COOK ISLANDS

ELECTORAL ACT 2004

Examined and certified by:

Clerk of the Parliament

_____

In the name and on behalf of Her Majesty Queen Elizabeth the Second I hereby assent to this Act this 14th day of June 2004.

LAURENCE MURRAY GRAIG
Chief Justice of the Cook Islands
Exercising the functions and
powers of the Queen's
Representative pursuant to
Article 7(1) of the Constitution
of the Cook Island

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2004, No. 11

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

(14 June 2004

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 Act 2004.

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

"Bribery" has the meaning assigned to that term by section 88;

"By-election" means any election other than a general election;

"Candidate" means any elector who has been nominated for election;

"Chief Electoral Officer" means the Chief Electoral Officer appointed pursuant to section 4 and includes his or her deputy;

"Chief Registrar of Electors" means the Chief Registrar of Electors appointed pursuant to

section 11 and includes his or her deputy;

"Constituency" means a constituency referred to in section 6;

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

"Cook Islander" means a person of the Polynesian race indigenous to the Cook Islands and includes the descendant of such a person;

"Cook Islands" means the Cook Islands as defined by the Constitution;

"Corrupt practice" means any of the offences specified in section 87;

"Court" means the High Court of the Cook Islands;

"Crown Servant" means any person who is remunerated in any capacity by the Crown, or by any agency of the Crown including any statutory or other body or corporation substantially owned or controlled by the Crown, but does not include a person who is remunerated pursuant to the Civil List Act 1984 or a person who receives occasional payment from the Crown for the provision of goods or services from time to time;

"Elector" in relation to any constituency, means a person who is qualified and registered as an elector for that constituency;

"Electoral process" means the cycle of procedures that causes any candidate to be duly elected to office and includes all such procedures of appraisal immediately following the declaration of results of the poll;

"Executive Council" means the Executive Council of the Cook Islands established under the Constitution;

"General election" means an election that takes place after the dissolution of Parliament;

"Judicial Officer" means any Judge of the Court or Court of Appeal of the Cook Islands and includes a Justice of the Peace appointed under the provisions of the Constitution, but does not include a Justice of the Peace who has provided a written undertaking to the Registrar of the Court to not preside at any sitting of the Court during any time that he or she is a candidate, or is a member;

"Main roll" in relation to any constituency, means the roll required to be compiled and maintained pursuant to section 14 and for the time being in force;

"Medical practitioner" means any person registered to practice medicine under the Medical and Dental Practices Act 1976;

"Member" means a member of Parliament;

"Minister" means the Minister of Justice;

"Minister of religion" means a member of the clergy or a person ordained as a minister, pastor, priest or other similar post in any religious organisation;

"Nomination day" in relation to any election, means the day appointed for that election as the latest day for the nomination of candidates pursuant to section 31(1);

"Notice in writing" includes notice by facsimile, telegram, e-mail or other means capable of being printed and "notify in writing" has a corresponding meaning;

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

"Parliament" means the Parliament of the Cook Islands established by the Constitution;

"Permanent resident" means a person who has been granted the status as such pursuant to Article 76A of the Constitution;

"Personation" has the meaning assigned to that term by section 91;

"Polling booth" and "Polling place", in relation to an election in any constituency, means the place provided for the casting of votes and in respect of postal voting, the office of the Returning Officer;

"Polling day" means the day fixed for the close of the voting;

"Presiding Officer" means an electoral official appointed to preside and actually presiding at any polling booth on the day of polling;

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

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

"Registrar" means a Registrar of Electors appointed pursuant to section 12(1)(a) in respect of the roll for which he or she is appointed and includes the Chief Registrar of Electors where no such appointment has been made;

"Registrar-General of Births and Deaths" means the Registrar-General appointed

pursuant to section 3 of the Births and Deaths Registration Act 1973;

"Registration Official" means any person appointed pursuant to section 11 or section 12;

"Returning Officer" means a Returning Officer appointed pursuant to section 5 and includes his or her substitute;

"Speaker" means the Speaker of Parliament;

"Special elector" in relation to any election, means a person qualified under this Act to vote as a special elector at that election pursuant to section 61;

"Supplementary roll" in relation to any constituency, means the list of the names of electors whose names do not appear in the main roll or any other roll for the time being in force;

"Transmit" means to pass on by facsimile, telegram, radio, e-mail or other similar electronic means;

"Treating" has the meaning assigned to that term by section 89;

"Undue influence" has the meaning assigned to that term by section 90;

"Working day" means any day of the week other than Saturday, Sunday or a public holiday.

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

PART 1
ELECTORAL OFFICE AND OFFICERS

3. Electoral Office - (1) There shall be an Electoral Office commissioned by the Minister, within the Ministry of Justice for the purpose of administering every election under this Act.

(2) The Secretary of Justice shall provide the Electoral Office with appropriate office space, adequate furniture, fixtures and relevant logistical support.

4. Chief Electoral Officer and Deputy - (1) There shall from time to time be appointed by Order in Executive Council a Chief Electoral Officer, stationed in Rarotonga, who shall be charged with the duty of carrying the provisions (except for Part 3) of this Act into effect.

(2) The Chief Electoral Officer shall appoint a Deputy Chief Electoral Officer, stationed in Rarotonga, to act in the case of the illness, absence, resignation, death, or removal of the Chief Electoral Officer.

(3) A Deputy Chief Electoral Officer, while so acting, shall exercise the duties, and have the powers and authorities of the Chief Electoral Officer. The fact that a Deputy Chief Electoral Officer so acts shall be sufficient evidence of that person's authority to do so.

5. Electoral officials - (1) The Chief Electoral Officer shall, in the event of any election, appoint the following electoral officials -

(a) a Returning Officer for each constituency, who shall be in charge of the election in the constituency for which he or she is appointed;

(b) a substitute for any Returning Officer to act in the case of the illness, absence, resignation, death, or removal of that officer.

(2) Any substitute appointed under subsection (1), while so acting, shall exercise the duties and have the powers and authorities of the officer for whom he or she is acting, and the fact that any substitute so acts shall be sufficient evidence of his or her authority to do so.

(3) Any reference in this Act to one of the officers appointed under this section shall be deemed to include any substitute appointed for that officer.

(4) Every person appointed under this section shall discharge his or her duties and functions subject to the control of the Chief Electoral Officer, and shall comply with any directions issued by the Chief Electoral Officer from time to time.

(5) With the approval of the Chief Electoral Officer, every Returning Officer may appoint as many Presiding Officers and Poll Clerks or substitutes as he or she deems necessary for the effective taking of the poll at every polling booth, and every such Presiding Officer shall, subject to the control of the Returning Officer, exercise in and about the polling booth for which he or she is appointed all the powers and duties of the Returning Officer by whom he or she is appointed.

(6) Except for Scrutineers appointed under section 46, no election official shall hold any official position in connection with any political organisation.

(7) Any person may be appointed to hold two or more offices under this Act.

PART 2
PARLIAMENT, CONSTITUENCIES, QUALIFICATIONS OF ELECTORS CANDIDATES AND TENURE OF OFFICE OF MMBERS

6. Parliament and constituencies - Parliament shall consist of 24 members, to be elected by secret ballot under a system of universal suffrage by the electors of the following islands or groups of islands or areas and in the following numbers -

(a) The Island of Aitutaki and the Islands of Manuae and Te-Au-0-Tu, 3 members, being 1 member for each of the 3 constituencies together comprising those islands, having the

names and boundaries set out in Part 1 of the First Schedule to this Act;

(b) The Island of Atiu, 2 members, being 1 member for each of the 2 constituencies having the names and boundaries set out in Part 4 of the First Schedule to this Act;

(c) The Island of Mangaia, 3 members, being 1 member for each of the 3 constituencies having the names and boundaries set out in Part 3 of the First Schedule to this Act;

(d) The Island of Manihiki, 1 member;

(e) The Island of Mauke, 1 member;

(f) The Island of Mitiaro, 1 member;

(g) The Island of Pemhyn, 1 member;

(h) The Island of Pukapuka and the Island of Nassau, 1 member;

(i) The Island of Rakahanga, 1 member;

(j) The Island of Rarotonga and the Island of Palmerston, 10 members, being 1 member for each of the 10 constituencies together comprising those islands, having the names and boundaries set out in Part 2 of the First Schedule to this Act;

7. Qualifications for registration of electors - (1) A person shall be qualified to be registered as an elector of a constituency if that person -

(a) is a Cook Islander or a New Zealander citizen, or has the status of a permanent resident of the Cook Islands;

(b) has at some period actually resided continuously in the Cook Islands for not less than 12 months;

(c) is 18 years of age or over;

(d) has been actually resident in the Cook Islands throughout the period of 3 months immediately residing that person's application for enrolment as an elector;

(e) has not been convicted of any corrupt practice or any offence punishable by death, or imprisonment for a term of 1 year or more unless in each case that person has received a free pardon or has undergone the sentence or punishment to which that person was adjudged;

(f) is not of unsound mind.

(2) the constituency for which a person shall be entitled to be enrolled and to vote as an elector

shall be the last constituency in which that person has actually resided continuously for 3 months or more.

(3) Every person who at the time of first making application for registration or who having become disqualified pursuant to subsection (4) requalifies under subsection (5) to be an elector of a constituency but has not actually resided in any one such constituency for a continuous period of three months shall be entitled to be registered in the constituency in which that person spent the greatest part of his or her time during the period of three months immediately preceding the date of his or her application for registration.

(4) a person who meets the qualifications imposed by subsection (1) or who requalifies under subsection (5), is disqualified from being an elector, or as an elector for a particular constituency if the person is subsequently absent from the Cook Islands or from the particular constituency for a continuous period exceeding 3 months.

8. Qualifications and disqualifications of candidates - (1) Subject to subsection (2) -

(a) every person enrolled as an elector of any constituency shall be capable of being elected as a member for that constituency or for any other constituency;

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

(2) Notwithstanding anything in subsection (1), a person shall not be qualified to be a candidate at an election of members of Parliament if that person -

(a) is not an elector duly enrolled pursuant to the provisions of this Act; or

(b) has been adjudicated bankrupt within the meaning of the bankruptcy laws in force in the Cook Islands (whether before or after the commencement of this Act), unless that person has obtained an order of discharge; or

(c) has been convicted (whether before or after the commencement of this Act) of any of the offences specified in Part 1 of the Third Schedule to this Act;

(d) has been convicted (whether before or after the commencement of this Act) of any of the offences specified in Part 2 of the Third Schedule to this Act, unless a period of 5 years has elapsed from the date of the conviction;

(e) is a Crown servant or a judicial officer;

(f) is an elected office holder pursuant to the provisions of the Outer Islands Local Government Act 1987; or

(g) is an elected office holder pursuant to the provisions of the Rarotonga Local Government Act 1997.

Tenure of office

9. Tenure of office - (1) The seat of a member shall become vacant, if -

(a) he or she fails to subscribe to the Oath of Allegiance under Article 30 of the Constitution; or

(b) on an election petition the Court declares his or her election void or the Court orders a by-election to be held pursuant to section 105; or

(c) he or she dies; or

(d) he or she resigns his or her seat, by writing under his or her hand addressed and delivered to the Speaker or to the Queen's Representative if there is no Speaker, or the Speaker is absent from Rarotonga, or if the resigning member is the Speaker; or

(e) on fourteen consecutive sitting days he or she fails, without permission of Parliament to attend in Parliament provided however that permission for failure to attend in Parliament (whether such failure to so attend shall have occurred before or after the coming into force of this Act) shall be deemed always to have been granted by Parliament to any member whose absence from Parliament is caused by illness, or other unavoidable cause, or if the member is attending at any conference, meeting or ceremony or travelling on any mission or business, as a representative of the Government or of Parliament, and provided further that Parliament may delegate its responsibilities under this paragraph to the Speaker or to any member; or

(f) he or she ceases to permanently reside in the Cook Islands; or

(g) he or she becomes a bankrupt within the meaning of the bankruptcy laws in force in the Cook Islands; or

(h) he or she is convicted in the Cook Islands or any part of the Commonwealth of any corrupt practice or other offence punishable by death or imprisonment for a term of one year or more; or

(i) he or she becomes of unsound mind and is so certified by two medical practitioners; or

(j) he or she takes any oath or makes any declaration or acknowledgement of allegiance or adherence to any foreign State except to any country in the Commonwealth; or

(k) he or she does or concurs in or adopts any act whereby he or she may become a subject or citizen of any foreign State or be entitled to the rights, privileges or immunities of a subject or citizen of any foreign State except that of any country in the

Commonwealth; or

(l) he or she becomes a Crown Servant or a judicial officer;

(m) he or she becomes an elected office holder pursuant to the provisions of the Outer Islands Local Government act 1987; or

(n) he or she becomes an elected office holder pursuant to the provisions of the Rarotonga Local Government Act 1997.

(2) Every member who has been elected pursuant to the provisions of this Act shall take office on the day on which the warrant declaring his or her election is signed by the Chief Electoral Officer pursuant to section 78.

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

(4) When it appears to the speaker that the seat of any member has become vacant to subsection (1), the Speaker shall declare in writing that the seat has become vacant and the cause thereof, and shall forthwith notify the Chief Electoral Officer and cause that declaration to be published in the *Cook Islands Gazette*.

PART 3
REGISTRATION OF ELECTORS

Electoral registration office and officials

10. Electoral Registration Office - (1) There shall be commissioned by the Minister, an Electoral Registration Office within the Ministry of Justice for the purpose of administering this Part of this Act.

(2) The Secretary of Justice shall provide the office with appropriate office space, adequate furniture, fixtures and relevant logistical support.

11. Chief Registrar of Electors - (1) The Registrar-General of Births and Deaths or his or her nominee stationed in Rarotonga, shall be the Chief Registrar of Electors and shall be charged with the duty of carrying this Part of this Act into effect.

(2) The Registrar-General shall appoint a Deputy Chief Registrar of Electors, stationed on Rarotonga to act in the case of the illness, absence, resignation, death, or removal of the Chief Registrar of Electors.

(3) Every Deputy Chief Registrar of Electors, while so acting, shall exercise the duties and have the powers and authorities of the Chief Registrar of Electors, and the fact that he or she so acts shall be sufficient evidence of his or her authority to do so.

(4) Throughout the conduct of any election the Chief Registrar of Electors shall provide the Chief Electoral Officer with such assistance as may be required.

12. Registration officials - (1) The Chief Registrar of Electors shall from time to time appoint the following registration officials -

(a) a Registrar of Electors in every inhabited island within the Cook Islands outside of Rarotonga to be responsible for the enrolment of electors on each respective island;

(b) such additional Registrars, as may be necessary, to assist with the enrolment of electors on Rarotonga;

(c) a substitute for any Registrar appointed under this section to act in the case of the illness, absence, resignation, death, or removal of that officer.

(2) Any substitute appointed under this section, while so acting, shall exercise the duties and have the powers and authorities of the officer for whom he or she is acting, and the fact that any substitute so acts shall be sufficient evidence of his or her authority to do so.

(3) Any reference in this Act to one of the officers appointed under this section shall be deemed to include any substitute appointed for that officer.

(4) Every person appointed pursuant to this section shall discharge his or her duties and functions subject to the control of the Chief Registrar of Electors, and shall comply with any directions issued by the Chief Registrar of Electors.

(5) With the approval of the Chief Registrar of Electors, every Registrar may appoint as many Deputy Registrars or substitutes as he or she deems necessary for the effective registration of electors, and every such Deputy Registrar shall, subject to the control of the Registrar, exercise all the powers and discharge all the duties of the Registrar by whom he or she is appointed.

(6) Any official may be appointed to hold two or more offices under this Act.

Registration

13. Compulsory registration of electors - (1) Every person qualified to be registered as an elector for any constituency shall make application in Form 1 to any Registrar for registration as an elector -

(a) within one month after the date on which he or she first becomes qualified to be registered as an elector; or

(b) within one month after the date on which, following a change in his or her place of actual residence from one constituency to another, he or she first becomes qualified to be registered as an elector of that other constituency.

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

(3) Every person commits an offence under this section who, being required by this section to apply for registration as an elector during any period, knowingly and wilfully fails to do so.

(4) Every person who commits an offence against this section shall be liable on conviction to a fine not exceeding $100 on a first conviction, and to a fine not exceeding $200 on any subsequent conviction:

Provided that no person who applies for registration as an elector shall be liable to prosecution for an earlier failure to apply for registration as an elector pursuant to the provisions of this section.

Electoral rolls

14. Electoral rolls - The Chief Registrar of Electors shall as far as practicable ensure that -

(a) a main roll is compiled for each constituency and maintained and kept current as required by this Act; and

(b) a supplementary roll is compiled for each constituency when required for an election or a by-election.

15. Closing and printing of rolls - (1) For the purposes of a general election -

(a) the main rolls shall be closed 7 days following the date on which the Queen's Representative publishes notice of the general election pursuant to section 30(1)(a);

(b) the supplementary rolls shall open on the day following the closing of the main rolls and shall be closed 14 days thereafter.

(2) For the purposes of a by-election -

(a) the main rolls shall be closed 7 days following the date on which the Chief Electoral Officer publishes notice of the by-election pursuant to section 105(1)(b);

(b) the supplementary rolls shall open on the day following the closing of the main rolls and shall be closed 14 days thereafter.

(3) The Chief Registrar of Electors shall cause to be printed a copy of the main roll for each constituency at least once in each year and at such other times as he or she considers necessary.

16. Form of main roll and supplementary rolls - (1) Every main roll or supplementary roll printed for any constituency shall be in Form 2 and shall be issued under the hand of the Chief Registrar of Electors.

(2) Each roll shall show the names, residences, and occupations (if any) of the persons included therein, arranged alphabetically in order of surname.

(3) The names on each page of the main rolls and of every supplementary roll printed for any constituency shall be numbered consecutively, beginning with the number one in each case of the first name on each page.

(4) The pages of the main and supplementary rolls printed for any constituency shall be numbered consecutively.

(5) The number appearing on the main rolls or, as the case may be, on any supplementary roll printed for the constituency against the name of the elector, preceded by the number of the page on which his or her name appears, shall be deemed to be his or her number on the roll.

17. Public inspection of rolls - (1) The Chief Registrar of Electors shall at all times during office hours make available for free public inspection a copy or copies of the main rolls and of the supplementary rolls for any constituency, and at such other places within the constituencies as the Chief Registrar of Electors may direct.

(2) The Chief Registrar of Electors shall supply printed copies of the rolls issued under his or her 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 an election.

18. Power to destroy records - The Chief Registrar of Electors shall have the power from time to time to destroy all registration records for any elector who has died or is no longer qualified.

19. Application for registration by electors - (1) Every person required to apply for registration as an elector shall deliver, send by post, or convey to any Registrar an application in Form 1.

(2) Subject to subsection (3), every person making application for registration as an elector shall sign or place his or her mark on the application.

(3) Where a person making an application for registration as an elector is physically disabled, the application may be signed on his or her behalf -

> (a) by a donee of a power of attorney from the physically disabled person, who shall indicate on the application that the applicant is a physically disabled person; or
>
> (b) by an elector who signs by direction of the physically disabled person and who indicates on the application -
>
> > (i) that the applicant is a physically disabled person; and
> >
> > (ii) that the application is being signed by direction of the applicant.

20. Procedure for registration - (1) Every applicant for registration as an elector of any constituency shall sign his or her application in the sight and presence of a Registration Officer, Justice of the Peace, Solicitor of the Court, Minister of Religion or registered elector, who shall add his or her signature, occupation and address as witness.

(2) If the Registrar of that constituency is satisfied with the application, the Registrar shall forthwith transmit the application to the Chief Registrar of Electors who shall enter the name of the applicant on the roll.

(3) If the Registrar is not so satisfied, the Registrar shall within five working days following the receipt of the application notify the applicant in Form 3, of his or her objection to entering the applicant's name on the roll and the applicant may, within five working days of receipt of that notice, apply to the Chief Registrar of Electors to determine his or her claim; and the Chief Registrar of Electors shall either approve or reject the application.

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

(a) has died; or

(b) is no longer possessed of the qualifications of an elector; or

(c) has been absent from that constituency for a continuous period exceeding 3 months.

(5) When the Registrar removes any name from the roll pursuant to subsection (4)(b) or (4)(c), the Registrar shall where practicable, within five working days notify the elector in Form 4 that his or her name has been so removed, and thereupon the provisions of subsection (3) shall apply. For the purposes of this section, notification shall be deemed to have been given if the Registrar delivers a notice addressed to an elector at that elector's last known address in the constituency.

(6) No application for registration shall be deemed to have been received by the Registrar in charge of the roll on which the applicant is entitled to have his or her name entered before the date on which the rolls are deemed closed, unless that application is received by the Registrar for that constituency before 4 p.m. on the day on which either the main roll or the supplementary roll is deemed closed.

Changes of registration details

21. Changes of registration details to be notified - (1) Every elector in the Cook Islands shall within one month, notify any Registrar of any change to his or her -

(a) constituency;

(b) name by marriage or deed poll.

(2) Every person who without reasonable justification contravenes the provisions of this section commits an offence and shall on conviction be liable to a fine not exceeding $100.

22. Certain persons deemed re-enrolled - Where a person who has been enrolled as an elector of a constituency becomes disqualified pursuant to section 7(4) and requalifies as an elector for the same constituency pursuant to section 7(5), that person is not required to re-register as an elector for that constituency if his or her name has not been removed from the roll during the period that the person was disqualified, and that person shall be deemed to be validly enrolled upon such requalification.

23. Obligation to provide information - (1) Upon request by the Chief Registrar of Electors or the Chief Electoral Officer, every Government department and agency shall furnish such information as may be required for electoral purposes only.

(2) The provisions of this section shall apply notwithstanding any restrictions imposed by any other Act.

Objections to registration

24. Objection by an elector - (1) Any elector may, subject to subsection (2), at any time object to the name of an elector whose name appears on the same roll, on the ground that he or she is not qualified to be registered as an elector, or is not qualified to be registered on the roll on which his or her name appears.

(2) No objection may be made by an elector in respect of any main roll or supplementary roll, later than 7 days after the closing of that roll for a general election or a by-election.

(3) Every objection shall -

(a) be made in writing to the Registrar for the constituency affected; and

(b) specify -

(i) the name and address of the objector and of the elector objected to; and

(ii) the grounds and reasons for the objection.

(4) Where the Registrar considers the grounds and reasons set out in the objection frivolous, vexatious or insufficient for the purposes of informing the Registrar of the grounds and reasons for the objection, the Registrar shall reject the objection.

(5) Every objector upon request shall be entitled on the payment of any charges, to receive from the Registrar in charge, a copy of the application for registration of the elector objected to, together with any reply which the person objected to may have filed with the Registrar, in answer to the objection.

25. Notice of elector's objection - (1) Subject to subsection (3) of section 24, the Registrar shall, on receipt of an objection by an elector forthwith serve written notice of the objection on the elector objected to, setting forth both the name of the objector and the grounds and reasons for the objection. For the purposes of this section, notice shall be deemed to have been given if the Registrar delivers such notice addressed to an elector objected to, at that elector's last known address in the constituency.

(2) The notice issued by the Registrar under subsection (1) shall also inform the elector objected to, that -

> (a) he or she may forward to the Registrar a statement signed by hire or her giving reasons why his or her name should be retained on the roll; and
>
> (b) his or her name will be retained on the roll if he or she within 7 days provides the Registrar with evidence that satisfies the Registrar, that his or her name should be retained on the roll; and
>
> (c) if he or she fails to forward a statement to the Registrar within seven days after the day on which that notice was served on him or her, or if the statement forwarded to the Registrar fails to satisfy the Registrar that he or she should be retained on the roll, the Registrar is empowered pursuant to section 27 of this Act, to remove his or her name from the roll.

26. Objection by Registrar - (1) The Registrar for any constituency may, subject to subsection (2), at any time object to the name of any elector being on the roll for the constituency of which he or she is in charge on the grounds that the elector is not qualified to be registered as an elector for that constituency.

(2) No objection may be made by the Registrar in respect of any main roll or supplementary roll, later than 7 days after the closing of that roll for a general election or a by-election.

(3) Where the Registrar raises any objection under subsection (1), the Registrar shall forthwith give to the elector objected to, notice in writing of the objection and the grounds and reasons for the objection. For the purposes of this section, notice shall be deemed to have been given if the Registrar delivers such notice addressed to an elector objected to, at that elector's last known address in the constituency.

(4) The notice issued by the Registrar under subsection (3) shall also inform the elector objected to, that -

> (a) he or she may forward to the Registrar a statement signed by him or her giving reasons why his or her name should be retained on the roll; and
>
> (b) his or her name will be retained on the roll if he or she within 7 days provides the Registrar with evidence that satisfies the Registrar that his or her name should be retained

on the roll; and

(c) if he or she fails to forward a statement to the Registrar within seven days after the day on which that notice was served on him or her, or if the statement forwarded to the Registrar fails to satisfy the Registrar that he or she should be retained on the roll, the Registrar is empowered pursuant to section 27 to remove his or her name from the roll.

27. Power of Registrar to amend roll - (1) If, within seven days after the day on which a notice under section 25(2) or section 26(2) is issued, the elector objected to fails to -

(a) provide any evidence, or evidence to satisfy the Registrar of his or her eligibility to be on the roll; or

(b) notifies the Registrar that he or she consents to the removal from the roll of his or her name,

the Registrar shall, unless the objection has been withdrawn by the objector remove from the roll the name of the elector objected to and notify the parties accordingly.

(2) If, within seven days after the day on which a notice under section 25(l) or section 26(3) is issued, the elector objected to provides evidence that satisfies the Registrar that he or she is qualified to be on the roll, the Registrar shall retain his or her name on the roll and notify the parties accordingly.

(3) If, within seven days after the day on which a notice under section 25(1) or section 26(3) is issued, the elector objected to provides evidence that satisfies the Registrar that he or she is qualified to be on some other roll, the Registrar shall through the Chief Registrar of Electors place his or her name on that other roll and notify the parties accordingly.

(4) In the carrying out of his functions under this section, the Registrar may make such enquiries (if any) as the Registrar deems reasonable in the circumstances.

28. Appeal against Registrar's decision to Court - (1) If an objector or the elector objected against is dissatisfied with a decision of the Registrar made pursuant to sections 20, 24 or 27, either the objector or the elector may within 7 days of the Registrar's decision being made, appeal to a Judge of the Court for a review of that decision.

(2) The Court may, after conducting such review either -

(a) retain on the roll the name of the elector objected to; or

(b) remove from the roll the name of the elector objected to; or

(c) if satisfied that the person objected to is qualified to be on some other roll, transfer to that other roll through the Chief Registrar of Electors, the name of the elector objected to; or

(d) make such amendment to any roll as may be necessary to give effect to the determination.

(3) The determination of the Court on any appeal to which this section applies shall, subject to section 102(2), be final and conclusive and without further appeal.

Offences in relation to enrolment

29. Offences in relation to enrolment - (1) Every person commits an offence, and is liable on conviction to a fine not exceeding $1,000 or to imprisonment for a term not exceeding three months, who knowingly and wilfully makes a false statement in any claim, application, or declaration referred to in this Part.

(2) Every person commits an offence, and is liable on conviction to a fine not exceeding $1,000 or to imprisonment for a term not exceeding three months who -

(a) wilfully supplies any false information to the Registrar causing the Registrar in the compilation of any roll, to enter on the roll any false or fictitious name or qualification or the name of any person whom he or she knows to be dead; or

(b) signs the name of any other person, whether requested to do so or not, or any false or fictitious name, to any form of claim, application, or objection pursuant to this Part of this Act, either as claimant, applicant, objector, or witness; or

(c) signs his or her name as witness to any signature without personally seeing that signature written or hearing the person signing declare that the signature is his or her own handwriting or that the name so signed is his or her own proper name.

(3) Every person commits an offence, and is liable on conviction to a fine not exceeding $1,000 or imprisonment for a term not exceeding three months, who, having obtained possession of a claim for enrolment signed by any other person for the purpose of being delivered to the Registrar for enrolment, fails to deliver it so that the claimant's name is not placed on the roll.

(4) Where the Registrar believes that any person has committed an offence against this section, the Registrar shall refer the matter to the Chief Registrar of electors, who shall refer the matter to the Commissioner of Police.

Election announcement

30. Public notice of nomination day and polling day - (1) For every general election the Queen's Representative shall not later than five days following the dissolution of the then last Parliament-

(a) appoint, in accordance with Article 37(6) of the Constitution, 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 five days of receiving notice pursuant to subsection (1)(b) give public notice of -

(a) the day appointed by the Queen's Representative for the election and shall in that notice appoint a place or places in each constituency and the latest day pursuant to section 31(1) when nominations of candidates shall be lodged with the Returning Officer in charge of the election in the several constituencies;

(b) the date on which the main rolls shall close pursuant to section 15(2)(a);

(c) the date on which the supplementary rolls shall open and close pursuant to section 15(2)(b);

(d) the last day on which objections may be made regarding names on the main and supplementary rolls pursuant to sections 24 or 26.

PART 4
NOMINATIONS

31. Nomination of candidates - (1) Every nomination paper nominating a person as a candidate for election for a constituency shall be signed by -

(a) the nominee, who shall be a person qualified pursuant to this Act to be so nominated; and

(b) at least two registered electors of the constituency for which the nomination is made; and

(c) where the nominee seeks nomination as the candidate of a political party for that constituency, the person recognised for the time being as the president of that political party,

and shall be delivered to the place named in the public notice at any time before noon on nomination day, which shall be 10 days following the day on which the main rolls are closed for a general election or for a by-election.

(2) Subject to the provisions of this Act and to Article 28B of the Constitution, every elector may, with his or her consent, be nominated in Form 5 as a candidate for election for any constituency by not less than two electors of that constituency.

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

(4) Any elector of the constituency may inspect any nomination paper or consent at the office of the Chief Electoral Officer or the Returning Officer of that constituency at any time when the

office is open for the transaction of business.

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

(2) A consent to the nomination of any person shall be given by that person in Form 5 or, where any person is for the time being outside of that constituency, his or her consent, for the purposes of this section, may be signified in writing and delivered to the Returning Officer in any manner approved by the Chief Electoral Officer.

33. Deposit by candidate - (1) Every candidate, or some person on his or her behalf, shall deposit with the Returning Officer the sum of $500 not later than noon on nomination day.

(2) The deposit shall be paid in the form of cash, money order, bank draft, or bank cheque.

(3) If the total number of votes received by any unsuccessful candidate is less than twenty five percent of the total number of votes received by the successful candidate, the deposit of the unsuccessful candidate shall be forfeited and paid into the Cook Islands Government Account but in every other case, including the successful candidate, the deposit shall be returned to the person who paid it and in whose name the receipt for the payment was issued.

34. Acceptance or rejection of nomination - (1) The Returning Officer shall reject the nomination of a candidate if -

(a) the nomination paper is not signed in accordance with section 31 or is not lodged with the Returning Officer before noon on nomination day; or

(b) the Returning Officer has reasonable grounds to suspect that consent has been given by any candidate who is not registered as an elector for any constituency; or

(c) the candidate's deposit is not paid as required by section 33.

(2) If any dispute arises as to whether a candidate is or is not registered as an elector of any constituency that question shall be decided after due inquiry into the facts of the case by the Court.

(3) In every other case the Returning Officer shall accept the nomination.

(4) The decision of the Court on any inquiry to which this section applies shall, subject to section 102(2), be final and conclusive and without appeal.

35. Withdrawal of nomination - (1) Any candidate may at any time before noon on nomination day withdraw his or her nomination by notice in Form 6 signed by him or her and witnessed by a Registration Officer, Justice of the Peace, Solicitor of the Court, Minister of Religion or registered elector, and submitted to the Returning Officer.

(2) Where a candidate has duly withdrawn his or her nomination, his or her deposit shall be returned to the person who paid it and in whose name the receipt for the payment was issued.

36. Transmission and publication of nominations - (1) The Returning Officer shall transmit every nomination as soon as accepted by him or her, to the Chief Electoral Officer.

(2) Where the candidate has consented to more than one nomination, the Chief Electoral Officer shall accept the first consented nomination received by the Chief Electoral Officer and reject all others.

37. Offences in relation to nominations - (1) Every elector who nominates more than one candidate at any election commits an offence and is liable on conviction to a fine not exceeding $1,000.

(2) Every person commits an offence who -

(a) consents to more than one nomination as a candidate at any election or wilfully makes a false statement in his or her consent; or

(b) procures himself or herself to be nominated as a candidate for election as a member knowing himself or herself to be incapable under any provision of this Act or of the Constitution of holding that office; or

(c) signs any nomination paper purporting to nominate to that office a person who is, to the knowledge of the person signing, incapable as aforesaid; or

(d) signs any nomination paper knowing himself or herself not to be qualified to nominate a candidate,

and is liable on conviction to a fine not exceeding $1,000.

38. Chief Electoral Officer to exercise powers of Returning Officer - The Chief Electoral Officer may exercise any of the powers and perform any of the functions of the Returning Officer pursuant to sections 31 to 35 in respect of constituencies outside of Rarotonga.

Uncontested elections

39. Unopposed nomination - Where at any election only one candidate is nominated for a constituency, that candidate shall be deemed to have been duly elected as the member of Parliament for that constituency and the Chief Electoral Officer shall, by warrant under his or her hand, publicly declare that candidate duly elected.

40. No candidate nominated - Where at any election in a constituency no candidate is nominated, the Chief Electoral Officer shall, not later than three months after nomination day, declare the seat to be vacant, and thereupon the provisions relating to By-elections shall apply.

Retirement or death of candidate

41. Retirement or death of candidate - (1) Every candidate at any election may sign and deliver to the Returning Officer a declaration in Form 7 stating that he or she retires from the election:

Provided that if the candidate dies or becomes physically incapacitated, then the persons who nominated the candidate shall file a declaration of death, or retirement as the case may be, together with such certification by one or more medical practitioners as the Returning Officer in his or her discretion may require.

(2) If a candidate dies or becomes incapacitated before the close of nominations, his or her nomination is to be treated in all respects as if it had not been made and his or her deposit shall be returned to the person who paid it and in whose name the receipt for the payment was issued.

(3) If a candidate for a constituency dies or becomes incapacitated after the close of nominations and not later than 10 days before polling day, the Returning Officer shall extend the time for close of nominations for that constituency until noon on the third day following the date of death or incapacity of the candidate, and give public notice accordingly.

(4) If a candidate for a constituency dies or becomes incapacitated within 10 days before polling day, the Returning Officer, shall inform the Chief Electoral Officer who shall issue public notice of the cancellation of the poll for that constituency and of the date on which a by-election shall be held for that Constituency, which date shall be not later than 2 months after the date originally fixed for the poll.

(5) If a candidate who is elected on polling day dies on or after polling day but before taking up office as a Member, the Returning Officer shall inform the Chief Electoral Officer who shall issue public notice of the cancellation of the poll for the constituency and of the date on which a by-election shall be held for that Constituency, which date shall not be later than 2 months after the date originally fixed for the poll.

(6) In any case where a by-election is held pursuant to subsections (4) or (5), any candidate who was a candidate for election for that constituency need not be nominated again for the purposes of the by-election.

PART 5
VOTING

Polling at elections

42. Contested elections - Subject to sections 65 to 72, where at any election two or more candidates are nominated for any constituency, the Chief Electoral Officer shall forthwith after the close of nominations appoint one or more places for the taking of the poll, and give public notice of -

(a) the place or places so appointed; and

(b) the day on which the poll is to be taken, being the day fixed as election day by the Queen's Representative pursuant to the provisions of subsection (1) of section 30 or in the case of a by-election, the day fixed by the Chief Electoral Officer pursuant to the provisions of section 105; and

(c) the names of the several candidates nominated.

43. Place of ordinary voting - Every elector in respect of a constituency who has not voted pursuant to sections 59, 60, 61, 62 or 65 shall vote at any place in that constituency appointed for the taking of the poll, and at no other place.

44. Arrangements for voting - (1) The Returning Officer shall as far as practicable make all necessary arrangements to enable every elector to vote at any election in accordance with the provisions of this Act.

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

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

(b) in each inner compartment, suitable facilities for the marking of voting papers;

(c) in each booth one or more ballot boxes;

(d) in each booth one or more copies of the main and supplementary rolls of the constituency, and a sufficient number of voting papers for the election of the representative for that constituency and sufficient voting papers for any special voting.

45. Form of voting papers - (1) The voting papers to be used at any election shall be in Form 8 or such other form as the Chief Electoral Officer shall approve.

(2) The names of candidates appearing on the voting paper shall as far as practicable be listed in alphabetical order according to their surname or with the approval of the Chief Electoral Officer such other name by which the candidate is popularly known.

(3) Where for any reason the Returning Officer considers that confusion between two or more candidates may arise, the candidates shall be distinguished on the voting papers by the addition of such matters as the Returning Officer considers necessary to distinguish them.

(4) Every voting paper shall have a counterfoil in Form 9.

(5) The voting paper to be used at any election shall be printed on paper of uniform colour.

(6) There shall be printed in an appropriate place on every voting paper and in the space

provided in the counterfoil attached thereto a number (called a consecutive number) beginning with the number 1 in the case of the first voting paper printed so that no two voting papers for the constituency shall bear the same number.

(7) Every voting paper shall in addition to any other information contained thereon, include against a candidate's name and the name of the political party (if any) whose parliamentary leader has signed that candidate's nomination.

46. Scrutineers - (1) Each candidate may by writing under his or her hand, appoint not more than two scrutineers for each polling booth at any election.

(2) Where a candidate appoints more than one scrutineer for any polling booth, not more than one scrutineer for that candidate shall be present in the polling booth at any time.

(3) No candidate shall act as scrutineer under this section.

(4) Any scrutineer may at any time during the hours of polling leave and re-enter the polling booth for which he or she is appointed and may while outside of the booth and so as not to be heard by electors waiting to vote, communicate to any person by way of an electoral roll or otherwise, information as to the names of persons who have voted.

(5) Any scrutineer appointed under subsection (1) of this section may be present at the administering of any votes by way of votes in advance or postal votes.

47. Declaration by electoral officials and scrutineers - Every Returning Officer, Presiding Officer, Poll Clerk, scrutineer or other officer who may be appointed to act in connection with the conduct of an election under this Act shall, before being allowed to so act, make and subscribe a declaration in Form 10, which shall be sent to and retained by the Chief Electoral Officer.

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

49. Hours of polling - (1) The poll at every election shall commence at 9 a.m. on polling day, and, except as otherwise provided in this Act, shall finally close at 6 p.m. on the same day.

(2) Every elector who on the close of the poll is present in a polling booth for the purpose of voting shall be allowed to vote in the same manner as if he or she had voted before the close of the poll.

50. Employees to have time off to vote - (1) Subject to the provisions of this section every employer shall on polling day for any election allow every worker in his or her employment who is an elector of any constituency in which the election is being held, to leave his or her work for the purpose of voting not later than 4 o'clock in the afternoon and it shall not be lawful for any employer to make any deduction from any remuneration payable to any such worker in respect

of any reasonable time taken to cast such vote.

(2) Every employer who commits an offence against this section shall be liable on conviction to a fine not exceeding $500.

51. Ballot boxes to remain closed during poll - (1) The Presiding Officer shall, before the opening of the poll, and in the sight of any of the scrutineers present -

(a) ensure that the ballot box is empty; and

(b) close the ballot box; and

(c) ensure that the ballot box is sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.

(2) The ballot box, after being sealed or locked in accordance with subsection (1) shall not again be opened until after the close of the poll.

Maintenance of order at elections

52. Presiding Officer to maintain order - Every Presiding Officer shall have the power to enforce order and keep the peace at any election, and may without further authority than this section cause to be arrested and taken before the Court any person who -

(a) knowingly and wilfully makes a false answer to any of the questions the Presiding Officer is authorised to put to that person; or

(b) attempts to impersonate any elector or to vote more than once at the same election; or

(c) behaves in a disorderly manner; or

(d) causes disturbances at any election,

and every police constable shall aid and assist the Presiding Officer in the performance of his or her duty.

53. Persons not to remain in booth - (1) The Presiding Officer shall from time to time determine how many electors should be allowed in a polling booth at one and the same time, and not more than one elector shall be allowed in any compartment at one and the same time.

(2) No person shall be allowed to remain in any polling booth after having recorded his or her vote, except the Presiding Officer and his or her Poll Clerk, any of the scrutineers, as many police constables as the Presiding Officer thinks necessary to keep the peace, and any other person authorised by the Returning Officer or the Presiding Officer.

54. Electors not to be spoken to in booth - (1) Except for the Presiding Officer or Poll Clerk

(with an interpreter if necessary), who may give such general directions as may assist any elector in giving his or her vote, no scrutineer or other official or unofficial person shall speak to any elector in a polling booth either before or after the elector has voted.

(2) Every person who commits an offence against this section shall be liable on conviction to a fine not exceeding $500.

55. Issue of voting papers - (1) Every person proposing to vote shall inform the Presiding Officer of his or her name and the constituency in which he or she proposes to vote, and the Presiding Officer, being satisfied that that person is entitled to vote and has not already voted, shall issue to the elector one appropriate voting paper.

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

(a) what is your name?

(b) are you the person whose name appears as A.B. in the electoral roll now in force for the [*Name of constituency*] constituency?

(c) are you 18 years of age or over?

(d) have you already voted at this election in this or any other constituency?

(3) Every person to whom those questions are put who does not answer them, or does not answer questions (b) and (c) in the affirmative and question (d) in the negative, shall not be permitted to vote.

(4) In issuing a voting paper, the Presiding Officer shall -

(a) firmly fix a piece of gummed paper over the consecutive number on the voting paper so as to conceal it effectively or take such other steps as he or she may deem necessary for the effective concealing of the consecutive number;

(b) write on the counterfoil of the voting paper his or her initials, and the number appearing on the relevant roll against the name of the elector to whom the voting paper is to be given;

(c) place his or her official mark on both the counterfoil and the voting paper;

(d) draw a line in ink through the number and name of the elector on the roll as evidence that the elector has applied for and has received a voting paper.

(5) Every Presiding Officer who fails to perform any duty imposed on him or her by this section commits an offence, and is liable on conviction to a fine not exceeding $500:

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

56. Method of voting - (1) The elector shall after receiving the voting paper -

(a) immediately retire into one of the inner compartments provided for the purpose; and

(b) there alone and secretly vote by marking a cross ("X") in the square set opposite the name of the candidate for whom he or she desires to vote:

Provided that no voting paper shall be rejected as informal that clearly indicates the candidate for whom the elector intended to vote whether that indication is made in the manner prescribed by this section or otherwise.

(2) Every elector shall, before leaving the inner compartment, fold the voting paper so that the contents cannot be seen, and shall then deposit it so folded in the ballot box.

57. Spoilt voting papers - (1) Any elector who, not having deposited his or her voting paper in the ballot box, satisfies the Presiding Officer that he or she has spoilt it by inadvertence may be supplied with a fresh voting paper, but only after the spoilt voting paper has been returned to the Presiding Officer.

(2) The Presiding Officer shall cancel the spoilt voting paper by writing across the face thereof the words "Spoilt by elector and a fresh voting paper issued", and shall affix his or her initials thereto.

(3) If any voting paper is inadvertently spoilt by the Presiding Officer or any other official, he or she shall cancel it by writing across the face thereof the words "Spoilt by official and a fresh voting paper issued", if that is the case, and shall affix his or her initials thereto.

(4) Every Presiding Officer shall retain in his or her possession all such spoilt voting papers until after the close of the poll.

(5) As soon as practicable after the close of the poll, the Presiding Officer shall make up into a separate packet all spoilt voting papers in his or her possession and shall deliver it to the Returning Officer.

(6) The provisions of subsections (1) to (3) of section 82 providing for the disposal of voting papers, shall apply with respect to the disposal of all spoilt voting papers.

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

Special voting

59. Voting by declaration - (1) Any person who -

(a) has made application for registration as an elector of a constituency but is not able to find his or her name on the roll for that constituency; or

(b) has since the closing of the rolls become qualified to be an elector in a constituency;

(c) is on polling day present in a constituency other than that for which that person is registered as an elector but has not cast a vote in advance or a postal vote,

may complete a declaration in Form 11, and on receiving such a declaration the Presiding Officer shall issue to that person (in this section referred to as "the elector") an ordinary voting paper; and an envelope addressed to the Returning Officer marked "Vote by Declaration".

(2) After receiving the documents specified under subsection (1), the elector shall proceed into the compartment provided and alone and secretly vote by marking a cross in the square set opposite the name of the candidate for whom he or she desires to vote, place the voting paper duly folded into the envelope, and return the envelope to the Presiding Officer.

(3) After receiving the envelope from the elector, the Presiding Officer shall attach the declaration to the outside of the returned envelope and retain all such envelopes with declarations in his or her possession until after the preliminary count of votes when he or she shall then forward the unopened envelopes with declarations to the Returning Officer.

(4) After receiving the envelopes and declarations from the Presiding Officer the Returning Officer shall then forward all envelopes with declarations to the Registrar of the constituency of which the elector claims to be qualified as an elector, for verification as to whether the elector casting the vote is a registered elector or has since the close of the roll become qualified to be an elector, and the Registrar shall, -

(a) endorse on the declaration the name of the person and also the word "qualified" if in the Registrar's opinion the person has applied for registration but the person's name due to inadvertence or otherwise is not on the roll but is, on polling day, qualified to be an elector for the constituency;

(b) endorse on the declaration the words "not qualified" if in the Registrar's opinion the person is not qualified to be an elector of the constituency; and

(c) return the envelopes with declarations to the Returning Officer.

(5) The Returning Officer shall allow any vote by declaration which is endorsed "qualified" but disallow any vote by declaration which has been endorsed "not qualified" and shall dispose of every declaration endorsed "not qualified" in accordance with the provisions of section 82.

60. Blind, disabled or illiterate electors - If at any polling booth any elector is blind, or is unable to read or write (whether because of physical handicap or otherwise), and so desires, the Presiding Officer shall, together with any scrutineers present not exceeding one for each candidate, and if necessary an interpreter, retire with the elector into the inner compartment and there in the sight and presence of the Presiding Officer and scrutineers mark the voting paper according to the instruction of the elector, and the Presiding Officer shall sign his or her own name at the foot thereof.

61. Special care electors unable to attend polling booths - (1) If any elector is precluded by reason of old age, illness or disability from attending at any polling booth, that elector shall in writing, no later than noon on polling day, apply to the Returning Officer for a certificate enabling the elector to vote as a special care elector.

(2) On polling day, between noon and the close of the poll, the Returning Officer shall make such arrangements as may be necessary to provide a mobile booth comprising of a Presiding Officer, Poll Clerk and no more than one scrutineer for each candidate, for the administering of all special care votes for the constituency.

(3) Unless an elector is blind, disabled or illiterate, in which case the provisions of Section 60 with all necessary modifications shall apply, every person present when an elector so votes shall refrain from making himself or herself acquainted with the vote given by the elector, and shall not in any way attempt to influence or interfere with the elector in the free exercise of the elector's vote or allow any person to see or become acquainted with the elector's vote or to assist the elector to vote or to interfere in any way with the elector in relation to his or her vote.

(4) The persons authorised under subsection (2) shall have access to any private or public property for the purpose of administering special care votes free from any interference and restriction by any persons.

62. Votes in advance - (1) Any elector of any constituency who satisfies a Returning Officer referred to in subsection (2) that he or she is unlikely to be in the constituency for which he or she is registered as an elector may vote in advance of polling day pursuant to the provisions of this section at any polling booth established by the Chief Electoral Officer for that purpose.

(2) Application for leave to vote in advance shall be made to the Returning Officer of the constituency for which he or she is registered as an elector, or to a Returning Officer appointed pursuant to section 64, not earlier than three working days after nomination day and not later than the day immediately preceding polling day.

(3) Every applicant shall sign and deliver to the Returning Officer a declaration in Form 12 and the Returning Officer, shall issue to the applicant -

(a) a voting paper; and

(b) an envelope addressed to the Returning Officer and marked "Vote in advance of poll".

(4) Before giving the voting paper to the elector, the Returning Officer shall proceed as provided in section 55:

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

(5) The applicant shall then alone and secretly vote for the candidate for whom he or she desires to vote, and then fold the voting paper, place it in the envelope provided and deliver the envelope after sealing it, to the Returning Officer.

63. Custody of votes in advance - (1) The Returning Officer shall keep in safe custody the sealed envelopes with the declarations attached and shall produce them on polling day.

(2) On polling day the Returning Officer shall open all envelopes held by him or her pursuant to subsection (1), extract therefrom any voting papers, and deposit them folded in the ballot box if the vote is in respect of the constituency which the Returning Officer is charge of and if not, the Returning Officer shall forthwith transmit the voting paper to the Chief Electoral Officer who shall forthwith transmit the same to the Returning Officer of the constituency which the vote is in respect of.

64. Returning Officer in charge of advance votes - (1) The Chief Electoral Officer may appoint one or more Returning Officers to be in charge of advance votes and his, her or their office shall be used as the booth for the casting of votes in advance.

(2) A Returning Officer appointed pursuant to subsection (1) may administer advance votes for any constituency.

Postal voting

65. Voting by postal vote - (1) Any elector who is for the time being outside the Cook Islands or who will on polling day be outside the Cook Islands and who has notified the Chief Electoral Officer of his or her address may vote by postal vote.

(2) As soon as practicable after the close of nominations, the Chief Electoral Officer shall forward by post to each elector referred to in subsection (1) at the address shown against the elector's name on the roll or at any other address supplied by the elector to the Chief Electoral Officer -

(a) a postal voting paper; and

(b) an envelope marked "Postal Vote"; and

(c) an envelope addressed to the Chief Electoral Officer.

(3) Every envelope addressed to the Chief Electoral Officer shall bear on its face the number of

the elector's name on the roll.

(4) Before forwarding any postal voting paper to any elector, the Chief Electoral Officer shall in the presence of such scrutineers if any -

(a) firmly fix a piece of gummed paper over the consecutive number of the voting paper so as to conceal it effectively or take such other steps as he or she considers necessary for the effective concealing of the consecutive number; and

(b) on the counterfoil of the voting paper also write his or her initials and the number appearing on the roll against the name of the elector to whom the voting paper is to be forwarded; and

(c) on both counterfoil and the voting paper place his or her official mark; and

(d) indicate on a copy of the roll, to be called "Postal Votes Issued" by appropriate words, abbreviations, or marks, against the number and name of the elector on the roll, the fact that a postal voting paper has been forwarded to the elector together with the date that it was forwarded.

(5) Every postal voting paper shall be in Form 13.

66. Method of voting - (1) On receipt of a postal voting paper, the elector shall alone and secretly; exercise his or her vote in accordance with the instructions on the voting paper and in accordance with any additional instructions that the Chief Electoral Officer may consider advisable to give to the elector.

(2) Where any elector -

(a) is wholly or partially blind; or

(b) is unable to read or write (whether because of physical handicap or otherwise); or

(c) is not sufficiently familiar with the English or Cook Islands' Maori languages to vote without assistance, and the Chief Electoral Officer has not included with the voting paper, a translation of the "Directions to Elector" section of the voting paper, into a language with which the elector is sufficiently familiar to enable him or her to vote without assistance -

the voting paper may be marked by the elector with the assistance of a person, other than a person who is an elector or a person having an interest in the outcome of the election, in accordance with the instructions of the elector.

67. Return of voting papers to Chief Electoral Officer - (1) After the vote of an elector has been exercised as provided in section 66, the elector shall enclose the voting paper in the envelope marked "Postal Vote", and then shall enclose and return that envelope in the envelope addressed

to the Chief Electoral Officer.

(2) Subject to section 69, upon receipt of an envelope addressed to him or her, the Chief Electoral Officer shall, in the presence of such scrutineers if any -

(a) record on the envelope addressed to him or her:

(i) the date of receipt by him or her of that envelope; and

(ii) the name of the person from whom it was received if delivered by hand;

(b) draw a line in ink through the number and name of the elector on a copy of the roll, to be called the "Postal Votes Received" and the date of receipt of that postal vote;

(c) open the envelope addressed to him or her and extract therefrom the envelope marked "Postal Vote" containing the voting paper; and place it in the ballot box referred to in section 70;

(d) retain the envelope addressed to him or her in a container sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.

68. Voting papers received before close of poll - No postal voting paper shall be valid unless it is received by the Chief Electoral Officer, as the case may be, before the close of the poll.

69. Voting papers received after close of poll - Any envelope containing a postal voting paper received after the close of the poll by the Chief Electoral Officer, shall be marked "Received after the close of poll" and shall be signed by the Chief Electoral Officer, and marked with his or her official mark and shall be set aside unopened.

70. Ballot box - (1) The Chief Electoral Officer shall provide in his or her office a sealed or locked ballot box and shall forthwith place unopened in that ballot box all envelopes containing postal votes received by him or her before the close of the poll and that ballot box shall not be opened until after the close of the poll.

(2) The ballot box containing envelopes received by the Chief Electoral Officer before the close of poll shall be sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.

71. Procedure after close of postal polling - (1) After the close of poll, the Chief Electoral Officer shall in the presence of such of the scrutineers as may be present and such members of his or her staff as are authorised by him or her, open the ballot box referred to in section 70 and remove from it every envelope therein and from each envelope extract the voting paper.

(2) When all the envelopes have been opened and set aside, the total number of postal votes recorded for each candidate shall be ascertained and included in the preliminary count of the votes conducted under section 74.

(3) The Chief Electoral Office shall as soon as practicable after the close of the poll, make up into separate parcels all the postal voting papers received by him or her before the close of the poll, the copy of the roll called "Postal Votes Issued" together with the roll called "Postal Votes Received", all the corresponding counterfoils of postal voting papers that have been sent to electors, and the envelopes set aside unopened under section 69, and those parcels shall in the sight of such of the scrutineers as are present be marked "Postal" and sealed by him or her, and that endorsement shall be signed by the Chief Electoral Officer and such scrutineers as are present.

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

(a) subsection (2) of section 44; and

(b) sections 50 to 64; and

(c) sections 69 and 71.

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

PART 6
COUNTING OF VOTES

Booth count of votes

73. Procedure after close of ordinary and special polling - (1) Subject to subsection (3) of this section at each polling place the Presiding Officer shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present and the Polling Clerk, but no other person, make up into separate parcels -

(a) all copies of the main and supplementary rolls (except those used by scrutineers) on which the fact of any person having received a voting paper has been noted and any certificates and declarations delivered to him or her under section 62;

(b) all the corresponding counterfoils of voting papers that have been issued to electors, and those parcels shall be marked "Ordinary" or "Special" or "Advance", as the case may be;

(c) all the spoilt voting papers;

(d) all other materials used or unused in the polling booth.

(2) Each parcel made up under this section shall be endorsed by the Presiding Officer with a

description of its contents, the name of the constituency, the name of the polling place, and the date of polling; and the endorsement shall be signed by the Presiding Officer and such scrutineers as are present and the parcels, excluding the parcel containing the counterfoils of special votes, shall be enclosed in paper of similar material and properly secured.

(3) The Presiding Officer shall before implementing the requirements of subsection (1) and (2) of this section verify the total number of voting papers issued against the number of counterfoils used and the booth rolls.

74. Preliminary count of votes - (1) The Preliminary counting of the votes shall be conducted according to the provisions of this section and shall commence immediately after the provisions of section 73 have been complied with.

(2) The Presiding Officer shall then in the presence of such of the scrutineers as choose to be present, the Polling Clerk, and the Returning Officer (should he or she choose to be present), but no other person, open the ballot boxes, and, taking therefrom all the voting papers and setting aside as informal all voting papers which do not clearly indicate the candidate for whom the elector desired to vote, shall proceed to ascertain the number of votes recorded for each candidate.

(3) Immediately after ascertaining the number of ordinary votes recorded for each candidate, the Presiding Officer shall announce the results of the voting at the polling place at which he or she presides, and shall forthwith transmit those results to the Returning Officer, who shall announce the total number of votes received by each candidate.

(4) Every Returning Officer shall forthwith report any result transmitted to him or her by any Presiding Officer and the total number of votes received by each candidate to the Chief Electoral Officer, who shall announce that total number.

(5) Any envelope marked "Special Vote" received by the Presiding Officer shall be sent unopened through his or her Returning Officer to the Chief Electoral Officer who shall take such action as is necessary.

75. Voting papers to be secured - (1) All voting papers shall be secured according to the provisions of this section.

(2) The Presiding Officer shall make up into parcels all the voting papers used by him or her at the polling place at which he or she presides; and shall seal the same, enter a description of its contents, the name of the constituency, the name of the polling place, and the date of polling; and the parcels shall be signed by the Presiding Officer and by such scrutineers as are present.

(3) Each Presiding Officer shall deliver the said parcels to the Returning Officer, together with the parcels specified in section 73, and on delivery of any such parcels the Returning Officer shall issue a receipt in writing for them.

(4) Each Returning Officer shall make up into separate parcels all special voting papers and

counterfoils received by him or her and shall forward them to the Chief Electoral Officer.

(5) The Chief Electoral Officer may, at his or her 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 this cannot be done, and that the votes were cast in accordance with the provisions of this Act, he or she may transmit the number of special votes received by each candidate to the Returning Officer who shall include those numbers in his or her report to the Chief Electoral Officer made in accordance with subsection (1) of section 77.

(6) Where the special votes received and dealt with by the Chief Electoral Officer pursuant to subsection (5) of section 74 are not forwarded to the Returning Officer, the Chief Electoral Officer shall dispose of the special voting papers, certificates and counterfoils as provided in subsection (1) of section 82.

Scrutiny of the rolls

76. Scrutiny of the rolls - (1) A scrutiny of the rolls shall be conducted according to the provisions of this section.

(2) The Returning Officer shall make arrangements for the scrutiny of the rolls as soon as practicable after the close of the poll, and shall give notice in writing to each of the candidates and their scrutineers of the time and place at which he or she will conduct the scrutiny.

(3) No person other than the Returning Officer and his or her assistants, the Presiding Officer, the Chief Electoral Officer, and one person appointed as scrutineer by each candidate for the purpose, shall be present at the scrutiny, and, except as provided in this Act, the scrutiny shall be carried out in the sight and hearing of such of the said persons as choose to be present.

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

(5) If on comparison it appears that the same person has either received more than one ordinary or special voting paper or, exercised a postal vote and has also received one or more voting papers at any polling place, the Returning Officer shall -

> (a) open the parcels of voting papers used at the several polling places at which that person appears to have received a voting paper, or, as the case may be, the parcel of postal voting papers and the parcels of voting papers used at the polling place or places at which that person appears to have received a voting paper;
>
> (b) extract therefrom the voting papers which from their numbers appear to have been issued to that elector; and
>
> (c) disallow every vote appearing to have been given by the voting papers so extracted if it appears that the elector has voted more than once.

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

(7) When the Returning Officer has extracted from any parcel all the voting papers he or she is required by this section to extract therefrom, he or she shall forthwith close and seal up that parcel, and shall endorse thereon a memorandum of the fact of the voting papers having been extracted from the parcel, specifying the same by the name of the person to whom the same appear to have been delivered, and shall sign the endorsement with his or her name.

(8) The Returning Officer shall set aside all voting papers extracted by him or her from any parcel, as herein provided, and shall seal them in an envelope and endorse the same with a description of the contents thereof, and shall sign the endorsement with his or her name.

(9) For the purpose of this section, if the Chief Electoral Officer is unable to send the rolls used for votes cast pursuant to sections 63 and 64, he or she shall transmit to the Returning Officer concerned the roll number of the elector who has been issued voting papers pursuant to those sections.

Final count and declaration of poll

77. Counting the votes - (1) On completion of the scrutiny of rolls under section 76, the Returning Officer, with such assistance as he or she deems necessary, and in the presence of such persons so authorised to attend the scrutiny and choose to be present, shall open all the parcels of voting papers used at the election other than the envelope mentioned in subsection (8) of section 76, and setting aside all informal voting papers, shall ascertain and report to the Chief Electoral Officer the total number of votes received by each candidate at the election.

(2) Where there is an equality of votes between candidates the Returning Officer, in the presence of the persons present at the scrutiny of the rolls, shall announce that an application for a recount shall be lodged with the Court.

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

(a) it does not bear the official mark and there is reasonable cause to believe that it was not issued to an elector by the Presiding Officer or, in the case of a postal voting paper, it was not issued by the Returning Officer; or

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

(c) the elector has voted for more than one candidate; or

(d) it does not clearly indicate the candidate for whom the elector desired to vote:

Provided that no voting paper shall be deemed informal merely on the grounds of some informality in the manner in which it has been dealt with by the elector if it is otherwise regular, and if in the opinion of the Returning Officer the intention of the elector is clearly indicated.

(4) Where, owing to lack of communication, it is impossible for votes in advance cast pursuant to section 62 to be received by the Returning Officer of the constituency for which the votes in advance were cast by the date set for the counting of votes under this section, the Chief Electoral Officer shall transmit the information to the Returning Officer and direct him or her to add the votes in advance to the total number of votes received by the candidate for whom they were cast, and the total number of votes, with the vote or votes in advance included shall be included in the report made to the Chief Electoral Officer pursuant to subsection (1).

78. Declaration of result of poll - The Chief Electoral Officer shall, by warrant under his or her hand, publicly declare the election of the successful candidate, together with the number of votes received by each candidate.

Recount

79. Recount on application by candidate - (1) Any candidate for any constituency may, within three working days after the public declaration made under section 78, apply to the Court for a recount of the votes.

(2) Every application under subsection (1) shall be accompanied by a deposit of $500.

(3) The Court shall, as soon as practicable, cause a recount of the votes to be made and shall give at least two days' public notice of the time and place at which the recount will be made.

(4) At the recount the Chief Electoral Officer shall produce to the Court all the voting papers for that constituency used at that election.

(5) The recount shall be made by a Judge or three Justices of the Peace, or by an officer of the Court appointed by the Judge or Justices for the purpose, and the recount shall, as far as practicable, be conducted in the manner provided in the case of the original count, and the provisions of section 77 with the necessary modifications, shall apply.

(6) If on the recount the Court finds that the declaration was incorrect, or there is an equality of votes the Court shall so advise the Chief Electoral Officer and supply him or her with the total number of votes received by each candidate as disclosed by the recount.

(7) On receipt of the advice of the Court pursuant to subsection (6) but subject to section 81, the Chief Electoral Officer shall forthwith pursuant to section 78 declare to be elected the candidate then found by the Court to have received the highest number of votes, and shall revoke any warrant previously issued by him or her.

(8) The Court may make such order as to the cost of and incidental to the recount as the Court deems just, and may direct the deposit made under this section to be returned to the person who

paid it and in whose name the receipt for the payment was issued.

(9) Every determination or order made pursuant to this section shall, subject to section 102(2), be final and conclusive and without appeal.

80. Recount on application by Returning Officer - (1) The provisions of section 79 shall, with all necessary modifications, apply to every application for a recount lodged by the Returning Officer pursuant to subsection (2) of section 77.

(2) Every application lodged by the Returning Officer shall not be liable for payment of any deposit.

81. Power of Court to order by-election - Where upon an application for a recount by the candidate or Returning Officer the Court is satisfied that there is an equality of votes it shall direct the Chief Electoral Officer to within 2 months, conduct a by-election pursuant to the provisions of section 105.

Disposal and custody of voting papers

82. Disposal and custody of voting papers - (1) As soon as practicable after the scrutiny of the rolls, the Returning Officer for each constituency shall make up into one package all the parcels of counterfoils, voting papers, certificates, and declarations used or delivered at the election, and shall seal the package and endorse it with a description of its contents and the date of the polling, and shall sign that endorsement, and shall transmit the package to the Chief Electoral Officer, who shall deposit all packages so received with the Registrar of the Court.

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

(3) Any person who opens any such package or destroys the same or any of the contents thereof, except as provided in this section, commits an offence, and is liable on conviction to a fine not exceeding $1,000.

(4) All copies of the official rolls used at the election and attached lists of special electors on which, the fact of any person having received a voting paper or having exercised a postal vote has been noted, shall be forwarded by the Returning Officer through the Chief Electoral Officer to the Chief Registrar of Electors, and shall be retained by the Chief Registrar of Electors until after the disposal of any electoral petition by the Court when he or she shall cause the same to be destroyed.

(5) Any person may inspect any official roll, and the attached list, at the Chief Registrar of Elector's office without payment of any fee at any time when the office is open for the transaction of business and before they are destroyed pursuant to subsection (4) of this section.

(6) Every electoral official who on any inquiry under Part 8 is found by the Court as having failed to take reasonable steps to secure the safe custody of all voting papers for which he or she is responsible, with the result that any such voting paper was removed from his or her custody, commits an offence, and is liable on conviction to a fine not exceeding $1,000 or to imprisonment for a term not exceeding three months.

PART 7
OFFENCES AT ELECTIONS

83. Infringement of secrecy - (1) Every electoral official, scrutineer, or any other person appointed for the purposes of this Act shall use or disclose information acquired by him or her in that capacity only for and in accordance with his or her official duty or his or her duty as a scrutineer, as the case may require.

(2) No person, except for some purpose authorised by law, shall -

(a) attempt to obtain in a polling booth information as to the candidate for whom or the political party for which any elector in a booth is about to vote or has voted;

(b) communicate at any time to any person any information obtained in a polling booth as to the candidate for whom or the party for which any elector at the booth is about to vote or has voted, or as to the consecutive number on the voting paper given to any elector at the booth.

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

(4) No person shall, directly or indirectly, induce any elector to display his or her voting paper after he or she has marked it, so as to make known to any person the name of the candidate for or against whom he or she has voted or the name of the political party for which he or she has voted.

(5) No elector shall wilfully do anything in any booth which might tend to disclose the candidate for whom or the political party for which he or she has voted.

(6) Every person who offends against this section commits an offence, and is liable on conviction to a fine not exceeding $5,000 or imprisonment for a term not exceeding six months.

84. Interfering with or influencing electors - (1) Every person commits an offence and shall be liable on conviction to a fine not exceeding $5,000 who at an election -

(a) in any way interferes with or attempts to interfere with any elector -

(i) when the elector is marking his or her vote;

(ii) either in the polling booth or while the elector is on his or her way thereto with the intention of influencing the elector, or advising the elector as to the elector's vote;

(iii) who has received a postal voting paper with the intention of influencing the elector, or advising the elector as to the elector's vote;

(b) 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.

(2) Every person commits an offence and shall be liable on conviction to a fine not exceeding $5,000 who -

(a) 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;

(b) 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 or cinematograph or television apparatus;

(c) 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 political party for whom he or she should vote: Provided that this paragraph shall not apply to any statement in a newspaper published before 6 p.m. of the day before polling day;

(d) at any time after 6 p.m. of the day before polling day, prints or distributes or delivers to any person any card or paper (whether or not it is an imitation voting paper) having thereon the name of a candidate or names of any of the candidates, 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 voter.

(3) It shall not be an offence against this section for -

(a) any person to display on their person any party emblem; or

(b) any leader of any political party involved in the election to make any official public address.

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

85. Publishing defamatory matter - Every person commits an offence, and is liable on conviction

to a fine not exceeding $5,000 or to imprisonment for a term not exceeding six months, who, at any time after public notice has been given of the names of candidates pursuant to section 36 and before the close of the poll, publishes, or exposes, or causes to be published or exposed, to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate with the intention of influencing the vote of any elector.

86. Offences in respect of voting papers and ballot boxes - (1) Every person commits an offence and, being a person appointed in connection with the conduct of an election under this Part is liable on conviction to imprisonment for a term not exceeding one year or, being any other person, is liable on conviction to a fine not exceeding $5,000 or imprisonment for a term not exceeding six months, who -

(a) forges, or counterfeits, or fraudulently defaces, or fraudulently destroys any voting paper or official mark of any voting paper; or

(b) without due authority supplies any voting paper to any person; or

(c) puts into any ballot box any paper other than the voting paper that he or she is authorised by law to put therein; or

(d) without due authority destroys, takes, opens or otherwise interferes with any ballot box or box or parcel or package of voting papers then in use for the purposes of the election, whether in the course of transmission by post or otherwise, or thereafter wherever the same may be kept as a record of the election.

(2) Every person commits an offence, and is liable on conviction to a fine not exceeding $5,000 or imprisonment for a term not exceeding six months, who fraudulently removes any voting paper that has been put into the ballot box.

(3) Every person commits an offence, and is liable on conviction to a fine not exceeding $500 who -

(a) wilfully makes a false answer to any question the Presiding Officer is authorised to put to him or her; or

(b) votes or offers to vote more than once at the same election.

87. Corrupt practices - (1) Every person is guilty of a corrupt practice, who, in connection with any election, is convicted of bribery, treating, undue influence, or personation as defined in sections 88 to 91 and is liable on conviction to imprisonment for a term not exceeding five years.

(2) Where the Chief Electoral Officer, the Chief Registrar of Electors, or any person appointed by either of them for the purposes of an election believes that any person has committed any of the offences defined in sections 88 to 91, he or she shall report the facts on which that belief is based to the Commissioner of Police.

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

(a) directly or indirectly gives or offers to any elector any money or valuable consideration or any office of employment in order to induce the elector to vote or refrain from voting; or

(b) directly or indirectly makes any gift or offer to any person in order to induce that person to procure or endeavour to procure the return of any candidate or the vote of any elector; or

(c) upon or in consequence of any such gift or offer, procures or endeavours to procure the return of any candidate or the vote of any elector; or

(d) advances any money to any person with the intent that that money or any part thereof shall be expended in bribery within the meaning of this section; or

(e) being an elector, directly or indirectly receives or agrees to receive any gift, money, valuable consideration, office, or employment as aforesaid in return for voting or refraining from voting or for agreeing thereto.

89. Treating - Every person commits the offence of treating who, being a candidate at any election, by himself or herself or by any other person on his or her behalf, either before or during an election, directly or indirectly gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment, or other provision to or for any person -

(a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or

(b) for the purpose of procuring himself or herself to be elected:

Provided that it shall not be an offence against this section for a candidate to provide at any time after the close of the poll, hospitality according to local custom or practice.

90. Undue influence - Every person commits the offence of undue influence who -

(a) directly or indirectly, by himself or herself or by any other person on his or her behalf, uses or threatens to use any force, violence, or restraint, or inflicts any damage, harm, or loss upon or against any person, in order to induce or compel that person to vote for or against a particular candidate or party or to vote or refrain from voting, or on account of that person having voted for or against a particular candidate or having voted or refrained from voting; or

(b) by abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of an elector, or thereby compels, induces, or prevails upon an elector either to vote or to refrain from voting.

91. Personation - (1) Every person commits an offence of personation who at any election -

(a) votes as some other person, whether that person is living or dead or is a fictitious person;

(b) having voted at the election, votes again at the same election;

(c) having voted at the election in any constituency, votes at the same election in another constituency.

(2) For the purposes of this section, a person shall be deemed to have voted if he or she has applied for a voting paper for himself or herself, or has applied to vote as a special voter, or has marked a voting paper for himself or herself, whether validly or not.

PART 8
DISPUTED ELECTIONS

Election petitions

92. Election petitions - (1) Where any candidate or five electors are dissatisfied with the result of any election held in the constituency for which that candidate is nominated, or in which those electors are registered, they may, within seven days after the declaration of the results of the poll by the Chief Electoral Officer by petition filed in the Court demand an inquiry into the conduct of the election or any candidate or other person thereat.

(2) Every petition shall be accompanied by a filing fee of $1,000.

(3) The petition shall be in Form 14 and shall be heard and determined before a Judge of the Court.

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

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

93. Security for costs - (1) Notwithstanding anything contained in any other Act, in any proceedings where an election petition is filed and at any stage after the filing thereof, the Court shall order security to be given by the petitioner personally for the costs of the hearing of the petition and shall order the hearing of the petition to be stayed until such security has been given.

(2) Every order made pursuant to this section shall fix a day by which security shall be given and may fix such other terms and conditions as the Court thinks just.

(3) In fixing the amount of security for costs the Court shall have regard to the costs, which the respondent or any other party to the petition will probably incur, provided that any amount so fixed shall not be less than $5,000.

(4) If any petitioner fails to comply with any order for security for costs the Court shall dismiss the petition for want of prosecution.

(5) The provisions of this section shall apply notwithstanding that any respondent or other interested party (if any) may have previously taken any step in the action.

94. Candidate may oppose petition - Any candidate or other interested party (if any) may, at any time before the commencement of the inquiry, file in the Court a notice in writing of his or her intention to oppose the petition, and thereupon the candidate or other interested party (if any) shall be deemed to be a party to the petition.

95. Time for holding inquiry - The inquiry shall be commenced as soon as practicable after the filing of the petition, but not earlier than fourteen days after the day on which the poll was closed, and not less than seven clear days' public notice shall be given of the time and place at which the inquiry will be held.

96. Jurisdiction on inquiry - (1) Subject to this Act, the Court shall have jurisdiction to inquire into and adjudicate on any matter relating to the petition in such manner as the Court thinks fit.

(2) For the purpose of the inquiry, the Court shall have and may exercise all the powers of citing parties, compelling evidence, adjourning from time to time and from place to place, and maintaining order that the Court would have in its civil jurisdiction, and, in addition, may at any time during the inquiry direct a recount or scrutiny of the votes given at the election.

(3) Notwithstanding subsection (1), no petition may be filed or inquired into on the grounds that any person's name was or was not on a roll by reason of the presence or absence of that person in or from a particular constituency.

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

98. Result of inquiry - (1) Without limiting the Court's powers under section 96(1), where a candidate who has been elected at any election is found at the hearing of an election petition to have committed any corrupt practice at the election, that candidate's election shall be void.

(2) Where it is found by the Court at the hearing of an election petition that corrupt or illegal

practices committed in relation to the election for the purpose of promoting or procuring the election of any candidates thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, the candidate's election shall be void.

(3) Where at the hearing of an election petition claiming the seat for any person, a candidate is found by the Court to have committed bribery, treating or undue influence in respect of any person who voted at the election, there shall, on a scrutiny, be struck off from the number of votes appearing to have been received by the candidate, the vote of every person who voted at the election and has been proved to have been so bribed, treated or unduly influenced.

99. Real justice to be observed - At the hearing of any election petition the Court shall be guided by the substantial merits and justice of the case and the Court may admit such evidence as in its opinion may assist it to deal effectively with the case, notwithstanding that the evidence may not otherwise be admissible in the Court.

100. Report to police - Where on any inquiry conducted under this Part the Court is of the opinion that any -

(a) electoral offence; or

(b) corrupt practice; or

(c) wilful irregularity,

has been committed by any person, the Court shall refer the matter to the Commissioner of Police.

101. Costs of petition - All costs of and incidental to the presentation of an election petition, and to the proceedings consequent thereon, except such as are by this Act otherwise provided for shall be defrayed by the parties to the petition in such manner and in such proportions as the Court may determine; and in particular, any costs which, in the opinion of the Court have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of the respondent, and any needless expenses incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom they were caused or incurred, whether those parties are or are not on the whole successful.

102. Decision of Court to be final - (1) Every determination or order by the Court in respect of or in connection with any proceedings under sections 28, 34, or 79, or in respect of or in connection with an election petition shall be final and conclusive and without appeal.

(2) Notwithstanding the provisions of subsection (1), where any party to any proceeding to which this section applies is dissatisfied with any decision of the Court as being erroneous in any point of law, that party may appeal to the Court of Appeal by way of case stated for the opinion of that Court on a question of law only.

(3) In its determination of the appeal, the Court of Appeal may confirm, modify or reverse the

decision appealed against or any part of that decision.

(4) Notice of appeal shall not operate as a stay of proceedings in respect of the decision to which the appeal relates unless the Court or the Court of Appeal so orders.

(5) The determination of the Court of Appeal on any appeal to which this section applies shall be final and conclusive and without further appeal.

103. Court of Appeal may refer appeals back for reconsideration - (1) Notwithstanding anything in section 102, the Court of Appeal may, instead of determining the appeal to which section 102 applies, direct the Court to reconsider, either generally or in respect of any specified matter, the whole or any specific part of the matter to which the appeal relates.

(2) In giving any direction under this section the Court of Appeal shall -

(a) advise the Court of its reasons for so doing; and

(b) give to the Court such directions as it thinks just as to the rehearing or reconsideration or otherwise of the whole or any part of the matter that is referred back for rehearing or reconsideration.

(3) In rehearing or reconsidering any matter referred back to it pursuant to this section, the Court shall have regard to the Court of Appeal's reasons for giving a direction under subsection (1), and the Court of Appeal's directions under subsection (2).

104. Certificate of Court as to result of election - (1) At the conclusion of the hearing of an election petition or the appeal, the Court or the Court of Appeal as the case may be, shall determine whether the member whose election or return is complained of, or any and what other person, was duly elected or returned, or whether the election was void, and shall forthwith certify in writing the determination to the Chief Electoral Officer.

(2) Forthwith upon receipt of written certification pursuant to subsection (1), the Chief Electoral Officer shall notify the Speaker.

PART 9
BY-ELECTIONS

By-elections

105. By-elections - (1) Whenever a declaration that the seat of a member is vacant is published less than six months before the expiration of the then present term of Parliament, the seat shall remain vacant until the next general election.

(2) Whenever a declaration that the seat of a member is vacant is published six months or more before the expiration of the then present term of Parliament, the Chief Electoral Officer shall within seven days by public notice, appoint a day for a by-election to fill the vacancy, which

date, except as provided in subsections (4) and (5) of section 41, shall be no later than two months from the date of the declaration.

(3) In the event of a by-election, the provisions of this Act shall with all necessary modifications apply.

PART 10
ACCOUNTABILITY FOR CAMPAIGN RECEIPTS AND EXPENDITURE

106. Accountability for campaign receipts and expenditure - (1) The Queen's Representative may from time to time by Order in Executive Council make such regulations as may be deemed necessary or expedient for the purpose of requiring accountability of receipts and expenditure by political parties and candidates for election campaign purposes.

(2) Without limiting the generality of subsection (1), regulations may be prescribed -

(a) defining the election campaign period during which receipts and expenditure shall be accountable;

(b) prohibiting or limiting the receipt by political parties and candidates of funds for election campaign purposes from persons who are not qualified as electors, or from any body corporate or partnership the majority of shares or ownership interests in which are beneficially owned and controlled by persons who are not qualified as electors;

(c) prescribing rules requiring the public disclosure through the Chief Electoral Officer by political parties and candidates of individual receipts in excess of such amount as may be prescribed, and of all or such expenditure as may be prescribed;

(d) limiting the amount that may be spent by a political party and by a candidate during the election campaign period and different limits may be so prescribed in respect of different islands or groups of islands;

(e) requiring public disclosure by political parties and candidates, through the Chief Electoral Officer, of receipts from persons who are agents or nominees for a donor or benefactor, of the name and particulars of the principal donor or benefactor, and disclosure by such agents or nominees of their principals;

(f) requiring the independent audit of monies received or expenditure incurred during an election campaign period by political parties and candidates, and for audited accounts to be publicly disclosed through the Chief Electoral Officer;

(g) prescribing offences (including extra-territorially) for any breach of the regulations and penalties for such offences not exceeding, in the case of a political party, a fine of $10,000, and in the case of a person who is a candidate, a fine not exceeding $5,000.

(2) Regulations made under this section shall be laid before Parliament forthwith after the date of the making thereof if Parliament is then in session and if Parliament is not then in session, shall be laid before Parliament within 14 days after the commencement of the next ensuing session.

PART 11
MISCELLANEOUS PROVISIONS

107. Notification of bankruptcy and death - (1) The Registrar of the Court shall forthwith, after adjudication as a bankrupt of a member, or after a member's conviction of an offence under section 37(2), or of any offence described in section 9(1)(h), notify the fact to the Chief Electoral Officer, and the Chief Registrar of Electors.

(2) The Registrar of Deaths by whom the death of any member is registered shall, within 3 days of registering that death, notify the fact to the Chief Electoral Officer and the Chief Registrar of Electors.

(3) Upon receipt of notices pursuant to subsections (1) and (2) the Chief Electoral Officer shall forthwith notify the Speaker.

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

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

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

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

110. General penalty for offences - (1) Every person appointed to carry out the provisions of this Act who is found guilty of any wilful or negligent act of commission or omission contrary to the provisions of this Act, and for which no other penalty is provided by this Act shall be liable on conviction to a fine not exceeding $1,000 or to imprisonment for a term not exceeding one month.

(2) Any person who commits a breach of this Act for which no other penalty is provided by this

Act, is liable on conviction to a fine not exceeding $1,000.

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

111. Discretion of Chief Electoral Officer - Where -

(a) any provision of this Act cannot be carried out by reason of lack of communication between any islands or by reason of an act of God; or

(b) any thing is omitted to be done or cannot be done at the time required by or under this Act, or is done before or after that time, or is otherwise irregularly done in matter of form, or sufficient provision is not made by or under this Act -

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

112. Appropriation of expenses for elections - All sums required to be paid by the Chief Electoral Officer or by the Chief Registrar of Electors for the purpose of this Act shall be paid out of the Cook Islands Government Account without further appropriation than this section.

113. Regulations - (1) The Queen's Representative may from time to time by Order in Executive Council make all such regulations as may be deemed necessary or expedient for the purpose of -

(a) giving full effect to the provisions of this Act and for the due administration thereof; and

(b) amending the forms set out in the Second Schedule in a manner consistent with this Act; and

(c) prescribing such additional forms to be included as part of the Second Schedule to give effect to this Act and its administration.

(2) Regulations made under this section may prescribe offences for a breach thereof and for fines upon conviction not exceeding $2,000.

(3) All regulations made under this section shall be laid before Parliament forthwith after the date of the making thereof if Parliament is then in session and if not shall be laid before Parliament within 14 days after the date of the commencement of the next ensuing session.

114. Repeals and savings - (1) The enactments set out in the Fourth Schedule are repealed.

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

(3) Notwithstanding the abolition of the Overseas constituency by section 3 of the Constitution Amendment (No. 26) Act 2003, or section 6 and the First Schedule of this Act, the person who is the member of Parliament for that constituency immediately before the commencement of this Act shall continue to hold office as, and shall be the member of Parliament for that constituency as if that constituency had not been abolished as aforesaid.

(4) Subsection (3) has effect only until and expires on the earlier of -

(a) the seat of the member of Parliament for the Overseas constituency becoming vacant pursuant to any Act; or

(b) the Queen's Representative dissolving Parliament under Article 37 of the Constitution.

This Act is administered by the Ministry of Justice

NGATANGIIA CONSTITUENCY

All that area comprising the Ngatangiia Survey District in the Island of Rarotonga, as delineated on the said plan S.0. 1002.

TITIKAVEKA CONSTITUENCY

All that area comprising the Takitumu Survey District in the Island of Rarotonga, as delineated on the said plan S.0.1002.

MURIENUA CONSTITUENCY

All that area in the Arorangi Survey District in the Island of Rarotonga, comprising the Tapere of Kavera, Aroa, and Rutaki, as delineated on the said plan 5.0.1002.

AKAOA CONSTITUENCY

All that area in the Arorangi Survey District in the Island of Rarotonga, comprising the Tapere of Akaoa, and the Tapere of Vaiakura, as delineated on the said plan S.0.1002.

RUAAU CONSTITUENCY

All that area in the Arorangi Survey District in the Island of Rarotonga, comprising the Tapere of Pokoinu-i-Raro, Tokerau, Inave, and Arerenga, as delineated on the said plan S.0.1002.

PART 3
CONSTITUENCIES COMPRISING THE ISLAND OF MANGAIA

ONEROA CONSTITUENCY

All that area in the Island of Mangaia comprising the Tapere of Tava'enga, Keia, and Veitatei, as delineated on plan S.0. 1014 deposited in the Office of the Chief Surveyor at Rarotonga.

IVIRUA CONSTITUENCY

All that area in the Island of Mangaia comprising the Tapere of Karanga and Ivirua, as delineated on the said plan S.0. 1014.

TAMARUA CONSTITUENCY

All that area in the Island of Mangaia comprising the Tapere of Tamarua, as delineated on the said plan S.0. 1014.

PART 4
CONSTITUENCIES COMPRISING THE ISLAND OF ATIU

TENGATANGI-AREORA-NGATIARUA CONSTITUENCY

All that area in the Island of Atiu bounded by a line commencing at Trig station CB1 and proceeding due west along a right line to the sea-coast; thence generally southerly, easterly, and northerly along the sea-coast to its intersection with a right line bearing of 45 degrees from CBl; thence south-westerly along that right line to the point of commencement, to include the villages of Areora, Tengatangi, and Ngatiarua, as delineated on Plan S.0.1015 deposited in the office of the Chief Surveyor at Rarotonga.

TEENUI-MAPUMAI CONSTITUENCY

All that area in the Island of Atiu bounded by a line commencing at Trig station CBI and proceeding due west along a right line to the sea-coast; thence generally northerly, and south-easterly, along the sea-coast to its inter-section with a right line bearing of 45 degrees from CBI;

thence south-westerly along that right line to the point of commencement, to include the villages of Teenui and Mapumai, as delineated on the said S.0.Plan 1015.

Section 2(2)

SECOND SCHEDULE

FORMS

Form 1	Sections 13(1) & 19	Application for registr ation as an elector
Form 2	Section 16(1)	Form of electoral rolls
Form 3	Section 20(3)	Notice of Objection by Registrar
Form 4	Section 20(5)	Removal of name from roll
Form 5	Sections 31(2) & 32(2)	Candidate nomination paper
Form 6	Section 35	Withdrawal of nomination
Form 7	Section 41(1)	Declaration of retirement of a candidate
Form 8	Section 45(1)	Voting paper for Parliamentary Representation
Form 9	Section 45(4)	Counterfoil
Form 10	Section 47	Petition for Inquiry
Form 11	Section 59(l)	Voting by declaration
Form 12	Section 62(3)	Votes in advance
Form 13	Section 65(5)	Postal voting paper
Form 14	Section 92(3)	Declaration by electoral officials

Section 8

THIRD SCHEDULE

CRIMES DISQUALIFYING FOR ELECTION TO PARLIAMENT

PART 1
CRIMES AGAINST THE STATE, AND MURDER, SLAVERY, PIRACY, AND KIDNAPPING

Crimes against the following provisions of the Crimes Act 1969:

Section 75 (treason)
Section 78 (inciting to mutiny)
Section 80 (communicating secrets)
Section 81 (sabotage)
Section 84 (seditious conspiracy)
Section 85 (seditious statements)

Section 86 (publication of seditious documents)
Section 87 (use of apparatus for making seditious documents or statements)
Section 103 and 104 (piracy)
Section 109 (dealing in persons)
Section 192 (murder)
Section 231(1)(c) (kidnapping)

PART 2
CRIMES AFFECTING THE ADMINISTRATION OF LAW AND JUSTICE

Crimes against the following provisions of the Crimes Act 1969:

Section 111 (judicial corruption)
Section 112 (bribery of judicial officer)
Section 113 (bribery and corruption of Minister of the Crown)
Section 114 (corruption and bribery of member of Parliament)
Section 115 (corruption and bribery of law enforcement officer)
Section 116 (corruption and bribery of official)
Section 120 (perjury)
Section 121 (false oaths)
Section 124 (fabricating evidence)
Section 126 (conspiring to bring false accusations)
Section 127 (conspiring to defeat justice)
Section 128 (corrupting juries and witnesses)

APPLICATION FOR REGISTRATION AS AN ELECTOR

Form 1
Sec.13(1) Sec. 19

Section A - Am I qualified to enrol?

Please answer each of the following questions by ticking either the 'Yes' circle or the 'No' circle

Yes ○ No ○ Are you 18 years old or older?

Yes ○ No ○ Are you a Cook Islander, or a permanent resident of Cook Islands or a New Zealand citizen?

Yes ○ No ○ Have you ever lived continuously in the Cook Islands for more than one year?

Yes ○ No ○ Have you resided in the Cook Islands during the three months prior to making this application?

If you have ticked 'No' to any of these questions then you cannot apply for enrolment.

Section B - My details are:

Please print in BLOCK letters

Name _____
Surname name *First name* *Middle name*

Residential Address _____
District/Street *Village/Town* *Island/Country*

How long have you lived here? _____ *Telephone Number* _____ *Postal Address*

Date of birth / / *Day* *Month* *Year* Sex Male ○ Female ○

Occupation _____

Section C - Declaration

I believe that I am qualified to apply to be registered as an elector and declare that to the best of my knowledge the information I have given above is correct.

Signature	/ / *Date*

Section D - Witness

_____
Full name

Signature	/ / *Date*

Capacity of Witness:

Registration Officer ○
Justice of the Peace ○
Solicitor of the Court ○
Registered Elector ○
Minister of Religion ○

_____

ELECTORAL ROLL FOR THE [NAME] CONSTITUENCY

Form 2
Sec. 16(1)

Page	
[#]	Name in Full, Residence, Occupation
Line	

THIS ROLL CONTAINS [#] NAMES

…….
[Name]
Chief Registrar of Electors RAROTONGA [Date]

_____

NOTICE OF OBJECTION BY REGISTRAR

Form 3
Sec. 20(3)

Objection No.:

Section A - Registrar's Objection

TO: _____
(Full Name, Residence, Occupation)

Page	Line

_____
Constituency

CONTACT PHONE NUMBER: _____

I hereby object to:

☐ Your registration on **ANY** roll.
☐ The **RETENTION** of your name on the electoral roll for _____
Constituency

The reasons for my objection is as follows:

_____
_____
_____

_____
_____
_____
_____

Dated this ..... day of ..... _____
Signature of Registrar of Electors

_____

Section B - Elector s Notice of APPEAL

Objection No.:

Unless this annexed notice is completed by you and returned to the Chief Registrar of Electors within 5 working days

TO the Chief Registrar of Electors, In the matter of the objection lodged against me, I,

_____
(Full Name, Residence, Occupation)

Wish to appeal this objection for the following reasons:

_____
_____
_____
_____

Dated this ..... day of ..... _____
Signature of Appellant

_____

REMOVAL OF NAME FROM ROLL

Form 4
Sec. 20(5)

From the Chief Registrar of Electors

To: _____
Full Name

_____
Address

You are hereby advised that I have today removed your name from the Electoral Roll for the Constituency of

_____
Constituency

Because:-

(a) You are no longer possessed of the qualifications of an elector;

_____
_____
_____

(b) You have ceased to reside within that Constituency.

_____
_____
_____

Dated this ..... day of .....

_____
Signature

_____

CANDIDATE NOMINATION PAPER

Form 5
Sec. 31(2)
Sec. 32(2)

Section A - Nomination
To be completed by no less than 2 nominees

To the Returning Officer in charge of the Constituency of _____
Constituency

Being registered on your roll, WE:

Page	Line	

(Full Name, Residence, Occupation, Signature)

HEREBY nominate:

Page	Line	

(Full name, Residence, Occupation)

Who is registered on the Electoral Roll for _____
Constituency

With his/her consent, as a candidate at the election of a Representative for our Electoral Constituency, the holding of which election is appointed for:

_____
Date of Election

_____
Date of Nomination

Section B - Consent to Nomination
To be completed by candidate

I hereby consent to the above nomination.

Dated this ..... day of .....

_____
Signature of Candidate

Section C - Endorsement by party President

_____
President

Section D - Supplementary Information
To be completed by the Returning Officer

Name to appear on ballot paper _____

Political affiliation to appear on ballot paper _____

Deposit details

$			
Amount	*Receipt number*	*Date*	*Time*

WITHDRAWAL OF NOMINATION

Form 6
Sec. 35

Section A - Candidate's Withdrawal

To the Returning Officer in charge of the Constituency of _____
Constituency

I hereby give notice that I withdraw my name as a candidate at the election of a representative in your constituency, the holding of which election is appointed for the

..... day of .....

Declared at ..... this ..... day of .....

_____
Signature of Candidate

Section B - Witness
To be completed by a Justice of the Peace or a Solicitor of the Court or a Registration Officer or a Minister of Religion or a Registered Elector

Declared at ..... this ..... day of .....

_____
Signature

_____
Capacity of Witness

_____

DECLARATION OF RETIREMENT OF A CANDIDATE

Form 7
Sec. 41(1)

Section A - Declaration
To be completed by the Candidate up to the hour of Polling

To the Returning Officer in charge of the Constituency of _____
Constituency

I hereby declare that I retire as a candidate at the election of a representative in your constituency, the holding of which election is appointed for the

..... day of .....

Declared at ..... this ..... day of .....

_____
Signature of Candidate

_____

Section B - Acceptance
To be completed by the Returning Officer

Received at ..... this ..... day of .....

_____
Signature of Returning Officer

_____
Constituency

Form 9
Sec. 45(4)

[Constituency name]

Page No.	Line No.

_____
Initials of issuing officer

[Consecutive No.]

Official Mark

[Consecutive No.]

Form 8
Sec. 45(1)

Voting Paper for Parliamentary Representation

[Name] Constituency

Carefully read these DIRECTIONS before voting:

1. Vote by putting a cross (x) in the box opposite the name of the candidate you favour.

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

3. If you spoil the voting paper, return it to the officer who issued it and apply for another.

4. You must not take this voting paper out of the polling booth.

[Candidate's name]	*([Political Affiliation])*	○
[Candidate's name]	*([Political Affiliation])*	○
[Candidate's name]	*([Political Affiliation])*	○

DECLARATION BY ELECTORAL OFFICIALS

Form 10
Sec. 47

Section A - Official's Declaration

I, _____
(Name in Full)

_____

Solemnly declare that I will faithfully and impartially, according to the best of my skill and judgement, exercise and perform all powers or duties reposed in or required of me by the Electoral Act 2004 and I solemnly promise that I will not, except as provided by the said Act, directly or indirectly disclose any fact coming to my knowledge at any election.

_____

Signed: _____
(Signature of Election Official)

Section B - Witness to Declaration

Declared and signed at: _____

This _____ day of _____ before me,

_____ _____

(Print name of witness) (Signature of witness)

_____

Capacity of witness: _____

*Note: A Returning Officer may not, including his or her own, witness any Returning Officer's declaration.

Form 9
Sec. 45(4)

[Constituency name]

Page No.	Line No.

_____

Initials of issuing officer

[Consecutive No.]

Official Mark

[Consecutive No.]

Form 13
Sec. 65(5)

Postal Voting Paper for Parliamentary Representation

[Name] Constituency

Carefully read these DIRECTIONS before voting:

1. Vote by putting a cross (x) in the box opposite the name of the candidate you favour.

2. After voting, fold the voting paper enclose it in and seal the inner envelope marked 'Postal Vote'.

3. Place the inner envelope in and seal the envelope addressed to the Returning Officer and post it to the Returning Officer of the Chief Electoral Officer in sufficient time for it to be received by him before the close of voting in your constituency.

[Candidate's name]	*([Political Affiliation])*	○
[Candidate's name]	*([Political Affiliation])*	○
[Candidate's name]	*([Political affiliation])*	○

PETITION FOR INQUIRY

Form 14
Sec. 92(3)

IN the matter of an election of members of Parliament of the Cook Islands,

held on ....., the ..... day of .....

To the High Court of the Cook Islands.

The Petition of the undersigned, namely:-

○ Candidate
○ Five (5) Electors

Candidate: _____
(Name, Occupation, Address, Signature)

Electors:

1. _____
2. _____
3. _____
4. _____

5._____

(Name, Occupation, Address, Signature)

Humbly show:

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

_____

_____

_____

2. _____

(State the facts and grounds on which the petitioners rely)

Wherefore your petitioners pray that it may be determined:

- ○ That the said ..... was not duly elected; and/or
- ○ That the said election was void; and/or
- ○ That ..... was duly elected, and ought to have been so declared.

Dated at ..... this ..... day of .....

_____

CRIMES INVOLVING DISHONESTY

Crimes against the following provisions of the Crimes Act 1969:

Section 249	(a) and (b) (theft)
Section 250	(conversion)
Section 252	(criminal breach of trust)
Section 256	(robbery)
Section 257	(aggravated robbery)
Section 258	(compelling execution of documents by force)
Section 259	(assault with intent to rob)
Section 260	(extortion)
Section 261	(demanding with menaces)
Section 263	(burglary)
Section 264	(entering with intent)
Section 265	(being armed with intent to break and enter)
Section 269	((1) and (2)(a) false pretences)
Section 271	(personation)
Section 272	(acknowledging instrument in false name)

Section 273	(false statement by promoter)
Section 274	(falsifying accounts relating to public funds)
Section 275	(false accounting by officer or member of body corporate)
Section 276	(false accounting by employee)
Section 278	(issuing false dividend warrants)
Section 279	(concealing deeds and encumbrances)
Section 280	(conspiracy to defraud)
Section 281(a)	(receiving)
Section 288 to 309, 314 and 315	(forgery, uttering and counterfeiting offences)

_____

Section 114

FOURTH SCHEDULE

ENACTMENTS REPEALED

Electoral Act	1998
Electoral Amendment Act	1999

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