



ANALYSIS

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1971-72, No. 11

An Act to amend the Electoral Act 1966

(18 February 1972)

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

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

2. Electoral Officers - Subsection (1) of section 4 of the principal Act is hereby amended by omitting from paragraph (c) the words "in any island".

3. Nominations - Section 29 of the principal Act is hereby amended by adding the following subsection:-

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

4. Hours of polling - Section 43 of the principal Act is hereby amended by adding the following proviso:-

"Provided also that on the islands of Palmerston, Nassau and Lannaue, if the Chief Electoral Officer so directs the poll shall commence at 9 o'clock in the forenoon and shall close at one o'clock in the afternoon of the same day."

5. Special Voters - Section 52 of the principal Act is hereby amended by omitting subsection (3) and substituting the following subsections:-

"(3) (a) On polling day, on delivery by the special voter of the certificate issued to him as aforesaid, the presiding officer at the place named in the certificate shall supply the special voter with a voting paper in the form 8A. He shall also supply the special voter with a list of candidates nominated for the constituency in which the special voter is registered, and with an envelope marked "special vote".

(b) The voter, after having alone and secretly printed in the name of the candidate or candidates for whom he wishes to vote, shall fold the voting paper and place it in the envelope, and deposit the envelope after sealing it, in the ballot box."

6. Preliminary Count of Votes - Section 55 of the principal Act is hereby amended by omitting subsection (4) and substituting the following subsection:-

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

7. Voting papers to be secured - Section 56 of the principal Act is hereby amended by adding the following subsection:-

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

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

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

8. Interfering with or influencing voters - Section 65 of the principal Act is hereby repealed and the following section substituted:-

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

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

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

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

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

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

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

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

- (f) At any time on polling day before the close of the poll prints or distributes or delivers to any person any card or paper (whether or not it is an imitation ballot paper) having thereon the names of the candidates or any of them:
- (g) Exhibits or leaves in any polling booth any card or paper having thereon any direction or indication as to how any person should vote or as to the method of voting:
- (h) At any time on polling day before the close of the poll, within, or at the entrance to, or in the vicinity of, any polling place -

- (i) Gives or offers to give to any person any written or oral information as to any name or number on the main roll or any supplementary roll being used at the election:
- (ii) Permits or offers to permit any person to examine any copy of the main roll or any supplementary roll being used at the election.
- (2) It shall not be an offence against this section for any person to wear or display (whether on his person or not) any party emblem.
- (3) Nothing in this section shall apply to any official statement or announcement made or exhibited under the authority of this Act."

9. Schedule - The Schedule of the principal Act is hereby amended by omitting form 6 and substituting the following form:-

" FORM 6

NOMINATION PAPER

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

To the best of our knowledge, on nomination day, namely the _____ day of _____ 19 _____, (Name) will have been ordinarily resident (within the meaning of that expression as it is defined in Article 28 of the Cook Islands Constitution) in the Cook Islands throughout the period of three months immediately preceding that date and will have at some period resided continuously in the Cook Islands for not less than 12 months.

Dated this _____ day of _____ 19 _____.

A. B.
 C. D.

(Full names, residences, and occupations.)

CONSENT

I, (Name) hereby consent to the above nomination* - to my nomination as a candidate at the election of a representative for the _____ Constituency by A.B. and C.D.* And I solemnly declare that throughout the period of three months immediately preceding nomination day, namely the _____ day of _____ 19 _____ I have been ordinarily resident (within the meaning of that expression as it is defined in Article 28 of the Cook Islands Constitution) in the Cook Islands and have at some period resided continuously in the Cook Islands for not less than 12 months.

(Full name, residence, and occupation.)

* Delete words that do not apply. "

This Act is administered by the Chief Electoral Officer.