



## ANALYSIS

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 1988, No. 5

An Act to amend the Electoral Act 1966

(22 June 1988)

BE IT ENACTED by the Parliament 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 1988 and shall be read with and deemed part of the Electoral Act 1966 (herein referred to as "the principal Act").

2. Compulsory registration of electors - The principal Act is amended by repealing section 10 and substituting the following section,-

"10. Compulsory registration of electors - (1) Every person,-

(a) Who is qualified to be registered as an elector; or

(b) Who, before the date fixed for the closing of the roll in accordance with section 18(1), becomes qualified to be registered as an elector,

shall make application, as prescribed in this Part, for registration as an elector after such date as shall be determined and publicly notified by the Chief Electoral Officer, and before the date fixed for the closing of the roll pursuant to section 18(1).

(2) Notwithstanding the provisions of section 11, where the Registrar in charge of a roll has not been appointed, the Chief Electoral Officer shall receive every application for registration in respect of that roll.

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

(4) Every person who without reasonable justification contravenes the provisions of this section commits an offence and shall be liable to a fine of \$4."

3. Time limit for objections - The principal Act is amended by repealing section 16 and substituting the following section,-

"16. Time limit for objections - No objection shall be made after the expiration of 3 clear days,-

- (a) From 4 p.m. on the date fixed for the closing of the roll compiled pursuant to section 10 in the case of a registered elector on that roll;
- (b) From 4 p.m. on the date fixed for the closing of the roll compiled pursuant to section 20 in the case of a registered elector on that roll;
- (c) From 4 p.m. on the date the Registrar in charge amends the roll pursuant to section 23(3)(a), (b), or (c)."

4. Closing of rolls - The principal Act is amended by repealing section 18 and substituting the following section,-

"18. Closing of rolls - (1) The rolls compiled pursuant to section 10 shall be closed on dates to be fixed for each roll by the Chief Electoral Officer and different dates may be fixed for different rolls.

(2) The rolls compiled pursuant to section 20 shall be closed on dates to be fixed for each roll by the Chief Electoral Officer and different dates may be fixed for different rolls.

(3) For the purpose of this section,-

- (a) At least 14 clear days before the day so fixed pursuant to subsection (1) the Registrar in charge shall give public notice thereof;
- (b) At least 3 clear days before the day so fixed pursuant to subsection (2) the Registrar in charge shall give public notice thereof.

(4) Notwithstanding subsections (2) and (3) the Registrar in charge of the Overseas Constituency shall give such notice in New Zealand and elsewhere as to the closing of the roll for that constituency as the Chief Electoral Officer shall consider appropriate."

5. Supplementary rolls - The principal Act is amended by repealing section 20 and substituting the following section,-

"20. Supplementary rolls - (1) The Chief Electoral Officer on and after a date to be determined by him and publicly notified shall,-

- (a) Notwithstanding the compilation of rolls pursuant to section 10 and the closing of those rolls pursuant to section 18(1); and
- (b) Where a person who is qualified for registration as an elector but,-
  - (i) Has qualified to become registered as an elector between the date fixed pursuant to section 18(1) and the date fixed pursuant to section 18(2); or

- (ii) For reasons beyond that person's control he was unable to make application pursuant to section 10,

cause the Registrar in charge to receive from such person, an application for registration as an elector and if the Registrar in charge is satisfied that such person should be registered as an elector he shall register that person upon the roll.

(2) Every name added to the roll,-

(a) In accordance with subsection (1); and

(b) In accordance with section 23(3),

shall be recorded on the supplementary roll and the Registrar in charge shall cause the same to be printed and it shall be deemed to be part of the main roll compiled pursuant to section 10."

6. Inspection of rolls and supply of copies - The principal Act is amended by repealing section 21 and substituting the following section,-

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

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

7. Effect of closing of rolls - The principal Act is amended by repealing section 23 and substituting the following section,-

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

(2) Subject to subsections (3) and (5), it shall not be lawful for the Registrar in charge to enter upon or remove from the roll the name of any person after the date fixed in accordance with section 18 for the closing of the roll, until after the general election or by-election in respect of which the roll has been compiled.

(3) The Registrar in charge shall amend the roll by entering thereon or removing therefrom, as the case may be, the name of a person,-

(a) Where the Registrar in charge is satisfied that the name of that person has been entered upon, omitted or removed from the roll by mistake, clerical error or false information;

(b) Where, before the date and time fixed for the closing of the roll, an application for registration has been received by the Registrar in charge but due to neglect inadvertence or inability to deal with the application the applicant's name is omitted from a roll upon which the applicant is entitled to be registered.

- (c) Where the Registrar in charge acts in accordance with section 12(6).
- (d) If the Registrar in charge is directed by the High Court pursuant to section 17;
- (4) Where the Registrar in charge removes any name pursuant to paragraph (c) of subsection (3) for the reason that the registered elector ceases to reside within the constituency, as provided by section 12(6)(c), the Chief Electoral Officer may determine that the registered elector be transferred to the roll of the constituency in which he is resident and every Registrar in charge affected shall comply with such determination which shall be final.
- (5) Every amendment authorised by subsection (3) shall be made not later than 14 clear days before the day appointed for the election.
- (6) Every Registrar in charge commits an offence who amends a roll contrary to this section, and shall be liable to a fine not exceeding \$40 for every name improperly entered upon or removed from a roll."

8. General election: Public Notice - The principal Act is amended by repealing section 28 and substituting the following section,-

"28. General election: Public Notice - (1) For every general election the Queen's Representative shall not later than 7 clear days following the dissolution or expiration of the then last Parliament,-

- (a) Appoint the day for the general election, by notice published in the Cook Islands Gazette; and
- (b) Give notice thereof in writing to the Chief Electoral Officer.
- (2) The Chief Electoral Officer shall, within 3 days of receiving notice pursuant to subsection (1)(b), give public notice of the day appointed for the election and shall in that notice appoint a place or places in each constituency and a day as the latest day for the nomination of candidates to be lodged with the Returning Officer in charge of the election in the several constituencies.
- (3) The Chief Electoral Officer shall give notice in the Overseas Constituency of the election and such notice shall contain the matters specified in subsection (2)."

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This Act is administered by the Chief Electoral Officer.