

Hon Andrew Little
Minister of Justice, Minister for Courts

Proactive release – Electoral Amendment Regulations 2020

28 July 2020

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

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1	Electoral Amendment Regulations 2020 <i>Cabinet paper</i>	Released in full
2	Electoral Amendment Regulations 2020 <i>Attachments to Cabinet paper</i>	We recommend withholding in full 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	LEG-20-MIN-0075 <i>Cabinet minute</i> Meeting date: 16 June 2020	Released in full

In Confidence

Office of the Minister of Justice

Chair, Cabinet Legislation Committee

ELECTORAL AMENDMENT REGULATIONS 2020

Proposal

1. This paper seeks approval to submit the attached Electoral Amendment Regulations 2020 to the Executive Council.

Policy

2. On 8 April 2019 Cabinet approved amendments to the Electoral Regulations 1996, and to the Electoral Act 1993. The latter has been implemented through the Electoral Amendment Act 2020.
3. Cabinet agreed to amend the Electoral Regulations 1996 to:
 - allow the Electoral Commission to specify a deadline by which overseas postal vote applications must be made
 - allow overseas votes, dictation votes and New Zealand postal votes to be received and processed centrally by the Electoral Commission
 - extend the current deadline for the return of overseas postal votes from four to nine days after election day, and
 - enable the Electoral Commission to provide an emergency special voting service in the event of a localised civil emergency in New Zealand (CAB-19-MIN-0129 refers).
4. The attached Electoral Amendment Regulations 2020 implement these four recommendations. These regulations are separate from any amendments to the regulations that may be necessary for the Electoral Commission to deliver the 2020 general election in light of COVID-19.
5. This paper does not seek any further policy decisions.

Timing and 28-day rule

6. The proposed regulations will come into force on 27 July 2020. No waiver of the 28-day rule is sought.

Compliance

7. The Amendment regulations comply with:
 - the principles of the Treaty of Waitangi
 - the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
 - the principles and guidelines set out in the Privacy Act 1993
 - relevant international standards and obligations, and

- the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

8. There are no grounds on which the Regulations Review Committee should draw the Amendment Regulations to the attention of the House under Standing Order 319.

Certification by Parliamentary Counsel

9. Parliamentary Counsel has certified the Amendment Regulations as being in order for submission to Cabinet.

Impact Analysis

10. The Regulatory Quality Team at the Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Assessment on the basis that they have no or minor impacts on businesses, individuals or not for profit entities.

Publicity

11. On 29 July 2019, I issued a media release noting the introduction of the Electoral Amendment Bill to Parliament. This media release noted these amendments to the Electoral Regulations 1996.
12. The Ministry of Justice will inform the Electoral Commission of the changes.

Proactive Release

13. I intend to make this Cabinet Paper available to the public at an appropriate time, subject to appropriate redactions, on the Ministry of Justice website.

Consultation

14. The Electoral Commission was consulted on these regulations and this Cabinet Paper. The Department of the Prime Minister and Cabinet was informed.

Recommendations

15. I recommend that the Cabinet Legislation Committee:
 1. **note** that on 8 April 2019 Cabinet agreed to the following amendments to the Electoral Regulations 1996:
 - allow the Electoral Commission to specify a deadline by which overseas postal vote applications must be made
 - overseas votes, dictation votes and New Zealand postal votes can be received and processed centrally by the Electoral Commission
 - extend the current deadline for the return of overseas postal votes from four to nine days after election day, and
 - enable the Electoral Commission to provide an emergency special voting service in the event of a localised civil emergency in New Zealand.
 2. **note** that the attached Electoral Amendment Regulations 2020 give effect to the decisions referred to in recommendation 1 above;

3. **authorise** the submission to the Executive Council of the Electoral Amendment Regulations 2020; and
4. **note** that the Electoral Amendment Regulations 2020 will come into force on 29 June 2020.

Authorised for lodgement

Hon Andrew Little

Minister of Justice

RELEASED BY THE MINISTER OF JUSTICE



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 Amendment Regulations 2020

Portfolio Justice

On 16 June 2020, the Cabinet Legislation Committee:

- 1 **noted** that in April 2019, Cabinet agreed to amend the Electoral Regulations 1996 to:
 - 1.1 allow the Electoral Commission to specify a deadline by which overseas postal vote applications must be made;
 - 1.2 allow overseas votes, dictation votes and New Zealand postal votes to be received and processed centrally by the Electoral Commission;
 - 1.3 extend the current deadline for the return of overseas postal votes from four to nine days after election day;
 - 1.4 enable the Electoral Commission to provide an emergency special voting service in the event of a localised civil emergency in New Zealand;

[CAB-19-MIN-0129]

- 2 **noted** that the Electoral Amendment Regulations 2020 give effect to the decisions referred to above;
- 3 **authorised** the submission to the Executive Council of the Electoral Amendment Regulations 2020 [PCO 22748/7.0];
- 4 **noted** that the Amendment Regulations come into force on 27 July 2020.

Gerrard Carter
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Damien O'Connor
Hon Iain Lees-Galloway
Hon Tracey Martin
Hon Aupito William Sio
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

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