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An Act to mitigate the effects of the delay to the Island Government election in 2020 as a result of measures taken with respect to COVID-19 (Coronavirus Disease 2019) by—

- (a) changing the pre-election process for the 2020 election; and
- (b) implementing measures for the purpose of providing a fair, transparent, and participatory process for the election, despite the delay.

The Parliament of the Cook Islands enacts as follows—

(30 June 2020)

1 **Title**
This Act is the COVID-19 (Island Government Elections) Act 2020.

2 **Commencement**
This Act comes into force on the day after the date on which it is assented to by the Queen's Representative.

3 **Act binds the Crown**
This Act binds the Crown.

Interpretation and application

4 **Interpretation**
In this Act, unless the context otherwise requires,—
Chief Electoral Officer means the Chief Electoral Officer under the Electoral Act 2004
elector means a person who is registered on the main Island Government roll or the supplementary Island Government roll
Island Government has the meaning given in section 4(1) of the Island Government Act
Island Government Act means the Island Government Act 2012-13
Island Government election means an election for elected members of an Island Government held in accordance with the Island Government Act
Island Government Regulations means the Island Government (Electoral) Regulations 2014
main Island Government roll means the roll of registered electors described in section 7
ordinarily resident means actually resident in the constituency in which the person wishes to be enrolled
supplementary Island Government roll means the roll of registered electors opened under section 9.

5 **Application of Act**
This Act applies to the Island Government election that was scheduled to be held on 8 April 2020.

Election date

6 **Date of election**
The election will be held on 29 July 2020.

Electoral roll

7 **Main Island Government roll closed**
The roll of registered electors prepared by the Chief Electoral Officer and closed on 9 March 2020 must be treated as properly compiled and remains closed.

- 8 Objections to main Island Government roll remain closed**
Objections to a person being registered as an elector on the main electoral roll remain closed.
- 9 Supplementary Island Government roll must be opened**
- (1) The Chief Electoral Officer must, for the purpose of registering persons as electors, open a supplementary Island Government roll on or before 1 July 2020.
 - (2) The supplementary Island Government roll must close at 4pm on 7 July 2020.
- 10 Who may register on supplementary Island Government roll**
The following persons may register on the supplementary Island Government roll:
- (a) persons who would have been entitled to vote on 8 April 2020 except that they were not registered on the main Island Government roll when it closed:
 - (b) persons who would have been entitled to vote in a particular constituency on 8 April 2020 but who have now become eligible to vote in a different constituency (**their new constituency**):
 - (c) persons who were not entitled to vote on 8 April 2020 but who—
 - (i) comply with the requirements in section 14(1)(a) to (c); and
 - (ii) are not excluded from voting by section 14(3).
- 11 Supplementary Island Government roll available for public inspection**
The Chief Electoral Officer must make the supplementary Island Government roll available for public inspection within 7 days after the roll is closed.
- 12 Objections to supplementary Island Government roll**
An objection to a person being registered as an elector on the supplementary Island Government roll may only be made within 7 days after the roll is made public.

Nominations for election

- 13 Nominations for election closed**
Nominations for the election remain closed.

Voting

- 14 Eligibility to vote**
- (1) An elector is entitled to vote in the election if they were entitled to vote on 8 April 2020 or if the elector—
 - (a) is a Cook Islander; and
 - (b) is aged 18 years or older; and
 - (c) is or has been ordinarily resident on the island and in the relevant constituency for a continuous period of 3 months prior to the date of registration.
 - (2) Regulation 9(2) of the Island Government Regulations applies when determining whether a person is or has been ordinarily resident under subsection (1)(c).

- (3) A person described in regulation 9(3) of the Island Government Regulations is not entitled to vote.
- (4) A person described in section 10(b) is only entitled to vote in their new constituency.
- (5) To avoid doubt, regulation 17 of the Island Government Regulations applies to the election.

15 Advance voting

An advance vote made before 8 April 2020 continues to have effect and must be treated as the vote of the person in the election.

Relationship with other enactments

16 Relationship of Act with Island Government Act and Island Government Regulations

- (1) This Act overrides the Island Government Act in respect of the election to the following extent:
 - (a) the requirement in section 14(4) of the Island Government Act that an election must be held every 4 years within 1 month after the 4th anniversary of the preceding election does not apply;
 - (b) the requirement in section 15(1) of the Island Government Act that arrangements for the conduct of an election must be in accordance with any applicable Act and regulations made under the Island Government Act does not apply to the extent of any inconsistency between that Act or those regulations and this Act;
 - (c) the requirements for eligibility to vote in section 15(3)(a) of the Island Government Act are overridden by section 14 of this Act;
 - (d) the requirement in section 15(3)(d) of the Island Government Act that an objection to the eligibility of an elector must be made within 7 days after the closing of the roll for an election is overridden by sections 8 and 12 of this Act.
- (2) Any other provision in the Island Government Act or the Island Government Regulations does not apply to the extent that it is inconsistent with this Act.

This Act is administered by the Office of the Prime Minister.
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