



Electoral Amendment Regulations 2022

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 16th day of May 2022

Present:

The Hon Grant Robertson presiding in Council

These regulations are made under section 267 of the Electoral Act 1993 on the advice and with the consent of the Executive Council.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	Regulation 2 amended (Interpretation)	2
5	Regulation 20 replaced (Application for special vote)	2
	20 Application for special vote	2
6	New regulation 24C inserted (Special vote by person in MIQF or place of self-isolation)	2
	24C Special vote by person in MIQF or place of self-isolation	2
7	Regulation 25 replaced (Declaration by special voter)	3
	25 Declaration by special voter	3
8	Regulation 27 amended (Voting by special voter)	4
9	Regulation 37 amended (Allowance or disallowance of votes by Returning Officer)	4

Regulations

1 Title

These regulations are the Electoral Amendment Regulations 2022.

2 Commencement

These regulations come into force on 1 June 2022.

3 Principal regulations

These regulations amend the Electoral Regulations 1996.

4 Regulation 2 amended (Interpretation)

In regulation 2(1), insert in its appropriate alphabetical order:

MIQF means a managed isolation or quarantine facility as defined by section 5(1) of the COVID-19 Public Health Response Act 2020

5 Regulation 20 replaced (Application for special vote)

Replace regulation 20 with:

20 Application for special vote

An application for a special vote may be made—

- (a) in person by the elector;
- (b) by a written application—
 - (i) signed by the elector; or
 - (ii) signed on behalf of the elector under an authority signed by the elector;
- (c) in any other manner approved by the Electoral Commission (for example, by telephone).

6 New regulation 24C inserted (Special vote by person in MIQF or place of self-isolation)

After regulation 24B, insert:

24C Special vote by person in MIQF or place of self-isolation

- (1) This regulation applies to any person in New Zealand who is qualified to vote at an election in a district as a special voter because the person—
 - (a) intends to be absent, or is absent, from the district on polling day by reason of—
 - (i) being in an MIQF in accordance with the requirements of a COVID-19 order or other enactment; or
 - (ii) being in an MIQF under an authorisation to undergo isolation or quarantine in that facility; or

- (iii) being in a place in which they are self-isolating in accordance with the requirements of a COVID-19 order or other enactment; or

(b) satisfies the Returning Officer or issuing officer that it will not be practicable to vote at a polling place in the district without incurring hardship or serious inconvenience on the ground that the person is—

- (i) in an MIQF in accordance with the requirements of a COVID-19 order or other enactment; or
- (ii) in an MIQF under an authorisation to undergo isolation or quarantine in that facility; or
- (iii) in a place in which they are self-isolating in accordance with the requirements of a COVID-19 order or other enactment.

(2) A person to whom this regulation applies may make a request to the Electoral Commission to vote by dictation.

(3) A request under subclause (2) may be made during the period—

- (a) beginning 14 days before polling day; and
- (b) ending at 5 pm on polling day.

(4) If the Electoral Commission grants a request under subclause (2) and allows a person to vote by dictation, regulation 23A(5) to (7) applies with all necessary modifications.

(5) In this regulation,—

authorisation means an authorisation given by the chief executive of the Ministry of Business, Innovation, and Employment under a COVID-19 order

COVID-19 order has the meaning given to it by section 5(1) of the COVID-19 Public Health Response Act 2020

election means—

- (a) a general election; or
- (b) a by-election.

7 Regulation 25 replaced (Declaration by special voter)

Replace regulation 25 with:

25 Declaration by special voter

(1) Every person who makes a declaration as a special voter must indicate in the declaration the ground or grounds on which they are claiming a special vote.

(2) A declaration must—

- (a) be in a form approved by the Electoral Commission; and
- (b) be witnessed as specified in the form.

(3) However, a declaration that is made by a person as a special voter in New Zealand need not be witnessed if—

- (a) the person is making the declaration in a place other than—
 - (i) a polling place;
 - (ii) a hospital, a maternity home, or an institution referred to in regulation 19(4);
 - (iii) a prison;
 - (iv) an MIQF; and
- (b) the person has satisfied the Electoral Commission that, because of the person’s circumstances, it is not reasonable to require that their declaration be witnessed.

8 Regulation 27 amended (Voting by special voter)

Replace regulation 27(7B) with:

(7B) An envelope delivered by post under subclause (7)(b) must be received—

- (a) on or before polling day; or
- (b) no later than noon on the fourth day following polling day if postmarked or date-stamped by any New Zealand Post outlet or agency before polling day.

9 Regulation 37 amended (Allowance or disallowance of votes by Returning Officer)

(1) In regulation 37(1A) and (2), replace “subclause (3) or subclause (4)” with “subclause (3), (4), or (4A)”.

(2) Replace regulation 37(4) with:

(4) If a declaration referred to in subclause (2) or (3) is not signed by the elector named in the declaration form, the Returning Officer must disallow the vote of the elector.

(4A) If a declaration referred to in subclause (2) or (3) is required to be witnessed but the declaration form has not been signed by a witness authorised by or under these regulations to witness the declaration (an **authorised witness**), the Returning Officer must disallow the vote unless satisfied that the declaration was made in the presence of an authorised witness.

Janine Harvey,
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 June 2022, amend the Electoral Regulations 1996 (the **principal regulations**).

These regulations amend the principal regulations to—

- extend the manner in which an application to vote as a special voter may be made to include a manner approved by the Electoral Commission, for example by telephone (regulation 20 of the principal regulations replaced);
- enable a person to vote as a special voter by dictation if the person—
 - is absent, or intends to be absent, from the district in which the person is qualified to vote because the person is in a managed isolation or quarantine facility (an **MIQF**) (in accordance with the requirements of a COVID-19 order or other enactment, or an authorisation given by the chief executive of the Ministry of Business, Innovation, and Employment (**MBIE**)), or because the person is self-isolating (in accordance with the requirements of a COVID-19 order or other enactment); or
 - satisfies the Returning Officer or issuing officer that it will not be practicable to vote at a polling place in the district in which the person is qualified to vote without incurring hardship or serious inconvenience on the ground that the person is in an MIQF (in accordance with the requirements of a COVID-19 order or other enactment, or an authorisation given by the chief executive of MBIE), or on the ground that the person is self-isolating (in accordance with the requirements of a COVID-19 order or other enactment) (*new regulation 24C* inserted into the principal regulations);
- allow the Electoral Commission to waive the requirement that a declaration made by a special voter in New Zealand be witnessed if the Electoral Commission is satisfied that because of the special voter’s circumstances it is not reasonable to require their declaration to be witnessed (regulation 25 of the principal regulations replaced and regulation 37 of the principal regulations consequentially amended);
- remove the requirement that special votes received on or before polling day must be postmarked or date-stamped by any New Zealand Post outlet or agency (regulation 27 of the principal regulations amended).

In this Explanatory note, a **COVID-19 order** is an order made under section 11 or 11AB of the COVID-19 Public Health Response Act 2020.

Issued under the authority of the Legislation Act 2019.
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These regulations are administered by the Ministry of Justice.