



CONSTITUTIONAL AND OTHER POLLS REGULATIONS 1994

A.P. Short,

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 17th day of January 1994

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL

PURSUANT to subsection (2) of section 3 of the Constitutional and other Polls Act 1993, His Excellency the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title - These regulations may be cited as the Constitution and Other Polls Regulations 1994.

2. Interpretation - Unless the context otherwise requires -

"Act" means the Constitutional and Other Polls Act 1993;

"Poll" means a poll required to be conducted under the Act;

"Poll Day" means the day fixed for the conduct of a poll required to be conducted pursuant to the Act;

"Polling Officer" means a person appointed under regulation 6 of the regulations;

"Register of Votes" means the electoral rolls of voters compiled for use for the first general election of members of Parliament of the Cook Islands held after the coming into force of these regulations;

"Special Votes" means valid votes cast in advance of polling day by the voters or votes cast on polling day by voters after the making of a declaration.

3. Application of Electoral Procedures - (1) Except as expressly provided herein, in the conduct of any poll pursuant to the Act, the Chief Electoral Officer shall apply with such modifications as he deems necessary, the electoral procedures used for the conduct of elections of members of the Parliament of the Cook Islands.

(2) Where a poll is required to be conducted pursuant to the Act simultaneously with any general election for members of the Parliament of the Cook Islands, every Electoral Officer appointed under the Electoral Act 1966 shall be deemed to be a polling officer for the purposes of the poll.

4. Polling Districts - In the conduct of any poll pursuant to the Act the boundaries of each polling district shall be the electoral boundaries of each Constituency demarcated by the Cook Islands Constitution for the elections of members of the Parliament of the Cook Islands.

5. Register of Voters - The rolls of voters compiled for use for the election of members of the Parliament of the Cook Islands shall be the register of voters to be used by the Chief Electoral Officer in the conduct of any poll pursuant to the Act.

6. Appointment of Polling Officers - The Chief Electoral Officer shall have the power to appoint, upon such terms and conditions as he considers appropriate, such persons as he considers necessary to be polling officers for the purpose of conducting a poll pursuant to the Act.

7. Administration - The Chief Electoral Officer shall be responsible for the efficient administration organisation and conduct of the polling process for any poll required to be conducted pursuant to the Act.

8. Polling Centres - The Chief Electoral Officer shall -

- (a) fix the numbers of polling centres and/or polling booths; and
- (b) designate the places for the polling centres and/or polling booths in each polling district.

9. Public Notices - The Chief Electoral Officer shall issue such public notices as he considers appropriate and necessary for notifying the public of -

- (a) the day fixed for the poll;
- (b) the purpose or purposes of the poll;
- (c) the numbers of polling centres and/or polling booths;
- (d) the places designated as polling centres and/or polling booths in each polling district;
- (e) any other information which the Chief Electoral Officer deems necessary.

10. Secrecy of Votes - The Chief Electoral Officer shall be responsible for ensuring that every voter exercises his vote in secrecy.

11. Voting Method - (1) The procedure for voting at any polling centre and/or polling booth shall subject to such modifications as may be necessary be the same as that used for voting in the national general elections of members of the Parliament of the Cook Islands.

(2) The voter shall indicate on the voting paper his choice, option or preference by making a mark clearly and directly opposite his choice option or preference.

(3) Where a voter's choice option or preference is not clearly indicated on the voting paper the Chief Electoral Officer shall disallow the vote and shall not include it into the total votes for the poll.

(4) When issuing to a voter a polling paper for any poll the following provisions shall apply -

- (i) the Presiding Officer or other authorised officer shall, before giving the voter any polling paper, endorse on the counterfoil of the polling paper the page number and line number where the name of the voter appears in the register of voters;
- (ii) the Presiding Officer or other authorised officer shall rule a line right through the names and address of the voter in the register of voters to indicate that the voter has been issued with a polling paper.

12. Voting for Overseas Polling District - (1) The voting in the overseas polling district in respect of any poll required to be conducted pursuant to the Act shall be conducted by postal vote.

(2) The papers for postal voting shall be sent to the address of the voter shown in the register of voters.

(3) The papers for postal voting shall, except where a poll is being conducted simultaneously with a national general election of members of the Parliament of the Cook Islands, (when the appropriate electoral laws concerning postal voting shall apply), be posted to the voter no later than 14 days before the day of the poll.

(4) Every postal vote not received by the Chief Electoral Officer by noon on the day of the poll in the Cook Islands shall not be counted in the total votes for the poll.

13. Time for Voting - The ordinary voting for any poll shall be made between 8 o'clock in the morning and 6 o'clock in the afternoon.

14. Disallowed Votes - (1) The Chief Electoral Officer shall make the final decision on the disallowing of any vote or any vote disallowed.

(2) Where a voter's vote is disallowed by any polling officer the voter may lodge an appeal in writing to the Chief Electoral Officer and upon receiving such appeal the Chief Electoral Officer shall immediately inquire into the appeal and make a decision thereon and advise the appellent voter of the decision made.

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15. Special Votes - (1) The Chief Electoral Officer may if satisfied upon application in writing being made to him, allow a voter to cast his vote in advance of poll day.

(2) The Presiding Officer at any polling centre or polling booth shall on poll day issue a voting paper to a voter who is registered on the register of voters of another polling district, but only after the voter has made and signed a declaration declaring that he is a voter for the polling district on whose register of voters his name appears and that he has not voted previously for the poll.

(3) Every special vote cast shall be despatched or transmitted to the Chief Electoral Officer as soon as practicable after it is made.

16. Voter Identification - (1) The Presiding Officer at any polling centre and/or polling booth may, if he considers it necessary to confirm the identity of a voter, require the voter to supply such information as the Presiding Officer may require.

(2) Subject to subclause (1) of this regulation the Presiding Officer shall issue to the voter the voting paper.

17. Spoilt Votes - Where a voter has spoilt or otherwise damaged a voting paper when making his vote at a polling centre and/or polling booth that voter shall be entitled to be issued another voting paper upon returning to the Presiding Officer the spoilt or damaged voting paper.

18. Remuneration of Polling Officers - The Chief Electoral Officer shall pay the polling officers such rates of remuneration as he considers justified.

19. Voter to Vote Only Once - (1) A voter shall vote only once at a poll.

(2) If a voter has voted more than once all his voting papers shall be disallowed and shall not be included into the total votes for the poll.

20. Counting of Votes - (1) Except where the Chief Electoral Officer has otherwise authorised, the counting of the votes for any poll shall be carried out under the supervision of the Chief Electoral Officer at the Office of the Chief Electoral Officer.

(2) The counting of the votes of the poll shall be carried out as soon as possible after the close of the voting and at such time and place as the Chief Electoral Officer shall determine

(3) The counting of the voters shall be done by poll district and in each case the totals for all valid votes cast and disallowed shall be recorded and a proper reconciliation shall be made.

(4) During the counting of votes the following provisions shall apply -

- (i) the Chief Electoral Officer shall designate such polling officers as he considers necessary for the process of the counting of the votes;
- (ii) the Chief Electoral Officer shall cause all containers containing the voting papers (except those cast pursuant to declarations made) cast at every polling centre or polling booth to be placed in the sight and presence of the designated polling officers and any other authorised personnel;
- (iii) the Chief Electoral Officer shall open for inclusion into the counting process all the envelopes for special votes cast;
- (iv) all votes cast for the poll shall be checked against the relevant register of voters;
- (v) the counting of votes process shall be done in the sight and presence of such polling officers and any other persons approved by the Minister in charge of the Electoral Office.

21. Result of Poll - the Chief Electoral Officer shall publicly notify the results of any poll required to be carried out under the Act.

22. Forms - (1) The form to be used at the first poll held after the coming into force of these regulations, shall be as set out in the Schedule to these regulations.

(2) The Chief Electoral Officer shall be responsible for the printing issuing and distribution of all forms required for any poll, and the security of all unused forms.

(3) Every polling officer to whom any forms are issued for a poll shall be responsible for their proper care and security and shall account to the Chief Electoral Officer when required.

(4) The Chief Electoral Officer shall as soon as practicable after the poll dispose of all voting papers used for the poll.

This Order is administered by the Electoral Office

BY AUTHORITY:

RAROTONGA, COOK ISLANDS: Printed by the Cook Islands Government - 1994

SCHEDULE

Reg. 22(1)

Form

POLLING PAPER FOR BOTH ORDINARY
AND POSTAL VOTING FOR THE POLLPEAPA VOUTI NOTE IKIANGA KI TE NGAI IKIANGA
E PERA KATOA NOTE IKIANGA NA ROTO I TE MERE,
NOTE UPOKO AKAKOROANGADIRECTIONS:

1. Look carefully at the poll choices options, or preferences shown on this paper.
2. Then select the one you prefer.
3. Then make a cross or tick or a mark clearly in the box directly opposite the choice option or preference you selected.
4. Then fold the paper and place it in the container provided.
5. If you spoil this paper in any way, return it to the Presiding Officer and obtain another.
6. If you are voting by postal vote, you must do it straightaway and make sure that you post your vote to the Chief Electoral Officer as soon as you have completed it.

TUATUA AKAMARAMAANGA:

1. Akara meitaki ki te au upoko akakoroanga i akataka ia ki runga i teia peapa.
2. Kia oti ia koe i te akara meitaki, iki i te upoko akakoroanga taau i inangaro.
3. Kia oti ia koe i te iki i taau i inangaro akairo i taau maka kia takataka tikai ki roto i te pia i te pae i te upoko akakoroanga taau i iki.
4. Kia oti te akairo anga i taau ikianga, atuatu i teia peapa, e tauru atu ki roto i te vairanga i akonoia.
5. Me taravake, me kare, me kino taau akairoanga, akaoki atu i teia peapa ki te tangata akaaere o te reira ngai ikianga, ma te pati kia oronga akaou ia mai tetai peapa ou naau.
6. Me e vouti taau na roto i te mere, akaoti viviki koe i taau vouti e oti tuku vave atu i te reira ki te Akaaere Maata o te Ikianga.

CHOICE OPTIONS OR PREFERENCES
(KO TE AU UPOKO AKAKOROANGA)

A. TERM OF PARLIAMENT:
ORAANGA O TE PARAMANI:

Select from the 3 choices shown below the term of Parliament you want Parliament to have and clearly make a mark in the box alongside your choice.

Iki mai mei roto mai i teia au tamanakoanga e 3 i raro akenei, te roa o te oraanga taau i anoano no te Paramani, ma te akairo meitaki atu ki roto i te pia i te pae i taau i iki.

THREE (3) YEARS TERM E TORU (3) MATAITI TE ROA	<input type="checkbox"/>
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FOUR (4) YEARS TERM A (4) MATAITI TE ROA	<input type="checkbox"/>
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FIVE (5) YEARS TERM E RIMA (5) MATAITI TE ROA	<input type="checkbox"/>
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B. NATIONAL FLAG:
KO TE REVA O TE BASILEIA

- (a) Select from the choices shown below your choice for a National flag.
Iki mai mei roto mai i teia au tamanakoanga i raro akenei te reva taau i inangaro note Basileia.

GREEN FLAG WITH GOLD STARS MATIE E NGA ETU AURO	<input type="checkbox"/>
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BLUE FLAG WITH WHITE STARS AUIKA E NGA ETU TEATEA	<input type="checkbox"/>
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A NEW FLAG ALTOGETHER EI REVA OU TAKIRI	<input type="checkbox"/>
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C. NATIONAL ANTHEM:
IMENE NOTE BASILEIA

Tick in the box beside your choice for the national anthem.
Akairo mai ki roto i te pia i te pae o taau ka iki mai no te Imene o te Basileia.

TE ATUA MOU E	<input type="checkbox"/>
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A NEW NATIONAL ANTHEM EI IMENE BASILEIA OU TAKIRI	<input type="checkbox"/>
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D. OVERSEAS CONSTITUENCY
TUANGA IKIANGA O VAO MAI I TE KUKI AIRANI

Do you want the Overseas Constituency abolished?
 Ka inangaro ainei koe kia akakore ia te tuanga ikianga o vao mai i te Kuki
 Airani?
 Akairo mai ki roto i te pia i taau pauanga

YES AE	
NO KARE	

E. NAME OF OUR COUNTRY
TE INGOA O TE IPUKAREA

Do you want a Maori name for our country?
 Ka anoano ainei koe ei ingoa Maori to tatou ipukarea?

YES AE	
NO KARE	