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Electoral Act 1986

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Note

Section 282 provides a list of repeals and amendments included in this Act.

This Act is administered by the Ministry of Justice

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An Act to provide for the election of Members of Parliament under a mixed-member proportional electoral system; to establish and maintain electoral rolls; to regulate the registration of political parties; to provide for the conduct of elections and referendums; to establish the Electoral Commission; and for related purposes.

1 Short Title

This Act may be cited as the Electoral Act 1986.

2 Commencement

- (1) This Act comes into force on 1 January 1987.
- (2) Different provisions of this Act may be brought into force on different dates by Order in Council, if so provided.

3 Purpose

The purposes of this Act are—

- (a) to establish a lawful, transparent, and impartial system for the election of Members of Parliament of Square Country;
- (b) to provide for the conduct of elections under a mixed-member proportional electoral system consisting of 13 electorate seats and 13 list seats;
- (c) to ensure that the allocation of list seats is determined by the party vote using the Sainte-Laguë method;
- (d) to provide for the registration and regulation of political parties;
- (e) to establish and maintain electoral rolls;
- (f) to ensure the independence and integrity of the Electoral Commission;
- (g) to promote public confidence in the democratic process; and
- (h) to provide for offences and penalties relating to electoral matters.

4 Act binds the Crown

This act binds the Crown of Square Country

5 Interpretation

- (1) In this Act, unless the context otherwise requires—

“Advance vote” means a vote cast before polling day in accordance with Part 9.

“Ballot paper” means a ballot paper issued to an elector for the purpose of recording—

- (a) an electorate vote; and
- (b) a party vote.

“Boundary Commission” means the Boundary Commission established under Part 5.

“Candidate” means a person nominated under Part 7 as—

- (a) an electorate candidate; or

(b) a list candidate; or

(c) both.

“Chief Electoral Commissioner” means the person appointed under section 18.

“Commission” means the Electoral Commission established under Part 1.

“Elector” means a person whose name lawfully appears on an electoral roll.

“Electoral district” means a district established under Part 5 for the purpose of electing an electorate Member of Parliament.

“Electorate Vote” means the vote cast by an elector for a candidate seeking election as the Member of Parliament for an electoral district.

“General Election” means an election held for all seats in Parliament.

“List candidate” means a candidate included on a party list submitted under Part 4.

“List MP” means a Member of Parliament declared elected under Part 11 as a result of the allocation of list seats.

“List seat” means a seat in Parliament allocated to a political party under Part 11.

“Member of Parliament” means a person declared elected under this Act as—

(a) an electorate MP; or

(b) a list MP.

“Overhang seat” means a seat held by a party in excess of the number of seats to which it is entitled under section 206.

“Party list” means a list of candidates submitted by a registered political party under Part 4.

“Party secretary” means the person appointed by a political party as its secretary for the purposes of this Act.

“Party vote” means the vote cast by an elector for a political party for the purpose of determining the allocation of list seats.

“Polling place” means a place designated under Part 9 for the casting of votes.

“Political party” means an organisation registered under Part 3.

“Returning officer” means a person appointed under section 157 to oversee the conduct of an election in an electoral district.

“Sainte-Laguë method” means the method of allocating seats described in schedule 1.

“Special vote” means a vote cast in accordance with sections 169 to 172.

“Writ” means a writ issued under Part 6 for the purpose of holding an election.

(2) A reference in this Act to the masculine includes the feminine and vice versa.

(3) A reference to the singular includes the plural and vice versa.

(4) Headings are for convenience only and do not affect interpretation.

6 Applications of this Act

(1) This Act applies to all general elections, by-elections, and referendums held after its commencement.

(2) This Act does not apply to local government elections unless expressly provided by another enactment.

7 Principles of electoral administration

In exercising powers and performing functions under this Act, all persons must act in accordance with the following principles—

- (a) **impartiality**: electoral processes must be administered without political bias;
- (b) **transparency**: electoral processes must be open to public scrutiny;
- (c) **integrity**: electoral processes must be conducted honestly and securely;
- (d) **accessibility**: all eligible electors must have a reasonable opportunity to enrol and vote;
- (e) **accuracy**: electoral information must be recorded and maintained correctly; and
- (f) **proportionality**: the allocation of list seats must reflect the party vote as closely as practicable.

8 Crown not liable for certain acts

The Crown is not liable for any act or omission of the Commission, a returning officer, or any other person acting under this Act unless the act or omission was done in bad faith.

9 Protection from personal liability

No person acting under this Act is personally liable for any act done in good faith in the performance of their duties.

10 Relationship with other enactments

- (1) If any provision of this Act conflicts with another enactment, this Act prevails unless the other enactment expressly states otherwise.
- (2) Nothing in this Act limits the powers of the courts to review electoral matters.

Part 1
Electoral Commission

11 Establishment of Electoral Commission

- (1) There is hereby established a body to be known as the **Electoral Commission**.
- (2) The Commission—
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) may acquire, hold, and dispose of property, and
 - (e) may do all things necessary or convenient to be done for or in connection with the performance of its functions.

12 Independence of Commission

- (1) The Commission shall act independently in the performance of its functions.

- (2) No Minister, Member of Parliament, political party, or candidate may direct or attempt to direct the Commission in relation to—
 - (a) the performance of its statutory duties; or
 - (b) the exercise of its powers; or
 - (c) any decision relating to the conduct of an election.
- (3) Any attempt to influence the Commission contrary to subsection (2) constitutes an illegal practice under this Act.

13 Functions of Commission

The functions of the Commission are—

- (a) to conduct all general elections, by-elections, and referendums;
- (b) to maintain and update electoral rolls;
- (c) to register political parties and maintain the Register of Political Parties;
- (d) to receive, examine, and publish party list;
- (e) to allocate list seats in accordance with Part 11;
- (f) to appoint returning officers and other electoral officials;
- (g) to promote public awareness of electoral matters;
- (h) to provide advice to Parliament of electoral law;
- (i) to monitor compliance with this Act;
- (j) to investigate possible breaches of this Act;
- (k) to conduct research relevant to electoral integrity; and
- (l) to perform any other functions conferred by this Act or any other enactment.

14 Powers of Commission

- (1) The Commission has all powers necessary to perform its functions.
- (2) Without limiting subsection (1), the Commission may—
 - (a) issue binding directions to returning officers;
 - (b) require information from political parties, candidates, and electors;
 - (c) enter into contracts;
 - (d) employ staff;
 - (e) establish advisory committees;
 - (f) publish guidelines, codes of practice, and explanatory material;
 - (g) conduct audits of party records;
 - (h) refer matters to law enforcement agencies.

15 Membership of Commission

- (1) The Commission consists of—
 - (a) the **Chief Electoral Commissioner**, and
 - (b) two **Deputy Electoral Commissioners**; and
 - (c) up to three **appointed members** with expertise in law, public administration, statistics, or democratic systems.
- (2) Members are appointed by the Governor-General on the recommendation of Parliament.

- (3) Parliament must consult all registered political parties before making a recommendation under subsection (2).

16 Term of office

- (1) The Chief Electoral Commissioner is appointed for a term not exceeding 7 years.
- (2) Deputy Commissioners and appointed members are appointed for terms not exceeding 5 years.
- (3) Members may be reappointed.
- (4) A member continues in office until—
 - (a) the expiry of their term; or
 - (b) the resign; or
 - (c) they are removed under section 17.

17 Removal from office

- (1) A member of Commission may be removed from office only for—
 - (a) misconduct;
 - (b) inability to perform functions of office;
 - (c) neglect of duty;
 - (d) conviction for an offence punishable by imprisonment for 2 years or more.
- (2) Removal must be made by the Governor-General on an address from Parliament.
- (3) The address must be supported by at least 75% of all Members of Parliament.

18 Chief Electoral Commissioner

- (1) The Chief Electoral Commissioner is the chief executive of the Commission.
- (2) The Chief Electoral Commissioner is responsible for—
 - (a) the overall administration of elections;
 - (b) the supervision of returning officers;
 - (c) the certification of election results;
 - (d) the allocation of list seats;
 - (e) the publication of official returns;
 - (f) the management of staff and resources.
- (3) The Chief Electoral Commissioner may delegate any function except—
 - (a) the certification of results;
 - (b) the allocation of list seats;
 - (c) the approval of party registration.

19 Deputy Electoral Commissioners

- (1) Deputy Commissioners shall assist the Chief Electoral Commissioner.
- (2) A Deputy Commissioner may exercise any power of the Chief Electoral Commissioner except those listed in section 18(3).
- (3) If the Chief Electoral Commissioner is absent or incapacitated, a Deputy Commissioner designated by the Commission shall act in their place.

20 Appointed members

- (1) Appointed members shall provide specialist advice to the Commission.
- (2) Appointed members may participate in all deliberations but may not exercise any power to the Chief Electoral Commissioner.
- (3) Appointed members may chair committees established under section 22.

21 Meetings of Commission

- (1) The Commission shall meet as often as necessary to perform its functions.
- (2) A meeting may be convened by—
 - (a) the Chief Electoral Commissioner; or
 - (b) any two members of the Commission.
- (3) A quorum is three members.
- (4) Decisions are made by majority vote.
- (5) In the event of a tie, the Chief Electoral Commissioner has a casting vote.

22 Committees of Commission

- (1) The Commission may establish committees to assist in the performance of its functions.
- (2) A committee may include persons who are not members of the Commission.
- (3) A committee may be delegated any function except—
 - (a) the certification of results;
 - (b) the allocation of list seats;
 - (c) the approval or cancellation of party registration.

23 Delegation of powers

- (1) The Commission may delegate any of its powers to—
 - (a) the Chief Electoral Commissioner;
 - (b) a Deputy Commissioner;
 - (c) a returning officer;
 - (d) any employee of the Commission.
- (2) A delegation—
 - (a) must be in writing; and
 - (b) does not prevent the Commission from exercising the power itself; and
 - (c) may be revoked at any time.

24 Staff of Commission

- (1) The Commission may employ staff as necessary.
- (2) Staff are employed on terms and conditions determined by the Commission.
- (3) Staff must act impartially and independently.

25 Funding of Commission

- (1) Parliament shall appropriate funds sufficient for the Commission to perform its functions.
- (2) Funding must be provided in a manner that does not compromise the independence of the Commission.
- (3) The Commission may receive grants for research or education, provided such grants do not create a conflict of interest.

26 Annual report

- (1) The Commission must, within 6 months after the end of each financial year, provide to Parliament an annual report containing—
 - (a) a summary of its activities;
 - (b) audited financial statements;
 - (c) any recommendations for legislative change;
 - (d) any other information the Commission considers appropriate.
- (2) The report must be published.

27 Protection of information

- (1) The Commission must take reasonable steps to protect personal information.
- (2) Information obtained under this Act may be used for electoral purposes unless otherwise authorised by law.
- (3) Unauthorised disclosure of information is an offence under Part 13.

28 Power to issue guidelines

- (1) The Commission may issue guidelines relating to the interpretation or application of this Act.
- (2) Guidelines are not legally binding but must be taken into account by electoral officials.

29 Judicial review

Nothing in this Act limits the jurisdiction of the High Court to review decisions of the commission.

Part 2

Electoral Rolls

30 Electoral rolls to be maintained

- (1) The Commission shall maintain an electoral roll for each electoral district.
- (2) Each roll must contain the name, address, and unique elector identifier of every person entitled to be enrolled in that district.
- (3) Electoral rolls must be kept in both printed and electronic form.
- (4) The Commission must ensure that electoral rolls are accurate, complete, and up to date.

31 Right to enrol

- (1) Every person is entitled to enrol as an elector if—
 - (a) the person is a citizen of Square Country; and
 - (b) the person is aged 18 years or older; and
 - (c) the person ordinarily resides in Square Country.
- (2) A person may be enrolled only once.
- (3) A person may be enrolled only in the electoral district in which they ordinarily reside.

32 Obligation to enrol

- (1) Every person who is entitled to enrol must apply for enrolment within 30 days of becoming eligible.
- (2) Failure to enrol is an offence punishable by a fine not exceeding £500.
- (3) A person who fails to enrol remains entitled to enrol at any time.

33 Application for enrolment

- (1) An application for enrolment must—
 - (a) be in the prescribed form; and
 - (b) include the applicant's full name, date of birth, residential address, and proof of identity; and
 - (c) include evidence of citizenship if required by the Commission; and
 - (d) be signed by the applicant.
- (2) The Commission may require additional information to verify eligibility.

34 Verification of enrolment information

- (1) The Commission may verify enrolment information using—
 - (a) government records;
 - (b) citizenship registers;
 - (c) address databases;
 - (d) any other lawful source.
- (2) The Commission may require an applicant to provide further identity or residence.

35 Enrolment of persons with no fixed address

- (1) A person who has no fixed address may enrol using—
 - (a) the address of a shelter, community organisation, or other place where they habitually stay; or
 - (b) any address approved by the Commission.
- (2) The Commission must take reasonable steps to ensure such persons are not disadvantaged.

36 Provisional enrolment

- (1) A person who will turn 18 years of age on or before polling day may apply for provisional enrolment.

- (2) A provisionally enrolled person becomes an elector automatically on turning 18.
- (3) A provisional enrolment does not entitle the person to vote before turning 18.

37 Change of address

- (1) An elector must notify the Commission of any change of address within 30 days.
- (2) The Commission must transfer the elector to the appropriate electoral roll.
- (3) Failure to notify a change of address is an offence punishable by a fine not exceeding £200.

38 Removal from roll

The Commission must remove a person from the roll if—

- (a) the person has died; or
- (b) the person has ceased to reside in Square Country; or
- (c) the person has been enrolled in error.

39 Objections to enrolment

- (1) Any elector may object to the enrolment of another person on the grounds that the person—
 - (a) is not entitled to be enrolled; or
 - (b) is enrolled in the wrong district.
- (2) An objection must—
 - (a) be in writing; and
 - (b) state the grounds for the objection; and
 - (c) be signed by the objector.
- (3) The Commission must notify the person whose enrolment is objected to and invite a response.
- (4) The Commission must determine the objection within 30 days.

40 Correction of rolls

- (1) The Commission may correct clerical errors in any electoral roll.
- (2) The Commission may update an elector's details based on reliable information.
- (3) The Commission must notify the elector of any correction that materially affects their enrolment.

41 Public inspection of rolls

- (1) Electoral rolls must be available for public inspection at designated offices.
- (2) A person may inspect a roll without charge.
- (3) A person may not—
 - (a) copy a roll;
 - (b) photograph a roll;
 - (c) use roll information for commercial purposes; except as permitted by regulation.
- (4) The Commission may publish anonymised statistical information derived from the rolls.

42 Confidentiality of certain electors

- (1) An elector may apply to have their address withheld from the publicly available roll if—
 - (a) a publication would endanger their safety; or
 - (b) the elector is a protected person under a court order; or
 - (c) the Commission is satisfied that non-publication is justified.
- (2) The Commission may require evidence supporting the application.
- (3) If approved, the elector’s name shall appear on the roll with the notation “address withheld”.

43 Supply of rolls to political parties

- (1) The Commission may supply copies of electoral rolls to registered political parties.
- (2) Rolls supplied under this section may be used only for—
 - (a) communicating with electors;
 - (b) verifying enrolment information;
 - (c) electoral research.
- (3) A party that misuses roll information commits an offence under Part 13.

44 Closed rolls

- (1) Electoral rolls close 30 days before polling day.
- (2) No changes may be made to the printed rolls after closure except—
 - (a) corrections of clerical errors; or
 - (b) removal of deceased persons.
- (3) Electronic rolls may continue to be updated for the purpose of issuing special votes.

45 Inspection of closed rolls

- (1) Closed rolls must be available for inspection at all polling places on polling day.
- (2) A person may not challenge an elector’s right to vote at a polling place except as provided in Part 9.

46 Offences relating to enrolment

A person commits an offence if the person— (a) knowingly provides false information for the purpose of enrolment; or (b) enrolls more than one district; or (c) impersonates another person for the purpose of enrolment; or (d) obstructs the Commission in maintaining the rolls.

Part 3

Political Parties

47 Political parties to be registered

- (1) A political party may participate in a general election only if it is registered under this Part.
- (2) A party may apply for registration at any time.
- (3) A party is not eligible to submit a party list unless it is registered.

48 Register of Political Parties

- (1) The Commission must maintain a register of Political Parties.
- (2) The Register must contain, for each registered party—
 - (a) the party's name;
 - (b) the party's abbreviation (if any);
 - (c) the party's emblem (if any);
 - (d) the name and contact details of the party secretary;
 - (e) the date of registration;
 - (f) any conditions or restrictions imposed under this Act.
- (3) The Register must be available for public inspection.

49 Application for registration

- (1) An application for registration must—
 - (a) be made in writing to the Commission;
 - (b) be signed by the party secretary;
 - (c) include the party's constitution;
 - (d) include the names and addresses of at least **200 financial members** who are eligible electors;
 - (e) include a declaration that the party has at least 200 members;
 - (f) include the party's proposed name, abbreviation, and emblem;
 - (g) include any other information required by the Commission.
- (2) The Commission may require evidence verifying the membership list.
- (3) The Commission may reject an application that is incomplete or misleading.

50 Requirements for party names

- (1) A party name must not—
 - (a) be obscene or offensive;
 - (b) be excessively long;
 - (c) resemble the name of another registered party;
 - (d) mislead or confuse electors;
 - (e) include the words "Government", "State", or "Crown" unless approved by the Commission.
- (2) The Commission may refuse to register a name that does not comply with subsection (1).

51 Party emblems

- (1) A party may register an emblem for use on ballot papers.
- (2) An emblem must not—
 - (a) be obscene or offensive;
 - (b) resemble the emblem of another party;
 - (c) resemble any official symbol of the Crown or the Commission.
- (3) The Commission may refuse to register an emblem that does not comply with this section.

52 Party constitution

A party's constitution must include—

- (a) rules for membership;
- (b) rules for selecting candidates;
- (c) rules for electing or appointing office holders;
- (d) rules for financial management;
- (e) rules for resolving internal disputes;
- (f) rules for amending the constitution.

53 Determination of application

- (1) The Commission must determine an application for registration within 60 days.
- (2) The Commission must register the party if satisfied that—
 - (a) the party has at least 200 eligible members;
 - (b) the party has a constitution that complies with section 52;
 - (c) the party name and emblem comply with sections 50 and 51;
 - (d) the application is complete and accurate.
- (3) The Commission must notify the party secretary of its decision.

54 Publication of registration

- (1) The Commission must publish a notice of registration in the Gazette.
- (2) The notice must include—
 - (a) the party's name;
 - (b) the party's abbreviation;
 - (c) the party's emblem;
 - (d) the date of registration.

55 Annual return of membership

- (1) Each registered party must file an annual return confirming that it has at least 200 eligible members.
- (2) The return must—
 - (a) be signed by the party secretary;
 - (b) include a statutory declaration;
 - (c) be filled within 3 months after the end of each calendar year.
- (3) The Commission may require evidence verifying the return.

56 Duty to notify changes

- (1) A party must notify the Commission within 30 days of any change to—
 - (a) the party secretary;
 - (b) the party's constitution;
 - (c) the party's name, abbreviation, or emblem;

- (d) the party's office address.
- (2) A party that fails to comply commits an offence.

57 Voluntary cancellation of registration

- (1) A party may apply to cancel its registration.
- (2) The application must be signed by the party secretary.
- (3) The Commission must cancel the registration and publish a notice in the Gazette.

58 Involuntary cancellation of registration

- (1) The Commission may cancel a party's registration if—
 - (a) the party has fewer than 200 eligible members;
 - (b) the party fails to file an annual return;
 - (c) the party ceases to exist;
 - (d) the party obtained registration by fraud;
 - (e) the party name or emblem becomes misleading or unlawful.
- (2) Before cancelling registration, the Commission must—
 - (a) notify the party secretary;
 - (b) invite submissions
 - (c) consider any submissions received.
- (3) The Commission must publish a notice of cancellation in the Gazette.

59 Effect of cancellation

- (1) A party whose registration is cancelled—
 - (a) may not submit a party list;
 - (b) may not receive list seats;
 - (c) may not receive public funding under this Act;
 - (d) must cease using its registered emblem on ballot papers.
- (2) Cancellation does not affect the status of any Member of Parliament elected before cancellation.

60 Party secretaries

- (1) Every registered party must appoint a party secretary.
- (2) The party secretary is responsible for—
 - (a) filing documents with the Commission;
 - (b) certifying the party list;
 - (c) receiving notices from the Commission;
 - (d) ensuring compliance with this Act.
- (3) The party secretary must be an eligible elector.

61 Inspection of party documents

- (1) The Commission may inspect any document relating to a party's registration.
- (2) A party must provide any document requested by the Commission within 14 days.

- (3) Failure to comply is an offence.

62 Offences relating to party registration

A person commits an offence if the person— (a) knowingly provides false information in support of a party's registration; (b) falsely claims to be a member of a registered party; (c) impersonates a party secretary; (d) obstructs the Commission in verifying party membership; (e) misuses information obtained from the Register of Political Parties.

**Part 4
Party Lists**

63 Party lists required for list seats

- (1) A registered political party may contest list seats only if it submits a party list in accordance with this Part.
(2) A party that does not submit a party list is not eligible to receive list seats under Part 12.
(3) A party list must be submitted for each general election.

64 Form of party list

- (1) A party list must—
(a) be in writing; and
(b) be signed by the party secretary; and
(c) contain the full names of all candidates on the list; and
(d) list candidates in the order in which the party wishes them to be elected; and
(e) include a statutory declaration by the party secretary that the list complies with this Act.
(2) A party list may contain any number of candidates, including fewer than 13.
(3) A party list may include candidates who are also standing as electorate candidates.

65 Eligibility of list candidates

- (1) A person may be included on a party list only if the person—
(a) is qualified to be a Member of Parliament under part 12; and
(b) has consented in writing to be included on the list.
(2) A person may not be included on more than one party list.
(3) A person may not be included on a party list and simultaneously be a candidate for a foreign legislature.

66 Submission of party lists

- (1) A party list must be submitted to the Commission no later than **noon on nomination day**.
(2) The Commission must acknowledge receipt of the list in writing.
(3) A party list submitted after the deadline is invalid.

67 Confidentiality of party lists before publication

- (1) A party list is confidential until the close of nomination.
- (2) The Commission must take reasonable steps to ensure confidentiality.
- (3) A person who unlawfully discloses information about a party list before publication commits an offence.

68 Publication of party lists

- (1) As soon as practicable after the close of nominations, the Commission must publish all party lists.
- (2) Publication must include—
 - (a) the full list of candidates;
 - (b) the order of candidates;
 - (c) any notes required under this Act.
- (3) The Commission may publish party lists in any manner it considers appropriate.

69 Amendment of party lists

- (1) A party may amend its party list at any time before the close of nominations.
- (2) After the close of nominations, a party list may not be amended except—
 - (a) to remove a candidate who has died;
 - (b) to remove a candidate who has become ineligible;
 - (c) to correct a clerical error.
- (3) A party may not add new candidates after the close of nominations.
- (4) The Commission must publish any amendment made under this section.

70 Withdrawal of list candidates

- (1) A list candidate may withdraw by giving written notice to the party secretary.
- (2) The party secretary must notify the Commission immediately.
- (3) A candidate who withdraws may not be reinstated.
- (4) If a withdrawal occurs after the close of nomination, the candidate's name must remain on the published list but the candidate is not eligible to be elected.

71 Death of list candidates

- (1) If a list candidate dies before polling day—
 - (a) the party may amend its list to remove the candidate; and
 - (b) the Commission must publish notice of the amendment.
- (2) If a list candidate dies after polling day, the candidate is treated as if having never been elected.

72 Order of candidates on party lists

- (1) The order of candidates on a party list is determined solely by the party.
- (2) The Commission must not alter the order of candidates.

- (3) A party may not submit a list that includes two or more candidates with identical names unless distinguishing information is provided.

73 Dual candidacy

- (1) A person may be both—
 - (a) an electorate candidate; and
 - (b) a list candidate.
- (2) A person who is elected as an electorate MP is not eligible to be elected as a list MP.
- (3) A person who is not elected as an electorate MP remains eligible to be elected as a list MP.

74 Party lists to be used for allocation of list seats

- (1) List seats must be allocated to candidates in the order in which they appear on the party list.
- (2) If a party is entitled to more list seats than it has candidates on its list, the excess seats remain vacant.
- (3) A vacant list seat does not affect the allocation of seats to other parties.

75 Replacement of list MPs

- (1) If a list MP's seat becomes vacant, the Commission must declare elected the next available candidate on that party's list.
- (2) A candidate is not available if—
 - (a) the candidate has died;
 - (b) the candidate has withdrawn;
 - (c) the candidate is ineligible to be a Member of Parliament.
- (3) If no candidates remain on the list, the seat remains vacant.

76 Party lists not to be used for by-elections

- (1) A vacancy in an electorate seat must be filled by a by-election.
- (2) A party list may not be used to fill an electorate vacancy.

77 Offences relating to party lists

A person commits an offence if the person— (a) knowingly submits a false or misleading party list; (b) includes a person on a party list without their consent; (c) unlawfully discloses a confidential party list; (d) alters a party list without authority; (e) obstructs the Commission in verifying list information.

Part 5

Electoral Districts and Boundaries

78 Number of electoral districts

- (1) Square Country shall be divided into 13 electoral districts.

- (2) Each district shall return **one electorate Member of Parliament**.
- (3) Electoral districts must be contiguous and must cover the entire territory of Square Country.

79 Boundary Commission established

- (1) There is hereby established a **Boundary Commission**.
- (2) The Boundary Commission is responsible for—
 - (a) reviewing electoral district boundaries;
 - (b) determining the boundaries of the 13 districts;
 - (c) conducting public consultation on proposed boundaries;
 - (d) publishing final boundary determinations.
- (3) The Boundary Commission is independent and must act without political influence.

80 Membership of Boundary Commission

- (1) The Boundary Commission consists of—
 - (a) the Chief Electoral Commissioner, who shall be Chairperson;
 - (b) the Surveyor-General;
 - (c) a Judge appointed by the Chief Justice;
 - (d) two additional members appointed by the Commission for expertise in geography, statistics, or demography.
- (2) A member appointed under subsection (1)(d) shall hold office for a term not exceeding 5 years.
- (3) Members may be reappointed.

81 Functions of Boundary Commission

The functions of the Boundary Commission are—

- (a) to divide Square Country into 13 electoral districts;
- (b) to review boundaries at intervals required by this Act.
- (c) to consider population changes and demographic trends;
- (d) to ensure that districts comply with criteria in section 84;
- (e) to publish proposed and final boundaries;
- (f) to receive and consider public submissions.

82 Frequency of boundary reviews

- (1) The Boundary Commission must conduct a boundary review—
 - (a) after each census; or
 - (b) at least once every 10 years; whichever occurs first.
- (2) A boundary review must be completed no later than 18 months before the next general election.

83 Population quota

- (1) For the purpose of drawing boundaries, the Commission must determine a **population quota**, being the population of Square Country divided by 13.
- (2) The population of each electoral district must be within $\pm 10\%$ of the population quota.

- (3) The Commission may depart from subsection (2) only if—
 - (a) strict compliance would result in severe distortion of communities of interest; or
 - (b) geographic features make compliance impracticable.

84 Criteria for determining boundaries

In determining electoral district boundaries, the Boundary Commission must consider—

- (a) population equality in accordance with section 83;
- (b) existing administrative and community boundaries;
- (c) facilities of communication and travel;
- (d) topographical features;
- (e) communities of interest, including cultural, economic, and social ties;
- (f) the need to avoid unnecessary disruption to existing boundaries.

85 Proposed boundaries

- (1) The Boundary Commission must prepare proposed boundaries for all 13 districts.
- (2) Proposed boundaries must be published in the Gazette and on the Commission's website.
[amended]
- (3) The publication must include—
 - (a) maps of proposed districts;
 - (b) descriptions of boundaries;
 - (c) the population of each proposed district;
 - (d) reasons for the proposed changes.

86 Public submissions

- (1) Any person may make a submission on the proposed boundaries.
- (2) Submissions must be made within 60 days of publication.
- (3) The Boundary Commission must—
 - (a) consider all submissions;
 - (b) hold public hearings in affected districts;
 - (c) publish a summary of submissions received.

87 Revised proposals

- (1) After considering submissions, the Boundary Commission may—
 - (a) confirm the proposed boundaries; or
 - (b) amend the proposed boundaries.
- (2) If the Commission makes substantial amendments, it must publish revised proposals and invite further submissions for a period of 30 days.

88 Final determination

- (1) The Boundary Commission must publish its final determination of boundaries in the Gazette.

- (2) The final determination must include—
 - (a) maps of all districts;
 - (b) boundary descriptions;
 - (c) population figures;
 - (d) reasons for decisions.
- (3) The final determination takes effect at the next general election.

89 Judicial review of boundary decisions

- (1) A person may apply to the High Court for judicial review of a boundary determination.
- (2) An application must be made within 30 days of publication of the final determination.
- (3) The Court may—
 - (a) dismiss the application;
 - (b) direct the Boundary Commission to reconsider the determination; but may not substitute its own boundaries.

90 Maps and boundary descriptions

- (1) The Commission must maintain authoritative maps of all electoral districts.
- (2) Maps must be made publicly available.
- (3) If there is any inconsistency between a map and a written boundary description, the written description prevails.

91 Temporary adjustments

- (1) The Commission may make temporary adjustments to boundaries if—
 - (a) a natural disaster renders part of a district uninhabitable; or
 - (b) significant population displacement occurs.
- (2) Temporary adjustments must be reviewed within 12 months.

92 Naming of districts

- (1) The Boundary Commission must assign a name to each electoral district.
- (2) A district name must—
 - (a) reflect geographical, historical, or cultural features;
 - (b) not be offensive;
 - (c) not be misleading.
- (3) The Commission may change a district name during a boundary review.

93 Transitional provisions for boundary changes

- (1) If boundaries are changed, the new boundaries apply only to the next general election.
- (2) Electors remain enrolled in their existing district until the new boundaries take effect.
- (3) Candidates may stand only in the district in which they are enrolled at the close of nominations.

94 Offences relating to boundary processes

A person commits an offence if the person— (a) knowingly provides false information to the Boundary Commission; (b) obstructs the Commission in performing its functions; (c) attempts to influence the Commission contrary to section 12; (d) interferes with maps or boundary records.

Part 6
Writs, General Elections, and By-Elections

95 General elections to be held every three years

- (1) A general election must be held—
 - (a) on the expiry of three years from the date fixed for the return of the writs for the previous general election; or
 - (b) earlier, if Parliament is dissolved under this Part.
- (2) Nothing in this section prevents Parliament from being dissolved sooner.

96 Dissolution of Parliament

- (1) Parliament is dissolved—
 - (a) by the Governor-General on the advice of the Prime Minister; or
 - (b) automatically, three years after the return of the writs.
- (2) The Governor-General may refuse a request for dissolution if—
 - (a) the Prime Minister has lost the confidence of the House; or
 - (b) dissolution would undermine the proper administration of elections.
- (3) Upon dissolution—
 - (a) all seats in Parliament become vacant;
 - (b) the Commission must prepare for a general election.

97 Issue of writs for general elections

- (1) Within **7 days** after the dissolution of Parliament, the Governor-General must issue writs for a general election.
- (2) A writ must be addressed to the Chief Electoral Commissioner.
- (3) A writ must specify—
 - (a) the date for the close of nominations;
 - (b) the polling day;
 - (c) the date by which the writ must be returned;
 - (d) any other matter prescribed by regulation.
- (4) The Commission must publish the writs in the Gazette.

98 Election timetable

- (1) The following timetable applies to every general election:
 - (a) Day 0: Writ issued;

- (b) Day 10: Close of party list submissions;
 - (c) Day 14: Close of nominations for electorate candidates;
 - (d) Day 15: Publication of party lists;
 - (e) Day 16: Advance voting begins;
 - (f) Day 30: Polling day;
 - (g) Day 31: Preliminary count;
 - (h) Day 36: Official count begins;
 - (i) Day 45: Declaration of official results;
 - (j) Day 50: Return of writs.
- (2) The Commission may adjust the timetable by up to 3 days if necessary for administrative reasons.
 - (3) The Governor-General may, on the advice of the Commission, extend any date if—
 - (a) a natural disaster occurs;
 - (b) a state of emergency is declared;
 - (c) circumstances beyond the Commission's control make compliance impracticable.

99 Postponement of polling day

- (1) The Governor-General may postpone polling day if—
 - (a) a natural disaster affects a significant portion of electors;
 - (b) a pandemic or public health emergency makes voting unsafe;
 - (c) war or civil unrest prevents the safe conduct of elections;
 - (d) the Commission advises that polling cannot be conducted fairly.
- (2) Polling day may be postponed for up to 21 days.
- (3) The Commission must publish a notice of postponement.

100 Adjournment of polling at specific polling places

- (1) The Commission may adjourn polling at a polling place if—
 - (a) the polling place becomes unavailable;
 - (b) voting is disrupted by violence, disorder, or emergency;
 - (c) ballot papers are destroyed or lost;
 - (d) any other circumstance makes polling impracticable.
- (2) Polling must resume as soon as practicable.
- (3) The Commission must notify affected electors.

101 Return of writs

- (1) The Chief Electoral Commissioner must return each writ to the Governor-General endorsed with—
 - (a) the name of the elected MP;
 - (b) a certificate of the allocation of list seats.
- (2) The writ must be returned no later than the date specified in the writ.
- (3) The Commission must publish the return of writs.

102 Failure of election in a district

- (1) If an election in an electoral district fails because—
 - (a) no candidate is nominated;
 - (b) a candidate dies after the close of nominations;
 - (c) polling cannot be conducted; the Governor-General must issue a new writ for that district.
- (2) The new writ must specify a fresh timetable.

103 By-elections required for electorate vacancies

- (1) A vacancy in an electorate seat must be filled by a by-election.
- (2) A vacancy occurs if—
 - (a) the MP dies;
 - (b) the MP resigns;
 - (c) the MP becomes disqualified;
 - (d) the MP's election is declared void.
- (3) A by-election must be held within 90 days of the vacancy.

104 No by-election close to general election

- (1) A by-election must not be held if the vacancy occurs within 6 months before the next general election.
- (2) The seat remains vacant until the general election.

105 Writs for by-elections

- (1) The Speaker must notify the Governor-General of a vacancy.
- (2) The Governor-General must issue a writ for a by-election within 7 days.
- (3) The writ must specify—
 - (a) the polling day;
 - (b) the date for the close of nominations;
 - (c) the date for the return of the writ.

106 Procedure for by-elections

- (1) The procedures for general elections apply to by-elections with necessary modifications.
- (2) No party lists may be submitted for a by-election.
- (3) Only electorate votes are counted.

107 Uncontested by-elections

- (1) If only one candidate is nominated, the returning officer must declare that candidate elected.
- (2) No polling shall be held.

108 Death of candidate in by-election

- (1) If a nominated candidate dies before polling day, the by-election is cancelled.
- (2) The Governor-General must issue a new writ.

109 Void elections

- (1) An election may be declared void by the High Court if—
 - (a) corrupt or illegal practices affected the result;
 - (b) the winning candidate was ineligible;
 - (c) serious irregularities occurred.
- (2) If an election is declared void, the Governor-General must issue a new writ.

110 Election petitions

- (1) A candidate or elector may file a petition challenging an election.
- (2) A petition must be filed within 20 days after the declaration of the results.
- (3) The High Court must hear the petition as soon as practicable.
- (4) The Court may—
 - (a) dismiss the petition;
 - (b) order a recount;
 - (c) declare the election void;
 - (d) declare another candidate elected.

111 Costs of petitions

- (1) The Court may order costs against any party to a petition.
- (2) Costs may include—
 - (a) legal fees;
 - (b) witness expenses;
 - (c) administrative costs.

Part 7
Nominations of Candidates

112 Nominations required for all candidates

- (1) A person may stand as a candidate in a general election only if they are nominated in accordance with this Part.
- (2) A person may be nominated as—
 - (a) an electorate candidate;
 - (b) a list candidate;
 - (c) both an electorate and list candidate.
- (3) A person may not be nominated in more than one electoral district.

113 Qualifications for nomination

- (1) A person is qualified to be nominated if the person—
 - (a) is qualified to be a Member of Parliament under Part 12;
 - (b) has consented in writing to be nominated;
 - (c) is not disqualified under this Act or any other enactment.
- (2) A person may not be nominated if they—
 - (a) are a sitting judge;
 - (b) are a member of the armed forces or police;
 - (c) hold an office of profit under the Crown, unless they resign before polling day.

114 Nomination of electorate candidates

- (1) A nomination for an electorate candidate must—
 - (a) be in the prescribed form;
 - (b) be signed by the candidate;
 - (c) be supported by at least **10 electors** enrolled in the district;
 - (d) include the candidate's full name, address, and occupation;
 - (e) include the name of the political part (if any) that has endorsed the candidate;
 - (f) be accompanied by the prescribed deposit.
- (2) The deposit is forfeited if the candidate receives less than 5% of the electorate vote.

115 Nomination of independent candidates

- (1) A candidate who is not endorsed by a registered political party must be nominated as an independent.
- (2) An independent candidate may not use a party name or emblem.
- (3) The ballot paper must display the word independent beside the candidate's name.

116 Nomination of independent candidates

- (1) A political party may endorse only one candidate per electoral district.
- (2) The party secretary must certify the endorsement in writing.
- (3) A candidate may not claim party endorsement unless certified under subsection (2).
- (4) A party may withdraw endorsement before the close of nominations.

117 Submissions of electorate nominations

- (1) Nominations must be submitted to the returning officer for the district.
- (2) Nominations must be submitted no later than **noon on nomination day**.
- (3) A nomination submitted after the deadline is invalid.
- (4) The returning officer must acknowledge receipt of each nomination.

118 Examination of nominations

- (1) The returning officer must examine each nomination to ensure compliance with this Act.
- (2) The returning officer may require additional information to verify eligibility.
- (3) The returning officer must reject a nomination if—
 - (a) the candidate is ineligible;
 - (b) the nomination is incomplete;
 - (c) the deposit has not yet been paid;
 - (d) the supporting signatures are insufficient or invalid.
- (4) The returning officer must notify the candidate of any rejection and the reasons for it.

119 Withdrawal of nominations

- (1) A candidate may withdraw their nomination by giving written notice to the returning officer.
- (2) Withdrawal must occur no later than **48 hours before polling day**.
- (3) A withdrawn candidate's name must be removed from the ballot paper if practicable.
- (4) If removal is not practicable, votes for the withdrawn candidate are invalid.

120 Death of candidate

- (1) If a nominated candidate dies before polling day—
 - (a) the election in that district is cancelled;
 - (b) the Governor-General must issue a new writ;
 - (c) all nominations must be reopened
- (2) If a candidate dies after polling day but before the declaration of results, the election is void.

121 Publication of nominated candidates

- (1) As soon as practicable after the close of nominations, the returning officer must publish a list of all nominated candidates.
- (2) The list must include—
 - (a) the candidate's name;
 - (b) the candidate's party affiliation (if any);
 - (c) the candidate's occupation;
 - (d) the district in which the candidate is standing.
- (3) The Commission may publish the list in any manner it considers appropriate.

122 Uncontested elections

- (1) If only one candidate is nominated in a district, the returning officer must declare that candidate elected.
- (2) No polling shall be held in that district.
- (3) The returning officer must publish a notice of uncontested election.

123 Multiple nominations prohibited

- (1) A person may not be nominated in more than one electoral district.
- (2) If a person is nominated in more than one district, all nominations are invalid.
- (3) A person may not be nominated on more than one party list.

124 False statements in nomination papers

- (1) A person must not knowingly make a false statement in a nomination paper.
- (2) A person who contravenes subsection (1) commits a corrupt practice.

125 Inspection of nomination papers

- (1) Nomination papers must be available for public inspection after the close of nominations.
- (2) A person may inspect nomination papers without charge.
- (3) Nomination papers may not be copied except as permitted by regulation.

126 Deposits

- (1) The deposit for nomination is £500.
- (2) The deposit must be paid at the time of nomination.
- (3) The deposit is refunded if the candidate—
 - (a) is elected; or
 - (b) receives at least 5% of the electorate vote.
- (4) Deposits forfeited under this section must be paid into the Consolidated Fund.

127 Offences relating to nominations

A person commits an offence if the person—

- (a) submits a nomination knowing it to be false or misleading;
- (b) forges a signature on a nomination paper;
- (c) impersonates a candidate;
- (d) obstructs a returning officer in examining nominations;
- (e) falsely claims party endorsement;
- (f) knowingly nominates an ineligible person.

Part 8

Election Advertising, and Political Finance

128 Purpose

The purposes of this part are—

- (a) to ensure that election campaigning is conducted fairly and transparently;
- (b) to regulate election advertising
- (c) to impose limits on campaign spending
- (d) to require disclosure of donations

- (e) to prevent corrupt and illegal practices;
- (f) to promote public confidence in the integrity of elections.

Subpart 1—General Rules for Campaigning

129 Campaign period

- (1) The campaign period begins on the day the writ is issued.
- (2) The campaign period ends at midnight on the day of polling.
- (3) No person may engage in election advertising outside the campaign period except as permitted by regulation.

130 Right to campaign

- (1) Every candidate and political party has the right to campaign freely, subject to this Act.
- (2) No person may obstruct or interfere with lawful campaigning.
- (3) A person who contravenes subsection (2) commits an offence.

131 Use of public resources prohibited

- (1) A Minister, Member of Parliament, or candidate must not use public resources for campaigning.
- (2) Public resources include—
 - (a) government vehicles;
 - (b) staff employed by the Crown;
 - (c) government premises;
 - (d) official stationary;
 - (e) public funds.
- (3) A person who contravenes this section commits an illegal practice.

132 Bribery and treating prohibited

- (1) A person must not—
 - (a) give or offer any gift, loan, or advantage to influence an elector;
 - (b) provide food, drink, or entertainment for the purpose of influencing an elector.
- (2) Subsection (1) does not apply to—
 - (a) ordinary hospitality;
 - (b) public meetings open to all electors.
- (3) A person who contravenes this section commits a corrupt practice.

133 Undue influence

- (1) A person must not—
 - (a) intimidate, threaten, or coerce an elector;
 - (b) use force or violence to influence voting;
 - (c) prevent an elector from voting.
- (2) A person who contravenes this section commits a corrupt practice.

Subpart 2—Election Advertising

134 Meaning of election advertisement

- (1) An election advertisement is any form of communication that—
 - (a) encourages or persuades voters to vote or not vote for a candidate or party; or
 - (b) encourages or persuades voters to vote or not vote in a particular way on a referendum question.
- (2) Election advertisements include—
 - (a) posters, banners, and billboards;
 - (b) printed material;
 - (c) radio, television, and online advertising;
 - (d) social media posts; [amended]
 - (e) videos, audio recordings, and livestreams; [amended]
 - (f) text messages and emails. [amended]
- (3) The following are not election advertisements:
 - (a) news or editorial content;
 - (b) personal political opinions not paid for;
 - (c) private conversations;
 - (d) academic analysis.

135 Promoter statements required

- (1) Every election advertisement must include a promoter statement.
- (2) A promoter statement must include—
 - (a) the name of the promoter;
 - (b) the physical address of the promoter.
- (3) An advertisement without a promoter statement is prohibited.
- (4) A person who publishes an advertisement without a promoter statement commits an illegal practice.

136 Third-party promoters

- (1) A person who is not a candidate or party may promote election advertising as a third-party promoter.
- (2) A third-party promoter must register with the Commission if they spend more than €1,000.
- (3) A third-party promoter must file spending returns.
- (4) A person who fails to register commits an offence.

137 Prohibited advertising

A person must not publish—

- (a) false statements about a candidate's eligibility;
- (b) false statements about a candidate's criminal record;

- (c) advertisements likely to mislead or deceive electors;
- (d) advertisements purporting to be from the Commission;
- (e) advertisements that simulate ballot papers.

138 Election signs

- (1) Election signs may be displayed only during the campaign period.
- (2) A sign must not—
 - (a) exceed the size prescribed by regulation;
 - (b) obstruct traffic or pedestrians;
 - (c) be placed on private property without permission.
- (3) The Commission may order the removal of unlawful signs.

139 Social media advertising [amendment]

- (1) Election advertising on social media must comply with this Act.
- (2) A promoter statement must be included in a manner appropriate to the platform
- (3) Paid political advertising must be clearly identified as such.

Subpart 3—Campaign Finance

140 Campaign spending limits

- (1) A candidate must not spend more than **£50,000** during the campaign period.
- (2) A political party must not spend more than—
 - (a) **£200,000**; plus
 - (b) **£10,000** for each electorate contested.
- (3) Spending includes
 - (a) advertising;
 - (b) staff costs
 - (c) events;
 - (d) travel;
 - (e) polling and research;
- (4) Spending does not include—
 - (a) volunteer labour;
 - (b) personal travel not reimbursed;
 - (c) internal party communications.

141 Donation disclosure

- (1) A candidate must disclose all donations exceeding **£1,000**.
- (2) A party must disclose all donations exceeding **£5,000**.
- (3) Anonymous donations exceeding £500 are prohibited.
- (4) Foreign donations are prohibited.
- (5) A person who knowingly conceals a donation commits an illegal practice.

142 Loans treated as donations

- (1) A loan to a candidate or party is treated as a donation unless—
 - (a) it is made at a commercial interest rate; and
 - (b) it is repaid within 12 months.
- (2) A loan from a foreign person is prohibited.

143 Reporting of donations

- (1) Candidates must file a donation return within 40 days after polling day.
- (2) Parties must file a donation return within 60 days after polling day.
- (3) Returns must include—
 - (a) the name of each donor;
 - (b) the amount donated;
 - (c) the date of donation;
 - (d) any conditions attached to the donation.

144 Auditing of party finances

- (1) Every registered party must appoint an auditor.
- (2) The auditor must be independent.
- (3) The auditor must examine the party's financial statements and donation returns.
- (4) The auditor must report any irregularities to the Commission.

Subpart 4—Broadcasting and Media

145 Broadcasting allocation

- (1) The Commission must allocate broadcasting time to registered parties.
- (2) Allocation must take into account—
 - (a) the party's share of the party vote at the previous election;
 - (b) the number of candidates nominated;
 - (c) the party's representation in Parliament.
- (3) The Commission must publish the allocation.

146 Broadcasting restrictions

- (1) Broadcasters must not favour any candidate or party.
- (2) Broadcasters must not charge different rates for political advertising.
- (3) Broadcasters must not refuse lawful political advertising.

147 Opinion polls

- (1) Opinion polls must disclose—
 - (a) the sample size;

- (b) the margin of error;
 - (c) the commissioning party;
 - (d) the methodology.
- (2) A poll that fails to comply must not be published.

Subpart 5—Prohibited Conduct

148 Campaigning near polling places

- (1) No person may campaign within **100 metres** of a polling place.
- (2) A person must not—
 - (a) display campaign material;
 - (b) wear campaign clothing;
 - (c) distribute leaflets;
 - (d) solicit votes.
- (3) A person who contravenes this section commits an offence.

149 False statements

- (1) A person must not publish a false statement about—
 - (a) a candidate's personal character;
 - (b) a candidate's conduct;
 - (c) a candidate's eligibility.
- (2) A person who contravenes this section commits an illegal practice.

150 Interference with campaign material

- (1) A person must not remove, deface, or destroy campaign material belonging to another person.
- (2) A person who contravenes this section commits an offence.

Subpart 6—Offences

151 Corrupt practices

- A person commits a corrupt practice if the person—
- (a) engages in bribery;
 - (b) engages in treating;
 - (c) engages in undue influence;
 - (d) knowingly published false statements about eligibility;
 - (e) knowingly falsifies donation returns.

152 Illegal practices

- A person commits an illegal practice if the person—
- (a) exceeds spending limits;
 - (b) fails to disclose donations

- (c) publishes advertising without a proper statement;
- (d) misuses public resources.

153 Penalties

- (1) A person convicted of a corrupt practice is liable to imprisonment for up to **5 years**.
- (2) A person convicted of an illegal practice is liable to a fine not exceeding **250,000**.
- (3) A person convicted of an offence under this Part may be disqualified from voting or standing for an election for up to **3 years**.

Part 9
Voting, Polling Places, and Ballot Papers

154 Right to vote

- (1) Every elector whose name appears on the electoral roll for a district is entitled to vote in that district.
- (2) An elector may cast—
 - (a) one electorate vote; and
 - (b) one party vote.
- (3) No person may vote more than once.
- (4) A person who votes more than once commits a corrupt practice.

Subpart 1—Polling Places

155 Establishment of polling places

- (1) The Commission must establish polling places in each electoral district.
- (2) Polling places must be—
 - (a) reasonably accessible;
 - (b) safe and secure;
 - (c) suitable for maintaining secrecy of the ballot.
- (3) The Commission must publish a list of polling places at least 20 days before polling day.

156 Hours of polling

- (1) Polling places must be open from **9:00 a.m. to 7:00 p.m.** on polling day.
- (2) A polling place must not close while electors are waiting to vote.
- (3) A person who is in line at 7:00 p.m. must be permitted to vote.

157 Returning officers responsible for polling places

- (1) A returning officer is responsible for the conduct of polling in their district.
- (2) A returning officer may appoint deputy returning officers and polling officials.
- (3) Polling officials must act impartially.

158 Mobile polling station

- (1) The Commission may establish mobile polling stations for—
 - (a) hospitals;
 - (b) rest homes;
 - (c) remote communities;
 - (d) correctional facilities.
- (2) Mobile polling stations must comply with all requirements of this Act.

159 Advance voting places

- (1) The Commission must establish advance voting places.
- (2) Advance voting may begin on the date specified in the election timetable.
- (3) Advance voting places must comply with all requirements for voting places.

Subpart 2—Ballot Papers

160 Form of ballot papers

- (1) The Commission must prepare ballot papers for each district.
- (2) A ballot paper must contain—
 - (a) the names of all electorate candidates;
 - (b) the names and emblems of all registered parties;
 - (c) instructions for voting;
 - (d) a unique serial number.
- (3) The order of electorate candidates must be alphabetical by surname.
- (4) The order of political parties must be alphabetical by party name.

161 Security of ballot papers

- (1) Ballot papers must be printed on secure paper.
- (2) Ballot papers must be stored securely before polling day.
- (3) A person must not—
 - (a) print unauthorised ballot papers.
 - (b) possess unauthorised ballot papers;
 - (c) destroy or alter ballot papers.
- (4) A person who contravenes this section commits a corrupt practice.

162 Issue of ballot papers

- (1) A polling official must issue a ballot paper to each elector who—
 - (a) states their name;
 - (b) is found on the roll;
 - (c) has not already voted
- (2) The polling official must mark the roll to indicate that the elector has voted.

- (3) A ballot paper must not be issued to a person whose name is not on the roll unless they cast a special vote.

163 Spoiled ballot papers

- (1) An elector who spoils a ballot may return it to a polling official.
- (2) The polling official must—
 - (a) mark the spoiled ballot paper “SPOILED”;
 - (b) place it in the spoiled ballot envelope;
 - (c) issue a new ballot paper.
- (3) Spoiled ballot papers must not be counted.

164 Lost ballot papers

- (1) A person who claims to have lost a ballot paper may be issued a new one only if—
 - (a) the original ballot paper has not been placed in the ballot box; and
 - (b) the returning officer approves the issue.
- (2) The original ballot paper is invalid.

Subpart 3—Casting of Votes

165 Voting procedure

- (1) An elector must—
 - (a) receive a ballot paper
 - (b) proceed to the voting booth;
 - (c) mark the ballot paper in secret;
 - (d) fold the ballot paper;
 - (e) place the ballot paper in the ballot box.
- (2) A polling official must not observe how an elector votes.

166 Secrecy of voting

- (1) Every elector has the right to vote in secret.
- (2) A person must not—
 - (a) attempt to discover how another person voted;
 - (b) photograph a ballot paper;
 - (c) require an elector to reveal their vote.
- (3) A person who contravenes this section commits an offense.

167 Assistance to voters

- (1) An elector who is unable to vote without assistance may request help.
- (2) Assistance may be provided by—
 - (a) a polling official; or
 - (b) a person chosen by the elector.

- (3) A person assisting must—
 - (a) mark the ballot paper as directed;
 - (b) maintain secrecy;
 - (c) not influence the elector.
- (4) A person who influences an assisted voter commits a corrupt practice.

168 Tendered votes

- (1) A tendered vote may be cast if—
 - (a) the elector claims to be entitled to vote;
 - (b) the elector's name is marked as having already voted;
 - (c) the elector insists they have not voted.
- (2) A tendered vote must be placed in a sealed envelope.
- (3) Tendered votes must be examined during the official count.

Subpart 4—Special Votes

169 Who may cast a special vote

A person may cast a special vote if—

- (a) The person is not on the printed roll but claims entitlement;
- (b) The person is voting outside their district;
- (c) The person is overseas;
- (d) The person is in hospital, prison, or a remote location;
- (e) The person's name has been incorrectly removed from the roll.

170 Special vote declaration

- (1) A special voter must complete a special vote declaration.
- (2) The declaration must include—
 - (a) the voter's name;
 - (b) the voter's address;
 - (c) the reason for casting a special vote;
 - (d) a signature.
- (3) A special vote without a declaration is invalid.

171 Special vote envelopes

- (1) A special vote must be placed in a sealed envelope.
- (2) The envelope must be marked with—
 - (a) the voter's name;
 - (b) the voter's district;
 - (c) the polling place.
- (3) Special vote envelopes must be delivered to the returning officer.

172 Verification of special votes

- (1) The returning officer must verify each special vote by—
 - (a) checking the roll;
 - (b) confirming the voter has not already voted;
 - (c) confirming the declaration is complete.
- (2) A special vote that fails verification is rejected.

173 Ballot boxes

- (1) Ballot boxes must be—
 - (a) secure;
 - (b) sealed before polling begins
 - (c) opened only during the count.
- (2) A polling official must record the seal number.

174 Custody of ballot boxes

- (1) Ballot boxes must remain under the control of polling officials at all times.
- (2) A person must not tamper with a ballot box.
- (3) A person who contravenes this section commits a corrupt practice.

175 Closing of polling places

- (1) At 7:00 p.m., the polling place must close.
- (2) Polling officials must—
 - (a) seal the ballot box;
 - (b) complete the polling place return;
 - (c) deliver materials to the returning officer.

Part 10

Counting of Votes and Declaration of Results

Subpart 1—Preliminary Count

176 Preliminary count to begin immediately after close of polling

- (1) As soon as practicable after 7:00 p.m. on polling day, polling officials must begin the preliminary count.
- (2) The preliminary count must be conducted at each polling place.
- (3) The preliminary count must include—
 - (a) all ordinary electorate votes;
 - (b) all ordinary party votes;

- (c) all advance ordinary votes.
- (4) Special votes must not be counted during the preliminary count.

177 Procedure for preliminary count

- (1) Polling officials must—
 - (a) open the ballot box;
 - (b) unfold each ballot paper;
 - (c) examine each ballot paper;
 - (d) sort ballot papers into electorate and party vote piles;
 - (e) count the votes for each candidate and party
- (2) Ballot papers must be rejected if—
 - (a) they are not authentic;
 - (b) they contain identifying marks;
 - (c) they are blank;
 - (d) they are marked in a way that does not clearly indicate the voter's intention.

178 Recording of preliminary results

- (1) The polling place manager must record—
 - (a) the number of votes for each electorate candidate;
 - (b) the number of votes for each political party;
 - (c) the number of rejected ballot papers;
 - (d) the number of ballot papers issued.
- (2) The polling place manager must sign the preliminary results.

179 Transmission of preliminary results

- (1) Preliminary results must be transmitted to the returning officer as soon as practicable.
- (2) Transmission may be by—
 - (a) secure electronic means;
 - (b) telephone;
 - (c) any other method approved by the Commission.
- (3) The returning officer must forward preliminary results to the Commission

180 Publication of preliminary results

- (1) The Commission must publish preliminary results progressively on polling night.
- (2) Preliminary results are not final and must be labelled as such.

Subpart 2—Official Count

181 Official count to begin on the first business day after polling

- (1) The returning officer must begin the official count no later than the first business day after polling day.

- (2) The official count must include—
 - (a) all ordinary votes;
 - (b) all special votes;
 - (c) all tendered votes;
 - (d) all advance votes;
 - (e) all votes not counted in the preliminary count.

182 Reconciliation of ballot papers

- (1) Before counting begins, the returning officer must reconcile—
 - (a) the number of ballot papers issued;
 - (b) the number of ballot papers returned;
 - (c) the number of unused ballot papers;
 - (d) the number of spoiled ballot papers;
 - (e) the number of ballot papers in the ballot box.
- (2) Any discrepancy must be investigated and recorded.

183 Scrutiny of ballot papers

- (1) The returning officer must examine each ballot paper to determine its validity.
- (2) A ballot paper must be rejected if—
 - (a) it is not authentic;
 - (b) it contains identifying marks;
 - (c) it is blank;
 - (d) it is marked in a way that does not clearly indicate the voter's intention.
- (3) A ballot paper must not be rejected merely because—
 - (a) it is incorrectly folded;
 - (b) it contains extraneous marks that do not identify the voter.

184 Counting of ordinary votes

- (1) Ordinary votes must be counted first.
- (2) The returning officer must record—
 - (a) the number of valid electorate votes for each candidate;
 - (b) the number of valid party votes for each party;
 - (c) the number of rejected ordinary votes.

185 Verification and counting of special votes

- (1) Special vote declarations must be examined before the votes are counted.
- (2) A special vote must be rejected if—
 - (a) the declaration is incomplete;
 - (b) the voter is not eligible;
 - (c) the voter has already voted;
 - (d) the voter is not enrolled.

- (3) Verified special votes must be counted in the same manner as ordinary votes.

186 Tendered votes

- (1) Tendered votes must be examined separately.
- (2) A tendered vote must be counted only if—
 - (a) the vote is found to be eligible;
 - (b) the voter has not voted elsewhere.
- (3) Tendered votes must be recorded separately.

187 Rejected votes

- (1) The returning officer must keep a record of all rejected votes.
- (2) Rejected votes must be placed in a sealed envelope marked “REJECTED”.

Subpart 3—Declaration of Electorate Results

188 Determination of electorate winner

- (1) The candidate with the highest number of valid electorate votes is elected.
- (2) If two or more candidates receive the same number of votes, the returning officer must determine the winner by lot.
- (3) The drawing of lots must be conducted publicly.

189 Declaration of electorate results

- (1) The returning officer must declare the elected candidate as soon as the official count is complete.
- (2) The declaration must be published in the Gazette.
- (3) The returning officer must notify the Commission.

Subpart 4—Recount

190 Right to request recount

- (1) A candidate may request a recount within **48 hours** after the declaration of results.
- (2) A request must—
 - (a) be in writing;
 - (b) state the grounds for the recount;
 - (c) be accompanied by the prescribed fee.
- (3) The fee is refundable if the recount changes the result.

191 Conduct of recount

- (1) The returning officer must conduct the recount as soon as practicable
- (2) The recount must include—
 - (a) all ordinary votes;

- (b) all special votes;
- (c) all tendered votes;
- (d) all rejected votes.
- (3) The returning officer may revise decisions made during the official recount.

192 Judicial recount

- (1) A candidate may apply to the High Court for a judicial recount.
- (2) The Court may—
 - (a) order a recount;
 - (b) supervise the recount;
 - (c) make any necessary orders.
- (3) The Court's decision is final.

Subpart 5—Certification and Publication

193 Certification of official results

- (1) When the official count is complete, the returning officer must certify—
 - (a) the number of votes for each electorate candidate;
 - (b) the number of votes for each political party;
 - (c) the number of rejected votes;
 - (d) the total number of valid votes.
- (2) The certification must be sent to the Commission.

194 Publication of official results

- (1) The Commission must publish the official results within 5 days after receiving all certifications.
- (2) Publication must include—
 - (a) electorate results;
 - (b) party vote totals;
 - (c) turnout statistics;
 - (d) the number of special votes;
 - (e) the number of rejected votes;
 - (f) ballot validity;
 - (g) results timing.

195 Transmission of results for seat allocation

- (1) The Commission must transmit the party vote totals to the Chief Electoral Commissioner.
- (2) The Chief Electoral Commissioner must allocate list seats in accordance with Part 11.

Part 11

Allocation of Seats (Mixed-Member Proportional System)

196 Purpose

The purpose of this Part is—

- (a) To provide for the allocation of seats in Parliament in proportion to the party vote;
- (b) To ensure that each political party's total number of seats reflect its share of the party vote.
- (c) To provide for the use of the Sainte-Laguë method;
- (d) To provide for the allocation of list seats;
- (e) To provide for overhang seats;
- (f) To ensure that electorate seats are deducted from each party's entitlement.

Subpart 1—General Principles

197 Total number of seats

- (1) Parliament consists of—
 - (a) 13 electorate seats; and
 - (b) 13 list seats;for a total of 26 seats.
- (2) Parliament may temporarily exceed 26 seats if overhang seats arise under this Part.

198 Party vote determines proportional entitlement

- (1) The total number of seats to which a political party is entitled is determined solely by the party vote.
- (2) Electorate seats won by a party are deducted from that entitlement.
- (3) List seats are allocated to bring each party up to its entitlement.

199 Threshold for eligibility

- (1) A political party is eligible for list seats only if—
 - (a) it receives at least **4%** of the total party vote; or
 - (b) it wins at least **one electoral seat**.
- (2) A party that does not meet either threshold is not entitled to any list seats.

Subpart 2—Calculation of Party Entitlements

200 Sainte-Laguë method to be used

- (1) The Sainte-Laguë must be used to allocate seats to political parties.
- (2) The method is set out in Schedule 1
- (3) The divisors to be used are—

- (a) 1;
 - (b) 3;
 - (c) 5;
 - (d) 7;
 - (e) 9;
- and so one for as many seats as required.

201 Party vote totals

- (1) The Commission must determine the total number of valid party votes cast for each political party.
- (2) Invalid or rejected party votes must not be included.
- (3) The total number of valid party votes must be used for the calculation of entitlements.

202 Allocation of seats to parties

- (1) The Chief Electoral Commissioner must—
 - (a) apply the Sainte-Laguë method to the party vote totals;
 - (b) allocate 26 seats among the eligible parties.
- (2) The number of seats allocated to each party under subsection (1) is that party's **proportional entitlement**.

203 Deduction of electorate seats

- (1) The number of electorate seats won by a party must be deducted from its proportional entitlement.
- (2) If the number of electorate seats won by a party is—
 - (a) less than its entitlement, the difference is filled by list seats;
 - (b) equal to its entitlement, the party receives no list seats;
 - (c) greater than its entitlement, the party has **overhang seats**.

Subpart 3—List Seat Allocation

204 Allocation of list seats

- (1) List seats must be allocated to eligible parties in the order of candidates on their party lists.
- (2) A candidate is not eligible to be allocated a list seat if—
 - (a) the candidate has died;
 - (b) the candidate has withdrawn;
 - (c) the candidate is ineligible to be a Member of Parliament.
- (3) If a party has fewer list candidates than the number of list seats it is entitled to, the remaining seats remain vacant.

205 Declaration of list MPs

- (1) When list seats have been allocated, the Chief Electoral Commissioner must declare elected the candidates who fill those seats.
- (2) The declaration must be published in the Gazette.
- (3) A list MP takes office on the date of publication.

Subpart 4—Overhang Seats

206 Overhang seats

- (1) A party has overhang seats if the number of electorate seats it wins exceeds its proportional entitlement.
- (2) Overhang seats are retained by the party.
- (3) Parliament is increased by the number of overhang seats.
- (4) Other parties do not receive additional seats to compensate for overhang.

207 Effect of overhang on Parliament

- (1) If overhang seats arise, the total number of seats in Parliament is—
 - (a) 26; plus
 - (b) the number of overhang seats.
- (2) Overhang seats remain in Parliament until the next general election.

Subpart 5—Vacancies and Replacements

208 Vacancy in list seats

- (1) A list seat becomes vacant if—
 - (a) the list MP dies;
 - (b) the list MP resigns;
 - (c) the list MP becomes disqualified;
 - (d) the list MP's election is declared void.
- (2) A vacancy in a list seat must be filled under section 209.

209 Replacement of list MPs

- (1) The Commission must declare elected the next available candidate on the party's list.
- (2) A candidate is not available if—
 - (a) the candidate has died;
 - (b) the candidate has withdrawn;
 - (c) the candidate is ineligible.
- (3) If no candidates remain on the list, the seat remains vacant.

210 Vacancy in electorate seats

- (1) A vacancy in an electorate seat must be filled by a by-election under Part 6.
- (2) A party list may not be used to fill an electorate vacancy.

Subpart 6—Publication and Certification

211 Publication of seat allocation

- (1) The Commission must publish—
 - (a) the total number of seats allocated to each party;
 - (b) the number of electorate seats won by each party;
 - (c) the number of list seats allocated to each party;
 - (d) the number of overhang seats (if any).
- (2) Publication must occur within 3 days after allocation.

212 Certification of final composition of Parliament

- (1) The Chief Electoral Commissioner must certify the final composition of Parliament.
- (2) Certification must include—
 - (a) the names of all electorate MPs;
 - (b) the names of all list MPs;
 - (c) the total number of seats held by each party;
 - (d) the total number of seats in Parliament.
- (3) Certification must be transmitted to the Governor-General.

**Part 12
Members of Parliament**

213 Composition of Parliament

- (1) Parliament consists of—
 - (a) 13 electorate Members of Parliament; and
 - (b) 13 list Members of Parliament;subject to any overhang seats under Part 11.
- (2) All Members of Parliament have equal powers, rights, and privileges.

Subpart 1—Qualifications and Disqualifications

214 Qualifications for membership

- A person is qualified to be a Member of Parliament if the person—
- (a) is a citizen of Square Country;
 - (b) is enrolled as an elector;

- (c) is at least 18 years of age;
- (d) is not disqualified under this Act or any other enactment.

215 Disqualifications

A person is disqualified from being a Member of Parliament if the person—

- (a) is a judge;
- (b) is a member of the armed forces or police;
- (c) is an undischarged bankrupt;
- (d) has been convicted of an offence punishable by imprisonment for 2 years or more, unless pardoned;
- (e) is of unsound mind as determined by a court;
- (f) hold an office of profit under the Crown, unless resigned before taking office;
- (g) is a member of a foreign legislature.

216 Disqualification after election

- (1) If a Member of Parliament becomes disqualified after being elected, the seat becomes vacant.
- (2) The Speaker must notify the Governor-General and the Commission.

Subpart 2—Oath of Office

217 Oath or affirmation required

- (1) A person elected as a Member of Parliament must, before taking their seat, take the oath of affirmation set out in schedule 3.
- (2) The oath must be taken before the Governor-General or a person authorised by the Governor-General.
- (3) A person who fails to take the oath within 30 days of being declared elected may not sit or vote until the oath is taken.

218 Effect of failure to take oath

- (1) A person who fails to take the oath within 90 days of being declared elected ceases to be a Member of Parliament.
- (2) The seat becomes vacant.

Subpart 3—Conduct and Discipline

219 Privileges of Members

- (1) Members of Parliament have the privileges and immunities set out in the Parliamentary Privileges Act.
- (2) Nothing in this Act limits parliamentary privilege.

220 Misconduct by Members

- (1) A Member commits misconduct if the Member—
 - (a) engages in disorderly behaviour;
 - (b) wilfully disrupts parliamentary proceedings;
 - (c) brings Parliament into disrepute;
 - (d) breaches the code of conduct.
- (2) Misconduct may result in suspension or expulsion.

221 Expulsion of Members

- (1) Parliament may expel a Member only if—
 - (a) the Member has committed serious misconduct; and
 - (b) the motion to expel is supported by at least 75% of all Members.
- (2) A Member who is expelled ceases to be a Member immediately.
- (3) The seat becomes vacant.

222 Suspension of Members

- (1) Parliament may suspend a Member for misconduct.
- (2) A suspension may not exceed 30 sitting days.
- (3) A suspended Member may not sit, vote, or receive salary during the suspension.

Subpart 4—Remuneration and Entitlements

223 Remuneration of Members

- (1) Members are entitled to salary and allowances determined by the Remuneration Authority.
- (2) Remuneration must not be altered during a Member's term except as part of a general adjustment.

224 Travel and accommodation

- (1) Members are entitled to travel and accommodation allowances for parliamentary duties.
- (2) The Commission may issue guidelines for the administration of allowances.

225 Superannuation

Members are entitled to participate in the parliamentary superannuation scheme established by law.

Subpart 5—Miscellaneous

226 Attendance of Members

- (1) A Member must attend sittings of Parliament unless excused.
- (2) A Member who is absent without leave for 30 consecutive sitting days ceases to be a Member.
- (3) The seat becomes vacant.

227 Prohibition on dual membership

A Member may not simultaneously serve

- (a) in a foreign legislature;
- (b) as a judge;
- (c) as a member of the armed forces or police.

228 Effect of dissolution

- (1) All Members cease to hold office upon dissolution of Parliament.
- (2) Members remain entitled to salary allowances until the return of the writs.

Part 13 Electoral Offences

229 Purpose

The purposes of this Part are—

- (a) to define corrupt and illegal practices;
- (b) to provide penalties for electoral offences;
- (c) to ensure the integrity of elections;
- (d) to provide for enforcement and prosecution
- (e) to protect electors, candidates, and officials from coercion, fraud, and intimidation.

Subpart 1—Corrupt Practices

230 Bribery

- (1) A person commits bribery if the person—
 - (a) gives, offers, or promises any gift, loan, reward, or advantage, to influence and elector;
 - (b) requests or receives any such benefit in exchange for voting or not voting;
 - (c) induces a person to stand or withdraw as a candidate.
- (2) Bribery is a **corrupt practice**.

231 Treating

- (1) A person commits treating if the person provides food, drink, entertainment, or hospitality for the purpose of influencing an elector.
- (2) Treating is a **corrupt practice**.

232 Undue influence

- (1) A person commits undue influence if the person—
 - (a) uses or threatens force, violence, or restraint;
 - (b) inflicts or threatens harm;

- (c) intimidates or coerces an elector;
- (d) prevents an elector from voting.
- (2) Undue influence is a **corrupt practice**.

233 Personation

- (1) A person commits personation if the person—
 - (a) votes in the name of another person;
 - (b) votes more than once;
 - (c) impersonated a deceased or fictitious person;
 - (d) induces another person to commit personation.
- (2) Personation is a **corrupt practice**.

234 False statements about candidates

- (1) A person commits a corrupt practice if the person knowingly published a false statement alleging—
 - (a) that a candidate has committed a crime;
 - (b) that a candidate is disqualified;
 - (c) that a candidate is guilty of misconduct.
- (2) A person does not commit an offence if the statement was made in good faith and on reasonable grounds.

235 Corrupt practices by officials

- (1) A polling official, returning officer, or Commission employee commits a corrupt practice if the person—
 - (a) falsifies a ballot paper or return;
 - (b) destroys or alters a ballot paper;
 - (c) permits unauthorised access to ballot papers;
 - (d) knowingly counts invalid votes or rejects valid votes.

Subpart 2—Illegal Practices

236 Illegal practices defined

- A person commits an illegal practice if the person—
- (a) Exceeds spending limits;
 - (b) Fails to disclose donations;
 - (c) Publishes election advertising without a promoter statement;
 - (d) Campaigns within 100 metres of a polling place;
 - (e) Misuses public resources;
 - (f) Knowingly provides false information for enrolment;
 - (g) Interferes with campaign material;
 - (h) Fails to file required returns.

237 False statements in nomination papers

A person commits an illegal practice if the person knowingly makes a false statement in a nomination paper.

238 Breach of secrecy

- (1) A person commits an illegal practice if the person—
- (a) attempts to discover how another person voted;
 - (b) discloses information obtained in violation of ballot secrecy;
 - (c) photographs or records a marked ballot paper.

239 Interference with polling

A person commits an illegal practice if the person—

- (a) obstructs electors;
- (b) disrupts polling;
- (c) interferes with ballot boxes;
- (d) refuses to leave a polling place when directed.

Subpart 3—Minor Offences

240 Minor offences

A person commits a minor offence if the person—

- (a) removes or defaces election signs;
- (b) fails to notify a change of address
- (c) fails to comply with a lawful direction of a polling official;
- (d) enters a polling booth without permission.

241 Attempted offences

A person who attempts to commit any offence under this Act is guilty of an offence of the same type.

Subpart 4—Penalties

242 Penalties for corrupt practices

- (1) A person convicted of a corrupt practice is liable to—
- (a) imprisonment for up to **5 years**; or
 - (b) a fine not exceeding £100,000; or
 - (c) both.
- (2) A person convicted of a corrupt practice is disqualified from—
- (a) voting for 3 years;

243 Penalties for illegal practices

- (1) A person convicted of an illegal practice is liable to—
 - (a) a fine not exceeding **£50,000**;
 - (b) disqualification from voting for up to 1 year.
- (2) A candidate convicted of an illegal practice may have their election declared void.

244 Penalties for minor offences

A person convicted of a minor offence is liable to a fine not exceeding **£5,000**.

Subpart 5—Liability of Candidates and Parties

245 Liability of candidates

- (1) A candidate is liable for offences committed by their agents if—
 - (a) the candidate authorised the conduct; or
 - (b) the candidate failed to take reasonable steps to prevent the offence.
- (2) A candidate is not liable if the offence was committed without their knowledge despite reasonable precautions.

246 Liability of party secretaries

- (1) A party secretary is liable for—
 - (a) false donation returns;
 - (b) false party list declarations;
 - (c) failure to file required documents.
- (2) A party secretary may be prosecuted personally.

247 Liability of promoters

A promoter is liable for any offence arising from election advertising they publish or cause to be published.

Subpart 6—Prosecution and Enforcement

248 Time limits for prosecutions

- (1) A prosecution for a corrupt practice must be commenced within **3 years**.
- (2) A prosecution for an illegal practice must be commenced within **1 year**.
- (3) A prosecution for a minor offence must be commenced within **6 months**.

249 Who may prosecute

- (1) The Commission may prosecute any offence under this Act.
- (2) The police may prosecute any offence under this Act.
- (3) A private prosecution may be brought with leave of the High Court.

250 Powers of investigation

- (1) The commission may—
 - (a) require documents;
 - (b) require information;
 - (c) summon witnesses;
 - (d) inspect financial records;
 - (e) enter premises with consent or warrant.
- (2) A person who obstructs an investigation commits an offence.

251 Evidence

- (1) Certified copies of electoral documents are admissible as evidence.
- (2) A certificate signed by the Chief Electoral Commissioner is prime facie evidence of its contents.

252 Protection of whistleblowers

A person who reports an electoral offence in good faith is protected from civil and criminal Liability.

Part 14 Referendums

253 Purpose

The purposes of this Part are—

- (a) to provide for the conduct of referendums in Square Country;
- (b) to ensure that referendums are administered fairly and impartially;
- (c) to regulate campaigning and advertising relating to referendum questions;
- (d) to provide for the counting and certification of referendum results;
- (e) to distinguish between binding and indicative referendums.

Subpart 1—General Provisions

254 Types of referendums

- (1) A referendum may be—
 - (a) **binding**, if expressly declared binding by an Act of Parliament; or
 - (b) **indicative**, if held for the purpose of gauging public opinion.

- (2) A binding referendum has legal effect as specified in the enabling Act.
- (3) An indicative referendum does not have legal effect but must be reported to Parliament.

255 Referendum questions

- (1) A referendum question must be—
 - (a) clear;
 - (b) neutral;
 - (c) capable of being answered “Yes” or “No”, unless otherwise provided.
- (2) The wording of the question must be approved by Parliament.
- (3) The Commission must publish the question at least 60 days before polling day.

256 Application of electoral procedure

- (1) Except as otherwise provided in this Part, the procedures for general elections apply to referendums with necessary modifications.
- (2) This includes—
 - (a) enrolment;
 - (b) polling places;
 - (c) ballot papers;
 - (d) special votes;
 - (e) counting;
 - (f) offences.

Subpart 2—Writs and Timetable

257 Issue of writ for referendum

- (1) The Governor-General must issue a writ for a referendum when required by law.
- (2) The writ must specify—
 - (a) the referendum question;
 - (b) the polling day;
 - (c) the date for the return of the writ.
- (3) The Commission must publish the writ in the Gazette.

258 Referendum timetable

- (1) The following timetable applies unless otherwise provided:
 - (a) Day 0: Writ issued;
 - (b) Day 10: Close of registration for referendum promoters;
 - (c) Day 14: Publication of official information statement;
 - (d) Day 16: Advance voting begins;
 - (e) Day 30: Polling day;
 - (f) Day 45: Official results declared;
 - (g) Day 50: Return of writ.

- (2) The Commission may adjust dates for administrative reasons.
- (3) The Governor-General may postpone polling day in accordance with Part 6.

Subpart 3—Information and Campaigning

259 Official information statement

- (1) The Commission must prepare an official information statement.
- (2) The statement must include—
 - (a) the referendum question;
 - (b) a neutral explanation of the proposal, if provided by Parliament.

260 Referendum promoters

- (1) A person who spends more than €1,000 on referendum advertising must register as a referendum promoter.
- (2) A promoter must file spending returns.
- (3) A promoter must include a promoter statement on all advertising.

261 Referendum advertising

- (1) Referendum advertising must comply with the rules in Part 8.
- (2) Advertising must not—
 - (a) mislead or deceive electors;
 - (b) simulate ballot papers;
 - (c) purport to be from the Commission.
- (3) A person who contravenes this section commits an illegal practice.

262 Prohibited conduct

- (1) A person must not—
 - (a) bribe or treat electors;
 - (b) intimidate electors;
 - (c) interfere with polling;
 - (d) campaign within 100 metres of a polling place.
- (2) A person who contravenes this section commits an offence.

Subpart 4—Ballot Papers and Voting

263 Form of referendum ballot paper

- (1) A referendum ballot paper must contain—
 - (a) the referendum question;
 - (b) the options “Yes” and “No”, unless otherwise provided;
 - (c) instructions for voting;
 - (d) a unique serial number.

- (2) The Commission may prescribe alternative formats for multi-option referendums.

264 Voting procedure

- (1) An elector must make the ballot paper in secret.
- (2) A ballot paper must be marked in a manner that clearly indicates the voter's intention.
- (3) A ballot paper that does not clearly indicate intention must be rejected.

Subpart 5—Counting and Results

265 Preliminary count

- (1) The preliminary count must begin immediately after the close of polling.
- (2) The preliminary count must include all ordinary referendum votes.
- (3) Special votes must not be counted during the preliminary count.

266 Official count

- (1) The official count must begin on the first business day after polling day.
- (2) The official count must include—
 - (a) ordinary votes;
 - (b) special votes;
 - (c) tendered votes.
- (3) The returning officer must determine the number of valid “Yes” and “No” votes.

267 Declaration of results

- (1) The Commission must declare the official results within 45 days after polling day.
- (2) The declaration must include—
 - (a) the number of valid votes for each option;
 - (b) the number of rejected votes;
 - (c) the turnout;
 - (d) ballot validity;
 - (e) results timing.
- (3) The declaration must be published in the Gazette.

268 Effect of results

- (1) If the referendum is binding, the result has legal effect as specified in the enabling Act.
- (2) If the referendum is indicative, the Commission must present the results to Parliament.

Subpart 6—Offences and Penalties

269 Offences relating to referendums

A person commits an offence if the person—

- (a) knowingly publishes false information about the referendum question;
- (b) interferes with referendum ballot papers;
- (c) obstructs referendum officials
- (d) impersonates a referendum official;
- (e) destroys or alters referendum documents.

270 Penalties

- (1) A person convicted of an offence under this Part is liable to—
 - (a) imprisonment for up to 2 years; or
 - (b) a fine not exceeding £50,000.
- (2) A person convicted of a corrupt practice under this Part is disqualified from voting for 3 years.

Part 15
Miscellaneous and Transitional Provisions

271 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Commission, make regulations for the purpose of—
 - (a) prescribing forms required under this Act;
 - (b) prescribing procedures for enrolment, voting, counting, and certification;
 - (c) prescribing requirements for ballot papers, ballot boxes, and polling materials;
 - (d) prescribing spending limits, disclosure thresholds, and reporting formats;
 - (e) prescribing offences for breaches of regulations;
 - (f) any other matter necessary for the administration of this Act.
- (2) Regulations must be consistent with the purposes of this Act.

272 Power to issue guidelines

- (1) The Commission may issue guidelines relating to—
 - (a) the conduct of polling
 - (b) the duties of returning officers and polling officials;
 - (c) the interpretation of this Act;
 - (d) the administration of campaign finance rules.
- (2) Guidelines are not legally binding but must be taken into account by officials.

273 Protection of Commission and officials

- (1) No civil or criminal proceedings may be brought against the Commission, a returning officer, or a polling official for any act done in good faith in the performance of their duties.
- (2) This section does not apply to acts done in bad faith or with gross negligence.

274 Service of documents

- (1) Any notice or document required to be served under this Act may be served—
 - (a) personally;
 - (b) by post;
 - (c) by electronic means approved by the Commission.
- (2) Service by post is deemed effective 3 days after posting.

275 Publication requirements

- (1) Any matter required to be published under this Act must be published—
 - (a) in the Gazette; and
 - (b) on the Commission's website. [amended]
- (2) The Commission may publish additional notices it considers appropriate.

276 Fees

- (1) The Commission may prescribe fees for—
 - (a) nomination deposits;
 - (b) recount applications;
 - (c) inspection of documents;
 - (d) certification services.
- (2) Fees must be reasonable and proportionate.

Subpart 2—Savings and Transitional Provisions

277 Existing electoral rolls

- (1) Electoral rolls in force immediately before the commencement of this Act continue in force until replaced under Part 2.
- (2) Electors enrolled under previous legislation are deemed enrolled under this Act.

278 Existing political parties

- (1) A political party registered under previous legislation is deemed registered under this Act.
- (2) The party must comply with the requirements of Part 3 within 12 months of commencement.

279 Transitional arrangements for boundaries

- (1) Electoral district boundaries in force immediately before the commencement of this Act remain in force until replaced under Part 5.
- (2) The first boundary review under this Act must be completed within 3 years of commencement.

280 Transitional arrangements for campaign finance

- (1) Campaign finance rules under this Act apply to any election held after the commencement date.

- (2) Donations received before commencement must be disclosed if they would have been required under this Act.

281 Transitional arrangements for referendums

- (1) Any referendum process commenced before the commencement of this Act continues under previous law unless otherwise directed by Parliament.
- (2) The Commission may apply procedures under this Act if doing so does not prejudice any person.

Subpart 3—Repeals and Commencement

282 Repeal of previous enactments

- (1) The following enactments are repealed:
 - (a) the Electoral Act 1953;
 - (b) the Electoral Amendment Act 1975;
 - (c) the Electoral Finance Act 1979;
 - (d) any other enactment inconsistent with this Act.
- (2) Regulations made under repealed enactments continue in force until replaced.

283 Savings

- (1) Anything lawfully done under a repealed enactment is deemed to have been done under this Act.
- (2) Any investigation, prosecution, or proceeding commenced under a repealed enactment may continue as if this Act has not been passed.

284 Review of this Act

- (1) The Commission must review the operation of this Act after the second general election held under it.
- (2) The Commission must report to Parliament on—
 - (a) the effectiveness of the MMP system;
 - (b) the administration of elections;
 - (c) any recommended amendments.

SCHEDULE 1 — SAINTE-LAGUË SEAT ALLOCATION METHOD (Section 220)

1 Purpose of this Schedule

The purpose of this Schedule is to set out the mathematical method used to allocate seats in Parliament to political parties in proportion to their share of the party vote.

2 Definitions

In this Schedule—

“**party vote**” means the total number of valid party votes cast for a political party at a general election.

“**eligible party**” means a political party that meets the threshold in section 219.

“**divisor**” means a number used to divide a party’s vote total to generate quotients for ranking.

3 Divisors

(1) The Sainte-Laguë method uses the following sequence of divisors:

1, 3, 5, 7, 9, 11, 13

(2) Additional divisors must be used as necessary to allocate all seats.

4 Calculation of quotients

(1) For each eligible party, a series of quotients must be calculated by dividing the party’s total party votes by each divisor.

(2) The formula is—

$$Q_n = V/D_n$$

Where—

Q_n is the n th quotient;

V is the party’s total party votes;

D_n is the n th divisor

5 Ranking of quotients

(1) All quotients calculated under clause 4 must be arranged in descending numerical order.

(2) The highest 26 quotients correspond to the 26 seats in Parliament (subject to overhang under Part 11).

(3) Each quotient is assigned to the party from which it was derived.

6 Allocation of seats

- (1) Each time a party's quotient appears in the ranked list, that party is allocated one seat.
- (2) The total number of seats allocated to a party under this Schedule is that party's proportional entitlement under section 198.

7 Deduction of electorate seats

- (1) The number of electorate seats won by a party must be deducted from its proportional entitlement.
- (2) If the number of electorate seats exceeds the entitlement, the party retains all electorate seats and creates overhang seats.

8 Worked example (illustrative only)

- (1) Suppose the following party votes are cast:
Party A: 120,000
Party B: 80,000
Party C: 40,000
Party D: 10,000 (below threshold; excluded)
- (2) Quotients are calculated using divisors 1, 3, 5, 7, etc.
- (3) The highest 26 quotients are selected.
- (4) Seats are allocated accordingly.
- (5) This example is for illustration only and does not form part of the law.

SCHEDULE 2 — OATH OR AFFIRMATION OF MEMBERS OF PARLIAMENT (Section 217)

1 Oath of Allegiance

A Member of Parliament taking the oath must say:

“I, [name], swear that I will be faithful and bear true allegiance to Square Country and to the Constitution of Square Country, and that I will faithfully perform the duties of a Member of Parliament. So help me God.”

2 Affirmation of Allegiance

A Member of Parliament making an affirmation must say:

“I, [name], solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to Square Country and to the Constitution of Square Country, and that I will faithfully perform the duties of a Member of Parliament.”

3 Manner of taking oath or affirmation

- (1) The oath or affirmation must be taken before—
 - (a) the Governor-General; or
 - (b) a person authorised by the Governor-General
- (2) The oath or affirmation must be taken before the Member may sit or vote in Parliament.

4 Record of oath or affirmation

- (1) The Clerk of the House must record the taking of the oath or affirmation.
- (2) The record must be kept in the parliamentary archives.

Notes

1 *General*

This is a consolidation of the Electoral Act 1986 that incorporates the Amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal Status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. The presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.