



COOK ISLANDS
ELECTORAL ACT

1966 No. 3

**(WITH AMENDMENTS
INCORPORATED)**

Reprinted Act as on 8 November 1982

Price \$2.40



REPRINTED ACT

[WITH AMENDMENTS INCORPORATED]

REPRINTED AS ON 8 NOVEMBER 1982

[NOTE - Pursuant to section 1(2) of the Electoral Amendment Act 1982, the amendments made by that Act shall come into force on the date of the first general election of members of the Cook Islands held after the date on which that Act is assented to by the Queen's Representative, except so far and to such extent as may be necessary to provide for that election.]

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THE ELECTORAL ACT 1966

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THE ELECTORAL ACT 1966

1966, No. 3

An Act to make provision for election of [the Parliament of the Cook Islands]

(6 December 1966)

Title amended by s.17(4), Constitution Amendment (No.9) Act 1980-81.

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title, commencement and division into Parts -
- (1) This Act may be cited as the Electoral Act 1966.
- (2) This Act shall come into force on the first day of November 1966.
- (3) This Act is divided into Parts as follows:
- PART I - Electoral Officers (Sections 3 and 4)
 - PART II - Constituencies (Section 5)
 - PART III - Qualification of Members and Tenure of Office (Sections 6 and 7)
 - PART IV - Electors and Electoral Rolls (Sections 8 to 26)
 - PART V - Conduct of Elections (Sections 27 to 73)
 - [PART VA - Voting by Electors of Overseas Constituency and by Electors of Other Constituencies who are Outside the Cook Islands (Sections 73A to 73L)]
 - PART VI - Disputed Elections (Sections 74 to 82)
 - PART VII - Miscellaneous Provisions (Sections 83 to 90)

The words in square brackets in subs.(3) were inserted by s.2 of the Electoral Amendment Act 1982.

2. Interpretation - (1) In this Act, unless the context otherwise requires, -

"Announce" means make generally known in the Cook Islands by word of mouth or by any other practicable means:

"Candidate" means any registered elector capable of being elected and nominated for election:

"Chief Electoral Officer" means the Chief Electoral Officer appointed pursuant to section 3 hereof; and includes his deputy:

"Constituency" means a constituency specified in section 5 hereof:

"Constitution" means the Constitution of the Cook Islands as [set out in the Second Schedule] to the Cook Islands Constitution Amendment Act 1965 together with any amendments to such Constitution:

"The Cook Islands" means the Cook Islands as defined by the Constitution:

"Corrupt practice" means any of the offences defined by section 68 hereof:

"Executive Council" means the Executive Council of the Cook Islands as established by the Constitution:

"Imprisonment" includes any form of lawful detention whether so called or not:

["Judge" and "Judge of the High Court" mean any Judge of the High Court established by the Constitution]:

"Member" means a member of [Parliament]:

"Nomination day" in relation to any election, means the day appointed for that election as the latest day for the nomination of candidates pursuant to section 28 subsection (2) hereof:

"Notice in writing" includes notice by telegram or radio or other similar means; and "notify in writing" has a corresponding meaning:

"Official mark", in relation to any document, means any mark enabling the identification of the polling booth or office in which that document was issued:

["Overseas Constituency" means the constituency constituted by Article 27(2)(k) of the Constitution:

["Parliament" means the Parliament of the Cook Islands established by the Constitution:

["Polling booth" and "polling place", in relation to an election in any constituency, mean, in relation to postal voting in that constituency, the office of the Returning Officer:

["Polling day", in relation to postal voting at an election in any constituency, means the day of the close of voting:]

"Presiding officer" means an electoral officer appointed to preside and actually presiding at any polling booth on the day of polling:

"Public notice", in relation to any act, matter, or thing required to be publicly notified, means the making of the act, matter, or thing generally known in the Cook Islands by any practicable means in addition to publication in the Cook Islands Gazette; and "publicly notify" has a corresponding meaning:

"Public service" means the Public Service as defined in the [Public Service Act 1975]:

["Queen's Representative" means the representative of Her Majesty the Queen in the Cook Islands appointed under Article 3 of the Constitution:]

"Registered elector" means an elector whose name is entered on any electoral roll; and "to register" and "registration" have meanings corresponding to the meaning of the term "registered elector":

"Registrar in charge" means a Registrar appointed pursuant to section 4 hereof in respect of the roll for which he is appointed:

"Resident", in relation to any constituency, means any [person] who resides in that constituency and has resided there for at least three months immediately preceding the date of his application for registration pursuant to [section] 11 hereof:

["To reside", in relation to any constituency, has the same meaning as in Article 1 (1) of the Constitution; and "resident" and "residing" have corresponding meanings:]

"Returning Officer" includes any officer appointed pursuant to section 4 subsection (4) hereof:

"Returning Officer in charge" means any Returning Officer appointed pursuant to section 4 hereof in respect of an election in the constituency for which he is appointed:

"Roll" and "electoral roll" mean any roll made in manner provided by this Act containing the names of electors:

"Speaker" means the Speaker of [Parliament]:

"Transmit" means pass on by telegram, radio, or other similar means.

(2) In this Act a reference to a numbered form is a reference to the form so numbered in the [First Schedule] to this Act.

[(3) Except where the context otherwise requires, every reference in this Act or in any notice or other document given or made pursuant to any provision of this Act to any specified day shall, in relation to any place outside the Cook Islands, be read as a reference to the day in that place that corresponds to that specified day in the Cook Islands.]

Subsection (1):

"Constitution": The words in square brackets were substituted for the words "contained in the Schedule" by s.2, Electoral Amendment Act 1982.

"High Commissioner": A definition of this term was repealed by s.2, Electoral Amendment Act 1982.

"Judge" and "Judge of the High Court": This definition was substituted for the definition of "Judge", "Judge of the High Court" and "Commissioner" by s.2, Electoral Amendment Act 1982.

"Legislative Assembly": A definition of this term was repealed by s.2, Electoral Amendment Act 1982.

"Member": The word "Parliament" was substituted for the words "the Legislative Assembly" by s.17(4) Constitution Amendment (No.9) Act 1980-1981.

"Overseas Constituency": This definition was inserted by s.2, Electoral Amendment Act 1982.

"Parliament": This definition was inserted by s.2, Electoral Amendment Act 1982.

"Polling booth" and "polling place": This definition was inserted by s.2, Electoral Amendment Act 1982.

"Polling day": This definition was inserted by s.2, Electoral Amendment Act 1982.

"Public Service": The words in square brackets, being the corresponding Act in force at the date of this reprint, were substituted for the words "Public Service Act 1969" pursuant to s.21, Acts Interpretation Act 1924 (N.Z.).

"Queen's Representative": This definition was inserted by s.2, Electoral Amendment Act 1982.-

"Resident": The word "person" was substituted for the words "resident of the Cook Islands" by s.2, Electoral Amendment Act 1982.

The word "section" was substituted for the word "regulation" by s.2, Electoral Amendment Act 1967.

"Resident of the Cook Islands": A definition of this term was repealed by s.2, Electoral Amendment Act 1982.

"To reside": This definition was substituted for the original definition by s.2, Electoral Amendment Act 1982.

"Speaker": The word "Parliament" was substituted for the words "the Legislative Assembly" by s.17(4), Constitution Amendment (No.9) Act 1980-181.

Subsection (2): The words "First Schedule" were substituted for the word "Schedule" by s.2, Electoral Amendment Act 1982.

Subsection (3): This subsection was added by s.2, Electoral Amendment Act 1982.

PART I - ELECTORAL OFFICERS

3. Chief Electoral Officer - (1) The Executive Council shall from time to time appoint -

- (a) A Chief Electoral Officer, stationed in Rarotonga, who shall be charged with the duty of carrying this Act into effect; and
- (b) A Deputy Chief Electoral Officer, stationed in Rarotonga, to act in the case of the illness, absence, death, or removal of the Chief Electoral Officer.

(2) Every Deputy Chief Electoral Officer, while so acting, shall exercise the duties and shall have the powers and authorities of the Chief Electoral Officer, and the fact that he so acts shall be sufficient evidence of his authority to do so.

4. Electoral Officers - (1) The Chief Electoral Officer shall from time to time appoint -

- (a) A Registrar for each electoral roll, who shall be in charge of the roll in respect of which he is appointed;

- (b) A Returning Officer for each constituency, who shall be in charge of the election in the constituency for which he is appointed:
 - (c) Such clerks and other officers as, in the opinion of the Chief Electoral Officer, are required to implement the provisions of this Act:
 - (d) A substitute for any officer appointed under this section to act in the case of the illness, absence, death, or removal of that officer. The substitute, while so acting, shall exercise the duties and have the powers and authorities of the officer for whom he is acting, and the fact that any substitute so acts shall be sufficient evidence of his authority to do so.
- (2) Any reference in this Act to one of the officers appointed under this section shall be deemed to include any substitute appointed for that officer.
- (3) Every person appointed as aforesaid shall exercise his duties and functions subject to the control of the Chief Electoral Officer, and shall comply with any directions received from him from time to time.
- (4) With the approval of the Chief Electoral Officer, every Returning Officer may appoint as many deputies and poll clerks as he deems necessary for the effective taking of the poll at every polling booth, and every such deputy shall have and may exercise in and about the polling booth for which he is appointed all the powers and duties of a Returning Officer by whom he is appointed.
- (5) With the approval of the Chief Electoral Officer, every Registrar may appoint as many electoral officers as he deems necessary for the implementation of the provisions of this Act.
- (6) No Returning Officer or Registrar shall hold any official position in connection with any political organisation.
- (7) Any person may be appointed to hold two or more offices under this Act.
- (8) No candidate shall act as scrutineer under this Act or in the capacity of any officer appointed pursuant to section 60 subsection (5) hereof.

The words "in any island" were omitted from subs.(1)(c) by s.2, Electoral Amendment Act 1971-72.

PART II - CONSTITUENCIES

[Parliament of the Cook Islands - Article 27 of the Constitution (as substituted by section 5 of the Constitution Amendment (No.9) Act 1980-81) constitutes the Parliament of the Cook Islands. A copy of that Article is set out in the Second Schedule to this Act.]

The references to the Parliament of the Cook Islands and to Article 27 of the Constitution were substituted for the reference to the Legislative Assembly of the Cook Islands and to Article 27 by s.2, Electoral Amendment Act 1982.

[5. Constituencies - (1) There shall be 24 Constituencies of the Cook Islands as follows:

- (a) The Vaipae-Tautu Constituency, comprising the area described in Part I of the First Schedule to the Constitution (as enacted by section 16 of the Constitution Amendment (No.9), Act 1980-81 and amended by section 8 of the Constitution Amendment (No.11) Act 1982):
- (b) The Amuri-Ureia Constituency, comprising the area described in the said Part I of the said First Schedule to the Constitution:
- (c) The Arutanga-Reureu-Nikaupara Constituency, comprising the area described in the said Part I of the said First Schedule to the Constitution:
- (d) The Nikao-Panama Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (e) The Avatiu-Ruatonga Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (f) The Takuvaime-Tutakimoa Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (g) The Tupapa-Maraerenga Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (h) The Matavera Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (i) The Ngatangia Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (j) The Titikaveka Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (k) The Murienua Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (l) The Ruaau Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
- (m) The Oneroa Constituency, comprising the area described in Part III of the said First Schedule to the Constitution:
- (n) The Ivirua Constituency, comprising the area described in Part III of the said First Schedule to the Constitution:

- (o) The Tamarua Constituency, comprising the area described in Part III of the said First Schedule to the Constitution:
 - (p) The Island of Manihiki:
 - (q) The Island of Mauke:
 - (r) The Island of Mitiaro:
 - (s) The Island of Penrhyn:
 - (t) The Island of Pukapuka and the Island of Nassau:
 - (u) The Island of Rakahanga:
 - (v) The Tengtangi-Areora-Ngatiarua Constituency, comprising the area described in Part IV of the said First Schedule to the Constitution:
 - (w) The Teenui-Mapumai Constituency, comprising the area described in Part IV of the said First Schedule to the Constitution:
 - (x) The Overseas Constituency, being the islands comprising New Zealand and all other areas outside the Cook Islands.
- (2) Each constituency shall consist of the electors entitled pursuant to section 10 hereof to have their names entered on the roll for that constituency.]

Section 5 was substituted for the original s.5 by s.2, Electoral Amendment Act 1982.

PART III - QUALIFICATION OF MEMBERS, AND TENURE OF OFFICE

Nationality and residential qualification of electors and candidates

[Article 28 of the Constitution (as substituted by section 5 of the Constitution Amendment (No.9) Act 1980-81) defines the nationality and residential qualifications of electors. A copy of that Article is set out in the Second Schedule to this Act.

[Article 28B of the Constitution (as enacted by the said section 5) defines the qualifications and disqualifications for candidates for election to Parliament. A copy of that Article is set out in the Second Schedule to this Act.]

The references to the nationality and residential qualifications of electors and candidates and to Articles 28 and 28B of the Constitution were substituted for the original references to nationality and residential qualifications and to Article 28 by s.2, Electoral Amendment Act 1982.

- (c) He dies; or
- (d) He resigns his seat, by writing under his hand addressed and delivered to the Speaker or to the [Queen's Representative] if there is no Speaker or the Speaker is absent from Rarotonga or if the resigning member is the Speaker; or
- (e) On fourteen consecutive sitting days he fails, without permission of [Parliament], to attend in [Parliament] or any committee thereof; or
- [(f) In the case of any constituency other than the Overseas Constituency, he ceases to reside in the Cook Islands; or]
- (g) He becomes a bankrupt within the meaning of the bankruptcy laws in force in the Cook Islands; or
- (h) He is convicted in the Cook Islands or any part of the Commonwealth of Australia or the Dominion of New Zealand of any offence punishable by death or imprisonment [for life or] for a term of one year or upwards or is convicted in the Cook Islands of a corrupt practice; or
- (i) He becomes of unsound mind and is so certified by two Medical Officers or by one Medical Officer and a graduate of the Central Medical School at Suva, Fiji; or
- (j) He takes any oath or makes any declaration or acknowledgement of allegiance or adherence to any foreign Prince or Power
- (k) He does or concurs in or adopts any act whereby he may become a subject or citizen of any foreign state or power or entitled to the rights, privileges or immunities of a subject or citizen of any foreign State or Power
- [(1) He becomes a public servant.]

(2) (Repealed by s.2, Electoral Amendment Act 1982.)

(3) Every member who has been elected pursuant to the provisions of this Act shall take office on the day on which the warrant declaring his election is signed by the Chief Electoral Officer pursuant to section 59 hereof.

(4) The seat of a member, unless previously vacated, shall become vacant at the end of the day immediately preceding the day on which the members elected at the next ensuing general election take office.

[(5) When it appears to the Speaker that the seat of any member has become vacant pursuant to subsection (1) of this section, the Speaker shall declare in writing that the seat has become vacant and the cause thereof, and shall forthwith cause that declaration to be published in the Gazette.]

The words "Queen's Representative" were substituted for the words "High Commissioner" in subs.(1)(d) by s.4(3), Constitution Amendment (No.10) Act 1981.

The word "Parliament" was substituted for the words "the Legislative Assembly" in subs.(1)(e) (in two places) by s.17(4), Constitution Amendment (No.9) Act 1980-81.

Paragraph (f) of subs.(1) was substituted for the original paragraph by s.2, Electoral Amendment Act 1982.

The words "for life or" were inserted in subs.(1)(h) by s.4, Electoral Amendment Act 1982.

Para. (1) was added to subs. (1) by s.3, Electoral Amendment Act 1969.

Subs.(5) was added by s. 3, Electoral Amendment Act 1967.

[7A. Offence for public servant to sit - Every member of [[Parliament]] who sits or votes therein after his seat has become vacant by reason of his becoming a public servant, knowing that his seat is so vacant, shall be liable on conviction to a fine not exceeding one hundred dollars for every day on which he so sits or votes.

This section was inserted by s.4, Electoral Amendment Act 1969.

The word "Parliament" was substituted for the words "the Legislative Assembly" by s.17(4), Constitution Amendment (No.9) Act 1980-81.

PART IV - ELECTORS AND ELECTORAL ROLLS

8. Qualification of electors - (1) In addition to the qualifications as to nationality and residence provided for electors by Article 28 of the Constitution, every person shall be deemed to be qualified to be registered as an elector of any constituency, if he -

- (a) Is or over the age of 18 years; and
- (b) Has not been convicted in the Cook Islands or in any part of the Commonwealth of Australia or the Dominion of New Zealand of an offence punishable by death or by imprisonment [for life or] for a term of one year or upwards, or has [not] been convicted in the Cook Islands of a corrupt practice, unless in each case he has received a free pardon or has undergone the sentence or punishment to which he was adjudged for the offence; and
- (c) Is not of unsound mind; and
- (d) In the case of constituency in the Cook Islands -
 - (i) Has resided in that constituency for a continuous period of not less than three months immediately before the date of his application for registration; or
 - (ii) Has resided continuously in that constituency for not less than three months and has not subsequently resided continuously for three months or more in any one constituency.]

[(2) If a person has two or more usual places of abode, he shall be deemed to reside in the place in which he spends the greatest part of his time.]

The words "for life or" were inserted in para (b) of subs.(1) by s.5, Electoral Amendment Act 1982.

The word "not" in square brackets was inserted in para (b) of subs.(1) by s.2, Electoral Amendment Act 1966.

Para (d) of subs.(1) was substituted for the original paragraph by s.2, Electoral Amendment Act 1982.

Subsection (2) was added by s.2, Electoral Amendment Act 1982.

9. Electoral rolls - (1) There shall be an electoral roll for each constituency, and the Registrar in charge of that roll shall compile and keep, as provided herein, an electoral roll for the constituency for which he is appointed.

(2) Every person qualified to be registered as an elector of any constituency shall, subject to the provisions of this Act, be entitled to have his name entered upon the roll of that Constituency.

[(3) Every person who is qualified to be an elector of a constituency in the Cook Islands but has not resided in any one such constituency for a continuous period of three months shall be entitled to register in the constituency in which he spent the greatest part of his time during the period of three months immediately preceding the date of his application for registration.]

Subsection (3) was substituted for the original subsection by s.2, Electoral Amendment Act 1982.

10. Compulsory registration of electors - [(1) Every person who, when any public notice is given by the Chief Electoral Officer pursuant to section 28 of this Act, is qualified to be registered as an elector or who, within forty days of that public notice, becomes so qualified, shall make application as prescribed in this Part of this Act for registration as an elector within forty days of the said public notice.]

(2) No person shall be entitled to be registered as an elector on more than one electoral roll.

(3) Every person who commits a breach of this section commits an offence, and is liable to a fine not exceeding \$4.

Subsection (1) was substituted for the original subs.(1) by s.4, Electoral Amendment Act 1967.

11. Application for registration by electors - Every person required to apply for registration as an elector shall deliver, send by post, or convey through persons appointed for that purpose, to the Registrar in charge of the roll on which the applicant is entitled to have his name entered an application and declaration in form 1 :

Provided that a person who is or becomes qualified to be an elector but has not resided in any one constituency for a continuous period of three months shall deliver or send by post such an application and declaration (suitably modified) to the Chief Electoral Officer, who shall send it to the Registrar in charge of the roll for the constituency in which the applicant is entitled to be registered pursuant to section 9 subsection (3) hereof.

The words "in the Schedule hereto" were omitted by s.2, Electoral Amendment Act 1982.

The words in square brackets in the proviso substituted for the words "is not a resident of any constituency" and the words "the determination of the Chief Electoral Officer under "were omitted from the proviso by s.2, Electoral Amendment Act 1982.

12. Procedure for registration - [(1) Every applicant for registration as an elector of any constituency shall sign his application in the presence of an elector or electoral officer, police constable, or Minister of Religion, who shall add his signature, description, and address in witness thereof.]

(2) If the Registrar in charge is satisfied after due inquiry that any claim for registration as aforesaid is valid, he shall forthwith enter the name of the applicant on the roll.

(3) If the Registrar is not so satisfied, he shall within five working days following the receipt of the application, notify the applicant in writing of his objection to enter the applicant's name on the roll; and the applicant may, within five working days of receipt of that notice, apply to the Chief Electoral Officer to determine his claim; and the Chief Electoral Officer, whose decision shall be final, shall order the name of the applicant either to be entered on the roll or not to be so entered, and the Registrar in charge shall comply with the order accordingly.

(4) Every Registrar who enters the name of any applicant on any roll shall forthwith give notice in form 2 to the Registrar of the constituency (if any) for which the applicant has stated that he was previously registered, and the Registrar receiving the notice shall forthwith remove from his roll the name of the applicant or, as the case may be, inform the Registrar giving the notice that the applicant was not registered on that roll.

(5) It shall be the duty of every Registrar to make the roll of which he is in charge as complete as possible, and with that object from time to time to place thereon the name of every person who has transmitted an application to the Registrar and of whose qualifications he is satisfied.

(6) It shall further be the duty of every Registrar to assure himself of the right of every registered elector to have his name retained on the roll, and to remove from the roll of which he is in charge the name of every person who -

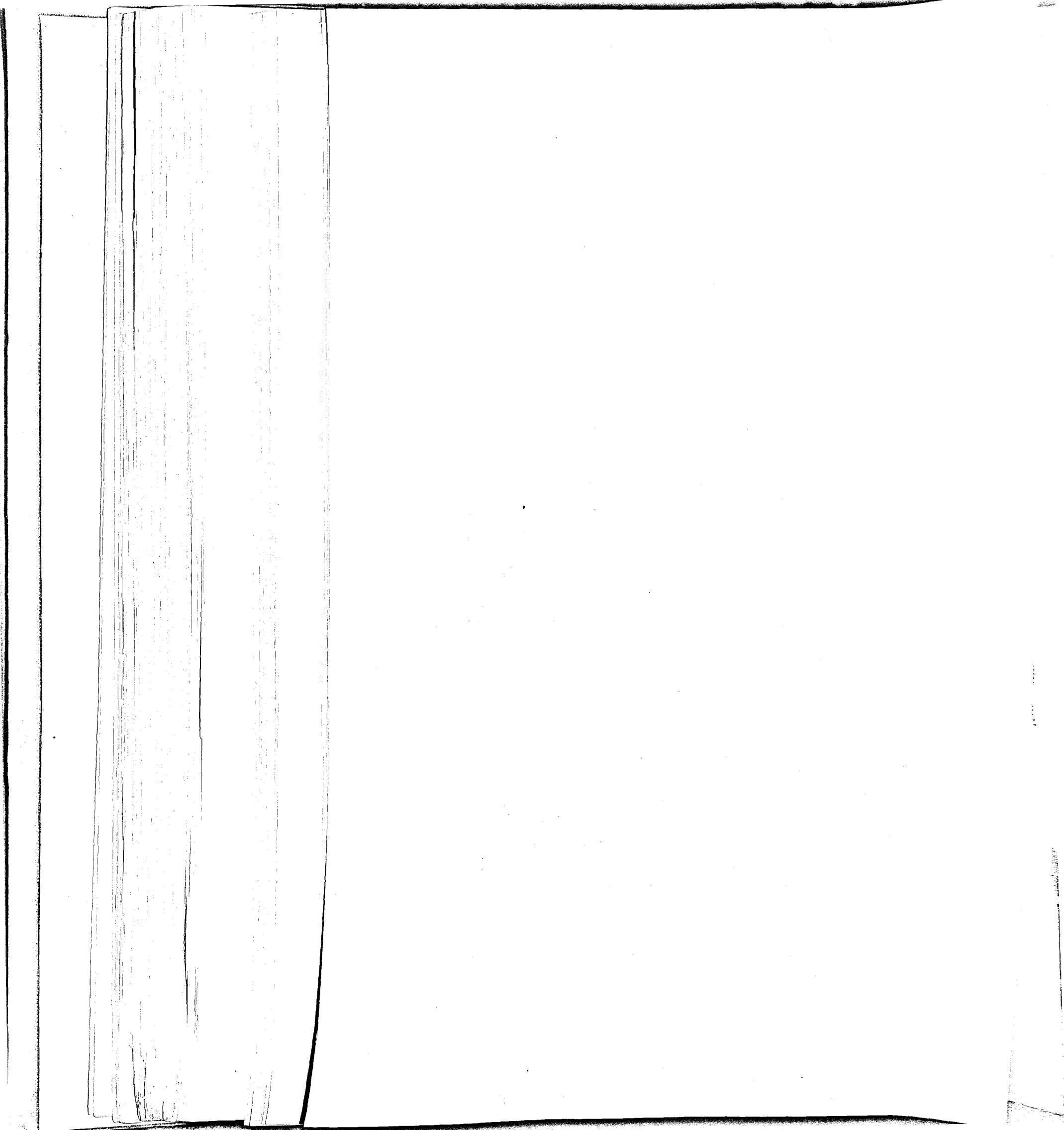
- (a) Has died; or
- (b) Is no longer possessed of the qualifications for an elector; or
- (c) Ceases to reside within the constituency.

(7) When the Registrar removes any name from the roll pursuant to paragraph (b) or paragraph (c) of subsection (6) of this section, he shall, within five working days, notify the elector that his name has been so removed, and thereupon the provisions of subsection (3) of this section, as far as they are applicable and with the necessary modification, shall apply.

(8) Every registered elector shall give notice in writing to the Registrar in charge within one month of any change of his or her name by marriage or otherwise; and the Registrar shall, after verification of the particulars contained in the notice, amend the roll accordingly.

[(9) No application for registration shall be deemed to have been received by the Registrar in charge of the roll on which the applicant is entitled to have his name entered before the close of that roll unless that application is received by an electoral officer [[being, in the case of a constituency other than the Overseas Constituency, an electoral officer in the Cook Islands, and in the case of the Overseas Constituency, the Registrar for that Constituency]] before 4 p.m. on the day set for the close of that roll pursuant to section 18 of this Act.]

Subsection (1) was substituted for the original subs.(1) by s.2, Electoral Amendment Act 1982.



name retained on the roll, or fails to give notice of appeal, the Registrar shall remove the name forthwith:

- (d) If notice of appeal is duly given the Registrar, if he is satisfied that the appellant is entitled to have his name retained on the roll, shall withdraw his objection and notify him accordingly, but, if he is not so satisfied, he shall transmit his objection and the appeal, together with any comments thereon he may wish to make, to the High Court through the Chief Electoral Officer.

The words "in the Schedule hereto" were omitted from para. (b) by s.2, Electoral Amendment Act 1982.

16. Time limit for objection - No objection shall be made after the expiration of 3 clear days from the date of the closing of the roll.

17. Determination of objections - A Judge of the High Court shall determine any objection transmitted to him, after such investigation as he deems necessary, and shall direct the Registrar in charge to retain the name objected to on the roll on which it appears, or, as the case may be, to remove it therefrom or to transfer it through the Chief Electoral Officer to any other roll, or to make such amendment of any roll as may be necessary to give effect to the determination, and every such determination shall be final [and conclusive and without appeal, whether to the Court of Appeal of the Cook Islands or to Her Majesty the Queen in Council or otherwise, and shall not be questioned in any way].

The words "or Commissioner" were omitted by s.2, Electoral Amendment Act 1982.

The words in square brackets were added by s.6(2), Electoral Amendment Act 1982.

18. Closing of rolls - (1) Before every general election all electoral rolls shall be closed on a date to be fixed for each roll by the Chief Electoral Officer. Different dates may be so fixed for different rolls.

(2) At least 15 clear days before the day so fixed for his roll, the Registrar in charge shall give public notice thereof.

[(3) In the case of the roll for the Overseas Constituency, the Registrar shall give such notice in New Zealand and elsewhere of the closing of the roll as he in his discretion considers appropriate.]

Subsection (3) added by s.2, Electoral Amendment Act 1982.

19. Printing of copies - (1) As soon as practicable after the closing of any roll the Registrar in charge shall cause the roll to be printed, containing the names, numbered consecutively in alphabetical order of surnames, of all persons whose names are lawfully entered thereon.

(2) Each roll shall be in form 5, and shall be issued under the hand of the Registrar in charge.

20. Supplementary rolls - The Registrar in charge may from time to time prepare a supplementary roll containing names added to the roll after the printing of the main roll and an indication of names removed from the main roll, and may cause the same to be printed, and every supplementary roll shall be deemed to be a part of the main roll to which it refers.

21. Inspection of rolls and supply of copies - (1) Not later than 30 clear days before each general election, a printed copy of each main roll shall be made available for inspection by the public without payment during office hours at the office of the Registrar in charge and at such other places in each constituency as the Registrar in charge directs.

(2) The Registrar in charge shall supply printed copies of the roll issued under his hand to the Chief Electoral Officer, who shall supply each Returning Officer with copies as they are required from time to time for the purpose of conducting any election.

22. Closing of roll by by-election - (1) Before any by-election, the relevant roll shall be closed on a date to be fixed by the Chief Electoral Officer, and at least 15 clear days before the day so fixed the Registrar in charge shall give public notice thereof.

[(1A) In the case of a by-election in the Overseas Constituency, the Registrar shall give such notice in New Zealand and elsewhere of the closing of the roll as he in his discretion considers appropriate.]

(2) Unless the Registrar in charge thinks fit, a complete roll shall not be printed for use at a by-election, but a supplementary roll may, if the Registrar in charge thinks fit, be so printed, and the provisions of this Part of this Act, as far as they are applicable, shall apply accordingly.

Subsection (1A) was inserted by s.2, Electoral Amendment Act 1982.

23. Effect of closing of rolls - (1) The printed rolls compiled, issued, added to, or altered from time to time as herein provided shall for the time being be the electoral rolls.

(2) It shall not be lawful for the Registrar in charge to enter on or remove from the roll the name of any person after the date fixed in accordance with this Act for the closing of the roll until after the general election or by-election in connection with which the roll has been closed:

Provided that the Registrar in charge, on being satisfied that the name of any person has been omitted or removed from the roll by mistake or clerical error, or through false information, may add or restore the name of that person to the roll at any time not later than 14 clear days before the day appointed for an election.

(3) Any Registrar commits an offence who offends against the provisions of this section and is liable to a fine not exceeding \$40 for every name improperly entered on or removed from the roll.

24. Offences in relation to enrolment - (1) Every person commits an offence, and is liable to a fine not exceeding \$40 or to imprisonment for a term not exceeding three months, who knowingly makes a false statement in any claim, application, or declaration referred to in this Part of this Act.

(2) Every person commits an offence, and is liable to a fine not exceeding \$100, who -

- (a) Wilfully misleads the Registrar in the compilation of any electoral roll, or wilfully enters or causes to be entered therein any false or fictitious name or qualification or the name or any person whom he knows to be dead; or
- (b) Signs the name of any other person, whether requested to do so or not, or any false or fictitious name, to any form of claim, application, or objection for the purpose of this Part of this Act, either as claimant, applicant, objector, or witness; or
- (c) Signs his name as witness to any signature upon any such form of claim or objection without either having seen that signature written or hearing the person signing declare that the signature is his own handwriting and that the name so signed is his own proper name.

(3) Every person commits an offence, and is liable to a fine not exceeding \$40, who, having obtained possession of a claim for enrolment signed by any other person for the purpose of being delivered to the Registrar for enrolment, fails so to deliver it so that the claimant's name is not placed on any roll.

25. Effect of registration - (1) Subject to the provisions of this Act [and to Articles 28, 28B, and 28C of the Constitution,] every elector registered on the roll of any constituency, and no other person, shall be entitled to nominate a candidate for election as a representative for that constituency and to vote at any election of such a representative.

(2) Subject to the provisions of this Act, [and to Articles 28, 28B, and 28C of the Constitution,] every elector registered on any roll shall be capable of being elected as a member in accordance with the provisions of [Article 28B of the Constitution].

The words "and to Articles 28, 28B, and 28C of the Constitution" were inserted in subs. (1) and subs. (2) by s.2, Electoral Amendment Act 1982.

The words "Article 28B of the Constitution" were substituted for the words "section 6 hereof" by s.2, Electoral Amendment Act 1982.

26. Electors to have only one vote - No elector shall be entitled to exercise more than one vote at any election.

PART V - CONDUCT OF ELECTIONS

27. By-elections - (1) If a declaration that the seat of a member is vacant is published less than six months before the expiration of [five] years from the date of the last preceding general election, the seat shall remain vacant until the next general election.

As to the publication in the Cook Islands Gazette of the date appointed for the general election, see Article 37(6) of the Constitution.

29. Nominations - (1) No nomination paper or consent to any nomination shall be accepted by the Returning Officer in charge, unless it conforms to the provisions of this Act and is received at the place named in the public notice at any time before noon on nomination day.

(2) Subject to the provisions of this Act [and to Article 28B of the Constitution], -

(a) Every registered elector may, with his consent, be nominated as a candidate for any election, but no person shall be deemed to be so nominated unless a nomination paper in form 6 is signed on his behalf by not fewer than two other registered electors and lodged as herein provided:

(b) Any two or more electors registered on the same roll may nominate any other elector registered on any of the rolls as a candidate at the election of a representative for the constituency on the roll of which they are registered, and shall transmit the nomination to the Returning Officer in charge of that roll.

(3) No elector shall nominate more than one candidate at any one election.

(4) Each candidate shall be nominated by a separate nomination paper.

[(5) Any registered elector of the constituency may inspect any nomination paper or consent at the Returning Officer's office at any time when the office is open for the transaction of business but if that nomination paper or consent is not available through reason of lack of communication the registered elector may inspect the telegram or other document communicating that nomination paper or consent at the Returning Officer's office at any time when the office is open for the transaction of business.]

[(6) Any person nominating any elector as a candidate may withdraw his nomination of that elector by submitting a written statement to that effect to the Returning Officer in charge, provided that the elector had not before the receipt of that statement by the Returning Officer signed his consent in form 6.]

The words "and to Article 28B of the Constitution" were inserted in subs.(2) by s.2, Electoral Amendment Act 1982.

Subsection (5) was added by s.3, Electoral Amendment Act 1971-72.

Subsection (6) was added by s.2, Electoral Amendment Act 1976.

30. Consent to nomination - (1) No person shall consent to more than one nomination as a candidate at any one election.

(2) Consent to the nomination of any person as a candidate shall be given by him form 6 and delivered to the Returning Officer in charge, but need not be signified on the nomination paper.

(3) Where the Returning Officer in charge has reasonable grounds to suspect that consent has been given by any candidate who is not [registered as an elector of any constituency], he shall reject that consent and advise the candidate accordingly.

(4) If any dispute arises as to whether a candidate [is or is not registered as an elector of any constituency] that question shall be decided after due inquiry into the facts of the case, by a Judge of the High Court, whose decision shall be final [and conclusive and without appeal, whether to the Court of Appeal of the Cook Islands or to Her Majesty the Queen in Council or otherwise, and shall not be questioned in any way].

The words in square brackets in subs. (3) were substituted for the words "a resident of the Cook Islands" by s.2, Electoral Amendment Act 1982.

The words in the first set of square brackets in subs. (4) were substituted for the words "has or has not been so resident in the Cook Islands" by s.2, Electoral Amendment Act 1982.

The words "or Commissioner" were omitted from subs. (4) by s.2, Electoral Amendment Act 1982.

The words in the second set of square brackets in subs. (4) were added by s.6(3), Electoral Amendment Act 1982.

31. Transmission and publication of nominations - (1) The Returning Officer in charge shall transmit every nomination as soon as accepted by him, together with the required consent, to the Chief Electoral Officer.

(2) The Chief Electoral Officer shall reject any nomination consented to in breach of the provisions of section 30 subsection (1) hereof, and in every other case he shall accept the nomination.

(3) As soon as practicable after the close of nominations, the Returning Officer in charge shall cause the names of all the candidates duly nominated to be posted in a conspicuous place outside every place appointed in the public notice.

32. Unlawful nominations - (1) Every elector who nominates more than one candidate at any election commits an offence, and is liable to a fine not exceeding \$40.

(2) Every person who consents to more than one nomination as a candidate at any election or wilfully makes a false statement in his consent in respect of his [registration as an elector] commits an offence, and is liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding three months.

The words "registration as an elector" were substituted for the words "residential qualification" by s.2, Electoral Amendment Act 1982.



[33. Effect of nomination - Where at the election of a member to represent any constituency only one candidate is nominated, that candidate shall be deemed to be elected, and the Chief Electoral Officer shall, by warrant under his hand, declare that candidate to be elected and shall publicly notify that election.]

Section 33 was substituted for the original section by s.2, Electoral Amendment Act 1982.

[34. Where no candidate nominated - Where at the election of a member to represent any constituency no candidate is nominated, the Chief Electoral Officer shall, not later than three months after nomination day, declare the seat to be vacant, and thereupon the provisions of section 27 of this Act shall apply.]

Section 34 was substituted for the original section by s.2, Electoral Amendment Act 1982.

35. Deposit by candidates - (1) Every candidate, or some person on his behalf, shall deposit with the Returning Officer the sum of [\$200] not later than noon on nomination day.

(2) The deposit shall be paid in the form of money, a money order, a money-order telegram, or a bank draft.

(3) If the total number of votes received by any unsuccessful candidate is less than one-fourth of the total number of votes received by the successful candidate, the deposit of the unsuccessful candidate shall be forfeited and paid into the Cook Islands [Government Account], but in every other case the deposit shall be returned to the person who paid it.

The words "or by the successful candidate receiving the lowest total number of votes, as the case may be" were omitted from subs.(3) by s.2, Electoral Amendment Act 1982.

The words "Government Account" were substituted for the words "Assembly Account" in subs.(3) in compliance with Article 69 of the Constitution which required all money received by the Government of the Cook Islands to be paid into the Cook Islands Government Account instead of the former Cook Islands Assembly Account.

The expression "\$200" was substituted for the expression "\$20" in subs.(1) by s.6 of the Electoral Amendment Act 1982.

36. Contested elections - (1) Where at any election [two or more candidates are nominated for any constituency], the Chief Electoral Officer shall forthwith after the close of nominations [subject, in the case of an election in the Overseas Constituency, to Part VA of this Act,] appoint one or more places for the taking of the poll where a poll is to be taken, and give public notice of -

(a) The place or places so appointed:

(b) The day on which the poll is to be taken, being the day fixed as election day by the [Queen's Representative] pursuant to section 28 subsection (1) hereof:

[(c) The names of the several candidates nominated.]

[(2) In the case of the Overseas Constituency the Chief Electoral Officer shall give such notice in New Zealand and elsewhere containing the matters specified in subsection (1) of this section as he in his discretion considers practicable.]

The words in the first set of square brackets in subs.(1) were substituted for the words "the number of candidates nominated for any constituency is greater than the number of vacancies to be filled" by s.2, Electoral Amendment Act 1982.

The words in the second set of square brackets were inserted in sub.(1) by s.2, Electoral Amendment Act 1982.

The words "Queen's Representative" were substituted for the words "High Commissioner" in subs.(1) by s.4(3), Constitution Amendment (No.10) Act 1982.

Paragraph (c) of subs.(1) was substituted for the original paragraph by s.2, Electoral Amendment Act 1982.

Subsection (2) was added by s.2, Electoral Amendment Act 1982.

[37. Place of ordinary voting - Every elector registered in respect of any constituency who has not exercised a postal vote shall, unless he is a special voter, be entitled to vote at any place in that constituency appointed for the taking of the poll, and at no other place.]

Section 37 was substituted for the original section by s.2, Electoral Amendment Act 1982.

38. Retirement or death of candidates - (1) Every candidate at any election may sign and deliver to the Returning Officer in charge a declaration in form 7 stating that he retires from the election, and on receipt of any such declaration the Returning Officer in charge shall give public notice thereof.

(2) At any election, if by that retirement or by the death of any candidate the number of candidates is reduced to one, the provisions of section 33 hereof shall apply. If the said number of candidates is not so reduced, the poll shall proceed, but any person who has retired shall not be capable of being elected.

(3) If a candidate retires or dies after the voting papers have been printed, the Returning Officer in charge shall, before the poll, remove his name from every voting paper.

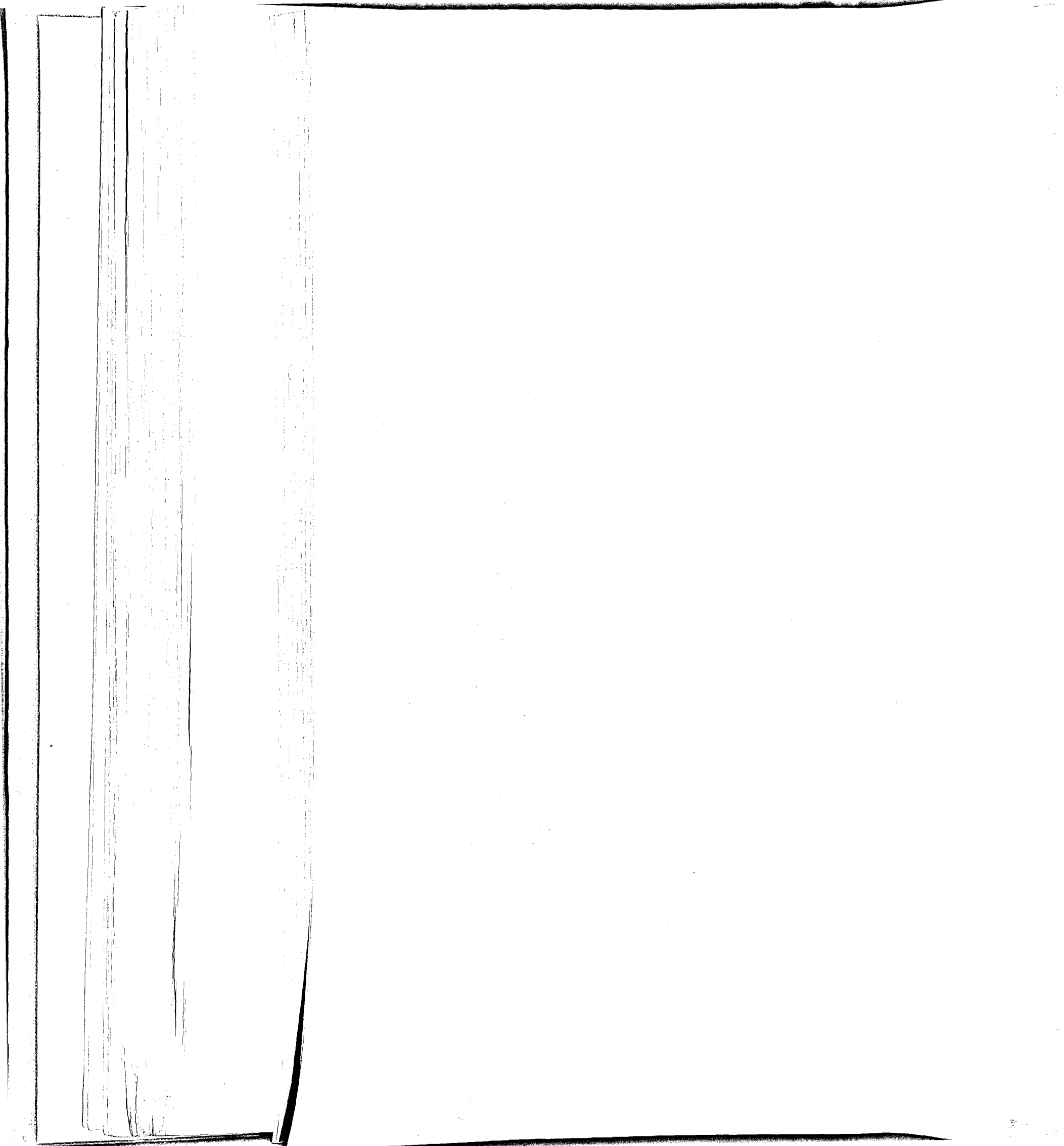
The words in square brackets in subs.(2) were substituted for the words "to or below the number of vacancies to be filled, the provisions of sections 33 and 34 hereof" by s.2, Electoral Amendment Act 1982.

39. Arrangements for voting - (1) The Returning Officer in charge shall make all necessary arrangements to enable every registered elector to vote at any poll in accordance with the provisions of this Act.

(2) Without limiting the provisions of subsection (1) of this section, the Returning Officer in charge shall, at every place where a poll is to be taken, provide the following things for taking the poll:-

(a) One or more rooms for polling booths, and in each booth one or more inner compartments, separated from but opening into the booth and having no other opening:

(b) In each booth ballot boxes each such box having a lock and key and a slit in the upper side by which the voting papers may be put into the box:



Subsection (1A) was inserted by s.7(b), Electoral Amendment Act 1967.

For the form of postal voting papers, see s.73C, post.

41. Scrutineers - A candidate may, by writing under his hand, appoint one scrutineer for each polling booth at any election.

42. Declaration by electoral officer and scrutineers - Every Returning Officer, presiding officer, clerk, or other officer who may be appointed in connection with the holding of an election under this Part [or Part VA] of this Act shall, before acting as such, and every scrutineer shall, before being allowed to act, make and subscribe a declaration in form 10.

The words "or Part VA" were inserted by s.2, Electoral Amendment Act 1982.

43. Hours of polling - The poll at every election shall commence at nine o'clock in the forenoon of the election day, and shall close at six o'clock in the afternoon of the same day:

Provided that every elector who on the close of the poll is present in a polling booth for the purpose of voting shall be entitled to receive a voting paper and to record his vote:

[Provided also that on the islands of Palmerston, Nassau, and Manuae, if the Chief Electoral Officer so directs, the poll shall commence at nine o'clock in the forenoon and shall close at one o'clock in the afternoon of the same day.]

The second proviso was added by s.4, Electoral Amendment Act 1971-72.

This section does not apply to postal voting. See s.73K (1), post.

44. Ballot boxes to be kept locked - The presiding officer shall, before the opening of the poll and in the sight of any scrutineers present, see that the ballot box is empty, and shall close and lock it and retain the key in his possession, and the ballot box shall not again be opened till after the close of the poll.

This section does not apply to postal voting. See s.73K(1), post. As to ballot boxes in such cases, see. s.73H.

45. Persons not be remain in booth - (1) Not more than so many voters as the presiding officer determines from time to time shall be allowed in a polling booth at one and the same time, and not more than one voter shall be allowed in any compartment at one and the same time.

(2) No person shall be allowed to remain in any polling booth after having recorded his vote, except the presiding officer and his clerks, any of the scrutineers, and as many constables as the presiding officer thinks necessary to keep the peace.

This section does not apply to postal voting. See s.73K(1), post.

46. Voters not to be spoken to in booth - (1) Except as provided in this Act, no scrutineer or other official or unofficial person shall speak to any voter in a polling booth either before or after the voter has given his vote, except the presiding officer (with an interpreter, if necessary) [or poll clerk], who may give such general directions as may assist any voter in giving his vote.

(2) Every person who offends against this section commits an offence, and is liable to a fine not exceeding \$40, and may be at once removed from the booth by order of the presiding officer.

The words "a poll clerk" were inserted in subs.(1) by s.6, Electoral Amendment Act 1976.

This section does not apply to postal voting. See s.73K(1), post.

47. Issue of voting papers - (1) Every person proposing to vote shall inform the presiding officer of his name, and the constituency in which he proposes to vote, and the presiding officer, having satisfied himself that that person is entitled to vote and has not already voted, shall issue to him one appropriate voting paper.

(2) The presiding officer may, and if so required by any scrutineer shall, before issuing any voting paper, put the following questions to any person proposing to vote:

(a) Are you the person whose name appears as
A.B. on the roll for the (Name)
constituency?

(b) Are you 18 years of age or over?

(c) Are you still possessed of the qualification
in respect of which you are registered?

(d) Have you already voted at this election?

(3) Any person to whom those questions are put, who does not answer the same, or does not answer the first three in the affirmative and the fourth in the negative, shall not be permitted to vote.

(4) Before giving any voting paper to a voter, the presiding officer shall, unless a consecutive number has been printed on the ballot paper and on the counterfoil, enter on both the counterfoil and the top-right hand corner of the back of the voting paper a number (called a consecutive number) beginning with the number 1 in the case of the first voting paper issued by him to an elector of the constituency; and on all succeeding voting papers issued by him the numbers shall be consecutive, so that no two voting papers issued in the same polling booth shall bear the same number. He shall then firmly fix a piece of gummed paper over the consecutive number on the voting paper so as to conceal it effectively or take such other steps as he may deem necessary for the effective concealing of

the consecutive number; on the counterfoil of the voting paper he shall also write his initials, and the number appearing on the relevant roll against the name of the elector to whom the voting paper is to be given; on both the counterfoil and the voting paper he shall place his official mark, and then draw a line in pencil or ink through the number and name of the voter on the roll as evidence that the voter has applied for and has received a voting paper.

(5) Every presiding officer who fails faithfully to perform any duty imposed on him by this section by reason whereof any of the requirements of this section are not effectively fulfilled commits an offence, and is liable to a fine not exceeding \$20:

Provided that, in so far as relates to the duty of concealing the consecutive number of the voting paper by gum or other effective means, it shall be a sufficient defence if he satisfies the Court that he took all reasonable precautions to secure the same.

This section does not apply to postal voting.
See s.73K(1), post.

[47A. Votes by declaration - (1) Any registered elector, not being able to find his name on the roll, may complete a declaration in form 11A, and on receiving such a declaration the Presiding Officer shall issue to the elector:-

- (a) An ordinary voting paper; and
- (b) An envelope marked "Vote by Declaration", and addressed to the Returning Officer in charge.

(2) The applicant shall then proceed into the compartment provided and alone and secretly on the voting paper indicate the candidate for whom he desires to vote, place the voting paper duly folded into the envelope, and return the envelope to the Presiding Officer.

(3) The Presiding Officer shall attach declaration 11A to the outside of the returned envelope and retain all such envelopes with declarations in his possession until after the preliminary count of votes and shall forward the envelopes, unopened, and accompanied by their respective declaration forms, to the Returning Officer.

(4) The Returning Officer shall then forward the declaration forms, to the Registrar of Electors for the constituency, and the Registrar after due enquiry shall satisfy himself whether the person casting the vote is a registered elector. The Registrar shall then take the following action:

- (a) If the person is a registered elector the Registrar shall endorse on the declaration form the name of the person as entered on the electoral roll, and also the word "qualified";
- (b) If the person is not a registered elector of the constituency in which he voted the Registrar of Electors shall endorse on the declaration the words "not qualified".

(5) The Returning Officer shall disallow any vote the declaration for which has been endorsed "not qualified" and the same shall be disposed of in accordance with the provisions of section 61 of this Act.



(4) The presiding officer shall make up into separate packets, and any presiding officer other than the Returning Officer in charge shall deliver to the Returning Officer in charge as soon as practicable after the close of the poll, all spoilt voting papers returned to him at the polling place at which he presided.

(5) The provisions of subsections (1), (2) and (3) of section 61 hereof, providing for the disposal of voting papers, shall apply with respect to the disposal of all such spoilt voting papers.

50. Blind or disabled voters - (1) If any voter is blind, or is unable to read or write (whether because of physical handicap or otherwise), and so desires, the presiding officer shall, together with any scrutineers present not exceeding two, and if necessary an interpreter, retire with the voter into the inner compartment and there make up the voting paper according to the instruction of the voter, and the presiding officer shall sign his own name at the foot thereof.

(2) If any elector is precluded by reason of illness or infirmity from attending at any polling booth, the Returning Officer in charge shall make such arrangements as are in his opinion reasonably practicable to enable the voter, if he so desires, to vote:

Provided that every person present when an elector so votes shall refrain from making himself acquainted with the vote given by the elector, and shall not in any way attempt to influence or interfere with the elector in the exercise of his vote or allow any person to see or become acquainted with the elector's vote or to assist the elector to vote or to interfere in any way with the elector in relation to his vote.

This section does not apply in the case of postal voting. See s.73K(1), post. For the procedure in such cases, see s.73D(2).

51. Adjournment and advancement of poll - (1) Where the polling at any place cannot commence or has to be suspended (whether by reason of riot or natural disaster or any other cause) the presiding officer shall adjourn the taking of the poll at that polling place from time to time until the poll can be taken, and shall give public notice of any such adjournment.

(2) Where the Returning Officer in charge expects that a substantial number of voters will be absent from the constituency on election day for the purpose of a Tere party or otherwise, the Returning Officer may, with the approval of the Chief Electoral Officer fix a day for taking the poll in that constituency or in any polling place or places within that constituency earlier than the day fixed for the election, and in that event, notwithstanding anything to the contrary in this Part of this Act, the Returning Officer in charge shall take the poll on the earlier day so fixed, but shall retain in his custody the ballot boxes duly locked, and shall not open them, until after the hour of six o'clock in the afternoon on the day fixed for the election.

This section does not apply to postal voting. See s.73K(1), post.

[52A. Special votes in advance - (1) Any registered elector who, having applied for a special certificate pursuant to section 52 of this Act may deliver that special certificate to the Returning Officer or Assistant Returning Officer of any constituency and apply to vote in advance of poll.

(2) Where the Returning Officer is satisfied that that person will be outside [the constituency for which he is registered] on polling day he shall proceed to issue a vote in advance of poll in accordance with subsections (2), (3), (4), and (5) of section 53 of this Act.

[(3) Notwithstanding anything in this Act, the Chief Electoral Officer may, at his discretion, allow registered electors of the Takitumu or Ngatangia or Matavera or Ruaau or Murienua Constituency to cast votes in advance in the Avatiu-Ruatonga or Nikao-Panama or Tupapa-Maraerenga or Takawaine-Tutakimoa Constituency without having applied for a special voter's certificate.]

(4) Each Returning Officer shall make up into a packet all such voting in advance envelopes received by him and shall send them unopened to the Chief Electoral Officer.

(5) The Chief Electoral Officer may, at his discretion, forward the votes in advance taken outside the constituency to the Returning Officer of the constituency for which they were cast, or if the Chief Electoral Officer is satisfied that there is insufficient communication and that the votes were cast in accordance with the provisions of this Act, he may transmit the number of votes in advance received by each candidate to the Returning Officer who shall include these numbers in his report to the Chief Electoral Officer made in accordance with subsection (1) of section 58 of this Act.]

Section 52A was inserted by s.9, Electoral Amendment Act 1976.

The words in square brackets in subs.(2) were substituted for the words "the Cook Islands" by s.2, Electoral Amendment Act 1982.

Subsection (3) was substituted for the original subsection by s.2, Electoral Amendment Act 1982.

This section does not apply to postal voting.
See s.73K(1), post.

53. Voting in advance of poll - (1) Any registered elector of any constituency who is entitled to vote as a special voter may, instead of applying for a certificate pursuant to section 52 subsection (2) hereof, vote in advance of polling day as provided herein.

(2) Application for leave to vote in advance shall be made to the Returning Officer in charge of the roll on which the elector is registered, at any time during office hours not earlier than three clear working days after nomination day and not later than the day immediately ceding the day fixed for taking the poll.

(3) Every applicant shall sign and deliver to the Returning Officer in charge a declaration in form 12 and the Returning Officer, if satisfied that the application is made in good faith, shall issue to the applicant:

- (a) A voting paper; and
- (b) An envelope marked "Vote in Advance of Poll" and addressed to the Returning Officer in charge.

(4) Before giving the voting paper to the applicant, the Returning Officer shall proceed as provided in section 47 hereof:

Provided that he shall also enter the date of voting in advance on the counterfoil and the top right-hand corner of the voting paper, and also against the name of the applicant on the roll.

(5) The applicant shall then alone and secretly on the voting paper indicate the candidate for whom he desires to vote, place the voting paper duly folded in the envelope, and deliver the envelope, after sealing it, to the Returning Officer.

(6) The Returning Officer shall hold for production on polling day the sealed envelope, together with the declaration form on which the consecutive number shall be entered, and shall be personally responsible for their safe custody.

(7) On polling day the Returning Officer shall open all envelopes so held by him, extract therefrom any voting papers, and deposit the voting papers, without unfolding them, in the ballot box.

(8) Any person who, with intent to offer to vote more than once at the same election, after having applied for a certificate enabling him to vote as a special voter pursuant to section 52 hereof, applies for leave to vote in advance of polling day or, after having voted in advance of polling day, applies for a certificate as a special voter, commits an offence and is liable to imprisonment for a term not exceeding three months.

The word "hereof" was omitted from subs.(3) by s.2, Electoral Amendment Act 1982.

The words "or candidates" were omitted from subs.(5) by s.2, Electoral Amendment Act 1982.

This section does not apply to postal voting. See s.73K(1), post.

54. Procedure after close of poll - The presiding officer shall, as soon as practicable after the close of the poll, make up into packets the copy of the roll on which the fact of any person having received a voting paper has been noted pursuant to section 47 subsection (4) hereof and any certificates and declarations delivered to him under sections 52 and 53 hereof, together with all the corresponding counterfoils of voting papers that have been issued to voters, and those packets shall be marked "Ordinary" or "Special" or "Polling in Advance", as the case may be, and sealed by him in the sight of such of the scrutineers as are present.

This section does not apply to postal voting. See s.73K(1), post. For the procedure in the case of postal voting, see s.73I.

55. Preliminary count of votes - (1) The presiding officer shall then in the sight of such of the scrutineers as are present, poll clerks (if any), and the Returning Officer, (should he choose to be present), but of no other person, open the ballot boxes, and, taking therefrom all the voting papers and setting aside as informal all voting papers which do not clearly indicate the candidate for whom the voter desired to vote, shall proceed to ascertain the number of votes recorded for each candidate.

(2) Immediately after ascertaining the number of ordinary votes (including votes in advance) recorded for each candidate, the presiding officer shall announce the result of the voting at the polling place at which he presides, and any presiding officer other than the Returning Officer in charge shall forthwith transmit those numbers to the Returning Officer in Charge, who shall make up and announce the total number of votes received by each candidate.

(3) Every Returning Officer in Charge shall forthwith report any result transmitted to him by any presiding officer and the total number of votes received by each candidate to the Chief Electoral Officer, who shall announce that total number.

[(4) Any envelope marked special vote received by the presiding officer shall be sent unopened to the Returning Officer who shall open the envelope and transmit the vote to the Chief Electoral Officer, who shall announce the number of special votes as soon as collected and add to the total number of votes received by the candidate for whom they are recorded.]

The words "or candidates" were omitted from subs.(1) by s.2, Electoral Amendment Act 1982.

Subsection (4) was substituted for the original subsection by s.6, Electoral Amendment Act 1971-72.

This section does not apply to postal voting." See s.73K(1), post. For the preliminary count of the votes in such cases, see s.73I(3).

56. Voting papers to be secured - (1) Immediately after ascertaining the number of votes received by each candidate, the presiding officer shall make up into packets all the voting papers used by him at the polling place at which he presided; and shall seal the same, mark every packet "Ordinary" or "Special" or "Polling in Advance", as the case may be, and endorse it with the name of the polling place and the date of the polling, and that endorsement shall be signed by the presiding officer.

(2) Each presiding officer other than the Returning Officer in charge shall deliver the said packets to the Returning Officer in charge, together with the packets prescribed in section 54 hereof, and on delivery of any such packet the Returning Officer in charge shall issue a receipt in writing therefor.

[(3)(a) Each Returning Officer shall make up into a packet all special voting papers received by him and shall forward them to the Chief Electoral Officer..

(b) The Chief Electoral Officer may, at his discretion, forward the special votes on to the Returning Officer of the constituency for which they were cast, or if the

Chief Electoral Officer is satisfied that there is insufficient communication, and that the votes were cast in accordance with the provisions of this Act, he may transmit the number of special votes received by each candidate to the Returning Officer who shall include those numbers in his report to the Chief Electoral Officer made in accordance with subsection (1) of section 58 of this Act.

(c) Where the special votes received and dealt with by the Chief Electoral Officer pursuant to subsection (4) of section 55 of this Act are not forwarded to the Returning Officer, the Chief Electoral Officer shall dispose of the special voting papers, certificate and counterfoils as provided in subsection (1) of section 61 of this Act.]

Subsection (3) was added by s.7, Electoral Amendment Act 1971-72.

Subsections (1) and (2) do not apply to postal voting. See s.73K(1), post.

57. Scrutiny of the rolls - (1) The Returning Officer in charge shall make arrangements for a scrutiny of the rolls as soon as practicable after the close of the poll, and shall give notice in writing to each of the candidates or their scrutineers of the time and place at which he will commence the scrutiny.

(2) No person other than the Returning Officer in charge and his assistants, the presiding officers, [the Chief Electoral Officer,] and one person appointed as scrutineer by each candidate for the purpose, shall be present at the scrutiny; and, so far as not otherwise provided in this Act, the scrutiny shall be carried out in the sight and hearing of such of the said persons as choose to be present.

(3) The Returning Officer in charge shall compare one with another all the copies of rolls on which the fact of any person having received a voting paper [or of having exercised a postal vote] or of any certificate having been issued to a special voter has been noted.

[(4) If on that comparison it appears that the same person -

- (a) Has received more than one ordinary or special voting paper; or
- (b) Has exercised a postal vote and has also received one or more voting papers at any polling place or places, -

the Returning Officer in charge -

- (c) Shall open the packets of voting papers used at the several polling places at which that person appears to have received a voting paper, or, as the case may be, the packet of postal voting papers and the packets of voting papers used at the polling place or places at which that person appears to have received a voting paper; and

- (d) Shall select therefrom the voting papers which from their numbers appear to have been issued to that voter; and

- (e) If it appears that the voter has voted more than once, shall disallow every vote appearing to have been given by the voting papers so selected.]

(5) Upon and after the opening of those packets, the Returning Officer in charge shall abstain from inspecting any voting papers in the several packets so opened (other than the voting papers selected therefrom), except their consecutive numbers, and shall take care that the faces of the same are not seen by any person present.

(6) When the Returning Officer in charge has selected from any packet all the voting papers he is required by this section to select therefrom, he shall forthwith close and seal up that packet, and shall endorse thereon a memorandum of the fact of the voting papers having been selected from the packet, specifying the same by the name of the person to whom the same appear to have been delivered, and shall sign the endorsement with his name.

(7) The Returning Officer in charge shall set aside all voting papers selected by him from any packet, as herein provided, and shall seal up the same in a separate packet and shall endorse the same with a description of the contents thereof, and shall sign the endorsement with his name.

The words "the Chief Electoral Officer" were inserted in subs.(2) by s.10, Electoral Amendment Act 1976.

The words "or having exercised a postal vote" were inserted in subs.(3) by s.2, Electoral Amendment Act 1982.

Subsection (4) was substituted by s.2 of the Electoral Amendment Act 1982.

58. Counting of votes - (1) On completion of the scrutiny of the rolls under section 57 hereof, the Returning Officer in charge, with such assistance as he deems necessary, and in the presence of such persons as had been admitted to attend at the scrutiny and choose to be present, shall open all the packets of voting papers used at the election other than the separate packet mentioned in section 57 [section (7)] hereof, and setting aside all informal papers, shall ascertain and report to the Chief Electoral Officer the total number of votes received by each candidate at the election and the [name of the candidate who has] received the highest number of votes.

(2) Where there is an equality of votes between candidates the Returning Officer in charge, in the presence of the persons referred to in subsection (1) of this section, shall determine by lot which candidate shall be so reported.

(3) For the purpose of this Act a voting paper shall be deemed to be informal -

(a) If it does not bear the official mark and there is reasonable cause to believe that it was not issued to a voter by the presiding officer [or, in the case of a postal voting paper, it was not issued by the Returning Officer]; or

(b) If anything not authorised by this Act is written or marked thereon by which the voter can be identified; or

61. Disposal of voting papers, etc. - (1) As soon as practicable after the scrutiny of the rolls, the Returning Officer in charge shall make up into one packet all the packets of counterfoils, voting papers, certificates, and declarations[s] used or delivered at the election, and shall seal the packet and endorse it with a description of its contents and the date of the polling, and shall sign that endorsement, and shall transmit the packet to the Chief Electoral Officer, who shall deposit all packets so received with the Registrar of the High Court.

(2) The Registrar of the High Court shall note on each packet the date of receipt thereof and keep the same for six months thereafter, and shall not open the packet or permit the same to be opened, except on the order of the High Court, and shall at the end of six months effectually destroy the same.

(3) Every person who opens any such packet or destroys the same or any of the contents thereof, except as provided in this section, commits an offence, and is liable to a fine not exceeding \$100.

(4) All copies of the roll, on which the fact of any person having received a voting paper [or having exercised a postal vote] has been noted shall be forwarded by the Returning Officer in Charge through the Chief Electoral Officer to the Registrar of the High Court, and shall be retained by the Registrar until the close of the next succeeding general election.

The letter "s" in square brackets in subs.(1) was added to correct an obvious error.

The words "or having exercised a postal vote" were inserted in subs.(4) by s.2, Electoral Amendment Act 1982.

62. Safe custody of voting papers, etc. - (1) Every presiding officer (other than the Returning Officer in charge) shall be personally responsible for the safe custody of all voting papers and other documents used or delivered at the polling booth at which he presides from the time each voting paper was placed in the ballot box by the voter or any other document was delivered to the presiding officer, until all packets have been delivered to the Returning Officer in charge as prescribed by section 56 hereof.

(2) In like manner the Returning Officer in charge shall be personally responsible for the safe custody of all voting papers and other documents used or delivered at the polling booth at which he presides until the same have been dealt with in the manner prescribed in section 61 subsection (1) hereof, and also for the safe custody of all packets for which he has given a receipt pursuant to section 56 subsection (2) hereof, until the same have been dealt with by him as aforesaid.

(3) Every electoral officer who on any inquiry under Part VI of this Act is reported by the High Court as having failed to take reasonable steps to secure the safe custody of all voting papers for which he is responsible, with the result that any such voting paper was removed from his custody, commits an offence, and is liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding six months.

63. Maintenance of order at elections - (1) Every presiding officer shall have power to enforce order and keep the peace at any election, and may, without other warrant than this Act, cause to be arrested and taken before a Judge

of the High Court any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions the presiding officer is authorised to put or who attempts to impersonate any voter or to vote more than once at the same election, or who obstructs the approaches to any polling booth, or who otherwise behaves in a disorderly manner or causes disturbances at any election; and all constables shall aid and assist the presiding officer in the performance of his duty.

(2) If the proceedings at any polling booth are interrupted or obstructed by riot or violence, the presiding officer may adjourn the polling at that booth to the following day, and if necessary, may so adjourn the polling from day to day till the riot ceases, when he shall again proceed therewith.

The words "or Commissioner" were omitted from subs. (1) by s.2, Electoral Amendment Act 1982.

64. Disclosing state of poll - Every electoral officer, scrutineer, or other person commits an offence, and is liable to a fine not exceeding \$100, who makes known the state of the poll, or gives or pretends to give any information by which the state of the poll may be known, before the close of the poll, or who makes known for which candidate any voter has voted.

[65. Interfering with or influencing voters - (1) Every person commits an offence and shall be liable on conviction to a fine not exceeding one hundred dollars who at an election -

(a) In any way interferes with any elector, either in the polling booth or while on his way thereto, with the intention of influencing him or advising him as to his vote:

[[(aa) In any way interferes with an elector who has received a postal voting paper with the intention of influencing him or advising him as to his vote:]]

(b) At any time on polling day before the close of the poll in or in view of hearing of any public place holds or takes part in any demonstration or procession having direct or indirect reference to the poll by any means whatsoever:

(c) At any time on polling day before the close of the poll makes any statement having direct or indirect reference to the poll by means of any loudspeaker or public address apparatus:

(d) At any time on polling day before the close of the poll, or at any time on any of the three days immediately preceding polling day, prints or distributes or delivers to any person anything being or purporting to be an imitation of any ballot paper to be used at the poll and having thereon the names of the candidates or any of them, together with any direction or indication as to the candidate for whom any person should vote, or in any way containing any such direction or indication, or having thereon any matter likely to influence any vote:

(e) At any time on polling day before the close of the poll exhibits in or in view of any public place, or publishes or distributes, or broadcasts any

statement advising or intended or likely to influence any elector as to the candidate or party for whom he should vote:

Provided that this paragraph shall not apply to any statement in a newspaper published before six o'clock in the afternoon of the day before polling day:

Provided also that where any statement is so exhibited before polling day in a fixed position not in view of a polling place it shall not be an offence to leave it so exhibited on polling day:

Provided further that the Returning Officer may at any time on polling day cause to be removed or obliterated any statement to which this paragraph applies which is exhibited within half-a-mile of a polling place, and may recover all expenses incurred in so doing from the persons by whom or by whose direction the statement was exhibited, as a debt due by them jointly and severally to the Crown.

- (f) At any time on polling day before the close of the poll prints or distributes or delivers to any person any card or paper (whether or not it is an imitation ballot paper) having thereon the names of the candidates or any of them:
- (g) Exhibits or leaves in any polling booth any card or paper having thereon any direction or indication as to how any person should vote or as to the method of voting:
- (h) At any time on polling day before the close of the poll, within, or at the entrance to, or in the vicinity of, any polling place -
 - (i) Gives or offers to give any persons any written or oral information as to any name or number on the main roll or any supplementary roll being used at the election:
 - (ii) Permits or offers to permit any person to examine any copy of the main roll or any supplementary roll being used at the election.

(2) It shall not be an offence against this section for any person to wear or display (whether on his person or not) any party emblem.

(3) Nothing in this section shall apply to any official statement or announcement made or exhibited under the authority of this Act.]

This section was substituted for the original s.65 by s.8, Electoral Amendment Act 1971-72.

Paragraph (aa) was inserted in subs.(1) by s.2, Electoral Amendment Act 1972.

66. Publishing defamatory matter - Every person commits an offence, and is liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding three months, who, at any time after public notice has been given pursuant to this Part of this Act of any election and before the close of the poll, publishes, or exposes, or causes to be published or exposed, to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector.

67. Offences in respect of voting papers and ballot boxes -

(1) Every person commits an offence and, being a person appointed in connection with the holding of an election under this Part of this Act, is liable to imprisonment for a term not exceeding one year or, being any other person, is liable to imprisonment for a term not exceeding six months, who -

- (a) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys any voting paper or the official mark of any voting paper; or
- (b) Without due authority supplies any voting paper to any person; or
- (c) Puts into any ballot box any paper other than the voting paper that he is authorised by law to put therein; or
- (d) Obtains possession of or has in his possession any voting paper other than the one given him by the presiding officer [or, in the case of a postal voting paper, sent to him by the Returning Officer] for the purposes of recording his vote, or retains in his possession any voting paper after leaving the polling booth; or
- (e) Without due authority destroys, takes, opens or otherwise interferes with any ballot box or box or packet of voting papers then in use for the purposes of the election, or in course of transmission by post or otherwise, or thereafter wherever the same may be kept as a record of the election.

(2) Every person commits an offence, and is liable to imprisonment for a term not exceeding one year, who -

- (a) Votes or offers to vote more than once at the same election; or
- (b) Fraudulently abstracts any voting paper that has been put into the ballot box.

(3) Every person commits an offence, and is liable to a fine not exceeding \$100, who wilfully makes a false answer to any question the presiding officer is authorised to put to him.

The words in square brackets were inserted in para. (d) of subs. (1) by s.2, Electoral Amendment Act 1982.

68. Corrupt practices - Every person is guilty of a corrupt practice, and is liable to imprisonment for a term not exceeding one year, who, in connection with any election, is convicted of bribery, treating, undue influence, or personation as hereinafter defined.

69. Bribery - Every person commits the offence of bribery who, in connection with any election -

- (a) Directly or indirectly gives or offers to any elector any money or valuable consideration or any office or employment in order to induce the elector to vote or refrain from voting; or
- (b) Directly or indirectly makes any gift or offer as aforesaid to any person in order to induce that person to procure or endeavour to procure the return of any candidate or the vote of any elector; or
- (c) Upon or in consequence of any such gift or offer, procures or endeavours to procure the return of any candidate or the vote of any elector; or
- (d) Advances any money to any person with the intent that that money or any part thereof shall be expended in bribery within the meaning of this section; or
- (e) Being an elector, directly or indirectly receives or agrees to receive any gift, money, valuable consideration, office, or employment as aforesaid in return for voting or refraining from voting or for agreeing thereto.

70. Treating - Every person commits the offence of treating who, being a candidate at any election, by himself or any other person on his behalf, corruptly gives or provides any meat, drink, entertainment, or other provision to or for any person for the purpose of procuring his own election or on account of his having been elected or for any other purpose calculated to influence the vote of that person.

71. Undue influence - Every person commits the offence of undue influence, who, by himself or any other person on his behalf, uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm, or loss upon or against any person in order to induce or compel that person to vote or refrain from voting or on account of that person having voted or refrained from voting, or whom by abduction, duress, or any fraudulent device or contrivance in any way interferes with the free exercise of the franchise by an elector.

72. Personation - Every person commits the offence of personation who at any election applies for a voting paper in the name of some other person, living or dead, or of a fictitious person, or who, having voted once at any such election, applies again at the same election for a voting paper in his own name.

73. Secrecy of ballot - (1) Every electoral officer, clerk, scrutineer, interpreter, and constable in attendance at a polling booth shall maintain and aid in maintaining the secrecy of the voting in the booth, and shall not communicate to any person, except for some purpose authorised by law, before the poll is closed, any information likely to defeat the secrecy of the ballot.

(2) No person, except as provided by this Act, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling booth

information as to the candidate for whom any voter in the booth is about to vote or has voted, or communicate at any time to any person any information obtained in a polling booth as to the candidate for whom any voter at the booth is about to vote, or has voted, or as to the number on the back of the voting paper given to any voter at the booth.

(3) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at that counting as to the candidate for whom any vote is given in any particular voting paper.

(4) No person shall, directly or indirectly, induce any voter to display his voting paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has voted.

(5) Every person who offends against this section commits an offence, and is liable to imprisonment for a term not exceeding six months.

[PART VA

[VOTING BY ELECTORS OF OVERSEAS CONSTITUENCY AND BY ELECTORS OF OTHER CONSTITUENCIES WHO ARE OUTSIDE THE COOK ISLANDS

[73A. Voting by postal vote - (1) Any registered elector of the Overseas Constituency may vote at any election held in that constituency by postal vote as provided in this Part of this Act.

(2) As soon as practicable after nomination day, and in any case not later than the fourteenth day before the day fixed for the taking of the poll, the Returning Officer in charge (in this Part of this Act referred to as the Returning Officer) shall forward by post addressed to each elector of the Overseas Constituency at the address shown against that elector's name on the roll, or at his usual postal address if to the knowledge of the Returning Officer that address is different from the address shown on the roll, -

(a) A postal voting paper; and

(b) An envelope marked 'Postal Vote' and stamped and addressed to the Returning Officer.

(3) Every such envelope shall, in addition to the address of the Returning Officer, bear on its face the consecutive number of the voting paper and the number of the elector's name on the roll.

(4) Before forwarding any postal voting paper to any elector, the Returning Officer -

(a) Shall, unless a consecutive number has been printed on the voting paper and on the counterfoil, enter on both the counterfoil and the top right-hand corner of the back of the voting paper a number (called a consecutive number) beginning with the number 1 in the case of the first voting paper forwarded by him to an elector of the constituency; and on all voting papers forwarded by him to electors of the constituency the numbers shall be consecutive so that no two voting papers forwarded to electors shall bear the same number; and

- (b) Shall then firmly fix a piece of gummed paper over the consecutive number on the voting paper so as to conceal it effectively or take such other steps as he considers necessary for the effective concealing of the consecutive number; and
- (c) Shall on the counterfoil of the voting paper also write his initials and the number appearing on the roll against the name of the elector to whom the voting paper is to be forwarded; and
- (d) Shall on both the counterfoil and the voting paper place his official mark; and
- (e) Shall indicate on a copy of the roll, by appropriate words, abbreviations, or marks, against the number and name of the elector on the roll, the fact that a postal voting paper has been forwarded to the elector. The copy of the roll used for postal voting shall be separate from any other roll used at the election.

[73B. Right of elector to vote as ordinary voter - (1) Notwithstanding anything in section 73A of this Act, the Returning Officer may, under section 36 of this Act, appoint any place or places in the Overseas Constituency as a polling place or places at which electors of that Constituency who have not already voted by postal vote may vote as ordinary voters instead of by postal vote and at which electors of a constituency in the Cook Islands who are in the Overseas Constituency on polling day may vote as special voters.

(2) The Returning Officer shall provide voting papers in form 8 for use by voters of the Overseas Constituency voting at a polling place appointed under this section.

(3) Every polling place appointed under this section shall be open for voting at 9 o'clock in the forenoon of the day in the place where that polling booth is situated that corresponds to election day in the Cook Islands, and shall close at 6 o'clock in the afternoon of the same day.

[73C. Form of postal voting paper - Every postal voting paper shall be in form 8B.

[73D. Method of voting - (1) On receipt by him of a postal voting paper forwarded by the Returning Officer, the elector shall alone and secretly exercise his vote in accordance with the instructions on the voting paper and in accordance with any additional instructions that the Returning Officer may consider it advisable to give to the elector.

- (2) Where any voter -
 - (a) Is wholly or partially blind; or
 - (b) Is unable to read or write (whether because of physical handicap or otherwise); or
 - (c) Is not sufficiently familiar with the English language to vote without assistance, and the Returning Officer has not included with the voting paper a translation of the 'Directions to Voter' section of the voting paper into another language with which the voter is sufficiently familiar to enable him to vote without assistance,

the voting paper may be marked by the voter with the assistance of an elector of the Overseas Constituency, or may be marked by an elector of that constituency in accordance with the instructions of the voter:

Provided that every person present when an elector so votes shall refrain from making himself acquainted with the vote given by the elector, and shall not in any way attempt to influence or interfere with the elector in the exercise of his vote or allow any person to see or become acquainted with the elector's vote or to assist the elector to vote or to interfere in any way with the elector in relation to his vote.

[73E. Return of voting papers to Returning Officer - After the vote of an elector has been exercised as provided in section 73D of this Act, the elector shall enclose the voting paper in the envelope addressed to the Returning Officer, and shall by hand or post deliver that envelope to the Returning Officer at the address shown on the envelope referred to in section 73A(2)(b) of this Act.

[73F. Voting papers to be returned before close of voting - (1) No postal voting paper shall be valid unless it is received by the Returning Officer before the close of voting, being the hour of 6 o'clock in the afternoon of the day in New Zealand that corresponds to polling day in the Cook Islands.

(2) Before placing in the ballot box pursuant to section 73H of this Act an envelope containing a postal vote received by him before the close of voting, the Returning Officer shall draw a line in pencil or ink through the number and name of the elector on the roll as evidence that the elector has exercised a postal vote.

[73G. Voting papers returned after close of voting to be marked - Any envelope containing a postal voting paper received after the close of voting by the Returning Officer shall be marked 'Received after the close of voting' and shall be signed by the Returning Officer and marked with his official mark and shall be set aside unopened.

[73H. Ballot box - (1) The Returning Officer shall provide in his office a locked ballot box, which shall be separate from any other ballot box used by him at that election, and shall forthwith place unopened in that ballot box all envelopes containing postal votes received by him before the close of voting. The ballot box shall not be opened until after the close of voting.

(2) The ballot box containing envelopes received by the Returning Officer before the close of voting shall, except during ordinary office hours, be kept by him in a locked and fireproof room or in a fireproof container in a locked room.

[73I. Procedure after close of voting - (1) After the close of voting, the Returning Officer and such members of his staff as are authorised by him shall open the ballot box referred to in section 73H of this Act and extract the envelopes.

(2) Each envelope shall be opened and the voting paper extracted therefrom, and the envelope shall be placed on one side.

(3) When all the envelopes have been dealt with, the total number of postal votes recorded for each candidate at the election shall be ascertained and included in the preliminary count of the votes conducted under section 55 of this Act.

(4) The Returning Officer shall, as soon as practicable after the close of the poll, make up into separate packets all the postal voting papers received by him before the close of voting, the copy of the roll on which the fact of any person having been sent a postal voting paper pursuant to section 73A(2) of this Act has been noted, all the corresponding counterfoils of postal voting papers that have been sent to voters, and the envelopes set aside unopened under section 73G of this Act, and those packets shall be marked 'Postal' and sealed by him in the sight of such of the scrutineers as are present, and that endorsement shall be signed by the Returning Officer.

[73J. Safe custody of voting papers, etc - The Returning Officer shall be personally responsible for the safe custody of all postal voting papers and other documents used or received at his office until they have been dealt with in the manner prescribed in subsection (1) of section 61 of this Act.

[73K. Application of Act to postal voting - (1) The following provisions of this Act shall not apply to postal votes and postal voting:

Subsections (2) and (3) of section 39:

Sections 43 to 47:

Section 47A:

Sections 50 to 55:

Subsections (1) and (2) of section 56:

Subsections (1) and (2) of section 63.

(2) Subject to this Part of this Act, and except as provided in subsection (1) of this section, all the provisions of this Act, as far as they are applicable and with any necessary modifications, shall apply to postal voting in the Overseas Constituency.

(3) For the purposes of the application of the provisions of this Act to postal voting in the Overseas Constituency, the office of the Returning Officer shall be deemed to be a polling booth.

[73L. Postal voting by electors of constituencies in Cook Islands temporarily overseas - (1) Any registered elector of a constituency in the Cook Islands who is for the time being outside the Cook Islands may vote by postal vote at any election held in that constituency.

(2) The provisions of this Part of this Act, as far as they are applicable and with any necessary modifications, shall apply in relation to every such elector and to every such election as if -

(a) For the words "at the address shown on that elector's name on the roll or at his usual postal address if to the knowledge of the Returning Officer that address is different from the address shown on the roll" in subsection (2) of section 73A of this Act there were substituted the words "at the address that to the knowledge of the

Returning Officer is for the time being the elector's usual postal address outside the Cook Islands"; and

- (b) There were inserted, in the case of an election in the Island of Manihiki or the Island of Penrhyn or the Islands of Pukapuka and Nassau or the Island of Rakahanga, for the words "the Returning Officer" in subsections (2)(b) and (3) of section 73A, section 73G, subsections (1) and (2) of section 73H, and sections 73I(1) and 73J, the words "Chief Electoral Officer"; and
- (c) For the words "Overseas Constituency" wherever they occur in this Part there were substituted the name of the constituency in which the elector is registered; and
- (d) For section 73E there were substituted the following section:

"74E. In the case of an election in the constituency comprising the Island of Manihiki or the Island of Penrhyn or the Islands of Pukapuka and Nassau, or the Island of Rakahanga -

- (a) After the vote of the elector has been exercised as provided in section 73D of this Act, the elector shall enclose the voting paper in the envelope addressed to the Chief Electoral Officer, and shall by hand or post deliver that envelope to the Chief Electoral Officer at Rarotonga; and
- (b) The Chief Electoral Officer shall take such action as he considers appropriate to ascertain the validity of the vote in accordance with this Part of this Act as if he were the Returning Officer, and, if he allows the vote, shall notify the Returning Officer of that constituency, who shall include the vote in the count of the votes under section 58 of this Act." and
- (e) For subsection (1) of section 73F there were substituted the following subsection:
 - "(1) No postal voting paper shall be valid unless it is received, in the case of an election in the Island of Manihiki or the Island of Penrhyn or the Islands of Pukapuka and Nassau or the Island of Rakahanga, by the Chief Electoral Officer or, in the case of an election in any other constituency in the Cook Islands, by the Returning Officer before the close of voting in the constituency in which the elector is registered."]

Part VA (comprising ss.73A to 73L) was inserted by s.3, Electoral Amendment Act 1982.

PART VI - DISPUTED ELECTIONS

74. Election petitions - (1) Where any candidate and five electors, or where any 10 electors, are dissatisfied with the result of any election held in the constituency for which that candidate is nominated, or in which those electors are registered, they may, within 14 days after the declaration of the result of the election, [or, in the case of an election in the Overseas Constituency, within 21 days after the declaration of the result of the election,] by petition filed in the High Court as hereinafter mentioned, demand an inquiry as to the conduct of the election or of any candidate or other person thereat.

(2) Every such petition shall be accompanied by a deposit of \$20.

(3) The petition shall be in form 13, and shall be filed in the High Court, and shall be heard and determined before a Judge of the High Court.

(4) The petition shall allege the specific grounds on which the complaint is founded, and no grounds other than those stated shall be investigated except by leave of the Judge and upon reasonable notice being given, which leave may be given on such terms and conditions as the Judge deems just:

Provided that evidence may be given to prove that the election of any rejected candidate would be invalid in the same manner as if the petition had complained of his election.

The words in square brackets were inserted in subs.(1) by s.2, Electoral Amendment Act 1982.

75. Candidate may oppose petition - Any candidate may, at any time before the commencement of the inquiry, file in the High Court a notice in writing of his intention to oppose the petition, and thereupon the candidate shall be deemed to be the respondent to the petition.

76. Time for holding inquiry - The inquiry shall be commenced within 14 days after the filing of the petition, [or, in the case of an election in the Overseas Constituency, within 21 days after the filing of the petition,] but not earlier than 14 days after the day on which the poll was closed, and, not less than seven clear days' public notice [or, in the case of an election in the Overseas Constituency, not less than 10 clear days' public notice] shall be given of the time and place at which the inquiry will be held.

The words in the two sets of square brackets were inserted by s.2, Electoral Amendment Act 1982.

77. Powers of Judge on inquiry - For the purpose of the inquiry, the Judge shall have and may exercise all the powers of citing parties, compelling evidence, adjourning from time to time and from place to place, and maintaining order that he would have in his ordinary jurisdiction, and, in addition, may at any time during the inquiry direct a recount or scrutiny of the votes given at the election, and shall disallow the vote of every person who -

- (a) Has voted, not being entitled to vote; or
- [(b) Has voted for more than one candidate.]

Paragraph (b) was substituted for the original paragraph by s.2, Electoral Amendment Act 1982.

78. Certain irregularities to be disregarded - No election shall be declared void by reason of any irregularity in any of the proceedings preliminary to the polling or by reason of any failure to hold a poll at any place appointed for holding a poll, or to comply with the directions contained or incorporated in this Act as to the taking of the poll or the counting of the votes or by reason of any mistake, in the use of the forms contained or incorporated in this Act, if it appears to the Judge that the election was conducted in accordance with the principles laid down in and by this Act and that the irregularity, failure, or mistake did not affect the result of the election.

79. Result of inquiry - (1) The Judge shall determine whether, by reason of some irregularity that in his opinion materially affected the result of the election, the election is void; or whether the candidate whose election is complained of, or any and what other candidate, was duly elected.

(2) The Judge shall cause any determination under this section to be transmitted to the Chief Electoral Officer, who shall forthwith -

- (a) Publicly notify any such determination:
- (b) Where any election is determined to be void, declare the seat vacant pursuant to section 7 hereof:
- (c) Where any other candidate is determined to be elected, declare that candidate to be elected pursuant to section 59 hereof, and revoke any warrant previously issued by him pursuant to that section which is not consistent with the determination.

80. Persons committing irregularities to be prosecuted - Where on any such inquiry the Judge is of the opinion that any irregularity has been wilfully committed by any person, he shall direct the officer in charge of the Police in the Cook Islands to take proceedings for the prosecution of that person, who on conviction shall (unless some other penalty is elsewhere prescribed) be liable -

- (a) To a fine not exceeding \$200, where the irregularity, in the opinion of the Judge, materially affected the result of the election; or
- (b) To a fine not exceeding \$40, where the irregularity did not, in the opinion of the Judge, materially affect the result but defeated the fairness of the election.

81. Costs of inquiry - (1) The Judge may order that the expenses of and incidental to the inquiry shall be borne either by any part[y] to the inquiry, or, where he declares the election void on the ground or partly on the ground of any negligence or misfeasance of any electoral officer or other person exercising any functions at the election under this Act, may order that those expenses or any part thereof shall be

borne by that officer or other person; and that order shall have the same effect and may be enforced in like manner as if it were a judgment for a sum of money obtained in the High Court:

Provided that no such order shall be made against any person other than a party to the inquiry, unless he has been summoned to attend and give evidence at the inquiry.

(2) Subject to any such order, the Judge shall direct that the deposit accompanying any petition shall be returned to the person or persons who paid the same, unless the Judge is of opinion that the petitioners have failed to establish the grounds specified in their petition, or any other grounds investigated by leave of the Judge, in which case the deposit or the surplus remaining after satisfying the order shall be deemed to be forfeited to Her Majesty, and shall form part of the public revenues of the Cook Islands.

The letter "y" in square brackets in subs. (1) was added to correct an obvious error.

[82. Determination of High Court to be final - Every determination or order of the Judge in respect of or in connection with an election petition shall be final and conclusive and without appeal, whether to the Court of Appeal of the Cook Islands or to Her Majesty the Queen in Council or otherwise, and shall not be questioned in any way.]

Section 82 was substituted for the original section by s.6(1), Electoral Amendment Act 1982.

PART VII - MISCELLANEOUS PROVISIONS

83. Notification of bankruptcy and death - (1) The Registrar of the High Court shall forthwith after adjudication as a bankrupt of a member, or after his conviction of an offence under section 86 subsection (2) hereof or of any offence described in paragraph (h) of section 7 subsection (1) hereof, notify the fact to the Chief Electoral Officer.

(2) The Registrar of Deaths by whom the death of any member is registered shall, within one working day of making that registration, notify the fact to the Chief Electoral Officer.

84. Requirement of printing, and improvisation of forms - (1) Any requirement of printing under this Act shall be satisfied by typewriting and any mechanical process of reproducing typewritten copies, and the term "printed" shall, where necessary, be construed accordingly.

(2) Where any form prescribed by or referred to in this Act is not available, a form may be improvised, and any electoral officer using or issuing any such form so improvised shall affix his initials or official mark thereto.

85. Form and transmission of documents - (1) Every person making or giving any claim, application, declaration, or notice under this Act shall sign the same with his own hand, or, if he cannot write, his mark shall be attested by a Police Constable, an officer of the High Court, or any electoral officer.

(2) Save as otherwise provided in this Act, every such document may be delivered to any electoral officer appointed in any constituency for the purpose of this Act, who shall transmit it to the Chief Electoral Officer, the High Court, or the appropriate electoral officer, as the case may be, by mail or telegram as circumstances require, and the expenses of any such transmission of any such bona fide document shall be paid out of the public revenues of the Cook Islands.

86. Offences - (1) Every person commits an offence, and is liable to a fine not exceeding \$40, who -

- (a) Procures himself to be nominated as a candidate for election as a member knowing himself to be incapable under any provision of this Act [or the Constitution] of holding that office; or
- (b) Signs any nomination paper purporting to nominate to that office a person who is, to the knowledge of the person signing, incapable as aforesaid; or
- (c) Signs any nomination paper knowing himself not to be qualified to nominate a candidate.

(2) Every member who sits or votes in [Parliament], being disqualified under any provisions of this Act [or of the Constitution] and knowing himself to be so disqualified, or being liable to have his seat declared vacant under any provisions of this Act [or of the Constitution] and knowing himself to be so liable, commits an offence and is liable to a fine not exceeding \$100 for every day on which he so sits or votes.

[(3) Where any person does or omits to do, outside the Cook Islands, in relation to any election, any act which, if done or omitted within the Cook Islands, would be an offence against this Act, he shall be deemed to have committed that offence in the Cook Islands, and is liable on conviction to the penalty to which he would be liable if the offence had been committed in the Cook Islands.]

The words "or of the Constitution" were inserted in para.(a) of subs.(1) and (in two places) in subs.(2) by s.2, Electoral Amendment Act 1982.

The word "Parliament" was substituted for the words "the Legislative Assembly" by s.17(4), Constitution Amendment (No.9) Act 1980-81.

Subsection (3) was added by s.2, Electoral Amendment Act 1982.

87. General penalty for offences - (1) Every person appointed to carry the provisions of this Act into execution commits an offence, and is liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding one month, who is guilty of any wilful or negligent act of commission or omission contrary to the provisions of this Act in respect of any election, and for which no other penalty is provided by this Act.

(2) Any person who commits a breach of this Act for which no other penalty is provided by this Act, is liable to a fine not exceeding \$100.

88. Discretion of Chief Electoral Officer - Where -

- (a) Any provision of this Act cannot be carried out by reason of lack of communication between any island and the Island of Rarotonga or by reason of an act of God; or
- (b) Anything is omitted to be done or cannot be done at the time required by or under this Act, or is done before or after that time, or is otherwise irregularly done in matter of form, or sufficient provision is not made by or under this Act -

the Chief Electoral Officer may, by public notice, at any time before or after the time within which the thing is required to be done, extend that time, or validate anything so done before or after the time required or so irregularly done in matter of form, or make such other provision for the case as he thinks fit.

[88A. Appropriation of expenses of elections - All sums required to be paid by any Chief Electoral Officer, Deputy Chief Electoral Officer or Registrar for the purposes of this Act shall be paid out of the Cook Islands Government Account without further appropriation than this section.]

Section 88A was inserted by s.13, Electoral Amendment Act 1976.

89. Regulations - (1) The [Queen's Representative] may from time to time by Order in Council make all such regulations as may be deemed necessary or expedient for the purpose of giving full effect to the provisions of this Act and for the due administration thereof.

(2) Regulations made under this section may prescribe for offences against the regulations punishable by a term of imprisonment not exceeding three months or a fine of one hundred dollars or both.

(3) All regulations under this section shall be laid before [Parliament] within twenty-eight days after the date of the making thereof if [Parliament] is then in session and if not shall be laid before [Parliament] within twenty-eight days after the date of the commencement of the next ensuing session.

The words "Queen's Representative" were substituted for the words "High Commissioner" in sub.(1) by s.4(3), Constitution Amendment (No.10) Act 1981

The word "Parliament" was substituted for the words "the Legislative Assembly" in subs.(3) (in three places) by s.17(4), Constitution Amendment (No.9) Act 1980-81.

90. Repeals and savings - (1) The Cook Islands Legislative Assembly Regulations 1965 are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924 (New Zealand) as applied to the Cook Islands pursuant to Section 622 of the Cook Islands Act 1915 as amended by the Cook Islands Amendment Act 1965 it is hereby declared that the repeal or revocation of any provision by this Act shall not affect any document made or anything whatsoever done under the provision so repealed or revoked or under any corresponding former provision and every such document or thing so far as it is subsisting or in force at the time of the

repeal or revocation and could have been made or done under this Act shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

[FIRST SCHEDULE]

Heading substituted by s.2, Electoral Amendment Act 1982.

Sec.11

[FORM 1]

APPLICATION FOR REGISTRATION AS AN ELECTOR

I hereby claim to have my name entered upon the Electoral Roll for the _____ Constituency, and I declare that the answers to the following questions are true and correct in every particular:

1. (a) Your full name.

(Surname) (First name) (Middle name)

- (b) Your father's name:

(Surname) (First name) (Middle name)

- (c) Your husband's name:

(Surname) (First name) (Middle name)

2. Your present occupation: _____

3. Your present residential address:

Tapere or Street: _____
Village, Town, or City: _____

4. (In the case of an application for registration for a constituency in the Cook Islands)

- (a) Have you resided in the Cook Islands throughout the period of 3 months immediately before the making of this application?
- (b) Have you lived at your present address throughout that 3 months period?
- (c) If not, list the addresses, with the length of time, at which you have lived during that 3 month period.

Address	Length of time

FIRST SCHEDULE - CONTINUED

5. Put a cross X in the square which applies to you:

Are you	Are you
Male	Single
Female	Married
	Other

6. Write in these squares:

Your date of birth
(Day) (Month) (Year)
Your age today

7. Are you a Commonwealth citizen?

8. If not, do you have the status of a permanent resident of the Cook Islands?

9. On what grounds do you claim that status?

10. Have you at some time resided continuously in the Cook Islands for not less than 12 months?

11. (Applicable only in case of application for registration in Overseas Constituency) -
- (a) Have you resided outside the Cook Islands throughout the period of 3 months immediately before the making of this application? _____
- (b) How long have you been continuously absent from the Cook Islands immediately before the making of this application? _____
- (c) Were you absent from the Cook Islands for the purpose of undergoing a course of education or of technical training or instruction? _____
If so, how long were you absent for that purpose? _____

Electoral
FIRST SCHEDULE - CONTINUED

- (d) Do you intend to return to the Cook Islands and reside there indefinitely, and have you had that intention ever since you left the Cook Islands? _____
- (e) While you have resided outside the Cook Islands, have you at any time visited the Cook Islands for a continuous period of not less than 3 months? _____

If so, state when you last made such a visit and how long it lasted. _____

Signature of Applicant: _____

Signed and declared by the Applicant this _____ day of _____ 19____

Signature of Witness: _____

Qualification of Witness: _____

(Electoral Officer, Police Constable, Elector, or Minister of Religion)

This form was substituted for form 1 (that form having been previously substituted by s.14(a), Electoral Amendment Act 1976) by s.2, Electoral Amendment Act 1982.

FORM 2

Sec.12(4)

NOTICE OF TRANSFER

To the Registrar for the _____ Constituency.

PLEASE remove from your electoral roll the name of (Surname), (Christian name), (Address on former roll), (Occupation on former roll), as the elector was registered in this constituency on (Date).

Registrar for the _____ Constituency.

FIRST SCHEDULE - CONTINUEDFORM 3

Sec.14(a)

NOTICE OF OBJECTION BY ELECTOR:

To the Registrar for the _____ Constituency.

I, (Name in full), of (Postal address in full), hereby give notice that I object

- * to the registration on any roll of (Name in full), or (Post address in full)
- * to the retention of the name of (Name in full), or (Post address in full), on the roll for the _____ Constituency.

The grounds of my objection are the following:

Dated this _____ day of _____ 19 _____

* Delete words that do not apply.

_____FORM 4

Sec.15(b)

NOTICE OF OBJECTION BY REGISTRATION

To _____

TAKE notice that I object

- * to your registration on any electoral roll
- * to the retention of your name on the roll for the _____ Constituency on the following grounds:

Unless the annexed notice of appeal is signed by you and returned to me within _____ days from this date, your name will be removed from the roll without further proceedings.

Dated this _____ day of _____ 19 _____

Registrar,_____
Constituency.* Delete words that do not apply.

FIRST SCHEDULE - CONTINUEDFORM 5

ELECTORAL ROLL FOR _____ CONSTITUENCY

Roll of Persons Entitled to Vote for [One Representative]
for the _____ Constituency.Number
on roll

Name in full, Residence, Occupation

Registrar.

The words "One Representative" were substituted
for the expression "_____
Representative(s)" by
s.2, Electoral Amendment Act 1982.

Sec. 29(2)(a),
30(2)[FORM 6NOMINATION PAPERTo the Registrar in charge of the Electoral Roll
for the _____ Constituency.

WE, (Name), and (Name), being registered on the Electoral
Roll for the _____ Constituency, hereby nominate
(Name, Residence, Occupation), registered on the Electoral
Roll for the _____ Constituency, with his consent, as
a candidate at the election of a representative for the
_____ Constituency, the holding of which election
is appointed for the _____ day of _____ 19 _____.

Dated this _____ day of _____ 19 _____

A.B.

C.D.

(Full names, residences, and occupations)

CONSENT

(I (Name), hereby consent to the above nomination, *(to
my nomination*) as a candidate at the election of a
representative for the _____ Constituency by A.B.
and C.D.

And I hereby declare that I am registered on the Electoral
Roll for the _____ Constituency.

(Full name, residence, and occupation)

* Delete words that do not apply.]

FIRST SCHEDULE - CONTINUED

Form 6 substituted for form 6 (that form having previously been substituted by s.9, Electoral Amendment Act 1971-72) by s.2, Electoral Amendment Act 1982.

FORM 7

Sec.38(1)

NOTICE OF RETIREMENT OF A CANDIDATE

To the Returning Officer for the _____ Constituency.

I HEREBY give notice that I withdraw my name as a candidate at the election of a representative for the _____ Constituency the holding of which election is appointed for the _____ day of _____ 19_____.

Signature of candidate: _____

Received at the hour of _____ on the _____ day of _____ 19_____.

Returning Officer

for _____ Constituency.

Sec.40(1)

[FORM 8

ELECTION OF REPRESENTATIVE FOR THE

CONSTITUENCY

(Consecutive Number)

VOTING PAPERDirections

Mark a cross in the square opposite to the name of the candidate for whom you desire to vote. You must not vote for more than one candidate.

After voting, fold this paper and place it in the ballot box.

You must not take it out of the polling booth.

FIRST SCHEDULE - CONTINUED

If you spoil this paper, return it to the presiding officer and obtain another.

(Full name)	
(Full name)	
(Full name)	
(Full name)	
(Full name)	

Sec.40(1)

[FORM 8A

ELECTION OF REPRESENTATIVE FOR THE

CONSTITUENCY

(Consecutive Number)

VOTING PAPERDirections

PRINT THE NAME OF THE CANDIDATE FOR WHOM YOU DESIRE TO VOTE

You must not vote for more than one candidate.

After voting, fold this paper and place it in the ballot box.

You must not take it out of the polling booth.

If you spoil this paper, return it to the presiding officer and obtain another.

(Name of Candidate)]

Forms 8 and 8A substituted by s.2, Electoral
Amendment Act 1982.

FIRST SCHEDULE - CONTINUED

Sec. 73C

[FORM 8BELECTION OF REPRESENTATIVE FOR THE
CONSTITUENCY(Consecutive Number)POSTAL VOTING PAPERDirections

Mark a cross in the square opposite the name of the candidate for whom you desire to vote.

You must not vote for more than one candidate.

After voting, fold the voting paper, enclose it in and seal the envelope addressed to the Returning Officer (or, in the case of an election in the Island of Manihiki or the Islands of Penrhyn or the Islands of Pukapuka and Nassau or the Island of Rakahanga, the Chief Electoral Officer), and post the envelope or deliver it by hand to the Returning Officer (or the Chief Electoral Officer) in sufficient time for it to be received by him before the close of voting in your constituency.

(Full name)	
(Full name)	
(Full name)	
(Full name)	
(Full name)	

Form 8B inserted by s.2, Electoral Amendment Act 1982.

FIRST SCHEDULE - CONTINUEDFORM 9

Sec.40[(3)]

COUNTERFOIL OF VOTING PAPER

Consecutive No. _____

To be entered here and also on the top right-hand corner of the voting paper.

Designation of Roll:

No. on Roll:

To be entered here only.

Stamp across the perforation so that the number of the polling place shall appear on) Official both the counterfoil and the voting paper.) Mark.

Initials of Presiding Officer:

.....

The figure in square brackets has been substituted for the figure "(2)" which was an obvious error.

FORM 10

Sec.42

DECLARATION BY RETURNING OFFICER, POLL CLERKS, SCRUTINEERS, AND OTHER OFFICERS

I, A.B., solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers or duties reposed in or required of me by the Electoral Act 1966 and I solemnly promise that I will not, except as provided by the said Act, directly or indirectly disclose any fact coming to my knowledge at any election.

Signature: _____

Declared and signed at _____ this _____ day of _____
19 _____ before me -

Signature: _____

Capacity of witness: _____

FIRST SCHEDULE - CONTINUED

(Form 10 continued)

[NOTE - The witness, in the case of the Returning Officer, must be the Chief Electoral Officer, or a Chief Administration Officer, or a Justice of the Peace, or a police constable. In the case of any other electoral officer or any scrutineer, the witness must be the Chief Electoral Officer, or a Chief Administration Officer, or a Returning Officer, or a Justice of the Peace, or a police constable.]

The note to this form was substituted by
s.2, Electoral Amendment Act 1982.

FORM 11

Sec.52(2)

CERTIFICATE FOR SPECIAL VOTES

To the Returning Officer for the _____
Constituency.

WHEREAS (Name, occupation, address) is an elector
registered on the electoral roll for the _____
Constituency and has duly applied for a certificate
enabling him to vote in the _____
Constituency pursuant to the provisions of section 52
of the Electoral Act 1966.

I HEREBY certify that the said (Name) is entitled to
vote in the _____ Constituency at the
election appointed to be held on the _____ day of
_____ 19 ____.

Dated this _____ day of _____ 19__

Registrar _____

Constituency

FIRST SCHEDULE - CONTINUEDFORM 11A

Sec.47A(1)

DECLARATION BY AN ELECTOR WHOSE
NAME CANNOT BE FOUND UPON THE
ELECTORAL ROLL

I HEREBY declare that to the best of my knowledge and belief the following statements are true:

1. My surname and Christian names are:
Surname _____ Full Christian Name _____
2. My address is _____
3. My occupation is _____
4. I am registered as an elector of the _____ Constituency.
5. I am still possessed of the qualification in respect of which I am registered.
6. I have not already voted at this election.

Signature of Elector _____ Date _____
(Official Mark of Polling Booth)

Form 11A inserted by s.10(b), Electoral Amendment Act 1976.

FORM 12

Sec.53(3)

DECLARATION ON VOTING IN ADVANCE OF POLL

I HEREBY declare that to the best of my knowledge and belief the following statements are true:-

1. My surname and Christian names are:
Surname: _____
Full Christian name: _____
2. My address is: _____
3. My occupation is: _____
4. I am registered as an elector of the _____ Constituency.
5. I am still possessed of the qualification in respect of which I am registered.

FIRST SCHEDULE - CONTINUED

(Form 12 continued)

6. I have not already voted at this election.
7. I have not applied for a certificate as a special voter pursuant to section 52(2) of the Electoral Act 1966.

Signature of elector: _____ Date: _____

Official Mark of
Returning Officer.

FORM 13

Sec. 74(3)

PETITION FOR INQUIRY

IN the matter of an election of members of the [Parliament] of the Cook Islands held on _____, the _____ day of _____ 19____.

To _____ Esquire, Judge of the High Court of the Cook Islands. The Petition of the undersigned, namely, -
(Name, occupation, address), Candidate
(Name, occupation, address), Elector
humbly shows:

1. Your petitioners state that the said election was held on the _____ day of _____ 19____, and that A.B. was declared to be elected as a representative for the _____ Constituency.

2. And your petitioners say that (state the facts and grounds on which the petitioners rely).

Wherefore your petitioners pray that it may be determined that the said A.B. was not duly elected (or that the election was void) (or that (Name) was duly elected, and ought to have been so declared).

Dated at _____ this _____ day of _____ 19____.

Signature: _____

*Delete words that do not apply.

The word "Parliament" was substituted for the words "Legislative Assembly" by s.17(4), Constitution Amendment (No.9) Act 1980-81.

[SECOND SCHEDULE

TEXT OF ARTICLES 27, 28, AND 28B
OF THE CONSTITUTION

Article 27 of the Constitution (as substituted by section 5 of the Constitution Amendment (No.9) Act 1980-81) provides as follows:

27. The Parliament of the Cook Islands - (1) There shall be a sovereign Parliament for the Cook Islands, to be called the Parliament of the Cook Islands.

(2) Parliament shall consist of 24 members, to be elected by secret ballot under a system of universal suffrage by the electors of the following islands or groups of islands or areas and in the following numbers:

- (a) The Island of Aitutaki and the Islands of Manuae and Te-Au-O-Tu, 3 members, being 1 member for each of the 3 constituencies together comprising those islands, having the names and boundaries set out in Part I of the First Schedule to this Constitution:
- (b) The Island of Atiu, 2 members being 1 member for each of the 2 constituencies, having the names and boundaries set out in Part IV of the First Schedule to this Constitution:
- (c) The Island of Mangaia, 3 members, being 1 member for each of the 3 constituencies, having the names and boundaries set out in Part III of the First Schedule to this Constitution:
- (d) The Island of Manihiki, 1 member:
- (e) The Island of Mauke, 1 member:
- (f) The Island of Mitiaro, 1 member:
- (g) The Island of Penrhyn, 1 member:
- (h) The Island of Pukapuka and the Island of Nassau, 1 member:
- (i) The Island of Rakahanga, 1 member:
- (j) The Island of Rarotonga and the Island of Palmerston, 9 members, being 1 member for each of the 9 constituencies together comprising those islands, having the names and boundaries set out in Part II of the First Schedule to this Constitution:
- (k) The Islands comprising New Zealand and all other areas outside the Cook Islands, 1 member (that constituency being hereinafter referred to as the Overseas Constituency).

(3) Subject to this Article and to Articles 28, 28A, 28B, 28C and 28D hereof, the qualifications and disqualification of electors and candidates, the mode of electing members of Parliament, and the terms and conditions of their membership shall be as prescribed by Act.

The First Schedule to the Constitution (as enacted by section 16 of the Constitution Amendment (No.9) Act 1980-81 and amended by section 8 of the Constitution Amendment (No.11) Act 1982) referred to in Article 27(2) provides as follows:

ARTICLE 27 FIRST SCHEDULE

NAMES AND BOUNDARIES OF CONSTITUENCIES TOGETHER COMPRISING THE ISLANDS OF AITUTAKI, MANUAE, AND TE-AU-O-TU, AND THE ISLANDS OF RAROTONGA AND PALMERSTON, AND THE ISLAND OF MANGAIA AND THE ISLAND OF ATIU

PART I

(As substituted by section 8 of the Constitution Amendment (No.11) Act 1982)

CONSTITUENCIES COMPRISING THE ISLANDS OF AITUTAKI, MANUAE AND TE-AU-O-TU

VAIPAE-TAUTU CONSTITUENCY

All that area in the Island of Aitutaki delineated and edged in red on the plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:

- (i) the Avanui Tapere being part of the Avanui District; and
- (ii) the Oako Tapere and Vaipae Tapere of the Vaipae District; and
- (iii) the Mataotane Tapere and Tautu Tapere of the Tautu District; and
- (iv) the motus known as

Angarei	Muritapua
Niura	Rapota
Mangere	Moturakau
Papu	Tekopua
Tavairuaiti	Tapuaetai
Akaiami	Motukitiu

AMURI-UREIA CONSTITUENCY

All that area in the Island of Aitutaki delineated and edged blue on plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:

- (i) the Ureia Tapere being part of the Arutanga District; and
- (ii) the Amuri Tapere and Punganui Tapere of the Amuri District; and

- (iii) the Anaunga Tapere and Punoua Tapere of the Anaunga District; and
- (iv) the Taakarere Tapere and Vaitupa Tapere of the Vaitupa District; and
- (v) the Vaipeka Tapere being part of the Avanui District; and
- (vi) the motu known as Akitua.

ARUTANGA-REUREU-NIKAUPARA CONSTITUENCY

All that area in the Island of Aitutaki delineated and edged green in the plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:

- (i) the Arutanga Tapere, the Reureu Tapere and Nukunoni Tapere being part of the Arutanga District; and
- (ii) the Vaiorea Tapere, the Vaiau Tapere and Taravao Tapere of the Taravao District; and
- (iii) the Islands of Manuae and Te-Au-O-Tu; and
- (iv) the motu known as Maina.

PART II

CONSTITUENCIES COMPRISING THE ISLANDS OF RAROTONGA AND PALMERSTON

NIKAO-PANAMA CONSTITUENCY

All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Pokoinu, Nikao, Puapuaute, Areatu, Kaikaveka, and Atupa, as delineated on plan S.O.1002, deposited in the office of the Chief Surveyor at Rarotonga.

AVATIU-RUATONGA CONSTITUENCY

All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Avatiu and Ruatonga, as delineated on the said plan S.O.1002, together with the Island of Palmerston.

TAKUVAINA-TUTAKIMOA CONSTITUENCY

All that area in the Avarua Survey District in the Island of Rarotonga, comprising the Tapere of Tutakimoa, Tauae, and Takuvaine, as delineated on the said plan S.O.1002.

TUPAPA-MARAERENGA CONSTITUENCY

All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Ngatipa, Vaikai, Tapae-i-uta, Pue, Punataia, Kiikii, and Tupapa as delineated on the said plan S.O.1002.

MATAVERA CONSTITUENCY

All that area comprising the Matavera Survey District in the Island of Rarotonga, as delineated in the said plan S.O.1002.

NGATANGIIA CONSTITUENCY

All that area comprising the Ngatangiia Survey District in the Island of Rarotonga, as delineated on the said plan S.O.1002.

TITIKAVEKA CONSTITUENCY

All that area comprising the Takitumu Survey District in the Island of Rarotonga, as delineated on the said plan S.O.1002.

MURIENUA CONSTITUENCY

All that area in the Arorangi Survey District in the Island of Rarotonga comprising the Tapere of Akaoa, Vaiakura, Kavera, Aroa, and Rutaki, as delineated on the said plan S.O.1002.

RUAAU CONSTITUENCY

All that area in the Arorangi Survey District in the Island of Rarotonga comprising the Tapere of Pokoinu-i-Raro, Tckerau, Inave, and Arerenga, as delineated on the said plan S.O.1002.

PART III

CONSTITUENCIES COMPRISING THE
ISLAND OF MANGAIAONEROA CONSTITUENCY

All that area in the Island of Mangaia comprising the Tapere of Tava'enga, Keia, and Vaitatei, as delineated on plan S.O.1014 deposited in the Office of the Chief Surveyor at Rarotonga.

IVIRUA CONSTITUENCY

All that area in the Island of Mangaia comprising the Tapere of Karanga and Ivirua, as delineated on the said plan S.O.1014.

TAMARUA CONSTITUENCY

All that area in the Island of Mangaia comprising the Tapere of Tamarua, as delineated on the said plan S.O.1014.

PART IV

CONSTITUENCIES COMPRISING THE
ISLAND OF ATIUTENGATANGI-AREORA-NGATIARUA
CONSTITUENCY

All that area in the Island of Atiu bounded by a line commencing at Trig station CB1 and proceeding due west along a right line to the sea-coast; thence generally southerly, easterly, and northerly along the sea-coast to its intersection with a right line bearing of 45° from CB1; thence south-westerly along a right line to the point of commencement, to include the villages of Areora, Tengtangi, and Ngatiaa, as delineated on plan S.O.1015 deposited in the office of the Chief Surveyor at Rarotonga.

TEENUI-MAPUMAI CONSTITUENCY

All that area in the Island of Atiu bounded by a line commencing at Trig station CB1 and proceeding due west along a right line to the sea-coast; thence generally northerly and south-easterly along the sea-coast to its intersection with a right line bearing of 45° from CB1; then south-westerly along that right line to the point of commencement, to include the villages of Teenui and Mapumai; as delineated on the said S.O. Plan 1015.

(Note - Section 17(1) of the Constitution Amendment (No.9) Act 1980-81 provides as follows:

17. The Parliament of the Cook Islands - (1) Notwithstanding the repeal and substitution by section 5 of this Act of Article 27 of the Constitution, and the enactment by that section of Article 28C of the Constitution, -

- (a) Subclause (2) of Article 27 (as so substituted) and the said Article 28C shall not come into force until the date of the first general election of the Parliament of the Cook Islands held after the commencement of this Act, except so far and to such extent as may be necessary to provide for that election; and
- (b) Subclause (2) of Article 27 of the Constitution (as originally enacted) shall continue in force until that date, as if for the words "Legislative Assembly" in that subclause there were substituted the word "Parliament", except so far and to such extent as may be necessary to provide for the said election.)

Article 28 of the Constitution (as substituted by section 5 of the Constitution Amendment (No.9) Act 1980-81) provides as follows:

28. Qualifications of electors - (1) Without limiting the provisions of any law prescribing any additional qualifications not inconsistent with any provision of this Constitution, a person shall be qualified to be an elector for the election of a Member of Parliament for any constituency other than the Overseas Constituency, if, and only if, -

- (a) He is a Commonwealth citizen, or he has the status of a permanent resident of the Cook Islands, as defined by Act; and
- (b) He has been resident in the Cook Islands through the period of three months immediately preceding his application for enrolment as an elector and has not subsequently qualified as an elector under subclause (2) of this Article; and
- (c) He has at some period actually resided continuously in the Cook Islands for not less than 12 months.

(2) Without limiting the provisions of any law prescribing any additional qualifications not inconsistent with any provision of this Constitution, a person shall be qualified to be an elector for the election of a Member of Parliament for the Overseas Constituency, if, and only if, -

- (a) He is a Commonwealth citizen, or he has the status of a permanent resident of the Cook Islands as defined by Act; and
- (b) He has resided outside the Cook Islands throughout the period of 3 months immediately preceding his application for enrolment as an elector; and
- (c) At the date of his application for enrolment as an elector he has been absent from the Cook Islands for a continuous period of not more than 3 years, and has, and has had ever since he left the Cook Islands, an intention to return and reside therein indefinitely; and
- (d) He has at some period actually resided continuously in the Cook Islands for not less than 12 months.

(3) Where any person has ceased to be qualified to be enrolled as an elector for any constituency by reason of his residence outside the Cook Islands for a period of more than 3 years, he shall not be entitled to apply for enrolment as an elector of any constituency unless he has returned to the Cook Islands and has actually resided in the Cook Islands throughout the continuous period of not less than 3 months.

(4) In calculating for the purposes of paragraph (c) of subclause (2) or of subclause (3) of this Article the period for which any person has been outside the Cook Islands -

- (a) Any period for which he has been outside the Cook Islands for the purpose of undergoing a course of education or of technical training or instruction shall be disregarded; and
- (b) His absence from the Cook Islands during any period shall be deemed to be continuous, notwithstanding any visit to the Cook Islands in that period unless during that visit he remained in the Cook Islands for a continuous period of not less than 3 months.

Article 28B of the Constitution (as enacted by section 5 of the Constitution Amendment (No.9) Act 1980-81) provides as follows:

28B. Qualification of candidates - (1) Notwithstanding anything in subclause (2) of this Article, a person shall not be qualified to be a candidate at an election of members of Parliament, if -

- (a) He is not an elector duly enrolled pursuant to the provisions of an Act of Parliament; or
 - (b) He has been adjudicated bankrupt within the meaning of the bankruptcy laws in force in the Cook Islands (whether before or after the commencement of this Article), unless he has obtained an order of discharge; or
 - (c) He has been convicted (whether before or after the commencement of this Article) of any of the offences specified in Part I of the Second Schedule to this Constitution; or
 - (d) He has been convicted (whether before or after the commencement of this Article) of any of the offences specified in Part II of the Second Schedule to this Constitution, unless a period of 5 years has elapsed from the date of his conviction.
- (2) Subject to subclause (1) of this Article, -
- (a) Every person enrolled as an elector of any constituency shall be capable of being elected as a member for that constituency or for any other constituency:

- (b) In the case of any by-election for any constituency, a person shall be capable of being elected as a member for that constituency if he was enrolled as an elector on the roll of any constituency at the preceding general election, and at the time of nomination still possesses the qualifications to be enrolled as an elector.

The Second Schedule to the Constitution referred to in paragraphs (c) and (d) of Article 28B(1) (enacted by section 16 of the Constitution Amendment (No.9) Act 1980-81) provides as follows:

SECOND SCHEDULE

CRIMES DISQUALIFYING FOR ELECTION TO PARLIAMENT

PART I

CRIMES AGAINST THE STATE, AND MURDER, SLAVERY, PIRACY, AND KIDNAPPING

Crimes against the following sections of the Crimes Act 1969:

- Section 75 (treason)
- Section 78 (inciting to mutiny)
- Section 80 (communicating secrets)
- Section 81 (sabotage)
- Section 84 (seditious conspiracy)
- Section 85 (seditious statements)
- Section 86 (publication of seditious documents)
- Section 87 (use of apparatus for making seditious documents or statements)
- Sections 103 and 104 (piracy)
- Section 109 (dealing in persons)
- Section 192 (murder)
- Section 231 (1)(c) (kidnapping)

PART II

CRIMES AFFECTING THE ADMINISTRATION OF LAW AND JUSTICE

Crimes against the following provisions of the Crimes Act 1969:

- Section 111 (judicial corruption)
- Section 112 (bribery of judicial officer)
- Section 113 (bribery and corruption of Minister of the Crown)

SECOND SCHEDULE - continued

- Section 114 (corruption and bribery of Member of Parliament)
- Section 115 (corruption and bribery of law enforcement officer)
- Section 116 (corruption and bribery of official)
- Section 120 (perjury)
- Section 121 (false oaths)
- Section 124 (fabricating evidence)
- Section 126 (conspiring to bring false accusations)
- Section 127 (conspiring to defeat justice)
- Section 128 (corrupting juries and witnesses)

CRIMES INVOLVING DISHONESTY

Crimes against the following sections of the Crimes Act 1969:

- Section 249 (a) and (b) (theft)
- Section 250 (conversion)
- Section 252 (criminal breach of trust)
- Section 256 (robbery)
- Section 257 (aggravated robbery)
- Section 258 (compelling execution of documents by force)
- Section 259 (assault with intent to rob)
- Section 260 (extortion)
- Section 261 (demanding with menaces)
- Section 263 (burglary)
- Section 264 (entering with intent)
- Section 265 (being armed with intent to break and enter)
- Sections 269 (1) and (2) (a) (false pretences)
- Section 271 (personation)
- Section 272 (acknowledging instrument in false name)
- Section 273 (false statement by promoter)
- Section 274 (falsifying accounts relating to public funds)
- Section 275 (false accounting by officer or member of body corporate)
- Section 276 (false accounting by employee)
- Section 278 (issuing false dividend warrants)
- Section 279 (concealing deeds and encumbrances)
- Section 280 (conspiring to defraud)
- Sections 288 to 309, 314, and 315 (forgery, uttering, and counterfeiting offences)]

Second Schedule to Electoral Act 1966 added by s.2, Electoral Amendment Act 1982 (a Second Schedule added by s.3, Electoral Amendment Act 1979 having been repealed by s.23(1)(g), Constitution Amendment (No.9) Act 1980-81)..

ELECTORAL AMENDMENT ACT 1966

1966, No.20

An Act to amend the Electoral Act 1966(25 January 1967)

1. Short Title - This Act may be cited as the Electoral Amendment Act 1966, and shall be read together with and deemed part of the Electoral Act 1966 (hereinafter referred to as "the principal Act").
2. This section amended s.8(b) of the principal Act.

ELECTORAL AMENDMENT ACT 1967

1967; No.13

An Act to amend the Electoral Act 1966(26 October 1967)

1. Short Title - This Act may be cited as the Electoral Amendment Act 1967, and shall be read together with and deemed part of the Electoral Act 1966 (in this Act referred to as the principal Act).
2. Repealed by s.8 (a), Electoral Amendment Act 1982.
3. This section added subs.(5) to s.7 of the principal Act.
4. This section substituted a new subsection for subs.(1) of s.10 of the principal Act.
5. This section amended figures in subss.(1) and (2) of s.28 of the principal Act.
6. This section added subs.(3) to s.39 of the principal Act.
7. (a) This paragraph amended s.40(1) of the principal Act.
(b) This paragraph inserted subs.(1A) in s.40 of the principal Act.
8. Repealed by s.8 (a), Electoral Amendment Act 1982.

ELECTORAL AMENDMENT ACT 1969

1969, No.15

An Act to amend the Electoral Act 1966

(22 December 1969)

1. Short Title and commencement - (1) This Act may be cited as the Electoral Amendment Act 1969, and shall be read together with and deemed part of the Electoral Act 1966 (hereinafter referred to as "the principal Act").

(2) This Act shall come into force on a date to be appointed by the High Commissioner by Order in Executive Council, being a date later than the first day of January 1972 and being a date earlier than nomination day for the first general election after the first day of March 1972.

This Act came into force on 1 March 1972;
see clause 2 of the Electoral Amendment Act 1969
Commencement Order 1972 (S.R.1972/1).

2. This section inserted new sections 6A and 6B in the principal Act.

3. This section added para.(1) to s.7(1) of the principal Act.

4. This section inserted a new section 7A in the principal Act.

ELECTORAL AMENDMENT ACT 1971-72

1971-72, No.11

An Act to amend the Electoral Act 1966

(18 February 1972)

1. Short Title - This Act may be cited as the Electoral Amendment Act 1971-72, and shall be read together with and deemed part of the Electoral Act 1966 (hereinafter referred to as the principal Act).

2. This section amended s.4(1) of the principal Act.

3. This section added subs.(5) to s.29 of the principal Act.

4. This section added a further proviso to s.43 of the principal Act.

5. This section substituted two new subss.(3)(a) and (3)(b) for subs.(3) of s.52 of the principal Act.

6. This section substituted a new subsection for subs.(4) of s.55 of the principal Act.

7. This section added a new subs.(3) to s.56 of the principal Act.

8. This section substituted a new section for s.65 of the principal Act.

9. Repealed by s.8(c), Electoral Amendment Act 1982.

ELECTORAL AMENDMENT ACT 1976

1976, No.11

An Act to amend the Electoral Act 1966

(10 September 1976)

1. Short Title - This Act may be cited as the Electoral Amendment Act 1976, and shall be read together with and deemed part of the Electoral Act 1966 (hereinafter referred to as the principal Act).

2. Repealed by s.8(d), Electoral Amendment Act 1982.

3. This section added subs.(9) to s.12 of the principal Act.

4. This section amended s.28(1) of the principal Act.

5. This section added subs.(6) to s.29 of the principal Act.

6. This section amended s.46(1) of the principal Act.

7. This section inserted s.47A in the principal Act.

8. This section added subs.(5) to s.52 of the principal Act.

9. This section inserted s.52A in the principal Act.

10. This section amended s.57(2) of the principal Act.

11. (a) This paragraph amended s.58(1) of the principal Act.

(b) This paragraph added subs.(4) to s.58 of the principal Act.

12. This section amended s.67(1)(e) of the principal Act.
13. This section inserted s.88A in the principal Act.
14. (a) Repealed by s.8(d) of the Electoral Amendment Act 1982.
(b) This paragraph inserted form 11A in the First Schedule to the principal Act.

ELECTORAL AMENDMENT ACT 1982

1982, No. 7

An Act to amend the Electoral Act 1966

(10 September 1982

1. Short Title and commencement - (1) This Act may be cited as the Electoral Amendment Act 1982, and shall be read together with and deemed part of the Electoral Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the date of the first general election of members of the Parliament of the Cook Islands held after the date on which this Act is assented to by the Queen's Representative, except so far and to such extent as may be necessary to provide for that election.

2. Amendments of principal Act consequential on provisions of Constitution Amendment (No.9) Act 1980-81 and Constitution Amendment (No.10) Act 1981 - The principal Act is hereby amended in the manner specified in the Schedule to this Act.

3. This section inserted Part VA in the principal Act.
4. This section amended s.7(1)(h) of the principal Act.
5. This section amended s.8(b) of the principal Act.
6. This section amended s.35 of the principal Act.
7. (1) This subsection substituted a new section for s.82 of the principal Act.
(2) This subsection amended s.17 of the principal Act.
(3) This subsection amended s.30(4) of the principal Act.
(4) This section substituted a new subsection for s.60(9) of the principal Act.

8. Repeals - The following enactments are hereby repealed:

- (a) Sections 2 and 8 of the Electoral Amendment Act 1967:
- (b) The Electoral Amendment Act 1970:
- (c) Section 9 of the Electoral Amendment Act 1971-72:
- (d) Section 2 and paragraph (a) of section 14 of the Electoral Amendment Act 1976.