



ANALYSIS

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|--|---|
| 1. Title
2. Short Title
Interpretation | 3. Constitutional polls
4. Other polls |
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1993, No. 9

An Act to provide for the manner in which Constitutional
and Other Polls shall be conducted

(30 November 1993)

PART I
CONSTITUTIONAL POLLS

1. Short Title - This Act may be cited as the Constitutional and Other Polls Act 1993.

2. Interpretation - In this Act unless the context otherwise requires -

"Constitution" means the Constitution of the Cook Islands as set out in the Second Schedule to the Cook Islands Constitution Amendment Act 1965 of the Parliament of New Zealand as amended by Acts of the Legislative Assembly and Parliament of the Cook Islands;

"Chief Electoral Officer" means the Chief Electoral Officer appointed pursuant to section 3 of the Electoral Act 1966.

3. Constitutional polls - (1) A poll of electors required by Articles 41(2)(b) or 37(7)(b)(ii) of the Constitution shall be conducted in the same manner, with necessary modifications, as if it were an election for Members of Parliament, and the persons entitled to vote in such poll on the same day.

(2) The Queen's Representative may by Order in Executive Council make regulations, not inconsistent with the Constitution, prescribing forms and procedures which may be required for the conduct of any particular poll required by the Constitution.

(3) The Chief Electoral Officer shall by warrant report the result of any Constitutional Poll to the Speaker of Parliament, and shall publicly notify the result and the date of the warrant.

PART II
OTHER POLLS

4. Other polls - (1) Where the Prime Minister with the concurrence of Cabinet determines that any question or issue ought to be submitted to electors for an expression of public opinion, the Prime Minister may direct the Chief Electoral Officer to conduct a poll in any one or more electorates as the Prime Minister with the concurrence of Cabinet may determine, to ascertain the opinion or preferences of electors on any question or issue.

(2) The Queen's Representative may by Order in Executive Council make regulations, not inconsistent with the Constitution, prescribing forms and procedures which may be required for ascertaining the opinion or preferences of electors on any question or issue to be submitted to electors under this section.

(3) The persons entitled to express an opinion in any poll conducted under this section shall, where the poll is held on the same day as an election, be those who would be entitled to vote in that election in the electorate or electorates designated under subsection (1) and shall, where the poll is held on any other day, be those persons who were entitled to vote in the electorate or electorates designated under sub-section (1), at the general election preceding the poll.

(4) The Chief Electoral Officer shall publicly notify the results of any poll conducted under this section as soon as practicable after the conduct of the poll.

This Act is administered by the Chief Electoral Officer