



ANALYSIS

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1982, No. 7

An Act to amend the Electoral Act 1966

(10th September 1982)

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 and commencement - (1) This Act may be cited as the Electoral Amendment Act 1982, and shall be read together with and deemed part of the Electoral Act 1966 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the date of the first general election of members of the Parliament of the Cook Islands held after the date on which this Act is assented to by the Queen's Representative, except so far and to such extent as may be necessary to provide for that election.

2. Amendments of principal Act consequential on provisions of Constitution Amendment (No.9) Act 1980-81 and Constitution Amendment (No.10) Act 1981 - The principal

Price \$7.00

Act is hereby amended in the manner specified in the Schedule to this Act.

3. Voting by electors of Overseas Constituency and by electors of other constituencies who are outside the Cook Islands - The principal Act is hereby amended by inserting, after section 73, the following Part:

"PART VA

"VOTING BY ELECTORS OF OVERSEAS CONSTITUENCY AND BY ELECTORS OF OTHER CONSTITUENCIES WHO ARE OUTSIDE THE COOK ISLANDS

"73A. Voting by postal vote - (1) Any registered elector of the Overseas Constituency may vote at any election held in that constituency by postal vote as provided in this Part of this Act.

"(2) As soon as practicable after nomination day, and in any case not later than the fourteenth day before the day fixed for the taking of the poll, the Returning Officer in charge (in this Part of this Act referred to as the Returning Officer) shall forward by post addressed to each elector of the Overseas Constituency at the address shown against that elector's name on the roll, or at his usual postal address if to the knowledge of the Returning Officer that address is different from the address shown on the roll, -

"(a) A postal voting paper; and

"(b) An envelope marked 'Postal Vote' and stamped and addressed to the Returning Officer.

"(3) Every such envelope shall, in addition to the address of the Returning Officer, bear on its face the consecutive number of the voting paper and the number of the elector's name on the roll.

"(4) Before forwarding any postal voting paper to any elector, the Returning Officer -

"(a) Shall, unless a consecutive number has been printed on the voting paper and on the counterfoil, enter on both the counterfoil and the top right-hand corner of the back of the voting paper a number (called a consecutive number) beginning with the number 1 in the case of the first voting paper forwarded by him to an elector of the constituency; and on all voting papers forwarded by him to electors of the constituency the numbers shall be consecutive so that no two voting papers forwarded to electors shall bear the same number; and

"(b) Shall then 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 considers necessary for the effective concealing of the consecutive number; and

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

- "(d) Shall on both the counterfoil and the voting paper place his official mark; and
- "(e) Shall indicate on a copy of the roll, 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. The copy of the roll used for postal voting shall be separate from any other roll used at the election.

"73B. Right of elector to vote as ordinary voter - (1) Notwithstanding anything in section 73A of this Act, the Returning Officer may, under section 36 of this Act, appoint any place or places in the Overseas Constituency as a polling place or places at which electors of that Constituency who have not already voted by postal vote may vote as ordinary voters instead of by postal vote and at which electors of a constituency in the Cook Islands who are in the Overseas Constituency on polling day may vote as special voters.

"(2) The Returning Officer shall provide voting papers in form 8 for use by voters of the Overseas Constituency voting at a polling place appointed under this section.

"(3) Every polling place appointed under this section shall be open for voting at 9 o'clock in the forenoon of the day in the place where that polling booth is situated that corresponds to election day in the Cook Islands, and shall close at 6 o'clock in the afternoon of the same day.

"73C. Form of postal voting paper - Every postal voting paper shall be in form 8B.

"73D. Method of voting - (1) On receipt by him of a postal voting paper forwarded by the Returning Officer, the elector shall alone and secretly exercise his vote in accordance with the instructions on the voting paper and in accordance with any additional instructions that the Returning Officer may consider it advisable to give to the elector.

- "(2) Where any voter -
 - "(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 language to vote without assistance, and the Returning Officer has not included with the voting paper a translation of the 'Directions to Voter' section of the voting paper into another language with which the voter is sufficiently familiar to enable him to vote without assistance, -

the voting paper may be marked by the voter with the assistance of an elector of the Overseas Constituency, or may be marked by an elector of that constituency in accordance with the instructions of the voter:

Provided that every person present when an elector so votes shall refrain from making himself acquainted with the vote given by the elector, and shall not in any way attempt to influence or interfere with the elector in the exercise of his 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 vote.

"73E. Return of voting papers to Returning Officer - After the vote of an elector has been exercised as provided in section 73D of this Act, the elector shall enclose the voting paper in the envelope addressed to the Returning Officer, and shall by hand or post deliver that envelope to the Returning Officer at the address shown on the envelope referred to in section 73A (2) (b) of this Act.

"73F. Voting papers to be returned before close of voting - (1) No postal voting paper shall be valid unless it is received by the Returning Officer before the close of voting, being the hour of 6 o'clock in the afternoon of the day in New Zealand that corresponds to polling day in the Cook Islands.

(2) Before placing in the ballot box pursuant to section 73H of this Act an envelope containing a postal vote received by him before the close of voting, the Returning Officer shall draw a line in pencil or ink through the number and name of the elector on the roll as evidence that the elector has exercised a postal vote.

"73G. Voting papers returned after close of voting to be marked - Any envelope containing a postal voting paper received after the close of voting by the Returning Officer shall be marked 'Received after the close of voting' and shall be signed by the Returning Officer and marked with his official mark and shall be set aside unopened.

"73H. Ballot box - (1) The Returning Officer shall provide in his office a locked ballot box, which shall be separate from any other ballot box used by him at that election, and shall forthwith place unopened in that ballot box all envelopes containing postal votes received by him before the close of voting. The ballot box shall not be opened until after the close of voting.

(2) The ballot box containing envelopes received by the Returning Officer before the close of voting shall, except during ordinary office hours, be kept by him in a locked and fireproof room or in a fireproof container in a locked room.

"73I. Procedure after close of voting - (1) After the close of voting, the Returning Officer and such members of his staff as are authorised by him shall open the ballot box referred to in section 73H of this Act and extract the envelopes.

(2) Each envelope shall be opened and the voting paper extracted therefrom, and the envelope shall be placed on one side.

(3) When all the envelopes have been dealt with, the total number of postal votes recorded for each candidate at the election shall be ascertained and included in the preliminary count of the votes conducted under section 55 of this Act.

(4) The Returning Officer shall, as soon as practicable after the close of the poll, make up into separate packets all the postal voting papers received by him before the close of voting, the copy of the roll on which the fact of any person having been sent a postal voting paper pursuant to section 73A (2) of this Act has been noted, all the corresponding counter-foils of postal voting papers that have been sent to voters, and the envelopes set aside unopened under section 73G of this Act, and those packets shall be marked 'Postal' and sealed by him in the sight of such of the scrutineers as are present, and that endorsement shall be signed by the Returning Officer.

"73J. Safe custody of voting papers, etc - The Returning Officer shall be personally responsible for the safe custody of all postal voting papers and other documents used or received at his office until they have been dealt with in the manner prescribed in subsection (1) of section 61 of this Act.

"73K. Application of Act to postal voting - (1) The following provisions of this Act shall not apply to postal votes and postal voting:

Subsections (2) and (3) of section 39:
Sections 43 to 47:
Section 47A:
Sections 50 to 55:
Subsections (1) and (2) of section 56:
Subsections (1) and (2) of section 63.

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

"(3) For the purposes of the application of the provisions of this Act to postal voting in the Overseas Constituency, the office of the Returning Officer shall be deemed to be a polling booth.

"73L. Postal voting by electors of constituencies in Cook Islands temporarily overseas - (1) Any registered elector of a constituency in the Cook Islands who is for the time being outside the Cook Islands may vote by postal vote at any election held in that constituency.

"(2) The provisions of this Part of this Act, as far as they are applicable and with any necessary modifications, shall apply in relation to every such elector and to every such election as if -

- "(a) For the words 'at the address shown on that elector's name on the roll or at his usual postal address if to the knowledge of the Returning Officer that address is different from the address shown on the roll' in subsection (2) of section 73A of this Act there were substituted the words 'at the address that to the knowledge of the Returning Officer is for the time being the elector's usual postal address outside the Cook Islands'; and
- "(b) There were inserted, in the case of an election in the Island of Manihiki or the Island of Penrhyn or the Islands of Pukapuka and Nassau or the Island of Rakahanga, for the words 'the Returning Officer' in subsections (2)(b) and (3) of section 73A, section 73G, subsections (1) and (2) of section 73H, and sections 73I(1) and 73J, the words 'Chief Electoral Officer'; and
- "(c) For the words 'Overseas Constituency' wherever they occur in this Part there were substituted the name of the constituency in which the elector is registered; and
- "(d) For section 73E there were substituted the following section:
- '73E. (1) In the case of an election in the constituency comprising the Island of Manihiki or the Island of Penrhyn or the Islands of Pukapuka and Nassau or the Island of Rakahanga -

' (a) After the vote of the elector has been exercised as provided in section 73D of this Act, the elector shall enclose the voting paper in the envelope addressed to the Chief Electoral Officer, and shall by hand or post deliver that envelope to the Chief Electoral Officer at Rarotonga; and

' (b) The Chief Electoral Officer shall take such action as he considers appropriate to ascertain the validity of the vote in accordance with this Part of this Act as if he were the Returning Officer, and, if he allows the vote, shall notify the Returning Officer of that constituency who shall include the vote in the count of the votes under section 58 of this Act; and

"(e) For subsection (1) of section 73F there were substituted the following subsection:

' (1) No postal voting paper shall be valid unless it is received, in the case of an election in the Island of Manihiki or the Island of Penrhyn or the Islands of Pukapuka and Nassau or the Island of Rakahanga, by the Chief Electoral Officer or, in the case of an election in any other constituency in the Cook Islands, by the Returning Officer before the close of voting in the constituency in which the elector is registered.' "

4. Tenure of office of Member of Parliament - Section 7 of the principal Act is hereby amended by inserting in paragraph (h) of subsection (1), after the words "or imprisonment", the words "for life or".

5. Qualification of electors - Section 8 of the principal Act is hereby amended by inserting in paragraph (b), after the words "by imprisonment", the words "for life or".

6. Deposit by candidates - Section 35 of the principal Act is hereby amended by omitting the expression "\$20", and substituting the expression "\$200".

7. Determination of High Court to be final - (1) The principal Act is hereby amended by repealing section 82, and substituting the following section:

"82. Every determination or order of the Judge in respect of or in connection with an election petition shall be final and conclusive and without appeal, whether to the Court of Appeal of the Cook Islands or to Her Majesty the Queen in Council or otherwise, and shall not be questioned in any way."

(2) Section 17 of the principal Act is hereby amended by adding the words "and conclusive and without appeal, whether to the Court of Appeal of the Cook Islands or to Her Majesty the Queen in Council or otherwise, and shall not be questioned in any way".

(3) Section 30 of the principal Act is hereby amended by adding to subsection (4) the words "and conclusive and without appeal, whether to the Court of Appeal of the Cook Islands or to Her Majesty the Queen in Council or otherwise, and shall not be questioned in any way".

(4) Section 60 of the principal Act is hereby amended by repealing subsection (9), and substituting the following subsection:

"(9) Every determination or order made by the Judge under this section shall be final and conclusive and without appeal, whether to the Court of Appeal of the Cook Islands or to Her Majesty the Queen in Council or otherwise, and shall not be questioned in any way."

8. Repeals - The following enactments are hereby repealed:
- (a) Sections 2 and 8 of the Electoral Amendment Act 1967:
 - (b) The Electoral Amendment Act 1970:
 - (c) Section 9 of the Electoral Amendment Act 1971-72:
 - (d) Section 2 and paragraph (a) of section 14 of the Electoral Amendment Act 1976.
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SCHEDULEAMENDMENTS OF PRINCIPAL ACT

Provision Amended	Amendment
Section 1	<p>By inserting in subsection (3), after the item relating to Part V, the following item:</p> <p>"PART VA - Voting by Electors of Overseas Constituency and by Electors of Other Constituencies who are Outside the Cook Islands (Sections 73A to 73L)".</p>
Section 2	<p>By omitting from the definition of the term "Constitution" in subsection (1) the words "contained in the Schedule", and substituting the words "set out in the Second Schedule".</p> <p>By repealing the definition of the term "High Commissioner" in subsection (1).</p> <p>By repealing the definition of the terms "Judge", "Judge of the High Court", and "Commissioner" in subsection (1), and substituting the following definition:</p> <p>"'Judge' and 'Judge of the High Court' mean any Judge of the High Court established by the Constitution:".</p> <p>By repealing the definition of the term "Legislative Assembly" in subsection (1).</p> <p>By inserting in subsection (1), after the definition of the term "official mark", the following definitions:</p> <p>"'Overseas Constituency' means the constituency constituted by Article 27 (2) (k) of the Constitution:</p> <p>"'Parliament' means the Parliament of the Cook Islands established by the Constitution:</p> <p>"'Polling booth' and 'polling place', in relation to an election in any constituency, means in relation to postal voting in that constituency, the office of the Returning Officer:</p> <p>"'Polling day', in relation to postal voting at an election in any constituency, means the day of the close of voting:".</p>

Provision Amended	Amendment
Section 2 (continued)	<p>By inserting in subsection (1), after the definition of the term "public service", the following definition:</p> <p>'Queen's Representative' means the representative of Her Majesty the Queen in the Cook Islands appointed under Article 3 of the Constitution:".</p> <p>By omitting from the definition of the term "Resident" in subsection (1) the words "resident of the Cook Islands", and substituting the word "person".</p> <p>By repealing the definition of the term "To reside" in subsection (1), and substituting the following definition:</p> <p>"To reside', in relation to any constituency, has the same meaning as in Article 1 (1) of the Constitution; and 'resident' and 'residing' have corresponding meanings:".</p> <p>By repealing the definition of the term "resident of the Cook Islands" in subsection (1).</p> <p>By omitting from subsection (2) the word "Schedule", and substituting the words "First Schedule".</p> <p>By adding the following subsection:</p> <p>"(3) Except where the context otherwise requires, every reference in this Act or in any notice or other document given or made pursuant to any provision of this Act to any specified day shall, in relation to any place outside the Cook Islands, be read as a reference to the day in that place that corresponds to that specified day in the Cook Islands."</p>
Section 5	<p>By repealing this section and the reference to Article 27 of the Constitution preceding it, and substituting the following:</p> <p>"Parliament of the Cook Islands - Article 27 of the Constitution (as substituted by section 5 of the Constitution Amendment (No.9) Act 1980-81) constitutes the Parliament</p>

Provision Amended	Amendment
Section 5 (continued)	<p>of the Cook Islands. A copy of that Article is set out in the Second Schedule to this Act.</p> <p>"5. <u>Constituencies</u> - (1) There shall be <u>24</u> constituencies of the Cook Islands as follows:</p> <p>"(a) The Vaipae-Tautu Constituency, comprising the area described in Part I of the First Schedule to the Constitution (as enacted by section 16 of the Constitution Amendment (No.9) Act 1980-81 and amended by section 8 of the Constitution Amendment (No.11) Act 1982):</p> <p>"(b) The Amuri-Ureia Constituency, comprising the area described in the said Part I of the said First Schedule to the Constitution:</p> <p>"(c) The Arutanga-Reureu-Nikaupara Constituency, comprising the area described in the said Part I of the said First Schedule to the Constitution:</p> <p>"(d) The Nikao-Panama Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:</p> <p>"(e) The Avatiu-Ruatonga Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:</p> <p>"(f) The Takuvaime-Tutakimoa Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:</p> <p>"(g) The Tupapa-Maraerenga Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:</p> <p>"(h) The Matavera Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:</p>

Provision Amended	Amendment
Section 5 (continued)	
	"(i) The Ngatangia Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
	"(j) The Titikaveka Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
	"(k) The Murienua Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
	"(l) The Ruaau Constituency, comprising the area described in Part II of the said First Schedule to the Constitution:
	"(m) The Oneroa Constituency, comprising the area described in Part III of the said First Schedule to the Constitution:
	"(n) The Ivirua Constituency, comprising the area described in Part III of the said First Schedule to the Constitution:
	"(o) The Tamarua Constituency, comprising the area described in Part III of the said First Schedule to the Constitution:
	"(p) The Island of Manihiki:
	"(q) The Island of Mauke:
	"(r) The Island of Mitiaro:
	"(s) The Island of Penrhyn:
	"(t) The Island of Pukapuka and the Island of Nassau:
	"(u) The Island of Rakahanga:

Provision Amended	Amendment
Section 5 (continued)	<p>"(v) The Tengtangi-Areora-Ngatiarua Constituency, comprising the area described in Part IV of the said First Schedule to the Constitution:</p> <p>"(w) The Teenui-Mapumai Constituency, comprising the area described in Part IV of the said First Schedule to the Constitution:</p> <p>"(x) The Overseas Constituency, being the islands comprising New Zealand and all other areas outside the Cook Islands.</p> <p>"(2) Each constituency shall consist of the electors entitled pursuant to section 10 hereof to have their names entered on the roll for that constituency."</p>
Part III	<p>By omitting the reference to Article 28 of the Constitution appearing after the heading to this Part, and substituting the following:</p> <p>"Article 28 of the Constitution (as substituted by section 5 of the Constitution Amendment (No.9) Act 1980-81) defines the nationality and residential qualifications of electors. A copy of that Article is set out in the Second Schedule to this Act.</p> <p>"Article 28B of the Constitution (as enacted by the said section 5) defines the qualifications and disqualifications for candidates for election to Parliament. A copy of that Article is set out in the Second Schedule to this Act."</p>
Section 7	<p>By repealing paragraph (f) subsection (1), and substituting the following paragraph:</p> <p>"(b) In the case of any constituency other than the Overseas Constituency, he ceases to reside in the Cook Islands; or"</p> <p>By repealing subsection (2).</p>

Provision Amended	Amendment
Section 8	<p>By repealing paragraph (d), and substituting the following paragraph:</p> <p>"(d) In the case of a constituency in the Cook Islands, -</p> <p>"(i) Has resided in that constituency for a continuous period of not less than three months immediately before the date of his application for registration; or</p> <p>"(ii) Has resided continuously in that constituency for not less than three months and has not subsequently resided continuously for three months or more in any one constituency."</p> <p>By adding as subsection (2), the following subsection:</p> <p>"(2) If a person has two or more usual places of abode, he shall be deemed to reside in the place in which he spends the greatest part of his time."</p> <p>By repealing subsection (3), and substituting the following subsection:</p> <p>"(3) Every person who is qualified to be an elector of a constituency in the Cook Islands but has not resided in any one such constituency for a continuous period of three months shall be entitled to register in the constituency in which he spent the greatest part of his time during the period of three months immediately preceding the date of his application for registration."</p> <p>By omitting the words "in the Schedule hereto".</p> <p>By omitting from the proviso the words "is not a resident of any constituency", and substituting the words "has not resided in any one constituency for a continuous period of three months".</p> <p>By omitting from the proviso the words "the determination of the Chief Electoral Officer under".</p>
Section 9	
Section 11	

Provision Amended	Amendment
Section 12	<p>By repealing subsection (1), and substituting the following subsection :</p> <p>"(1) Every applicant for registration as an elector of any constituency shall sign his application in the presence of an elector or electoral officer, police constable, or Minister of Religion, who shall add his signature, description and address in witness thereof."</p> <p>By omitting from subsection (4) the words "in the Schedule hereto".</p> <p>By omitting from subsection (9) (as added by section 3 of the Electoral Amendment Act 1976) the words "in the Cook Islands", and substituting the words "being, in the case of a constituency other than the Overseas Constituency, an electoral officer in the Cook Islands, and, in the case of the Overseas Constituency, the Registrar for that Constituency".</p> <p>By omitting from paragraph (a) the words "in the Schedule hereto".</p> <p>By omitting from paragraph (b) the words "in the Schedule hereto".</p> <p>By omitting the words "or Commissioner".</p> <p>By adding the following subsection:</p> <p>"(3) In the case of the roll for the Overseas Constituency, the Registrar shall give such notice in</p>
Section 14	
Section 15	
Section 17	
Section 18	

Provision Amended	Amendment
Section 18 (continued)	New Zealand and elsewhere of the closing of the roll as he in his discretion considers appropriate."
Section 22	By inserting, after subsection (1), the following subsection: "(1A) In the case of a by-election in the Overseas Constituency, the Registrar shall give such notice in New Zealand and elsewhere of the closing of the roll as he in his discretion considers appropriate."
Section 25	By inserting in subsection (1) and also in subsection (2), after the words "this Act", the words "and to Articles 28, 28B and 28C of the Constitution". By omitting from subsection (2) the words "section 6 hereof", and substituting the words "Article 28B of the Constitution".
Section 27 (as amended by section 2 of the Electoral Amendment Act 1970)	By omitting from subsection (1) and also from subsection (2) the words "four years", and substituting in each case the words "five years". By inserting, after subsection (2), the following subsection: "(2A) In the case of a by-election in the Overseas Constituency, the Chief Electoral Officer shall give such notice in New Zealand and elsewhere of the day for the by-election as he in his discretion considers appropriate."
Section 28	By adding the following subsection: "(3) The Chief Electoral Officer shall give such notice in New Zealand and elsewhere of the election containing the matters specified in subsection (2) of this section as he

Provision Amended	Amendment
Section 28 (continued)	in his discretion considers appropriate."
Section 29	By inserting in subsection (2), after the words "this Act", the words "and to Article 28B of the Constitution".
Section 30	By omitting from subsection (3) the words "a resident of the Cook Islands", and substituting the words "registered as an elector of any constituency". By omitting from subsection (4) the words "has or has not been so resident in the Cook Islands", and substituting the words "is or is not registered as an elector of any constituency".
Section 32	By omitting from subsection (4) the words "or Commissioner". By omitting from subsection (2) the words "residential qualification", and substituting the words "registration as an elector".
Section 33	By repealing this section, and substituting the following section: "33. <u>Effect of nomination</u> - Where at the <u>election of a member</u> to represent any constituency only one candidate is nominated, that candidate shall be deemed to be elected, and the Chief Electoral Officer shall, by warrant under his hand, declare that candidate to be elected and shall publicly notify that election".
Section 34	By repealing this section, and substituting the following section: "34. <u>Where no candidate nominated</u> - Where at the <u>election of a member</u> to represent any constituency no candidate is nominated, the Chief Electoral Officer shall, not later

Provision Amended	Amendment
Section 34 (continued)	than three months after nomination day, declare the seat to be vacant, and thereupon the provisions of section 27 of this Act shall apply."
Section 35	By omitting from subsection (3) the words "or by the successful candidate receiving the lowest total number of votes, as the case may be".
Section 36	<p>By omitting the words "the number of candidates nominated for any constituency is greater than the number of vacancies to be filled", and substituting the words "two or more candidates are nominated for any constituency".</p> <p>By inserting, after the words "close of nominations", the words "subject, in the case of an election in the Overseas Constituency, to Part VA of this Act,".</p> <p>By repealing paragraph (c), and substituting the following paragraph:</p> <p>"(c) The names of the several candidates nominated."</p> <p>By adding (as subsection (2)) the following subsection:</p> <p>"(2) In the case of the Overseas Constituency the Chief Electoral Officer shall give such notice in New Zealand and elsewhere containing the matters specified in subsection (1) of this section as he in his discretion considers practicable."</p>
Section 37	<p>By repealing this section, and substituting the following section:</p> <p>"37: <u>Place of ordinary voting</u> - Every elector registered in respect of any constituency who has not exercised a postal vote shall, unless he is a special voter, be entitled to vote at any place in that constituency appointed for the taking of the poll, and at no other place."</p>

Provision Amended	Amendment
Section 38	By omitting from subsection (2) the words "to or below the number of vacancies to be filled, the provisions of sections 33 and 34 hereof", and substituting the words "to one, the provisions of section 33 hereof".
Section 39	By omitting from paragraph (c) of subsection (2) the words "or representatives for that constituency respectively", and substituting the words "for that constituency".
Section 40	By inserting in subsection (1) after the words "voting papers", the words "(other than postal voting papers)".
Section 42	By inserting, after the words "this Part ", the words "or Part VA".
Section 47A (as enacted by section 7 of the Electoral Amendment Act 1976)	By omitting from subsection (2) the words "or candidates".
Section 48	By omitting from subsection (1) the words "or candidates" in both places where they occur. By omitting from subsection (1) the words "each such candidate", and substituting the words "that candidate".
Section 52	By repealing subsection (1), and substituting the following subsection: "(1) Any elector of any constituency who has not exercised a postal vote may vote as a special voter if, on polling day, he will not be in the constituency in which he is registered." By inserting in subsection (2), after the words "Registrar in charge", the words "of the roll on which the elector is registered". By omitting from subsection (3) (b) (as substituted by section 5 of the Electoral Amendment Act 1971-72) the words "or candidates".
Section 52A (as enacted by section 9 of the Electoral Amendment Act 1976)	By omitting from subsection (2) the words "the Cook Islands", and substituting the words "the constituency for which he is registered".

Provision Amended	Amendment
Section 52A (continued)	<p>By repealing subsection (3), and substituting the following subsection:</p> <p>"(3) Notwithstanding anything in this Act, the Chief Electoral Officer may, at his discretion, allow registered electors of the Takitumu or Ngatangia or Matavera or Ruaau or Murienua Constituency to cast votes in advance in the Avatiu-Ruatonga or Nikao-Panama or Tupapa-Maraerenga or Takuvaîne-Tutakimoa Constituency without having applied for a special voter's certificate."</p> <p>Section 53</p> <p>By omitting from subsection (3) the word "hereof".</p> <p>By omitting from subsection (5) the words "or candidates".</p> <p>Section 55</p> <p>By omitting from subsection (1) the words "or candidates".</p> <p>Section 57</p> <p>By inserting in subsection (3), after the words "voting paper", the words "or of having exercised a postal vote".</p> <p>By repealing subsection (4), and substituting the following subsection:</p> <p>"(4) If on that comparison it appears that the same person -</p> <p>"(a) Has received more than one ordinary or special voting paper; or</p> <p>"(b) Has exercised a postal vote and has also received one or more voting papers at any polling place or places, -</p> <p>the Returning Officer in charge -</p> <p>"(c) Shall open the packets 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 packet of postal voting papers and the packets of voting papers used at the polling place or places at which that person appears to have received a voting paper; and</p>

Provision Amended	Amendment
Section 57 (continued)	<p>"(d) Shall select therefrom the voting papers which from their numbers appear to have been issued to that voter; and</p> <p>"(e) If it appears that the voter has voted more than once, shall disallow every vote appearing to have been given by the voting papers so selected."</p>
Section 58	<p>By omitting from subsection (1) the words "names of those candidates, not exceeding the number of vacancies to be filled, who have", and substituting the words "name of the candidate who has".</p> <p>By omitting from subsection (2) the words "and the addition of a vote would entitle any of those candidates to be reported to the Chief Electoral Officer as aforesaid".</p> <p>By inserting in paragraph (a) of subsection (3), after the words "presiding officer", the words "or, in the case of a postal voting paper, it was not issued by the Returning Officer".</p> <p>By repealing paragraph (c) of subsection (3), and substituting the following paragraph:</p> <p>"(c) If the elector has voted for more than one candidate; or".</p> <p>By omitting from paragraph (d) of subsection (3) the words "or candidates".</p>
Section 59	By omitting the words "or candidates".
Section 60	<p>By inserting in subsection (1), after the words "that declaration", the words "or, in the case of an election in the Overseas Constituency, within ten clear working days after the publication of that declaration".</p> <p>By inserting in subsection (3), after the words "public notice", the words "or, in the case of an election in the Overseas Constituency, at least ten clear days' public notice".</p> <p>By omitting from subsection (7) the words "or candidates" and also the words "not exceeding the number of vacancies to be filled".</p>

Provision Amended	Amendment
Section 61	By inserting in subsection (4), after the words "voting paper", the words "or having exercised a postal vote".
Section 63	By omitting from subsection (1) the words "or Commissioner".
Section 65	By inserting in subsection (1), after paragraph (a), the following paragraph: " (aa) In any way interferes with an elector who has received a postal voting paper with the intention of influencing him or advising him as to his vote: ".
Section 67	By inserting in subsection (1) (d), after the words "presiding officer", the words "or, in the case of a postal voting paper, sent to him by the Returning Officer".
Section 74	By inserting in subsection (1), after the words "the election", the words "or, in the case of an election in the Overseas Constituency, within 21 days after the declaration of the result of the election".
Section 76	By inserting, after the words "the petition", the words "or, in the case of an election in the Overseas Constituency, within 21 days after the filling of the petition, ". By inserting, after the words "public notice", the words "or, in the case of an election in the Overseas Constituency, not less than 10 clear days' public notice".
Section 77	By repealing paragraph (b), and substituting the following paragraph: " (b) Has voted for more than one candidate. "

Provision Amended	Amendment
Section 86	<p>By inserting the words "or of the Constitution" after the words "this Act" in subsection (1) (a) and in both places where they occur in subsection (2).</p> <p>By adding the following subsection:</p> <p>"(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 shall be deemed to have committed that offence in the Cook Islands, and is liable on conviction to the penalty to which he would be liable if the offence had been committed in the Cook Islands."</p>
Schedule	<p>By omitting the heading "SCHEDULE", and substituting the heading "FIRST SCHEDULE".</p> <p>By omitting form 1 (as substituted by section 14 (a) of the Electoral Amendment Act 1976), and substituting the following form:</p> <p>Sec. 11 <u>"FORM 1</u></p> <p style="text-align: center;">APPLICATION FOR REGISTRATION AS AN ELECTOR</p> <p>I hereby claim to have my name entered upon the Electoral Roll for the _____ Constituency, and I declare that the answers to the following questions are true and correct in every particular:</p> <p>1.(a) Your full name:</p> <p style="padding-left: 100px;">_____ (Surname) (First name) (Middle name)</p> <p>(b) Your father's name:</p> <p style="padding-left: 100px;">_____ (Surname) (First name) (Middle name)</p> <p>(c) Your husband's name:</p> <p style="padding-left: 100px;">_____ (Surname) (First name) (Middle name)</p>

Provision Amended	Amendment																						
Schedule (continued)	<p>2. Your present occupation: _____</p> <p>3. Your present residential address: Tapere or Street: _____ Village, Town, or City: _____</p> <p>4. (In the case of an application for registration for a constituency in the Cook Islands)</p> <p>(a) Have you resided in the Cook Islands throughout the period of 3 months immediately before the making of this application?</p> <p>(b) Have you lived at your present address throughout that 3 month period?</p> <p>(c) If not, list the addresses, with the length of time, at which you have lived during that 3 month period.</p> <table border="1"><thead><tr><th>Address</th><th>Length of time</th></tr></thead><tbody><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></tbody></table> <p>5. Put a cross X in the square which applies to you:</p> <table border="1"><thead><tr><th>Are you</th><th>Are you</th></tr></thead><tbody><tr><td>Male</td><td>Single</td></tr><tr><td>Female</td><td>Married</td></tr><tr><td></td><td>Other</td></tr></tbody></table> <p>6. Write in these squares:</p> <table border="1"><tbody><tr><td>Your date of birth</td><td>(Day)/(Month)/(Year)</td></tr><tr><td>Your age today</td><td> </td></tr></tbody></table> <p>7. Are you a Commonwealth citizen? _____</p> <p>8. If not, do you have status of a permanent resident of the Cook Islands?</p> <p>9. On what grounds do you claim that status? _____</p> <p>10. Have you at some time resided continuously in the Cook Islands for not less than 12 months? _____</p>	Address	Length of time									Are you	Are you	Male	Single	Female	Married		Other	Your date of birth	(Day)/(Month)/(Year)	Your age today	
Address	Length of time																						
Are you	Are you																						
Male	Single																						
Female	Married																						
	Other																						
Your date of birth	(Day)/(Month)/(Year)																						
Your age today																							

Provision Amended	Amendment
Schedule (continued)	<p>11. (Applicable only in case of application for registration in constituency other than the Overseas Constituency)</p> <p>Have you resided continuously in the Cook Islands throughout the period of 3 months immediately before the making of this application?</p> <p>_____</p> <p>12. (Applicable only in case of application for registration in Overseas Constituency) -</p> <p>(a) Have you resided outside the Cook Islands throughout the period of 3 months immediately before the making of this application? _____</p> <p>(b) How long have you been continuously absent from the Cook Islands immediately before the making of this application? _____</p> <p>(c) Were you absent from the Cook Islands for the purpose of undergoing a course of education or of technical training or instruction? _____ If so, how long were you absent for that purpose? _____</p> <p>(d) Do you intend to return to the Cook Islands and reside there indefinitely, and have you had that intention ever since you left the Cook Islands? _____</p> <p>(e) While you have resided outside the Cook Islands, have you at any time visited the Cook Islands for a continuous period of not less than 3 months? _____</p> <p>If so, state when you made such a visit and how long it lasted.</p> <p>_____</p>

Provision Amended	Amendment
Schedule (continued)	<p>Signature of Applicant: _____</p> <p>Signed and declared by the Applicant this _____ day of _____ 19____</p> <p>Signature of Witness: _____</p> <p>Residential address of Witness: _____</p> <p>Qualification of Witness (Electoral Officer, Police Constable, — Elector, or Minister of Religion)</p> <p>By omitting from form 5 the expression "_____ Representative(s)", and substituting the words "One Representative".</p> <p>By omitting form 6 (as substituted by section 9 of the Electoral Amendment Act 1971-72), and substituting the following form:</p> <p>Sec. 29(2)(a), 30(2) "FORM 6 NOMINATION PAPER</p> <p>To the Registrar in charge of the Electoral Roll for the _____ Constituency.</p> <p>WE, (Name), and (Name), being registered on the Electoral Roll for the _____ Constituency, hereby nominate (Name, Residence, Occupation), registered on the Electoral Roll for the _____ Constituency, with his consent, as a candidate at the election of a representative for the _____ Constituency, the holding of which election is appointed for the _____ day of _____ 19____.</p> <p>Dated this _____ day of _____ 19____</p> <p style="text-align: center;">A.B. C.D.</p> <p>(Full names, residences, and occupations)</p>

Provision Amended	Amendment										
Schedule (continued)	<p style="text-align: center;"><u>CONSENT</u></p> <p>I, (name), hereby consent to the above nomination, (to my nomination) as a candidate at the election of a representative for the _____ Constituency by A.B. and C.B.</p> <p>And I hereby declare that I am registered on the Electoral Roll for the _____ Constituency.</p> <p>_____ (Full name, resident, and occupation)</p> <p style="text-align: center;">*Delete words that do not apply."</p> <p>By omitting forms 8 and 8A, and substituting the following forms:</p> <p>Sec.40 (1) <u>"FORM 8</u></p> <p style="text-align: center;">ELECTION OF REPRESENTATIVE FOR THE _____ CONSTITUENCY</p> <p style="text-align: right;">_____ (Consecutive Number)</p> <p style="text-align: center;"><u>VOTING PAPER</u></p> <p style="text-align: center;"><u>Directions</u></p> <p>Mark a cross in the square opposite to the name of the candidate for whom you desire to vote. You must not vote for more than one candidate.</p> <p>After voting, fold this paper and place it in the ballot box.</p> <p>You must not take it out of the polling booth.</p> <p>If you spoil this paper, return it to the presiding officer and obtain another.</p> <table border="1" style="margin-top: 20px;"> <tbody> <tr> <td>(Full name)</td><td></td></tr> <tr> <td>(Full name)</td><td></td></tr> <tr> <td>(Full name)</td><td></td></tr> <tr> <td>(Full name)</td><td></td></tr> <tr> <td>(Full name)</td><td></td></tr> </tbody> </table>	(Full name)		(Full name)		(Full name)		(Full name)		(Full name)	
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Provision Amended	Amendment
Schedule (continued)	<p data-bbox="715 377 1093 415">Sec.40(1) <u>"FORM 8A</u></p> <p data-bbox="715 428 1358 491"><u>ELECTION OF REPRESENTATIVE FOR THE</u> <u>CONSTITUENCY</u></p> <p data-bbox="986 555 1358 593"><u>(Consecutive Number)</u></p> <p data-bbox="927 619 1157 657"><u>VOTING PAPER</u></p> <p data-bbox="946 682 1137 721"><u>Directions</u></p> <p data-bbox="722 746 1390 823">PRINT THE NAME OF THE CANDIDATE FOR WHOM YOU DESIRE TO VOTE</p> <p data-bbox="722 848 1390 912">You must not vote for more than one candidate.</p> <p data-bbox="722 937 1353 1014">After voting, fold this paper and place it in the ballot box.</p> <p data-bbox="722 1039 1316 1103">You must not take it out of the polling booth.</p> <p data-bbox="722 1128 1433 1230">If you spoil this paper, return it to the presiding officer and obtain another.</p> <p data-bbox="890 1281 1241 1319"><u>(Name of candidate)</u></p>
	<p data-bbox="738 1345 1117 1383">Sec.73C <u>"FORM 8B</u></p> <p data-bbox="738 1409 1308 1485"><u>ELECTION OF REPRESENTATIVE FOR</u> <u>THE</u> <u>CONSTITUENCY</u></p> <p data-bbox="1050 1536 1422 1574"><u>(Consecutive Number)</u></p> <p data-bbox="938 1600 1294 1638"><u>POSTAL VOTING PAPER</u></p> <p data-bbox="1010 1663 1201 1702"><u>Directions</u></p> <p data-bbox="746 1727 1412 1829">Mark a cross in the square opposite the name of the candidate for whom you desire to vote.</p> <p data-bbox="746 1854 1417 1918">You must not vote for more than one candidate.</p>

Provision Amended	Amendment
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Schedule (continued)

After voting, fold the voting paper, enclose it in and seal the envelope addressed to the Returning Officer (or, in the case of an election in the Island of Manihiki or the Island of Penrhyn or the Islands of Pukapuka and Nassau or the Island of Rakahanga, the Chief Electoral Officer), and post the envelope or deliver it by hand to the Returning Officer (or Chief Elector Officer) in sufficient time for it to be received by him before the close of voting in your constituency.

(Full name)
(Full name)
(Full name)
(Full name)

By omitting the note for form 10, and substituting the following note:

"NOTE - The witness, in the case of the Returning Officer, must be the Chief Electoral Officer, or a Chief Administration Officer, or a Justice of the Peace, or a police constable. In the case of any other electoral officer or any scrutineer, the witness must be the Chief Electoral Officer, or a Chief Administration Officer, or a Justice of the Peace, or a police constable."

By omitting from the note to form 10 the words "Resident Agent", and substituting the words "Chief Administration Officer".

New Second Schedule

By adding the following new Second Schedule:

"SECOND SCHEDULE

TEXT OF ARTICLES 27, 28, and 28B OF
THE CONSTITUTION

Article 27 of the Constitution (as substituted by section 5 of the Constitution Amendment (No.9) Act 1980-81) provides as follows:

27. The Parliament of the Cook Islands -
(1) There shall be a sovereign Parliament for the Cook Islands, to be called the Parliament of the Cook Islands.

Provision Amended	Amendment
New Second Schedule (continued)	<p>(2) 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:</p> <p>(a) The Island of Aitutaki and the Islands of Manuae and Te-Au-O-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 I of the First Schedule to this Constitution:</p> <p>(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 IV of the First Schedule to this Constitution:</p> <p>(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 III of the First Schedule to this Constitution:</p> <p>(d) The Island of Manihiki, 1 member:</p> <p>(e) The Island of Mauke, 1 member:</p> <p>(f) The Island of Mitiaro, 1 member:</p> <p>(g) The Island of Penrhyn, 1 member:</p> <p>(h) The Island of Pukapuka and the Island of Nassau, 1 member:</p> <p>(i) The Island of Rakahanga, 1 member:</p> <p>(j) The Island of Rarotonga and the Island of Palmerston, 9 members, being 1 member for each of the 9 constituencies together comprising those islands, having the names and boundaries set out in Part II of the First Schedule to this Constitution:</p>

Provision Amended	Amendment
New Second Schedule (continued)	(k) The Islands comprising New Zealand and all other areas outside the Cook Islands, 1 member (that constituency being hereinafter referred to as the Overseas Constituency).
	(3) Subject to this Article and to Articles 28, 28A, 28B, 28C and 28D hereof, the qualifications and disqualification of electors and candidates, the mode of electing members of Parliament, and the terms and conditions of their membership shall be as prescribed by Act.
	The First Schedule to the Constitution (as enacted by section 16 of the Constitution Amendment (No.9) Act 1980-81 and amended by section 8 of the Constitution Amendment (No.11) Act 1982) referred to in Article 27 (2) provided as follows:
	ARTICLE 27 FIRST SCHEDULE
	NAMES AND BOUNDARIES OF CONSTITUENCIES TOGETHER COMPRISING THE ISLANDS OF AITUTAKI, MANUAE, AND TE-AU-O-TU, AND THE ISLANDS OF RAROTONGA AND PALMERSTON, AND THE ISLAND OF MANGAIA AND THE ISLAND OF ATIU
	PART I (as substituted by section 8 of the Constitution Amendment (No.11) Act 1982)
	CONSTITUENCIES COMPRISING THE ISLANDS OF AITUTAKI, MANUAE AND TE-AU-O-TU
	<u>VAIPAE-TAUTU CONSTITUENCY</u>
	All that area in the Island of Aitutaki delineated and edged in red on the plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:
	(i) the Avanui Tapere being part of the Avanui District; and (ii) the Oako Tapere and Vaipae Tapere of the Vaipae District; and (iii) the Mataotane Tapere and Tautu Tapere of the Tautu District; and

Electoral Amendment

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Provision Amended	Amendment												
New Second Schedule (continued)	<p>(iv) the motus known as</p> <table> <tr> <td>Angarei</td><td>Muritapua</td></tr> <tr> <td>Niura</td><td>Rapota</td></tr> <tr> <td>Mangere</td><td>Moturakau</td></tr> <tr> <td>Papau</td><td>Tekopua</td></tr> <tr> <td>Tavairuaiti</td><td>Tapuaetai</td></tr> <tr> <td>Akaiami</td><td>Motukitiu</td></tr> </table> <p><u>AMURI-UREIA CONSTITUENCY</u></p> <p>All that area in the Island of Aitutaki delineated and edged blue on plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:</p> <p>(i) the Ureia Tapere being part of the Arutanga District; and</p> <p>(ii) the Amuri Tapere and Punganui Tapere of the Amuri District; and</p> <p>(iii) the Anaunga Tapere and Punoua Tapere of the Anaunga District; and</p> <p>(iv) the Taakarere Tapere and Vaitupa Tapere of the Vaitupa District; and</p> <p>(v) the Vaipeka Tapere being part of the Avanui District; and</p> <p>(vi) the motu known as Akitua.</p> <p><u>ARUTANGA-REUREU-NIKAUPARA CONSTITUENCY</u></p> <p>All that area in the Island of Aitutaki delineated and edged green in the plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:</p> <p>(i) the Arutanga Tapere, the Reureu Tapere and Nukunoni Tapere being part of the Arutanga District; and</p> <p>(ii) the Vaioarea Tapere, the Vaiau Tapere and Taravao Tapere of the Taravao District; and</p> <p>(iii) the Islands of Manuae and Te-Au-O-Tu; and</p> <p>(iv) the motu known as Maina.</p>	Angarei	Muritapua	Niura	Rapota	Mangere	Moturakau	Papau	Tekopua	Tavairuaiti	Tapuaetai	Akaiami	Motukitiu
Angarei	Muritapua												
Niura	Rapota												
Mangere	Moturakau												
Papau	Tekopua												
Tavairuaiti	Tapuaetai												
Akaiami	Motukitiu												

Provision Amended	Amendment
New Second Schedule (continued)	<p data-bbox="810 363 943 391" style="text-align: center;">PART II</p> <p data-bbox="624 427 1326 492" style="text-align: center;">CONSTITUENCIES COMPRISING THE ISLANDS OF RAROTONGA AND PALMERSTON</p> <p data-bbox="679 525 1155 556" style="text-align: center;"><u>NIKAO-PANAMA CONSTITUENCY</u></p> <p data-bbox="584 587 1342 814">All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Pokoinu, Nikao, Puapua, Areatu, Kaikaveka, and Atupa, as delineated on plan S.O. 1002, deposited in the office of the Chief Surveyor at Rarotonga.</p> <p data-bbox="679 844 1209 875" style="text-align: center;"><u>AVATIU-RUATONGA CONSTITUENCY</u></p> <p data-bbox="584 906 1305 1097">All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Avatiu and Ruatonga, as delineated on the said plan S.O. 1002, together with the Island of Palmerston.</p> <p data-bbox="620 1128 1230 1159" style="text-align: center;"><u>TAKUVAINA-TUTAKIMOVA CONSTITUENCY</u></p> <p data-bbox="584 1190 1262 1354">All that area in the Avarua Survey District in the Island of Rarotonga, comprising the Tapere of Tutakimova, Tauae, and Takuvaina, as delineated on the said plan S.O. 1002.</p> <p data-bbox="639 1385 1211 1416" style="text-align: center;"><u>TUPAPA-MARAERENGA CONSTITUENCY</u></p> <p data-bbox="584 1447 1246 1638">All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Ngatipa, Vaikai, Tapae-i-uta, Pue, Punataia, Kikiki, and Tupapa as delineated on the said plan S.O. 1002.</p> <p data-bbox="711 1669 1114 1700" style="text-align: center;"><u>MATAVERA CONSTITUENCY</u></p> <p data-bbox="584 1731 1286 1865">All that area comprising the Matavera Survey District in the Island of Rarotonga, as delineated in the said plan S.O. 1002.</p>

Provision Amended	Amendment
New Second Schedule (continued)	<p><u>NGATANGIIA CONSTITUENCY</u></p> <p>All that area comprising the Ngatangiaa Survey District in the Island of Rarotonga, as delineated on the said plan S.O. 1002.</p> <p><u>TITIKAVEKA CONSTITUENCY</u></p> <p>All that area comprising the Takitumu Survey District in the Island of Rarotonga, as delineated on the said plan S.O. 1002.</p> <p><u>MURIENUA CONSTITUENCY</u></p> <p>All that area in the Arorangi Survey District in the Island of Rarotonga comprising the Tapere of Akaoa, Vaiakura, Kavera, Aroa, and Rutaki, as delineated on the said plan S.O. 1002.</p> <p><u>RUAU CONSTITUENCY</u></p> <p>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.O. 1002.</p> <p>PART III</p> <p>CONSTITUENCIES COMPRISING THE ISLAND OF MANGAIA</p> <p><u>ONEROA CONSTITUENCY</u></p> <p>All that area in the Island of Mangaia comprising the Tapere of Tava'enga, Keia, and Vaitatei, as delineated on plan S.O. 1014 deposited in the Office of the Chief Surveyor at Rarotonga.</p> <p><u>IVIRUA CONSTITUENCY</u></p> <p>All that area in the Island of Mangaia comprising the Tapere of Karanga and Ivirua, as delineated on the said plan S.O. 1014.</p>

Provision Amended	Amendment
New Second Schedule (continued)	<p style="text-align: center;"><u>TAMARUA CONSTITUENCY</u></p> <p>All that area in the Island of Mangaia comprising the Tapere of Tamarua, as delineated on the said plan S.O. 1014.</p> <p style="text-align: center;">PART IV</p> <p style="text-align: center;">CONSTITUENCIES COMPRISING THE ISLAND OF ATIU</p> <p style="text-align: center;"><u>TENGATANGI-AREORA-NGATIARUA CONSTITUENCY</u></p> <p>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° from CB1; thence south-westerly along a right line to the point of commencement, to include the villages of Areora, Tengtangi, and Ngatiarua, as delineated on plan S.O. 1015 deposited in the office of the Chief Surveyor at Rarotonga.</p> <p style="text-align: center;"><u>TEENUI-MAPUMAI CONSTITUENCY</u></p> <p>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 northerly and south-easterly along the sea-coast to its intersection with a right line bearing of 45° from CB1; 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.O. Plan 1015..</p> <p>(Note - Section 17 (1) of the Constitution Amendment (No.9) Act 1980-81 provides as follows:</p> <p style="padding-left: 40px;">17. <u>The Parliament of the Cook Islands</u> - (1) Notwithstanding the repeal and substitution by section 5</p>

Provision Amended	Amendment
New Second Schedule (continued)	<p>of this Act of Article 27 of the Constitution, and the enactment by that section of Article 28C of the Constitution, -</p> <p>(a) Subclause (2) of Article 27 (as so substituted) and the said Article 28C shall not come into force until the date of the first general election of the Parliament of the Cook Islands held after the commencement of this Act, except so far and to such extent as may be necessary to provide for that election; and</p> <p>(b) Subclause (2) of Article 27 of the Constitution (as originally enacted) shall continue in force until that date, as if for the words "Legislative Assembly" in that subclause there were substituted the word "Parliament", except so far and to such extent as may be necessary to provide for the said election.)</p> <p>Article 28 of the Constitution (as substituted by section 5 of the Constitution Amendment (No.9) Act 1980-81) provides as follows:</p> <p>28. <u>Qualifications of electors - (1)</u> Without <u>limiting the provisions of any</u> law prescribing any additional qualifications not inconsistent with any provision of this Constitution, a person shall be qualified to be an elector for the election of a Member of Parliament for any constituency other than the Overseas Constituency, if, and only if, -</p> <p>(a) He is a Commonwealth citizen, or he has the status of a permanent resident of the Cook Islands, as defined by Act; and</p> <p>(b) He has been resident in the Cook Islands throughout the period of</p>

Provision Amended	Amendment
New Second Schedule (continued)	<p data-bbox="677 333 1307 522">three months immediately preceding his application for enrolment as an elector and has not subsequently qualified as an elector under subclause (2) of this Article; and</p> <p data-bbox="595 555 1279 680">(c) He has at some period actually resided continuously in the Cook Islands for not less than 12 months.</p> <p data-bbox="572 710 1263 968">(2) Without limiting the provisions of any law prescribing any additional qualifications not inconsistent with any provision of this Constitution, a person shall be qualified to be an elector for the election of a Member of Parliament for the Overseas Constituency, if, and only if, -</p> <p data-bbox="602 998 1287 1123">(a) He is a Commonwealth citizen, or he has the status of a permanent resident of the Cook Islands as defined by Act; and</p> <p data-bbox="603 1154 1290 1312">(b) He has resided outside the Cook Islands throughout the period of 3 months immediately preceding his application for enrolment as an elector; and</p> <p data-bbox="608 1342 1310 1625">(c) At the date of his application for enrolment as an elector he has been absent from the Cook Islands for a continuous period of not more than 3 years, and has, and has had ever since he left the Cook Islands, an intention to return and reside therein indefinitely; and</p> <p data-bbox="613 1656 1298 1786">(d) He has at some period actually resided continuously in the Cook Islands for not less than 12 months.</p> <p data-bbox="589 1816 1303 1916">(3) Where any person has ceased to be qualified to be enrolled as an elector for any constituency by reason</p>

Provision Amended	Amendment
New Second Schedule (continued)	<p>of his residence outside the Cook Islands for a period of more than 3 years, he shall not be entitled to apply for enrolment as an elector of any constituency unless he has returned to the Cook Islands and has actually resided in the Cook Islands throughout the continuous period of not less than 3 months.</p> <p>(4) In calculating for the purposes of paragraph (c) of subclause (2) or of subclause (3) of this Article the period for which any person has been outside the Cook Islands -</p> <p>(a) Any period for which he has been outside the Cook Islands for the purpose of undergoing a course of education or of technical training or instruction shall be disregarded; and</p> <p>(b) His absence from the Cook Islands during any period shall be deemed to be continuous, notwithstanding any visit to the Cook Islands in that period unless during that visit he remained in the Cook Islands for a continuous period of not less than 3 months.</p> <p>Article 28B of the Constitution (as enacted by section 5 of the Constitution Amendment (No.9) Act 1980-81) provides as follows:</p> <p>28B. <u>Qualification of candidates</u> -</p> <p>(1) Notwithstanding anything in subclause (2) of this Article, a person shall not be qualified to be a candidate at an election of members of Parliament, if -</p> <p>(a) He is not an elector duly enrolled pursuant to the provisions of an Act of Parliament; or</p> <p>(b) He has been adjudicated bankrupt within the meaning of the bankruptcy laws in force in the Cook Islands (whether before or</p>

Provision Amended	Amendment
New Second Schedule (continued)	<p data-bbox="762 355 1359 448">after the commencement of this Article), unless he has obtained an order of discharge; or</p> <p data-bbox="660 484 1359 672">(c) He has been convicted (whether before or after the commencement of this Article) of any of the offences specified in Part I of the Second Schedule to this Constitution; or</p> <p data-bbox="660 705 1359 955">(d) He has been convicted (whether before or after the commencement of this Article) of any of the offences specified in Part II of the Second Schedule to this Constitution, unless a period of 5 years has elapsed from the date of his conviction.</p> <p data-bbox="639 989 1353 1058">(2) Subject to subclause (1) of this Article, -</p> <p data-bbox="667 1092 1315 1280">(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:</p> <p data-bbox="667 1308 1378 1658">(b) In the case of any by-election for any constituency, a person shall be capable of being elected as a member for that constituency if he 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.</p> <p data-bbox="651 1692 1378 1849">The Second Schedule to the Constitution referred to in paragraphs (c) and (d) of Article 28B (1) (enacted by section 16 of the Constitution Amendment (No.9) Act 1980-81) provides as follows:</p>

Provision Amended	Amendment
New Second Schedule (continued)	<p style="text-align: center;">SECOND SCHEDULE</p>
	<p style="text-align: center;">CRIMES DISQUALIFYING FOR ELECTION TO PARLIAMENT</p>
	<p style="text-align: center;">PART I</p>
	<p style="text-align: center;">CRIMES AGAINST THE STATE, AND MURDER, SLAVERY, PIRACY, AND KIDNAPPING</p>
	<p>Crimes against the following sections of the Crimes Act 1969:</p>
	<p>Section 75 (treason)</p>
	<p>Section 78 (inciting to mutiny)</p>
	<p>Section 80 (communicating secrets)</p>
	<p>Section 81 (sabotage)</p>
	<p>Section 84 (seditious conspiracy)</p>
	<p>Section 85 (seditious statements)</p>
	<p>Section 86 (publication of seditious documents)</p>
	<p>Section 87 (use of apparatus for making seditious documents or statements)</p>
	<p>Sections 103 and 104 (piracy)</p>
	<p>Section 109 (dealing in persons)</p>
	<p>Section 192 (murder)</p>
	<p>Section 231 (1) (c) (kidnapping)</p>
	<p style="text-align: center;">PART II</p>
	<p style="text-align: center;">CRIMES AFFECTING THE ADMINISTRATION OF LAW AND JUSTICE</p>
	<p>Crimes against the following provisions of the Crimes Act 1969:</p>
	<p>Section 111 (judicial corruption)</p>
	<p>Section 112 (bribery of judicial officer)</p>
	<p>Section 113 (bribery and corruption of Minister of the Crown)</p>
	<p>Section 114 (corruption and bribery of Member of Parliament)</p>
	<p>Section 115 (corruption and bribery of law enforcement officer)</p>
	<p>Section 116 (corruption and bribery of official)</p>
	<p>Section 120 (perjury)</p>
	<p>Section 121 (false oaths)</p>

Provision Amended	Amendment
New Second Schedule (continued)	<p>Section 124 (fabricating evidence)</p> <p>Section 126 (conspiring to bring false accusations)</p> <p>Section 127 (conspiring to defeat justice)</p> <p>Section 128 (corrupting juries and witnesses)</p> <p>CRIMES INVOLVING DISHONESTY</p> <p>Crimes against the following sections of the Crimes Act 1969:</p> <p>Section 249 (a) and (b) (theft)</p> <p>Section 250 (conversion)</p> <p>Section 252 (criminal breach of trust)</p> <p>Section 256 (robbery)</p> <p>Section 257 (aggravated robbery)</p> <p>Section 258 (compelling execution of documents by force)</p> <p>Section 259 (assault with intent to rob)</p> <p>Section 260 (extortion)</p> <p>Section 261 (demanding with menaces)</p> <p>Section 263 (burglary)</p> <p>Section 264 (entering with intent)</p> <p>Section 265 (being armed with intent to break and enter)</p> <p>Sections 269 (1) and (2) (a) (false pretences)</p> <p>Section 271 (personation)</p> <p>Section 272 (acknowledging instrument in false name)</p> <p>Section 273 (false statement by promoter)</p> <p>Section 274 (falsifying accounts relating to public funds)</p> <p>Section 275 (false accounting by officer or member of body corporate)</p> <p>Section 276 (false accounting by employee)</p> <p>Section 278 (issuing false dividend warrants)</p> <p>Section 279 (concealing deeds and encumbrances)</p> <p>Section 280 (conspiring to defraud)</p> <p>Section 281 (a) (receiving)</p> <p>Sections 288 to 309, 314, and 315 (forgery, uttering, and counterfeiting offences)"</p>

This Act is administered by the Chief Electoral Officer.