

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Government Bill

Explanatory note

General policy statement

This is an omnibus Bill introduced under Standing Order 267(1)(a) as it deals with an interrelated topic that can be regarded as implementing a single broad policy.

The single broad policy of the Bill is to enable local electors to take part in their local elections and decisions about their local electoral arrangements. The policy proposals include—

- reinstating polls on Māori wards and Māori constituencies; and
- requiring councils to hold a binding poll at the 2025 local elections if they established Māori wards or Māori constituencies since 2020 and did not hold a poll; and
- adjusting the statutory time frames for local elections to give more time for the postal delivery of voting papers.

This Bill amends the following Acts:

- Local Electoral Act 2001;
- Local Government Electoral Legislation Act 2023.

This Bill also makes amendments to the Local Electoral Regulations 2001 as a result of changes to the time frames for local elections.

The Bill gives effect to the Coalition Government's commitment to reinstating the right to a local referendum on the establishment or ongoing use of Māori wards and Māori constituencies. This includes requiring a poll, at the next local body elections, on any Māori wards and Māori constituencies established without a poll.

Reinstating polls on Māori wards and Māori constituencies

Under the Local Electoral Act 2001, Māori wards and Māori constituencies are an opt-in provision for councils that allows them to decide whether specific members will be elected only by people on the Māori electoral roll.

Before February 2021, councils were required to hold a binding poll on whether to establish Māori wards or Māori constituencies if a petition of at least 5% of the people on the council's electoral roll requested it. Polls could also be initiated by councils. The result of the poll was binding on a council for 2 local government terms.

In 2021, the mechanism for binding polls on the establishment of Māori wards and Māori constituencies (initiated by either the council itself or by a petition of electors) was removed.

This Bill reinstates the poll policy settings as they were before 2021, including the following:

- the threshold for petitioning the council (5% of electors on the council's roll at the last local elections):
- the eligibility to vote (any person on the electoral roll for that council):
- the percentage required to bind the council to the outcome (simple majority):
- the binding length (2 local government terms).

This Bill also removes the requirement, due to come into effect after the 2025 local elections, for councils to consider Māori wards or Māori constituencies every 6 years during their representation reviews if they have not established Māori wards or Māori constituencies.

Requiring poll to be held if one has not been held previously

This Bill also requires councils to hold a poll at the 2025 local elections if they established Māori wards or Māori constituencies, since 2020, without a poll. The outcome of the poll will take effect at the 2028 local elections.

This Bill allows councils who have resolved to establish Māori wards or Māori constituencies for the 2025 local elections to rescind their resolution. If they take this option, these councils will not be required to hold a poll at the 2025 local elections.

Councils who had Māori wards or Māori constituencies for the first time at the 2022 local elections will also be able to resolve to disestablish their Māori wards or Māori constituencies for the 2025 local elections. If they take this option, these councils will not be required to hold a poll at the 2025 local elections either.

Postal delivery of voting papers to electors

Under the Local Electoral Act 2001, there is a 22 and a half day voting period for postal voting in local elections. Under the Local Electoral Regulations 2001, all postal voting papers must be delivered in the first 6 days of the voting period.

New Zealand Post (**NZ Post**) is the main delivery provider for local election voting papers. While booth voting is an option for councils, all councils have used postal voting since 1995.

NZ Post will not be able to deliver voting papers inside the statutory time frames for the 2025 and future local elections. This is because letter volumes have reduced significantly since the Local Electoral Act 2001 was passed, while courier demand has increased. This has led to a reduction in staff and postal infrastructure.

Failing to deliver voting papers in time creates a risk that some voters will not have a reasonable opportunity to cast their vote.

This Bill extends the delivery period for voting papers from 6 days to 14 days. The voting period is also extended by 10 days to a total of 32 and a half days. These changes will enable all eligible voters to receive their voting papers in a timely manner so that they are able to vote in their local elections.

This Bill also fixes some minor administrative problems with the local electoral time frame. These include—

- providing more time to print and assemble voting documents; and
- changing the day voting documents are sent so any errors can be fixed before the weekend.

Departmental disclosure statement

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=46>

Regulatory impact statement

The Department of Internal Affairs produced regulatory impact statements on 20 February 2024 and 14 March 2024 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <https://www.dia.govt.nz/Resource-material-Regulatory-Impact-Statements-Index>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause.

Amendments relating to postal voting in local elections

Clauses 4, 8, 9, and 10 to 15 amend the Local Electoral Act 2001 and *clauses 30 to 35* amend the Local Electoral Regulations 2001 to—

- extend the voting period for postal voting in local elections from 22 and a half days to 32 and a half days;
- extend the period for the delivery of postal voting papers from 6 days to 14 days and adjust certain statutory dates in the local electoral time frame to enable this change to be made.

These provisions come into force on 1 April 2025 and will therefore apply for the purpose of the 2025 triennial general elections and subsequent local elections.

Amendments relating to polls concerning Māori wards and Māori constituencies

Clause 5 amends section 9 of the Local Electoral Act 2001. Section 9 allows a local authority to direct the electoral officer to conduct a referendum on any matter relating to the activities or objectives of the local authority or the well-being of its local government area. Under section 9(7), as in force since 2 March 2021, the result of a referendum relating to the division of any district or region into 1 or more Māori wards or Māori constituencies is not binding on the local authority. The amendment replaces section 9(7), with the effect that the result of any referendum on that issue will not be binding on the local authority unless the local authority resolves otherwise, or any enactment provides otherwise. This reinstates the law in the same form as applied before 2 March 2021.

Clause 6 amends section 19Z of the Local Electoral Act 2001 (which provides for local authorities to resolve to establish Māori wards or Māori constituencies) by inserting *new subsections (2A) and (2B)* to clarify that the powers in section 19Z(1) and (2) to establish Māori wards or Māori constituencies also include the powers to disestablish them and that the same requirements apply in either case.

Clause 7 inserts *new sections 19ZA to 19ZG* into the Local Electoral Act 2001 in the same form as in force before 2 March 2021 (the date on which they were repealed by the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021), with some adjustments to dates to match the timing for council resolutions and poll demands under sections 27 to 34 of the Local Electoral Act 2001. This reinstates—

- the provisions enabling electors to demand a poll on whether to establish Māori wards or Māori constituencies; and
- the provisions enabling territorial authorities and regional councils to resolve to hold a poll on whether to establish Māori wards or Māori constituencies.

Clause 16 amends section 138A of the Local Electoral Act 2001 to reinsert references to *new sections 19ZC, 19ZD, and 19ZF* consequential on these sections being inserted by *clause 7*.

Clauses 5 to 7 and 16 come into force on 12 October 2025.

Amendments relating to consideration of Māori wards and Māori constituencies during representation review

Clauses 19 to 28 repeal provisions of the Local Government Electoral Legislation Act 2023 that would amend the Local Electoral Act 2001 on 12 October 2025 were they to come into force on that date. The provisions would have required local authorities to make an active decision regarding whether to have Māori wards or Māori constituencies, as part of the representation review process they are required to undertake every 6 years under sections 19H and 19I of the Local Electoral Act 2001. The provisions would also have required local authorities to undertake specified consultation with Māori and other communities before determining by resolution whether their representation arrangements should include specific Māori representation. The repeal of these provisions has the effect that decisions of local authorities concerning whether to have Māori wards or Māori constituencies will continue to be made prior to their 6-yearly representation review and that the review process will only consider the implementation of Māori wards and Māori constituencies as provided under Schedule 1A of the Local Electoral Act 2001.

These clauses come into force on the day after Royal assent.

Transitional provisions

New Part 3 of Schedule 1 of the Local Electoral Act 2001 (as inserted by *clause 17 and the Schedule* on the day after Royal assent) provides for transitional, savings, and related provisions, including provisions to—

- enable local authorities that, since 2020, have established Māori wards or Māori constituencies for the 2025 local elections onwards (being the **group 1 local authorities** listed in *clause 10(2) of new Part 3*) to resolve, during a transitional period that starts on the day after Royal assent and ends on 6 September 2024 (the **transitional period**), to disestablish those wards or constituencies:
- enable local authorities that have resolved, without holding a binding poll, to establish Māori wards or Māori constituencies for the purposes of the 2025 triennial general election (being the **group 2 local authorities** listed in *clause 10(2) of new Part 3*) to resolve, during the transitional period, to rescind their decision to establish those wards or constituencies:
- require group 1 local authorities that do not resolve to disestablish their Māori wards or Māori constituencies by 6 September 2024, and group 2 local authorities that do not rescind their decision to establish Māori wards or Māori constituencies by that date, to hold binding polls in conjunction with the 2025 triennial general elections on the question whether, from the 2028 triennial general election, the district of the local authority should be divided into 1 or more Māori wards (in the case of territorial authorities) or the region should be divided into 1 or more Māori constituencies (in the case of regional councils) (*clause 39 of new Part 3*):

- specify the representation review process that a group 1 or group 2 local authority must follow in the 2025 to 2028 electoral term, depending on the outcome of the poll (*clause 40 of new Part 3*):
- require group 1 and group 2 local authorities to decide how their representation arrangements will be set for the 2025 triennial general election if they resolve to disestablish, or rescind their decision to establish, their Māori wards or Māori constituencies (*clauses 14 and 32 of new Part 3*) and set out the options that apply (*clauses 14(2), 33, and 34 of new Part 3*):
- specify when the local authority must complete its next representation review after the 2025 triennial general election, depending on which option the local authority has chosen for setting its 2025 representation arrangements (*clauses 20, 28, and 38 of new Part 3*).

Clauses 45 to 50 of new Part 3 apply to Tauranga City Council, whose commissioners resolved last term to establish a Māori ward that will be in place from the 2024 election onwards. These clauses provide for the council to resolve, by 30 November 2026, to disestablish its Māori ward and, if it does not, require the council to hold a binding poll by 28 March 2027 on the question whether its district should be divided into 1 or more Māori wards. *Clause 50 of new Part 3* specifies the representation review process that the council must follow in the 2025 to 2028 electoral term, depending on the outcome of the poll, and provides that the outcome of the poll determines for 2 triennial general elections of the council whether the district is to be divided into 1 or more Māori wards.

Clause 51 of new Part 3 requires the Local Government Commission to issue and publish guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account when passing resolutions and making determinations referred to in *new Part 3*.

The provisions of *new Part 3* come into force on the day after Royal assent.

Hon Simeon Brown

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Government Bill

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2023**

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**New Part 3 inserted into Schedule 1 of Local Electoral Act
2001**

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act **2024**.

2 Commencement

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- (1) **Sections 4, 8, 9, 10 to 15, and 30 to 35** come into force on 1 April 2025.
- (2) **Sections 5 to 7 and 16** come into force on 12 October 2025.
- (3) **Sections 17 and 19 to 28** come into force on the day after Royal assent.

Part 1

Amendments to Local Electoral Act 2001

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3 Principal Act

Sections 4 to 17 amend the Local Electoral Act 2001.

4 Section 5 amended (Interpretation)

- (1) In section 5(1), definition of **nomination day**, replace “57th day” with “71st day”.
- (2) In section 5(1), definition of **voting period**, paragraph (b), replace “22 and a half days” with “32 and a half days”.

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5 Section 9 amended (Holding of referendum)

Replace section 9(7) with:

- (7) The result of any referendum conducted as a consequence of a direction under this section is not binding on the local authority unless it resolves otherwise or any enactment provides otherwise.

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6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)

- (1) After section 19Z(2), insert:

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(2A) The powers in subsections (1) and (2) to resolve to establish Māori wards and Māori constituencies for electoral purposes include the powers to disestablish them.

(2B) The requirements that apply in relation to establishing Māori wards and Māori constituencies for electoral purposes also apply, with all necessary modifications, to their disestablishment.

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- (2) In section 19Z(3)(a), replace “23 November” with “12 September”.

- (3) Replace section 19Z(3)(c) with:

- (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until—
- (i) a further resolution under this section takes effect; or
 - (ii) a poll of electors of the territorial authority or regional council held under **section 19ZF** takes effect. 5
- (4) Replace section 19Z(4) with:
- (4) This section is subject to **section 19ZE** and to clauses 2(5) and 4(4) of Schedule 1A.
- (5) In section 19Z(5), after “In this section”, insert “and in **sections 19ZB to 19ZG**”. 10

7 New sections 19ZA to 19ZG inserted

After section 19Z, insert:

19ZA Public notice of right to demand poll

- (1) A territorial authority or regional council that passes a resolution under section 19Z must give public notice, not later than the required date, of the right to demand, under **section 19ZB**, a poll on the question whether,—
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
 - (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies. 20
- (2) The public notice under **subsection (1)** must include—
- (a) notice of the resolution under section 19Z; and
 - (b) a statement that a poll is required to countermand that resolution.
- (3) In **subsection (1)**, **required date** means,—
- (a) in the case of a resolution under section 19Z that is made after a triennial general election but not later than 12 September of the year that is 2 years before the next triennial general election, 19 September in that year;
 - (b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution. 30
- (4) This section is subject to **section 19ZE**. 25

19ZB Electors may demand poll

- (1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,—
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
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- (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) This section is subject to **section 19ZE**.
- (3) In this section and **section 19ZC**,—
- demand** means a demand referred to in **subsection (1)** 5
- specified number of electors**, in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.
- 19ZC Requirements for valid demand** 10
- (1) A demand must be made by notice in writing—
- (a) signed by a specified number of electors; and
- (b) delivered to the principal office of the territorial authority or regional council.
- (2) An elector may sign a demand and be treated as one of the specified number of electors only if,— 15
- (a) in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or
- (b) in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector’s address as shown on that roll is within the region; or 20
- (c) in a case where the name of an elector does not appear on a roll in accordance with **paragraph (a) or (b)**,—
- (i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and 25
- (ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or 30
- (d) the address given by the elector who signed the demand is confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector and the address—
- (i) is, if the demand was given to a territorial authority, within the district of the territorial authority; or 35
- (ii) is, if the demand was delivered to a regional council, within the region of the regional council; or

- (e) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the territorial authority or, as the case may require, the regional council.
- (3) Every elector who signs a demand must state, against the elector's signature,—
- (a) the elector's name; and 5
- (b) the address for which the person is qualified as an elector of the territorial authority or regional council.
- (4) If a valid demand is received after 11 December in the year that is 2 years before the next triennial general election, the poll required by the demand—
- (a) must be held after 28 March in the year before the triennial general election; and 10
- (b) has effect in accordance with **section 19ZG(4)** (which provides that the poll has effect for the purposes of the next but one triennial general election and the subsequent triennial general election).
- (5) The chief executive of the territorial authority or regional council must, as soon as practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with **section 19ZB** and this section. 15
- (6) This section is subject to **section 19ZE**.
- 19ZD Territorial authority or regional council may resolve to hold poll**
- (1) A territorial authority or regional council may, at any time, resolve that a poll be held on the question whether,— 20
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
- (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies. 25
- (2) A resolution under **subsection (1)** may, but need not, specify the date on which the poll is to be held.
- (3) The date specified for the holding of a poll must not be a date that would require deferral of the poll under section 138A.
- (4) The chief executive of the territorial authority or regional council must give notice to the electoral officer of a resolution under **subsection (1)**,— 30
- (a) if no date for the holding of the poll is specified in the resolution, as soon as is practicable:
- (b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that will enable the poll to be conducted in accordance with **section 19ZF(3)**. 35
- (5) This section is subject to **section 19ZE**.

19ZE Limitation on division into Māori wards or Māori constituencies

Sections 19Z to **19ZD** do not apply, in relation to a territorial authority or regional council, if—

- (a) a poll on the question described in **section 19ZB** or **section 19ZD** held under **section 19ZF** took effect at the previous triennial general election of the territorial authority or regional council or takes effect at the next triennial general election of the territorial authority or regional council; or 5
- (b) another enactment requires that the district be divided into 1 or more Māori wards or the region be divided into 1 or more Māori constituencies. 10

19ZF Poll of electors

- (1) If the electoral officer for a territorial authority or regional council receives notice under **section 19ZC(5)** or **section 19ZD(4)**, the electoral officer must, as soon as practicable after receiving that notice, give public notice of the poll under section 52. 15
- (2) Despite **subsection (1)**, if an electoral officer for a territorial authority or regional council receives 1 or more notices under both **section 19ZC(5)** and **section 19ZD(4)**, or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that those polls would, if combined, take effect at the same general election, and if it is practicable to combine those polls, be combined. 20
- (3) A poll held under this section must be held not later than 103 days after the date on which— 25
 - (a) the notice referred to in **subsection (1)** is received; or
 - (b) the last notice referred to in **subsection (2)** is received.
- (4) **Subsection (3)** is subject to **subsection (2)**, **section 19ZC(4)**, and section 138A.
- (5) Every poll under this section that is held in conjunction with a triennial general election, or held after that date but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held, determines whether, for the next 2 triennial general elections for the territorial authority or regional council and any associated election,— 30
 - (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or 35
 - (b) the region of the regional council is to be divided into 1 or more Māori constituencies.
- (6) Every poll under this section that is held at some other time determines whether, for the next but one triennial general election and the following triennial 40

nial general election for the territorial authority or regional council and any associated election,—

- (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or
- (b) the region of the regional council is to be divided into 1 or more Māori constituencies.

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(7) **Subsections (5) and (6)** are subject to clauses 2(5) and 4(4) of Schedule 1A.

19ZG Effect of poll

(1) **Subsection (2)** applies to a poll held in conjunction with a triennial general election or held after that election but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held.

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(2) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—

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- (a) in the case of a territorial authority, for the next 2 triennial general elections of the territorial authority, and any associated election; and
- (b) in the case of a regional council, for the next 2 triennial general elections of the regional council, and any associated election; and
- (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under **section 19ZF** takes effect, whichever occurs first.

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(3) **Subsection (4)** applies to a poll held at some other time.

(4) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—

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- (a) in the case of a territorial authority, for the next but one triennial general election and the following triennial general election of the territorial authority, and any associated election; and
- (b) in the case of a regional council, for the next but one triennial general election and the following triennial general election of the regional council, and any associated election; and
- (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the

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	Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.	
(5)	This section is subject to clauses 2(5) and 4(4) of Schedule 1A.	
8	Section 28 amended (Public notice of right to demand poll on electoral system)	5
	In section 28(2A), replace “14 March” with “28 March”.	
9	Section 30 amended (Requirements for valid demand)	
	In section 30(3A)(a), replace “14 March” with “28 March”.	
10	Section 33 amended (Poll of electors)	10
(1)	In section 33(3), replace “89 days” with “103 days”.	
(2)	In section 33(4), replace “14 March” with “28 March”.	
11	Section 34 amended (Effect of poll)	
	In section 34(1), replace “14 March” with “28 March”.	
12	Section 52 amended (Notice of election or poll)	15
	In section 52(2), replace “28 days before” with “25 days before”.	
13	Section 102 amended (New election or poll if election or poll declared void)	
	In section 102(2),—	
(a)	replace “8 November” with “25 October” in each place; and	
(b)	replace “89 days” with “103 days” in each place.	20
14	Section 120 amended (Election to fill extraordinary vacancy)	
	In section 120(1)(b), replace “89 days after” with “103 days after”.	
15	Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	
(1)	In section 138A(1)(a),—	25
(a)	replace “28 September” with “14 September”; and	
(b)	replace “17 February” with “3 March”.	
(2)	In section 138A(1)(b), replace “14 March” with “28 March”.	
(3)	In section 138A(1)(c), replace “11 April” with “24 April”.	
16	Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	30
	Replace section 138A(1) with:	
(1)	Despite section 19ZF(3) , section 33(3), and section 120(1),—	

- (a) if an electoral officer receives a notice under **section 19ZC(5), section 19ZD(4)**, section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 14 September in any year and ends with the close of 20 November in that year, the polling day for the poll under **section 19ZF** or section 33, or for the election under section 120(1), must be a day not earlier than 3 March in the following year; and 5
- (b) if an electoral officer receives a notice under **section 19ZC(5), section 19ZD(4)**, section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 21 November in any year and ends with the close of 15 December in that year, the polling day for the poll under **section 19ZF** or section 33, or for the election under section 120(1), must be a day not earlier than 28 March in the following year; and 10
- (c) if an electoral officer receives a notice under **section 19ZC(5), section 19ZD(4)**, section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 16 December in any year and ends with the close of 12 January in the following year, the polling day for the poll under **section 19ZF** or section 33, or for the election under section 120(1), must be a day not earlier than 24 April in that following year. 15

17 Schedule 1 amended

In Schedule 1,— 20

- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Part 2**Amendments to Local Government Electoral Legislation Act 2023**

- 18 Principal Act** 25
Sections 19 to 28 amend the Local Government Electoral Legislation Act 2023.
- 19 Section 2 amended (Commencement)**
Repeal section 2(3).
- 20 Section 4 amended (Section 5 amended (Interpretation))** 30
Repeal section 4(2).
- 21 Sections 5 to 10 repealed**
Repeal sections 5 to 10.
- 22 Section 12 amended (Section 19K amended (Requirements for resolution))**
Repeal section 12(2) and (5). 35

23	Section 13 amended (Section 19L amended (Distribution of copies of resolution)) Repeal section 13(2).	
24	Section 19 amended (Section 19R amended (Commission to determine appeals and objections)) Repeal section 19(1) and (2).	5
25	Sections 20 to 23 repealed Repeal sections 20 to 23.	
26	Section 36 amended (Schedule 1 amended) Repeal section 36(1) and (2).	10
27	Section 37 amended (Schedule 1A amended) Repeal section 37(1), (3), (5), (6), and (8).	
28	Schedule 2 amended In Schedule 2, Part 1, repeal the item relating to Canterbury Regional Council (Ngāi Tahu Representation) Act 2022 (2022 No 1 (L)).	15

Part 3

Amendments to Local Electoral Regulations 2001

29	Principal regulations Sections 30 to 35 amend the Local Electoral Regulations 2001.	
30	Regulation 10 amended (Relevant date for inclusion of electors on roll) (1) In regulation 10(1), replace “7 July” with “18 June”. (2) In regulation 10(2), replace “6 July” with “17 June”. (3) In regulation 10(3), replace “57th day” with “71st day”. (4) In regulation 10(4), replace “57th day” with “71st day”.	20
31	Regulation 21 amended (Closing of roll) In regulation 21, replace “57th day” with “71st day”.	25
32	Regulation 22 amended (Certification of roll) In regulation 22, replace “25th day” with “36th day”.	
33	Regulation 23 amended (When roll in force) In regulation 23, replace “25th day” with “36th day”.	30

34 Regulation 51 amended (Issue of voting documents)

In regulation 51(1),—

- (a) replace “23rd day” with “33rd day”; and
- (b) replace “17th day” with “19th day”.

35 Regulation 96 amended (Issue of voting documents)

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In regulation 96(1),—

- (a) replace “23rd day” with “33rd day”; and
- (b) replace “17th day” with “19th day”.

Schedule

New Part 3 inserted into Schedule 1 of Local Electoral Act 2001

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Part 3

Provisions relating to Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

10 Interpretation

- (1) In this Part, unless the context otherwise requires,—
- amendment Act** means the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024
- associated election** has the same meaning as in section 19Z
- commencement date** means the date on which **section 17** of the amendment Act comes into force
- group 1 local authority** means a territorial authority or regional council named in the first column of the table in **subclause (2)**
- group 2 local authority** means a territorial authority or regional council named in the second column of the table in **subclause (2)**
- transition period** means the period starting on the commencement date and ending on 6 September 2024.

- (2)
- | Group 1 local authorities | Group 2 local authorities |
|-------------------------------------|--|
| Far North District Council | Central Hawke’s Bay District Council |
| Gisborne District Council | Hauraki District Council |
| Hamilton City Council | Hutt City Council |
| Hastings District Council | Kapiti Coast District Council |
| Hawke’s Bay Regional Council | Kawerau District Council |
| Horowhenua District Council | Napier City Council |
| Kaipara District Council | South Wairarapa District Council |
| Manawatu District Council | Tasman District Council |
| Manawatū-Whanganui Regional Council | Thames-Coromandel District Council |
| Marlborough District Council | Upper Hutt City Council |
| Masterton District Council | Wellington Regional Council |
| Matamata-Piako District Council | Western Bay of Plenty District Council |
| Nelson City Council | Whanganui District Council |
| New Plymouth District Council | |
| Northland Regional Council | |
| Ōtorohanga District Council | |
| Palmerston North City Council | |
| Porirua City Council | |

Group 1 local authorities	Group 2 local authorities	
Rangitikei District Council		
Rotorua District Council		
Ruapehu District Council		
South Taranaki District Council		
Stratford District Council		
Taranaki Regional Council		
Tararua District Council		
Taupo District Council		
Tauranga City Council		
Waikato District Council		
Waipa District Council		
Wellington City Council		
Whakatane District Council		
Whangarei District Council		
<i>Provisions relating to group 1 local authorities</i>		
11	Group 1 local authority may resolve to disestablish Māori wards or Māori constituencies	
(1)	This clause applies to a group 1 local authority.	
(2)	A group 1 local authority may, at any time during the transition period, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020.	5
(3)	A resolution under subclause (2) takes effect for the 2025 and 2028 triennial general elections of the local authority, and for any associated election, and continues in effect until—	10
	(a) a resolution under section 19Z takes effect; or	
	(b) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.	
(4)	See clause 39 concerning the requirement for a group 1 local authority to hold a binding poll if it does not, by 6 September 2024, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established.	15
12	Special consultative procedure does not apply to resolution to disestablish	
	A group 1 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution to disestablish 1 or more Māori wards or Māori constituencies under clause 11 .	20
13	Effect of resolution to disestablish	
(1)	A resolution of a group 1 local authority to disestablish its 1 or more Māori wards or Māori constituencies under clause 11 does not affect—	

<p>(a) any decision of the local authority made after the local authority’s resolution under section 19Z to establish those Māori wards or Māori constituencies; or</p> <p>(b) any elections held after the resolution referred to in paragraph (a) and before the commencement date.</p> <p>(2) Subclause (1) is subject to subclause (3).</p> <p>(3) If a group 1 local authority resolves to disestablish its 1 or more Māori wards or Māori constituencies under clause 11, any determination of the group 1 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under the provisions of Part 1A of this Act).</p> <p>(4) Subclause (3) applies regardless of whether public notice of the proposal contained in the resolution under section 19H, 19I, or 19J has been published under section 19M or 19N.</p> <p>14 Local authority resolving to disestablish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set</p> <p>(1) A group 1 local authority that resolves to disestablish its 1 or more Māori wards or consistencies under clause 11 must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.</p> <p>(2) For the purposes of subclause (1), the local authority may—</p> <p style="padding-left: 20px;">(a) resolve to revert to its representation arrangements that applied at the 2019 triennial general elections (pre-2020 representation arrangements), if the requirements in clause 15 are satisfied; or</p> <p style="padding-left: 20px;">(b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections in accordance with sections 19H to 19Q and 19T to 19Y, as modified by clauses 21 to 28.</p> <p>(3) A group 1 local authority must undertake a shortened review of its representation arrangements for elections, in 2024, if the requirements in clause 15 are not satisfied (<i>see</i> clauses 21 to 28).</p> <p>(4) To avoid doubt, sections 19R and 19S continue to apply in relation to a shortened review of representation arrangements that a local authority resolves, or is required, to undertake under subclause (2)(b) or (3).</p> <p>15 Requirements to be satisfied for local authority to revert to pre-2020 representation arrangements</p> <p>(1) A group 1 local authority may resolve under clause 14(2)(a) to revert to its pre-2020 representation arrangements only if the arrangements will provide fair and effective representation.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p>
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- (2) The local authority must, before passing a resolution referred to in **subclause (1)**,—
- (a) request updated population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the pre-2020 representation arrangements; and 5
 - (b) provide to Statistics New Zealand such information that it may require concerning the definition of any area to which any of the estimates referred to in **paragraph (a)** are to relate; and
 - (c) table the following at the meeting at which the resolution is to be considered: 10
 - (i) the updated population estimates:
 - (ii) an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority reverts to the pre-2020 representation arrangements: 15
 - (iii) a statement from the Local Government Commission on the consistency of the pre-2020 arrangements with section 19V(2), taking into account the updated population estimates.
- (3) For the purposes of considering the fair and effective representation requirements under sections 19T to 19W, if an exception from compliance under section 19V(3) has been upheld on a determination by the Local Government Commission under section 19V(6) relating to the local authority's most recent representation review, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4). 20 25
- 16 Objections process does not apply to resolution to revert to pre-2020 representation arrangements**
- Section 19P does not apply in respect of a resolution made by a group 1 local authority under **clause 14(2)(a)**.
- 17 Adjustments to boundaries by group 1 local authority** 30
- If a group 1 local authority resolves to revert to its pre-2020 representation arrangements and the local authority is satisfied that adjustments to the boundaries of any ward, constituency, community, or subdivision are required for the purpose of ensuring that they coincide with current statistical meshblock boundaries determined by Statistics New Zealand, the local authority may determine by resolution the adjustments to be made to the boundaries to achieve that purpose. 35

18 Local authority must notify resolution to revert to pre-2020 representation arrangements

A group 1 local authority that resolves under **clause 14(2)(a)** to revert to its pre-2020 representation arrangements must—

- (a) give public notice of the resolution, including the following information for the next triennial general election:
 - (i) the number of elected positions the local authority will have:
 - (ii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each:
 - (iii) whether any adjustments have been made by Statistics New Zealand to the meshblocks aligning with the ward, constituency, community, or subdivision boundaries used for the 2019 or 2016 triennial general elections and whether adjustments have been made to boundaries under **clause 17**; and
- (b) as soon as practicable, send a copy of the notice to the following:
 - (i) the Local Government Commission:
 - (ii) the Surveyor-General:
 - (iii) the Government Statistician:
 - (iv) the Remuneration Authority:
 - (v) such other local authorities as may be required under section 19Y(2)(b) and (c); and
- (c) provide to the Surveyor-General a copy of the plans for the arrangements they are reverting back to, including any minor changes made to boundaries under **clause 17**.

19 When notified basis for election for next triennial election has effect

(1) If a group 1 local authority has, under **clause 18**, given public notice of the basis of election for the next triennial election of the local authority, no such basis has effect unless—

- (a) a description or plan of each ward or constituency or community or subdivision has been sent to the Surveyor-General; and
- (b) the Surveyor-General, or a person appointed by the Surveyor-General, certifies that the description or plan is sufficient to render the boundaries of each ward or constituency or community or subdivision capable of identification.

(2) If the description of any ward or constituency or community or subdivision to which **subclause (1)** applies is defective, but the Surveyor-General, or a person appointed by the Surveyor-General, certifies that it can be amended and the

	defect overcome without making any change in what was evidently intended to be the area comprised in the description, the description—	
	(a) may be so amended by resolution; and	
	(b) if so amended, has effect as if the provisions of subclause (1) had been complied with.	5
20	Group 1 local authority reverting to pre-2020 electoral arrangements: representation review after 2025 triennial general elections	
	A group 1 local authority that resolves to disestablish its Māori wards or Māori constituencies and revert to its pre-2020 electoral arrangements must complete its next representation review in the 2025 to 2028 local government term.	10
	<i>Shortened representation review process</i>	
21	Application of clauses 22 to 28	
	Clauses 22 to 28 apply to a group 1 local authority that resolves to disestablish the 1 or more Māori wards or Māori constituencies it has established since 2020 and—	15
	(a) resolves under clause 14(2)(b) to undertake, in 2024, a shortened review of its representation arrangements for the 2025 elections; or	
	(b) is required under clause 14(3) to undertake a shortened review of its representation arrangements for the 2025 general election.	
22	Requirements for resolution	20
	Section 19K applies as if, in subsection (1AA), the words “must be passed no earlier than 20 December of the year that is 2 years before the year of the election and no later than 31 July of the year that is immediately before the year of the election” were replaced with “must be passed by 13 September 2024”.	
23	Public notice of proposals and responsibilities	25
	Section 19M applies as if,—	
	(a) in subsection (1), the words “must, within 14 days after making the resolution (but, in the year immediately before the year of a triennial general election, not later than 8 August)” were replaced with “must, within 7 days after making the resolution and not later than 20 September 2024”; and	30
	(b) in subsection (2)(d), the words “specify a period of not less than 1 month from” were replaced with the words “specify a period that ends not later than 11 October 2024 and that is of not less than 3 weeks from”.	
24	Response to submissions	35
	Section 19N applies as if, in subsection (1), the words “must, within 8 weeks after the end of the period allowed for the making of submissions and specified	

	in the notice given under section 19M” were replaced with “must, within 6 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M”.	
25	Appeals	
	Section 19(O) applies as if,—	5
	(a) in subsection (2)(a), the words “must not be earlier than 1 month” were replaced with “must not be earlier than 3 weeks”; and	
	(b) the words in subsection (2)(b) were replaced with “must not, in the year before the 2025 triennial general election, be later than 13 December 2024”.	10
26	Obligation to forward appeals and objections to Commission	
	Section 19Q applies as if the reference to “20 December,” were replaced with “23 December 2024,”.	
27	Commission to determine appeals and objections	
	Section 19R applies as if, in subsection (3), the words “before 11 April in the year of a triennial general election” were replaced with “before 11 April 2025”.	15
28	Group 1 local authority completing shortened representation review process: representation review after 2025 triennial general elections	
	A group 1 local authority that completes a shortened review process must undertake its next review of representation arrangements in accordance with the requirement in section 19H(2)(b) or 19I(2)(b) (whichever applies).	20
	<i>Provisions relating to group 2 local authorities</i>	
29	Group 2 local authority may rescind resolution to establish Māori wards or Māori constituencies	25
(1)	A group 2 local authority may, at any time during the transition period, resolve to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election.	
(2)	<i>See clause 39</i> concerning the requirement for a group 2 local authority to hold a binding poll if it does not, by 6 September 2024, resolve to rescind its decision to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.	30
30	Special consultative procedure does not apply to resolution to rescind	
	A group 2 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 29 .	35

31	Effect of resolution to rescind	
(1)	If a group 2 local authority passes a resolution under clause 29 , any determination of the group 2 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under Part 1A of this Act).	5
(2)	Subclause (1) applies regardless of whether public notice of the proposal has been published under section 19M or 19N of this Act.	
32	Group 2 local authority rescinding resolution to establish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set	10
	A group 2 local authority that resolves to rescind its decision to establish 1 or more Māori wards or Māori constituencies under clause 29 must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.	15
33	Options for representation arrangements for 2025 general election if representation review completed since 2019	
(1)	This clause applies to a group 2 local authority if it has completed a representation review since the 2019 triennial general election.	
(2)	For the purposes of clause 32 , the group 2 local authority is not required to, but may, resolve to complete a shortened representation review process in 2024.	20
(3)	If the group 2 local authority resolves to complete a shortened representation review process, that process must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.	25
(4)	If the group 2 local authority does not resolve to complete a shortened review process in 2024, its existing representation review arrangements continue to apply for the 2025 triennial general election in accordance with section 19H(2)(b) or 19I(2)(b) (whichever applies).	30
34	Options for representation arrangements for 2025 general election if no representation review completed since 2019	
(1)	This clause applies to a group 2 local authority if it has not completed a representation review since the 2019 triennial general election.	
(2)	The group 2 local authority may, for the 2025 triennial general election,—	35
(a)	resolve to continue its existing representation arrangements, if the requirements in clause 35 are met; or	
(b)	resolve to undertake, in 2024, a shortened review of its representation arrangements for elections.	

(3)	A group 2 local authority must undertake a shortened review of its representation arrangements, in 2024, if the requirements in clause 35 are not met.	
(4)	A shortened review process undertaken under subclause (2)(b) or (3) must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.	5
35	Requirements to be satisfied for group 2 local authority to continue existing representation arrangements	
(1)	A group 2 local authority that has not completed a representation review since 2019 may continue its existing representation arrangements only if the arrangements will provide fair and effective representation.	10
(2)	The local authority must, before passing a resolution under clause 34(2)(a) to continue its existing representation arrangements,—	
(a)	request updated population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the local authority’s existing representation arrangements; and	15
(b)	provide to Statistics New Zealand such information as may be required by it concerning the definition of any area to which any of the estimates referred to in paragraph (a) are to relate; and	20
(c)	table the following at the meeting at which the resolution is to be considered:	
(i)	the updated population estimates:	
(ii)	an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority continues its existing representation arrangements:	25
(iii)	a statement from the Local Government Commission on the consistency of the existing representation arrangements with section 19V(2), taking into account the updated population estimates.	
(3)	For the purposes of considering the fair and effective representation requirements under sections 19T to 19V, if an exception from compliance under section 19V(3) has previously been upheld on a determination by the Local Government Commission under section 19V(6) relating to the local authority’s most recent representation review, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).	30 35
36	Objections process does not apply to resolution to continue existing representation arrangements	
	Section 19P does not apply in respect of a resolution made by a group 2 local authority made under clause 34(2)(a) .	40

- 37 Group 2 local authority must notify resolution to continue existing representation arrangements**
- (1) A group 2 local authority that resolves under **clause 34(2)(a)** to continue its existing representation arrangements must—
- (a) give public notice of the resolution, including the following information for the next triennial general election: 5
- (i) the number of elected positions the local authority will have:
- (ii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each; and 10
- (b) as soon as practicable, send a copy of the notice to the following:
- (i) the Local Government Commission:
- (ii) the Surveyor-General:
- (iii) the Government Statistician:
- (iv) the Remuneration Authority: 15
- (v) such other local authorities as may be required under section 19Y(2)(b) and (c).
- (2) If either Western Bay of Plenty District Council or Central Hawke’s Bay District Council gives public notice under **subclause (1)**, the local authority must, in addition, meet the requirements specified in **clause 19(1) and (2)** as if the reference to a group 1 local authority were a reference to a group 2 local authority. 20
- 38 Group 2 local authority: representation review after 2025 triennial general election**
- (1) A group 2 local authority that has not completed a representation review since the 2019 triennial general election and that resolves under **clause 34(2)(a)** to continue its existing representation arrangements for the 2025 triennial general election must complete its next representation review in the 2025 to 2028 local government term. 25
- (2) A group 2 local authority that has completed a representation review since the 2019 triennial general election or that completes a shortened representation review process in accordance with the provisions of this Part must complete its next representation review in accordance with the requirements in section 19H(2)(b) or 19I(2)(b) (whichever applies). 30

Conduct of binding polls in conjunction with 2025 triennial general elections

- 39 Local authority must conduct binding poll in 2025 if Māori wards or Māori constituencies not disestablished or decision to establish not rescinded**
- (1) This clause applies to— 5
- (a) a group 1 local authority that does not, by 6 September 2024, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established:
- (b) a group 2 local authority that does not, by 6 September 2024, resolve to rescind its decision to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general elections. 10
- (2) A group 1 or group 2 local authority to which this clause applies must hold a poll on the question whether, from the 2028 triennial general election,—
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or 15
- (b) in the case of a regional council, the region should be divided into 1 more Māori constituencies.
- (3) The poll must be conducted using the First Past the Post electoral system.
- (4) The poll must, in each case, be held—
- (a) in conjunction with the 2025 triennial general election; and 20
- (b) in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.
- (5) Every poll held under this Act as required by this clause determines the question referred to in **subclause (2)(a) or (b)** (whichever applies) for the next 2 triennial general elections for the territorial authority or regional council, and for any associated election, after the 2025 triennial general election. 25
- 40 Review of representation arrangements following conduct of poll**
- Poll resulting in “Yes” vote*
- (1) **Subclauses (2) and (3)** apply to a group 1 or group 2 local authority if 50% or more of the valid votes cast in a poll held by the local authority as required by **clause 39** are “Yes” votes. 30
- (2) The local authority must follow the process set out in Schedule 1A of this Act in the 2025 to 2028 electoral term if it has not completed a representation review since the 2022 triennial general election.
- (3) The local authority may continue its existing representation review arrangements in the 2025 to 2028 electoral term if it has completed a representation review since the 2022 triennial general election. 35

	<i>Poll resulting in “No” vote</i>	
(4)	If more than 50% of the valid votes cast in a poll held by a group 1 or group 2 local authority under clause 39 are “No” votes, the local authority—	
	(a) must complete a representation review in the 2025 to 2028 electoral term; and	5
	(b) must not follow the process set out in Schedule 1A in the 2025 to 2028 electoral term.	
(5)	Subclause (4) applies despite section 19Z(3)(c).	
	<i>Group 1 and group 2 local authorities: extension to 31 July 2024 deadline for initial representation review proposals</i>	10
41	Application of clauses 42 to 44	
	Clauses 42 to 44 apply—	
	(a) only if they commence on or before 31 July 2024; and	
	(b) only to a group 1 or group 2 local authority that is required to pass a resolution under section 19H, 19I, or 19J by 31 July 2024 but has not passed the resolution by that date.	15
42	Extension of time for passing initial representation review resolution	
	A local authority to which this clause applies may pass the resolution referred to in clause 41(b) by 13 September 2024.	
43	Local authority using extended time must follow shortened representation review process	20
	A group 1 or group 2 local authority that passes a resolution in accordance with clause 42 must undertake a shortened review of its representation arrangements in accordance with the requirements of clauses 23 to 27 .	
44	When next representation review required	25
	A group 1 or group 2 local authority that undertakes a shortened review under clause 43 must undertake its next review of representation arrangements in accordance with the requirement under section 19H(2)(b) or 19I(2)(b) (whichever applies).	
	<i>Provisions applying to Tauranga City Council</i>	30
45	Application of clauses 46 to 50	
	Clauses 46 to 50 apply to Tauranga City Council (the Council).	
46	Council may resolve to disestablish Māori ward	
	The Council may, by 30 November 2026, resolve to disestablish (for the 2028 triennial general election onwards), its Māori ward.	35

47	Effect of resolution to disestablish	
(1)	A resolution of the Council to disestablish its Māori ward under clause 46 does not affect—	
(a)	any decision of the Council made after the Council’s 2021 resolution under section 19Z that its district be divided into its Māori ward (the 2021 resolution); or	5
(b)	elections held since the 2021 resolution and before the commencement date.	
(2)	A resolution of the Council to disestablish its Māori ward applies for the next 2 triennial general elections of the Council.	10
48	Council must hold binding poll if it does not resolve to disestablish Māori wards	
(1)	This clause applies if the Council does not, by 30 November 2026, resolve to disestablish its Māori ward.	
(2)	The Council must, by 28 March 2027, hold a poll on the question whether the district should be divided into 1 or more Māori wards.	15
(3)	The poll must be held in accordance with the requirements in clause 49 .	
49	Requirements for binding poll	
(1)	The Council chief executive must notify the electoral officer, by 1 December 2026, of the date on which the poll under clause 48 is to be held.	20
(2)	The date specified for the holding of the poll must not be a date that would require deferral of the poll under section 138A.	
(3)	The electoral officer must give public notice of the poll under section 52 as soon as practicable after receiving the notice under subclause (1) .	
(4)	The poll must be conducted using the First Past the Post electoral system.	25
(5)	The poll must be held in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.	
50	Effect of poll	
(1)	If 50% or more of the valid votes cast in the poll are “Yes” votes, the Council must follow the process set out in Schedule 1A in the 2025 to 2028 term.	30
(2)	If more than 50% of the valid votes cast in the poll are “No” votes, the Council must not follow the process set out in Schedule 1A.	
(3)	Subsection (2) applies despite section 19Z(3)(c).	
(4)	The outcome of the poll determines whether, for the next 2 triennial general elections of the Council, the district is to be divided into 1 or more Māori wards.	35

Guidelines

- 51 Commission must issue guidelines for resolutions and determinations under transitional provisions**
- (1) The Commission must issue guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account in passing resolutions and making determinations referred to in the provisions of this Part. 5
- (2) The Commission may, from time to time, amend or revoke guidelines issued under **subclause (1)**.
- (3) Guidelines issued under **subclause (1)** may relate to group 1 or group 2 local authorities generally or to a specific class of those authorities. 10
- (4) The Commission must, as soon as practicable after issuing guidelines under **subclause (1)**,—
- (a) send a copy of those guidelines to every group 1 and group 2 local authority; and
- (b) publish in the *Gazette* a notice— 15
- (i) stating that the guidelines have been issued; and
- (ii) naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase at a reasonable price.
- (5) **Subclauses (3) and (4)** apply, with all necessary modifications, in respect of any amendment to or revocation of guidelines issued under **subclause (1)**. 20