

Hon Kiri Allan
Minister of Justice

Proactive release – Electoral (Expenditure Limit) Order 2023 and Electoral Main Rolls Closing Order 2023

Date of issue: 25 May 2023

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

No.	Document	Comments
1	Orders in Council: Electoral (Expenditure Limit) Order 2023 and Electoral Main Rolls Closing Order 2023 <i>Cabinet paper</i>	Released in full.
2	Electoral (Expenditure Limit) Order 2023 and Electoral Main Rolls Closing Order 2023 <i>Attachments to Cabinet paper</i>	Note that the copies of the Orders provided to Ministers with this paper have been withheld in accordance with section 61 of the Legislation Act 2012 and section 9(2)(h) of the Official Information Act 1982 to maintain legal professional privilege. The legislative instruments are publicly available from www.legislation.govt.nz
3	Electoral (Expenditure Limit) Order 2023 and Electoral Main Rolls Closing Order 2023 <i>Cabinet Minute</i> <i>LEG-23-MIN-0064</i> Cabinet Office 18 May 2023	Released in full.

In Confidence

Office of the Minister of Justice

Chair, Cabinet Legislation Committee

Order in Council: Electoral (Expenditure Limit) Order 2023 and Electoral Main Rolls Closing Order 2023

Proposal

- 1 I recommend that the Cabinet Legislation Committee approve the following Orders for submission to the Executive Council:
 - 1.1 The Electoral (Expenditure Limit) Order 2023; and
 - 1.2 The Electoral Main Rolls Closing Order 2023.

Electoral (Expenditure Limit) Order 2023

- 2 The Electoral (Expenditure Limit) Order adjusts certain electoral expenditure limits to reflect movement in the Consumers Price Index All Groups ('the CPI').
- 3 Section 266A of the Act requires that certain electoral expenditure limits are adjusted annually to account for inflation. This must be done by an Order in Council coming into force on 1 July each year.
- 4 The Order does not involve any new policy decisions. The Act provides that the expenditure limits below must be adjusted annually to reflect the CPI movement between the quarter ending 31 March of the previous year and the quarter ending 31 March of the current year. The limits to be adjusted are the limits on what promoters (registered and unregistered), candidates and parties can spend on election expenses, and include GST.
- 5 The CPI increased by 6.7% from 31 March 2022 to 31 March 2023.
- 6 The table below shows the current expenditure limits and the inflation-adjusted expenditure limits that will be set by this Order, coming into force on 1 July 2023. All figures have been rounded in accordance with the Act.
- 7 These adjusted limits will apply to any election, or by-election, with a regulated period beginning between 1 July 2023 and 30 June 2024. The new limits will therefore apply to the upcoming regulated period for the 2023 General Election, which begins on 14 July 2023.

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Table 1: Change to expenditure limits 2023

Section reference	Description of expenditure limit	Current limit (rounded) ¹	New limit (rounded) that applies from 1 July 2023 ²
204B(1)(d)	Maximum amount of advertising expenses that may be incurred by an unregistered promoter	\$14,700 (rounded up from \$14,660)	\$15,700 (rounded up from \$15,636)
205C(1)(a)	Maximum amount of a candidate's total election expenses at a general election	\$30,600 (rounded up from \$30,542)	\$32,600 (rounded up from \$32,575)
205C(1)(b)	Maximum amount of a candidate's total election expenses at a by-election	\$61,100 (rounded up from \$61,084)	\$65,200 (rounded up from \$65,149)
206C(1)(a)	Maximum amount of a party's election expenses for a party listed in the part of the ballot paper that relates to the party vote	\$1,301,000 (rounded up from \$1,300,531)	\$1,388,000 (rounded up from \$1,387,081)
206C(1)(b)	Maximum amount of a party's election expenses for each electoral district contested by a candidate for a party listed in the part of the ballot paper that relates to the party vote	\$30,600 (rounded up from \$30,542)	\$32,600 (rounded up from \$32,575)
206C(2)	Maximum amount of a party's total election expenses for each electoral district contested by a candidate for a party not listed in the part of the ballot paper that relates to the party vote	\$30,600 (rounded up from \$30,542)	\$32,600 (rounded up from \$32,575)
206V	Maximum amount of a registered promoter's election expenses	\$367,000 (rounded up from \$366,515)	\$391,000 (rounded up from \$390,907)

Electoral Main Rolls Closing Order

- 8 Section 104 of the Electoral Act 1993 provides for the printing of the main rolls containing the names of electors registered as at the date fixed for the closing of the main rolls. In an election year an Order in Council is required to fix this closing date. This is a statutory requirement and does not involve any new policy decisions
- 9 The closing date fixed by the proposed Order is Sunday 10 September 2023. The Electoral Commission advises that this is the appropriate date given the decision to hold the General Election on Saturday 14 October 2023. This will enable the inclusion of enrolment details while ensuring sufficient time after closing for printing, inspection and public scrutiny prior to Election Day.

¹ The Act provides that if, after adjustment, any amounts is not a whole number of hundred dollars or thousand dollars, the adjusted amount must be rounded up to the next whole hundred dollars (Sections 204B(1)(d), 205C(1)(a) and (b), and 206C(1)(b) and (2)) or thousand (Sections 206C(1)(a) and 206V).

² The Act provides that, if an expenditure limit has been rounded up in accordance with the Act, the adjustment to that expenditure limit made the following year must be based on the unrounded figure.

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- 10 The closing of the main rolls is a procedural requirement of the Electoral Act. While the Order closes the roll for the purposes of printing and inspection, electors can still enrol and update their information until midnight on Election Day.

Timing and 28-day rule

- 11 The Electoral (Expenditure Limit) Order will come into effect on 1 July 2023. No waiver of the 28-day rule is sought.
- 12 The Electoral Main Rolls Closing Order in Council will come into effect 28 days after assent. It will apply to the General Election scheduled for 14 October 2023. No waiver of the 28-day rule is sought.

Compliance

- 13 The Electoral (Expenditure Limit) Order and Electoral Main Rolls Closing Order 2023 complies with the following:
- 13.1 the principles of the Treaty of Waitangi;
 - 13.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 13.3 the principles and guidelines set out in the Privacy Act 2020;
 - 13.4 relevant international standards and obligations; and
 - 13.5 the Legislation Guidelines.

Regulations Review Committee

- 14 There are no grounds on which the Regulations Review Committee should draw both Orders to the special attention of the House in accordance with Standing Order 327.

Certification by Parliamentary Counsel

- 15 Parliamentary Counsel has certified that both Order's in Council as being in order for submission to the Executive Council.

Regulatory Impact Analysis

- 16 Treasury's Regulatory Impact Analysis team has determined that adjustments to the electoral expenditure limits to reflect movement in the CPI is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the government has limited statutory decision-making discretion for the content of proposed legislation.
- 17 Treasury's Regulatory Impact Analysis team has determined that the proposal to fix the date for the closing of the main electoral rolls is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the government has limited statutory decision-making discretion for the content of proposed legislation.

Publicity

- 18 The Electoral Main Rolls Closing Order 2023 and the Electoral (Expenditure Limit) Order 2023 will be published in the Gazette.

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- 19 The Electoral (Expenditure Limit) Order 2023 will be publicised by the Electoral Commission in regular updates to party secretaries, candidates and third parties, and through its website.

Proactive release

- 20 I will proactively release this paper in accordance with Cabinet Office Circular CO (18) 4.

Consultation

- 21 The Treasury, the Electoral Commission and Statistics New Zealand have been consulted on this paper.

Recommendations

- 22 I recommend that the Cabinet Legislation Committee:

Electoral (Expenditure Limit) Order 2023

1. **note** the Electoral (Expenditure Limit) Order 2023 gives effect to the provisions of section 266A of the Electoral Act 1993 by adjusting electoral expenditure limits as follows (all figures are inclusive of GST):
 - 1.1 the maximum amount of advertising expenses that may be incurred by an unregistered promoter from \$14,700 to \$15,700;
 - 1.2 the maximum amount of a candidate's total election expenses at a general election from \$30,600 to \$32,600;
 - 1.3 the maximum amount of a candidate's total election expenses at a by-election from \$61,100 to \$65,200;
 - 1.4 the maximum amount of a party's election expenses from \$1,301,000 to \$1,388,000 for a party listed in the part of a ballot paper that relates to the party vote;
 - 1.5 the maximum amount of a party's election expenses for each electoral district contested by a candidate for the party from \$30,600 to \$32,600 for a party listed in the part of a ballot paper that relates to the party vote;
 - 1.6 the maximum amount of a party's total election expenses for each electoral district contested by a candidate for the party from \$30,600 to \$32,600 for a party not listed in the part of the ballot paper that relates to the party vote;
 - 1.7 the maximum amount of a registered promoter's election expenses from \$367,000 to \$391,000;
2. **note** that the Electoral (Expenditure Limit) Order 2023 comes into force on 1 July 2023, and will apply to an election with a regulated period beginning after this date;
3. **authorise** the submission to the Executive Council of the Electoral (Expenditure Limit) Order 2023;

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Electoral Main Rolls Closing Order 2023

4. **note** that the Electoral Main Rolls Closing Order enables the main rolls to be printed and published as at the closing date of 10 September 2023, for the General Election scheduled for 14 October 2023;
5. **authorise** the submission to the Executive Council of the Electoral Main Rolls Closing Order 2023.

Authorised for lodgement

Hon Kiri Allan
Minister for Justice

Attached: Electoral (Expenditure Limit) Order 2023
Electoral Main Rolls Closing Order 2023

I N C O N F I D E N C E



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Electoral (Expenditure Limits) Order 2023 and Electoral Main Rolls Closing Order 2023

Portfolio Justice

On 18 May 2023, the Cabinet Legislation Committee:

- 1 **noted** that the Electoral (Expenditure Limit) Order 2023 gives effect to the provisions of section 266A of the Electoral Act 1993 by adjusting electoral expenditure limits as follows (all figures are inclusive of GST):
 - 1.1 the maximum amount of advertising expenses that may be incurred by an unregistered promoter from \$14,700 to \$15,700;
 - 1.2 the maximum amount of a candidate's total election expenses at a general election from \$30,600 to \$32,600;
 - 1.3 the maximum amount of a candidate's total election expenses at a by-election from \$61,100 to \$65,200;
 - 1.4 the maximum amount of a party's election expenses from \$1,301,000 to \$1,388,000 for a party listed in the part of a ballot paper that relates to the party vote;
 - 1.5 the maximum amount of a party's election expenses for each electoral district contested by a candidate for the party from \$30,600 to \$32,600 for a party listed in the part of a ballot paper that relates to the party vote;
 - 1.6 the maximum amount of a party's total election expenses for each electoral district contested by a candidate for the party from \$30,600 to \$32,600 for a party not listed in the part of the ballot paper that relates to the party vote;
 - 1.7 the maximum amount of a registered promoter's election expenses from \$367,000 to \$391,000;
- 2 **noted** that the Electoral (Expenditure Limit) Order 2023 comes into force on 1 July 2023, and will apply to any election with a regulated period beginning after this date;
- 3 **authorised** the submission to the Executive Council of the Electoral (Expenditure Limit) Order 2023 [PCO 25527/2.0];

Electoral Main Rolls Closing Order 2023

- 4 **noted** that the Electoral Main Rolls Closing Order enables the main rolls to be printed and published as at the closing date of 10 September 2023, for the General Election scheduled for 14 October 2023;
- 5 **authorised** the submission to the Executive Council of the Electoral Main Rolls Closing Order 2023 [PCO 25528/2.0].

Rebecca Davies
Committee Secretary

Present:

Hon Kiri Allan
Hon Andrew Little (Chair)
Hon David Parker
Hon Kieran McAnulty
Hon Barbara Edmonds
Hon Willow-Jean Prime
Hon Dr Duncan Webb
Hon Rachel Brooking
Hon Jo Luxton
Tangi Utikere, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG