

**Reprint
as at 1 October 2010**



**Citizens Initiated Referenda
Regulations 1995**
(SR 1995/227)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 24th day of October 1995

Present:
The Hon D A M Graham presiding in Council

Pursuant to section 58 of the Citizens Initiated Referenda Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

Note

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

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

These regulations are administered by the Ministry of Justice.

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Regulations**1 Title and commencement**

- (1) These regulations may be cited as the Citizens Initiated Referenda Regulations 1995.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires, **polling day**, in relation to any indicative referendum, means the day appointed in the writ for the indicative referendum issued pursuant to section 26 of the Citizens Initiated Referenda Act 1993 as the day on which the indicative referendum is to be held.

3 Voting paper

Every voting paper issued for an indicative referendum shall be in form 1 of the Schedule.

4 Electoral rolls

Section 27(1) of the Citizens Initiated Referenda Act 1993, shall, in relation to any indicative referenda held before the first general election has been held under the Electoral Act 1993, apply as if the lists compiled pursuant to section 101(1) of the Electoral Act 1993, and not the electoral rolls for the

time being in force under the Electoral Act 1993, were deemed to be the rolls of electors for the purposes of those indicative referenda.

5 Special voting

Regulation 19 of the Electoral Regulations 1996 shall, for the purposes of any indicative referendum, have effect as if, for subclauses (1) and (2), there were substituted the following subclauses:

- “(1) Any Returning Officer or person authorised by any Returning Officer may issue voting papers to special voters at any time in the period—
 - “(a) beginning—
 - “(i) with the 19th day before polling day; or
 - “(ii) where the indicative referendum is to be held on the polling day for a general election, with the day on which special voting for that general election begins, whether or not that day is the 19th day before polling day; and
 - “(b) ending with the close of the poll.
- “(2) The Returning Officer for any district—
 - “(a) shall throughout the period beginning with the first day of the period specified in subclause (1) and ending with the close of the day before polling day, maintain within the district at least 1 office at which voting papers may, on such days and at such times as the Returning Officer decides, be issued to special voters; and
 - “(b) may maintain outside the district, at any time in the period beginning with the first day of the period specified in subclause (1) and ending with the close of the day before polling day, 1 or more offices at which voting papers may, on such days and at such times as the Returning Officer decides, be issued to special voters.”

Regulation 5: substituted, on 10 May 1996, by regulation 2 of the Citizens Initiated Referenda Regulations 1995, Amendment No 1 (SR 1996/94).

6 Declaration by polling officer or scrutineer

In relation to an indicative referendum, a declaration in form 2 of the Schedule shall be used instead of a declaration in form 1 of Schedule 2 of the Electoral Act 1993.

7 Information in relation to indicative referendum

- (1) The Electoral Commission must print and forward to each Returning Officer before polling day such information sheets and other material as the Electoral Commission considers appropriate about—
 - (a) the precise question to be put to voters in the indicative referendum; and
 - (b) the method of voting at the indicative referendum on the question referred to in paragraph (a); and
 - (c) the non-binding character of the indicative referendum.
- (2) The information sheets and other material forwarded under subclause (1) shall be forwarded to each Returning Officer in such quantities as to enable every elector who wishes to do so to inspect those information sheets and that material before casting a vote.
- (3) Nothing in subclause (1) limits the power of the Electoral Commission to print, publish, advertise, distribute, or exhibit such information sheets and other material about the indicative referendum as the Electoral Commission considers appropriate.

Regulation 7(1): amended, on 1 October 2010, by section 32(2)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

Regulation 7(3): amended, on 1 October 2010, by section 32(1)(c) of the Electoral (Administration) Amendment Act 2010 (2010 No 26).

**Schedule
Forms**

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Form 1

Voting paper for indicative referendum

[*Consecutive number*]

[*Name of electoral district*]

Directions

(Read carefully before voting)


- 1 Vote by putting a tick in the circle immediately after the answer you choose.
- 2 After voting, fold the voting paper so that its contents cannot be seen and place it in the ballot box.
- 3 If you spoil this voting paper, return it to the officer who issued it and apply for another.
- 4 You must not take this voting paper out of the polling booth.

OFFICIAL
MARK

OFFICIAL
MARK

Vote for only one answer

Question [<i>Set out the question</i>]	YES	<input type="checkbox"/>
	NO	<input type="checkbox"/>


Vote Here

Form 2

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Declaration by polling officer or scrutineer in
relation to indicative referendum

I, A B, [*insert place of abode and description*], solemnly and sincerely declare that I will at the indicative referendum well and truly serve in the office of—

- Tick as appropriate.
- Returning Officer
- Deputy Returning Officer
- Poll Clerk
- Usher
- Interpreter
- *Delete whichever does not apply.
- Scrutineer for electors who are in favour of a Yes*/No* answer to the following question:
[*Insert question here*]
- Justice of the Peace at the official count

Declared at [*place, date*] before me:

Signature:

- Tick as appropriate.
- Justice of the Peace Solicitor Returning Officer Deputy Returning Officer

Note: Declarations by Returning Officers must be made before a Justice of the Peace or a Solicitor.

Marie Shroff,
Clerk of the Executive Council

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Notes

1 *General*

This is a reprint of the Citizens Initiated Referenda Regulations 1995. The reprint incorporates all the amendments to the regulations as at 1 October 2010, as specified in the list of amendments at the end of these notes.

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

2 *Status of reprints*

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

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

3 *How reprints are prepared*

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

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

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

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

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

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

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

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

Electoral (Administration) Amendment Act 2010 (2010 No 26): regulation 32(1)(c), (2)(c)

Citizens Initiated Referenda Regulations 1995, Amendment No 1 (SR 1996/94): regulation 2
