

7 November 2023

Section 9(2)(a)

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Our ref: OIA 107708

Tēnā koe Section 9(2)(a)

Official Information Act request: Identification for voting

Thank you for your email of 10 October 2023 requesting, under the Official Information Act 1989 (the Act), about voter identification. Specifically, you requested:

“... any policy advice and/or reasoning for not requiring legal identification for voting in the general election.”

The document table below details the information being released to you. Information that is publicly available has been refused under section 18(d) of the Act.

You may also be interested in the reports tabled by the Justice and Electoral Committee following its triennial inquiries into the 2014 and 2017 General Election. These can be found on the Parliamentary website: www.parliament.nz. In addition, the Independent Electoral Review has also considered the issue of voter identification in its interim report (see page 157), which can be found on its website at: electoralreview.govt.nz

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Kathy Brightwell
General Manager, Civil and Constitutional

Documents in scope of your request

No.	Date	Document type	Title	Decision on release
1.	2005	Correspondence	International Requirements for Identification for Enrolment and Voting	Released in full
2.	2012	Summary of submissions (see page 10)	Justice and Electoral Committee Inquiry into the 2011 General Election	Released in full
3.	2012	Memorandum	Voter Identification	Released in full
4.	2015	Analysis of submissions (see page 16)	Justice and Electoral Committee Inquiry into the 2014 General Election	Refused under section 18(d), found at: https://www.parliament.nz/resource/en-NZ/51SCJE_ADV_00DBSCH_INQ_59471_1_A443961/99a328e2a735d6eb88c84fe34f40919b9b6e3cec
5.	2019	Analysis of submissions (see page 18)	Justice Committee Inquiry into the 2017 General Election	Refused under section 18(d), found at: https://www.parliament.nz/en/pb/sc/submissions-and-advice/document/52SCJU_ADV_78888_JU67817/ministry-of-justice-and-electoral-commission-analysis

DRAFT – NOT PRESENTED

Lynne Pillay
Chair
Justice and Electoral Select Committee
PARLIAMENT BUILDINGS

INTERNATIONAL REQUIREMENTS FOR IDENTIFICATION FOR ENROLMENT AND VOTING

1. The Committee has asked for information about voter identification requirements for enrolment and voting in New Zealand and other jurisdictions. Some members of the Committee are concerned that some voters, particularly from within the new immigrant community, are enrolling when ineligible or voting on behalf of others and have suggested that these concerns might be addressed by introducing voter identification requirements for enrolment and voting in New Zealand.

Summary

2. New Zealand has a highly accessible Parliamentary electoral system, a high level of public trust and confidence in the integrity of that system, and comparatively high levels of voter enrolment and turnout.
3. One feature of New Zealand's system, which contributes to its accessibility, is that voters are not required to produce identification when enrolling or voting. Whilst it is easy to enrol, the electoral roll is highly accurate and this has been demonstrated by independent audits. Whilst it is easy to vote, the voting process is based on a highly accurate roll, is conducted in public under the supervision of officials and scrutineers, and is conducted within a culture of comparatively high political tolerance and low corruption.
4. Overseas jurisdictions that have voter identification requirements for enrolment or voting are typically democracies with a history and public acceptance of national identity cards, democracies with low confidence in the accuracy of their electoral rolls, new democracies, or democracies with comparatively low levels of political trust and high levels of corruption.
5. Requiring voters to produce identification, particularly photo identification, when enrolling and voting would make it harder for them to participate in Parliamentary elections. It would reduce compliance with the requirement to enrol. It would increase the time taken to issue votes in polling places. Polling place staff would have to turn voters without identification away and would have to judge whether identification produced was adequate.
6. As we understand it, the Committee is concerned with the small proportion of voters who are new to New Zealand and their level of understanding of our voting system and the

culture within which it operates. This is a legitimate concern and one which electoral officials intend to address through an education campaign targeted at that community. In the view of officials, at this point the answer is not to make it harder for all voters to enrol and vote. Any change to voter identification requirements would require legislation.

Current Context - Voter Identification Provisions in New Zealand

Enrolment

7. In New Zealand, there are no requirements to present identification to register on the electoral roll. The process is simple and involves filling out and then signing a prescribed application form. In signing this form the elector is making a declaration that the information they have provided is correct.
8. The electoral roll in New Zealand is highly accurate. An independent enrolment accuracy research survey commissioned by the Electoral Enrolment Centre (EEC) estimated that as at Writ Day (17 August 2005) 98.4% of electors were correctly enrolled at the address they were living. The research results are subject to a maximum margin of error of +/- 0.9%.
9. The EEC is unaware of any other overseas jurisdiction that performs accuracy checks on their electoral rolls.
10. The EEC undertakes a number of processes to achieve this high level of accuracy in the electoral roll. These processes include proactively encouraging electors to update their details, address matching with New Zealand Post, computerised duplicate enrolment checks, independent audits and datamatching exercises.
11. For example, on 24 May 2005, a datamatching exercise was undertaken by the EEC with information supplied by the Secretary of Labour. 243,869 names were supplied by the Department and 2,325 potentially ineligible electors were identified. Objection letters were sent to these electors and as a result 2,293 people were removed from the electoral roll. Thirty-two electors provided sufficient evidence to remain on the roll.
12. An overview of all the processes undertaken by the EEC to ensure accuracy is outlined at Appendix 1.

Voting

13. In New Zealand, there are no requirements to present identification when casting a vote.
14. The majority of votes are cast in a polling place in the voter's community under the supervision of electoral officials and scrutineers who are able to question a person's right to vote.
15. Under section 166 of the Electoral Act before allowing any person to vote the issuing officer may put to that person the following questions:
 - a. Are you the person whose name appears as A B in the electoral roll now in force for the [Name of district] Electoral District?
 - b. Have you already voted at this election in this or any other electoral district?

A scrutineer may also request the issuing officer to question the voter. These questions must be answered in writing and signed by the voter.

Special Voting

16. When casting a special vote in a polling place on election day voters are required to complete and sign a declaration that must be witnessed and signed by the issuing officer. Each special vote is validated by the Returning Officer during the Official Count.
17. Voters who cast a special vote away from a polling place are required to complete and sign a declaration that must be signed by a witness. The witness can be;
 - a. a person authorised to take a statutory declaration; or
 - b. a person approved by the Returning Officer; or
 - c. a relative, or member of the household, of the special voter; or
 - d. a registered New Zealand elector.The witness must state their full name and residential address on the declaration.

Scrutiny of the Roll after polling day

18. Following election day, each Returning Officer undertakes a manual scrutiny of the electoral rolls used in the electorate in order to create a complete record of all the people who voted in that electorate. This is made available for public inspection after the election at the office of the Registrar of Electors.

Voter Identification Requirements of Selected Overseas Jurisdictions

19. As requested, we have obtained information on the voter identification requirements of Australia, Canada, the United States, the United Kingdom, Ireland, India and Taiwan. The results of this investigation are at Appendix 2.
20. Jurisdictions with identification requirements for enrolment and voting are characteristically democracies where the presentation of official identification is accepted as a cultural norm.
21. Identification is also required in jurisdictions where there is low confidence in the accuracy of the electoral roll, as in India and Ireland.
22. New Zealand has a comparatively high level of transparency in its administration and our electoral system reflects this. Other countries with lower levels of political trust and high levels of corruption require more stringent proof of identification from their constituents to ensure the integrity of their electoral administration.

Previous Considerations

23. In its Report on the 2005 Enrolment Inquiry and General Election Campaign to the Select Committee, the EEC reviewed the possible implications of the provision of proof of identity for enrolment outlined in the Electoral Law Select Committee's inquiry into the 1993 General Election.
24. The committee concluded that the requirement to provide documentary proof of eligibility to enrol would act as a deterrent to enrolment and would also involve additional time and

resources to check and process applications. The committee also agreed that the anecdotal evidence of fictitious enrolments was not at a level serious enough to warrant a change to the enrolment procedures and the possibility of presenting a deterrent to enrolment.

25. The committee also examined a number of alternatives to requiring documentary proof to enrol. These included amendments to the current form to require additional information and a provision for enrolments to be witnessed and signed by another elector, as in Australia. These amendments have implications for the size, printing, postage and storage of enrolment forms and additional complexity and the requirement for the form to be witnessed could act as a deterrent to enrolment.
26. The EEC believes that nothing material has changed since the committee considered the matter in 1994.

Impact of Introduction of Voter Identification Requirements

27. The Electoral Enrolment Centre and the Chief Electoral Office agree that there a number of possible implications of imposing more stringent voter identification requirements to enrol or vote that would reduce compliance and participation in the electoral process.
28. The Chief Electoral Office has concerns about the possible impact of identification requirements for voting. The requirement for voters to present identification at a polling place would delay the issuing process. The Chief Electoral Office is also concerned with the possibility that voters would have to be turned away from the polling place if they could not present adequate identification. Issuing officers would be placed in the difficult position of making a judgement that the photo likeness presented by the voter is adequate. This would incur further delays at the issuing point and increased likelihood that some voters would not be able to cast their vote.
29. The Chief Electoral Office believes that the requirement for voters to show identification will have a negative influence on voter's experiences at the polling place. Currently, the majority of voters are satisfied with the service they receive at the polling place. The results of the independent market research conducted for the Chief Electoral Office following the 2005 general election found that 97% of voters did not experience any problems at the polling place and 98% of voters considered the amount of time they spent in the polling place was reasonable.
30. The requirement to present a form of photo identification such as a passport or a Driver's Licence would disenfranchise some voters, particularly those who do not possess appropriate forms of identification. Voters with disabilities or young people who may not have a Driver's Licence or passport would have to supply alternative documentation and this would create an extra barrier to participation. Youth enrolment is already low compared to other age groups with only 79.01% of 18-24 year olds on the roll.

Conclusions

31. New Zealand has a highly accessible Parliamentary electoral system and there is a high level of public trust and integrity in this system. New Zealand has high levels of voter enrolment and turnout compared to overseas jurisdictions.
32. The Chief Electoral Office and the Electoral Enrolment Centre believe that increasing identification requirements would act as a deterrent to enrolment and voting. Identification requirements would increase the amount of time voters spend in a polling place and voters without identification would be turned away and unable to cast their vote.
33. Officials consider that the best approach to addressing concerns about new immigrants enrolling and voting on behalf of others is to educate those voters about the New Zealand electoral process.
34. The introduction of identification provisions would require legislative changes.

Appendix 1: Processes Undertaken by the Electoral Enrolment Centre to Ensure Accuracy of the Electoral Rolls

<p>Enrolment Forms</p>	<p>Enrolment forms are available for eligible electors (new enrolments or update to details) to complete and return from;</p> <ul style="list-style-type: none"> – PostShops – Elections website www.elections.org.nz – 0800 freephone service – Freetext service – Display points (e.g. Citizens Advice Bureaux offices, public libraries, local council offices, etc).
<p>Brochures</p>	<p>The following brochures are available for electors to obtain additional information about enrolment;</p> <ul style="list-style-type: none"> – ‘Everything you need to know about enrolling to vote’ – ‘Enrolling to vote before you’re 18’ – ‘Everything you need to know about the Unpublished Electoral Roll’ – ‘Enrolling to vote as a New Zealand Māori’ <p>Included in each brochure is a flier to send in to request an enrolment form to be sent to the elector.</p>
<p>Face to face enrolment encouragement</p>	<p>Face to face enrolment encouragement and enrolment update is undertaken via;</p> <ul style="list-style-type: none"> – Local contractors using walklists, and door-knocking – Attendance at youth/careers expos, shows (e.g. Easter Show, Ellerslie Flower Show), etc. At these events the EEC have Registrars of Electors available to encourage people to enrol or to update their details if required. – Registrars of Electors visit rest-homes, prisons, schools, and tertiary and private training education institutions to obtain enrolment. These places are also visited close to roll closure times for major electoral events to ensure the information is accurate. – National enrolment encouragement campaigns (especially during Māori Electoral Option and General Election updates).

Face to face enrolment encouragement	<ul style="list-style-type: none"> Addresses that have no-one enrolled for a period of 3 months or more are placed on a walklist. This results in an enrolment encouragement person door-knocking at the address and providing the person with enrolment forms to complete if they are eligible to be enrolled.
Enrolment update campaigns	<p>Enrolment update campaigns are undertaken as part of the following:</p> <ul style="list-style-type: none"> Local council and district health boards enrolment inquiry Maori Electoral Option General election enrolment inquiry <p>Each of the above exercises commences with a mailout to all currently enrolled electors. Electors return their forms to update any of their enrolment details. All forms returned to Registrars of Electors as undeliverable result in the elector being removed from the roll and they need to re-enrol to update their details.</p>
Comprehensive multi-media integrated advertising campaigns	All major campaigns are supported by television, radio, press, etc advertising to ensure those that did not receive the update form in the mail due to either their non enrolment or failure to update their details when they have moved are provided with the opportunity to enrol or to re-enrol.
Reply paid envelopes	On the back of enrolment reply envelopes is space to advise the name and address of friends and whanau who are either not enrolled or who need to update their details. When these forms are received an enrolment form and reply envelope is sent to the person to complete.
Confirmation of enrolment letters	When a person enrolls or updates their details a letter of confirmation is sent to them. Included in the letter is space for the person to update their details should they change.
Returned undeliverable mail	Returned mail results in electors being placed on Dormant roll. Electors remain on the Dormant roll until they re-enrol or for 3 years.

Mail Redirection Requests	Electors complete Mail Redirection Requests at New Zealand Post outlets, or advise their details online at 'Changemyaddress.com', when they move residence. A copy of the information is provided to the local Registrar of Electors who commences the process of updating elector details or to enrol them if they are not currently enrolled.
New Zealand Post	Posties and Rural Delivery contractors provide feedback to Registrars of Electors on address and elector issues (e.g. whether the elector is still living at an address and whether the address provided by the elector is correct). Address matching with New Zealand Post is undertaken to ensure all electors addresses are legitimate.
Advice of intended marriage or Civil Union	As part of the application for a marriage/Civil Union license a form is included which the electors complete and return to the Registrars of Electors advising the date of their intended marriage/Civil Union and any change of personal details. From this Registrars of Electors can commence the process of updating the electors details.
Change of name by statutory declaration/deed poll	The Registrar General of Births, Deaths and Marriages provides a list of all people who have changed their names by statutory declaration/deed poll allowing Registrars of Electors to commence the process of enrolling or updating the electors details.
Advice of death	The Registrar General of Births, Deaths and Marriages provides details of deaths that are registered to allow the registrars to remove these people from the roll.
Registrars of Electors	Registrars of Electors; <ul style="list-style-type: none"> – are trained to ensure validity of forms before being accepted, – telephone electors to verify details and to QA forms received by them, – signature check new enrolment forms against old enrolment forms for an elector,

	<ul style="list-style-type: none"> – write to addresses where no-one currently enrolled, – undertaken possible duplicate checking, – undertake education programmes amongst high risk groups (e.g. youth), and – employ specialist enrolment encouragement staff to support them in targeting low enrolment areas.
Datamatching	<p>Datamatching exercises are undertaken with specified Government departments;</p> <ul style="list-style-type: none"> – Department of Labour (immigration match) An annual match is undertaken to ensure that people who are in New Zealand illegally, on an temporary visa, or otherwise not eligible to be enrolled who have enrolled are removed from the roll. The EEC is currently in discussions with DOL to get this information more regularly and electronically so matches can be undertaken more frequently. – Ministry of Social Development (beneficiaries and student loan databases) – Land Transport New Zealand (Driver licensing) – Ministry of Transport (Motor vehicle licensing) – Department of Internal Affairs (new citizens) <p>Twice a year matches are undertaken to provide people who qualify to be enrolled and who are either not enrolled or who need to update their details the opportunity to do so.</p>
Exception reporting	<p>Computerised duplicate enrolment exception reporting (e.g. same date of birth and same address, same names) assists in ensuring people are only enrolled once. A number of exception reports are produced daily to assist registrars in ensuring their rolls are accurate</p>
Compliance checks/audits	<ul style="list-style-type: none"> – Regular audits of systems, procedures and accuracy of rolls are undertaken by the EEC. – Regular training of Registrars of Electors to ensure high level of compliance and accuracy in form processing.
Systems edits	<p>Systems edits allows enrolment at valid addresses and data only.</p>

Electoral rolls and Habitation indexes	Printed annually and placed on display for people to check. In general election years they are printed twice – once for checking at the end of the update campaign, and again for use on polling day.
Challenge of elector's eligibility to be enrolled	<ul style="list-style-type: none"> – Section 95 of the Electoral Act 1993 allows any registered elector to challenge the right of any other registered elector to be enrolled if they believe the elector is ineligible to be enrolled. – Section 96 of the Electoral Act 1993 allows the Registrar of Electors for an electoral district to challenge the enrolment of an elector if they believe the enrolment to be incorrect.
Lists of electors	Provided to political parties and candidates to assist political parties with mailouts and candidates with canvassing.
Roll type changes	<ul style="list-style-type: none"> – Controls in place to stop people changing roll types outside designated Māori Electoral Option periods. – Controls in place to stop people changing roll type more than once during designated Māori Electoral Option period.
Independently sampled roll	Roll accuracy improved from 98.2% in 2002 to 98.4% in 2005 (source: Research NZ).

Source: *Electoral Enrolment Centre*

Appendix 2: Comparison of Voter Identification Requirements of Selected Overseas Jurisdictions

Countries	ID Required to Register	ID Required to Vote	% Enrolled (of voting age population) ¹	Turnout at Last Election (of registered voters) ²	Country Rank on Corruption Perceptions Index 2005 ³	Comments
New Zealand	No	No	95.2 (2005)	80.1% (2005)	2	
United Kingdom	No	No	96.9 (2001)	61% (2005)	11	Northern Ireland - national ID number required to enrol, photo ID required to vote.
Australia	Yes	No	85.9 (1998)	94.57% (2004)	9	Enrolment form must be witnessed by another elector.
Canada	Yes	No	89.3 (2000)	64.9% (2006)	14	Enrolments maintained automatically through National Register of Electors. If registering during an election ID is required. Proof of identity required for application for Special Ballot.
Republic of Ireland	No	Yes	100.9 (1997)	62.57% (2002)	19	To change address on the Register of Electors a form must be provided with verified proof of identity. At polling place, voter may be asked for ID. Without ID they may not be able to vote.
United States	Yes	Varies between states	73.1 (2000)	70.4% (2004)	17	ID number required for enrolment (Social Security or Driver's Licence), varies between states.
India	No	Yes	100.9 (1999)	57.75% (2004)	88	Photo ID required to vote.
Taiwan	No	Yes	98.5	80.28%	32	Electors over 20 are automatically registered to

¹ Source: *International Institute for Democracy and Electoral Assistance*

² Source: *IFES Election Guide*

³ Source: *Transparency International*

			(1996)	(2004)		vote, ID card with fingerprint required to vote.
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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



MINISTRY OF
JUSTICE
Tāhū o te Ture

Summary of Submissions

Justice and Electoral Committee Inquiry into the
2011 General Election

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Introduction

1. Forty-nine submissions were received by the Justice and Electoral Committee. The Report of the Electoral Commission on the 2011 General Election and Referendum, and the Electoral Enrolment Centre's Report on the Enrolment Programme for the 2011 General Election and Referendum, have not been counted as formal submissions but have been included in this summary of submissions.
2. Sixteen submitters were heard by the Committee, as well as the Electoral Commission and the Electoral Enrolment Centre.
3. At various points in this report, the Electoral Commission has provided separate and independent comment.

General Themes

4. In light of the Justice and Electoral Committee's broad terms of reference, the submissions covered a range of topics.
5. Voter turnout was commented on by 10 submitters with a range of views on the reasons behind the low turnout. On a related point, nine submitters supported the introduction of civics education in schools or for new immigrants.
6. Eleven submitters commented on the referendum, with most submitters focussing on the information campaign. Submitters were concerned with the length of the campaign, the level of detail provided, and the reliance on the internet to disseminate the information.
7. Eight submitters mentioned electronic voting or enrolment. There was mixed support for electronic voting with some submitters considering it a way to address low youth turnout, whilst others were cautious about the technology and the risk of undermining confidence in the electoral system.
8. Election advertising rules were a common topic, with views expressed on the broadcasting rules, election day rules, advance voting, and scrutineers wearing rosettes.
9. Many of the submitters and the Electoral Commission's recommendations suggest updating and improving the Electoral Act 1993. Key areas of suggested improvements relate to enabling the use of technological advances, providing certainty for electors and electoral participants, and reduced compliance costs for electoral participants and electoral agencies.

Voter turnout

10. Ten submitters commented on turnout levels. A range of explanations were provided for the low turnout.
11. Professor Jack Vowles noted that turnout was low by New Zealand standards and in the context of international comparison with countries of similar population and democratic history. His time series model of New Zealand elections demonstrates that close elections at which the two major parties pose clear policy alternatives enhance turnout, while elections where the outcome is not in doubt and where party policies closely converge produce low turnout.
12. Professor Vowles submitted that reversal of the declining turnout is not impossible and could be affected by: more consistent and stronger policy differences between the parties on the left-right dimension; more activity by political parties in local communities to mobilise people to vote; more opportunities and support for public education about political matters. Professor Vowles indicated that internet voting and more efforts to improve coverage of the electoral roll would have limited payoffs in affecting voter turnout.
13. Professor Vowles also stated that New Zealand research confirms the international evidence that habit is an important predictor of voting and not voting. Once the habit of not voting is established, turnout decline is hard to stop in the absence of a major intervention such as the adoption of compulsory voting. Professor Vowles submitted that contrary to research findings elsewhere, the New Zealand data does not indicate the habit of voting is entirely established over the first three elections - the evidence suggests that it can be gained and lost through the life-cycle.
14. Professor Vowles advocated for more research and more funding of research with the goal of finding ways to enhance the 'habit of voting'. He notes that 'intermittent voters' are more likely to respond but are harder to identify – research should focus on this problem.
15. Andrew Sheldon stated that the low turnout was due to apathy, whilst Ben Dowdle submitted that the low turnout was not a signal of apathy but that the education system is failing. Paul Lunberg submitted that the low turnout was due to indifference and being disconnected from the process, as a result of the failure to teach students fundamental civics.
16. Sharyn Black submitted that responsibility for low turnout lies with political parties. Paul Tipping stated that it is the duty of political parties to enthuse people. Margaret Ingram felt that the Inquiry needed to focus on why people feel they cannot make a difference and do not know enough to make an informed decision.
17. Alan McRobie recommended that the Electoral Commission be funded to undertake a research project to identify why people choose not to vote. Targeted programmes could then be developed to encourage those people to vote. Paul

Lunberg also supported understanding which groups had low turnout and targeted advertising for those groups. Hugh Hughes submitted that it was necessary to understand the long standing historic roots of low turnout to be able to correct it.

18. Toni Millar recommended advertising should cover enrolling, the fact an election is about to occur, the history and facts of voting, and what voting can effect and affect to address the low turnout.
19. Scott Anderson submitted that non-partisan incentives to vote should be allowed, for example, fuel vouchers. Mr Anderson noted that this should be limited to the Electoral Commission and non-partisan bodies.
20. Paul Tipping stated that the turnout level is not of concern and non-voting reflects the absence of political preference felt by many people. Mr Tipping submitted that any turnout between 50% and 90% indicates a healthy democracy.

Civics education

21. Eleven submitters commented on civics education. Ten submitters supported the introduction of civics education either in schools, or for new immigrants.
22. United Future submitted that civics education is absolutely essential. Samuel Clarke submitted that civics education sounds delightful.
23. Five submitters (Ben Dowdle, Hilary Gillings, Margaret Ingham, Samantha Taylor, Wayne and Gaye Russell) supported the inclusion of civics education in schools. Samantha Taylor submitted that civics education in schools is necessary for increasing youth engagement with politics and voter turnout. Ms Taylor submitted that disenfranchisement and disengagement with politics cannot be resolved by changing the method by which people vote, however, reducing barriers to participation is important so online voting needs to be considered. Margaret Ingham submitted that political studies should be compulsory.
24. Two submitters (Martyn Bradbury, Scott Anderson) supported civics education for new immigrants and immigrant communities, and making it a compulsory part of becoming a New Zealander.
25. The Human Rights Commission (HRC) submitted that anecdotal evidence from Canada, the United States of America, and Australia suggests that civics education has a positive impact on key factors associated with voter turnout, such as political knowledge, interest, attitudes, civics participation and intent to vote. The HRC submitted that civic and election education is particularly important for first time voters. For voters to cast ballots that are legally valid and to participate meaningfully in the voting process they must understand their rights and responsibilities, and be sufficiently knowledgeable and well informed.
26. Paul Tipping opposed civics education, and submitted that it would only be necessary if voter turnout dropped below 50%. Mr Tipping was cautious about civics education because the teaching of it could become partisan.

Compulsory voting

27. Seven submitters commented on compulsory voting.
28. Four submitters (Fred McDonald, Peter Buchanan, Ryan Kennedy, Wayne and Gaye Russell) supported the introduction of compulsory voting. Fred McDonald and Ryan Kennedy, and Wayne and Gaye Russell referred to the Australian example. Peter Buchanan commented that voting is a positive duty owed by each citizen.
29. Three submitters (Andy Thompson, Kate Hazlet, Paul Tipping) did not support compulsory voting. Andy Thompson stated that people have a right to choose whether to vote or not. Paul Tipping submitted that voting is not a duty and abstention is a valid choice.

Lower voting age

30. Five submitters commented on the voting age.
31. Four submitters (Ben Dowdle, Martyn Bradbury, Samantha Taylor, Scott Anderson) supported lowering the voting age to either 15 or 16. Three of these submitters recommended a lower voting age in conjunction with civics education in schools.
32. Elspeth Ludemann recommended that people who turn 18 a few days before the election should be able to vote.

Electoral Commission comment on voter turnout

Turnout will vary from election to election. What is of real concern in New Zealand is the overall downward trend in participation. Facilitating participation is a key objective of the Commission, with an immediate focus on civics education (see paragraphs 141 and 142 of the Commission's report).

The Commission would warn against seeing compulsory voting as the solution to New Zealand's turnout problems. It might well bring unintended consequences. Compulsory voting was introduced in Australia at a time when voter turnout was significantly lower than current voter turnout rates in New Zealand. While compulsory voting may have increased turnout in Australia they have far lower rates of enrolment and higher rates of informal voting compared to New Zealand (see paragraphs 3.3 to 3.9 of the Commission's supplementary report dated 25 June 2012).

In response to requests from the Committee, the Commission provided information on voter turnout and the impact of eVoting, compulsory voting and reducing the voting age to 16 in its supplementary report.

Referendum

33. Eleven submitters commented on the referendum. The most common issue was the information campaign.

Information campaign

34. Eight submitters commented on the Electoral Commission's referendum information campaign with most of these submitters considering that the information campaign was unsatisfactory.
35. Four submitters (Alan McRobie, Jordan Williams, Karl Varley, Keith and Jan Furniss) commented on the reliance on the internet. Submitters were concerned that television and print advertisements were not "stand alone" in that little descriptive information was provided through these mediums, with people directed to the website for more information.
36. Gary Kircher et al stated that there was too much information on the process and not enough explaining the different systems. Keith and Jan Furniss submitted that the print on the brochure was too small.
37. Two submitters (Toni Millar, Alan McRobie) felt the campaign was too short. Andy Thompson felt that the referendum advertising got swamped by election publicity and debates.

Voters' knowledge

38. Professor Jeffrey Karp focussed on whether voters made informed decisions on the referendum. This was evaluated based on subjective political knowledge and actual voting behaviour. Data from the New Zealand Electoral Study indicated that 89% of New Zealanders were aware of the referendum before the election, and 83% had heard, seen, or read about the alternatives to MMP. 55% of citizens said that their knowledge of MMP was either "a lot" or "moderate", and 59% believed that they had just as much knowledge about FPP. There were differences across generations, with those not eligible to vote in the last FPP election reporting they were less knowledgeable than the older generation.
39. Professor Karp submitted that detailed analysis of political behaviour and voting behaviour found similar levels of knowledge about how MMP works to Germany, and no evidence was found to suggest a lack of knowledge about the electoral system influences voting behaviour. Professor Karp noted this suggests the New Zealand electorate is capable of making informed decisions.
40. Professor Karp's analysis indicated that support for MMP is high among small party supporters, with the exception of the ACT Party. Women and Māori are also more supportive. Professor Karp submitted that these results are consistent with the theory of self-interest.

41. Professor Karp submitted that aside from self-interest, values may also play a role in shaping attitudes about electoral systems. Those who place themselves on the left side of the ideological spectrum favour MMP with 80% compared with 34% of those on the right. Professor Karp noted these ideological differences could explain why supporters of the ACT Party voted against MMP.
42. Professor Karp submitted that there is also a clear relationship between preferences for coalition governments and support for MMP indicating that voters understand that coalition governments are more likely under MMP.

Future referenda

43. The Electoral Commission recommended that serious consideration be given to holding future referenda by stand-alone postal vote rather than with general elections, as the Justice and Electoral Committee recommended for citizens initiated referenda after the 1999 General Election.
44. Two submitters (David Farrar, Graeme Edgeler) supported a Referendum Act for future referenda based on the Electoral Referendum Act 2010.
45. Jordan Williams recommended that future referendums be held separately from general elections. Mr Williams submitted that holding a referendum with an election results in a trade-off in quality and exposure for the public debate on the referendum. Mr Williams was concerned that for the 2011 referendum, members of Parliament, who he considered the most qualified to educate the public and explain the different systems, were largely silent, not wanting to depart from their own campaign messages.
46. Graeme Edgeler opposes postal referenda. Mr Edgeler submitted that the shared experience of voting is an important part of fostering a democratic society.

Other

47. Jordan Williams submitted that the Electoral Commission acted ultra vires in making a judgement on the content of a referendum advertisement.

Electoral Commission comment on the Referendum

The approach adopted by the Commission for the referendum education and information campaign is outlined at paragraphs 57 to 66 of its report.

Overall, the Commission's programme was a success, with 93% of voters aware of the referendum and 81% of voters felt very confident or fairly confident to make a decision.

The Commission recognised the importance of providing information about the voting systems in a variety of medium and with different levels of detail. However, it was equally important for the Commission to ensure the public understood the process for the referendum and its implications.

The Commission has commented on the concerns raised by Mr Williams at paragraphs 4.1 to 4.18 of its supplementary report.

Enrolment and voting

Electronic enrolment and voting

48. Eight submitters commented on e-voting.
49. The Electoral Commission proposed to assess the feasibility of, and the Commission's capacity to deliver within the existing baselines, a secure online upload system for overseas voting.
50. The Electoral Enrolment Centre (EEC)¹ noted its desire to introduce, subject to a satisfactory business case, a full online enrolment service. The EEC noted that the Electoral (Administration) Amendment Act 2011 enabled people, when filling in their enrolment form, to opt into using the igovt logon service to access their enrolment details to either update them or to re-enrol following a change of address. In addition to this legislative amendment, the Government instructed the EEC to continue to investigate ways to allow people to fully enrol online in the future. The EEC noted that they are currently working with the Ministry of Justice and the Department of Internal Affairs to scope a full online based elector enrolment service utilising the Identity Verification Service being established via the Electronic Identity Verification Bill. The EEC advised that changes to the Electoral Act 1993 would be required to facilitate such a service.
51. David Farrar supported the Electoral Commission's proposal for overseas voters. Ryan Kennedy submitted that the enrolment and voting process needs to be simplified for overseas voters.
52. United Future supported a wholly electronic system.
53. Three submitters (Fred McDonald, Samantha Taylor, Toni Millar) supported electronic voting. Fred McDonald submitted that e-voting would be more efficient and effective. Samantha Taylor submitted that the ease and accessibility of e-voting is required to address the low youth turnout. Toni Millar supported e-voting with mobile polling places.
54. Three submitters (Ronald Collinson, Paul Lunberg, Graeme Edgeler) did not support electronic voting. Ronald Collinson submitted that the technology is expensive, too difficult to get right, and would not address voter apathy. He submitted that if the technology was not right, this would undermine the electoral processes and democracy. Paul Lunberg submitted that internet voting from home would open voters to coercion. He did support Issuing Officers using electronic lists of voters instead of the current system of ruling lines through voters' names. Graeme Edgeler submitted that the shared experience of voting is an important part of fostering a democratic society, and doubted whether there would be more

¹ Note – As of 1 July 2012 responsibility for enrolment services has transferred to the Electoral Commission.

than a minimal effect on voter turnout. Mr Edgeler noted that electronic voting may be more appropriate for overseas and disabled voters.

55. David Farrar submitted that if e-voting in the 2013 and 2016 local body elections is concluded sensibly, then e-voting could be considered for the 2017 or 2020 general election.

EasyVote card

56. The Electoral Commission recommended that the Commission be authorised to use the EasyVote card as the record an ordinary vote has been issued and as evidence a special voter is eligible to vote.
57. Five submitters commented on the EasyVote card.
58. Three submitters (Brian Collins, Elspeth Ludemann, and Toni Millar) were concerned that EasyVote cards are easily used to commit electoral fraud and should be discontinued. David Farrar was not concerned with the EasyVote card commenting that the card is not the cause of security concerns. Mr Farrar suggested that one way to address people's concerns with the EasyVote card would be to introduce identification requirements, however this would result in a trade-off with efficiency in the polling booth.
59. The Labour Party supported the Electoral Commission's proposal to extend the use of the EasyVote card but queried if the page and line would still be read out by the Issuing Officer. The Labour Party opposed any change to require formal voter identification.

Enrolment and accuracy of the roll

60. Two submitters (Samantha Taylor, Martyn Bradbury) commented on the unpublished roll. Samantha Taylor recommended making it easier for people to go on the unpublished roll as it offers protection to vulnerable people. Martyn Bradbury submitted that any voter should be allowed to go on the unpublished roll and no reason should be required.
61. Mike Smith supported election day enrolments and Toni Millar opposed it. Ms Millar submitted that all voters should be enrolled between one month and two weeks prior to election day.
62. Andy Thompson submitted that electoral rolls should close several weeks before election day for checking but allow special votes for those who did not enrol in time. Elspeth Ludemann submitted that allowing enrolment up to the day before election day is too loose, preventing checks. Gary Kircher et al submitted that the rolls should close three months before election day so adequate checks can be made. Gary Kircher et al submitted that the accuracy of the published and dormant rolls needs to be improved due to the growing number of dubious enrolments and dishonest voting.

63. Karl Varley suggested that the Committee should research roll irregularities and dishonest voting. Kate Hazlet submitted that the most important thing is that New Zealanders have confidence that the rolls are accurate, and that voting is free and fair.
64. David Benson submitted that the details of any irregularities drawn to Returning Officers' or Electoral Commission's attention should be published, including what action was taken.

Dormant roll

65. Seven submitters raised the dormant roll (Andy Thompson, David Benson, Elspeth Ludemann, Gary Kircher et al, Kate Hazlet, Keith and Jan Furniss, Toni Millar). Most sought information on what the dormant roll is and how it works. Toni Millar stated that there needs to be greater effort to register those on the dormant roll who did not vote at the last election.

Eligibility to vote

66. Two submitters (Garth Brown, John White) recommended removing the restriction on citizens who are overseas for more than three years from voting.
67. Two submitters (Martyn Bradbury, Samantha Taylor) recommended reinstating prisoners' right to vote.

Electoral Commission's comment on enrolment and voting

The EasyVote card proposal would still require electoral officials to read out a voter's page and line number when issuing ballot papers.

There has been a steady increase in the number of electors on the unpublished roll, with 15,526 on the unpublished roll as at 11 June 2012, compared with 8,769 as at 31 December 2005.

Allowing enrolment up to the day before election day enhances participation. However, the Commission does not support enrolment on election day.

Voting by special vote is more complex and time consuming than making an ordinary vote. One of the objectives of the Commission's EasyVote proposal is to reduce the number of special votes cast on election day. At present voters who enrol between writ day and election day have to cast a special vote. Under the proposal voters who enrol after writ day will be sent an EasyVote card. Provided late enrollees have received their EasyVote cards by election day they will be able to cast ordinary votes in their electorate. Allowing enrolment on election day would have the contrary effect, as voters enrolling on election day would have to cast a special vote.

In addition, election day enrolment may disincentivise enrolment before an election and result in additional staff and resource implications for election day. Election day

enrolment would also have the potential to delay the official count because of the need for Registrars of Electors to complete the processing of voter's enrolment before their special votes can be validated.

According to the Electoral Enrolment Centre's report on the 2011 General Election, 96.4% of electors correctly enrolled at the address they were living on writ day, with 93.7% of the eligible voting age population enrolled by election day (see paragraphs 4.22 and 7.22). 57,196 people enrolled between writ day and polling day.

Section 10 of the Electoral Enrolment Centre's report provides information on the management of the dormant roll.

Accessibility for disabled persons

68. The Human Rights Commission (HRC) submitted that while the Government has implemented measures to remove the barriers that prevent disabled people from exercising their right to vote, gaps still remain in meeting New Zealand's obligations under Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Article 29 guarantees disabled people not only the right, but also the opportunity, to vote.
69. The HRC submitted that difficulties in accessing information about candidates have been experienced by people who have difficulty reading standard print, have literacy difficulties, or use sign language. The HRC noted that New Zealand does not have accurate statistics on how many people are affected by one or more of these situations. The current enrolment form does not collect information on voters with disabilities. The HRC submitted that the collection and maintenance of statistics and data is critical to give full effect to the CRPD.
70. The HRC noted that legislation does allow disabled voters to vote with assistance if needed. However, the HRC expressed concern that this requires the disabled voter to disclose their voting preference to someone else, breaching their right to a secret vote. The HRC noted that technology enabling voters who cannot mark the ballot paper themselves to cast their votes independently such as telephone and internet voting, transparent overlays and voting templates are available and have been successfully implemented in the UK, Canada, and Australia.
71. The HRC submitted that failure to guarantee accessibility by means of reasonable accommodation and universal design infringes both the right to political participation and the principle of equality and non-discrimination.
72. To improve accessibility for disabled people, the HRC recommended: ensuring the Electoral Commission has adequate resources to continue to provide election information in accessible formats and modes; encouraging political parties and candidates to provide campaign information and policies in accessible formats and modes; ensuring that a proportion of public funding for election campaigning is

tagged for accessible provisions; providing for the Electoral Commission to pilot an off-line trial of technology-assisted voting for disabled electors, for both local body and general elections; and using electronic voting in the 2013 local body elections and the 2014 general election to allow disabled people access to an independent, secret ballot.

73. David McLure submitted there should be a service, subject to tender, to transport people with disabilities to polling booths during polling day. He is concerned political parties are allowed to offer this service which may influence disabled voters.

Eligibility of disabled people to vote

74. The HRC submitted that section 80 of the Electoral Act be reconsidered in light of New Zealand's obligations under the CRPD. The HRC submitted that section 80 needs to be clear about who is intended to be excluded from voting as the current provisions seem to be a mix of people who have committed a crime and those who have been deemed to not be responsible for their actions. The HRC referred to Article 29 of the CRPD which provides any restriction on the right to vote on the basis of a perceived or actual psychosocial or intellectual disability constitutes discrimination, and Article 12 which provides parties are required to take appropriate measures to provide access to the support required to enable disabled people to fully exercise their legal capacity.

Electoral Commission comment on accessibility for disabled persons

As detailed in the Commission's report (page 7), guidance was sought from the Government earlier this year on whether funding would be available to deliver an option of internet, and perhaps, telephone voting for a limited class of New Zealanders, including blind and disabled voters, at the 2014 General Election. The Commission has been advised that, in the current financial situation, this cannot be given a priority.

Section 80(1)(c) of the Electoral Act 1993 disqualifies electors based on a person's criminal justice classification, not their disability. A more detailed explanation is provided as paragraphs 11.1 to 11.3 of the Commission's supplementary report.

Broadcasting and election advertising

Broadcasting Act - definitions and statutory obligations

75. The Electoral Commission recommended further consideration of the differences between the statutory test of “election programme” in section 69 of the Broadcasting Act 1989 and “election advertisement” in section 3A of the Electoral Act 1993, including the scope and nature of the exemptions.
76. Two submitters (David Farrar, Mike Smith) supported aligning the definitions of “election advertisement” and “election programme”. David Farrar also recommended removing the provisions from the Broadcasting Act and including them in the Electoral Act.
77. Mike Smith submitted that the prohibition of broadcasting an election programme not in accordance with the Act should not be limited to between writ day and election day.
78. Mike Smith expressed concern at the delay of the Electoral Commission’s decision on the RadioLive complaint. Mr Smith also submitted that the roles of the Broadcasting Standards Authority and the Electoral Commission for dealing with complaints need to be clarified.
79. TVNZ submitted that the obligations in Part 6 of the Broadcasting Act relating to opening and closing addresses should no longer apply to TVNZ. TVNZ noted that the obligations were imposed when TVNZ was a public service channel without a statutory requirement to behave like a commercial business. TVNZ is now a commercially operated media company with no statutory public service functions.
80. Alternatively, TVNZ submitted that if the obligations remain, other commercial broadcasters should be subject to the same obligations to create a level playing field.
81. TVNZ also submitted that the time of broadcasts should be at the reasonable discretion of the broadcaster rather than within the times specified in the Act. The specified times are “primetime”. TVNZ noted that the obligation to provide free airtime during prime time has a direct revenue impact on TVNZ.

Allocation of broadcasting money

82. Graeme Edgeler submitted that the Broadcasting Act should be amended to ensure a more level playing field. He considers that the current system is indefensible. If no amendment to the Broadcasting Act is recommended, Mr Edgeler submits that the Electoral Act should be amended so party expenditure limits include broadcasting allocation monies.
83. David Farrar submitted that the ban on political parties purchasing broadcasting time is outdated and an unjustified restriction on free speech.

84. David McLure expressed concern that some parties missed out on television airtime. Mr McLure suggested that there should be agreement between the television channels to ensure fair share of airtime for all parties.

85. United Future supported the current allocation of broadcasting monies.

Election day rules

86. The Electoral Commission recommended further consideration and debate on the extent to which electioneering on the internet and social media should be regulated and how any regulation might be effectively managed.

87. Two submitters (David Farrar, Labour Party) recommended a review of election day advertising rules, particularly in light of the increase in advance voting. The Labour Party submitted that there needs to be a review of the prohibition on electioneering on election day, particularly in light of the growing popularity of social media and internet campaigning. The Labour Party submits that the rules need to be consistent for advance voting and election day. As long as there are protections in place to ensure voters cannot be intimidated, electioneering on election day should be allowed.

88. Mike Smith submitted that election advertising and campaigning should be allowed on election day.

89. United Future submitted that election day is a bland day and there should be a review of the kind of celebratory day election should be. United Future supported being able to encourage people to vote by reasonable and fair means. They submitted that a distinction can be drawn between deliberate promotion and election advertisements that were not taken down, and that the current rules are difficult for the smaller parties.

Advance voting

90. The Electoral Commission recommended:

- providing for the appointment of scrutineers to advance voting places provided they do not wear any party paraphernalia inside the advance voting place
- prohibiting election advertising within 100 metres of an advance voting place.

91. Three submitters (David Farrar, Graeme Edgeler, Labour Party) do not support the Electoral Commission's proposal to prohibit election advertising within 100 metres of advance voting places. David Farrar considers this proposal impractical and unfair. The Labour Party considers the recommendation to be undemocratic and not practical.

92. The Labour Party supported the Electoral Commission's recommendation to allow for the appointment of scrutineers to advance voting places. The Labour Party

also submitted that there should be more advance voting facilities and they should be open for a longer duration.

Rosettes, balloons, streamers

93. The Electoral Commission recommended the removal of the current exemptions on polling day for party lapel badges, ribbons, streamers, rosettes, or items of a similar nature worn or displayed on a person or vehicle in party colours.
94. Six submitters commented on rosettes and lapel badges able to be worn by scrutineers.
95. Four submitters (Alan Liefing, David Farrar, Henry Clayton, Vivienne Cramond) supported not allowing scrutineers to wear rosettes or lapel badges. Henry Clayton submitted that the exception for scrutineers to wear rosettes is unjustified and there should be no feeling of influence in a polling booth.
96. Mr Clayton and Alan McRobie suggested that scrutineers should only be allowed to wear a tag or vest identifying them as a scrutineer. Ms Cramond submitted that removal of election advertising on election day should include rosettes and that scrutineers should be issued with small identical badges that bear the name of the party.
97. Graeme Edgeler likes that scrutineers are identifiable by their party as it adds to their obligation not to misbehave, however, he recognises that some voters may not like rosettes and defers to the Electoral Commission's advice on this point. Mr Edgeler notes the Committee would need to consider if prohibiting balloons is a reasonable and proportionate limit on the right to free speech.
98. The Labour Party opposed any change to the exemption for ribbons, balloons, rosettes and lapels. The Labour Party supports the display of rosettes and lapel badges by scrutineers and believes they are important in identifying who the representatives of the parties are and a reminder to people that it is election day. The Labour Party submitted that the number of complaints received about rosettes represented a very small percentage of voters.
99. David Farrar does not support removing the exemption for streamers and balloons in party colours.

Finance

100. The Electoral Commission recommended:
 - a. that the deadline for:
 - i. candidate returns of election expenses and donation and third party returns of election expenses be reduced from 70 working days after polling days to 50 working days after polling day

- ii. party returns of election expenses be amended from within 50 days working days after the declaration of the list members under section 193(5) to within 70 working days after polling day
- b. an amendment to provide that failure to file a return required under the Act is a corrupt practice offence.
101. Four submitters commented on the electoral finance and disclosure rules.
102. The Labour Party supported the Electoral Commission's recommendations relating to the deadlines for the filing of expense returns. The current timeframes are considered problematic.
103. David Farrar supported the Commission's proposal that a refusal to file an election expense return should be a corrupt practice, as it removes the incentive to file no return rather than a false one. Mr Farrar also submitted that late returns should be an infringement offence with an automatic fine. Graeme Edgeler supported the Commission's proposal but noted that the provisions should distinguish between a failure to file and delayed filing.
104. David Farrar and Graeme Edgeler submitted that transparency would be improved if parties were required to disclose donations over \$15,000 within 10 working days of receipt. Mr Farrar also submitted that near-instant disclosure in the month before election day could be required. Both Mr Farrar and Mr Edgeler recommended that the protected disclosure regime be removed as they were sceptical that donors who use this process are truly anonymous to the recipients.
105. United Future submitted that there should be automatic CPI adjustments for the election expenditure limits for each election and by-election, and that expense and donation returns should be submitted online.

Loans

106. The Electoral Commission has made a supplementary recommendation to the Committee, to consider whether political parties and candidates should be required to disclose loans entered into to fund campaign activities.
107. The Commission commented that party donations returns filed in 2012 have revealed loan arrangements being entered into for the 2011 General Election which have been subsequently forgiven. In the Commission's view, New Zealand's current electoral finance regime does not adequately provide for disclosure of this type of transaction or for the disclosure of loans in general.
108. Where a loan is made to a party or candidate, current law requires disclosure of only:

- a. the value to a party or candidate of credit provided on terms and conditions that are more favourable than the current commercial rates, where the value exceeds the disclosure thresholds, and
- b. any loan amount that is forgiven before a return is filed that exceeds the disclosure thresholds.
109. In the Commission's view, the purpose of the regulation of political donations is to reduce the perception of undue influence in elections and to recognise that voters have a legitimate interest in knowing who is funding election campaigns. These purposes apply equally whether funding is being provided in the form of donations or loans. The fact that loans do not need to be disclosed appears inconsistent with the spirit and purpose of the Electoral Act.
110. In the case of parties, donations have to be disclosed on an annual basis and large donations have to be disclosed within 10 working days of receipt. The concern is that under the current provisions there is limited disclosure if a substantial loan is advanced to a party to fund an election campaign. If the loan is subsequently forgiven the amount forgiven will need to be recorded as a donation but this may be some time after the election period.
111. For loans to candidates, the implications are even more significant as candidates are only required to report on their donations once (70 working days after the election). A significant loan made to a candidate for the candidate's campaign that is then forgiven after the candidate expense and donation return is due can remain undisclosed under the existing rules.
112. In the Commission's view, there is a need for legislative change to require additional and more timely disclosure of loan transactions (including credit facilities and securities or guarantees for a party or candidate's obligations to someone else) to require:
- a. parties to disclose the details of every loan exceeding \$30,000, either on its own or when aggregated with other loans made by the same lender in the last 12 months, within 10 days of the loan being entered into
- b. parties to disclose details of every loan exceeding \$15,000, either on its own or when aggregated with all other loans made by the same lender, as part of their annual return
- c. candidates to disclose every loan exceeding \$1,500, either on its own or when aggregated with all other loans made by the same lender, either within a certain timeframe of the transaction being entered into for use in their campaign or as part their donations return after the election.
113. The recommended thresholds above which disclosure would be required are the same as the amounts above which parties and candidates are required to disclose donations under Part 6A of the Electoral Act.

Other

114. Three submitters (Toni Millar, United Future, Fred McDonald) commented on the rules relating to the placement of billboards, noting that the rules are different in each local authority. United Future submitted that one standard should be adopted for all local authorities. Fred McDonald submitted that councils do not have the means to administer the rules and the Electoral Commission should be responsible instead. Mr McDonald further submitted that a \$40,000 fine is too much for having a billboard up on election day.
115. United Future submitted that the promoter statement requirements should be simplified, especially for social media. It further submitted that there should be no requirement to get an advisory opinion from the Electoral Commission, and that any advertising prior to three months before election day is not election advertising. United Future also expressed concern about the power and control of the media and the impact on smaller parties, for example, leaders' debates.
116. Fred McDonald expressed concern that Aotearoa Legalise Cannabis Party candidates are often excluded from public meetings.
117. Ralph Boardman was concerned with the lack of trademark protection for party logos. He submitted that party logos should be protected under the Copyright Act 1994.
118. Alan McRobie submitted that the exemption for members of Parliament contact details from the definition of election advertisement gives undue financial advantage to sitting members of Parliament.
119. Brian Collins was concerned with the recorded telephone message voters received from John Key.

Christchurch

120. Two submitters (Alan McRobie, John Stringer) commented on issues relating to Christchurch. Alan McRobie submitted that the Electoral Commission, Registrars and Returning Officers did a very competent job. John Stringer recommended examining whether the enrolment data for Christchurch electorates was accurate.

Statutory and regulatory framework

Enforcement

121. The Electoral Commission recommended consideration of whether the current enforcement provisions are adequate and how better enforcement of electoral offences can be achieved.
122. Five submitters commented on the prosecution of electoral offences.
123. Three submitters (David Farrar, Graeme Edgeler, Felix Lee) supported removing responsibility for prosecuting electoral offences from the Police, noting that the delays in prosecuting electoral offences impact on the integrity of the electoral system. David Farrar and Graeme Edgeler supported the concerns expressed by the Electoral Commission regarding the priority accorded to electoral offences by the Police. Mr Farrar recommended that consultation on a preferred replacement model be carried out. Felix Lee submitted that the Electoral Commission should have the authority and resources to prosecute electoral offences.
124. The Labour Party submitted that timely prosecution of offences was an issue as there is no process to clear your name in a timely fashion for minor breaches.
125. Mike Smith submitted that the Police should remain the enforcement agency.
126. Four submitters (David Farrar, Graeme Edgeler, Mike Smith, Labour Party) suggested or supported minor offences being classified as infringement offences enabling fines to be issued.
127. Graeme Edgeler also submitted that it would be appropriate for political parties to be able to be charged with offences.

Other issues

128. In addition to the Electoral Commission's recommendations referred to previously, the Commission made the following recommendations and proposals that relate to the statutory framework:
 - a. consideration be given to whether the current legislation adequately provides for the impact of a significant emergency that disrupts polling and the wider constitutional and political issues should such an event occur
 - b. consideration of a change to allow voters of Māori descent to change roll type once each electoral cycle to replace the quinquennial Māori Electoral Option
 - c. the eligibility criteria of party membership in Part 4 of the Electoral Act be changed from "at least 500 current financial members who are *eligible to enrol* as electors" to "at least 500 current financial members who are *enrolled* as electors"

- d. only registered political parties should be able to register a logo; and that an application fee of up to \$500 be introduced to register a party
 - e. the removal of the requirements for ministerial countersignature by the Minister of Justice on the writ for a general election, the writ for a by-election, the warrant to supply a vacancy in a list seat, and the writ for an indicative referendum to be taken by electoral poll or by postal vote
 - f. the provisions regarding bulk nomination and party lists deposits be amended to allow direct bank deposit
 - g. provision be made for bulk nomination and party lists documentation to be lodged by email
 - h. extend the postal acceptance rules to enable votes to be counted even if they are received by the Electoral Commission after 7pm on polling day provided they are:
 - i. postmarked in any country outside New Zealand before or on the day before polling day, or postmarked in New Zealand before polling day; and
 - ii. received by the Commission before noon on the fourth day after election day; and
 - iii. received by the Returning Officer for the electorate no later than 7pm on the tenth day after polling day
 - i. review of the nature of the grounds for special voting and the position of the grounds sections on the prescribed special voting declaration forms
 - j. an amendment be made to enable the 2pm start time for the advance early count on election day to be retained for future elections, rather than 3pm (which is the standard start time)
 - k. explore whether current processes for validating and qualifying special votes can be improved, and
 - l. an amendment be made to clarify that the High Court can direct the Electoral Commission to recalculate and amend the allocation of list seats for the election as a result of a successful election petition to an electorate seat.
129. Two submitters (David Farrar, Graeme Edgeler) did not support the Electoral Commission's proposal to amend the Māori Electoral Option on the basis this would permit someone to change roll type with the intention of influencing the result for a particular electorate. Mr Farrar also submitted that the proposal would upset electoral populations, as allowing people to swap after boundaries are set could cause some seats to have extremely low or extremely high electoral populations.
130. David Farrar and Graeme Edgeler supported the proposal to clarify that the High Court should be able to direct the Electoral Commission to recalculate the allocation of list seats. Mr Farrar also submitted that it would be sensible to allow

the High Court to direct the Commission to recalculate seats following a by-election held immediately after a general election as a result of a candidate dying. Mr Edgeler submitted that the law should be clear that a reallocation would only be permissible after an election petition arising at a general election.

131. Mr Edgeler questioned the Electoral Commission's rationale behind the proposals relating to party membership and to introduce an application fee to register a party. Mr Edgeler suggested that a party seeking to register should be able to concurrently register a logo. Mr Edgeler also submitted that an alternative to the Commission's proposal that only registered parties be able to register logos is to enable the Commission to remove logos if they go unused. Mr Edgeler submitted that unregistered parties should continue to be able to have a logo next to their name on the ballot paper.

Electoral Commission comment on the Māori Electoral Option proposal

A person of Māori descent who is not enrolled can choose at the time he or she enrolls whether to be registered on the Māori or General roll. Once on the Māori or General roll a person of Māori descent is only able to transfer from one roll to the other during the Option period, held after each Census. This usually happens every five years, but as the 2011 Census was delayed this means Māori electors will not have not been able to transfer roll type for seven years by the time the 2013 Māori Electoral Option is held.

Electorate populations constantly fluctuate with births, deaths and population movement. Between the 2008 and 2011 General Elections the number of new enrolments for people of Māori descent was 20,520 enrolments to the General roll and 24,214 to the Māori Roll. This compares with 7,294 transfers to the General roll and 14,294 transfers to the Māori roll at the 2006 Māori Electoral Option.

In the Commission's view restricting the transfer between roll type to once during each electoral term will mitigate any risk of changing roll type to try and influence the result of an election.

Other issues

132. Below is a sample of other issues raised by submitters.
133. David Farrar supported a fixed election date, being the last Saturday in November. Martyn Bradbury and Scott Anderson submitted that election day should be during the week and a public holiday. Gary Kircher et al supported a four year parliamentary term.
134. Graeme Edgeler submitted that the nomination fee should be non-refundable as the current rules do not provide a level playing field. An alternative could be to have the nomination seconded by 50 or 100 voters in the electorate.
135. Jordan Williams expressed concern that the Electoral Commission leaked results to the media.
136. Mike Smith submitted that the amalgamation of the Electoral Commission and Chief Electoral Office has been of great benefit. Alan McRobie submitted that the Electoral Commission should be an Officer of Parliament, reporting to Parliament rather than to Ministers.
137. United Future submitted that the use of opinion polls should be closely examined as they can adversely affect smaller parties. United Future also submitted that there needs to be processes to ensure the final election results are known more quickly than the current 14 days after polling day.

Appendix One

1	Alan Liefing	Individual
2	Alan McRobie	Individual
3	Andrew Sheldon	Individual
4	Andrew Thompson	Individual
5	Ben Dowdle	Individual
6	Brian Collins	Individual
7	Caroline Mabry	Individual
8	David Benson	Individual
9	David Farrar	Individual
10	David Maclure	Individual
11	Elsbeth Ludemann	Individual
12	Felix Lee	Individual
13	Fred Macdonald	Individual
14	Garth Brown and family	Individual
15	Gary Kircher and nine others	Group
16	Graeme Edgeler	Individual
17	Henry Clayton	Individual
18	Hilary Gillings	Individual
19	Hugh Hughes	Individual
20	Human Rights Commission	Public sector organisation
21	Ineke Odinot	Individual
22	Professor Jack Vowles	Individual
23	Professor Jeffrey Karp	Individual
24	John Stringer	Individual
25	John White	Individual
26	Jordan Williams	Individual
27	K and J Furniss	Individual
28	Karl Varley	Individual
29	Kate Hazlett	Individual
30	Margaret Ingram	Individual
31	Martyn Bradbury	Individual
32	Max Coyle	Individual
33	Mike Smith	Individual
34	New Zealand Labour Party	Political party
35	Paul Lunberg	Individual
36	Paul Tipping	Individual
37	Peter Buchanan	Individual
38	Ralph Boardman	Individual
39	Ronald David Collinson	Individual
40	Ryan Kennedy	Individual

41	Samantha Taylor	Individual
42	Samuel Clarke	Individual
43	Scott Anderson	Individual
44	Sharyn Black	Individual
45	Television New Zealand	Commercial organisation
46	Toni Millar	Individual
47	United Future New Zealand	Political party
48	Vivienne Marie Cramond	Individual
49	Wayne and Gaye Russell	Individual



MEMORANDUM

To Gina Smith

From Jessica Falconer

Cc

Date 1 June 2012

Subject **VOTER IDENTIFICATION**

For ☐ Approval ☐ Review Comment ☐ Action ☒ Noting

Introduction

1. The Justice and Electoral Select Committee has raised the issues of elector identification for voting on polling day.
2. The current situation is an elector may vote by either giving their EasyVote card or letter from Electoral Commission Chief Electoral Officer to the issuing officer. Or, if the elector does not have an EasyVote card or letter, they can vote by telling the issuing officer their full name and address. There is no requirement for an elector to provide identification at the polling place.

Why introduce

3. The potential issues surrounding the lack of requiring proof of identification are they current system easily enables people to commit voter fraud by either:
 - Stealing an EasyVote card
 - Pretending to be someone else
4. In cases of where it appears there has dual voting, Returning Officers undertake preliminary investigations. Where it appears that a voter has deliberately tried to vote twice, the Electoral Commission will refer the matter to the Police. In the 2011 general election, the Electoral Commission referred 63 cases to the Police for prosecution under section 215 of the Electoral Act 1993.
5. The scenarios where electoral fraud is committed and not detected by dual voting would be:
 - Where the stealer takes an EasyVote card or letter from the Chief Electoral Officer and the enrolled elector does not vote
 - Where the stealer personates someone and then that elector does not vote

Why not introduce

6. Cost – both introducing and advertising.
7. People might not vote, or might think that they can't vote, because they don't hold a valid passport, driver's licence or RealMe card.
8. Might disenfranchise particular groups eg the elderly or youth.
9. Slow down election day
10. Adds an additional hurdle to already low elector participation.
11. Complicated to administer. In the 2011 election, there were xxx polling places with xxx . Any proof of identity scheme implemented at the polling place (and this would included overseas High Commission voting, advance voting, hospital and retirement village voting), must consider the dimensions of a New Zealand general election.

Options for voter identification

- Use of passports, drivers licenses or RealMe card
- Temporary identification cards
- Permanent identification cards
- Use of biometrics
- Voter marking

Implications

- Voter participation
 - o Electors may decide not to vote if they do not have identification
 - o Additional hurdle of applying for identification, such as the RealMe card, may deter electors
 - o Increased advertising and awareness
- Multiple voting
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Other Jurisdictions

Region	Form	Issues
Ireland	drivers licence, passport, Translink pass or Electoral Identity card	
UK	Currently reviewing voter identification	Significant voter mal
US	Blocked by the US Attorney General for Civil Rights	Considered disproportionately disenfranchise registered minority

		voters

Conclusion

12. The decision to enable overseas voters to scan and upload their voting papers and declarations to a secure location on the web in 2014 is ultimately a trade-off between access to democracy and security. Uploading voting papers has the ability to increase overseas voter participation in the 2014 election, especially given the decrease in accessibility of fax machines. On the other hand, there are substantial security risks that need to be taken into account. However, a lot of the risks and drawbacks that apply to UVP also apply to voting by fax. Ballot secrecy, technical difficulties and voter education are all risks that could be associated just as much with using fax machines as UVP.
13. Ultimately, the identified risks and drawbacks need to be considered in light of the declining participation of overseas electors due to changes in technology and the risk of disenfranchisement this presents.