



Electoral Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 25th day of March 2013

Present:
His Excellency the Governor-General in Council

Pursuant to sections 172 and 267 of the Electoral Act 1993, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Schedule**New form 22 of Schedule 1****Regulations****1 Title**

These regulations are the Electoral Amendment Regulations 2013.

2 Commencement

These regulations come into force on 1 February 2014.

3 Principal regulations

These regulations amend the Electoral Regulations 1996 (the **principal regulations**).

4 Regulation 2 amended (Interpretation)

In regulation 2(1), insert in its appropriate alphabetical order: “**electronic** includes electrical, digital, magnetic, optical, electromagnetic, biometric, and phototonic, and **electronically** has a corresponding meaning”.

5 Regulation 34 amended (Disallowance of special votes received late)

In regulation 34(2)(c), replace “regulation 61(1) or (2)” with “regulation 61, 61A, or 61B(1)”.

6 Regulation 45A amended (Electronic issue of ballot papers)

In regulation 45A(3), replace “form 21” with “form 20 or form 21, as appropriate”.

7 Regulation 46 amended (Members of Defence Force voting as special voters)

Revoke regulation 46(4).

8 New regulations 47B and 47C inserted

After regulation 47A, insert:

“47B Votes may be returned electronically if secure transmission available

“(1) Electors to whom special ballot papers, special voting papers, and declaration forms are issued under regulation 45 or 45A may return those papers in accordance with subclause (2) if, for that particular election, a system allowing secure electronic transmission is made available by the Electoral Commission for that purpose.

“(2) If subclause (1) applies, an elector may, after voting in the manner prescribed for special voters,—

- “(a) if applicable, remove any gummed paper that is fixed over the consecutive number on the ballot paper or any voting papers; and
- “(b) forward the ballot paper, any voting papers, and the declaration to the Electoral Commission electronically in a manner specified by the Electoral Commission on its Internet site.

“47C Receipt of special votes electronically

If the Electoral Commission or an authorised person receives a ballot paper, any voting papers, and a declaration forwarded electronically in accordance with regulation 47B, an Electoral Commissioner, or the authorised person, must—

- “(a) print the ballot paper, any voting papers, and the declaration; and
- “(b) ensure that particulars of the time and date of receipt of the ballot paper, any voting papers, and the declaration at the Electoral Commission are endorsed on those papers; and
- “(c) after taking all reasonable steps to preserve the secrecy of the ballot, place the ballot paper, any voting papers, and the declaration in the appropriate compartments of a special voter envelope; and
- “(d) mark the envelope with the official mark of the Electoral Commission 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.”

9 Regulation 54 replaced (Electoral Commission may approve application for issue of ballot papers from special voter to whom Part applies)

Replace regulation 54 with:

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

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

- “(a) electronically in accordance with regulation 58A; or

- “(b) by post, if it is impracticable to issue them electronically; or
- “(c) by facsimile, if it is impracticable to issue them electronically or by post; or
- “(d) by dictation, if it is impracticable to issue them by any method described in paragraphs (a) to (c).”

10 Regulation 56 amended (Ballot paper and party list)

- (1) In regulation 56(1), replace “send” with “issue”.
- (2) In regulation 56(1), replace “regulation 54 and to each” with “regulation 54, and send to each”.

11 Regulation 58 amended (Issue of votes)

In regulation 58(3), after “forwarded”, insert “electronically or”.

12 New regulation 58A inserted (Electronic issue of ballot papers, etc)

After regulation 58, insert:

“58A Electronic issue of ballot papers, etc

- “(1) The Electoral Commission may issue ballot papers, voting papers, and declaration forms electronically to special voters to whom this Part applies.
- “(2) Regulation 45A applies to ballot papers, voting papers, and declaration forms issued under subclause (1), except that the declaration form issued under regulation 45A(3) may be in form 19.”

13 Regulation 59 amended (Votes must be returned to Returning Officer or Issuing Officer)

In regulation 59(b), after “regulation 58”, insert “or 58A”.

14 Regulation 60 amended (Endorsement and posting of envelopes by Issuing Officer)

- (1) In regulation 60(2), after “forwarded”, insert “electronically or”.
- (2) In regulation 60(2), replace “regulation 61” with “regulation 61B”.

15 Regulation 61 replaced (Forwarding special votes by facsimile)

Replace regulation 61 with:

“61 Votes may be returned by facsimile

Any special voter to whom this Part applies may, after voting in the manner prescribed for special voters by Part 2, return his or her ballot paper, any voting papers, and the declaration by facsimile in accordance with regulation 47A.

“61A Votes may be returned electronically if secure transmission available

Any special voter to whom this Part applies may, after voting in the manner prescribed for special voters by Part 2, return his or her ballot paper, any voting papers, and the declaration electronically in accordance with regulation 47B(2) if, for that particular election, a system allowing secure electronic transmission is made available by the Electoral Commission for that purpose.

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

“(1) 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.

“(2) If the Issuing Officer is satisfied that no other person is present, the Issuing Officer must, before the close of the poll, take each envelope required to be dealt with under this regulation and must—

“(a) extract the declaration form from the declaration compartment of each envelope, write the consecutive number from the declaration form on the outside of that envelope, and forward those declarations electronically or by facsimile to the Electoral Commission; 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 any gummed paper covering the consecutive number on the ballot paper and any voting papers, and forward the ballot paper and any voting papers to the Electoral Commission electronically or by facsimile; and
- “(d) replace the ballot paper and any voting papers in the compartment of the corresponding envelope marked ‘BALLOT AND/OR VOTING PAPERS’; and
- “(e) reseal both compartments of the envelope; and
- “(f) endorse on the envelope the words ‘Opened and forwarded under Part 4 of the Electoral Regulations 1996’, and sign and date that endorsement.”

16 Regulation 64A amended (Parcels of unused and spoilt ballot and voting and other papers)

- (1) In regulation 64A(1)(a)(iv), replace “regulation 61(3)” with “regulation 61B”.
- (2) In regulation 64A(2)(b)(iv), replace “regulation 61(3)” with “regulation 61B”.

17 Schedule 1 amended

In Schedule 1, replace form 22 with the form 22 set out in the Schedule of these regulations.

Schedule
New form 22 of Schedule 1

r 17

Form 22

rr 58, 59, 61B

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

My surname is:

My full given or first names are:

The envelope to which this form is attached contains my declaration
and ballot and voting papers.

Form 22—*continued*

I hereby give my consent to the Issuing Officer to whom this envelope is delivered inspecting my declaration and my ballot and voting papers and forwarding electronically or by facsimile the contents of the declaration and ballot and voting papers to the Electoral Commission or to a person authorised by the Electoral Commission.

Signature of elector

Date:

Michael Webster,
for 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 1 February 2014, amend the Electoral Regulations 1996 (the **principal regulations**) to allow—

- the Electoral Commission to issue ballot papers, voting papers, and declaration forms electronically to special voters voting from Tokelau, Campbell Island, Raoul Island, the Ross Dependency, fishing vessels, and remote locations overseas;
- overseas special voters to return their ballot papers, voting papers, and declarations electronically if a system allowing secure electronic transmission is made available by the Electoral Commission for this purpose;
- an Issuing Officer, with the consent of the special voter concerned, to forward ballot papers, voting papers, and declaration forms to the Electoral Commission electronically.

The regulations also revoke regulation 46(4) of the principal regulations, which is now redundant.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 28 March 2013.

These regulations are administered by the Ministry of Justice.
