Referendums have been used in New Zealand for more than a century as a means of making decisions on issues of public policy. The first national referendum in the country’s history was held on 7 December 1911 on the prohibition of the sale of liquor. The sale of liquor has been the subject most often submitted to a referendum. Until 1987 liquor licensing was subject to regular nationally organised referendums held at the time of each general election, as well as to local polls relating to the sale of liquor in particular localities. Legislation is always required for the holding of referendums, whether they are one-off, regular, or resulting from the process set out in the Citizens Initiated Referenda Act 1993. Legislation containing provisions for the calling of referendums or polls has included matters as various as local authority loans and producer-board levies. As well as referendums held under these standing legislative provisions, national referendums have been organised under special legislation from time to time on subjects including betting, compulsory military training, compulsory retirement savings and the electoral system.

A referendum is an exercise in direct democracy, whereas the parliamentary system is the operation of a representative democracy. The two are not incompatible, but they raise separate issues. This work is not concerned with referendums generally. They are generally held under the terms of the legislation governing them and do not raise special issues for the parliamentary process. But two types of referendum have a special relationship to the parliamentary process — electoral referendums and citizens initiated referendums.

ELECTORAL REFERENDUMS

Binding referendums

Certain parts of the electoral system are entrenched in law by a requirement that any proposal for their amendment or repeal must be passed by a 75 per cent majority of all the members of the House or carried by a majority of valid votes cast at a poll of the electors of the general and Māori electoral districts. The provisions that can be altered only in this special way are known as reserved provisions. They are the three-year term of Parliament; the constitution of the Representation Commission; the division of New Zealand into general electoral districts after each census; the electoral quota adjustment; the provisions that prescribe 18 years of age as the...
minimum voting age; and the provisions dealing with the method of voting.\(^4\) The special majority provisions are not required for the repeal of a reserved provision in a consolidating Act if that provision is at the same time re-enacted without amendment and the re-enacted provision is also entrenched.\(^5\)

The practice of the House in dealing with legislation that proposes to amend or repeal a reserved provision is dealt with in discussing the legislative process. (See pp 445–446.) The alternative means of effecting the amendment or repeal of a reserved provision is to submit it to a referendum of electors. This can be done only by legislation. There is no general legislation providing a mechanism for a legally binding electoral referendum to be held, so Parliament must pass special legislation for this purpose.\(^6\) Legislation submitting a reserved provision to a referendum must be “binding”, in the sense of self-implementing, if the amendment or repeal of a reserved provision is to be made by the electors rather than Parliament. Only if a referendum is binding in this sense has Parliament transferred the responsibility of making the change to the electors rather than shouldering it itself. Where Parliament transfers such responsibility to the electors, no special majority of members is needed to pass the legislation providing for the referendum, or even for provisions in the legislation for the contingent repeal or amendment of reserved provisions (the contingency being the carrying of the proposal at the referendum). For an electoral referendum to be binding, the proposal must spell out fully the details of the alternative system or systems under consideration.\(^7\)

A referendum on the voting system in November 1993 was structured in this way. It was authorised by special legislation that applied many of the provisions of the Electoral Act 1956 to its conduct\(^8\) and provided for the Chief Electoral Officer to declare whether the proposal was carried.\(^9\) The proposal submitted to electors was a choice between the existing first-past-the-post system of electing members of Parliament and the alternative mixed member proportional (MMP) system provided for under the contingent legislation.\(^10\) The contingent legislation, the Electoral Act 1993, repealed five of the six reserved provisions (excepting only the provision for a three-year term of Parliament) and altered at least two of them in the provisions that it substituted.\(^11\) Had the legislation that became the Electoral Act 1993 not been made subject to a binding electoral referendum, those provisions would clearly have been required to be passed by a 75 per cent majority of members.

The binding effect of the referendum was achieved by the enactment of a statutory trigger. The new electoral legislation was to be brought into force in stages, following the Chief Electoral Officer’s declaration that the proposal favouring the introduction of a mixed member proportional system had been carried.\(^12\) If the proposal had not been carried, the new legislation would have been automatically repealed.\(^13\) In the event, the proposal was carried and the legislation took effect accordingly.\(^14\)

**Non-binding referendums**

Four non-binding referendums on electoral matters have been held since 1967. Two of them related to the term of Parliament, and two related to the voting system.\(^15\)

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\(^{4}\) Electoral Act 1993, s 268(1).

\(^{5}\) Electoral Act 1993, s 268(2).


\(^{8}\) Electoral Referendum Act 1993, s 3.

\(^{9}\) Electoral Referendum Act 1993, s 19.

\(^{10}\) Electoral Referendum Act 1993, s 2(2) and Form 1.

\(^{11}\) The reserved provisions were previously contained in the Electoral Act 1956, s 189.

\(^{12}\) Electoral Act 1993, s 2(1), (2).

\(^{13}\) Electoral Act 1993, s 2(3).

\(^{14}\) (16 December 1993) 181 New Zealand Gazette 3753 at 3753–3754.

Because these matters are dealt with by reserved provisions, where changes to the law would have been required to implement the result of the referendum, it would have been necessary for Parliament to pass further legislation giving effect to the electorate’s wishes. In such a case it would have had to do so by a 75 per cent majority, notwithstanding the result of the poll, because it would be Parliament, not the elector, that was taking ultimate responsibility for making the change to the law.

The most recent example of a non-binding or indicative electoral referendum was provided for in the Electoral Referendum Act 2010. The referendum was held in conjunction with the 2011 election on two questions relating to the voting system. The first question asked whether New Zealand should keep the MMP system. The second question asked voters which of the four alternative systems they would choose, if New Zealand were to change to another voting system.16

The bill contained provisions for a review of the MMP system if 50 per cent or more of the votes cast on the first question were in favour of retaining it.17 Before the poll the Government announced its intention of holding a second legally binding referendum in conjunction with the 2014 election if a majority of electors voted to change the system.18

The result of the referendum was the retention of the current system.19 A review of the MMP system was completed by the Electoral Commission in 2012. (See pp 21–22.) Such non-binding referendums can now be held by postal vote under general legislation.20

CITIZENS INITIATED REFERENDUMS

A general legislative mechanism for citizens to initiate the holding of referendums came into force on 1 February 1994.21 It involves the collection of enough signatures to a petition supporting the holding of a referendum and the delivery of the petition to the Clerk of the House. If a petition attracts the support of not less than 10 per cent of all registered voters, a referendum must then be held.22 This form of statutory petition is quite different from the ordinary petitions that individuals and groups frequently address to the House, and nothing in the legislation affects the right to petition the House or the right of the House to deal with other kinds of petition.23 A petition that purports to be made under the legislation but has not followed the statutory procedure may be presented to the House and dealt with as an ordinary petition.24

The subjects of the five citizens-initiated referendums held to date under the legislation related to the employment of firefighters, the size of the membership of the House, the needs of victims in the justice system, whether smacking children should be a criminal offence, and the sale of certain State assets.

Scope of referendum

Any referendum held following the presentation of a referendum petition is indicative only.25 It cannot by itself effect any change to the law or bind any person;

16  Electoral Referendum Act 2010, s 8(1) and sch 1.
17  Electoral Referendum Act 2010, ss 74–78.
19  (10 December 2011) 190 New Zealand Gazette 5548.
22  Citizens Initiated Referenda Act 1993, ss 18(2) and 22.
it is intended to influence or persuade the Government, Parliament or some other constituency to implement or adopt the views it expresses. There are few restrictions on the subject matter with which a citizens initiated referendum may deal. Such a referendum petition cannot be about a disputed parliamentary election result or about a disputed result on an earlier citizens initiated referendum, nor can a petition that is to the like effect of a citizens initiated referendum held within the previous five years be accepted. With these limited restrictions, a citizens initiated referendum petition may be on any subject that is capable of a yes or no answer.

**Proposals for petitions**

A referendum petition cannot simply be circulated. To comply with the legislation it must go through a process of vetting and submissions designed to define the precise question to be offered to the judgment of the electors.

For this purpose any person wishing to promote a referendum petition must first submit a proposal for it to the Clerk of the House. The proposal must be accompanied by a draft of the petition and the fee payable, and give the name of the proposer, a New Zealand address where the proposer or the proposer’s representative can be contacted and the name of that representative.

A referendum petition can be promoted by a natural person (whether or not an elector) or a body of persons (whether corporate or unincorporate). There may be joint promoters. Where the proposer is not a natural person, the Clerk will need to be satisfied as to the proposer’s status, that it desires to promote a referendum petition and that the person claiming to represent it is authorised to do so. These matters can be established by a statutory declaration or by other sufficient proof being produced.

The prescribed fee that must accompany a referendum proposal is $604.10. This fee, which includes goods and services tax, is payable to the Clerk.

**Advertising of proposal**

If the Clerk is satisfied that the proposal is in order, its receipt is notified in the *Gazette*, such newspapers as the Clerk considers necessary (usually those circulating in the main centres), and on the Parliament website. Notice is retained on the website until the petition either succeeds or ultimately lapses. The status of the petition is updated as the steps in the process are completed.

The notice includes the wording of the question that the proposer wishes to put to voters in the referendum, and calls for submissions on this wording. At least 28 days must be allowed from the date of publication of the notice in the *Gazette* for people to make comments on the question. They do this by sending three copies of their submission to the Clerk. One copy of each submission received is sent to the proposer and one copy is made available at the office of the Clerk for inspection.

**Withdrawal or cancellation of a proposal or petition**

A proposal for a referendum petition and any referendum petition itself may be withdrawn at any time by the promoter. In either case this is done by giving written notice to the Clerk. If this is done before the Clerk has determined the precise question to be included in the referendum petition (and the petition is therefore still

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30 Citizens Initiated Referenda (Fees) Regulations 1993, reg 2.
31 Citizens Initiated Referenda (Fees) Regulations 1993, reg 3.
32 Citizens Initiated Referenda Act 1993, s 7(1), (2).
at the proposal stage), no determination of a question is made at all. Notice that
a petition has been withdrawn at this stage is given in the Gazette. If withdrawal
is effected after the question has been determined (and the proposal has become
a referendum petition), the Clerk is required both to notify the Governor-General
and to publish notice of the withdrawal in the Gazette. Withdrawal of a petition
may be effected at any time before the writs for the holding of a referendum on it
have been issued. In such a case no referendum is held.

If the promoter dies or (in the case of a corporation) is dissolved or put into
liquidation before the Clerk has determined the question on a proposal, no question
is determined. If there is more than one promoter, the death or dissolution of one
does not prevent the proposal proceeding. Once the question has been determined
and the proposal becomes a referendum petition, the death or dissolution of the
promoter does not automatically stop the process, although as there is no longer
anyone in a position to promote it, it will probably lapse in due course.

**Determination of question**

The Clerk must consult the proposer and may consult any other person in
determining the precise question to be included in the referendum petition. The Government departments most closely concerned with the subject matter of
the proposed referendum may be invited by the Clerk to comment. Cabinet has
acknowledged that it is appropriate for departments to give the Clerk technical
assistance in the task of finalising the wording of the question, without commenting
on the substantive merits of the proposal. Any comments received as a result of
this consultation are communicated to the proposer.

The Clerk, having taken account of the proposal, comments received on it,
the consultation engaged in and any other matters the Clerk considers relevant,
determines the precise question to be put to voters in the proposed referendum. For this purpose the practice has been to allow the promoter to comment on a
 provisionally determined question, before making the final determination. There
can be only one question to a referendum petition. That question, as determined
by the Clerk, must convey clearly the purpose and effect of the referendum and
ensure that one of only two answers may be given to it.

One of the reasons for the requirement that the Clerk determine the precise
question is to ensure that the result of any referendum provides meaningful
guidance to the Government and to Parliament as to the views of electors. But
the Clerk cannot, in the course of determining the terms of the question, turn
the proposal into something it does not purport to be. The proposed referendum
may relate to matters outside of Government activity. While the Clerk is obliged
to take reasonable steps to frame the question in a neutral way, the subject of the
proposal may not permit complete neutrality and the subject is always chosen by
the promoter.

The determination of the precise question must be made within three months
of receipt of the proposal. The precise question is finally determined when written

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35 Citizens Initiated Referenda Act 1993, s 22A(3).
36 Citizens Initiated Referenda Act 1993, s 22A(1), (2).
40 Citizens Initiated Referenda Act 1993, s 10(2).
41 Citizens Initiated Referenda Act 1993, s 11(1).
42 Citizens Initiated Referenda Act 1993, s 5(2).
43 Citizens Initiated Referenda Act 1993, s 10(1).
44 Egg Producers Federation of New Zealand v Clerk of the House of Representatives HC Wellington
45 Citizens Initiated Referenda Act 1993, s 11(2).
notice of it is given to the promoter and notice of the question is published in the Gazette and in the newspapers the Clerk considers necessary.

**Form for signatures**

As soon as practicable after determining the question, the Clerk must approve a form on which signatures to the petition are to be collected. For this purpose the Clerk may consult the Government Statistician and anyone else the Clerk thinks fit. The petition itself must ask that an indicative referendum be held and it must specify the question, as finally determined by the Clerk, to be put to voters. These details are incorporated into any form approved by the Clerk so that potential signatories know what they are being invited to sign. The form must provide spaces for the following details: the signature; the full name of the signatory; the signatory’s residential address; and the signatory’s date of birth. The forms normally make provision for 10 to 20 people to sign on each form.

When a form has been approved, notice of it is given to the proposer and published in the Gazette and newspapers. This will often be done along with the notice advising of the precise question to be put to voters. The notice (or notices if they are published separately) must set out the precise question and the name of the proposer. It must also identify the proposer as the person who has been approved to use the wording determined by the Clerk, as the person who will promote a referendum petition with that wording and as the person who is authorised to use the form that the Clerk has approved.

**Collecting signatures**

When, but not before, the promoter of a referendum petition has received notification from the Clerk of the precise question to be put to voters and of the approved form, the promoter may proceed to promote the petition and collect signatures. All signatures must be on the approved form, and will not count towards achieving the required number if they are not. It is the promoter’s responsibility to arrange the printing and circulation of forms as approved by the Clerk.

Signatories must state their full names and addresses alongside their signatures. They may add their dates of birth but do not have to (although this information can be useful for the checking of a sample of the signatures later on). Electronic signatures are not acceptable.

The promoter has 12 months from the date of publication in the Gazette of the precise question determined by the Clerk to collect signatures to the petition. The petition must be delivered to the Clerk within this time if it is to proceed. If it is not so delivered, it lapses. Those who are invited to sign by the promoter or by the promoter's agents are not being asked to endorse the policy outcome the promoter is seeking to achieve. The petition asks for a referendum to be held on a subject; it does not ask for support for any particular proposition. That is a matter to be addressed when the referendum is held, if that stage is ever reached.

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47 Citizens Initiated Referenda Act 1993, s 13(1)(b).
48 Citizens Initiated Referenda Act 1993, s 12.
49 Citizens Initiated Referenda Act 1993, s 5(1).
50 Citizens Initiated Referenda Act 1993, s 15(1).
51 Citizens Initiated Referenda Act 1993, s 13(1)(a)(ii), (b).
52 Citizens Initiated Referenda Act 1993, s 13(2).
54 Citizens Initiated Referenda Act 1993, s 15(1).
55 Electronic Transactions Act 2002, s 14 and Schedule (excluding Citizens Initiated Referenda Act from its application).
Expenditure in relation to a petition

No person (whether the promoter or not) may spend more than $50,000 on advertisements published or broadcast in relation to an indicative referendum petition, nor more than $50,000 on promoting one of the answers to the question to be posed in any referendum that is held on it.\(^{57}\)

Any person who commissions advertising promoting a referendum petition or supporting one side or the other in the referendum must file a return listing such advertising and its cost. This return must be made to the Electoral Commission within one month of the petition lapsing or of the result of the referendum being formally announced.\(^{58}\)

The Electoral Commission has no general power to publicise referendums, though it may be able to publicise a particular referendum whose subject matter falls within its area of responsibility.\(^{59}\) Information about a referendum is therefore likely to be propagated only by the promoter or by anyone opposing the promoter’s aims.

Scrutiny of petition

It is the Clerk’s duty to determine whether a referendum petition has been signed by not less than 10 per cent of eligible electors and if so that therefore a referendum will be held. An eligible elector is a person whose name appears on an electoral roll that is in force on the date on which the petition is delivered to the Clerk.\(^{60}\) Therefore, to be successful, something over 314,000 eligible electors (in 2014 terms) must have signed the petition. The Clerk asks the Electoral Commission to preserve the electoral roll as at the date that the petition is delivered for the purposes of scrutinising the petition.

Forms used

The promoter must deliver the referendum petition and pages containing signatures to the Clerk together at one time. After the delivery of the referendum petition to the Clerk no further pages or signatures may be added to it.\(^{61}\) Any sent to the Clerk after this time are returned to the promoter.

The Clerk is required to disregard any signature that is not on a form supplied by the promoter and formally approved previously by the Clerk. Such signatures do not count towards ascertaining the total number who have signed to the petition.\(^{62}\) Minor alterations to the approved form (such as a comment written by a signatory) do not disqualify the signatures. On the other hand, it is critical that people signing the form are aware of the precise question that has been approved, and any substantive alteration to this question by the promoter or a signatory will lead to the form being rejected. Where it can be presumed that the alteration to the question was made by a particular signatory, any earlier signatures (made when the question was unaltered) will not be disregarded.

Preliminary count of signatures

A preliminary count is undertaken of all the signatures on forms that have been approved. The fact that a signatory may not have added his or her full name and residential address to the form is irrelevant for this purpose. All signatures are included for the purposes of determining which signatures may be checked to ascertain how many eligible electors have signed the referendum petition.\(^{63}\)

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\(^{57}\) Citizens Initiated Referenda Act 1993, s 42.

\(^{58}\) Citizens Initiated Referenda Act 1993, s 43.


\(^{60}\) Citizens Initiated Referenda Act 1993, s 2.


\(^{62}\) Citizens Initiated Referenda Act 1993, s 16(1), (3).

\(^{63}\) Citizens Initiated Referenda Act 1993, s 15(2).
If, after this preliminary count, there are found to be fewer signatures than the number of eligible electors who would have been required to sign in order to force a referendum, the petition lapses and the Clerk notifies the promoter accordingly.64

**Checking a sample of signatures**

If the preliminary count reveals that there are enough signatures to suggest that at least 10 per cent of eligible electors may have signed, a sample of the signatures is checked to determine if this is in fact the case.

The sample to be checked is determined by the Clerk with the assistance of the Government Statistician. The sample to be taken must be such that it can confidently be regarded as providing an accurate estimate of the result that would be obtained if all of the signatures were checked.65 For the purpose of obtaining the sample to be checked, the number of signatures on each form is ascertained and individual signatures at predetermined positions on some of those forms are selected. The selected signatures are the ones to be checked against the electoral roll to determine if the signatory is an eligible elector. A relatively small number of the total number of signatures generally suffices to give a result that can be relied on with confidence. Where the result is likely to be close, a larger sample is taken to give greater comfort.

Having selected the sample, the Clerk gives the signature details to the Electoral Commission; they are checked against the electoral roll and the results of this check are reported back to the Clerk.66 Many of the signatories will not be found on the electoral roll, for example, because they are from people who are under 18 years of age or visiting New Zealand on holiday. Also, where signatories did not give their full names or residential addresses or date of birth, it may be impossible to establish that their signatures are those of eligible electors. The check of the sample will also reveal the extent to which persons have signed the petition twice or more.

**Determining if there are sufficient signatures**

The Clerk, again with the assistance of the Government Statistician, considers the results of this check and determines whether the petition has indeed been signed by at least 10 per cent of eligible electors.67 This consideration will involve making allowance for the number of ineligible persons who are likely to have signed the petition and for duplicate signatories. The Clerk must be satisfied that at least 10 per cent of eligible electors have signed.68 A public statement is issued when this matter has been decided.

**Resubmission of petition**

If the Clerk is not satisfied that the petition has been signed by 10 per cent of eligible electors, the petition is certified as having lapsed and is returned to the promoter.69 However, the promoter can resubmit it to the Clerk within two months for another check to be made.70 For this purpose the promoter may continue to gather signatures to the petition while it is being checked by the Clerk,71 and may also include with the resubmitted petition any signatures gathered before it was first delivered to the Clerk but not submitted at that time, or collected during the first checking process.

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64 Citizens Initiated Referenda Act 1993, s 16(2).
65 Citizens Initiated Referenda Act 1993, s 19(1).
66 Citizens Initiated Referenda Act 1993, s 19(2), (3).
67 Citizens Initiated Referenda Act 1993, s 19(4).
68 Citizens Initiated Referenda Act 1993, s 18(2).
69 Citizens Initiated Referenda Act 1993, s 18(1)(b).
70 Citizens Initiated Referenda Act 1993, s 20(2).
71 Citizens Initiated Referenda Act 1993, s 20(1).
The same procedure is followed in scrutinising a resubmitted petition as in its initial scrutiny. This is a completely new scrutiny, and no regard is had to the results of the first scrutiny in determining whether the petition, as resubmitted, has been signed by 10 per cent of eligible electors. The total number of eligible electors is taken as at the date on which the petition was first delivered to the Clerk, not at the resubmission date.

The Citizens Initiated Referenda Act does not currently contemplate a situation where analysis of the petition is inconclusive and it is not possible to determine with absolute certainty that the threshold of eligible signatories has been reached. In this event, it is likely that the Clerk would err on the side of deeming the petition successful, thereby allowing the electorate to have its say on the issue, if there was no further opportunity to resubmit the petition.

**Presentation of successful petition to the House**

If the Clerk is satisfied that a petition or resubmitted petition has been signed by at least 10 per cent of eligible electors, it is certified as correct and delivered to the Speaker. The Speaker, on receiving such a petition, must forthwith announce its receipt and present it to the House. The first successful citizens initiated petition was presented to the House on 30 May 1995. As it was a petition with its own statutory consequences, the House had no particular action to take in respect of the substantive issue. Nevertheless, like all petitions presented to the House, a referendum petition is classified by the Clerk and referred to the most appropriate select committee for consideration and report.

**Holding of the referendum**

The presentation of a successful referendum petition to the House leads to the holding of an indicative referendum on the question set out in the petition. The referendum may be conducted either by personal voting as employed at a general election or by postal voting.

The decisions on whether to use personal voting or postal voting and on the date for the referendum are made by the Government by Order in Council within one month of the presentation of the petition to the House.

**Date of the referendum**

Regardless of the method of holding the referendum it must, in principle, be held within 12 months of the date of the presentation of the petition to the House. More than one referendum may be held on the same day or during the same postal voting period.

Where a petition is presented within 12 months of the date by which a general election must be held, the Order in Council can itself fix the date of the election as the date for the referendum. Whether it does so or not, the House, by resolution, can in these circumstances require the referendum to be held on the same day as the general election or for the voting period for a postal vote for the referendum to close on polling day. If a writ for a general election is issued after an Order in Council is made appointing a date for a referendum, the order may be revoked and the date of the election appointed as the date of the referendum or the day on which the voting period for a postal vote for the referendum closes. Finally, the House

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72 Citizens Initiated Referenda Act 1993, s 18(1)(a).
73 Citizens Initiated Referenda Act 1993, s 21.
74 (1995) 547 NZPD 6841 (number of professional firefighters).
75 SO 370.
76 Citizens Initiated Referenda Act 1993, s 22(2).
77 Citizens Initiated Referenda Act 1993, ss 22AA(1) and 22AB(2).
78 Citizens Initiated Referenda Act 1993, s 55; Referenda (Postal Voting) Act 2000, s 79.
79 Citizens Initiated Referenda Act 1993, ss 22AA(5), (6) and 22AB(6), (7).
80 Citizens Initiated Referenda Act 1993, ss 22AA(7) and 22AB(8).
retains the right to postpone, but not cancel, a referendum. It can do this within 
three months of the presentation of the referendum petition by passing a resolution 
to that effect by a 75 per cent majority of all members. Such a resolution must go 
on to appoint a new date for the referendum that is between 12 and 24 months after 
the petition was presented.81

Conduct of the referendum
Where an indicative referendum is to be conducted by personal voting, the voting 
is largely carried out in the manner prescribed by the Electoral Act 1993 for the 
taking of an electoral poll.82 Regulations provide for some matters, such as the form 
of the voting paper.83

An indicative referendum may be conducted by postal voting under the 
Commissioner is the Returning Officer for the purposes of such a referendum.84 
The voting period for postal voting extends over three weeks ending at 7 pm on a 
Friday.85 The provisions of the Electoral Act 1993, as modified in their application 
to postal voting, are applied to the conduct of the referendum.86

The Electoral Commission notifies the results of a referendum conducted 
by personal voting in the Gazette and the Minister of Justice must, as soon as 
practicable, present these results to the House.87 Where there has been a postal 
vote the Returning Officer gives public notice of the result.88 Persons dissatisfied 
with the conduct of a referendum poll or of any person connected with it can apply 
to the High Court for an inquiry into its conduct within 20 working days of the 
declaration of the result.89

The voting papers used at a referendum (whether conducted by personal 
voting or postal voting) are disposed of in the same way as electoral ballot papers. 
They must be forwarded to the Clerk and kept for six months before they may be 
destroyed.90 The legislation requiring the preservation of public records does not 
apply to such papers.91

81 Citizens Initiated Referenda Act 1993, ss 22AA(3), (4) and 22AB(4), (5).
82 Citizens Initiated Referenda Act 1993, s 24.
84 Referenda (Postal Voting) Act 2000, s 8(1).
85 Referenda (Postal Voting) Act 2000, s 30(1), (2).
86 Citizens Initiated Referenda Act 1993, s 24A.
87 Citizens Initiated Referenda Act 1993, s 40(2), (3).
88 Citizens Initiated Referenda Act 1993, s 40AA(2); Referenda (Postal Voting) Act 2000, s 49.
89 Citizens Initiated Referenda Act 1993, ss 47–51G.
90 Citizens Initiated Referenda Act 1993, s 24 (applying, amongst other provisions, the Electoral Act 
1993, ss 187 and 189); Referenda (Postal Voting) Act 2000, s 50.
91 Public Records Act 2005, s 6(a), (b).