”

Amendments to part ii of principal regulations

4 New regulation 17 substituted

The principal regulations are amended by revoking regulation 17, and substituting the following regulation:

“17 Printing of ballot papers

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

5 Party lists

- (1) Regulation 18(1) of the principal regulations is amended by omitting the word “forthwith”, and substituting the words “as soon as reasonably practicable”.
- (2) Regulation 18 of the principal regulations is amended by revoking subclauses (3) and (4).

6 Facilities for special voting

- (1) Regulation 19(1) of the principal regulations is amended by—
- (a) omitting from paragraph (a) the words “person authorised by any Returning Officer”, and substituting the words “Issuing Officer”; and
- (b) omitting from paragraph (b) the words “person authorised by the Returning Officer for the district”, and substituting the words “Issuing Officer”.
- (2) Regulation 19(3) of the principal regulations is amended by omitting the words “Deputy Returning Officer”, and substituting the words “Issuing Officer”.

- (3) Regulation 19 of the principal regulations is amended by adding the following subclause:
- “(7) Copies of party lists—
- “(a) must be available for inspection by special voters; and
 - “(b) may be sent to special voters who do not apply in person for special voting papers.”

7 Issue of special votes

Regulation 21 of the principal regulations is amended by revoking subclauses (5)(b) and (7).

8 Tangata whenua votes

- (1) Regulation 22 of the principal regulations is amended by revoking subclause (3), and substituting the following subclauses:
- “(3) If an elector applies for a special vote under this regulation, only Part 2 of form 17 must be completed.
- “(3A) When Part 2 of form 17 is completed, the Issuing Officer must place the Issuing Officer’s official mark in the space provided.”
- (2) Regulation 22(4) of the principal regulations is amended by omitting the words “subclause (2) of this regulation”, and substituting the expression “subclause (3A)”.
- (3) Regulation 22 of the principal regulations is amended by omitting the words “Deputy Returning Officer” wherever they occur, and substituting in each case the words “Issuing Officer”.
- (4) Regulation 22 of the principal regulations is amended by adding the following subclauses:
- “(6) Subclause (7) applies if the Chief Electoral Officer intends to appoint, or has appointed, every polling place in a General electoral district that is situated in a Maori electoral district as a polling place for that Maori electoral district.
- “(7) If this subclause applies,—
- “(a) Part 2 of form 17 is not required to be printed; and
 - “(b) form 17 must be printed—
 - “(i) with the heading ‘Declaration by special voter where the voter is present at an issuing office or polling place’; and

“(ii) without the instructions to voters and the heading to Part 1 of that form.”

9 Hospital votes

(1) Regulation 23 of the principal regulations is amended by revoking subclauses (4) and (9).

(2) Regulation 23 of the principal regulations is amended by revoking subclauses (10) and (11), and substituting the following subclause:

“(10) Every Issuing Officer authorised to issue hospital votes must, in respect of each district and in accordance with the instructions of the Returning Officer,—

“(a) make up into separate parcels, endorsed in accordance with section 174A(1)(b) of the Act,—

“(i) the certified copies of the main roll and supplementary rolls that have been marked by Issuing Officers to indicate the persons who applied to vote; and

“(ii) all the counterfoils of ballot papers that have been issued to voters and all the unused ballot papers and voting papers; and

“(iii) all the spoilt ballot papers and voting papers; and

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

10 Special vote in district before polling day

(1) Regulation 24 of the principal regulations is amended by revoking subclause (8).

(2) Regulation 24 of the principal regulations is amended by revoking subclauses (9) and (10), and substituting the following subclause:

“(9) At any time before 3 pm on polling day, every Issuing Officer authorised to issue special votes under this regulation must, in respect of each district,—

“(a) make up into separate parcels, endorsed in accordance with section 174A(1)(b) of the Act,—

“(i) the certified copies of the main roll and supplementary rolls that have been marked by Issuing

Officers to indicate the persons who applied to vote; and

- “(ii) all the counterfoils of ballot papers that have been issued to voters and all the unused ballot papers and voting papers; and
 - “(iii) all the spoilt ballot papers and voting papers; and
- “(b) deliver into the possession of the Returning Officer the sealed or locked ballot box and, if applicable, its key and all parcels mentioned in paragraph (a), together with the declarations by special voters to whom this regulation applies.”

11 Declaration by special voter

- (1) Regulation 25 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

“(1A) Every declaration in form 16 or form 17 must be signed by the person making it and must be witnessed by the Issuing Officer.”
- (2) Regulation 25(2) of the principal regulations is amended by omitting the words “form 17 or”.
- (3) Regulation 25(2) of the principal regulations is amended by revoking paragraph (a).
- (4) Regulation 25(3) of the principal regulations is amended by inserting, after paragraph (c), the following paragraph:

“(ca) a person approved under regulation 26 and authorised by a candidate to witness, for the purposes of the election, declarations by special voters; or”.
- (5) Regulation 25(3) of the principal regulations is amended by inserting, after paragraph (g), the following paragraph:

“(ga) an elector registered in any electoral district; or”.
- (6) Regulation 25 of the principal regulations is amended by revoking subclause (4).

12 Voting by special voter

- (1) Regulation 27 of the principal regulations is amended by omitting the words “polling booth” wherever they occur, and substituting in each case the words “polling place”.

- (2) Regulation 27 of the principal regulations is amended by inserting, after subclause (3), the following subclauses:
- “(3A) This subclause and subclause (3B) apply if both Parts 1 and 2 of form 17 are printed.
- “(3B) For the purposes of subclauses (2) and (4), an elector must complete only Part 1 of form 17 if the elector—
- “(a) has been issued with a declaration in form 17; and
- “(b) is not a special voter under regulation 22.”
- (3) Regulation 27(4) of the principal regulations is amended by omitting the words “subclauses (3) and (4)”, and substituting the words “subclauses (3) to (4)”.
- (4) Regulation 27(6) of the principal regulations is amended by—
- (a) omitting the words “a Deputy Returning Officer”, and substituting the words “an Issuing Officer”; and
- (b) omitting the words “Deputy Returning Officer at that booth”, and substituting the words “Issuing Officer for that polling place”.
- (5) Regulation 27(7)(b) is amended by omitting the words “Deputy Returning Officer” in both places where they occur, and substituting in each case the words “Issuing Officer”.

13 Endorsement of envelopes

Regulation 29 of the principal regulations is amended by omitting the words “Deputy Returning Officer” in both places where they occur, and substituting in each case the words “Issuing Officer”.

14 Regulation 31 revoked

Regulation 31 of the principal regulations is revoked.

15 Disallowance of special votes received late

Regulation 34(2) of the principal regulations is amended by—

(a) omitting from paragraph (b) the words “regulation 50(1)(a) or regulation 50(1)(b) of these regulations”, and substituting the words “regulation 50(1)(a), (b), or (c)” ; and

(b) omitting from paragraph (c) the words “as provided in regulation 59(2) or regulation 60(2) of these regula-

tions,” and substituting the words “either as provided in regulation 61(1) or (2), or in accordance with the requirements of the Chief Electoral Officer under regulation 62.”.

16 Duties of Registrar of Electors

- (1) Regulation 36 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:
 - “(1) If a declaration form is forwarded to the Registrar of Electors under regulation 35(3), the Registrar of Electors must ascertain whether, in accordance with the information available to the Registrar of Electors, the name stated in the declaration is that of a person—
 - “(a) who is qualified to vote under section 60 of the Act; or
 - “(b) whose party vote may not be disallowed under section 178(5A) of the Act.”
- (2) Regulation 36(2) of the principal regulations is amended by revoking paragraph (e), and substituting the following paragraphs:
 - “(e) must, where section 60(d) of the Act may be applicable, ascertain whether the name stated in the declaration appears on a dormant roll for the district as it exists on the day before polling day:
 - “(f) must, where section 178(5A) of the Act may be applicable, ascertain whether the name stated in the declaration appears on the roll for any district.”
- (3) Regulation 36 of the principal regulations is amended by inserting, after subclause (3), the following subclause:
 - “(3A) If the Registrar of Electors is satisfied that the name stated in the declaration is that of a person whose party vote may not be disallowed under section 178(5A) of the Act, the Registrar of Electors must endorse the words ‘Party vote qualified’ on the declaration, and must then return the declaration to the Returning Officer.”
- (4) Regulation 36(4) of the principal regulations is amended by omitting the words “of a person qualified to vote,” and substituting the words “of a person who is qualified to vote or whose party vote may not be disallowed.”.

17 Allowance or disallowance of votes by Returning Officer

- (1) Regulation 37 of the principal regulations is amended by inserting, after subclause (1), the following subclause:
- “(1A) If the words ‘Party vote qualified’ have been endorsed, under regulation 36(3A), on a declaration, the Returning Officer must allow the party vote, but disallow the electorate vote, of the elector stated in the declaration form unless the Returning Officer is required to disallow the party vote in accordance with subclause (3) or subclause (4).”
- (2) Regulation 37 of the principal regulations is amended by—
- (a) inserting in subclause (3), after the words “mentioned in”, the words “subclause (1A) or”; and
 - (b) inserting in subclause (4), after the words “mentioned in”, the words “subclause (1A) or”.

18 New regulation 38 substituted

The principal regulations are amended by revoking regulation 38, and substituting the following regulation:

“38 Procedure where vote allowed

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

19 Opening of envelopes containing votes allowed

Regulation 41 of the principal regulations is amended by omitting the words “in a box”, and substituting the words “in boxes”.

Amendments to part iii of principal regulations**20 Overseas Returning Officers and Deputy Returning Officers**

- (1) The heading to regulation 43 of the principal regulations is amended by omitting the words “Deputy Returning Officers”, and substituting the words “Overseas Issuing Officers”.
- (2) Regulation 43 of the principal regulations is amended by omitting the words “Overseas Deputy Returning Officer” in both places where they occur, and substituting in each case the words “Overseas Issuing Officer”.

21 Declarations by Overseas Returning Officers and Deputy Returning Officers

- (1) The heading to regulation 44 of the principal regulations is amended by omitting the words “Deputy Returning Officers”, and substituting the words “Overseas Issuing Officers”.
- (2) Regulation 44 of the principal regulations is amended by—
 - (a) omitting the words “Deputy Returning Officer” in the first place where they occur, and substituting the words “Overseas Issuing Officer”; and
 - (b) omitting the words “or in the case of an Overseas Deputy Returning Officer, another Deputy Returning Officer”, and substituting the words “or in the case of an Overseas Issuing Officer, another Overseas Issuing Officer”.

22 Issue of votes

Regulation 45(1) of the principal regulations is amended by omitting the words “Deputy Returning Officer” in both places where they occur, and substituting in each case the words “Overseas Issuing Officer”.

23 New regulation 45A inserted

The principal regulations are amended by inserting, after regulation 45, the following regulation:

“45A Electronic issue of ballot papers

- “(1) As soon as reasonably practicable after the close of nominations and at any time before the close of the poll, the Chief Electoral Officer may issue special ballot papers and special voting papers electronically to persons outside New Zealand who are,—
- “(a) in the case of a general election, electors of any electoral district; or
 - “(b) in the case of a by-election, electors of the electoral district in which the by-election is to be or is being held.
- “(2) The special ballot paper issued under subclause (1) must—
- “(a) be in form 14 or, as the case may be, form 15; and
 - “(b) have inserted, in the space provided for a declaration number, the consecutive number printed on the declaration.
- “(3) The declaration form issued with the special ballot paper under subclause (1) must be in form 21.
- “(4) The following provisions apply, with any necessary modifications, to the issue of special ballot papers and special voting papers under this regulation:
- “(a) regulation 17;
 - “(b) regulation 21(4);
 - “(c) regulation 21(5)(a)(iii) and (iv).
- “(5) A copy of the official mark of the Chief Electoral Officer must be present on ballot papers and declarations issued under this regulation.
- “(6) For the purposes of this regulation, special ballot papers and special voting papers are issued electronically if the special ballot papers and special voting papers are able to be—
- “(a) accessed by electronic means, including (without limitation) by means of remote log-on access; and
 - “(b) readily inspected and reproduced in a useable form.”

24 Members of Defence Force voting as special voters

Regulation 46 of the principal regulations is amended by revoking subclause (3).

25 New regulations 47 and 47A substituted

The principal regulations are amended by revoking regulation 47, and substituting the following regulations:

“47 Votes to be returned to Returning Officer or Overseas Returning Officer

“(1) Any person to whom special ballot papers and special voting papers are issued under regulation 45 or regulation 45A may, after voting in the manner prescribed for special voters by Part II, either—

“(a) post an envelope containing the declaration form and ballot paper and voting papers (if any) to a Returning Officer or the Chief Electoral Officer in New Zealand; or

“(b) deliver or post an envelope containing the declaration form and the ballot paper and voting papers (if any) to an Overseas Returning Officer.

“(2) If a declaration form and ballot paper and voting papers (if any) are posted to the Chief Electoral Officer in an envelope under subclause (1)(a), the Chief Electoral Officer or other authorised person must—

“(a) mark the envelope with the official mark of the Chief Electoral Officer or of the authorised person; and

“(b) post or deliver the envelope to the Returning Officer for the district for which the vote was issued.

“47A Votes may be returned by facsimile

“(1) Any elector to whom special ballot papers and any special voting papers are issued under regulation 45 or regulation 45A may, after voting in the manner prescribed for special voters,—

“(a) if applicable, remove any gummed paper that is fixed over the consecutive number on the ballot paper or any voting paper; and

“(b) forward the ballot paper, any voting papers, and the declaration to the Chief Electoral Officer by facsimile.

“(2) Regulation 63 applies, with all necessary modifications, to ballot papers, voting papers, and declarations forwarded by facsimile.”

26 Endorsement and posting of envelopes by Overseas Returning Officer

Regulation 48 of the principal regulations is amended by revoking subclause (1), and substituting the following subclauses:

“(1) On receipt of any envelope that is addressed to a Returning Officer in New Zealand and that appears to contain a special vote, the Overseas Returning Officer must mark the envelope with his or her official mark.

“(1A) Any envelope received after the close of the poll must—
“(a) be marked ‘Received after close of poll’; and
“(b) be signed by the Overseas Returning Officer and marked with his or her official mark.”

27 Parcels of spoilt ballot and voting papers, and other papers

Regulation 49(1)(b) of the principal regulations is amended by revoking subparagraph (ii).

28 Overseas special votes received in time

(1) Regulation 50(1)(a) of the principal regulations is amended by inserting, after the words “Returning Officer”, the words “or the Chief Electoral Officer”.

(2) Regulation 50(1) of the principal regulations is amended by revoking paragraph (b), and substituting the following paragraphs:

“(b) received by a Returning Officer in New Zealand after the close of the poll but not later than 7 pm on the tenth day after polling day, and endorsed as having been received by an Overseas Returning Officer or an Overseas Issuing Officer before 4 pm local time on the day before polling day; or

“(c) received by a Returning Officer in New Zealand after the close of the poll but not later than 7 pm on the tenth day after polling

day, and endorsed as having been received by the Chief Electoral Officer before the close of the poll.”

Part iv of principal regulations substituted

29 Part 4 of principal regulations substituted

The principal regulations are amended by revoking Part 4, and substituting the following Part:

“Part IV

“Voting from tokelau, campbell island, raoul island, ross dependency, fishing vessels, and remote locations overseas

“53 Application of Part

This Part applies to—

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

“54 Chief Electoral Officer may approve application for issue of ballot papers from special voter to whom Part applies

The Chief Electoral Officer may approve an application made by a special voter to whom this Part applies for ballot papers to be issued to that voter by—

- “(a) post; or
- “(b) if by post is impracticable, facsimile; or
- “(c) if no facsimile machine is available, dictation.

“55 Chief Electoral Officer may appoint Issuing Officer

The Chief Electoral Officer may appoint an Issuing Officer for the issuing of ballot papers to special voters to whom this Part applies.

“56 Ballot paper and party list

“(1) The Chief Electoral Officer must send to each special voter whose application for the issue of ballot papers is approved under regulation 54 and to each Issuing Officer appointed under regulation 55,—

“(a) in the case of a general election,—

“(i) a copy or copies, as may be appropriate, of the ballot paper printed in accordance with regulation 17(2)(a); and

“(ii) a copy of the party list required by regulation 18; and

“(iii) a copy or copies, as may be appropriate, of the declarations in form 19 or form 20 or form 21 that may be required; and

“(b) in the case of a by-election,—

“(i) a copy or copies, as may be appropriate, of the ballot paper printed in accordance with regulation 17(2)(b); and

“(ii) a copy or copies, as may be appropriate, of the declarations in form 19 or form 20 or form 21 that may be required.

“(2) However, if it appears to the Chief Electoral Officer that the copies of the papers referred to in subclause (1) may not reach the special voter or Issuing Officer within the time allowed for the issue of special votes, the Chief Electoral Officer must—

“(a) require each Issuing Officer to advise the Chief Electoral Officer, in relation to the island or territory or remote location or the fishing boat in respect of which the Issuing Officer is appointed, of the addresses of the places of residence of electors who are qualified to vote; and

“(b) in the case of a general election, forward by facsimile to the special voter or Issuing Officer, in relation to the

electoral district in which those places of residence are situated,—

- “(i) a copy or copies, as may be appropriate, of the ballot papers for those electoral districts; and
 - “(ii) any of the names of the candidates on each party list (not being a list rejected under section 128 of the Act) that the Chief Electoral Officer considers practicable and the order of preference in which those names are listed; and
 - “(iii) a copy or copies, as may be appropriate, of the declarations in form 19 or form 20 or form 21 that may be required; and
- “(c) in the case of a by-election where any of the places of residence are situated in the electoral district in which the by-election is being held, forward, by facsimile to the special voter or Issuing Officer,—
- “(i) a copy or copies, as may be appropriate, of the ballot paper for that district; and
 - “(ii) a copy or copies, as may be appropriate, of the declarations in form 19 or form 20 or form 21 that may be required.

“57 Declarations by Issuing Officers

Every Issuing Officer must, before acting in that capacity, make a declaration in form 1 in the Second Schedule of the Act before any of the following persons:

- “(a) a permanent officer in the Government of New Zealand; or
- “(b) another Issuing Officer; or
- “(c) a registered medical practitioner; or
- “(d) a minister of religion; or
- “(e) a solicitor or attorney; or
- “(f) a notary public; or
- “(g) a Justice of the Peace; or
- “(h) any other person approved for the purpose by the Chief Electoral Officer.

“58 Issue of votes

- “(1) An Issuing Officer may issue ballot papers, special voting papers, and declaration forms to electors of any electoral district after—
- “(a) the close of nominations; and
 - “(b) the receipt by the Issuing Officer of,—
 - “(i) in the case of a general election, the copies forwarded under regulation 56(1)(a) or (2)(b); or
 - “(ii) in the case of a by-election, the copies forwarded under regulation 56(1)(b) or (2)(c).
- “(2) The issue of ballot papers, special voting papers, and declaration forms must be—
- “(a) in accordance with Part II; and
 - “(b) completed before 4 pm New Zealand time on the Thursday before polling day.
- “(3) An elector must be issued with a consent form in form 22 if his or her vote is to be forwarded by facsimile by the Issuing Officer.

“59 Votes must be returned to Returning Officer or Issuing Officer

After voting in the manner prescribed for special voters by Part II, any special voter may,—

- “(a) in the case of a special voter to whom special ballot papers and special voting papers are issued under regulation 56, post or forward an envelope containing the special ballot papers and special voting papers (if any) to the Returning Officer for the district in respect of which the voter has voted; or
- “(b) in the case of a special voter to whom special ballot papers and special voting papers are issued under regulation 58, either—
 - “(i) post or forward an envelope containing the special ballot papers and special voting papers (if any) to the Returning Officer for the district in respect of which the voter has voted; or
 - “(ii) deliver an envelope containing the special ballot papers and special voting papers (if any) to the Issuing Officer, together with form 22 (which must

be attached to the envelope) if the voter has completed that form.

“60 Endorsement and posting of envelopes by Issuing Officer

- “(1) On receipt of any envelope that is addressed to a Returning Officer and that appears to contain a special vote, the Issuing Officer must—
- “(a) endorse on the envelope particulars of the place at which, and the time and date on which, he or she receives the envelope; and
 - “(b) add his or her initials and official mark on the envelope.
- “(2) After completing the tasks set out in subclause (1), the Issuing Officer must immediately post or forward every envelope that appears to contain a special vote to the Returning Officer to whom it is addressed unless the contents of the declaration and the ballot paper contained in the envelope are forwarded by facsimile in accordance with regulation 61.
- “(3) For the purposes of regulations 34, 46, 50, and 51, every special vote contained in an envelope posted or forwarded under regulation 59(a) or subclause (2) must be treated as having been issued under Part III.

“61 Forwarding special votes by facsimile

- “(1) Any special voter to whom this Part applies may, after voting in the manner prescribed for special voters by Part II,—
- “(a) remove any gummed paper that is fixed over the consecutive number on the ballot paper or any voting paper; and
 - “(b) forward the ballot paper, any voting papers, and the declaration to the Chief Electoral Officer by facsimile before the close of poll.
- “(2) If an Issuing Officer appointed to act under this Part considers that it is doubtful whether an envelope containing a special vote will reach the Returning Officer within the time specified by regulation 34(1), the Issuing Officer must, if a completed consent form in form 22 is attached to that envelope, deal with that envelope in accordance with this regulation.

- “(3) If the Issuing Officer is satisfied that no other person is present at the facsimile transmission area, the Issuing Officer must, before the close of the poll, take each envelope required to be dealt with under this regulation and must—
- “(a) extract the declaration form from the declaration compartment of each envelope, write the consecutive number from the declaration form on to the outside of that envelope, and forward those declarations by facsimile to the Chief Electoral Officer; and
 - “(b) replace each declaration in the declaration compartment of the corresponding envelope, together with the consent form in form 22; and
 - “(c) extract the ballot paper and any voting papers from the compartments of each of the envelopes marked ‘BALLOT AND/OR VOTING PAPERS’, remove the piece of gummed paper covering the consecutive number on the ballot paper and any voting papers, and forward the ballot paper and any voting papers to the Chief Electoral Officer by facsimile; and
 - “(d) replace the ballot paper and any voting papers in the compartment of the corresponding envelope marked ‘BALLOT AND/OR VOTING PAPERS’; and
 - “(e) reseal both compartments of the envelope; and
 - “(f) endorse on the envelope the words ‘Opened and forwarded by facsimile under Part IV of the Electoral Regulations 1996’, and sign and date that endorsement.

“**62 Dictation of special votes**

- “(1) The Chief Electoral Officer may approve an application from any special voter to whom this Part applies for that voter to vote by dictation if there is no facsimile machine available for the use of that voter or the Issuing Officer.
- “(2) The Chief Electoral Officer must make any arrangements that the Chief Electoral Officer considers to be necessary for the issue and receipt of special votes by dictation, including,—
- “(a) to the extent possible, arrangements to preserve the secrecy of the ballot; and
 - “(b) arrangements for the votes to be made by—
 - “(i) radio telephone; or

“(ii) any other means that the Chief Electoral Officer may approve.

“(3) A special vote by dictation must be received by the Chief Electoral Officer by 4 pm New Zealand time on the Thursday before polling day.

“**63 Receipt of special votes by facsimile**

If the Chief Electoral Officer or other authorised person receives ballot papers, voting papers, and declarations by facsimile transmission in accordance with regulation 47A or regulation 61, the Chief Electoral Officer or authorised person must—

- “(a) ensure that particulars of the time and date of receipt of the ballot papers, voting papers, and declarations at the Chief Electoral Office are endorsed on those papers; and
- “(b) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration form in the appropriate compartments of a special voter envelope; and
- “(c) mark the envelope with the official mark of the Chief Electoral Officer or of the authorised person, as the case may be, and post or deliver it to the Returning Officer for the district for which the vote was issued.

“**64 Receipt by Returning Officer of copies of special votes**

If the Returning Officer receives an envelope that appears to contain a copy of a special vote for the Returning Officer’s district produced in accordance with regulation 63, the Returning Officer must open the declaration form and the provisions of regulations 32 to 42 apply accordingly as if—

- “(a) the copy of the declaration were the original application; and
- “(b) the envelope had been received by an Issuing Officer.

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

“(1) Immediately after polling day for a general election, the Issuing Officer must—

- “(a) make up into separate parcels—
 - “(i) all unused ballot papers and all unused voting papers and all unused declarations in form 19 or form 20 or form 21; and
 - “(ii) all spoilt ballot papers and all spoilt voting papers and all spoilt declarations in form 19 or form 20 or form 21; and
 - “(iii) any other papers; and
 - “(iv) all envelopes dealt with in accordance with regulation 61(3); and
 - “(b) mark each parcel made up under paragraph (a) to show the nature of its contents; and
 - “(c) post or forward the parcels to the Chief Electoral Officer as soon as practicable.
- “(2) Immediately after polling day for a by-election, the Issuing Officer must—
- “(a) retain in secure storage all unused ballot papers and voting papers and all other unused papers held by the Issuing Officer for the purposes of the Act; and
 - “(b) make up into separate parcels—
 - “(i) all unused ballot papers and all unused declarations in form 19 or form 20 or form 21; and
 - “(ii) all spoilt ballot papers and all spoilt declarations in form 19 or form 20 or form 21; and
 - “(iii) any other papers; and
 - “(iv) all envelopes dealt with in accordance with regulation 61(3); and
 - “(c) mark each parcel made up under paragraph (b) to show the nature of its contents; and
 - “(d) post or forward the parcels to the Chief Electoral Officer as soon as practicable.
- “(3) The Chief Electoral Officer must—
- “(a) enclose in 1 or more parcels the parcels received by the Chief Electoral Officer in accordance with this regulation (except the parcels containing only unused papers); and
 - “(b) properly secure the parcels; and
 - “(c) endorse each parcel with a description of its contents; and

- “(d) sign the endorsement and immediately forward the parcels to the Clerk of the House of Representatives.
- “(4) The Clerk of the House of Representatives must immediately give or send to the Chief Electoral Officer a signed receipt for the parcels.”

Amendments to part v of principal regulations

30 Scrutineers' lists of persons who have voted

- (1) Regulation 65(1) of the principal regulations is amended by—
- (a) omitting the words “polling booth”, and substituting the words “polling place”; and
 - (b) omitting the words “poll clerk or Deputy Returning Officer”, and substituting the words “manager of a polling place”.
- (2) Regulation 65(3) of the principal regulations is amended by omitting the words “Deputy Returning Officer”, and substituting the words “manager of a polling place”.

31 Interpreters

- (1) Regulation 66 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:
- “(1) Interpreters designated under section 158(3)(b) of the Act are under the directions of the manager of the polling place.”
- (2) Regulation 66 of the principal regulations is amended by omitting the words “Deputy Returning Officer” wherever they occur, and substituting in each case the words “Returning Officer”.
- (3) Regulation 66(4) of the principal regulations is amended by omitting the words “polling booths”, and substituting the words “polling places”.

32 Offences

Regulation 68 of the principal regulations is amended by omitting from paragraph (b) the words “Deputy Returning Officer”, and substituting the words “Issuing Officer”.

Amendments to Schedule 1 of principal regulations**33 Schedule 1 amended**

- (1) Schedule 1 of the principal regulations is amended by revoking forms 16, 17, 18, 19, 20, and 21, and substituting the forms 16, 17, 18, 19, 20, and 21 set out in the Schedule of these regulations.
 - (2) Schedule 1 of the principal regulations is amended by omitting from form 22 the words “Special Deputy Returning Officer”, and substituting the words “Issuing Officer”.
 - (3) Schedule 1 of the principal regulations is amended by revoking form 23.
-

Schedule

r 33(1)

**New Forms 16 to 21 substituted in
Schedule 1 of principal regulations**

“Form 16

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

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

“Form 17

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

“Declaration by special voter where the voter is
present at an issuing office or polling place or
by a tangata whenua voter

“Form 18

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

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

“Form 19

rr 21(5)(a)(i), 25(2),
35(2)(b)“Declaration by resident or former resident of
Campbell Island or Raoul Island

“Form 20

rr 25(3), 45(2)(a)

“Declaration by member of defence force
applying to vote as a special voter

“Form 21

rr 25(3), 45(2)(b)

“Declaration by special voter who is overseas
or on a fishing vessel”

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the Gazette, make a number of amend-

ments to the Electoral Regulations 1996 that are consequential on the enactment of the Electoral Amendment Act 2002.

The amendments to the Electoral Regulations 1996—

- give effect to the provisions of the Electoral Amendment Act 2002 that relate to the preliminary count of early votes; and
- provide that, in accordance with the Electoral Amendment Act 2002, the party votes of qualified special voters who mistakenly vote in the wrong electorate may not be disallowed; and
- enable the Chief Electoral Officer to issue electronically special ballot papers and special voting papers to persons outside New Zealand who are,—
- in the case of a general election, electors of any electoral district; or
- in the case of a by-election, electors of the electoral district in which the by-election is to be or is being held; and
- allow electors outside New Zealand who are issued electronically with special ballot papers and special voting papers to return the special ballot papers and special voting papers by facsimile; and
- introduce simplified procedures for special voting from remote locations outside New Zealand.

These regulations also prescribe new declaration forms for special voters.

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