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# **REPORT OF THE ELECTORAL COMMISSION ON THE 2011 GENERAL ELECTION AND REFERENDUM**

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**PROVIDED IN ACCORDANCE WITH SECTION 8(1)  
OF THE ELECTORAL ACT 1993**

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**APRIL 2012**

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24 April 2012

Hon Judith Collins  
Minister of Justice

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### **MAIN POINTS**

#### ***Establishment of single electoral agency***

The first phase of the reform to establish a single electoral agency responsible for all aspects of parliamentary electoral administration proceeded smoothly with the new Electoral Commission coming into effect as scheduled on 1 October 2010.

The final stage of the integration, the transfer of the enrolment functions to the Commission, will be completed by 1 July 2012. The two stage approach was adopted to minimise risks to the delivery of the 2011 election.

#### ***The Commission's objective***

The Electoral Act 1993 (the Act) sets out the Commission's objective as:

"... to administer the electoral system impartially, efficiently, effectively, and in a way that -

- (a) facilitates participation in parliamentary democracy; and
- (b) promotes understanding of the electoral system and associated matters; and
- (c) maintains confidence in the administration of the electoral system" (section 4C Electoral Act 1993).

Voter research shows this objective was met and public confidence in the administration of elections was maintained.

#### ***The Commission's strategy***

The Commission believed public confidence in the administration of elections would be maintained if, in delivering the general election and referendum, it –

- (a) Delivered voters the same level of service in polling places they received in 2008 (that is, polite, efficient staff and no long queues);
- (b) Achieved the same reporting times for parliamentary preliminary results that it achieved in 2008 (that is, 100% of advance vote results in by 8.30pm, 50% of polling places reported by 10.00pm and the remainder by 11.30pm);

- (c) Provided a good indication of the referendum result on election night (that is, 100% of referendum advance vote results reported by 8.30pm).

### ***Voter satisfaction***

Voter survey results showed 88% of voters were satisfied or very satisfied with the information they received before the election, the voting process, and their voting experience. The vast majority of voters considered the time spent in the polling place reasonable (98%), found the parliamentary (94%) and referendum papers (83%) straightforward, and were satisfied with the timeliness of the results (87%). Voters were very positive (93%+) about the location and layout of polling places and the politeness, efficiency and knowledge of electoral staff. These results are on a par with those for 2008.

### ***Voter participation***

Overall turnout as a percentage of those eligible to enrol fell 6% from 2008 (from 75.73% to 69.57%). The last time there was a similarly large drop was between the 1999 election and the early mid-winter election in 2002 when turnout fell 5% (from 77.19% to 72.49%). Turnout in 2005 was 77.05%.

Non-voters gave largely the same reasons as in 2008 for not voting: “other commitments” (14%), “work commitments” (9%), “couldn’t be bothered” (14%), “could not work out who to vote for” (11%). However, the number of non-voters giving the response “it was obvious who would win so why bother”, as a factor influencing their decision not to vote, increased from 19% in 2008 to 31% in 2011.

Facilitating participation is a key objective of the new Commission. Whilst it cannot be accountable for turnout (because it cannot control all the variables which affect turnout), the Commission can and will champion voter participation and lead efforts to turn the decline around.

An immediate area of focus for the Commission will be civics education. Declining voter participation is a world-wide longstanding generational problem and will not be easily or quickly turned around. However, an obvious starting point is our newest generation. The Commission’s 2011 Kids Voting programme reached 46,659 school students in the weeks before the election and has received extremely positive feedback. This is an initiative the Commission intends to expand, resources permitting.

### ***Delivery of general election and referendum on voting system***

The 2011 election was the most administratively challenging since 1999 because of the referendum on New Zealand’s voting system.

To deliver the same level of service to voters as in 2008, substantially more election day staff (around 5,000), training, supplies and space in polling places were required. This greater scale increased the complexity of managing the election. However, the streamlined process for issuing referendum papers, the use of colour to guide staff and voters through the process, the decision not to count referendum papers in polling places on election night, and the additional staff, training and resources had their desired effect.

Christchurch was an area of particular focus. To counter infrastructure and communication obstacles the Commission actively promoted advance voting in Christchurch. Advance voting in the badly affected Christchurch East and Christchurch Central electorates was substantially higher than the national average and turnout in the wider Christchurch area was only slightly less than the national average.

### ***Advance voting***

334,558 people voted before election day (14.7% of all votes cast compared to 11.4% in 2008). The removal of the statutory requirement for advance voters to complete a declaration before voting simplified and sped up the process.

Advance voting went smoothly. However, given its growing importance, it would be timely to review the regulation of advance voting. For example, at present no provision is made for candidate scrutineers or the restriction of election advertising in the vicinity of advance voting places.

### ***Overseas voting***

In contrast to advance voting, the numbers voting from overseas fell by 35% to 21,496 (33,278 in 2008).

42% of overseas voters returned their voting papers by fax in 2011. However, overseas voters reported increasing difficulties finding and using fax machines. The Commission will explore enabling overseas voters to scan and upload their voting papers and declarations to a secure location on the website for 2014.

The Commission recommends changes to the deadlines in regulations for the return of overseas votes to make it easier for overseas postal votes to be received in time.

### ***Election advertising***

A new election advertising and finance regime came into force on 1 January 2011. By and large it appears to have bedded in well with high levels of compliance and a relatively small number of breaches referred to the Police.

The Commission provided guidance material to candidates, parties, and third parties on the new rules in February and updated these in July. Guidance for broadcasters was issued in August.

The Commission received 718 advisory opinion requests dealing with 1099 separate advertisements for the 2011 election of which 90% were requested by members of Parliament and over 50% were requested within the seven weeks before the beginning of the regulated period. The average response time for requests was five working days.

Surveys of party secretaries, candidates, third parties and broadcasters showed most found that the guidance material and advisory opinions provided were useful, timely and clear.

The extent to which electioneering on the internet and social media should be regulated and how any regulation might be effectively managed are questions that warrant further consideration and debate.

The exemption to the general prohibition on electioneering on election day permitting the display of party lapel badges and rosettes, ribbons and streamers in party colours continued to cause problems. It would be simpler and less confusing, and remove a source of considerable annoyance to many voters, if the exemption was removed and this is what the Commission recommends.

### ***Delivery of the referendum information and education programme***

The Commission adopted a two stage approach to the programme. Stage one, from May to mid-October, raised general awareness about the referendum and provided comprehensive information for those who wished to engage early on with the subject matter. Stage two, from mid-October, delivered the key messages to all voters through mass media channels and directed those who wanted more information to the website or freephone information service. The Commission engaged with major media to encourage and assist them to report accurately on the referendum.

Every registered elector received information about the referendum in their enrolment update pack in early June. Every household received a more detailed brochure in mid-October and every registered elector received the same information in their EasyVote pack a week before election day. Comprehensive information about the voting systems was published by the Commission in all major newspapers in the week before election day. People who wanted more information were encouraged to go to the Commission's referendum website or to call the freephone number. Overall, the Commission's programme was a success. 93% of voters were aware of the referendum and 81% of these voters felt very confident or fairly confident to make a decision. Knowledge of the key messages increased substantially. For example, 53% of registered electors knew that if there was a vote to keep MMP then an independent review of MMP would be held, compared to 2% in May.

However, it is fair to say that the referendum did not appear to excite a high level of public interest. The Commission received only 2,955 enquiries about the referendum (out of a total of 60,131 enquiries relating to the election).

### ***Conduct of future referenda***

Serious consideration should 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.

Holding referenda with parliamentary elections makes an already complex process significantly more complex. The additional staff, training, supplies, space and information required to deliver the referendum with the parliamentary election cost around \$10.3m – at least as expensive as the cost of running a stand-alone postal referendum.

The process is more complex for voters also. The question is whether voters are able to give proper attention to a referendum and a parliamentary election when they are held together or, as the Justice and Electoral Committee feared following the 1999 election, they both become “muddled in the agitation of the electoral contest”.

Turnout is one reason given for holding referenda with parliamentary elections. However, if the public regard the subject matter of a postal referendum to be of sufficient importance they will turn out, as 80.3% of electors did for the 1997 postal referendum on compulsory superannuation.

### ***Service to Māori voters***

To address a concern regularly raised in the run-up to an election, the Commission proposes that consideration be given to allowing voters of Māori descent to change roll type once each electoral cycle instead of holding a five-yearly Māori Electoral Option.

### ***Proposed improvements to vote issuing and scrutiny processes***

The Commission recommends the Act be amended to authorise the Commission to use an EasyVote card as the record an ordinary vote has been issued (instead of marking a voter off the electoral roll) and as evidence a special voter is eligible to vote (instead of requiring a voter to complete a declaration). This would simplify and speed up vote issuing, reduce special votes, and improve the accuracy and efficiency of the scrutiny of the rolls. Voters without EasyVote cards would continue to be processed as they currently are.

### ***Enforcement***

Currently the electoral legislation requires electoral offences to be referred to Police. The Commission is concerned that electoral matters are not able to be given sufficient priority.

Effective and timely investigation and prosecution of electoral offences is critical to ensuring public confidence in the integrity of the democratic process. The Commission recommends that consideration be given to how this can be better achieved.

### **Looking forward**

In this report the Commission identifies a range of areas in which it will seek to make administrative improvements. The report also raises a number of issues that have legislative implications.

The Commission sought guidance from the Government earlier this year on whether funding would be available to deliver for 2014 an option of internet and, perhaps, telephone voting for a limited class of New Zealanders (for example, overseas voters and blind and disabled voters) and has been advised that, in the current financial situation, this cannot be given priority. Nonetheless, we will continue to monitor the results of overseas electronic voting initiatives and look for other ways to utilise technology to improve electoral processes.

In addition to planning for the next general election and any possible by-elections or citizens initiated referenda, other key priorities for the Commission are to:

- Review MMP and report to the Minister of Justice by 31 October 2012 in accordance with the Electoral Referendum Act 2010;
- Complete the work necessary to take over statutory responsibility for enrolment from the Chief Registrar of Electors of NZ Post from 1 July 2012 in accordance with the Electoral (Administration) Amendment Act 2011; and
- Conduct the 2013 Māori Electoral Option, provide administrative support to the Representation Commission which will convene in October 2013 and complete its work in 2014 to determine the number and boundaries of electorates for the 2014 and 2017 elections.

The last possible date for the next election is 24 January 2015.



Hon Sir Hugh Williams QC  
Chair



Jane Huria  
Deputy Chair



Robert Peden  
Chief Electoral Officer

## TABLE OF CONTENTS

<b>ESTABLISHMENT OF SINGLE ELECTORAL AGENCY</b>	<b>10</b>
<b>STRATEGY AND PLANNING</b>	<b>10</b>
Objective	10
Strategy	10
Planning	11
Announcement	11
Adjournment of polling in an emergency	11
<b>ESTABLISHING TEMPORARY FIELD STRUCTURE</b>	<b>12</b>
Wider public sector	12
Recruitment of field staff	12
Returning Officers' electorate headquarters	13
General Election Technology Programme	13
Training for Returning Officers, Operations Managers and Human Resource Managers	14
Training for election day staff	14
<b>FINANCE</b>	<b>15</b>
<b>COMMUNICATIONS</b>	<b>15</b>
Information for voters	15
The referendum education and information campaign	16
Information for voters with disabilities	18
Information for Māori	18
Information for ethnic communities	19
Information for young voters	19
Kids voting	20
Information for the media	20
<b>SERVICE TO VOTERS</b>	<b>21</b>
Voter satisfaction	21
Proposed improvements to vote issuing and scrutiny processes	21
Delivering the referendum with the general election	22
Service to voters with disabilities	23
Service to Māori voters	23
Service to Christchurch voters	23
<b>VOTER PARTICIPATION</b>	<b>24</b>
<b>SERVICE TO PARTIES, CANDIDATES, AND THIRD PARTIES</b>	<b>25</b>
Registration of political parties and logos	25



Logo registrations and cancellations	25
Changing minimum requirement for party registration to 500 members who are enrolled	25
Allowing only registered parties to register a party logo	26
Fee payable for registration	27
Registration of third parties	27
New election advertising rules: Guidance	27
New election advertising rules: Advisory opinions	28
Guidance on election day	28
<b>BROADCASTING ALLOCATION</b>	<b>28</b>
Time for opening and closing addresses	29
Variations to the broadcasting allocation decision	29
Compliance	29
<b>ISSUE OF THE WRIT</b>	<b>29</b>
<b>NOMINATIONS</b>	<b>30</b>
Bulk nominations and party lists	30
Deadlines	30
<b>ADVANCE VOTING</b>	<b>30</b>
<b>OVERSEAS VOTING</b>	<b>31</b>
Recommended changes to the postal acceptance rules	31
<b>HOSPITAL VOTING</b>	<b>32</b>
<b>SPECIAL VOTING</b>	<b>32</b>
<b>PRELIMINARY COUNT</b>	<b>33</b>
<b>POST ELECTION DAY PROCESSES</b>	<b>33</b>
Identification of dual voters	34
<b>JUDICIAL RECOUNTS</b>	<b>34</b>
<b>RETURNS OF ELECTION EXPENSES AND DONATIONS</b>	<b>35</b>
<b>ENQUIRIES AND COMPLAINTS</b>	<b>37</b>
Election advertising	37
Election day	38
Administration	39
<b>ENFORCEMENT</b>	<b>39</b>
<b>CONDUCT OF FUTURE REFERENDA</b>	<b>39</b>
<b>LOOKING FORWARD</b>	<b>40</b>
<b>LIST OF ANNEXES</b>	<b>41</b>

## ESTABLISHMENT OF SINGLE ELECTORAL AGENCY

1. This was the first general election conducted by the newly established Electoral Commission. The Electoral Commission, an independent Crown entity, assumed its responsibilities on 1 October 2010 from its predecessor agencies, the former Chief Electoral Office and Electoral Commission.
2. The Commission is required by section 7 of the Electoral Act to act independently in the performance of its statutory responsibilities.
3. The Commission is responsible for the administration of parliamentary elections and referenda, the allocation of time and money for the broadcast of election programmes, servicing the work of the Representation Commission, and the provision of advice, reports and public education on electoral matters. The Commission also assists electoral agencies of other countries on a reciprocal basis with their electoral events.
4. From 1 July 2012, the Commission will assume responsibility for the enrolment function from the Chief Registrar of Electors (currently the Chief Executive of New Zealand Post Ltd).

## STRATEGY AND PLANNING

### Objective

5. The objective of the Commission is:
  - “ to administer the electoral system impartially, efficiently, effectively, and in a way that -
    - (a) facilitates participation in parliamentary democracy; and
    - (b) promotes understanding of the electoral system and associated matters; and
    - (c) maintains confidence in the administration of the electoral system” (section 4C Electoral Act 1993).
6. As outlined in the rest of the report, feedback from voters, parties, candidates and third parties demonstrate that this objective was achieved.
7. **Annex A** sets out the Commission’s achievements against the performance measures agreed with the Minister of Justice.

### Strategy

8. The Commission believed public confidence in the administration of elections would be maintained if, in delivering the general election and referendum, it –
  - (a) Delivered voters the same level of service in polling places they received in 2008 (that is, polite, efficient staff and no long queues);
  - (b) Achieved the same reporting times for parliamentary preliminary results that it achieved in 2008 (that is, 100% of advance vote results in by 8.30pm, 50% of polling places reported by 10.00pm and the remainder by 11.30pm);
  - (c) Provided a good indication of the referendum result on election night (that is, 100% of referendum advance vote results reported by 8.30pm).

### Planning

9. Planning for the 2011 election within the Commission began immediately after its completion of the 2008 election.

10. The key planning assumption was that the 2011 general election would be held in the second half of 2011. Our strategy, planning and timetables reflected that assumption (7 January 2012 was the last possible date under the law).
11. Planning and preparations for this election were challenging because of the extraordinarily large number of additional electoral events, structural change, and other issues that arose this electoral cycle including:
  - the conduct of a citizens initiated referendum by postal vote in 2009;
  - the conduct of four by-elections (Mt Albert 2009, Mana 2010, Botany 2011, and Te Tai Tokerau 2011);
  - the disestablishment of the former Chief Electoral Office and Electoral Commission and the establishment of the new Electoral Commission on 1 October 2010;
  - the enactment of a new electoral finance regime commencing 1 January 2011;
  - the delivery of a public education campaign and referendum on the voting system with the 2011 general election; and
  - the impacts of the 4 September 2010, 22 February 2011 and subsequent earthquakes which created a number of challenges for the set up and delivery of services to Christchurch voters.

#### **Announcement**

12. The Prime Minister announced the date of the 2011 general election on Wednesday 2 February 2011. The early announcement of the date for the election and referendum provided significantly more notice than at previous elections and enabled the Commission to plan with certainty. This was particularly advantageous in terms of the acquisition of electoral staff, the booking of polling places and the distribution of equipment and supplies. A list of the key dates for the general election and referendum is available at **Annex B**.

#### **Adjournment of polling in an emergency**

13. In light of the Christchurch earthquakes and following consultation with agencies including the Department of Prime Minister and Cabinet, Ministry of Justice, and Crown Law, the Commission, via the Minister of Justice, reported to Parliament on 26 September 2011 on the decision making process it would follow before invoking its power under section 195 of the Act to adjourn polling in any polling place in an emergency.
14. The main points from the report were as follows. Under MMP, the adjournment of polling in even a small number of polling places means the election of all members of Parliament and, therefore, the formation of Government is delayed for the period of the adjournment. For this reason, the Commission would revoke and amend polling places and make alternative arrangements for voters rather than adjourn polling wherever possible. If polling had to be adjourned in affected polling places, the Commission advised it would still release preliminary results from other polling places on election night (notwithstanding well-established practice that election results should not be released before all polling has concluded). The Commission would consult with the Officials Committee for Domestic and External Security Co-ordination before adjourning polling at any polling place.
15. An event of the magnitude of the Christchurch earthquakes in one part of the country on or soon before election day could have a major effect on the conduct, turnout and perceived legitimacy of the election in other parts of the country as people's focus moves from the election to friends and whanau and the mobilisation of assistance. However, currently legislation prioritises the need for polling to proceed. This appears to reflect the

principle that even at the time of a state of national emergency, an election must continue in order for Parliament to be able to be summoned. The difficulty, of course, is that under current arrangements the election cannot be completed until polling can be completed in the affected area.

16. These matters raise difficult constitutional and political issues and the Justice and Electoral Committee may wish to consider whether current legislation is adequate.

## **ESTABLISHING TEMPORARY FIELD STRUCTURE**

17. One of the challenges with administering parliamentary elections is the absence of a permanent field structure. It is necessary for each election to recruit and train staff, find Returning Officers' headquarters, and roll out the information and communication systems.

### **Wider public sector support**

18. The Electoral Act requires State Sector Chief Executives to take account of the Government's interest in a whole-of-Government approach to electoral administration when considering requests from the Commission for assistance.
19. As with the 2008 election, our aim for 2011 was to attract public servants to senior election management roles to mitigate some of the risks inherent in recruiting and training a temporary field structure anew for each general election. We succeeded in appointing 16 public servants on secondment to senior roles from the Ministries of Justice, Education, Social Development, the Department of Corrections and Statistics New Zealand.
20. The secondees performed very well and proved the benefits of drawing upon the skills, experience and culture within the public service to find senior electoral officials. The Commission will again try to attract more public servants in 2014.
21. Ten of the 33 electorate headquarters buildings were provided from within the public sector at rentals below commercial rates. Offers of equipment, advice and contact details were provided by other organisations. In 2011 the Commission had to provide low-profile security at some polling places and headquarters for staff working late. Court staff from the Ministry of Justice assisted with security. The Ministry also provided valuable assistance in the areas of technology, property, and staff secondment to the Commission's legal/policy team. Staff from the Office of the Clerk of the House of Representatives were made available to assist with the processing of overseas votes.

### **Recruitment of field staff**

22. Field recruitment processes seek to meet public service recruitment protocols while taking account of the exigencies of recruiting large numbers of temporary staff, the majority of whom are employed for one day. The more senior the position being filled, the more rigorous the process used. All positions were advertised and all applicants had to make formal application.
23. Regional Managers were appointed by December 2009. Returning Officers were recruited in late 2010 and trained in February and August 2011. Operations and Human Resources Managers were recruited by May 2011 and received training in August 2011. Other electorate headquarters staff and polling place staff were recruited from late July 2011.

24. The Commission recruited over 23,000 staff, the largest number ever needed for an election due to the conduct of the referendum with the general election (17,500 in 2008). 19,674 people across the country were employed to work in polling places on election day. Some of these people also worked in electorate headquarters before and after election day. In total there were 6,491 staff who worked in electorate headquarters on a casual basis.
25. An online application system was introduced for the first time which managed 94% of the 31,720 applications that were received and enabled the 19,674 election day staff to be paid within five days of election day.
26. Aside from increasing training fees to account for the additional training time required for the referendum, there was no increase in election day staff pay rates over 2008.

#### **Returning Officers' electorate headquarters**

27. Returning Officers were housed in 33 sites around the country. There are administrative advantages in Returning Officers sharing headquarters even though this means some Returning Officers are located outside their electorates. Each Returning Officer required about 600 square metres for 10 months (20% more space than in 2008 because of the referendum).
28. Finding suitable properties to house the seven Christchurch electorate headquarters was challenging. The original property that was leased for this purpose was located in the red zone following the February 2011 earthquake and so was rendered unusable. After a lengthy search we managed to obtain suitable premises at Canterbury and Lincoln Universities and secured contingency buildings through the Lincoln District Council and Burnham Military Camp. This was some six months later than our usual timeframe which placed additional pressure on Returning Officers and their teams, pressure to which they responded admirably and effectively.

#### **General Election Technology Programme**

29. Returning Officers' headquarters were connected to a secure communications network which hosted the Commission's election management system ("EMS") and intranet. Setting up Returning Officers' headquarters and connecting them to the system was a major exercise taking six weeks to complete.
30. EMS was significantly improved for the 2011 election. As well as managing the recording of election results, the nomination process and data for ballot papers and the EasyVote pack, it captures information about polling places, special votes, staff and supplies. It is used to generate ballot papers for printing, determine polling place staff structures, allocate staff to polling places, provide payroll information, and determine the distribution of hundreds of tonnes of field supplies. New functionality was added to the system to record referendum results.
31. An intranet was used at the election to enhance communication and information sharing between the Commission's national office and the field. The intranet provided one central, consistent resource for operations manuals, forms, training manuals, contact numbers, e-learning and other information.
32. Five operational tests and dress rehearsals for election night and the official count were held between July and October 2011.

### **Training for Returning Officers, Operations Managers and Human Resource Managers**

33. A centralised model for training Returning Officers and their Operations and Human Resources Managers was introduced successfully in 2008 and the same approach was followed in 2011. Returning Officers attended three days of induction training in February 2011. Returning Officers and their Managers attended training for four days in August 2011. The February and August training were delivered nationally at a model electorate headquarters, which was then used as the headquarters for the Wellington Central and Rongotai electorates. This enabled a realistic hands-on training experience.
34. Each Regional Manager conducted follow-up training sessions at regional meetings with their teams from September through November 2011. These were successful and we will continue to build on this.
35. The training was developed and delivered with considerable assistance from more than 25 experienced field staff. Film footage obtained during the 2008 election and through simulations in 2010 was a key element in delivering training on both the parliamentary election and referendum. 82% of staff agreed in the post-election survey that the training was effective preparation for their role.

### **Training for election day staff**

36. Election day staff training is critical to the success of a parliamentary election and is a major logistical exercise. In 2011 the complexity increased because of a 30% increase in staff and a 10 to 25% increase in training time required, depending on the role, due to the referendum.
37. Over 22,000 staff were trained in the two and a half weeks before election day. Their role, as well as being constitutionally important, is complex and demanding. The election happens once every three years and there is only one chance to get the day right. Because many election day staff work during the week, training is generally delivered in the evenings or weekends.
38. In 2011, staff were required to watch a DVD, read an instruction manual and complete a study guide prior to attending a face-to-face training session. An additional half hour was added to the length of training sessions to cover what staff needed to know about the referendum. Ordinary Issuing Officers received 2.5 hours, Special Issuing Officers 3.5 hours and Polling Place Managers 5 hours.
39. The Commission required each electorate to hire at least three trainers where many had only two in the past. Some rural electorates had as many as 10 to cover the geographic spread of staff requiring training.
40. An online survey was completed by over 9,000 advance voting and election day staff. 88% found the training prepared them well for their role and 98% agreed they felt able to provide a high level of service to voters.
41. Training remains a key area of attention for 2014, in particular, continuing to find opportunities for staff to practice the main components of their role.

## **FINANCE**

42. It is expected the Commission will come within budget for the year ending 30 June 2012 with the exception of the current conduct of the MMP Review which is being funded from Commission reserves.
43. The costs in the 2012 financial year associated with the conduct of the 2011 general election and referendum were \$37.121m (excluding costs of enrolment activities). This compares to \$28.66m in the 2009 financial year for the Chief Electoral Office and former Electoral Commission.
44. The costs of conducting the referendum in the 2012 financial year are estimated to be \$8.507m (including the costs of the information and education campaign).
45. The Commission faces a funding shortfall of approximately \$10m in the 2014/15 financial year to cover the conduct of the 2014 general election. The Commission will be preparing advice, in conjunction with the Ministry of Justice, on the implications of this for the delivery of the 2014 election.

## **COMMUNICATIONS**

### **Information for voters**

46. Voters had a lot of information to cope with in the five weeks between the conclusion of the Rugby World Cup and election day. The electoral agencies needed to convey information to voters about enrolment, about how to vote in the general election and referendum and about the questions, the different voting systems and the implications of the referendum. At the same time, parties, candidates and third parties had their own messages to convey.
47. The Commission and Electoral Enrolment Centre (“EEC”) worked closely together to ensure a consistent and integrated approach to information, advertising and outreach activity for the 2011 general election and referendum on the voting system.
48. This included the EEC’s Registrars of Electors and electoral fieldworkers actively informing and engaging with communities about how, when and where to vote, as well as providing information on the referendum on the voting system.
49. One difficulty for the Commission was that it was unable to include the information it usually would about how to vote under MMP in its general election information campaign. This would have given undue prominence to the MMP system in a way that would have been unfair for other systems on offer at the referendum. So, whilst information on ‘how to vote under MMP’ was available in the detailed sections of the referendum information campaign, it did not get the prominence it normally would at a general election.
50. The Commission spent around \$3.5 million in mass media advertising on the referendum in the five weeks before election day. This amount was required because of the sheer volume of information that had to be conveyed. In the same period it spent \$900,000 promoting its general election messages (Take your EasyVote card when you go to vote; Vote close to home; Vote in advance if you can’t on election day). In terms of time, this translated into 35 hours and 28 minutes exposure on the referendum and 14 hours and 45 minutes on the general election.
51. Unsurprisingly, voter awareness of the referendum messages was high but awareness of the general election messages fell significantly compared to 2008, from 81% to 64%.

52. The Commission's primary communication channel remained the EasyVote information pack delivered to 3.0 million voters in the eight days before election day. The pack contained all the information needed by voters – party lists, electorate candidates, advance voting and polling places, the EasyVote card, contact details, plus a guide to voting in the referendum on the voting system.
53. Use of the EasyVote card by voters in 2011 was 86%, similar to 2008 (88%). 88% of voters were satisfied with the pack.
54. There were 1,611,745 visits to the *www.elections.org.nz* website between Announcement on 2 February and the declaration of official results on 10 December, including 137,747 visits on election day.
55. Election night results were made available on the Commission results website *www.electionresults.org.nz* within 30 seconds of their entry by Returning Officers into the Election Management System. There were 3,292,325 pages viewed on the website over the 24 hour period from midday 26 to 27 November 2011 (1,587,822 in 2008).
56. A list of the Commission's publications is at **Annex C**.

#### **The referendum education and information campaign**

57. The Commission's aim was to ensure every voter felt confident on election day to take part in the referendum. This was easier said than done. There was a lot of complex information to convey about the referendum process and the five voting systems in question. The timing of the referendum with the parliamentary election, soon after the Rugby World Cup, also presented practical challenges. Moreover, electoral reform had not been a subject of major public debate so public knowledge was at a low level at the beginning of the programme.
58. The Commission recognised different voters would have different levels of interest and learning styles. Some would want lots of information, some very little. Some would want their information early on in the campaign but many would not be interested in engaging until close to the referendum.
59. The Commission therefore adopted a two stage approach to the programme. Stage one, from May to mid-October, included TV and radio advertising and coincided with the launch of the Referendum website. The aim was to raise general awareness about the referendum and provide comprehensive information for those who wished to engage early on with the subject matter via the website and freephone information service. Stage two, from mid-October, delivered the key messages to all voters through mass media channels and encouraged those who wanted more information to go to the website or freephone information service.
60. The Commission engaged with major media to encourage and assist them to report accurately on the referendum.
61. The Commission's information was developed with invaluable assistance from its expert advisers, Professor Nigel Roberts and Dr Therese Arseneau, who on some points consulted with peers from New Zealand and overseas.
62. Every registered elector received information about the referendum in their enrolment update pack in early June. Every household received a more detailed brochure in mid-October and every registered elector received the same information in their EasyVote pack a week before election day. Comprehensive information about the voting systems



was published by the Commission in all major newspapers in the 10 days before election day. People who wanted more information were encouraged to go to the Commission's website or to call its freephone number.

63. Between May and the referendum 221,116 people visited the Commission's referendum website, which had comprehensive information including animated videos and an interactive referendum toolkit. The online, interactive toolkit was designed to help voters decide which voting system might best meet what they were looking for in a voting system. User testing commissioned before the toolkit was launched showed that after using the toolkit:
  - 86% had a better understanding of the voting systems;
  - 86% found the content easy to understand;
  - 74% found the tool easy to operate and navigate;
  - 63% described themselves as likely to share the tool via social media; and
  - 88% felt confident in their ability to make a meaningful vote.
64. The toolkit was accessed by 22,000 unique visitors in the eight weeks from launch to election day.
65. A substantial community outreach programme was undertaken. Community Liaison Coordinators worked directly with communities nationwide, including three Pasifika and five Māori specialists. 601 community presentations and public meetings reached 28,151 people.
66. 18,500 DVDs on the referendum, featuring Professor Roberts, Dr Arseneau, and Mabel Wharekawa Burt (Returning Officer for the Waiariki and Coromandel electorates) were distributed. Feedback from the public who used these resources was extremely positive.
67. Overall, the Commission's programme was a success. 93% of voters were aware of the referendum and 81% of these voters felt very confident or fairly confident to make a decision. Knowledge of the key messages increased substantially.
68. Post-election voter surveys showed that:
  - 87% of registered electors (which includes voters and non-voters) surveyed knew that the referendum was on and what it was about (compared to 45% in May);
  - 82% of registered electors surveyed knew they would be asked whether they wanted to keep MMP or not (compared to 35% in May);
  - 72% of registered electors surveyed knew there was a choice of voting systems (compared to 20% in May);
  - 65% of registered electors surveyed knew about both questions in the referendum (compared to 9% in May);
  - 57-87% of registered electors surveyed knew about each of the five systems (compared to 17-78% in May) with variance ranging between the most and the least known systems;
  - 67% of registered electors surveyed reported that they felt confident to participate in the referendum (compared to 28% in May);
  - 53% of registered electors knew that if there was a vote to keep MMP then an independent review of MMP would be held (compared to 2% in May); and
  - 66% knew that if there was a vote to change from MMP then Parliament would decide whether there would be another referendum in 2014 (compared to 8% in May).

69. However, it is fair to say that the referendum did not appear to excite a high level of public interest. The Commission received only 2,955 enquiries about the referendum whereas it received 13,000 enquiries about advance voting alone out of a total of 60,131 enquiries. There may well have been a perception that the result was a foregone conclusion. Those voting to retain MMP certainly seemed to be confident of this as the majority (54.7%) did not bother to mark Part B of the referendum voting paper.

#### **Information for voters with disabilities**

70. A new DVD and facilitation guide was developed for people with intellectual disabilities to enable their caregivers to deliver information on voting, how to enrol and how to vote. These were developed and distributed in consultation with the IHC and People First organisations.
71. Plain English booklet and poster resources 'The Easy Guide to Voting' were developed for persons with learning difficulties and low literacy, and distributed widely.
72. Key publications were made available in accessible formats for the vision-impaired, in consultation with the Royal New Zealand Foundation for the Blind. Information about voting was produced in a variety of formats including Braille, audio tape, screen-reader and large print, as well as on the RNZFB's Telephone Information Service.
73. Brochures and information about accessible polling places were distributed to disability groups throughout the country and articles were provided for newsletters and publications to reinforce the advance voting message.
74. A sign language DVD was produced in consultation with Deaf Aotearoa and the National Foundation for the Deaf, which explained both the enrolment and voting processes in sign language, captions and sound. The referendum DVD was also provided in captioned format. It was distributed via Deaf Aotearoa, the National Foundation for the Deaf, Hearing Associations, and on request.
75. Existing audio-visual material was made available for download including TV and radio advertising in captioned and storyboard format.
76. 60% of voters with a disability recall specific disability targeted electoral information.
77. 79% of non-voters with a disability knew when and where they could vote.

#### **Information for Māori**

78. Core information brochures and media releases about key milestones were translated into te reo Māori.
79. This information was available through Registrars of Electors and electoral field workers, Returning Officers and provided to organisations such as Te Puni Kōkiri, Citizens' Advice Bureaux and Māori health providers.
80. The Commission's bilingual advertising was broadcast on Māori Television and iwi radio. The Returning Officer for Waiariki was available for media interviews in Māori, and the Chief Electoral Officer carried out a number of interviews with iwi radio.
81. Māori Community Liaison Coordinators worked directly with iwi groups and communities to educate Māori about the referendum.

82. The animated referendum video clips on each voting system were available with Māori voiceovers, and the DVD was subtitled.
83. The Commission's *'Candidate Handbook – 2011 General Election and Referendum'* was also made available in te reo Māori.
84. The Mana Party has suggested the need for bilingual polling place signage and the Commission is considering this.

#### **Information for ethnic communities**

85. The core brochure *'Voting in the 2011 General Election and Referendum – the easy way!'* was redesigned and available in 18 other languages.
86. This resource was available through election field workers, Returning Officers, community organisations and other outreach contacts. It was also available from the elections website.
87. Advertising with tailored messages was placed in targeted ethnic media including print publications, TV, radio and online in Chinese, Tongan, Korean and Samoan.
88. Audio recordings of this material in each language were available on the elections website and on ethnic websites.

#### **Information for young voters**

89. The youth-focused website [www.ivotenz.co.nz](http://www.ivotenz.co.nz) was disestablished in May 2011, after receiving fewer than 1000 visitors over the previous 12 months.
90. The equivalent effort was redirected to a strong Facebook presence at [www.facebook.com/ivotenz](http://www.facebook.com/ivotenz) to appeal to younger voters. The Facebook site, which included the ability to start the enrolment process online, had 10,600 'likes' in the week before the election. During November, an average of 200,000 people per week saw a message from or to the IVoteNZ Facebook page. The Commission's Facebook presence was 'hosted' by Orange Guy, who answered individual queries and comments and shared information with visitors. This enabled a more personal, direct relationship with voters.
91. Partnerships with youth-focused broadcasters were developed, resulting in targeted advertising using popular musicians as spokespeople. These spokespeople were chosen based on their influence on young voters, and represented a variety of genres and styles.
92. The core message of the advertising material developed through these partnerships was motivational. The clips featured musicians describing the things important to them, and how using their vote is important.
93. This motivational advertising ran on youth-focused television stations Juice and Four, on radio stations including Mai FM, Flava, the Edge, ZM, and the Rock, and on the websites of all the partners.
94. Radio hosts on partner stations also delivered voting messages in their ad-libs, directing listeners to the station websites. Each website featured links to online enrolment and information about the referendum and election.
95. Mainstream channels TV2 and TV3 also ran channel-branded motivational advertising in the lead-up to the election, encouraging viewers to enrol and vote.

96. Post-election surveying of young enrollers and non-enrollers showed that this motivational advertising was engaging and persuasive for young voters. This research also showed a demand for more instructional messaging around how to vote under MMP.
97. Expansion of this motivational and instructional advertising will be explored for the 2014 election.

### **Kids voting**

98. The Commission took full responsibility for the delivery of the 2011 Kids Voting programme. In addition to the practical Kids Voting parallel election activity, the Commission developed new curriculum-linked learning units that support both the Kids Voting programme and the civics requirements of the Y10 social studies curriculum.
99. In 2011, 340 schools, which included 1933 classes and 46,659 students, registered to take part. This compares with 152 schools, 917 classes and 24,675 students in 2008.
100. Teacher evaluation shows that 93% of teachers thought the programme met its objectives, and 94% would participate again. 90% thought the resource supported their ability to teach social studies in the classroom.
101. 100% of teachers thought that the programme increased their students' knowledge and understanding of elections and 81% of teachers thought that the programme increased their own understanding of elections.

### **Information for the media**

102. The Commission provided media kits and, in conjunction with the EEC, briefed the media on the general election and referendum timetable and processes. Workshops on the content of the referendum were delivered, with assistance from the Commission's expert advisers, Professor Roberts and Dr Arseneau to TVNZ, TV3, Māori TV, and the Christchurch Press journalists. The Commission encouraged all media to refer to Professor Roberts and Dr Arseneau for expert balanced comment.
103. Between Announcement (2 February) and the declaration of the official results (10 December) the Commission dealt with 623 media enquiries including 307 in November and 64 on election day.
104. Media were given direct access on election night to real-time results data from the Election Management System.
105. 39 stories were written for stakeholder publications including those of the Office of Ethnic Affairs, Ministry of Pacific Island Affairs, CERA, Housing NZ, Tearaway, and SSC.
106. A new initiative for 2011, was the publication on 26 August 2011 of the *Media Handbook - 2011 General Election and Referendum* aimed at media publishers and broadcasters to provide an overview of the election and referendum advertising rules, the rules for broadcasting election programmes on radio and television, and the restrictions that apply on election day.

## SERVICE TO VOTERS

### Voter satisfaction

107. Voter survey results showed 88% of voters were satisfied or very satisfied with the information they received before the election, the voting process, and their voting experience. The vast majority of voters considered the time spent in the polling place reasonable (98%), found the parliamentary (94%) and referendum papers (83%) straightforward, and were satisfied with the timeliness of the results (87%). Voters were very positive (93%+) about the location and layout of polling places and the politeness, efficiency and knowledge of electoral staff. These results are on a par with those for 2008.
108. Understanding of the MMP system is high, with satisfaction with the layout of the ballot paper and the ease of finding the person and party they wished to vote for exceeding 90%. Relatively low rates of informality (party votes 0.88% and 2.4% candidate votes) and high rates of vote splitting (30.7%) demonstrate that voters have a good understanding of how voting works. However, it should be noted the rate of informal voting in the parliamentary election doubled compared to 2008 (0.88% of party votes and 2.4% candidate votes compared to 0.51% and 1.09% respectively), seemingly an impact of holding the referendum with the election. The only other election in recent times where the rate of informal voting increased in this way was in 1999 when two CIR were held with the election. A nationwide summary of the split voting analysis is at **Annex D**. A more detailed analysis is available in the E9 (Enrolment and Voting Statistics from the General Election and Referendum held on 26 November 2011).
109. The rates of informality on the referendum voting paper were considerably higher than is normally seen in New Zealand elections and referenda: Part A (2.77%) and Part B (33.14%). An analysis of informal votes undertaken by the Commission during the official count showed that most voters who cast informal votes in the referendum did so purposefully and not by mistake. By far the most common type of informal vote, accounting for 88.6% of all votes surveyed was a vote to Keep MMP in Part A, with Part B left blank. In all, 99.6% of all informal votes cast were blank or crossed out. [See **Annex E** for results of this analysis].

### Proposed improvements to vote issuing and scrutiny processes

110. The Commission recommends the Act be amended to authorise the Commission to use an EasyVote card as the record an ordinary vote has been issued (instead of marking a voter off the electoral roll) and as evidence a special voter is eligible to vote (instead of requiring a voter to complete a declaration). This would simplify and speed up vote issuing, reduce special votes, and improve the accuracy and efficiency of the scrutiny of the rolls. Voters without EasyVote cards would continue to be processed as they currently are.
111. In 2011, 86% of voters took their EasyVote cards with them when they went to vote. At the moment, a voter with an EasyVote card hands it to the issuing officer who uses the information on the card to find and mark the voter off the printed electoral roll before recording the voter's line and page number from the roll on the stub of the ballot paper and issuing the ballot paper to the voter. After election day, the Returning Officer takes each electoral roll and manually marks off against a master roll the name of every voter who has been issued a vote. The Returning Officer must complete the scrutiny of the rolls before the official count can be completed.

112. We propose that ordinary vote issuing officers use the line and page number printed on the EasyVote card to complete the stub on the ballot paper. After issuing the vote to the voter, the issuing officer would place the EasyVote card in a secure container. After election day, the Returning Officer would scan the EasyVote cards to electronically compile the master roll.
113. A special voter must currently complete a complex and time-consuming declaration to provide the Returning Officer the information necessary to establish the voter's eligibility to vote. The information on the EasyVote card is taken directly from the electoral roll.
114. Where a special voter presents their EasyVote card, we propose it be placed in the special vote envelope instead of a declaration. The Returning Officer would use the card to qualify the voter and complete the scrutiny of the roll.
115. These proposals would significantly improve the administration of elections by:
- Simplifying and speeding up the issue of ordinary votes (because rolls would not need to be marked off for voters presenting with EasyVote cards);
  - Reducing the number of electoral rolls to be printed and distributed;
  - Reducing the number of special votes (Currently, voters who enrol after writ day do not receive an EasyVote card and must cast a special vote. We would be able to provide most late enrollees with EasyVote cards and they would cast ordinary votes.);
  - Simplifying and speeding up the issue and processing of special votes;
  - Improving the accuracy of the scrutiny of the rolls by reducing the scope for human error that exists in the current manual process.
116. Amendments to the vote issuing and scrutiny provisions in Part 6 of the Act would be needed to provide for these changes.

### **Delivering the referendum with the general election**

117. The 2011 election was the most administratively challenging since 1999 because of the referendum on New Zealand's voting system.
118. 1999 was the last time referenda were held with a general election. The result then was voter confusion, long queues and congestion in polling places, significant delays to the parliamentary count and, importantly, a loss of public confidence in the administration of elections.
119. The Commission put considerable effort into its planning and preparations to avoid the problems that arose in 1999, including a series of eight large scale polling place and headquarters simulations in 2010 to test processes, systems and supplies. This informed our advice on the approach for delivering the referendum which found its way into the referendum legislation and was designed to make the process as simple as possible for voters and election staff.
120. To deliver the same level of service to voters as in 2008, substantially more election day staff (around 5,000), training, supplies and space in polling places were required. This greater scale increased the complexity of managing the election. However, the streamlined process for issuing referendum papers, the use of colour to guide staff and voters through the process, the decision not to count referendum papers in polling places on election night, and the additional staff, training and resources had their desired effect.

### **Service to voters with disabilities**

- 121. Most voters with a disability (75%) were either 'happy' or 'very happy' with the voting facilities and 82% rated how well electoral staff provided for the needs of the disabled as 4 or 5 out of 5.
- 122. 80% of voters with a disability went to a polling place on election day, 18% went to an advance voting facility, 1% voted from a hospital or care home, and 1% voted using papers delivered by mail. 65% of voters with a disability were able to vote unassisted and 17% required the assistance of election day staff. Although voters with a disability tended to spend longer in the polling place, 97% said the length of time spent 'was about right'.
- 123. The main overall reasons for not voting were health reasons (25%), the polling place being too far away or not having transport (24%), "cannot be bothered voting" (8%), "makes no difference who the government is" (8%), and "my vote doesn't make a difference" (8%).

### **Service to Māori voters**

- 124. Ordinary Māori voting facilities were made available at all polling places within each Māori electorate. The proportion of voters on the Māori roll making an ordinary vote was 85%, the same percentage as in 2008.
- 125. 95% of Māori voters recalled receiving an EasyVote pack and 91% of those reported reading or glancing through it. 86% took the EasyVote card with them when voting (88% in 2008).
- 126. Māori reported a very high level of overall satisfaction with the process including information received before the election and the voting experience itself (94%). 97% said the amount of time they spent in the polling place was reasonable. 89% rated the convenience of polling places as excellent and 88% rated the politeness of polling day staff as excellent. 92% of Māori voters rated the layout of the ballot paper 4 or 5 out of 5. 93% gave the same rating for the clarity of instructions for casting a vote. 87% of Māori voters rated the layout of the referendum voting paper 4 or 5 out of 5. 84% gave the same rating for the clarity of instructions on how to vote in the referendum.
- 127. Further statistics from the survey of voters are at **Annex F**.
- 128. One area of concern regularly raised in the run-up to an election is from voters of Māori descent who want to change their roll type and are disappointed to learn they cannot do so except during a Māori Electoral Option held after each quinquennial census. The Commission proposes for consideration a change to allow voters of Māori descent to change roll type once each electoral cycle. The ability to do so would become part of general enrolment communications including the electoral update campaigns run prior to electoral events, thus replacing the quinquennial Māori Electoral Option. This would require amendment to Part 5 of the Act including sections 76-79 and section 35 (an entrenched provision under section 268 of the Act).

### **Service to Christchurch voters**

- 129. Christchurch was an area of particular focus. With all they had been through, the Commission was committed to ensuring the voters of Christchurch were able to have their say.
- 130. Returning Officers were able to find suitable alternatives for advance voting places and polling places with considerable support from the community.

131. To counter information and communication obstacles the Commission actively promoted advance voting in Christchurch and developed an information programme tailored to its needs. Advance mobile voting services were provided in Christchurch Central, Christchurch East and Port Hills via campervans which stopped at pre-advertised sites on the path of local bus routes. All Christchurch voters received a separate flyer in their EasyVote pack reminding them about the availability of advance voting services and directing them to more information about advance voting. Advance voting places offered ordinary voting for voters from all other Christchurch electorates (i.e. rather than having to cast a special vote) to help speed up issuing rates.
132. The rates of advance voting in the badly affected electorates of Christchurch East (19.4%) and Christchurch Central (18.8%) were significantly higher than the nationwide average of 14.7%.
133. In spite of the major disruption caused by the earthquakes, voter turnout in the Christchurch electorates was on average just 1% less than 2008 adjusting for the overall reduced turnout nationwide.

## VOTER PARTICIPATION

134. Overall turnout as a percentage of those eligible to enrol fell 6% from 2008 (from 75.73% to 69.57%). The last time there was a similarly large drop was between the 1999 election and the early mid-winter election in 2002 when turnout fell 5% (from 77.19% to 72.49%). Turnout in 2005 was 77.05%.
135. Turnout is best discussed on the basis of estimated age-eligible turnout, rather than enrolled turnout, as this controls for differences in enrolment levels and gives a more accurate picture of public engagement. See **Annex G** for turnout statistics from 1987 to 2011. However, turnout of voters on the Māori roll can only be calculated as a percentage of enrolled voters. For 2011 turnout of those on the Māori roll was down from 2008 (58.2% compared to 62.4%).
136. The main unprompted reasons given by non-voters in 2011 for not voting were: “other commitments” (14%), “work commitments” (9%), “couldn’t be bothered” (14%) or “could not work out who to vote for” (11%).
137. When asked what factors may have influenced their decision not to vote and to rate the impact of those factors with 5 being a lot of influence, the factors that had the highest proportions of non-voters saying that the impact was 4 or 5 out of 5 were: “I don’t trust politicians” (33%), “it was obvious who would win so why bother” (31%), and “I’m not interested in politics” (29%).
138. Less than 2% of non-voters surveyed identified barriers within the control of electoral officials, such as the location of polling places, as reasons for not voting.
139. Political scientists (Jack H. Nagel (1988) and Jack Vowles (2004, 2010 and 2012)) have found that the two strongest effects on turnout appear to be competitiveness between the two main parties (i.e. the difference between the levels of support for those parties) and the degree of difference between the two main parties’ policy platforms. Turnout increases if support for the two most popular parties is close. Turnout decreases if the policy platforms of the two most popular parties are similar. It is perhaps significant that there was a marked increase in the proportion of non-voters saying “it was obvious who would win so why bother” between 2008 and 2011 (from 19% to 31%).



140. Political scientists have also found that demographic effects seem to play a part:
- Women, married people and those with university degrees are more likely to vote;
  - Those in manual occupations, Māori and those born overseas are less likely to vote;
  - People become increasingly likely to vote with age (about two-thirds of one percent per year);
  - Certain cohorts are more likely to vote than others (even after age effects are taken into account):
    - Those born after 1952 are less likely to vote than those born before 1952, with those born between 1965 and 1974 (in other words, those turning 18 between 1983 and 1992) least likely of all to vote.
141. Facilitating participation is a key objective of the new Commission. Whilst it cannot be accountable for turnout (because it cannot control all the variables which affect turnout), it can and will champion voter participation and lead efforts to turn the decline around.
142. An immediate area of focus for the Commission will be civics education. Declining voter participation is a world-wide longstanding generational problem and will not be easily or quickly turned around. However, an obvious starting point is our newest generation. The Commission's 2011 Kids Voting programme reached 46,659 school students in the weeks before the election and has received extremely positive feedback. This is an initiative the Commission intends to expand, resources permitting.

## **SERVICE TO PARTIES, CANDIDATES, AND THIRD PARTIES**

### **Registration of political parties and logos**

143. The Commission took over responsibility for the registration of political parties and logos under Part 4 of the Electoral Act on 1 October 2010.
144. Between then and the election the Commission registered three parties (New Citizen Party, 25 November 2010; Mana, 24 June 2011; and Conservative Party, 6 October 2011) and cancelled the registration of two parties at their request (Workers Party, 20 May 2011; and New World Order, 2 June 2011).
145. Since the election the Commission has deregistered, at their request, three parties: New Citizen Party, the Kiwi Party and the Jim Anderton's Progressive party. There are currently 13 registered parties.

### **Logo registrations and cancellations**

146. In the period from October 2010 until the 2011 general election the Commission:
- registered seven logos: (Mana, 30 August 2011; OURNZ, 30 August 2011; New Zealand Tea Party, 30 August 2011; The Pirate Party of New Zealand, 30 August 2011; Conservative Party, 23 September 2011; Ordinary Kiwis Party, 18 October 2011; and New Zealand Sovereignty Party, 18 October 2011);
  - varied two logos on request (Labour Party, 20 May 2011; and Aotearoa Legalise Cannabis Party, 19 October 2011);
  - refused to register one logo: (Nga Iwi Morehu Party, 21 October 2011); and
  - cancelled one logo on request: (One NZ, 22 July 2011).

147. All the registered political parties that contested the party vote at the 2011 general election had a party logo included on the ballot paper.
148. Only two of the 11 unregistered parties that stood candidates had their logo on the ballot paper, namely New Zealand Sovereignty Party and Pirate Party of New Zealand. These parties each stood two electorate candidates. OURNZ, the New Zealand Tea Party and the Ordinary Kiwis Party did not stand candidates despite having registered logos in the run up to the election.
149. Since the 2011 general election Jim Anderton's Progressive party logo has been cancelled at the party's request.
150. There are currently 13 logos for registered parties and 35 logos for unregistered parties.

#### **Changing minimum requirement for party registration to 500 members who are enrolled electors**

151. The process for registering a party is prescribed in Part 4 of the Act. Under section 66 of the Act the Commission must refuse a party registration application if the Commission is satisfied that the party does not have 500 current financial members that are eligible to enrol as electors. The only grounds for cancellation of the registration of a political party are at the party's request or if the Commission is satisfied a party has less than 500 current financial members who are eligible to enrol (section 70).
152. There appears to be no good policy rationale for the existing formulation 'eligible to enrol'. As the Electoral Act makes enrolment compulsory, parties should be required to have "at least 500 current financial members who are *enrolled* as electors" rather than "at least 500 current financial members who are *eligible to enrol* as electors". This would bring the rules into line with similar requirements in other jurisdictions, for example, Canada.

#### **Allowing only registered parties to register a party logo**

153. Currently both registered and unregistered parties are eligible to register a logo without fee. There are 35 logos registered for unregistered parties, only two of which stood candidates in the 2011 general election. The high number of logos for unregistered parties reflects the fact that logos have been registered by unregistered parties that are no longer politically active. Parties often do not cancel their logo when they request deregistration of the party.
154. A party logo can only be cancelled at the request of the party secretary or a member of Parliament who is a current financial member of that party (section 70A). Because there are no ongoing compliance obligations for unregistered parties, contact details for the party become out of date and logos can continue to be registered long after the party has ceased to exist. The number of registered logos for unregistered parties will continue to increase. The fact that stale logos remain registered constrains existing parties from using similar names or logos.
155. In Australia and Canada there is no separate process for the registration of logos and logos do not appear on the ballot paper. In the United Kingdom only a registered party can register a logo, which appears on the ballot paper.
156. The Commission recommends that only registered political parties should be able to register a logo to simplify the information provided to voters on the ballot paper. This would mean that a candidate who stands on behalf of an unregistered party would have the party name underneath their name on the ballot paper but no party logo.

### **Fee payable for registration**

157. Registration as a party brings with it significant compliance obligations and costs. Requiring parties to pay even a minimal fee would help bring home to potential applicants that it costs money to meet these legal requirements. The Commission therefore recommends the introduction of a \$500 application fee for the registration of a political party.
158. In Australia a fee of \$500 and in the United Kingdom a fee of £150 is charged for the registration of a political party.

### **Registration of third parties**

159. From 1 January 2011, the Commission registered 21 third parties as registered promoters for the election and/or referendum including 12 unions, two political parties, and seven other organisations and individuals. The average processing time for applications to register as a third party promoter for the general election, the referendum, or both, was less than two working days.
160. Survey feedback from third parties indicates that they had sufficient information to complete the registration process and found it timely.

### **New election advertising rules: Guidance**

161. A new election advertising and finance regime came into force on 1 January 2011.
162. On 25 February 2011 and 1 July 2011, the Commission released the first and second editions of comprehensive guidance on the rules that apply to candidates, parties, and third parties in both the general election and referendum:
  - *Candidate Handbook – 2011 General Election and Referendum*;
  - *Party Secretary Handbook – 2011 General Election and Referendum*;
  - *Third Party Handbook – 2011 General Election and Referendum*.
163. The publications covered matters such as nominations, scrutineers, campaigning, election expenses and donations, referendum advertising and expenses, election day, general election and referendum results, judicial recounts and petitions.
164. On 8 June 2011, the Commission issued all MPs with the Commission publication *Guidance for MPs - Election Advertising Rules* including practical examples of the application of the election advertising rules to MP publicity.
165. The following briefings were also held:
  - Briefing for party secretaries and their teams, 15 March 2011;
  - Briefing for third parties, 24 March 2011;
  - Briefing for Members of Parliament, 12 April 2011; and
  - Returning Officer briefings for candidates, first week of November 2011.
166. Candidates, party secretaries and registered promoters agreed or strongly agreed that:
  - The briefings were easy to follow and provided at the right time;
  - The handbooks were a useful tool referred to often during the campaign;
  - The Commission's response to questions or information requests was professional, timely, and adequately addressed their question or request.

### **New election advertising rules: Advisory opinions**

167. From 1 January 2011, the Commission was required to provide advisory opinions on whether any particular advertisement is an 'election advertisement' for the purposes of the Act (section 204I of the Act). The Commission received 718 requests for advisory opinions prior to the 2011 general election. These covered 1099 separate advertisements including broadcasts, signage, newspaper advertisements, stationery, flyers, publications, telephone scripts, and websites.
168. Requests were answered within an average of five working days. More than 50% of requests were received in the seven week period prior to the start of the regulated period on 26 August 2011. Approximately 90% of requests were from members of Parliament; 7% were from third party promoters; and just 3% from the public and the media.
169. A large number of the requests from MPs or their staff appeared to be seeking clarity as to whether the advertising could be funded by the Parliamentary Service.
170. Under the legislation, advisory opinions are confidential until after the return of the writ for the general election. A CD containing a table and a copy of all opinions is now available on request.
171. The Commission surveyed persons who requested advisory opinions to get feedback. 71% found advisory opinions easy to understand and 73% said they adequately addressed their questions.
172. Some requesters were unhappy with the response times on advisory opinions. On the basis of our experience in 2011, we have good information on the demand patterns for advisory opinions which will be useful for planning for 2014.

### **Guidance on election day**

173. On 11 November 2011, the Commission issued a special advisory to party secretaries and registered promoters on the election day rules including advice concerning the rules about:
- hoardings;
  - delivery of election material;
  - websites (including social media);
  - contacting voters;
  - processions and demonstrations; and
  - scrutineers.
174. The same advice was used to inform the election day media advisory issued on 23 November.

## **BROADCASTING ALLOCATION**

175. The Commission made its broadcasting allocation decision on 31 May 2011 [see **Annex H** for summary].
176. The amount of money appropriated by Parliament to enable political parties to fund their broadcasting of election programmes for the 2011 election was \$3,283,250 (including GST). This was the same amount as was available at the 2005 and 2008 general elections. In addition, the Commission had to decide the amount of free time each party should be allocated and the order of opening and closing addresses.

### Time for opening and closing addresses

177. In February 2011 the Commission asked TVNZ and RNZ to confirm the amount of time that would be available for opening and closing addresses.
178. TVNZ and RNZ initially allocated:
- 24 minutes for opening addresses on the Friday night of the opening week of the election campaign;
  - 48 minutes for opening addresses on the following evening; and
  - 30 minutes for the evening of Friday 25 November 2011.
179. After considering submissions from parties the Commission invited TVNZ and RNZ to reconsider the amount of time available for closing addresses in light of *The Alliance Party v The Electoral Commission and Others* [CA639/2008] as part of the Commission's consultation with the broadcasters under section 75A(1).
180. In response TVNZ and RNZ revised the amount of time to:
- 60 minutes for the evening of Friday 25 November 2011 between 7.30 and 8.30 pm (for closing addresses); and
  - 48 minutes on Friday 28 October 2011, and 24 minutes on Saturday 29 October 2011 for opening addresses.

### Variations to the broadcasting allocation decision

181. The Commission varied its allocation after the dissolution of Parliament to take account of the fact that the New Zealand Sovereignty Party, the Pirate Party of New Zealand, and World Peace Party were not registered political parties by that point.

### Compliance

182. The Commission has referred two broadcasting allocation matters to Police for the 2011 general election:
- The Radio Network for broadcasting a number of radio advertisements, which were election programmes for United Future, on 25 October 2011, prior to the period when such broadcasts are allowed (from writ day 26 October).
  - Mediaworks and Aotearoa Legalise Cannabis Party (ALCP) for broadcasting, or arranging for the broadcast of an election programme exceeding ALCP's allocation by \$557.80 due to the failure to include GST.

### ISSUE OF THE WRIT

183. The Act currently requires the Minister of Justice to countersign the writ. The historical purpose of this requirement was to verify that the Governor-General had acted on ministerial advice. Cabinet Office advise modern procedures, including the advice sheet, make the counter signature unnecessary and recommends this requirement be removed. The same amendment is recommended for the writ for a by-election (section 129(2)(c), Form 6, Schedule, Electoral Act); the warrant to supply a vacancy in a list seat (section 134, Form 7 Schedule 2, Electoral Act); and the writ for an indicative referendum to be taken by electoral poll or by postal vote (Forms 2 and 2A, Schedule, Citizens Initiated Referenda Act 1993).

## NOMINATIONS

184. 453 electorate candidates and 471 list candidates were nominated with 13 parties contesting the party vote. This was a significant reduction compared to 2008 when there were 522 electorate candidates, 593 list candidates and 19 parties contesting the party vote. Statistics on nominations are set out at **Annex I**.

### Bulk nominations and party lists

185. Party secretaries of registered parties can lodge nominations of all their electorate candidates in a single schedule to the Commission. Party secretaries can also use the system to nominate their list candidates. The Commission provided party administrators with training and a manual on using its secure on-line nomination system two weeks before nominations opened. 12 of the registered parties opted to bulk nominate their electorate candidates. Of those, 11 used the Commission's online facility. The process worked well.
186. The Commission recommends that the provisions regarding bulk nomination and party list deposits are amended to allow direct bank deposit. Currently, party secretaries can only provide the deposit by bank draft or bank cheque, even though there is provision for submitting a bulk nomination or party list by fax. Given the very tight deadlines for submitting nominations this would assist parties based outside Wellington. It would also modernise the methods of payment available to party secretaries. This would require minor amendments to sections 127A and 146F of the Act.
187. The Commission also recommends that provision be made for bulk nomination and party list documents to be lodged by e-mail. The Act currently restricts the means of transmission to submission "by hand, post or facsimile transmission". This would require minor amendments to sections 127, 146B, 146D, 146E, 146H, 146I, 146K, 152B, and 153G of the Act.

### Deadlines

188. Bulk nominations closed at noon on 31 October 2011. Individual nominations closed at noon on 1 November 2011. The deadline for submitting list candidates was noon on 1 November 2011. The Commission completed the preparation of ballot papers that evening and the printing of ballot papers began immediately so that advance and overseas voting could begin the following week.

## ADVANCE VOTING

189. In 2011, advance voters on the printed roll at the place where they voted were, for the first time, not required to make a written declaration establishing their eligibility to vote in advance. This change made the process quicker and easier for voters.
190. 334,558 voters voted in advance at the 2011 election (a 23.7% increase over 2008) or 14.7% of voters compared to 11.4% in 2008. 54.6% of advance votes were cast in the 3 days before election day. More information on advance voting is available at **Annex J**.
191. Given the continuing growth in importance of advance voting, the Commission recommends provision be made for the appointment of scrutineers to advance voting places, and for the prohibition of election advertising within 100 metres of an advance voting place. These changes would require amendments to the Electoral Regulations 1996.

## OVERSEAS VOTING

192. Overseas voters can obtain their voting papers by either downloading them from the internet, applying for postal voting papers or by voting in person at an overseas post. Overseas voters can currently return their voting papers by either faxing, posting or couriering them to the Commission or posting, couriering or hand delivering their voting papers to the nearest overseas post.
193. Overseas posts tend to be located in capital cities, so while they provide an excellent voting service, they are not a viable option for overseas voters in smaller centres.
194. The numbers voting from overseas fell by 35% to 21,496 (33,278 in 2008). This in part would have been a consequence of the decline in participation at the election (for example, there were 52,166 voters with an overseas postal address in 2011 compared to 59,667 in 2008).
195. However, the proportion of overseas voters returning their voting papers by fax in 2011, whilst still significant at 42%, was substantially down on the 53% in 2008. Faxes are becoming increasingly inaccessible as they are superseded by other digital technology such as scanning and e-mail. The New Zealand Defence Force often has personnel deployed in remote locations overseas and can encounter significant problems returning their voting papers by fax.
196. The Commission plans to assess the feasibility of developing a secure online Upload Voting Papers (UVP) system that will enable overseas voters at the 2014 general election to scan and upload their voting papers to an elections server hosted on the elections website. As this does not involve a change to the method of voting, just to the medium by which voting papers can be returned, it can be enabled through an amendment to Part 3 of the Electoral Regulations 1996. Our assumption is that the development, testing and delivery of any such system would need to be able to be funded from within the Commission's existing resources.
197. The Commission does not recommend enabling voters to receive or return their voting papers by email because email is an inherently insecure method of communication.
198. [Further statistics on overseas voting are at **Annex K**].

### Recommended changes to the postal acceptance rules

199. Voters who return their voting papers by post may be disenfranchised as a result of delays in the international postal system. Under current electoral regulations, postal votes received by the Commission after 7pm on election day have to be disallowed (regulation 50, Electoral Regulations 1996).
200. In 2011, 469 voting papers had to be disallowed because they were received by the Commission after 7pm on election day. Of these, 379 were from overseas and the rest were sent from within New Zealand (i.e. takeaway votes).
201. The Commission recommends that consideration be given to extending the postal acceptance rules to enable votes to be counted even if they are received by the Commission after 7pm on polling day provided they are:
  - postmarked in any country outside New Zealand before or on the day before polling day (including votes posted to an overseas post); or
  - postmarked in New Zealand before polling day; and
  - received by the Commission before noon on the fourth day after election day; and



- received by the Returning Officer for the electorate not later than 7pm on the tenth day after polling day.

202. This change would require amendments to the Electoral Regulations 1996.

203. A similar rule currently applies under section 40 of the Referenda (Postal Voting) Act 2000.

## HOSPITAL VOTING

204. Voting teams went through hospitals and rest homes issuing votes to patients and residents in the two weeks leading up to election day.

205. Voting teams went through all large hospitals on election day. In addition, Auckland, Middlemore, Waikato, Wellington, Christchurch and a number of other hospitals had polling places for staff, visitors and mobile patients. These polling places were well-used, with just over 7,000 votes being cast in them on election day.

## SPECIAL VOTING

206. 263,469 special votes were cast or 11.6% of the total vote (11.4% in 2008).

207. 52,833 (20%) candidate special votes were disallowed (18.6% in 2008). Of these, 31,570 had their party votes only allowed (30,938 in 2008) because they had used the wrong ballot paper. 21,263 (8.1%) party special votes were disallowed (7.2% in 2008). The vast majority (92.6%) of disallowed special votes were disallowed because the voter was not on any roll (91.6% in 2008). In 2011 this represented 19,700 votes.

208. Special voting significantly increases the accessibility of New Zealand's electoral system. Unlike most jurisdictions, New Zealanders can vote at any polling place in the country. They can vote even if their name does not appear on the printed roll. If a voter cannot get to an advance voting or polling place in person they can apply to vote by post or arrange to have their ballot papers delivered to them. Voters overseas can vote by downloading their papers from the election website and faxing them back.

209. To streamline the issue of special referendum papers, the Commission designed a special vote pack which combined the declaration, the referendum paper and the special vote envelope in a single unit with perforations. When the issuing officer entered the declaration number from the parliamentary paper and the electorate name on to the declaration it was recorded automatically on to the referendum paper.

210. However, the special voting process is complex for both voters and election officials. The voter has to complete a declaration indicating their grounds for casting a special declaration vote. Special votes take significantly longer than ordinary votes to issue and process. Some voters and witnesses find the declaration form difficult to complete and errors can result in special votes being disallowed. The rules for allowing or disallowing special declaration votes are complex. Processing special declaration votes is one of the most time-consuming components of the official count. These problems would be addressed for a large number of special voters by the proposal outlined at paragraphs 110-116.

211. The Commission proposes reviewing the nature and position of the grounds sections of the declarations and improving processes for validating and qualifying special votes (e.g. improved interfaces between the EC and EEC computer systems). Depending on the outcome of this work, changes to the Electoral Regulations may be required.



## PRELIMINARY COUNT

212. The Commission identified early on in its planning that the timely completion of the early count of advance parliamentary and referendum votes would be critical to ensuring the Commission met the same target times for the release of the preliminary results as in 2008.
213. In recognition of the additional count required for the referendum votes, the Electoral Referendum Act 2010 provided that the Commission could start the early count at 2pm in 2011 rather than 3pm which is the standard start time prescribed in the Electoral Act.
214. The Commission put a lot of time into designing and testing early count processes to cope with the referendum and made some significant changes. In particular, Returning Officers were responsible for the count of all advance votes issued in their electorate, on an electorate by electorate basis, rather than returning votes to the home electorate Returning Officer. More staff and additional training was required.
215. 97% of all advance votes including parliamentary and referendum votes were reported by 8.30pm. 90% of polling places reported by 10.00pm and 99.96% by 11.30pm. 87% of voters were satisfied with the timeliness of results.
216. The progress of the preliminary count is set out at **Annex L**, the advance vote results at **Annex M**, and the election night results at **Annex N**.
217. The Commission recommends that the 2pm start time for the advance early count on election day be retained for future elections. In 2011, an average electorate had to count approximately 4,000 votes including both the party vote and candidate vote counts. 12 electorates had to count between approximately 5,000 and 7,000 votes. We assume, adjusting for turnout, that the number of advance votes will increase by approximately 30% each election. Amendments to sections 174C(5)(a) and 174F(4) of the Electoral Act will be needed to enable the advance early count to commence at 2pm.

## POST ELECTION DAY PROCESSES

218. The post election day processes are prescribed by legislation. Returning Officers must:
- Scrutinise the rolls for their electorate and records of special voting and investigate cases of apparent dual voting. The parliamentary ballot papers of dual voters must be found and excluded from the official count – a time-consuming process;
  - Check the qualification of special voters, where necessary with the assistance of Registrars of Electors, and the validity of their declarations;
  - Allow party vote only and referendum votes where the voter has used the wrong ballot paper;
  - Check the decisions on the formality of ordinary and advance parliamentary and referendum votes;
  - Recount the ordinary and advance parliamentary and referendum votes; and
  - Count the special votes for the election and referendum.
219. The 14 day timetable for the declaration of the official results is determined by these tasks. The Electoral Act provides that the deadline for special votes to be in the hands of Returning Officers is ten days after election day. Special vote processing cannot be completed before this time. The Returning Officer forwards the results of the completed official count for their electorate to the Commission. Further checks are carried out by the Commission before the official results are declared.

220. The performance measures for the timely and accurate completion of the official count were achieved. The Commission declared the official results for the general election and referendum in the *Gazette* on 10 December 2011 (see **Annex O** for official results).
221. On 17 December the Commission returned the writ (following the completion of the two recounts discussed below) and formally allocated the list seats and declared elected the list members, publishing a notice in the *Gazette*.
222. The processes for checking special declaration votes requires Returning Officers to send some declarations to Registrars of Electors to check whether the voter is qualified to vote. The Commission intends to look for ways to further streamline and integrate processes between the Returning Officer and Registrar of Electors. The outcome of this work may involve recommendations for changes to the Electoral Regulations.

### Identification of dual voters

223. Returning Officers undertake preliminary investigations of apparent dual voters during the official count. Where it appears that a voter has intentionally voted more than once, the Commission refers the matter to the police.
224. The Commission has referred to Police 63 cases of personation under section 215 of the Electoral Act and section 27 of the Electoral Referendum Act. This is a similar number to 2008 where 58 cases were referred.

### JUDICIAL RECOUNTS

225. An application for a judicial recount of electorate votes in the Christchurch Central electorate was filed by Brendon Burns on 12 December 2011. The recount was conducted by District Court Judge CP Somerville at the Returning Officer's headquarters in the presence of candidate scrutineers. The recount was completed on 13 December with Nicky Wagner winning the seat by 47 votes. An amended official result was declared on 14 December. A copy of the amended result is available on the Commission's website.
226. An application for a judicial recount of electorate votes in the Waitakere electorate was filed by Paula Bennett on 14 December 2011. The recount was conducted by District Court Judge JG Adams at the Returning Officer's headquarters in the presence of candidate scrutineers. The recount was completed on 16 December with Paula Bennett winning the seat by nine votes. An amended official result was declared on 17 December. A copy of the amended result is available on the Commission's website.
227. Neither of the judicial recounts was challenged through an election petition. However, following the judicial recounts, questions were raised about the clarity of the current legislative provisions regarding the High Court's jurisdiction to direct the Commission to reallocate list seats as a result of a successful election petition relating to an electorate seat. In part this stems from the split jurisdiction in the Act between the High Court which has power to hear an election petition relating to an electorate seat and the Court of Appeal which has jurisdiction to hear an election petition regarding the allocation of list seats.
228. The election of a constituency candidate can only be challenged by way of an election petition brought by a voter or candidate to the High Court (section 229 of the Electoral Act). If the Court found that the election of a constituency candidate was void, there would be no automatic reallocation of list seats. However, as outlined in section 240, the Court is to be guided by the need to observe real justice.

229. The question would be whether the Court was prepared to make additional orders relating to the allocation of list seats when the Act makes provision for the allocation of list seats to be challenged by way of a petition to the Court of Appeal (see sections 258 to 262).
230. It would be open to the party secretary of the party in question to seek an election petition under sections 258 to 262 concurrent with any constituency election petition brought by a voter or candidate.
231. The Commission recommends amendments to clarify that the High Court can direct the Commission to recalculate and amend the allocation of list seats for the election as a result of a successful election petition relating to an electorate seat. This will require amendments to the Electoral Act including amendments to Part 8 of the Act.

## **RETURNS OF ELECTION EXPENSES AND DONATIONS**

232. 15 parties were required to lodge returns of party expenses including three parties that did not contest the election. One of these, Jim Anderton's Progressive Party, the registration of which was cancelled on 9 March 2012, has not filed a return. Copies of party election expense returns and accompanying audit reports are available on the Commission's website.
233. 453 electorate candidates were required to lodge returns of election expenses and donations for the 2011 general election. 444 were filed and are available on the Commission's website. On 5 April 2012, the Commission referred 9 candidates to Police who had not filed their returns.
234. The Commission has received returns from two registered promoters who spent more than \$100,000 on election advertisements published during the regulated period and one registered promoter who spent more than \$100,000 on referendum advertisements published during the regulated period. Copies of these returns are available on the Commission's website.
235. The period allowed for candidate and third party returns is too long and the different deadlines which apply to candidates, parties and third parties create confusion and unnecessary complexity.
236. The deadline for candidate and third party returns of donations and expenses was 26 March 2012, some four months after the 2011 election. Party election expense returns were required on 19 March. The candidate and third party deadline is calculated by reference to election day whereas the party deadline is calculated by reference to the declaration of list members. For 2011, this meant the party deadline changed because the Christchurch Central and Waitakere recounts delayed the election of list members.
237. It is anomalous that candidates and third parties have longer to file returns than parties, given their returns are generally simpler and do not need to be audited. Moreover, party secretaries often need access to candidate and third party returns to manage the apportionment of dual purpose advertisements, making it more difficult for party secretaries to complete their returns and get them audited within their deadline.

238. To simplify the rules, reduce the timeframe for submission of candidate returns and make it easier for parties to check candidate expenditure before submitting the party's audited expense return, the Commission recommends the following amendments to the timeframes:

	Candidates, and registered promoters	Parties	How the changes would have applied to 2011 General Election
<b>Deadline for expense claims to be provided by supplier</b>	20 working days after polling day	20 working days after polling day	23 December 2011
<b>Deadline for payment of expenses</b>	40 working days after polling day	40 working days after polling day	13 February 2012
<b>Deadline for dispute of expense claims</b>	Claimant must commence court proceedings within 20 working days of the expiry of the 40 working day period	Claimant must commence court proceedings within 20 working days of the expiry of the 40 working day period	12 March 2012
<b>Deadline for filing expense return with Electoral Commission</b>	50 working days after polling day	70 working days after polling day	27 February 2012 for candidates and registered promoters 26 March 2012 for parties

239. This would require amendment to Part 6A of the Act.

240. It is currently a summary offence for a candidate, party secretary, or registered promoter to fail to file a return of expenses and donations by the due date. It is a corrupt practice to file a false return. The problem with this formulation is the lack of adequate sanction for refusing to file a return.

241. In 2008, two candidates were prosecuted for failing to file candidate returns. One of the candidates was fined \$200. The other candidate was fined \$400 and ordered to pay court costs of \$130. Although both candidates failed to meet the obligations of being a candidate, a summary conviction does not affect a person's ability to stand for election again. The latter candidate did stand as a candidate for election in 2011 and has again failed to file a return.

242. Lack of adequate sanction for refusing to file a return undermines the purpose of electoral finance obligations and creates a perverse incentive to refuse to file a return, rather than file a false return. Failure to file by the due date should be a summary offence, but failure to file at all should be a corrupt practice akin to the offence for filing a fraudulent return. The effect of being convicted of a corrupt practice is that in addition to being liable to a term of imprisonment of up to two years and/or a fine of up to \$100,000, a person is ineligible to enrol and stand as a candidate for three years.

243. The Commission recommends an amendment to provide that failure to file a return required under the Act is a corrupt practice offence. This would require amendments to sections 205N, 206N, 206ZE, 209B, and 210D of the Act.

## ENQUIRIES AND COMPLAINTS

244. In 2011, the Commission and its 0800 voter information service handled 60,131 enquiries. 54,193 of these were received in the three months prior to the election. A breakdown is at **Annex P**.
245. Most enquiries were about advance voting (22%), overseas voting (4%), general voting and polling places (14%), special voting (15%), and working on election day (16%). Of the enquiries to the Commission's National Office, 13% were from parties and candidates, 14% from the media, and 73% from the public and other organizations.
246. Most enquiries to the 0800 service were resolved on the spot with more complex enquiries and complaints being referred to the Commission. Average resolution time for general enquiries to the Commission was 1.8 working days with 90% being cleared within two days.
247. The Commission investigated in excess of 600 complaints prior to election day regarding the election and referendum. 92 of these involved alleged breaches of the electoral legislation that required follow-up investigation. 14 of those complaints have subsequently been referred to Police including 2 broadcasting breaches and 12 breaches involving other advertising.

### Election advertising

248. A new election advertising and finance regime came into force on 1 January 2011. By and large it appears to have bedded in well with high levels of compliance and a relatively small number of breaches referred to the Police.
249. In the lead up to the general election, there was a lot of media interest in the application of electoral rules to social media and in particular on election day. Some were surprised the electoral law applied to social media in the same way it did to other media. Of the 11 referrals to Police regarding election day, five relate to comments posted on social media.
250. Whilst the mass disobedience predicted by some did not come to pass in 2011, the extent to which electioneering on the internet and social media should be regulated and how any regulation might be effectively managed are questions that warrant further consideration and debate.
251. Consideration of complaints involving broadcasting have raised difficult questions for the Commission about the relationship between the statutory tests of 'election programme' in section 69 of the Broadcasting Act 1989 and 'election advertisement' in section 3A of the Electoral Act 1993. The tests are similar in that they both require an assessment to be made about whether the programme or advertisement appears to encourage voters to vote or not vote for a party or candidate or both. However, where the tests differ is the scope and nature of the exemptions. In section 70(3) of the Broadcasting Act, the exemption is for broadcasting, in relation to an election, of news, comments or current affairs programmes. By contrast, the exemption in section 3A(2)(c)(ii) of the Electoral Act is not limited to news, comment, or current affairs but to all editorial content of a periodical, a radio, or television programme, or news media Internet site.
252. For this reason, the application of the contrasting statutory tests to the same programme can yield different results. This may warrant reconsideration by Parliament.

## Election Day

253. As is usually the case, the Commission received a large number of queries and complaints about compliance with the election day rules (280 complaints and 26 information requests).
254. Most of the complaints relate to matters that are lawful but that voters dislike. The Act provides an exemption to the general prohibition on electioneering on election day to allow any person to display on their person a party lapel badge (featuring a party's name, emblem, slogan or logo) or on their person or a vehicle ribbons, streamers, balloons or items of a similar nature in party colours. The exemption is highly technical and candidates and supporters do get it wrong. For example, items like ribbons and balloons in party colours become unlawful if they include party names or logos, and if they are displayed on anything other than a person or vehicle.
255. Complainants feel that the display of party paraphernalia is contrary to the spirit and purpose of the Act which otherwise is predicated upon the principle that voters should be free from all forms of electioneering on election day.
256. The biggest source of complaint on election day was scrutineers wearing party rosettes in polling places – something the law currently allows them to do. The Commission received 77 complaints and polling place managers had over 187 complaints from voters about scrutineers wearing rosettes.
257. The Commission provides an official scrutineer badge for scrutineers to wear to ensure they are identifiable to voters as scrutineers as distinct from electoral officials.
258. There were also complaints about broadcasting, electioneering, signs remaining up, and election material being delivered on election day. The Commission has looked into each of these matters and referred the following 11 incidents to Police:
- The delivery of a flyer on election day;
  - Five comments on social media on election day;
  - An election day broadcast;
  - An attempted assault of an electoral official and damage to a polling place in Auckland Central on election day;
  - An assault of an electoral official at an advance voting facility in Tauranga on 25 November;
  - Attempted theft of a ballot box from a polling place in Waharoa; and
  - The display of a billboard on election day in Auckland.
259. In 2008, there were a large number of complaints regarding the delivery of election material on election day by NZ Post. As a result, NZ Post revised the deadline for receipt of election material for delivery from the Tuesday before election day to the Thursday in the week before election day. This resulted in no complaints being made in 2011 about election day delivery by NZ Post.
260. The Commission recommends that the current exemptions on polling day for party lapel badges and ribbons, streamers, rosettes, or items of a similar nature worn or displayed on a person or vehicle in party colours be removed. This would require amendments to sections 197 and 198 of the Act.

## Administration

261. The Commission also received 38 complaints regarding the administration of the election and voting services. Complaints covered matters such as:
- hospital and rest home voting;
  - disability access;
  - a scrutineer being asked to leave a polling place;
  - overseas voting;
  - lack of online voting;
  - use of consecutive numbers on ballot papers; and
  - the release of polling place data on a polling place by polling place basis.
262. All of these matters have been satisfactorily resolved. None of the complaints received involve any breach of statutory requirements by electoral officials.

## ENFORCEMENT

263. Currently the electoral legislation requires electoral offences to be referred to the Police. For example, if the Commission believes that any person has committed an electoral finance offence (such as filing a false return of election expenses), the Act requires the Commission to report the facts on which that belief is based to the New Zealand Police.
264. The most serious offences in the Act, the corrupt practice offences, carry significant penalties. For example, the penalty for a corrupt practice is a term of imprisonment of up to two years and/or a fine of up to \$100,000 in the case of a constituency candidate, party secretary, or registered promoter who is convicted of a corrupt practice under the electoral finance provisions.
265. Effective and timely investigation and prosecution of electoral offences is critical to ensuring public confidence in the integrity of the democratic process. Some electoral matters referred to Police are straightforward, such as dual votes or failure to file returns, and are dealt with in a timely manner. Some are more difficult and complex and the Commission is concerned about the priority the Police seem able to accord these referrals. The Commission recommends that consideration be given to whether the current enforcement provisions are adequate and how better enforcement can be achieved. One possible option for consideration would be enabling the Commission to have the flexibility to refer matters to another enforcement agency or a Crown Solicitor.

## CONDUCT OF FUTURE REFERENDA

266. Serious consideration should 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.
267. Whilst the risks were successfully managed for 2011 it was, nevertheless, a difficult election administratively. Holding referenda with parliamentary elections makes an already complex process significantly more complex. The additional staff, training, supplies, space and information required to deliver the referendum with the parliamentary election cost around \$10.3m – at least as expensive as the cost of running a stand-alone postal referendum.
268. The process is more complex for voters also. Holding a referendum with a general election risks neither getting the focus they deserve from voters, or as the Justice and



Electoral Committee feared following the 1999 election, both becoming “muddled in the agitation of the electoral contest”.

269. As we have seen the rate of informal voting in the 2011 general election doubled from the previous election as it did in 1999, see paragraph 108. As we have also seen, voter awareness of the Commission’s advertising for the general election fell dramatically from 81% in 2008 to just 64% in 2011, see paragraphs 50-51.
270. Turnout is one reason given for holding referenda with parliamentary elections. However, if the public regard the subject matter of a postal referendum to be of sufficient importance they will turn out as 80.3% of electors did for the 1997 postal referendum on compulsory superannuation.

## LOOKING FORWARD

271. In this report the Commission identifies a range of areas in which it will seek to make administrative improvements. The Commission is also reviewing its processes, procedures, manuals, and public information to improve its service to voters.
272. The electoral process is still largely a manual process. The Commission sought guidance from the Government on whether funding would be available to deliver for 2014 an option of internet and, perhaps, telephone voting for a limited class of New Zealanders (for example, overseas voters and blind and disabled voters) and has been advised, in the current financial situation, that this cannot be given priority. Nonetheless, we will continue to monitor the results of overseas electronic voting initiatives and look for other ways to utilise technology to improve electoral processes.
273. This report raises a number of issues that have legislative implications. These issues are set out in **Annex Q**. It is highly desirable that any amendments to electoral legislation affecting the delivery of the election are enacted by the end of the second year of the cycle.
274. In addition to planning for the next general election and any possible by-elections or citizens initiated referenda, other key priorities for the Commission are to:
- Review MMP and report to the Minister of Justice by 31 October 2012 in accordance with the Electoral Referendum Act 2010;
  - Complete the work necessary to take over statutory responsibility for enrolment from the Chief Registrar of Electors of NZ Post from 1 July 2012 in accordance with the Electoral (Administration) Amendment Act 2011; and
  - Conduct the Māori Electoral Option in 2013, provide administrative support to the Representation Commission which will convene in October 2013 and complete its work in 2014 to determine the number and boundaries of electorates for the 2014 and 2017 elections.
275. The last possible date for the next election is 24 January 2015.



## LIST OF ANNEXES

- Annex A:** Achievements against performance measures agreed with Minister of Justice for 2011 General Election
- Annex B:** Key election dates
- Annex C:** List of publications by title produced for the 2011 General Election and Referendum
- Annex D:** Split voting analysis – nationwide summary
- Annex E:** Informal vote analysis – 2011 Referendum
- Annex F:** Extract from survey of voters and non-voters
- Annex G:** New Zealand General Elections: Turnout 1987 – 2011
- Annex H:** Broadcasting allocation decision
- Annex I:** Statistics on nominations
- Annex J:** Advance voting statistics
- Annex K:** Overseas voting statistics
- Annex L:** Election night count progress
- Annex M:** Advance vote results
- Annex N:** Preliminary election night results
- Annex O:** Official Results 2011 General Election and Referendum
- Annex P:** Enquiries 2011
- Annex Q:** List of issues with legislative implications.

## ANNEX A

Performance Measures and standards applicable to the 2011 General Election			
Description	Quality	Timeliness	Result
2011 Election conducted on 26 November 2011.	Election is conducted in accordance with the provisions of the Electoral Act 1993.	Statutory deadlines are met.	Achieved.
		100% of advance votes results are released by 8.30pm on election night.	96% (267 of 277) of advance polling places were released by 8:30pm. The results for the last advance polling place was released at 10pm.
		50% of polling place results released by 10.00pm on election night.	50% of polling place results were released by 9:15pm on election night, and by 10pm 90% had been released.
		100% of polling place results released by 11.30pm on election night.	Results for 2647 of the 2655 polling places were released by 11pm, a further 7 by 11:30pm and the final result was released at 11:45pm.
		Official results of election are declared 14 days after the day of election – 2pm Saturday 10 December.	Official results for the General Election were declared on Saturday 10 December 2pm.

Performance Measures and standards applicable to the 2011 Referendum			
Description	Quality	Timeliness	Result
2011 Referendum is conducted on 26 November 2011.	Referendum is conducted in accordance with the provisions of the Electoral Referendum Act 2010.	Statutory deadlines are met.	Achieved.
		100% of advance votes results are released by 8.30pm on election night.	95% (264 of 277) of advance polling places were released by 8:30pm. The results for the last advance polling place was released at 11pm.
		Official results of referendum are declared 14 days after the day of election – 2pm Saturday 10 December.	Official results for the referendum were declared on Saturday 10 December 2pm.

## ANNEX B

### KEY ELECTION DATES

<b>2 February</b>	Announcement by PM
<b>26 August</b>	Start of regulated period for election and referendum expenses
<b>20 October</b>	Dissolution of Parliament
<b>26 October</b>	Writ Day
<b>1 November</b>	Nomination Day
<b>9 November</b>	Advance and overseas voting commences
<b>26 November</b>	Polling Day and preliminary results
<b>10 December</b>	Official Results
<b>15 December</b>	Due date for return of writ (was delayed until 17 December due to judicial recounts)
<b>17 December</b>	Return of writ and declaration of election of list members

*Source: Electoral Commission*

## ANNEX C

### ELECTORAL COMMISSION PUBLICATIONS

#### LEAFLETS

***Voting in the 2011 general election and referendum the easy way***

Includes information about enrolling, voting, and the referendum on the voting system. Available in English, Te Reo Māori, Arabic, Cook Island Māori, Farsi, Gujarati, Hindi, Japanese, Korean, Khmer, Niuean, Punjabi, Samoan, Simplified Chinese, Somali, Thai, Tokelauan, Tongan, Traditional Chinese, Vietnamese. Also available in large print format.

***Here's your guide to voting in the referendum***

Explains the referendum questions and what will happen as a result, gives information about each of the five voting systems, and tells people where they can get more information.

***Unable to get to a polling place on election day***

Includes information about voting in advance and special votes. Also available in large print format.

***Going to be overseas on election day***

Includes information about advance voting, downloading voting papers from [www.elections.org.nz](http://www.elections.org.nz), postal voting, and voting at an overseas post.

***Information for scrutineers***

Available in English and Te Reo Māori

***Guide for managers of hospitals and rest homes***

Explains how votes are collected in rest homes and hospitals.

***Information for Justices of the Peace***

Explains the role JPs play in the electoral process.

#### BOOKLETS

***Get ready and vote: the easy guide to voting***

Plain English booklet.

***Candidate Handbook***

Comprehensive guide for candidates in the general election. Available in English and Te Reo Māori.

***Party Secretary Handbook***

Comprehensive guide for political party secretaries.

***Third Party Handbook***

Comprehensive guide for third party promoters in the general election.

***Media Handbook***

A guide to the rights and responsibilities of media outlets in the general election.

***Your Voice Your Choice***

Curriculum linked education resource.

**POSTERS**

***Voting on election day is easy***

Plain English poster.

**DVDs**

***Referendum on the voting system***

Includes information about the referendum in an easy to understand format.

***Enrol and vote in 2011***

A DVD in NZ Sign Language.

***Get Ready and Vote***

DVD and facilitation guide for the intellectually disabled.

## ANNEX D

### SPLIT VOTING ANALYSIS – NATIONWIDE SURVEY

Party	Total Party Votes	Non Split Candidate votes		Split Candidate votes	
		Votes	%	Votes	%
ACT New Zealand	23,889	4,784	20.03	19,105	79.97
Alliance	1,209	162	13.40	1,047	86.60
Aotearoa Legalise Cannabis Party	11,738	1,706	14.53	10,032	85.47
Conservative Party	59,237	23,530	39.72	35,707	60.28
Democrats for Social Credit	1,714	471	27.48	1,243	72.52
Green Party	247,372	83,122	33.60	164,250	66.40
Labour Party	614,937	500,986	81.47	113,951	18.53
Libertarianz	1,595	246	15.42	1,349	84.58
Mana	24,168	13,744	56.87	10,424	43.13
Māori Party	31,982	15,414	48.20	16,568	51.80
National Party	1,058,636	889,628	84.04	169,008	15.96
New Zealand First Party	147,544	28,033	19.00	119,511	81.00
United Future	13,443	1,975	14.69	11,468	85.31
Informal Party Votes	19,872	424	2.13	19,448	97.87
<b>Total Party Votes and Percentages</b>	2,257,336	1,564,225	69.30	693,111	30.70

Source: Electoral Commission

## ANNEX E

### INFORMAL VOTE ANALYSIS – 2011 REFERENDUM ON OUR VOTING SYSTEM

Electoral Commission National Office staff examined 6433 referendum voting papers which were counted as informal for one or both questions to determine the manner in which they were informal.

The reasons for a vote on a question being informal were categorised as:

- The vote is **blank**;
- **More than one** choice is marked;
- The vote is **crossed** out (usually by striking a diagonal line through the whole question);
- For any **other** reason the voter's intention cannot be determined to the satisfaction of the Returning Officer.

	Keep Part A	Change Part A	Blank Part A	> 1 Part A	Crossed Part A	Other Part A	Total
FPP Part B	Formal votes		193				193
PV Part B			11	2		2	15
STV Part B			33			1	34
SM Part B			38				38
Blank Part B	5,701	225	200				6,126
> 1 Part B	6		1	2		1	10
Crossed Part B	6				1		7
Other Part B	5	2	1			2	10
	5,718	227	477	4	1	6	6,433
Percentage deliberate informals							99.6%
Percentage informals due to voter mistake							0.4%

Source: Electoral Commission



## ANNEX F

### EXTRACT FROM SURVEY OF VOTERS AND NON-VOTERS

Sample			All Voters	Māori Voters	Non-Voters
Māori	302	Ordinary Vote	94%	93%	
Non-Māori	1067	Special Vote	5%	6%	
Total	1369	Voted in advance	16%	12%	
		<i>Voting time</i>			
		before 11am	25%	25%	
		11-1pm	27%	25%	
		1-3pm	23%	24%	
		3-5pm	15%	17%	
		5-7pm	9%	10%	
		Queued	11%	15%	
		Didn't queue	89%	85%	
		Took EasyVote card	86%	88%	
		<i>Time in polling place</i>			
		under 5 minutes	63%	63%	
		more than 5 minutes	37%	37%	
		reasonable time	98%	97%	
		<i>Rating of Polling Place (very good to excellent)</i>			
		Convenience	97%	99%	
		Outside Signage	89%	88%	
		Layout	93%	92%	
		How well-equipped was booth	97%	97%	
		Privacy	89%	87%	
		Staff - politeness	98%	98%	
		- ability to answer questions (excluding don't know)	96%	98%	
		- efficiency	97%	98%	
		<i>Decision not to vote (timing)</i>			
		Election Day			43%
		1 week before			18%
		more than 1 week before			32%
		Satisfied/very satisfied with layout of parliamentary voting paper	91%	92%	
		Satisfied/very satisfied with layout of referendum voting paper	86%	87%	
		Seen electoral advertising	64%	62%	57%
		Read or Glanced at EasyVote Pack	89%	88%	61%
		Satisfied/very satisfied with pack	88%	92%	758%
		Followed results on Election Night	70%	63%	33%
		- on television	93%	95%	83%
		Satisfied with timeliness of results	87%	84%	77%
		Overall satisfaction with voting experience	88%	94%	

Source: Electoral Commission

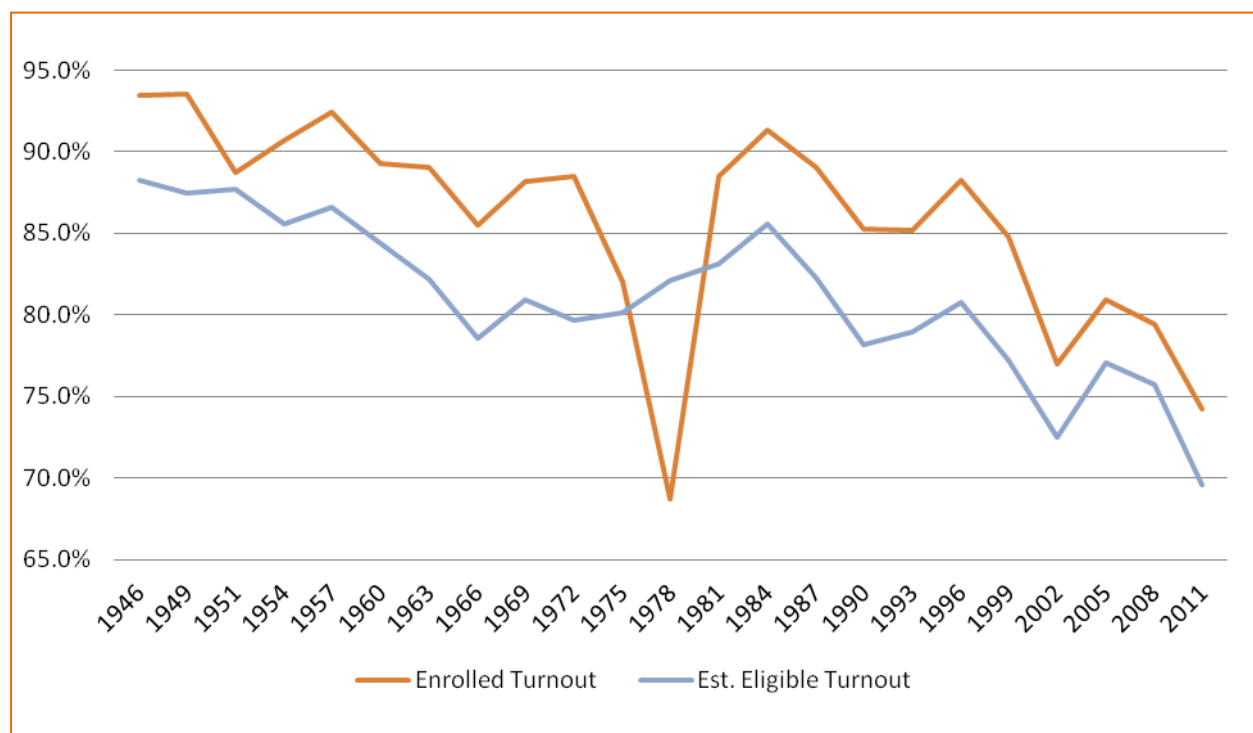
## ANNEX G

### NEW ZEALAND GENERAL ELECTIONS: TURNOUT 1987 – 2011

Year	Roll	% of estimated voting age population on roll	Total votes cast	Turnout as % voting age population	Turnout as % of those on roll
1987	General		1,823,448		89.52
	Māori		59,946		77.02
	Overall	92.64	1,883,394	82.25	89.06
1990	General		1,822,529		86.00
	Māori		54,586		65.75
	Overall	91.74	1,877,115	78.20	85.24
1993	General		1,908,954		85.99
	Māori		69,138		68.06
	Overall	92.64	1,978,092	78.93	85.20
1996	General		2,025,005		88.95
	Māori		110,170		77.62
	Overall	91.53	2,135,175	80.80	88.28
1999	General		2,014,644		85.73
	Māori		112,621		70.65
	Overall	91.06	2,127,265	77.19	84.77
2002	General		1,943,659		78.50
	Māori		111,745		57.57
	Overall	94.17	2,055,404	72.49	76.98
2005	General		2,164,495		82.01
	Māori		139,510		67.07
	Overall	95.22	2,304,005	77.05	80.92
2008	General		2,233,146		80.88
	Māori		143,334		62.41
	Overall	95.31	2,376,480	75.73	79.46
2011	General		2,143,255		75.53
	Māori		135,734		58.23
	Overall	93.74	2,278,989	69.57	74.21

*Source: Electoral Commission*

# **TURNOUT AS PERCENTAGE OF ENROLLED AND ESTIMATED ELIGIBLE TO ENROL** **1946 – 2011**



*\*Turnout as a percentage of enrolled in 1975 and 1978 are artificially low, due to significant issues with the maintenance of the rolls at that time.*

*Source: Electoral Commission*

## ANNEX H

### BROADCASTING ALLOCATION DECISION

<b>Parties</b>	<b>Money allocated (GST inc)</b>	<b>Costs incurred (GST inc)</b>	<b>Balance</b>	<b>Opening addresses (in minutes)</b>	<b>Closing addresses (in minutes)</b>
<b>Labour Party</b>	\$1,179,600	\$1,179,463.19	\$136.81	20	16
<b>National Party</b>	\$1,179,600	\$1,179,599.91	\$0.09	20	16
<b>Green Party</b>	\$307,200	\$306,213.19	\$986.81	8	7
<b>ACT</b>	\$163,200	\$163,200.00	\$0.00	5	4.5
<b>Māori Party</b>	\$163,200	\$149,149.25	\$14,050.75	5	4.5
<b>NZ First</b>	\$102,000	\$101,775.40	\$224.60	3	3
<b>United Future</b>	\$102,000	\$99,506.43 <sup>1</sup>	\$2,493.57	3	3
<b>Alliance</b>	\$20,800	\$18,314.90	\$2,485.10	1	1.5
<b>ALCP</b>	\$20,800	\$21,357.80 <sup>2</sup>	\$0.00	1	1.5
<b>Conservative Party</b>	\$20,800	\$19,532.76	\$1,267.24	1	1.5
<b>Libertarianz</b>	\$20,800	\$20,626.17	\$173.83	1	1.5
<b>RNZ<sup>3</sup></b>	\$3,250	\$3,250	-	-	-
<b>TOTAL</b>	<b>\$3,283,250</b>	<b>\$3,261,431.20</b>	<b>\$21,818.80</b>	<b>68</b>	<b>60</b>

<sup>1</sup> United Future's costs do not include radio advertising broadcast on 25 October 2011 by The Radio Network that amounted to \$2167.65 (exclusive of GST).

<sup>2</sup> Aotearoa Legalise Cannabis Party overspent their allocation by \$557.80. The Commission has only paid the party's costs incurred up to \$20,800.

<sup>3</sup> Allocated to RNZ in accordance with section 77A(5) of the Broadcasting Act 1989.

## ANNEX I

### STATISTICS ON NOMINATIONS

#### Candidates at 2011 Election

Candidates of Party contesting Party Vote	
Dual candidates	380
List only candidates	91
Electorate only candidates	43
	<b><u>514</u></b>
Candidates representing other parties	13
Independent candidates	17
<b>Total</b>	<b><u>544</u></b>

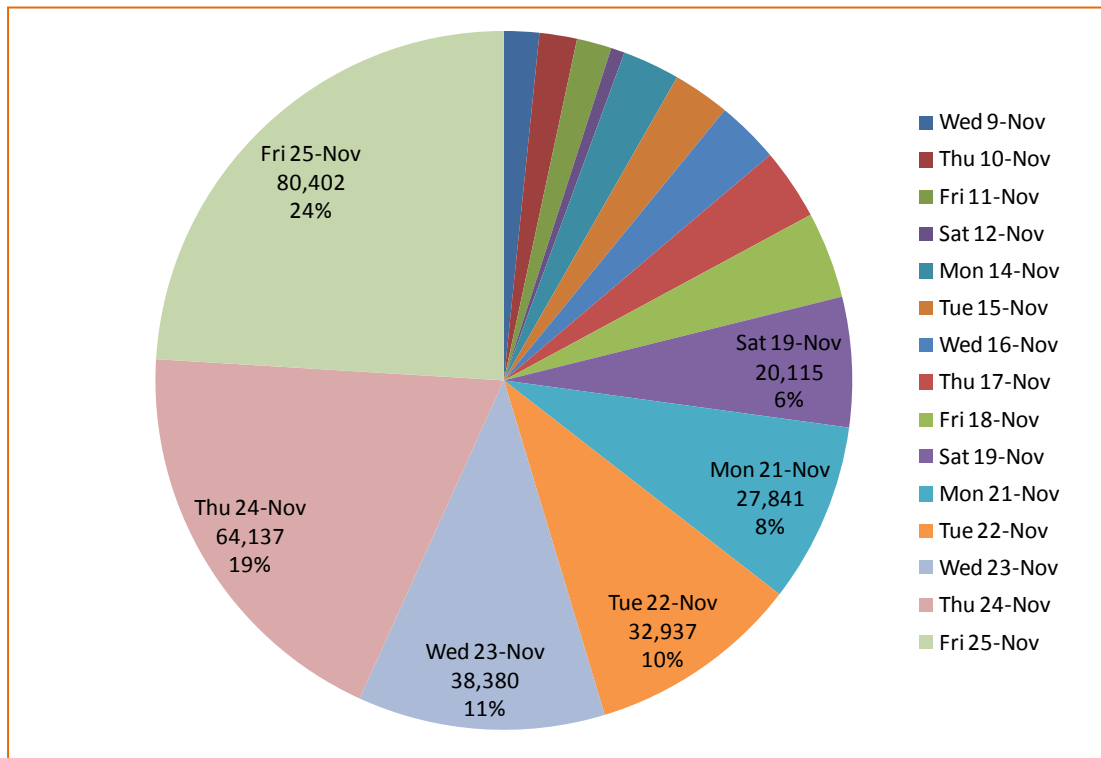
### GENERAL NOMINATION STATISTICS

Category	2011	2008
Parties contesting party vote	13	19
Total number of parties standing candidates	22	29
Male candidates	397 (73%)	488 (72%)
Female candidates	147 (27%)	194 (28%)
Total number of candidates	544	682
List only candidates	91	160
Electorate only candidates	73	89
Dual candidates	380	433
Average number of electorate candidates per electorate	6.5	7.5

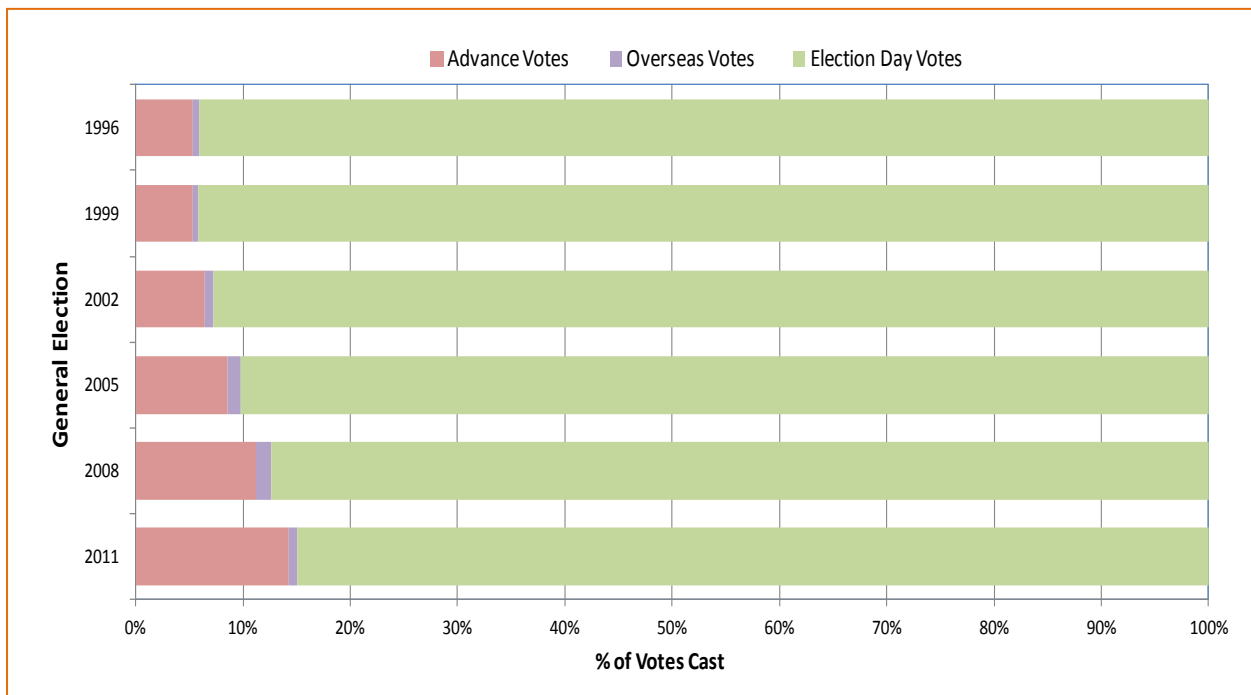
Source: Electoral Commission

## ANNEX J

### ADVANCE VOTES ISSUED PER DAY AT 2011 GENERAL ELECTION



### VOTING PATTERNS 1996 – 2011 GENERAL ELECTIONS



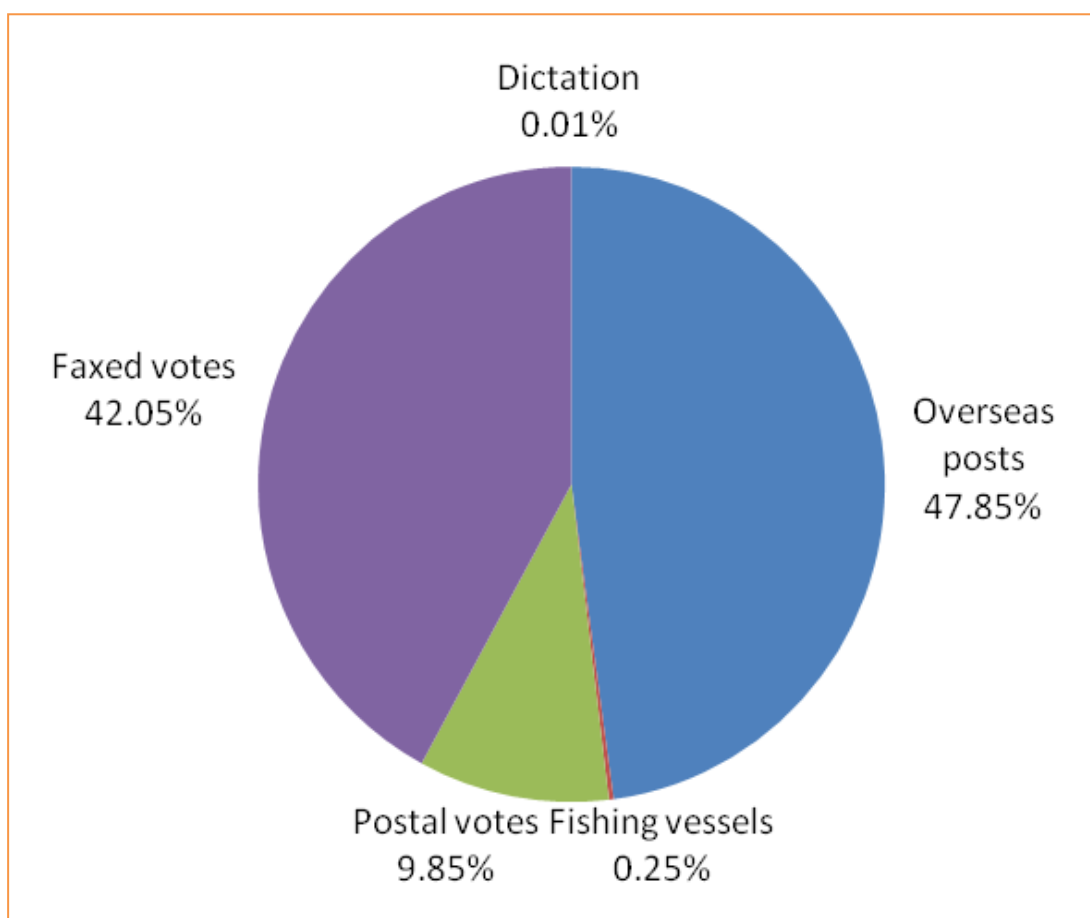
Source: Electoral Commission

## ANNEX K

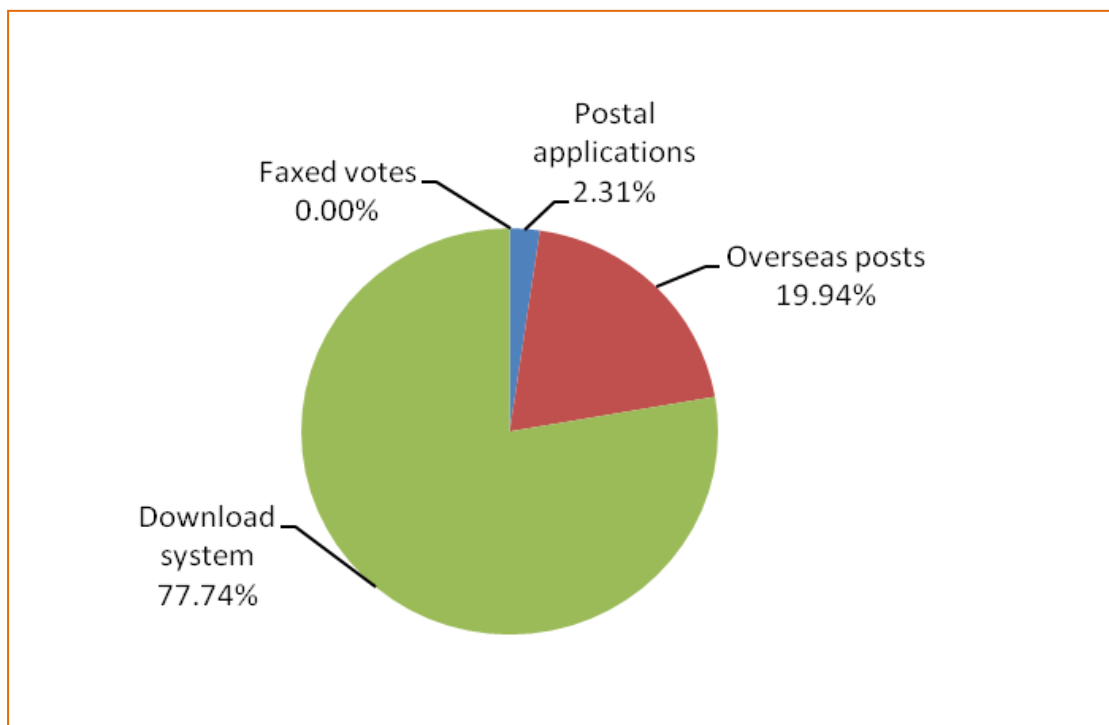
### OVERSEAS VOTING STATISTICS

	2011 Votes Issued	2011 Votes Cast
Postal applications	650	
Overseas posts	5,615	10,285
Download system	21,889	
Fishing vessels		53
Postal votes		2,117
Faxed votes	1	9,038
Dictation		3
<b>TOTAL</b>	<b>28,155</b>	<b>21,496</b>

### 2011 OVERSEAS VOTES CAST



## 2011 OVERSEAS VOTES ISSUED



## 2011 COMPARED TO 2008

**33% decrease** in number of overseas votes **issued** in 2011 compared to 2008.

**35% decrease** in number of overseas votes **cast** in 2011 compared to 2008.

**49% decrease** in number of overseas votes **returned by fax** in 2011 compared to 2008.

**37% decrease** in **amount paid** by EC for overseas posts in 2011 compared to 2008.  
(\$62,043 in 2011, \$99,670 in 2008).

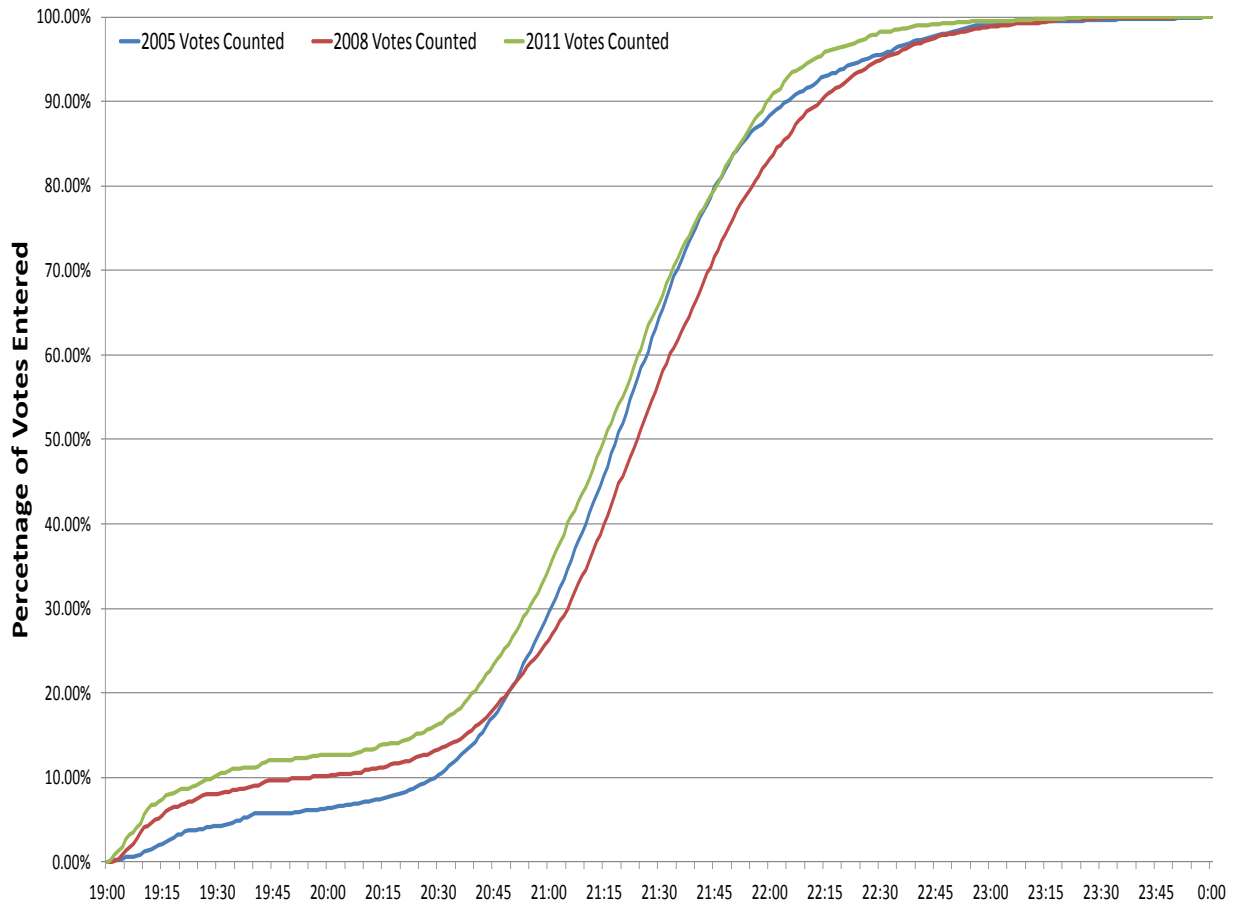
**10 additional** overseas posts were used in 2011 compared to 2008.

*Source: Electoral Commission.*



## ANNEX L

### COMPARISON OF 2005 – 2011 GENERAL ELECTION VOTE COUNT PROGRESS ON ELECTION NIGHT



Source: Electoral Commission

## ANNEX M

### ADVANCE VOTE RESULTS 2011 GENERAL ELECTION

Party	Party Votes	% Votes	Electorate Seats	List Seats	Total Seats
National Party	142,912	49.78	41	21	<b>62</b>
Labour Party	75,402	26.26	23	9	<b>32</b>
Green Party	28,674	9.99	0	12	<b>12</b>
New Zealand First Party	19,840	6.91	0	9	<b>9</b>
Māori Party	3,607	1.26	3	0	<b>3</b>
ACT New Zealand	3,306	1.15	1	0	<b>1</b>
Mana	3,031	1.06	1	0	<b>1</b>
United Future	1,814	0.63	1	0	<b>1</b>
Conservative Party	7,065	2.46	0	0	<b>0</b>
Aotearoa Legalise Cannabis Party	917	0.32	0	0	<b>0</b>
Democrats for Social Credit	204	0.07	0	0	<b>0</b>
Alliance	188	0.07	0	0	<b>0</b>
Libertarianz	144	0.05	0	0	<b>0</b>
			<b>70</b>	<b>51</b>	<b>121</b>

## ADVANCE VOTE RESULTS FOR THE 2011 REFERENDUM ON THE VOTING SYSTEM

Part A - Should New Zealand keep the Mixed Member Proportional (MMP) voting system?			
	Number of Votes	Percentage of Valid Votes	Percentage of Total Votes
KEEP	155,966	55.77%	53.74%
CHANGE	123,708	44.23%	42.62%
<b>Total Valid Votes</b>	<b>279,674</b>	<b>100.00%</b>	<b>96.36%</b>
Informal Votes*	<b>10,559</b>		<b>3.64%</b>
<b>Total Votes</b>	<b>290,233</b>		<b>100.00%</b>

Part B - If New Zealand were to change to another voting system, which voting system would you choose?			
	Number of Votes	Percentage of Valid Votes	Percentage of Total Votes
First Past the Post (FPP)	92,416	48.42%	31.89%
Preferential Voting (PV)	23,749	12.44%	8.19%
Single Transferable Vote (STV)	32,564	17.06%	11.24%
Supplementary Member (SM)	42,120	22.07%	14.53%
<b>Total Valid Votes</b>	<b>190,849</b>	<b>100.00%</b>	<b>65.85%</b>
Informal Votes*	<b>98,967</b>		<b>34.15%</b>
<b>Total Votes</b>	<b>289,816</b>		<b>100.00%</b>

*\*An informal vote is when the voter has not clearly indicated the option for which they wish to vote.*

*Source: Electoral Commission*

## ANNEX N

### 2011 GENERAL ELECTION PRELIMINARY RESULTS

Party	Party Votes	% Votes	Electorate Seats	List Seats	Total Seats
National Party	957,769	47.99	41	19	<b>60</b>
Labour Party	541,499	27.13	22	12	<b>34</b>
Green Party	211,931	10.62	0	13	<b>13</b>
New Zealand First Party	135,865	6.81	0	8	<b>8</b>
Māori Party	26,887	1.35	3	0	<b>3</b>
ACT New Zealand	21,446	1.07	1	0	<b>1</b>
Mana	19,898	1.00	1	0	<b>1</b>
United Future	12,159	0.61	1	0	<b>1</b>
Conservative Party	55,070	2.76	0	0	<b>0</b>
Aotearoa Legalise Cannabis Party	9,516	0.48	0	0	<b>0</b>
Democrats for Social Credit	1,432	0.07	0	0	<b>0</b>
Libertarianz	1,405	0.07	0	0	<b>0</b>
Alliance	1,069	0.05	0	0	<b>0</b>
			<b>69*</b>	<b>52</b>	<b>121</b>

*\*One electorate seat was unallocated because of the tied preliminary count in the Christchurch Central electorate. As a result, the total number of list seats is increased by one. The total number of seats allocated to each party is unaffected.*

*Source: Electoral Commission*

## ANNEX O

### OFFICIAL RESULTS 2011 GENERAL ELECTION

Total Votes Cast	2,257,336*				
Party	Party Votes	% Votes	Electorate Seats	List Seats	Total Seats
National Party	1,058,636	47.31	42	17	59
Labour Party	614,937	27.48	22	12	34
Green Party	247,372	11.06	0	14	14
New Zealand First Party	147,544	6.59	0	8	8
Māori Party	31,982	1.43	3	0	3
Mana	24,168	1.08	1	0	1
ACT New Zealand	23,889	1.07	1	0	1
United Future	13,443	0.6	1	0	1
Conservative Party	59,237	2.65	0	0	0
Aotearoa Legalise Cannabis Party	11,738	0.52	0	0	0
Democrats for Social Credit	1,714	0.08	0	0	0
Libertarianz	1,595	0.07	0	0	0
Alliance	1,209	0.05	0	0	0
			<b>70</b>	<b>51</b>	<b>121</b>

\* Includes informal votes. The results are calculated using the Sainte-Laguë formula.

Source: Electoral Commission

## OFFICIAL RESULTS 2011 REFERENDUM

Part A - Should New Zealand keep the Mixed Member Proportional (MMP) voting system?			
	Number of Votes	Percentage of Valid Votes	Percentage of Total Votes
KEEP	1,267,955	57.77%	56.17%
CHANGE	926,819	42.23%	41.06%
<b>Total Valid Votes</b>	<b>2,194,774</b>	<b>100.00%</b>	<b>97.23%</b>
Informal Votes*	<b>62,469</b>		<b>2.77%</b>
<b>Total Votes</b>	<b>2,257,243</b>		<b>100.00%</b>

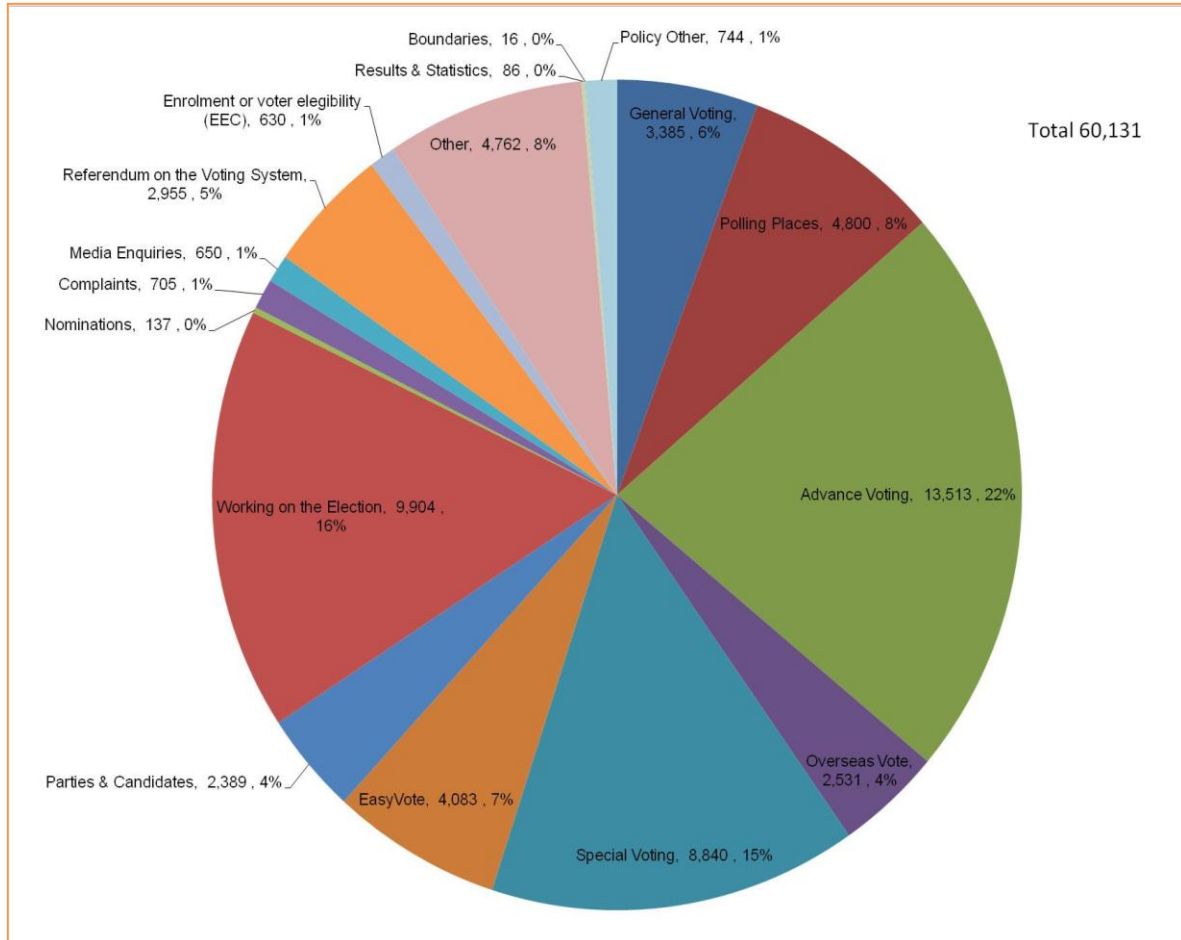
Part B - If New Zealand were to change to another voting system, which voting system would you choose?			
	Number of Votes	Percentage of Valid Votes	Percentage of Total Votes
First Past the Post (FPP)	704,117	46.66%	31.19%
Preferential Voting (PV)	188,164	12.47%	8.34%
Single Transferable Vote (STV)	252,503	16.73%	11.19%
Supplementary Member (SM)	364,373	24.14%	16.14%
<b>Total Valid Votes</b>	<b>1,509,157</b>	<b>100.00%</b>	<b>66.86%</b>
Informal Votes*	<b>748,086</b>		<b>33.14%</b>
<b>Total Votes</b>	<b>2,257,243</b>		<b>100</b>

\*An informal vote is when the voter has not clearly indicated the option for which they wish to vote.

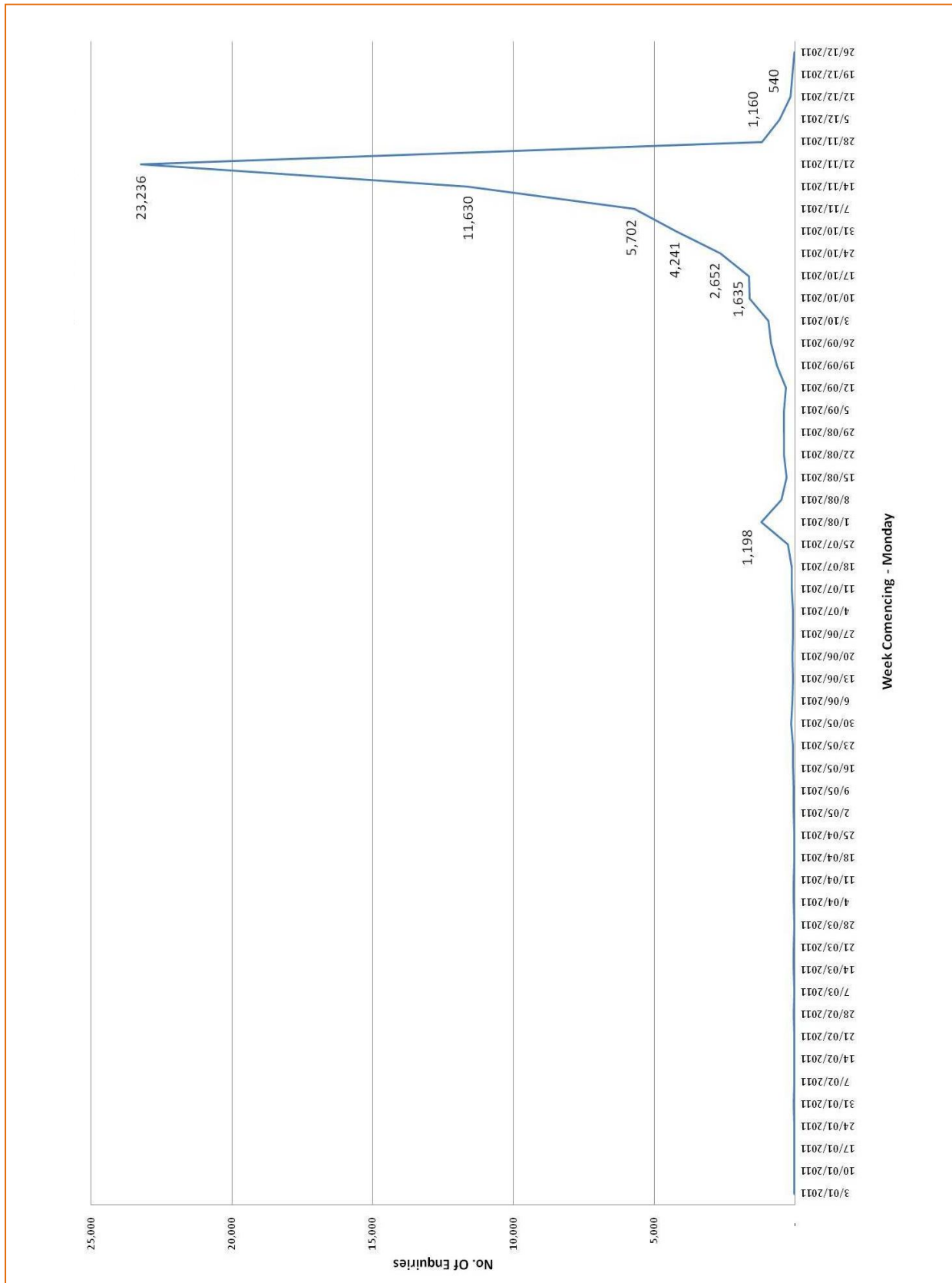
Source: Electoral Commission

## ANNEX P

### SUMMARY – ELECTORAL COMMISSION ENQUIRIES BY CATEGORY – 2011



## SUMMARY – ENQUIRIES BY WEEK - 2011



Source: Electoral Commission



## ANNEX Q

### LIST OF ISSUES WITH LEGISLATIVE IMPLICATIONS

Issue	Legislative implications	Reference in report
The Commission recommends that 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.	Depending on the outcome of this work, changes to the Electoral Act 1993 and other legislation may be required.	Para 13-16
The Commission recommends the Act be amended to authorise the Commission to use an EasyVote card as the record an ordinary vote has been issued (instead of marking a voter off the electoral roll) and as evidence a special voter is eligible to vote (instead of requiring a voter to complete a declaration). This would simplify and speed up vote issuing, reduce special votes, and improve the accuracy and efficiency of the scrutiny of the rolls. Voters without EasyVote cards would continue to be processed as they currently are.	Amendments to the vote issuing and scrutiny provisions in Part 6 of the Act would be needed to provide for these changes.	Para 110-116
The Commission proposes for consideration a change to allow voters of Māori descent to change roll type once each electoral cycle. The ability to do so would become part of general enrolment communications including the electoral update campaigns run prior to electoral events, thus replacing the quinquennial Māori Electoral Option.	This would require amendment to Part 5 of the Act including sections 76-79 and section 35 (an entrenched provision under section 268 of the Act).	Para 128
The Commission recommends that the eligibility criteria for party membership in Part 4 of the Act be changed from “at least 500 current financial members who are <i>eligible to enrol</i> as electors” to “at least 500 current financial members who are <i>enrolled</i> as electors”.	Amendments to Part 4 of the Act 1993.	Para 151-152
The Commission recommends that 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.	Amendments to Part 4 of the Act 1993.	Para 153-158

Issue	Legislative implications	Reference in report
The Commission recommends 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.	Amendments to Forms 3, 6 and 7, Schedule 2, Electoral Act 1993 and Forms 2 and 2A in the Schedule to the Citizens Initiated Referenda Act 1993. These amendments could be suitable for a statutes amendment bill.	Para 183
The Commission recommends that the provisions regarding bulk nomination and party list deposits are amended to allow direct bank deposit. Currently, party secretaries can only provide the deposit by bank draft or bank cheque.	Amendments to sections 127A and 146F of the Electoral Act 1993. These amendments could be suitable for a statutes amendment bill.	Para 186
The Commission also recommends that provision be made for bulk nomination and party list documents to be lodged by e-mail. The Act currently restricts the means of transmission to submission “by hand, post or facsimile transmission”.	Minor amendments to sections 127, 146B, 146D, 146E, 146H, 146I, 146K, 152B, and 153G of the Act. These amendments could be suitable for a statutes amendment bill.	Para 187
The Commission recommends that the legislation should be amended to provide for the appointment of scrutineers to advance voting places provided they do not wear any party paraphernalia inside the advance voting place.	Amendments to Part 2 of the Electoral Regulations 1996.	Para 191
The Commission recommends that the legislation be amended to prohibit election advertising within 100 metres of an advance voting place.	Amendment to Part 5 of the Electoral Regulations 1996.	Para 191
The Commission intends to assess the feasibility of and its capacity to deliver within existing baselines a secure online upload system for overseas voting.	Amendments to Part 3 of the Electoral Regulations 1996.	Para 196

Issue	Legislative implications	Reference in report
<p>The Commission recommends amendments to extend the postal acceptance rule to enable votes to be counted even if they are received by the Electoral Commission after 7pm on polling day provided they are:</p> <ul style="list-style-type: none"> <li>• postmarked in any country outside New Zealand before or on the day before polling day (including votes posted to an overseas post); or</li> <li>• postmarked in New Zealand before polling day; and</li> <li>• received by the Commission before noon on the fourth day after election day; and</li> <li>• received by the Returning Officer for the electorate not later than 7pm on the tenth day after polling day.</li> </ul>	Amendments to the Electoral Regulations 1996.	Para 201-203
The Commission recommends the review of the nature of the grounds for special voting and the position of the grounds sections on the prescribed special voting declaration forms.	Depending on the outcome of this work, changes to the Electoral Regulations 1996 may be required.	Para 211
The Commission recommends an amendment 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.	Amendments to sections 174C(5)(a) and 174F(4) of the Electoral Act will be required.	Para 217
The Commission intends to explore whether current processes for validating and qualifying special votes can be improved (e.g. improved interfaces between the Commission and the Electoral Enrolment Centre computer systems).	Depending on the outcome of this work, changes to the Electoral Regulations 1996 may be required.	Para 222
The Commission recommends legislative amendments 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 relating to an electorate seat.	This will require amendments to the Electoral Act including amendments to Part 8 of the Act.	Para 231
<p>The Commission recommends that:</p> <ul style="list-style-type: none"> <li>• the deadlines for candidates returns of election expenses and donations and third</li> </ul>	This will require amendments to Part 6A of the Act.	Para 238

Issue	Legislative implications	Reference in report
<p>party returns of election expenses be reduced from 70 working days after polling day to 50 working days after polling day; and</p> <ul style="list-style-type: none"> <li>the deadline for party returns of election expenses be amended from within 50 working days after the declaration of list members under section 193(5) to within 70 working days after polling day.</li> </ul>		
<p>The Commission recommends an amendment to provide that failure to file a return required under the Act is a corrupt practice offence.</p>	<p>This would require amendments to sections 205N, 206N, 206ZE, 209B, and 210D of the Act.</p>	<p>Para 243</p>
<p>The Commission recommends 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.</p>	<p>Depending on the outcome of this work changes to the Electoral Act may be required.</p>	<p>Para 250</p>
<p>The Commission recommends further consideration of the differences between the statutory tests 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. The application of the contrasting statutory tests to the same programme can yield different results. This may warrant reconsideration by Parliament.</p>	<p>Depending on the outcome of this work, changes to the Electoral Act 1993 and the Broadcasting Act 1989 may be required.</p>	<p>Para 252</p>
<p>The Commission recommends the removal of the current exemptions on polling day for:</p> <ul style="list-style-type: none"> <li>party lapel badges; and</li> <li>ribbons, streamers, rosettes, or items of a similar nature worn or displayed on a person or vehicle in party colours.</li> </ul>	<p>This would require amendments to sections 197 and 198 of the Act.</p>	<p>Para 260</p>
<p>The Commission recommends consideration of whether the current enforcement provisions are adequate and how better enforcement of electoral offences can be achieved.</p>	<p>Depending on the outcome of this work, changes to the Electoral Act 1993 may be required.</p>	<p>Para 265</p>