



# **REPORT OF THE ELECTORAL COMMISSION ON THE 2017 GENERAL ELECTION**

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Provided in accordance with section 8(1) of the Electoral Act 1993  
April 2018



10 April 2018

Hon Andrew Little  
Minister of Justice

**Report of the Electoral Commission on the 23 September 2017 General Election  
Provided in accordance with section 8(1) of the Electoral Act 1993**

The Electoral Commission welcomes the opportunity to report on the 2017 General Election and to advise on emerging issues that need to be considered for future elections.

For 2017, the Commission focused on:

- putting voting places where people live, work and congregate,
- providing a one-stop shop with a comprehensive enrolment service in voting places, and
- engaging communities to encourage participation.

At the front of the report, 2017 election facts and figures are available at a glance.

Part 1 of the report sets out the key features of the General Election, including:

- increased voter turnout,
- increased enrolment after Writ Day and in voting places,
- increased overseas, advance and special votes,
- more accessible voting place locations, including malls and supermarkets,
- encouraging participation with community engagement, information and advertising,
- the official results process, and
- compliance with campaign rules.

Future operational priorities are identified including using technology to encourage people to enrol and vote and to provide accessible services for disabled voters, and improving participation for Māori, Asian, Pasifika, young and Auckland voters.

Part 2 of the report sets out matters that need to be considered for future elections. Recommendations include:

- streamlining the special vote process to reduce the impact of the growth of special votes on the timeliness of election results,
- providing a more accessible online enrolment option to reduce late enrolment,
- removing restrictions on voting place locations, and
- addressing barriers that affect voters on the unpublished roll, remote and disabled voters.



As well as matters relating to the conduct of elections, the report contains recommendations on wider policy questions and the health of the electoral system. Our recommendations cover matters such as the Māori Electoral Option, MMP issues, protecting the system against unauthorised interference, funding of elections, a fixed election date, access to rolls, prisoner voting and broadcasting and campaign rules. A summary of recommendations is available at pages 4 to 8.

The Commission has already begun a programme of work on operational priorities for ongoing enrolment and the delivery of the 2020 General Election. Where legislative changes are required to give effect to recommendations, we want to work closely with Ministers, Parliament and other agencies to progress them.

The Commission would like to thank all of the people and organisations involved, including the enrolment and voting place staff and Justices of the Peace, without whom the smooth delivery of the election would not have been possible.



**Hon Sir Hugh Williams QC**  
Chair



**Kristy McDonald QC**  
Deputy Chair



**Alicia Wright**  
Chief Electoral Officer

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# 2017 GENERAL ELECTION AT A GLANCE

## Number of votes

**2,630,173**  
votes

1,240,740 (47%) advance voting  
1,327,909 (50%) election day  
61,524 (3%) overseas votes  
446,287 (17%) special votes

## Advance voting

**47%**

of all votes  
issued

**20%**

of advance votes  
issued on the  
Friday before  
Election Day

## Turnout

**79.8%** turnout of enrolled electors, the highest since 2005 (80.9%)

**66.7%** turnout of electors in the Māori electorates, the highest since 2005 (67.1%)

**52,000** more voters under the age of 30 than in 2014

**6.5%** increase in enrolled 18-24 year olds who voted

## Overall voter satisfaction

**↑ 94%**

up from 92%  
in 2014

## Māori voter satisfaction

**↑ 88%**

up from 86%  
in 2014

## Parties and candidates

- 453** electorate candidates
- 429** list candidates
- 16** parties contested the party vote
- 46** candidates stood as independents or represented unregistered parties
- 711** advisory opinions on 1,121 separate election advertisements

## Logistics



**16,700**  
temporary staff



**130 TONNES**  
of **supplies** sourced  
and delivered  
across New Zealand

# 2017 GENERAL ELECTION AT A GLANCE

## Enrolment



**3.3M**  
**enrolled**

92.4% of eligible voters

**130,000** enrolments between 23 August and 23 September

Over **85,000** enrolment forms issued at advance voting places, resulting in **53,000** new or reactivated enrolments

## Voting places



**485 Advance**  
**voting places**



### **Busiest advance voting places:**

Chartwell Shopping Centre, Hamilton East: **14,941**

Wellington Central Library, Wellington Central: **14,042**

Westfield Albany, East Coast Bays: **12,612**

**2,378 Election Day**  
**voting places**



### **Busiest voting places:**

Botany Downs Secondary College, Botany: **2,149**

Selwyn District Council, Selwyn: **2,128**

Everglade Primary School, Manurewa: **2,064**

Wellington Central Library, Wellington Central: **2,055**

# KEY DATES FOR THE GENERAL ELECTION ON 23 SEPTEMBER 2017

<b>1 February</b>	Announcement of election date by Prime Minister
<b>23 June</b>	Start of regulated period for election expenses
<b>26 June</b>	Launch of enrolment update campaign
<b>22 August</b>	Dissolution of Parliament
<b>23 August</b>	Writ Day
<b>29 August</b>	Nomination Day
<b>6 September</b>	Start of overseas voting and telephone dictation voting
<b>11 September</b>	Start of advance voting in New Zealand
<b>23 September</b>	Election Day and preliminary results
<b>7 October</b>	Official Results
<b>12 October</b>	Return of writ and declaration of election of list members

# Recommendations

## LEGISLATIVE RECOMMENDATIONS REGARDING CONDUCT OF ELECTIONS

### **Implications of growing number of special votes on official result timeliness**

The Commission recommends legislative change to reduce the number of special votes by allowing any voter who can be marked off a 'live roll' to be issued an ordinary vote. The Commission will also explore the feasibility of 'live roll' mark off in large overseas posts.

The Commission will also explore the feasibility of providing an early indication of the final result of special votes by undertaking a party vote count of a sample of the special votes.

### **Electronic master roll information provided to parties**

The Commission recommends that Parliament considers whether or not electronic master roll information should be available to parties during or after the election. The Commission recommends consultation with the Privacy Commissioner, as information about whether or not a person has voted engages significant privacy interests.

### **Reduce repatriation of ballot papers to increase security and improve timeliness**

The Commission recommends regulatory changes to remove the requirement for votes to be repatriated to the Returning Officer for the electorate and that the Chief Electoral Officer be authorised to receive, process, and count overseas votes centrally for adding into each of the electorate counts. This will require changes to the Electoral Regulations 1996. The processing and count would be physically separated to preserve secrecy of the vote. Scrutineers would be able to attend the count. Voters would be able to have until noon nine days after election day to return their votes to the Chief Electoral Officer rather than the four days they have currently.

If there is no legislative change to allow central processing by the Chief Electoral Officer and removal of the option to return overseas votes by post, the Commission recommends legislative change to require that overseas postal votes must be received by Friday six days after election day to enable them to be processed and repatriated to electorates in time.

### **Overseas postal voting no longer viable**

The Commission recommends removing the postal voting option for overseas electors. Failing that, we recommend a change to the Regulations to specify a deadline for postal vote applications (Wednesday ten days before election day) to provide a greater chance the vote will count and voters are not disenfranchised.

### **Special vote declaration as an application to enrol to streamline processes for voters**

The Commission recommends legislative change to enable the special vote declaration to be treated as an application to enrol or update enrolment details.



### **Māori Electoral Option**

The Commission recommends that voters of Māori descent be able to change roll type at any time. This could then become part of general enrolment communications, including the electoral update campaigns run prior to local authority and parliamentary electoral events and would better meet the needs of Māori voters.

### **Enrolment on election day to increase voter enfranchisement**

The Commission will do further feasibility work on the implications of election day enrolment. If feasible, legislative change would be required.

### **Reducing barriers to voting places: the preliminary count and alcohol**

The Commission recommends legislative change to section 174 of the Electoral Act to enable the preliminary count to take place in the presence of scrutineers away from the voting place.

The Commission recommends an amendment to either remove section 155(3) of the Electoral Act or to restrict it to a prohibition on designating a voting place where alcohol is being consumed.

### **Allowing unpublished electors to cast an ordinary vote**

The Commission recommends that unpublished electors be issued an ordinary vote while protecting their address information. Unpublished electors would be marked off the electronic roll used in the voting place using their name and another unique identifier, for example, their date and/or month of birth. This will require legislative change.

### **Helping remote and disabled voters vote more easily**

The Commission recommends that remote voting services be extended to voters whose remote location in New Zealand prevents them from accessing usual voting services.

The Commission recommends amending the Regulations to expand the eligibility criteria for dictation voting to people who, because of any disability, are unable to access usual voting services.

### **Counting the vote of advance voters who die before election day**

The Commission recommends change to allow a person's vote to be counted if they have voted in advance and die before election day.

### **Updating emergency provisions and providing services to voters during emergencies**

The Commission again recommends a review and modernisation of the current emergency provisions in section 195 of the Electoral Act.

The Commission recommends that consideration be given to extending remote voting services to any voter who, because of a civil emergency, is unable to access other voting services.

### **Streamlining enrolment updates electronically**

The Commission recommends that postal redirection or any other written notification be sufficient authority to activate a change of address within or between electorates, with the person notified electronically.

The Commission recommends amendments to the data matching provisions to include email and phone numbers.

### **Automatic enrolment updates**

The Commission recommends legislative change to enable automatic enrolment updates based on information from data matches currently undertaken using Ministry of Social Development, driver licence, vehicle registration and passport data.

### **Access to rolls and addressing voters' privacy concerns**

Access to electoral rolls is an important policy question and the current provisions may well be out of date. The Commission will be reviewing its data provision procedures to ensure recipients are aware of their obligations regarding the use, security and destruction of the data.

The Commission recommends legislative change to remove electoral rolls and habitation indexes from general sale except to MPs, parties and candidates for electoral purposes and that public inspection of an electronic copy of the roll is provided for only at national and regional offices of the Commission.

### **Providing certainty with the deadline for registration of political parties**

The Commission recommends a deadline (eight weeks before Writ Day or the default day for the start of the regulated period) for party registration applications in section 63 of the Electoral Act to ensure certainty for applicants.

### **Broadcasting allocation payments**

The Commission recommends that section 80B(3) of the Broadcasting Act 1989 is amended to expressly allow the Commission to pay the allocation directly to the parties under certain circumstances.

### **Broadcasting period could start earlier**

The Commission recommends parties and candidates be allowed to broadcast election programmes from the start of the regulated period. This would also be consistent with the recommendation regarding the deadline for applications for party registration.

## **WIDER LEGISLATIVE ISSUES FOR FURTHER DEBATE**

### **Ensuring the health of MMP requires reconsideration of MMP review recommendations**

The Commission considers that the 2012 Review of MMP recommendations would improve New Zealand's voting system and again recommends that they be considered by Parliament. A copy of the full report and recommendations is available at [http://www.elections.org.nz/sites/default/files/bulk-upload/documents/Final\\_Report\\_2012\\_Review\\_of\\_MMP.pdf](http://www.elections.org.nz/sites/default/files/bulk-upload/documents/Final_Report_2012_Review_of_MMP.pdf)

### **Fixed election date to ensure more certainty for voters, campaigners and candidates**

The Commission invites further discussion of legislative change to provide for a fixed election date for the general election.

### **Prisoner voting litigation**

The Commission wishes to draw Parliament's attention to the fact that the question of prisoner voting rights is a live issue before the Courts and is likely to continue to be raised.



### **Broadcasting regime**

The Commission again recommends that Parliament considers whether the allocation criteria and the current broadcasting regime are fit for purpose.

### **Offences and penalties need review**

The Commission recommends a review of all the offences, penalties and the mechanisms for enforcement and whether they remain fit for purpose. There appear to be some offences that could more appropriately be dealt with by administrative penalties or other mechanisms rather than referral to the Police for prosecution.

### **Election day and advance voting campaign rules**

The Commission notes that the current election day campaign rules are inconsistent with the rules during advance voting and likely to be an issue that Parliament is again asked to reconsider given the further growth of advance voting.

### **Rosettes in voting places**

The Commission recommends that all voting places and their environs should be campaign-free and that the Electoral Act prohibits the wearing of party lapel badges or rosettes in all voting places.

### **Social media and websites on election day**

The Commission recommends that Parliament reviews the rules that apply to election day taking into account the growth of social media and advance voting. The Commission recommends, as a minimum, that the advertising of news media websites that contain election-related material is not unduly restricted.

## **OTHER OPERATIONAL PRIORITIES**

### **Need for a more accessible online enrolment option**

The Commission will pursue a more effective secure digital solution for online enrolment services. This will provide an easy option for people to enrol online, offer a more efficient and modern service, and reduce the number of special votes arising from late enrolments or enrolment updates.

### **Security of ballot papers**

There were no security incidents in 2017, physical or otherwise. The Commission will continue to look for ways to ensure the security of voting materials alongside the need to offer accessible advance voting services in all areas of the country.

### **E-EasyVote**

The Commission will provide electors with the option to receive an EasyVote in an electronic form to take with them on their smart phone when they vote including links to online information about candidates, parties and voting place information.

### **Accommodating growth of advance voting by increasing the days available**

The Commission will review how it provides advance voting services for 2020 and may opt to return to a 17 day advance voting period.

### **Using different means to ensure timely advance vote count**

The Commission aims to release the results of the advance ordinary votes by 8.30pm on election night. To continue to meet this expectation, the Commission will be investigating options such as electronic preliminary count for advance votes. We may also use designated count areas outside of electorate headquarters. Scrutineers will still be present. A manual count would still be undertaken during the official count.

### **Budget**

The Commission is working with Ministry of Justice and Treasury officials on a proposal for Budget 2018 to establish a baseline that reflects the costs of delivering the election, so that the Commission does not need to seek additional funding every time. New initiatives for 2020 requiring additional funding will then be put forward as part of separate budget bids for approval.

### **New Zealand needs to continue to be alert to technology and cyber risk**

The Commission will continue to work with other agencies to maintain confidence in the electoral system including vigilance around unauthorised interference and cyber security. Parliament will need to continue to consider whether existing legislative protections are fit for purpose.

### **Encouraging people to be candidates**

The Commission wants to do everything it can to encourage people to be candidates, including making our processes as easy as possible. For future elections, the Commission will call for candidate nominations sooner and time candidate briefings earlier to provide prospective candidates with information about nominations and the campaign rules.

### **Communicating with electors electronically**

The Commission will seek additional opportunities to use text messaging and other electronic communication mechanisms to encourage people to enrol and vote.

### **Stakeholder input into voting places**

Seeking party input into voting place locations was valuable and we will expand that further to seek community input into the location of enrolment and voting services.

### **Voters with disabilities**

The Commission will provide further guidance to parties and candidates about how to make their resources accessible to voters with disabilities.

The Commission will explore the use of technology in voting places to provide an interpretation service for disabled voters.

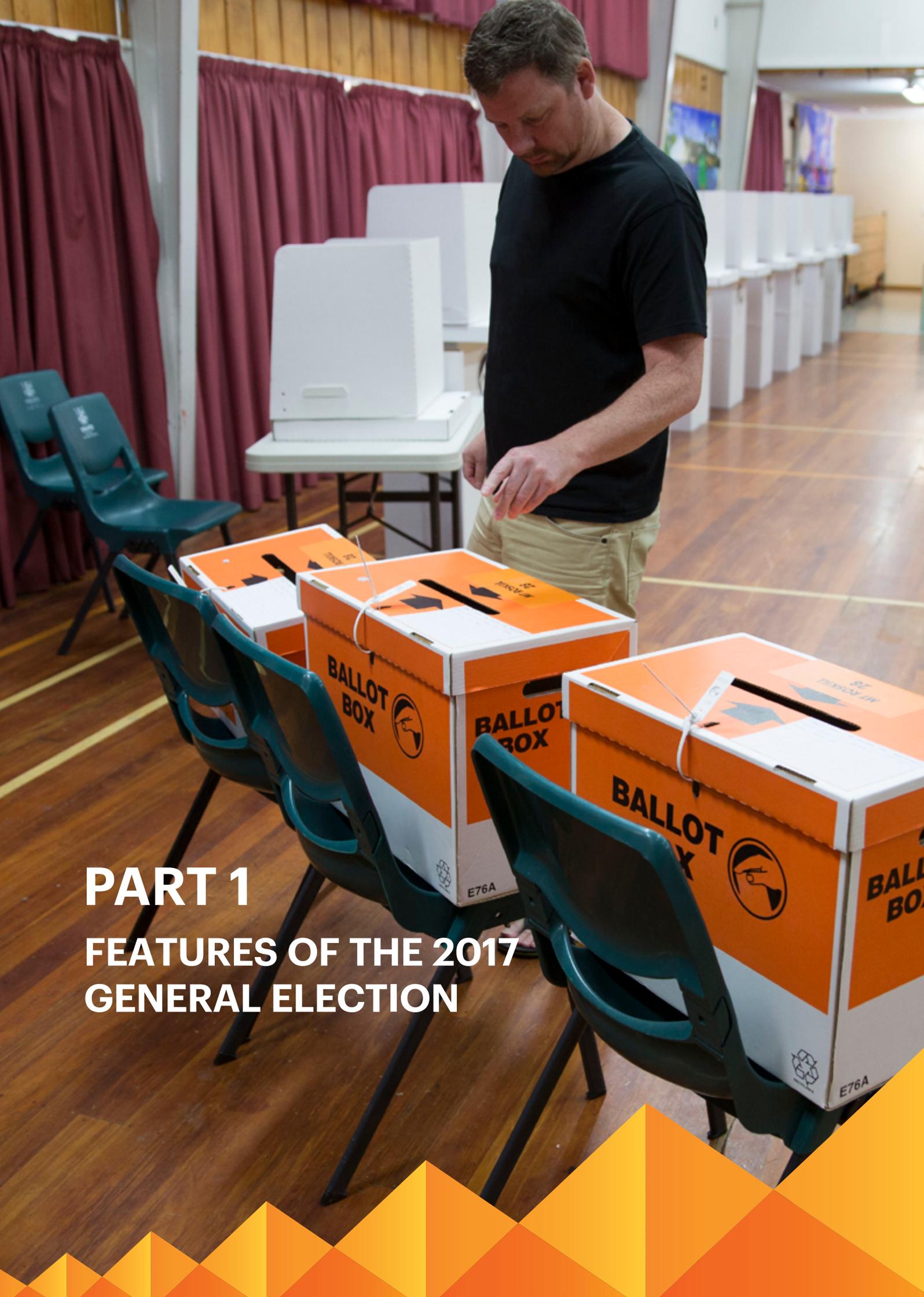
### **Improving services to Māori voters**

The Commission will increase the number of staff who are familiar with te reo Māori and increase the diversity of the Commission's workforce. The Commission will engage with Māori about how we can improve our services and improve participation.

### **Improving participation of young, Asian, Pasifika and Auckland voters**

The Commission will improve community engagement and information in our service offerings for young, Asian, Pasifika and voters in Auckland where there are lower rates of enrolment and voting.





# PART 1

## FEATURES OF THE 2017 GENERAL ELECTION



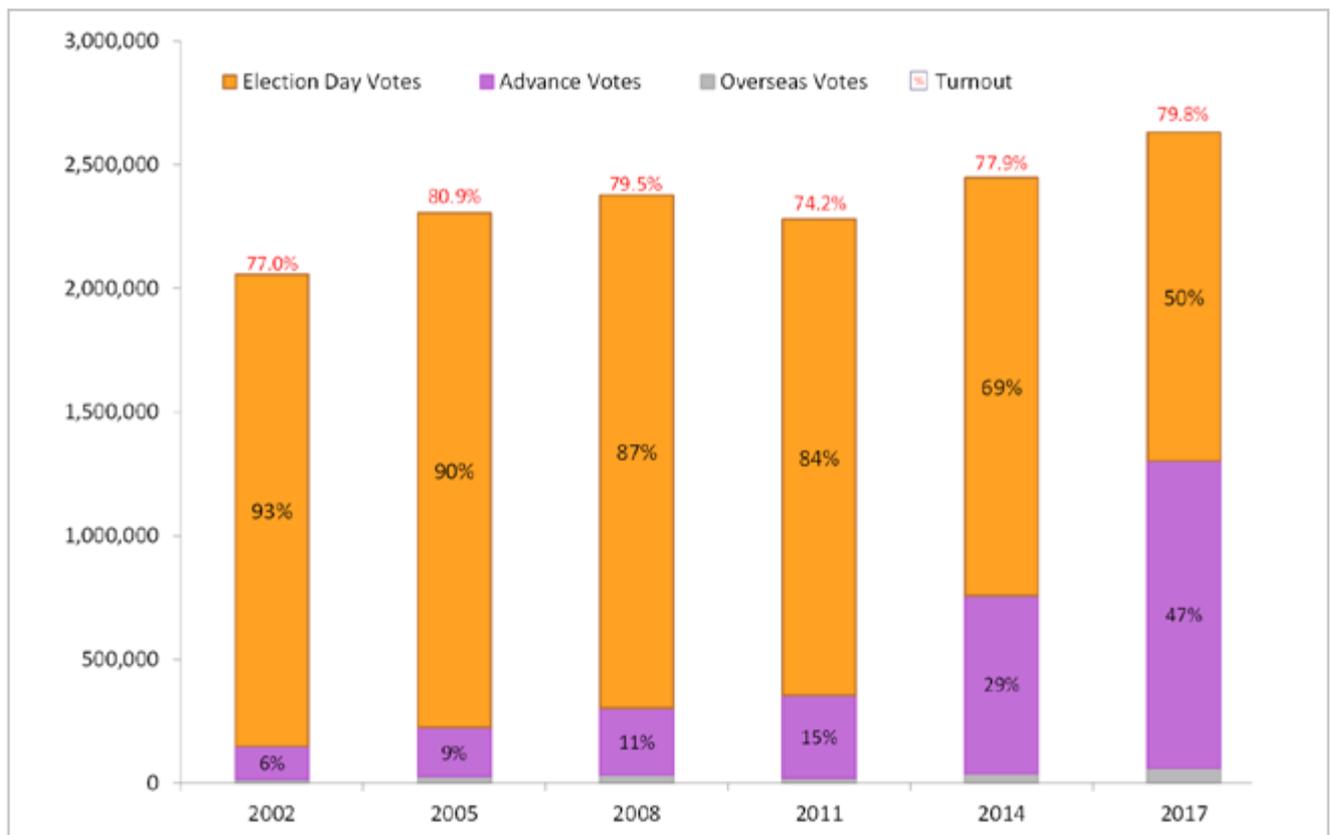
# Voter turnout

79.8% of enrolled electors voted in 2017, the highest turnout since 2005 (80.9%).

There were 485 advance voting places and 2,378 election day voting places compared to 295 advance voting places and 2,568 election day voting places in 2014. Using Returning Officers' local knowledge, community and political party input, we were able to maintain service levels with 87% of electors within 2 km of an election day voting place.

The following graph shows how turnout has increased over recent elections and how the proportion of election day advance and overseas votes has changed.

**Graph 1: Comparison of election day, advance votes, and overseas votes in past general elections**

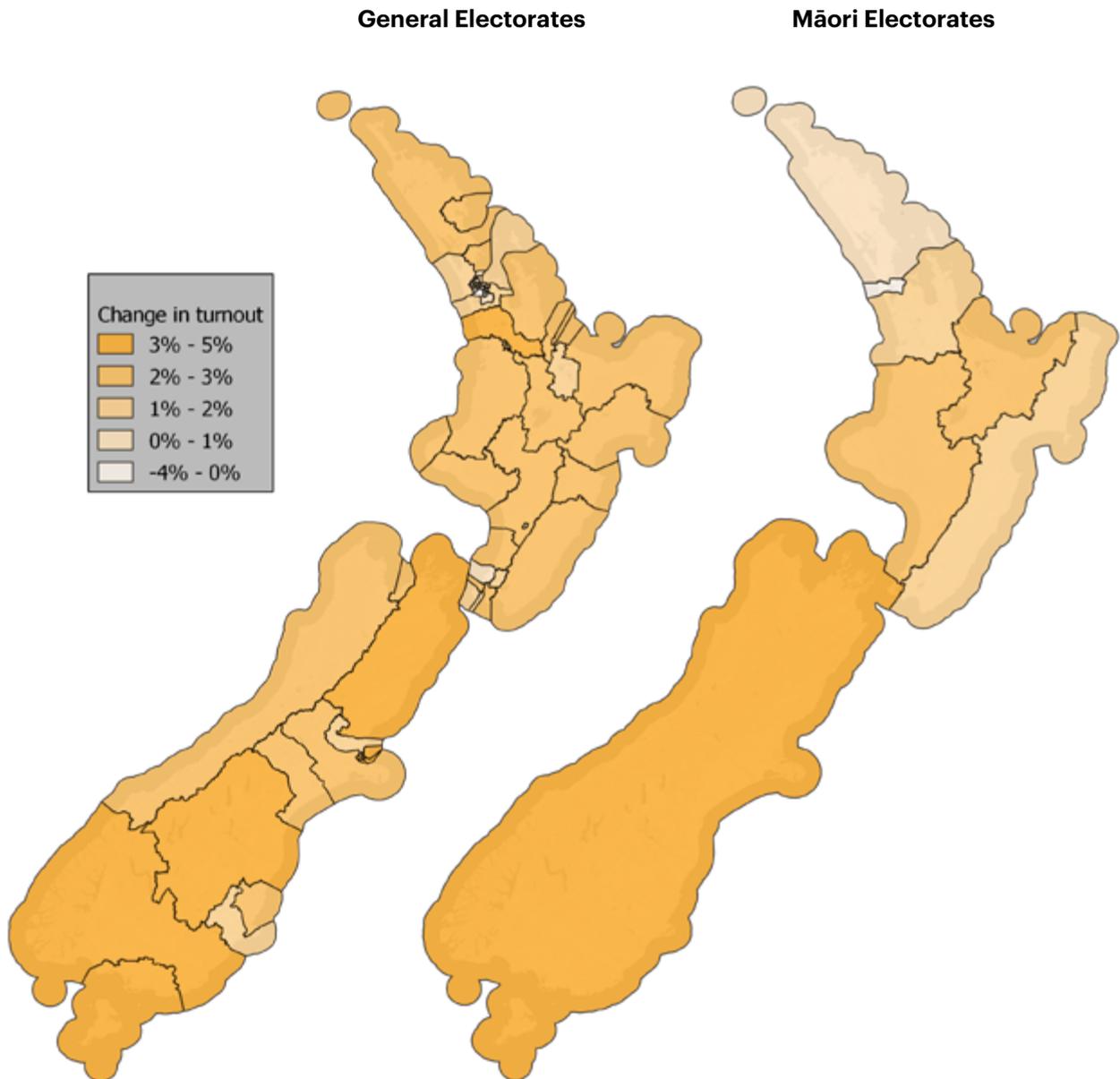


Advance voting almost doubled in size from 2014 to 2017 and the number of overseas voters increased by 52% from 40,132 in 2014 to 61,524 in 2017.



The following maps illustrate the changes in turnout from 2014 to 2017 in the general and Māori electorates. Turnout increased in both general and Māori electorates. There were a few exceptions which are discussed later in this section.

**Map 1: The difference in turnout between 2014 and 2017**



There was a 6.5% increase in enrolled 18-24 year olds who voted.

52,000 more voters under the age of 30 voted than in 2014.

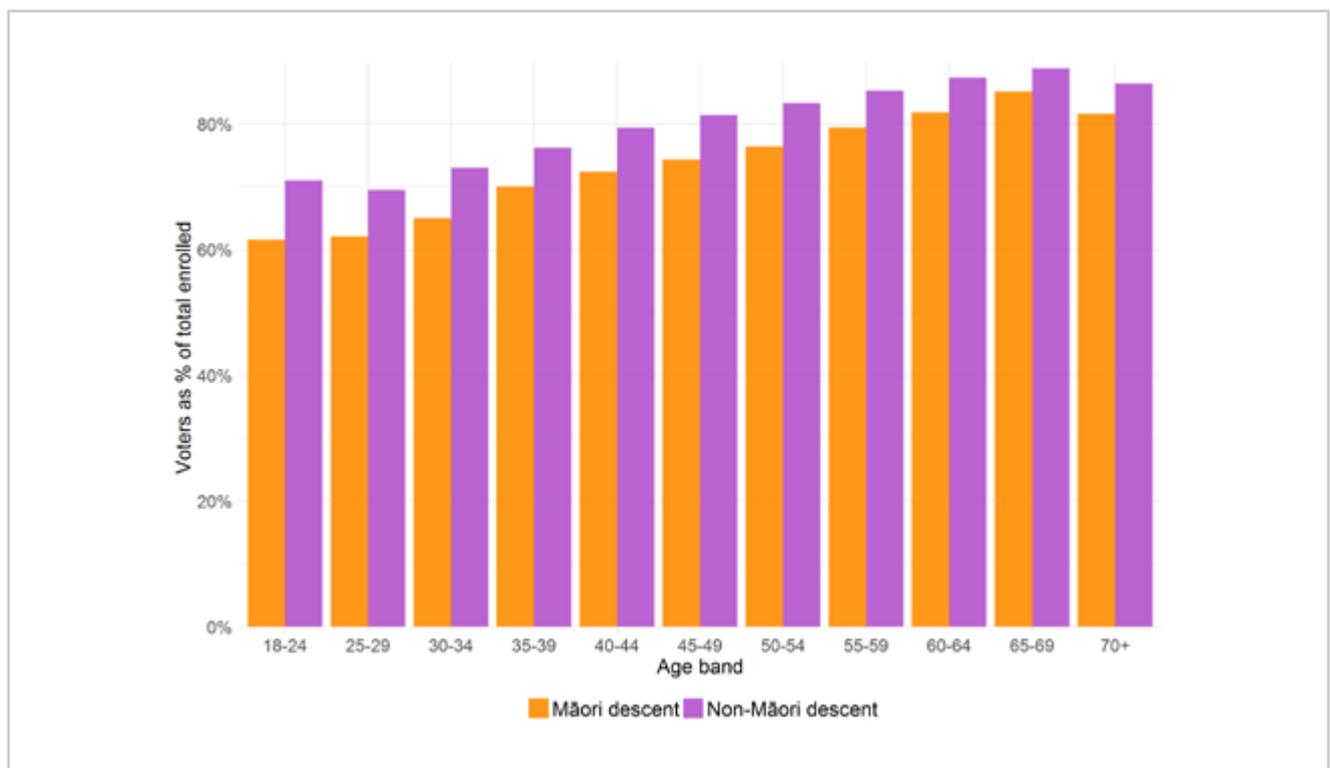
There was an increase in the number of voters as a proportion of enrolled electors in each age band.

**Table 1 : Turnout by age band**

Age band	2014 GE Turnout	2017 GE Turnout	Change
<b>18 – 24</b>	62.7%	69.3%	6.5%
<b>25 – 29</b>	62.1%	67.6%	5.5%
<b>30 – 34</b>	67.4%	70.9%	3.5%
<b>35 – 39</b>	72.8%	74.3%	1.5%
<b>40 – 44</b>	76.2%	77.8%	1.6%
<b>45 – 49</b>	78.6%	80.0%	1.4%
<b>50 – 54</b>	80.8%	81.9%	1.1%
<b>55 – 59</b>	83.3%	84.1%	0.8%
<b>60 – 64</b>	86.0%	86.2%	0.3%
<b>65 – 69</b>	88.1%	88.2%	0.2%
<b>70+</b>	85.8%	86.3%	0.6%

Turnout in the Māori electorates (66.7%) was the highest it has been since 2005 (67.1%). Turnout increased across all age groups.

**Graph 2: Turnout by age and Māori descent**



## GROWTH OF ADVANCE VOTING

Advance voting levels grew significantly to 47% of all votes (1,240,740 votes) compared with 29% in 2014 and 15% in 2011.

The graph below shows the magnitude of the increase and the pattern of demand during the advance voting period.

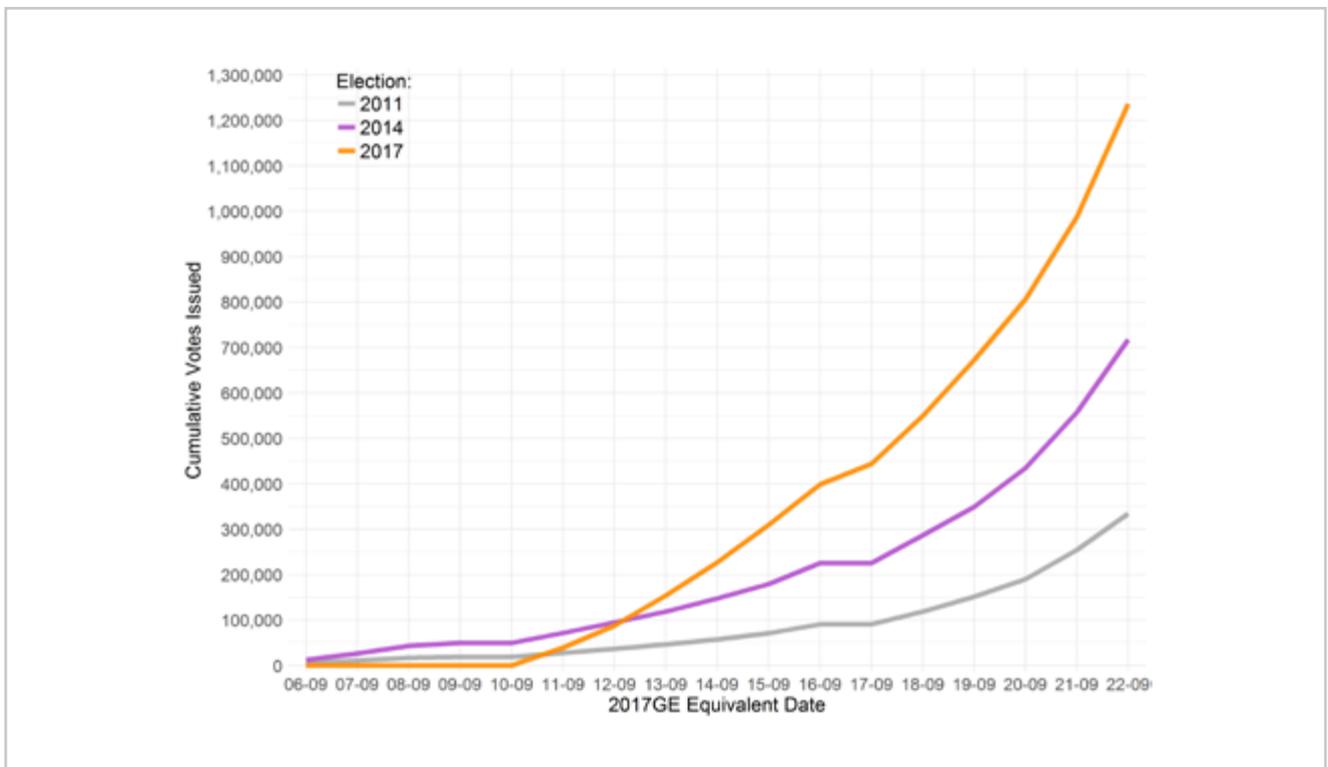
Advance voting commenced on Monday 11 September, 12 days before election day (at previous elections advance voting had commenced 17 days before election day). While the advance voting period was slightly shorter, total voting hours increased by 10,000. Advance voting was offered on the Sunday before election day for the first time, and on more late nights.

In 2017, demand took off from the start of advance voting and continued to grow, peaking with more than 560,000 votes (46% of all advance votes) issued in the last three days.

The results of the Voter and Non-Voter Survey carried out after the election show that advance voters were more likely to vote at lunchtime and after work, which emphasises the importance of convenience for voters.

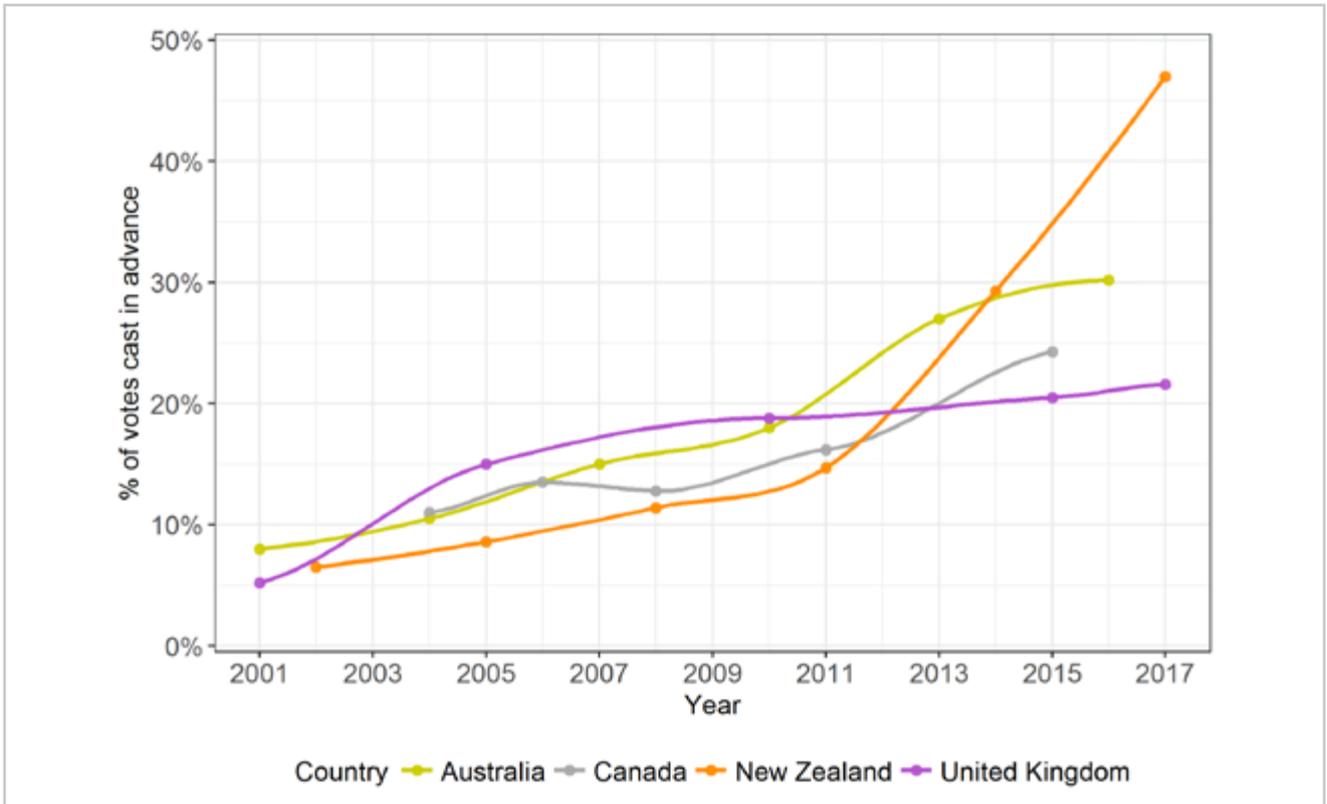
Waiting times for voters increased slightly as more special voters needed to both enrol and vote and complete two forms, however voter satisfaction levels remained high.

**Graph 3: Cumulative votes issued for the 2011, 2014 and 2017 General Elections**



The following graph shows international advance voting trends among comparable democracies. New Zealand voters embrace advance voting to a greater extent than voters in Australia, Canada, and the United Kingdom.

**Graph 4: Advance voting turnout trends at elections 2001-2017 - international comparison**

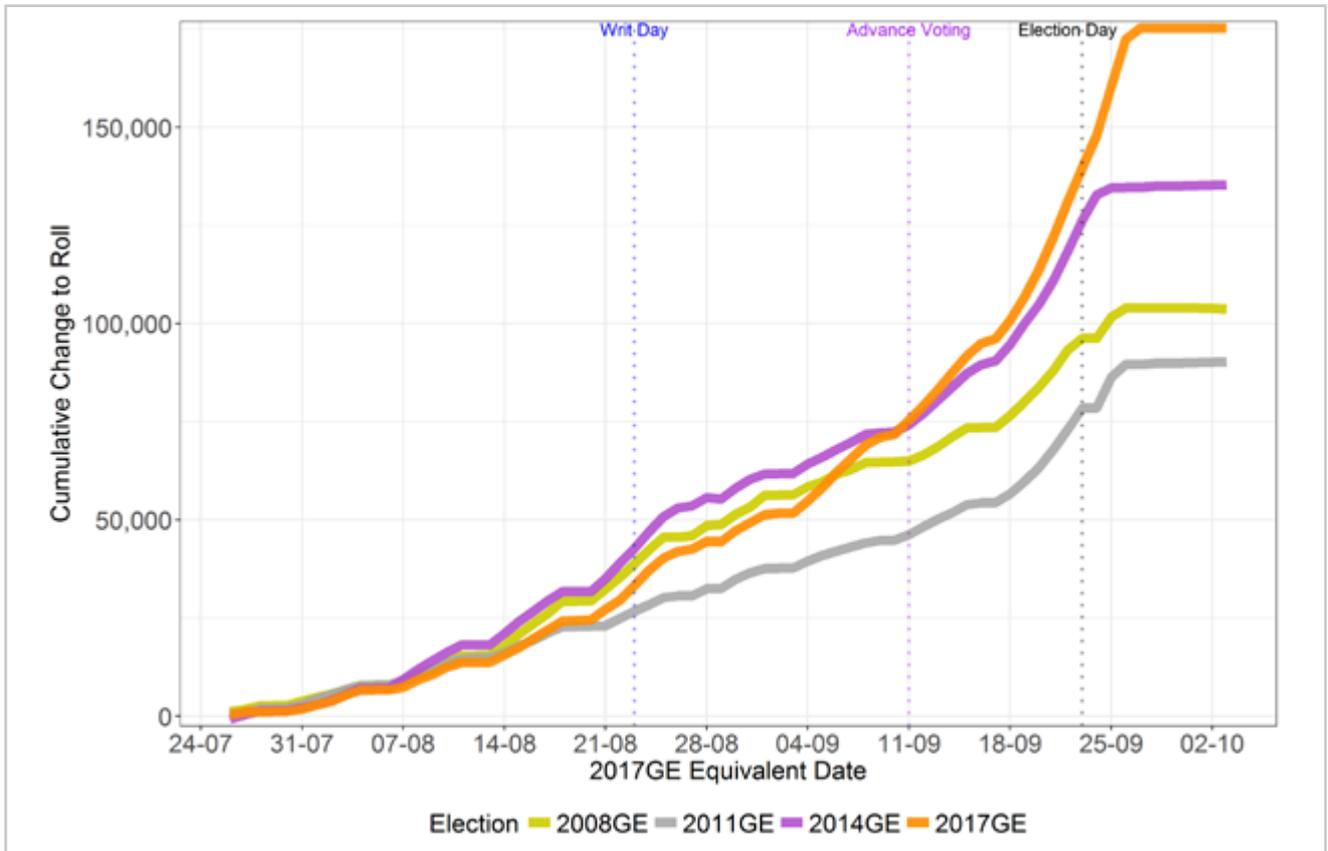


## ENROLMENT AFTER WRIT DAY

As at Writ Day 23 August (the date at which the rolls used in voting places were closed for printing), the roll had grown to 3,167,252 electors or 88.72% of the estimated eligible voting age population.

As illustrated below, there has been a growing trend of more and more voters enrolling after Writ Day and after voting starts. The roll increased by 130,000 in the month after Writ Day which is a 65% increase from 2014.

**Graph 5: Increasing enrolments from Writ Day to election day**



By election day, 3.3 million electors were enrolled to vote in the 2017 General Election (92.4% of eligible voting age population).

The final enrolment figures for the General Election broken down by age and roll type are shown below compared with recent elections.

**Table 2: Enrolment figures for the General Election by age and roll type**

Age	Est Eligible Population	General Roll	Māori Roll	Total Enrolled	Difference	% Enrolled
<b>18 - 24</b>	460,890	295,941	37,223	333,164	127,726	72.3%
<b>25 - 29</b>	338,720	241,825	29,342	271,167	67,553	80.1%
<b>30 - 34</b>	300,030	244,058	26,033	270,091	29,939	90.0%
<b>35 - 39</b>	277,740	245,445	24,562	270,007	7,733	97.2%
<b>40 - 44</b>	288,630	255,262	24,494	279,756	8,874	96.9%
<b>45 - 49</b>	316,900	285,294	24,921	310,215	6,685	97.9%
<b>50 - 54</b>	310,050	281,071	22,875	303,946	6,104	98.0%
<b>55 - 59</b>	300,620	278,234	20,840	299,074	1,546	99.5%
<b>60 - 64</b>	261,050	242,277	15,447	257,724	3,326	98.7%
<b>65 - 69</b>	231,930	217,514	10,934	228,448	3,482	98.5%
<b>70+</b>	483,270	459,295	15,122	474,417	8,853	98.2%
<b>TOTAL</b>	3,569,830	3,046,216	251,793	3,298,009	271,821	92.4%



Electors enrolling to vote

## **INCREASE IN OVERSEAS VOTING AND SPECIAL VOTING**

In 2017, there was a 35% increase in the number of special votes - 446,287 special votes (compared with 331,005 in 2014) or 17% of the total vote (compared with 13.5% in 2014). The growth was mostly due to more enrolments after Writ Day. Approximately 130,000 of the special votes were enrolled electors voting outside their electorate.

The number of overseas votes increased by 53% from 40,132 in 2014 to 61,524 in 2017.

Overseas voters could download their voting papers from the Commission's website, apply to the Commission for postal voting papers, or vote in person at an overseas post. Voters were able to return their voting papers by fax, post, by posting or delivering them to an overseas post, or by uploading them to the Commission's website.

Most overseas votes came from Australia, United Kingdom, China and Germany.

Overseas posts remained important with 18,653 votes being returned from the 81 overseas posts at New Zealand High Commissions, Embassies, Consulates-General, Trade and Enterprise offices and at Australian Federal and State Electoral Commission offices.

The upload system performed well. The number of voters who reported issues with uploading their voting papers was relatively small and the majority of issues reported were resolved by asking voters to upload their voting papers again using a different browser.

The upload/download service was the most popular method of receiving and returning voting papers (67%).

# Promoting participation

Our approach to increasing participation included putting people at the centre and placing voting places where people live and work. In addition, we provided information to encourage people to enrol and ensure they understood the value of their vote, including face-to-face engagement and targeted information and advertising.

## BETTER ENROLMENT SERVICES IN VOTING PLACES

In 2017, Parliament passed amendments to allow electors to lodge enrolment forms at voting places and to allow electoral officials to use a digital enrolment checking function. This was a significant step forward to enabling the Commission to offer a more comprehensive enrolment and voting service.

We provided a comprehensive enrolment service to assist voters with enrolment questions. A big help with that service was tablets in all advance voting places containing the Writ Day electoral roll information for all New Zealand. This helped find voters on the roll and we were able to better identify people who needed to cast a special vote.

We used technology already developed by our colleagues in the Victorian, New South Wales and Queensland Electoral Commissions and 1,000 tablets lent by the Victorian Electoral Commission.

85,000 people accessed enrolment services at voting places, including 53,000 new or reactivated (from the dormant roll) enrolments at advance voting places.

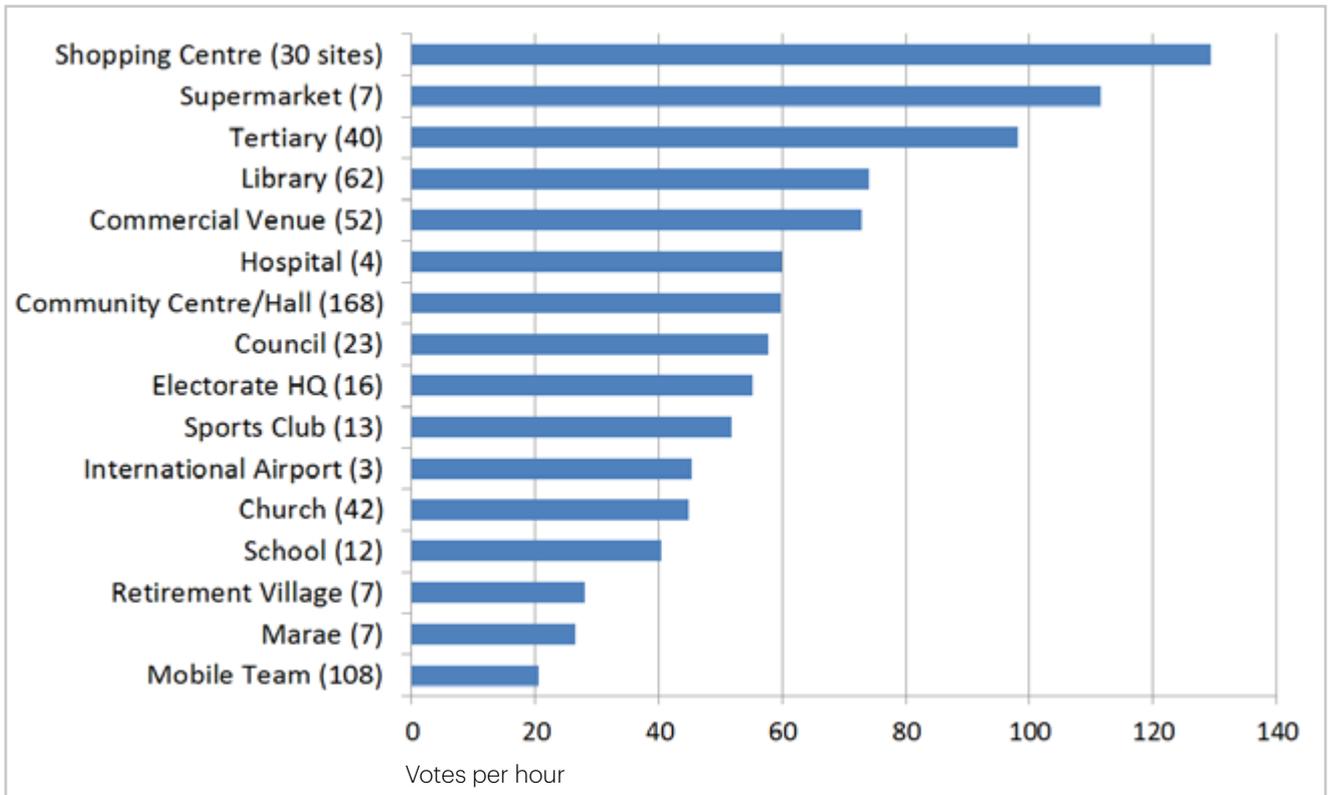
## MORE ACCESSIBLE VOTING PLACE LOCATIONS

In line with the Commission's objective to make advance voting more accessible, wherever possible Returning Officers placed advance voting places where people live, work and congregate. We focused on using spaces in highly visible and high traffic areas, such as shopping centres, supermarkets, libraries and community centres, schools, universities, polytechnics, wānanga and marae. We also provided mobile voting services in remote locations, Corrections facilities, hospitals and rest homes.



The following graph shows the busiest advance voting places and the range of sites used:

**Graph 6: Voting places by popularity**



We worked with Foodstuffs North Island Limited and Scentre Group (Westfield) to provide voting services in supermarkets for the first time and to increase our presence in shopping malls.

Three of the four busiest advance voting places were in shopping malls. For example, in the East Coast Bays electorate, the number of advance votes increased from 8,244 in 2014 to 23,130 in 2017. 12,612 advance votes were taken at Westfield Albany alone, which was more advance votes taken across the whole electorate in 2014.

We adapted our services to adjust to the open-air nature of operating in a shopping mall to ensure voters had a good voting experience. We came up with different approaches to managing voter flows and ensuring voter privacy.

Almost 35,000 votes were taken in the seven supermarket voting places in the Auckland region. In the Te Atatū electorate, for example, in 2014, there were 7,873 advance votes. In 2017, this grew to 20,581. A total of 8,921 advance votes were taken at one supermarket alone. The voting place was open 10.30am to 7.30pm every day including the Sunday before election day.

Some voters said the supermarket was their only opportunity to vote. Disabled and elderly voters appreciated taking advantage of fully accessible parking and being able to shop and vote together.

## FEWER DISALLOWED VOTES

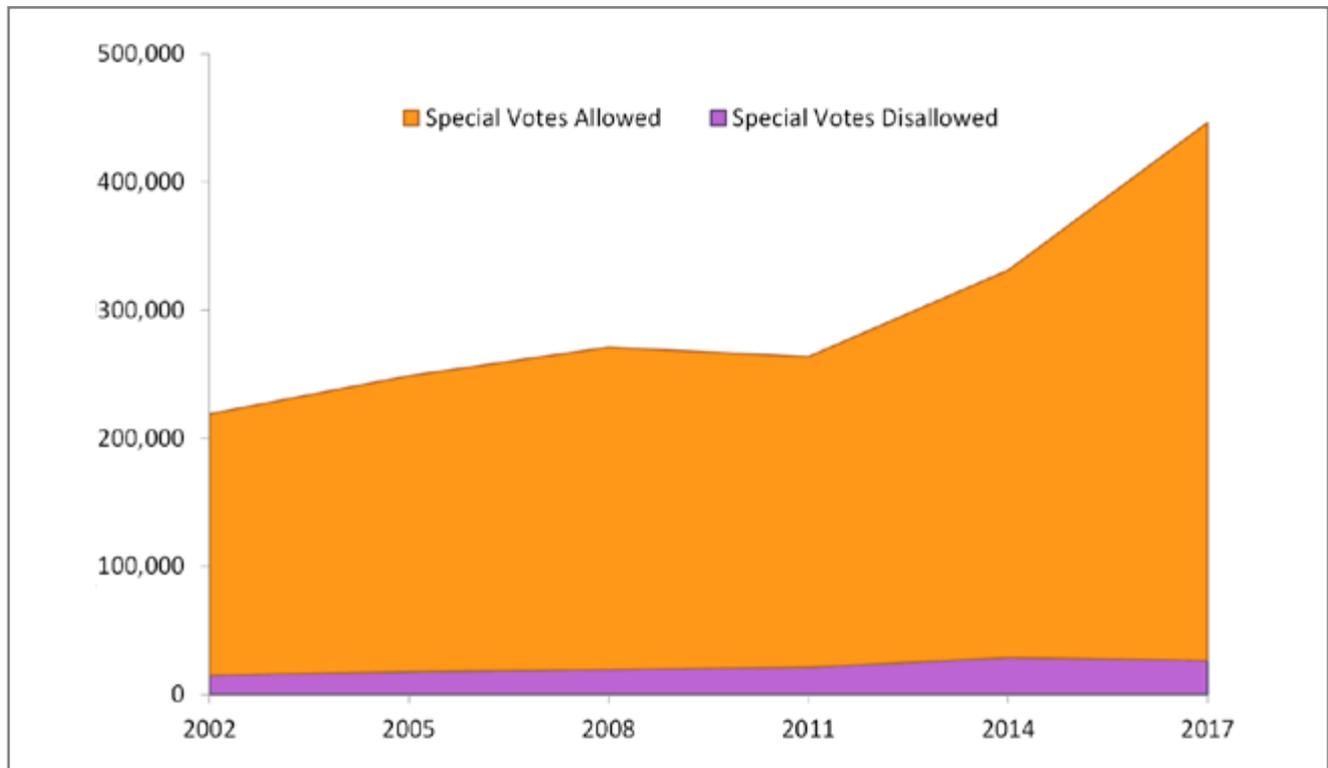
While the number of special votes increased, fewer special votes were disallowed, which means more voters had their vote counted. This was due to the Commission working closely with voters to ensure they were correctly enrolled.

The proportion of special party votes allowed increased by 2.7% across all electorates and 7.4% in the Māori electorates.

**Table 3: Special votes allowed and disallowed**

	2014		2017	
	Total Party Votes Cast	% of Party Votes Allowed	Total Party Votes Cast	% of Party Votes Allowed
<b>Māori electorates</b>	28,850	82%	39,915	90%
<b>General electorates</b>	302,155	92%	406,372	94%
<b>All electorates</b>	331,005	91%	446,287	94%

**Graph 7: Special votes allowed and disallowed 2002-2017**



## COMMUNITY ENGAGEMENT AND PUBLIC INFORMATION

The Commission undertook an extensive public education campaign consisting of motivational messages to engage and motivate New Zealanders to participate in the election, and providing information about how, when and where to enrol and vote.

We employed community engagement advisers and youth advocate teams to connect directly with communities less likely to enrol and vote including youth, Māori, Pasifika and culturally and linguistically diverse communities.

The Commission entered into a Memorandum of Understanding (MOU) with Te Puni Kōkiri to cooperate on community engagement initiatives to increase Māori participation, including funding for additional community engagement advisers and youth advocates.

Ten community engagement advisers were employed by the Commission along with 32 youth coordinators and advocates. The youth advocate programme was successfully trialled during the 2015 Northland by-election and, with support from Te Puni Kōkiri, was extended for this election to Northland, South Auckland, Hamilton, Rotorua and Gisborne.

### Online tools

One of the major barriers to voting is that electors do not know who to vote for. The Commission supported the On the Fence, Policy and Vote Compass online tools to address this barrier. The online tools took electors through a series of questions to establish which party's policies most aligned with their own views and assisted voters making their decision.

Around 700,000 electors visited these sites and, for example, over 7,000 people clicked through to enrol from On the Fence and Vote Compass.

### Young voters

For young voters, there was face-to-face engagement by our enrolment teams at community events, school visits, careers expos, tertiary orientation events and university politics weeks.

Youth advocates attended 246 events, met face-to-face with close to 53,000 young Māori voters aged 18-29 years and enrolled 3,429 first time voters.

The community engagement advisers promoted voting on iwi radio stations to support the Commission's national media strategy.

Kids Voting 2017 was the most successful ever held. 832 schools held mock elections involving 148,014 students (compared with 78,000 students from 556 schools in 2014). 97% of teachers agreed that the programme increased their students' personal understanding, belief and confidence in electoral participation and 97% of teachers would participate in Kids Voting again.



Northland team of youth advocates who encouraged young people to enrol and vote

## Pasifika

A 2016 MOU with Pacific Whānau Ora agency Pasifika Futures was invaluable for extending our reach into Pacific communities. The Commission trained more than 40 Pasifika Futures staff members who worked directly with 2,000 high priority families in Auckland, Hamilton, Wellington and Christchurch to provide enrolment and voting information, and assist people to complete enrolment forms. The partnership also boosted engagement with church, community and youth groups.

## Asian, Indian, new migrant and refugee groups

The Commission connected with Asian, Indian, new migrant and refugee communities, through the Auckland Regional Migrant Services Trust and the Chinese New Settlers Services Trust, with particular emphasis in the Auckland area. These organisations have the trust and confidence of their communities and helped us raise enrolment and voting awareness through meetings and face-to-face interactions as well as distributing election-related resources.

## Other partnerships

We worked with The Warehouse, Countdown and Work and Income offices to provide customers and staff with key enrolment and voting messages. 15,000 enrolment forms were completed at 16 Foodstuffs stores during the 12 week campaign.

The Commission received support from the wider public sector. In particular, we appreciated the assistance from the Ministry of Justice in the acquisition of properties for electorate headquarters, secondments from the Electoral and Constitutional Policy Team from the Ministry of Justice to the Commission's National Office, as well as secondments from Statistics New Zealand, Ministry of Justice, and Department of Corrections to senior field positions for the election.

## Public information campaign

Awareness of Commission advertising increased during the year from 15% in April, to 39% in July, to 52% in September. Increased recall was driven by significant improvements across all channels, with television the most recalled media channel (43%).



The mix of advertising channels reached the vast majority of eligible voters:

- television activity reached over 85% of New Zealanders over 18
- radio activity reached nearly 90% of New Zealanders over 18
- print activity reached 71% of those 18+
- social media related messaging reached 2,280,667 New Zealanders.

We used Twitter and Facebook as customer service channels to answer voter questions, distribute educational video content and increase understanding about enrolment and voting.

For the election a dedicated microsite aimed at hard-to-reach voters ([www.ivotenz.org.nz](http://www.ivotenz.org.nz)), was set up in addition to the Commission's main website [www.elections.org.nz](http://www.elections.org.nz). The microsite was the target of the Commission's web and social media advertising campaigns, and users were directed to a version of that site that was customised to them. Almost 170,000 users visited the microsite during September 2017. The Commission's main website also saw a significant amount of traffic, with more than 2,000,000 visits during September.

We produced online election guides in 27 languages, including New Zealand Sign Language.

## People on the dormant roll

Where correspondence from the Commission cannot be delivered because the person no longer resides at the address, the person must be removed from the main roll and placed on the dormant roll.

At the start of the update campaign the dormant roll had 163,757 people on it. In July 2017, the Commission undertook a new initiative of texting to make contact with people who have moved and not updated their details. Approximately 94,000 texts were sent. 25,997 recipients updated their details within a month of receiving the text. 11,245 updated details in election week and 5,425 updated details on election day or post-election.

This initiative together with other enrolment initiatives contributed to a reduction in dormant roll electors compared with recent elections.

**Table 4: Election Day dormant roll**

	<b>2017</b>	<b>2014</b>	<b>2011</b>	<b>2008</b>
<b>General Roll – Dormant</b>	109,134	142,240	134,730	121,224
<b>Māori Roll – Dormant</b>	17,405	23,395	21,522	21,091
<b>Total Dormant Roll</b>	126,539	165,635	156,252	142,315

The Commission will seek additional opportunities to use text messaging and other electronic communication mechanisms to encourage people to enrol and vote.



# Voter satisfaction and understanding of the process

## Overall results

The results of the Voter and Non-Voter Survey show high levels of satisfaction with services received.

Overall, satisfaction with the entire voting process improved compared with 2014.

- 94% of voters were satisfied or very satisfied (up from 92% in 2014)
- 97% of voters considered the location of voting places convenient
- 96% thought time spent in the voting place reasonable and the voting paper straightforward
- 91% were satisfied with the privacy of the voting booth
- 96% of voters were very positive about the politeness, efficiency and knowledge of electoral staff
- 89% of electors said they had either a good or excellent understanding of how to enrol
- 94% reported having a good or excellent understanding of how and where to vote
- 96% were satisfied with the instructions on the voting paper and the ease of finding the candidate and party they wished to vote for.

## Voters with disabilities

The Commission worked with the disability sector to disseminate information to their communities including a plain English guide to voting, captioning, and information in accessible formats.

A dictation service was provided for people who could not mark the ballot paper due to vision or other disability.

The Commission exceeded statutory voting place accessibility requirements by having 1,649 fully accessible voting places and 854 voting places accessible with assistance.

- 49% of disabled voters surveyed said they voted in advance, compared with 35% in 2014
- 92% were either happy or very happy with the overall voting process
- 95% said they encountered no issues while voting
- 92% were satisfied with the voting process compared to 88% in 2014
- 94-97% rated staff pleasantness, politeness and efficiency highly
- 89-90% of electors with a disability said they had a good or excellent understanding of the enrolment and voting process.

The Commission will provide further guidance to parties and candidates about how to make their resources accessible to voters with disabilities.

The Commission will explore the use of technology in voting places to provide an interpretation service for disabled voters.

## Improving services to Māori voters

Voting facilities for electors on the Māori roll were available at all voting places. For 2017 we had more bilingual signage. We had 1,825 Māori staff appointed to work at the election, an increase from 9.5% to 10.9%. There were seven Māori Returning Officers (two in 2014). The number of voting services staff with te reo Māori as a spoken language was 658. Our te reo Māori speakers were well received.

- 88% of Māori voters reported high levels of overall satisfaction with the voting process (up from 86% in 2014)
- 97% rated the convenience of voting places as good or excellent
- 97% rated the election day staff's service as good or excellent
- 93% rated the clarity of the ballot paper as four or five out of five.

Turnout rates increased in six Māori electorates. However, the one Māori electorate where turnout fell was in the Auckland area (Tāmaki Makaurau).

While overall satisfaction levels were very high, we received approximately 40 complaints from Māori voters around the service provided to them during the voting period.

Complaints raised with the Commission included people needing to cast a special vote, not being able to change roll type before voting, errors in vote issuing, and poor pronunciation of names or words. The Commission is looking hard at what can be done to improve our training and vote issuing processes to mitigate this.

Although turnout for Māori electors improved for all age groups, as illustrated in the graph on page 12, turnout rates of people who identify themselves as being of Māori descent is still lower than for electors who do not identify themselves as being of Māori descent.

The Commission will increase the number of staff who are familiar with te reo Māori and increase the diversity of the Commission's workforce. The Commission will engage with Māori about how we can improve our services and improve participation.

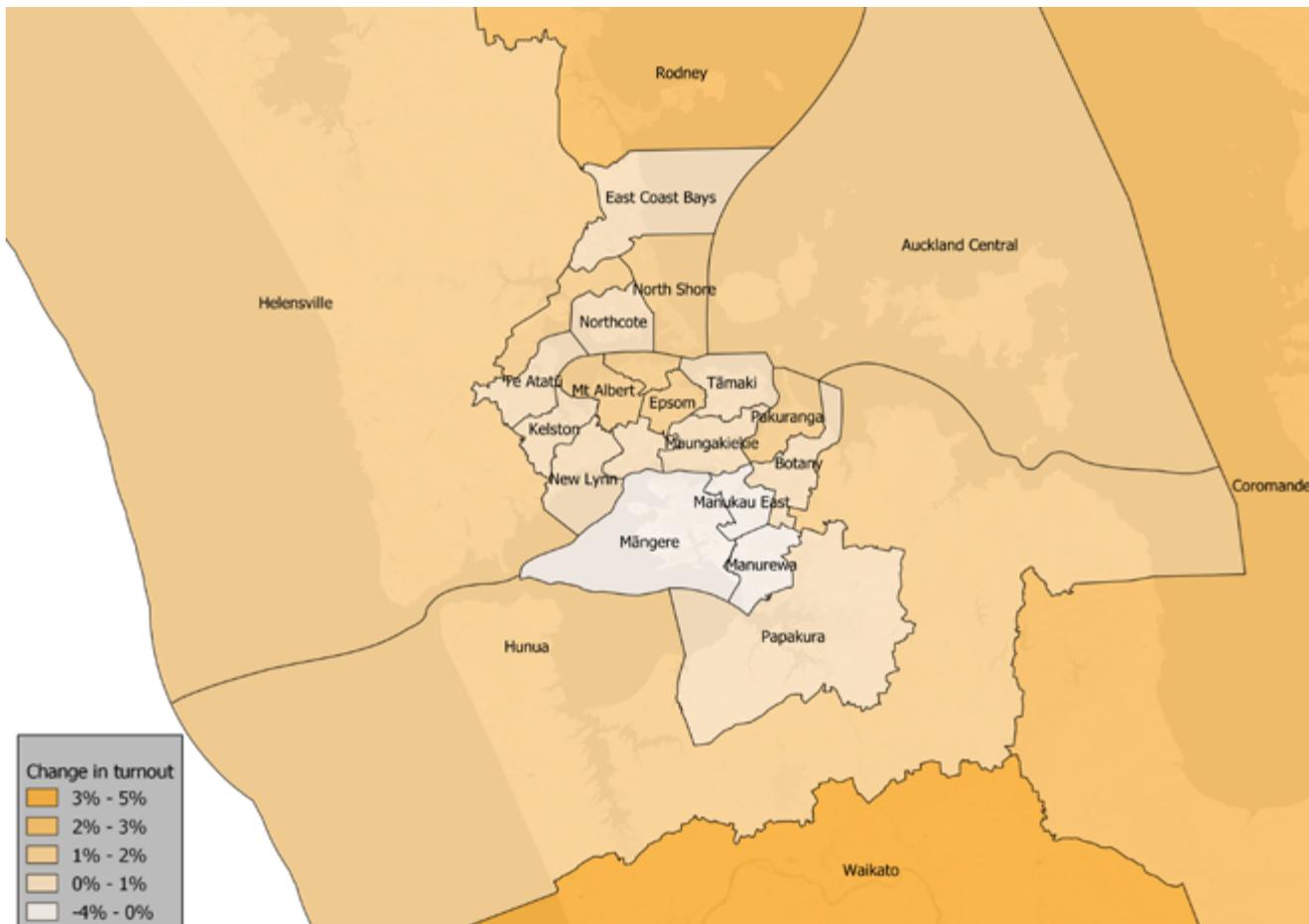
## Improving participation in young, Asian, Pasifika and Auckland voters

The Commission will ensure it understands and meets the needs of an increasingly diverse voting population and attracts staff who represent the community. In 2017, 5% of our staff identified as Samoan, Cook Islands Māori, Tongan, Niuean, Fijian or Tokelauan, 3% identified as Chinese and 4% Indian.

- 91% of Asian, 95% of Pasifika and 88% of young voters reported high levels of overall satisfaction with the voting process
- 96% of Asian, 94% of Pasifika and 98% of young voters rated the voting place staff service as good or excellent
- self-reported understanding of the voting process was as high for voters of Asian (85%) and Pasifika ethnicity (90%) as voters overall (89%), but voters aged 18-29 were more likely than other voters to report having a poor or very poor understanding about the electoral process.

Overall turnout levels increased in 2017, however, there were some general electorates with reduced turnout from 2014 (Manukau East, Māngere, Manurewa), as shown on the following map.

**Map 2: Change in turnout between 2014 and 2017 in the Auckland area**



The Commission will improve community engagement and information in our service offerings for young, Asian, Pasifika and voters in Auckland where there are lower rates of enrolment and voting.

### Non-voters

Post-election surveying of non-voters confirms that, for the most part, barriers to voting were motivational rather than institutional.

Non-voters surveyed were asked why they did not vote. 24% of non-voters identified lack of interest as their biggest reason. Others included not knowing who to vote for (18%), ‘can’t be bothered voting’ (11%), ‘can’t be bothered with politics or politicians’ (5%), and ‘my vote doesn’t make any difference’ (3%).

Self-stated personal barriers to voting, either due to personal access restrictions (e.g. health reasons, religious reasons or other commitments such as work) were raised by 19% of non-voters.

Only 2% of non-voters gave not knowing how, when or where to vote as the reason for not voting.

# Declaring the results

Electoral officials counted more than 2,180,000 votes as part of the preliminary count on election day.

82% of all advance vote counts were reported by 8.30pm and 97% by 11.30pm. 77% of voting place counts were reported by 10.00pm and 99% by 11.30pm.

## Why official results took two weeks to declare

The official results were declared on 7 October 2017 (this two week period was the same as in previous elections). This section describes the official count process and later in the report the Commission makes recommendations to address ways to streamline these processes.

The post-election day processes prescribed by legislation consist of three important steps designed to ensure the accuracy and integrity of the election: special vote processing, scrutiny of the roll, dual vote investigations and the official count.

### Special vote processing

In 2017, there was a 35% increase in the number of special votes - 446,287 special votes compared with 331,005 in 2014.

By law, special votes have to be transported back from overseas and from electorates around the country to the electorate where the voter is enrolled. The deadline for special votes to be received by Returning Officers is ten days after election day. This period is required to allow time for special votes to be returned through postal services and overseas consulates.

Special votes delivered after the deadline must be disallowed.

The declarations of all special voters must be checked to ensure the voter is eligible to make a special vote, including checking if they are enrolled. Where the Returning Officer cannot find a special voter's name the Registrar of Electors advises whether the voter is enrolled.

### Scrutiny of the rolls and dual vote investigations

Returning Officers compare all the electoral rolls used to issue votes for their electorate to create the 71 master rolls, a complete record of people who voted which is made available for public inspection at each office of the Registrar of Electors.

In 2017, scrutiny involved scanning more than 15,000 certified rolls and nearly three million roll pages. If a voter appears to have voted more than once, a dual vote investigation is required and cases may be referred to Police. Dual votes have to be found and extracted from the official count.

### Official count

All advance and election day ordinary votes counted on election day are counted by hand a second time and balanced. Special votes that have been checked for eligibility are counted. Comprehensive audit checks have to be completed at the national level to ensure the results are accurate. All results are signed off by independent Justices of the Peace in the presence of scrutineers.

At the end of the official count process, the Commission declared the official results for the General Election in the Gazette on 7 October 2017.

On 12 October the Commission returned the Writ, formally allocated the list seats, and declared elected the list members by publishing a notice in the Gazette.

For recent elections, the Commission has produced detailed statistics and results in print form (the E9). For future elections, the Commission will no longer print the E9 as all of the information is made available on the Commission's website.

### **Judicial recounts**

There were no judicial recount applications in 2017.



# Compliance with the campaign rules

## Campaign rules

The 2017 General Election was marked by high levels of adherence to the rules by parties, candidates and third parties. There were no electoral petition applications, or litigation about the conduct of the 2017 General Election.

55 complaints received by the Commission prior to election day alleged the following breaches of legislation requiring follow-up investigation:

- failure to include a promoter statement on advertising (35 separate complaints)
- other advertising related complaints (3)
- treating (5)
- bribery (2)
- undue influence (1)
- complaints about campaigning or behaviour in an advance voting place (3)
- false or misleading statements in the two days before election day (3)
- donations (2)
- enrolment complaint about the historical enrolment of a member of Parliament (1).

Only one of those matters required referral to Police – a bribery complaint involving a person going door-to-door offering money to vote for a party. This compares to 73 investigations and five referrals prior to election day in 2014.

The Commission received a number of queries and complaints about the advance voting and election day rules (429 during the advance voting period and 657 complaints on election day). Most of the complaints relate to matters that are lawful but that voters dislike. For example, there were 342 complaints about scrutineers and the wearing of rosettes in voting places and 123 complaints about parties' supporters visiting or phoning voters on election day.

The Commission received 52 complaints about the use of social media on election day (96 in 2014).

Section 197 of the Electoral Act makes it an offence to interfere with or influence electors on election day. The Commission referred the following apparent breaches to Police:

- four incidents relating to social media content on election day
- two incidents concerning the Communications Director for a political party, and two involving other persons/organisations publishing or sharing statements on election day
- Television New Zealand in response to complaints about the rebroadcasting of the Te Karere programme on election day.



A further matter of party signs being displayed on election day was reported directly to Police when the occupier of the property refused to remove the signage.

## **Election expenditure and donations**

The spending limits for election advertising published during the regulated period (23 June to 22 September 2017) were:

- \$26,200 (including GST) for an electorate candidate
- \$1,115,000 (including GST) for a registered party plus \$26,200 (including GST) for each electorate candidate nominated by the party
- \$12,600 (including GST) for an unregistered third party promoter
- \$315,000 (including GST) for a registered third party promoter.

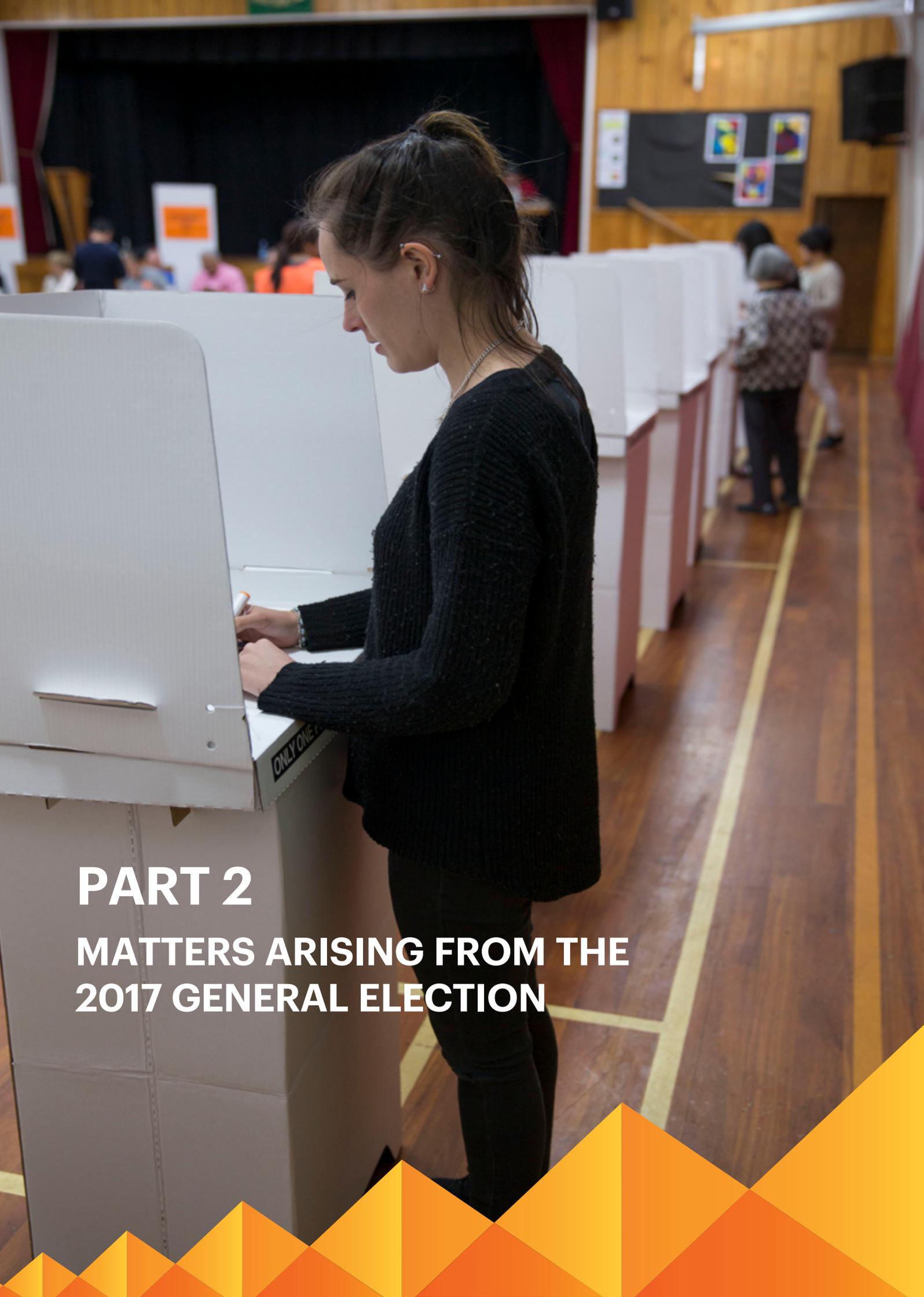
There is no limit to how much a candidate, party or third party can receive by way of donations for their campaigns. After the election, candidates must report details of donations exceeding \$1,500. Registered parties have ongoing reporting requirements for party donations.

A total of 453 electorate candidates were required to lodge returns of election expenses and donations for the 2017 General Election by 23 January 2018. One candidate return remains outstanding and remains with the Police.

Two 'third' party promoters spent more than \$100,000 on election advertising published during the regulated period and filed a return by 23 January 2018.

All 16 registered parties that contested the election were required to lodge returns of party expenses by 21 February 2018. The Commission received returns from all parties. Party donations and loans returns for the 2017 calendar year must be filed by 30 April 2018.

Copies of returns are available on the Commission's website.



## **PART 2**

# **MATTERS ARISING FROM THE 2017 GENERAL ELECTION**

# Enrolment and voting

## Implications of growing number of special votes on official result timeliness

With the trend towards people enrolling later, and more people voting outside their electorate and from overseas, special votes are projected to continue to grow significantly as the table below illustrates.

The ability to enrol after Writ Day and vote outside your home electorate increases the accessibility of New Zealand's electoral system. It comes with a corresponding increase in special votes and, with the potential for significant growth, has important implications for future elections.

This can best be addressed by increasing the number of ordinary votes with a corresponding decrease in special votes. We can do this by introducing more modern digitally-enhanced processes to reduce the number of special votes including, for example, 'live roll' mark off, more shared electorates and more accessible enrolment options.

**Table 5: Projected special votes**

	<b>2011 Actual</b>	<b>2014 Actual</b>	<b>2017 Actual</b>	<b>2020 Projection</b>	<b>2023 Projection</b>	<b>2026 Projection</b>
<b>Estimated Eligible Population</b>	3,276,000	3,391,100	3,569,830	3.7m - 3.8m	3.9m - 4.0m	4.1m - 4.2m
<b>Enrolled Electors</b>	3,070,847	3,140,417	3,298,009	3.4m - 3.5m	3.6m - 3.7m	3.8m - 3.9m
<b>Electors added to roll after Writ Day</b>	56,971	79,445	130,757	180k - 220k	260k - 340k	350k - 450k
<b>Total Votes Cast</b>	2,278,989	2,446,297	2,630,173	2.8m - 2.85m	3m - 3.1m	3.2m - 3.3m
<b>Total Advance Votes</b>	334,558	717,579	1,240,740	1.3m - 1.8m	1.8m - 2.3m	2.2m - 2.8m
<b>Total Special Votes</b>	263,469	331,005	446,287	550k - 650k	625k - 725k	700k - 800k

Special votes take at least ten times more time and effort to issue and process as an ordinary vote and are more difficult for the voter as well because:

- a declaration needs to be completed, processed and validated
- each special voter's enrolment has to be checked to determine if they are qualified to vote
- a number of time consuming steps are required to maintain the secrecy of the ballot while these checks are undertaken.

Many of these processes are required to address simple administrative processes such as updating a voter's address if they have moved.

If the number of special votes grow to 625,000 – 725,000 by 2023, without significant changes to the current way of handling special votes, the pressure this places on the official count will grow to a point where declaring the final result within the two week period may no longer be possible.

As the proportion of special votes increases, the election night result will give less and less certainty of the final result which can also impact on government formation negotiations.

### **'Live roll' mark off and increasing the certainty of the preliminary result**

Currently the rolls are printed as at Writ Day and everyone who enrolls or updates their details after that day has to cast a special vote (260,000 in 2017). 'Live roll' mark off would enable anyone enrolled in any electorate who can be marked off the roll in the voting place to be issued an ordinary vote. Legislation already permits an electronic roll, mark-off and printing ballot papers on demand.

Enabling more votes to be issued as ordinary votes would reduce the pressure on the official count and provide more certainty of the election result on election night.

Changes would be required to enable electors who have enrolled after Writ Day to be issued an ordinary vote. Providing for print on demand would enable every voting place to issue voting papers for any electorate. These technologies would need to be phased in with trials ahead of a full roll out and consideration given to when they could be offered and whether it could be offered during advance voting and on election day.

'Live roll' mark off could also be an option in our larger overseas posts. Instead of issuing special votes, voters could be issued an ordinary vote. The votes could be counted either at the overseas post or securely submitted to the Chief Electoral Officer for counting centrally.

Where 'live roll' mark off is enabled, the only persons who would need to cast a special vote would be electors who are not enrolled (including dormant electors).

Waiting two weeks for the outcome of the special votes creates uncertainty, particularly as the number of special votes is increasing. The Commission will explore the feasibility of providing an early indication of the final result of special votes by undertaking a party vote count of a sample of the special votes and making that available on election night.

The Commission recommends legislative change to reduce the number of special votes by allowing any voter that can be marked off a 'live roll' to be issued an ordinary vote. The Commission will also explore the feasibility of 'live roll' mark off in large overseas posts.

The Commission will also explore the feasibility of providing an early indication of the final result of special votes by undertaking a party vote count of a sample of the special votes.

### **Electronic master roll information provided to parties**

If 'live roll' mark off is used, data could be provided on an ongoing basis to parties. Currently, with manual roll mark off, a comprehensive record of who has voted is not produced until after the election. After the election, a person can inspect the master roll and can take notes but is not permitted to copy or scan it (section 187(5) of the Act). No one is allowed an electronic master roll. While significant privacy concerns would need to be addressed, providing live roll data would reduce the burden on parties to find scrutineers to record page and line number to identify turnout.

The Commission recommends that Parliament considers whether or not electronic master roll information should be available to parties during or after the election. The Commission recommends consultation with the Privacy Commissioner, as information about whether or not a person has voted engages significant privacy interests.

## Reduced repatriation of ballot papers to increase security and improve timeliness

Under current legislation, special votes including overseas votes have to be returned to the Electoral Commission and then repatriated to each of the 71 Returning Officers for the official count by the Tuesday ten days after election day. The requirement for repatriation adds to the risk of delay of the official count and requires significant double handling. Because of the risks and the delays involved in repatriation the Commission already no longer repatriates some ordinary votes, for example, Māori electorate votes.

The Commission recommends regulatory changes to remove the requirement for votes to be repatriated to the Returning Officer for the electorate and that the Chief Electoral Officer be authorised to receive, process, and count overseas votes centrally for adding into each of the electorate counts. This will require changes to the Electoral Regulations 1996. The processing and count would be physically separated to preserve secrecy of the vote. Scrutineers would be able to attend the count. Voters would be able to have until noon nine days after election day to return their votes to the Chief Electoral Officer rather than the four days they have currently.

If there is no legislative change to allow central processing by the Chief Electoral Officer and removal of the option to return overseas votes by post, the Commission recommends legislative change to require that overseas postal votes must be received by Friday six days after election day to enable them to be processed and repatriated to electorates in time.

## Overseas postal voting no longer viable

The number of people returning overseas votes by post is falling and is now just 2% of all overseas votes. The Commission is concerned at the growing number of postal votes that are not being received in time to be counted. The reliability of postal delivery and problems with missing or illegible postmarks is also of concern.

The Commission recommends removing the postal voting option for overseas electors. Failing that, we recommend a change to the Regulations to specify a deadline for postal vote applications (Wednesday ten days before election day) to provide a greater chance the vote will count and voters are not disenfranchised.

## E-EasyVote

The Commission does everything it can to deliver EasyVote packs as quickly as possible but there are logistical challenges, including the decline of postal services, which makes that impracticable. In 2017, some electors were concerned their pack had not arrived by the start of advance voting on 11 September 2017.

The EasyVote pack contains the voter's personalised EasyVote card, information on voting under MMP, electorate candidates, voting place information and party lists. Printing the 3.2 million EasyVote packs started on 1 September 2017 immediately after close of candidate nominations. Given the scale and complexity of the print and mailhouse job, the standard of quality assurance required, and the new four day delivery timeframes with NZ Post, the Commission undertook printing and delivery in tranches based on advice about NZ Post delivery patterns.

By 14 September 2017, all EasyVote packs were in the NZ Post delivery network with the last packs ready for delivery by Monday 18 September. While these timeframes were either the same or better than previous elections, with the growth of advance voting voters expect their EasyVote pack before the start of advance voting.

The best way to deliver EasyVote information prior to the start of voting is through an electronic solution. This will be much quicker and provide much greater coverage.

The Commission will provide electors with the option to receive an EasyVote in an electronic form to take with them on their smart phone when they vote including links to online information about candidates, parties and voting place information.

### Need for a more accessible online enrolment option

A growing number of voters are waiting until the election period to enrol. As a result, they need to cast a special vote. In the Commission's view, providing an easier online alternative to the current paper process would increase earlier enrolment and reduce special votes.

Currently, online enrolment is available through RealMe, uptake has remained disappointingly low. New Zealanders conduct around half a million enrolment transactions per annum but only 7% of these transactions are conducted digitally.

The Commission will pursue a more effective secure digital solution for online enrolment services. This will provide an easy option for people to enrol online, offer a more efficient and modern service, and reduce the number of special votes arising from late enrolments or enrolment updates.

### Accommodating growth of advance voting by increasing the days available

We welcome the increased demand for advance voting and the ability to enrol and vote at a voting place. In 2017, 50% of voters still opted to cast their vote on election day. For 2020, we will assume that advance voting will overtake election day voting and grow from 47% to 60%.

The Commission will review how it resources advance voting given likely growth for 2020, to ensure that we can maintain service levels.

This election we had a 12 day advance voting period instead of the 17 days provided in 2014. This election, overseas voting began five days before advance voting started. People were confused by the difference in start times, particularly those leaving New Zealand on holiday.

The Commission will review how it provides advance voting services for 2020 and may opt to return to a 17 day advance voting period.





## Using different means to ensure timely advance vote count

Since 2002, the Act has provided for Returning Officers to undertake the preliminary count of ordinary advance votes under secure conditions at their electorate headquarters before close of voting. The counts are undertaken manually. In 2017, Parliament agreed to the statutory start time for the advance early count being brought forward from 2pm to 9am on election day and for the preliminary count to be able to be conducted electronically.

In 2017, because of the unprecedented growth in advance voting, an average electorate had to count approximately 16,000 voting papers (with counts for both the party vote and candidate vote required) compared with an average of 10,000 voting papers in 2014. Nine electorates had over 20,000 advance votes to count. Wellington Central had 29,480 advance votes.

The Commission aims to release the results of the advance ordinary votes by 8.30pm on election night. To continue to meet this expectation, the Commission will be investigating options such as electronic preliminary count for advance votes. We may also use designated count areas outside of electorate headquarters. Scrutineers will still be present. A manual count would still be undertaken during the official count.

## Special vote declaration as an application to enrol to streamline processes for voters

In 2017, approximately 85,000 people who enrolled or updated their details at a voting place had to complete an enrolment form and special vote declaration form, even though both contain the same information. A voter should be able to meet the legal requirements for both processes with one form.

The Commission recommends legislative change to enable a special vote declaration to be treated as an application to enrol or update enrolment details.

## Māori Electoral Option

Under current electoral legislation, any person of Māori descent who is already enrolled can only change roll type during the four month Māori Electoral Option period, which occurs every five or six years following the Census.

During the three year election cycle, up to 6,000 voters each year will try to change roll type outside the Māori Electoral Option. In an election year the numbers increase significantly. In 2017, over 19,000 people applied to change roll type. Those who try to change roll type outside of the Option are advised they cannot do so, much to their frustration.

The Commission recommends that voters of Māori descent be able to change roll type at any time. This could then become part of general enrolment communications, including the electoral update campaigns run prior to local authority and parliamentary electoral events and would better meet the needs of Māori voters.

These changes 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).

In 2016, there was cross party support to revise the Māori Electoral Option provisions at the Justice and Electoral Committee Inquiry into the 2014 General Election. Officials will be providing the Minister of Justice with advice on how to progress this matter this parliamentary term.

## Ensuring the health of MMP requires reconsideration of MMP review recommendations

In 2017, 71 electorate candidates were returned and 49 list seats were filled, with no overhang seats. A boundary review process for the 2020 and 2023 elections will begin in 2019. If the North Island population has grown, the number of North Island electorate seats may increase resulting in a reduction in the number of list seats. Reductions in the ratio of list, as contrasted with electorate seats, affect the diversity of representation, a key feature of the MMP system, and if it continues, could threaten the proportionality of parliament.

Following the 2011 election, the Commission undertook a statutory review of MMP including public consultation and a report was made to the Minister of Justice in October 2012. In order to preserve the proportionality of MMP, there were recommendations regarding fixing the ratio of electorate seats to list seats and changing the thresholds for parties getting into Parliament.

Since the introduction of MMP, the number of political parties contesting elections and being returned to Parliament has been decreasing.

**Table 6: Parties contesting elections and being returned to Parliament**

<b>Election</b>	<b>Registered parties contesting party vote</b>	<b>Total number of parties contesting party or electorate vote</b>	<b>Number of parliamentary parties</b>
<b>1996</b>	21	34	6
<b>1999</b>	22	38	7
<b>2002</b>	14	30	7
<b>2005</b>	19	27	8
<b>2008</b>	19	29	7
<b>2011</b>	13	22	8
<b>2014</b>	15	25	6
<b>2017</b>	16	26	5

The Commission considers that the 2012 Review of MMP recommendations would improve New Zealand's voting system and again recommends that they be considered by Parliament. A copy of the full report and recommendations is available at [http://www.elections.org.nz/sites/default/files/bulk-upload/documents/Final\\_Report\\_2012\\_Review\\_of\\_MMP.pdf](http://www.elections.org.nz/sites/default/files/bulk-upload/documents/Final_Report_2012_Review_of_MMP.pdf)

## Enrolment on election day to increase voter enfranchisement

With the uptake of advance voting, voters increasingly see an election period as 'the election' rather than just election day. The current law continues to distinguish between advance voting and election day when it comes to enrolment. A person can enrol and vote in advance but a person who enrolls on election day cannot have their vote counted because the roll closes at midnight the day before.

Allowing election day enrolment would affect the behaviour of electors. It may create an incentive for more electors to leave enrolling or updating their details until election day but it would have ensured that the approximately 19,000 electors who were not enrolled and cast a special vote on election day in 2017 had their votes counted.

Providing enrolment services and training for staff in 2,378 election day voting places would involve significantly more time and resource than providing those services at 485 advance voting places. Depending on the numbers enrolling on election day, the time it takes to validate the enrolment application before the special vote can be counted could impact on the completion of the official count.

The Commission will do further feasibility work on the implications of election day enrolment. If feasible, legislative change would be required.

## Reducing barriers to voting places: the preliminary count and alcohol

Under section 174 of the Act, the preliminary count on election day has to be undertaken in the voting place in the presence of electoral officials and scrutineers. This means the count cannot be undertaken anywhere other than inside the voting place and we cannot offer election day voting places in open air environments such as malls or supermarkets because the count cannot be conducted 'in secret'.

Having continuity of voting places throughout the election period is beneficial. Voters were disappointed that they could not vote on election day at the mall or supermarket that had been a voting place during the advance voting period. An amendment to provide more flexibility to count the votes in an alternative location and remove a barrier to designating some locations for election day voting would be welcome.

The Commission recommends legislative change to section 174 of the Electoral Act to enable the preliminary count to take place in the presence of scrutineers away from the voting place.

The supermarket trial was so successful that we would like to extend it elsewhere with support from Foodstuffs and Progressive Enterprises. However, section 155(3) of the Act prohibits a voting place being in a licensed premise under the Sale and Supply of Alcohol Act 2012 that, at any time on election day, will be open for the sale, supply, or consumption of alcohol within the meaning of section 5(1) of the Sale and Supply of Alcohol Act 2012.

Section 172(8) effectively applies the same rules to advance voting places.

This provision comes from a very different time when there was considerable concern about voters being plied with alcohol just before voting. The provision has an overly restrictive effect, preventing voting places being designated in supermarket entrances and community licensed clubs and facilities. In 2017, this provision prevented us from using some supermarkets and in other cases forced us to relocate to a prefab in the supermarket carpark, which was less than ideal for voters and voting place workers.

The Commission recommends an amendment to either remove section 155(3) of the Electoral Act or to restrict it to a prohibition on designating a voting place where alcohol is being consumed.

## Stakeholder input into voting places

In April 2017, the Commission invited and received feedback from political parties into the initial planning around the location of voting and advance voting places. A list of draft election day voting places and advance voting places was sent to party secretaries on 31 July, prior to public release. Final locations and hours (for advance voting places) were released to the public on 30 August.

Seeking party input into voting place locations was valuable and we will expand that further to seek community input into the location of enrolment and voting services.



## Allowing unpublished electors to cast an ordinary vote

Electors on the unpublished roll must cast a special vote because their name and address cannot appear in the roll in the voting place for personal safety reasons. This makes the voting process harder and more time consuming for the voter. They must fill out a declaration which can be a source of apprehension.

The Commission recommends that unpublished electors be issued an ordinary vote while protecting their address information. Unpublished electors would be marked off the electronic roll used in the voting place using their name and another unique identifier, for example, their day and/or month of birth. This will require legislative change.

## Helping remote and disabled voters vote more easily

The Commission worked closely with Ministry of Defence, Department of Conservation, Ministry of Foreign Affairs and Trade and other agencies to provide services for voters in remote locations.

For 2017, regulatory changes enabled voters on vessels, offshore installations in New Zealand, or on remote offshore islands administered by the Department of Conservation to receive and return their voting papers electronically or access telephone dictation services.

The Commission provides a telephone dictation voting service for electors who are blind, partially blind or have a physical disability that means they are unable to mark their ballot paper without assistance. 586 people voted using the service in 2017.

The Commission recommends that remote voting services be extended to voters whose remote location in New Zealand prevents them from accessing usual voting services.

The Commission recommends amending the Regulations to expand the eligibility criteria for dictation voting to people who, because of any disability, are unable to access usual voting services.

## Counting the vote of advance voters who die before election day

If a person votes in advance and dies before election day, under section 178(4) of the Electoral Act both their party and candidate vote cannot be counted by the Returning Officer. If a person who has voted dies on election day, their vote can be counted. The Commission is notified of deaths on a daily basis by the Registrar of Births, Deaths and Marriages.

During the 2017 General Election, concerns were raised about this and an online petition was circulated when a young woman, well known in her community, died after casting her first vote as a 19 year old in an advance voting place.

The Commission recommends change to allow a person's vote to be counted if they have voted in advance and die before election day.

## Fixed election date to ensure more certainty for voters, campaigners and candidates

Certainty about the election date or considerable notice is beneficial to parties, candidates, media, voters and advocacy groups who need to build a campaign and coverage of election issues to engage with voters and promote participation. It also helps with planning of the enrolment update campaign, community engagement programmes, employing and training staff, securing voting places and putting supplies in place.

The Commission invites further discussion of legislative change to provide for a fixed election date for the general election.

## New Zealand needs to continue to be alert to technology and cyber risk

Going into the 2017 General Election, there was a heightened level of concern about protecting the electoral system from foreign interference, cyber-enabled manipulation and anonymous third party advertising.

The Commission worked closely with colleagues in the Department of Prime Minister and Cabinet to take advice on and to provide advice to Ministers on cyber risks to the election. Protocols were put in place to ensure that appropriate assistance was available to the Commission if required and the Commission provided political parties with advice on how they could protect themselves from cyber risk.

There are a number of measures in electoral legislation aimed at addressing risks of overseas or domestic covert interference in election campaigns. For example:

- parties and candidates are not allowed to retain donations or contributions exceeding \$1,500 made by an overseas person
- an overseas person cannot be a registered promoter and therefore may only spend up to \$12,600 on election advertising during the regulated period (as an unregistered promoter)
- all election advertisements must include the name and address of the person that has initiated or instigated them ('the promoter')
- election advertisements promoting a candidate or party published by third party promoters must have the prior written authorisation of the candidate or party
- any individual or group who is a third party promoter who spends, or intends to spend, over \$12,600 (including GST) on election advertising during the regulated period must register with the Electoral Commission. A registered promoter can spend up to \$315,000 (including GST) on election advertising during the regulated period for a general election.

The Election Management System (EMS) manages the provision of voting services and election results. EMS is also used for the nomination process, data for ballot papers and the EasyVote pack, and captures information about voting places, special votes, staff and supplies. The EMS system was a legacy system that had become increasingly vulnerable to security and maintenance risks. After the 2014 election, work immediately began on rebuilding the EMS system.

The new system was delivered on time and within budget. The rigorous testing and security programme put in place ensured it performed well during the 2017 General Election.

Tests and dress rehearsals in the lead-up to the election, involved both field and National Office staff testing the results system and IT network in realistic situations, and rehearsing key processes and procedures on election night and for the official count. Dress rehearsals also involved media agencies so we could ensure smooth provision of results.

A manual voting and counting system means we are at low risk of cyber-enabled manipulation. It also means we are not reliant on technology to produce the election result. Maintaining trust and confidence in the electoral system depends on the Commission being able to demonstrate and reassure Ministers, MPs, parties, candidates, voters and media that we have taken all reasonable steps to protect and monitor our key systems.

The Commission follows the recommendations set out by the Government Chief Information Officer and the standards provided by the Government Communications Security Bureau's NZ Information Security Manual. Key applications and infrastructure were penetration tested by an independent provider. The primary election management systems were independently audited, certified and accredited.

The Commission developed a Disaster Recovery and Business Continuity Strategy. Multiple levels of redundancy were incorporated into IT system design to ensure there is no one single point of failure for critical systems. Key IT infrastructure is hosted at highly resilient data centres in Auckland and Wellington that have been approved by the Department of Internal Affairs. A third tier disaster recovery platform was also provided by the Commission's service host.

The Commission will continue to work with other agencies to maintain confidence in the electoral system including vigilance around unauthorised interference and cyber security. Parliament will need to continue to consider whether existing legislative protections are fit for purpose.

## Budget

The costs in the 2017/18 financial year for enrolment and the conduct of the 2017 General Election are expected to be \$38.204m. This compares with actuals of \$35.088m in 2014/15 for the 2014 General Election and \$33.042m in 2011/12 for the 2011 General Election (excluding the costs attributable to the MMP referendum held with the 2011 General Election).

While overall costs have increased slightly, as illustrated in the following table, this is due to an increasing voting age population. The actual cost per voter indexed against CPI has decreased since 2005 despite facing significant price increases.

**Table 7: Cost per elector over recent and future elections**

	2005 Actual	2008 Actual	2011 Actual	2014 Actual	2017 Budget	2020 Forecast	2005- 2020 Change
<b>Voting age population</b>	2,990,300	3,138,000	3,276,000	3,391,100	3,569,000	3,768,000	
<b>% Change</b>		4.94%	4.40%	3.51%	8.94%	11.11%	
<b>Total cycle cost (\$m)</b>	\$78.5m	\$84.1m	\$89.1m	\$96.3m	105.7m	\$117.7m	
<b>% Change</b>		7.18%	5.91%	8.08%	9.78%	11.34%	
<b>Cost per voter (\$)</b>	\$26.25	\$26.81	\$27.20	\$28.40	\$29.62	\$31.24	\$4.99
<b>% Change</b>		2.13%	1.45%	4.41%	4.31%	5.46%	19.0%
<b>Cycle CPI Movement</b>	7.80%	9.10%	8.30%	2.70%	4.20%	6.50%	
<b>Index cost per voter (\$)</b>	\$35.36	\$33.10	\$31.01	\$31.52	\$31.56	\$31.24	-\$4.11
<b>% Change</b>		-6.39%	-6.33%	1.67%	0.10%	-1.01%	-11.6%

The main sources of price pressure are in staff, properties, postage, advertising and increased costs associated with system security. We need a large temporary workforce. Their remuneration is currently at rates marginally above the minimum wage. Any increase would require significant additional expenditure. The costs of securing headquarters, voting places, IT systems, and printing and postage are increasing significantly, as are the costs of competing for voters' attention to ensure voter participation through advertising, public information and community engagement activities.

Our current baseline set in 2009 covers only 64.5% of the Commission's forecast costs of \$117.7m for the 2020 cycle. Given the risk and uncertainty that this creates, the Commission is seeking changes to the funding model in order to place it on a solid footing, both now and into the future.

The increase the Commission seeks reflects a reduction in the indexed cost per voter and incorporates projected changes to price and volume, but excludes by-elections, referendums, the Māori Electoral Option, and the Representation Commission which are subject to separate budget bids.

The Commission is working with Ministry of Justice and Treasury officials on a proposal for Budget 2018 to establish a baseline that reflects the costs of delivering the election, so that the Commission does not need to seek additional funding every time. New initiatives for 2020 requiring additional funding will then be put forward as part of separate budget bids for approval.



## Updating emergency provisions and providing services to voters during emergencies

The Commission must provide enrolment and voting services for people affected by natural events, where transportation, infrastructure and communications may be compromised and people may be temporarily displaced from their homes.

For the 2017 election Returning Officers developed business continuity and disaster recovery plans for localised events (for example, access being lost to a remote voting place because of a bridge being washed out).

Should the Commission's National Office become inaccessible during the critical election period, several back-up sites were arranged, including a second site in the Wellington CBD and a back-up site in Palmerston North.

The Commission briefed the Ministry of Civil Defence Emergency Management (CDEM) about critical logistics and infrastructure requirements and additional CDEM support was agreed in the event that it was required. Provision for use of the National Crisis Management Centre below the Beehive was also discussed.

Section 195 of the Act provides for the Commission to adjourn voting at a voting place if voting cannot proceed there but only because of "riot or open violence, natural disaster or any other cause". This is a very old provision that only enables adjournment on a voting place by voting place basis. It does not allow nationwide adjournment and does not deal with the impact of adjournment in one area on the release of results from elsewhere. It also may not be broad enough to deal with new types of threats of disruption, such as a cyber incident. Under MMP, if voting has to be adjourned in even a single voting place, the election of all members of Parliament and, therefore, the formation of Government, may be delayed for the period of the adjournment.

There was cross-party support for review of the emergency provisions at the Justice and Electoral Committee Inquiry into the 2014 General Election. We understand that some preliminary work has been undertaken led by the Ministry of Justice and the Commission remains of the view that modernisation of the emergency provisions is timely.

The Commission again recommends a review and modernisation of the current emergency provisions in section 195 of the Electoral Act.

The Commission recommends that consideration be given to extending remote voting services to any voter who, because of a civil emergency, is unable to access other voting services.

## Security of ballot papers

During the 2017 election, some concerns were raised about the security of advance voting papers. The Commission takes the security of voting materials very seriously. During the initial assessment of all advance voting places Returning Officers are required to assess storage options. The Commission generally requires access to a solid, lockable room or cupboard to which no one else will have access during the voting period. In instances where there are no suitable storage facilities on site, electoral officials will take the voting materials back to the electorate headquarters. If the facility does not have lockable storage and the headquarters is too far away, as is the case, for example, in large rural electorates, the Voting Place Manager will secure the voting materials at their home overnight.

All ballot boxes are sealed throughout the voting period and additional protections are put in place including detailed tracking of all used and unused ballot papers.

All ballot boxes and materials are returned to electorate headquarters as part of our security processes. Within the headquarters, secure and limited access zones ensure the security of voting materials.

There were no security incidents in 2017, physical or otherwise. The Commission will continue to look for ways to ensure the security of voting materials alongside the need to offer accessible advance voting services in all areas of the country.

## Streamlining enrolment updates electronically

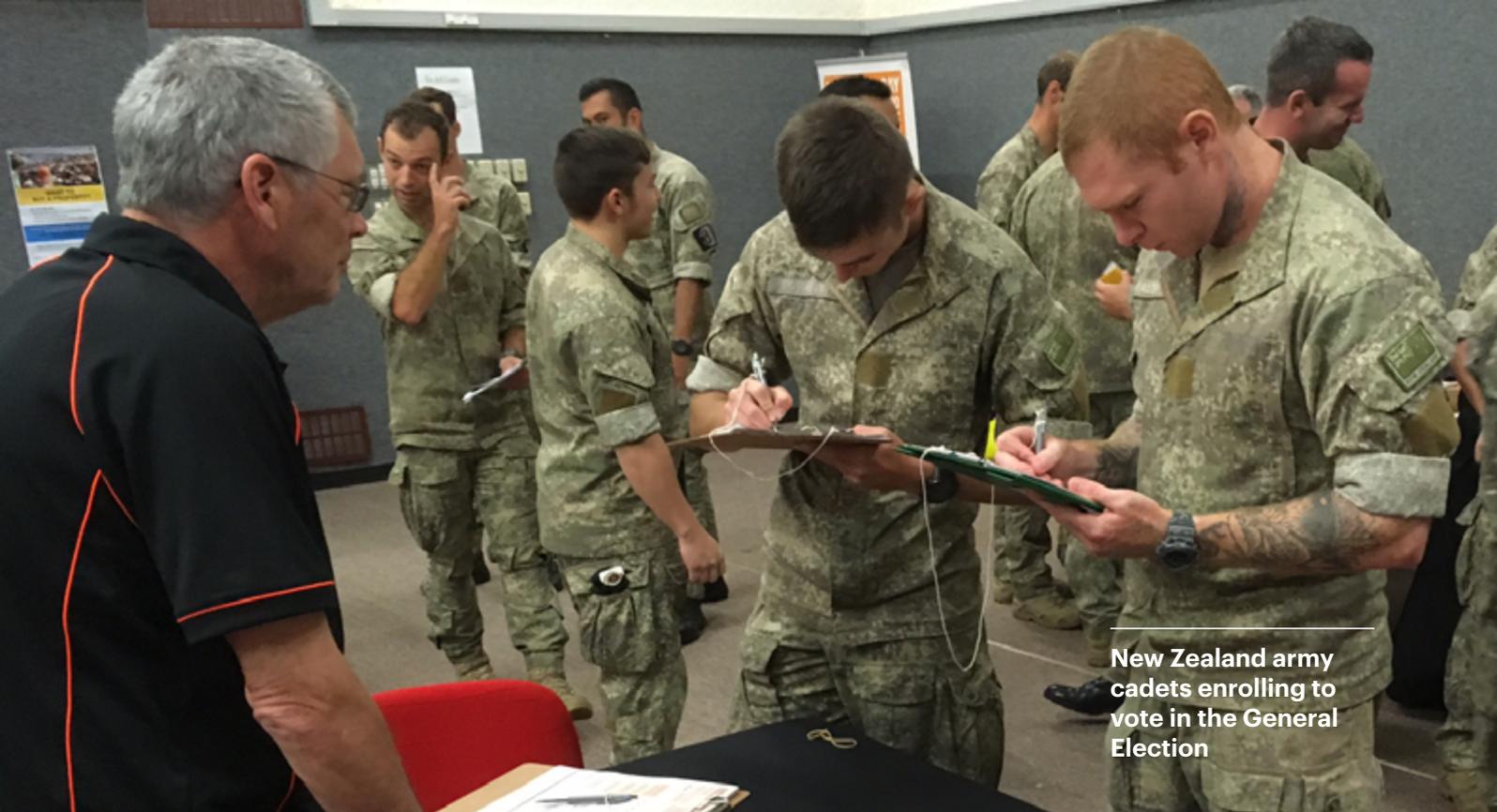
The Commission can update a person's enrolment as a result of a postal redirection in which the person consents to the information being shared for electoral purposes. New Zealand Post's online postal redirection process requires the person to provide their driver licence or passport number. Currently, the legislation also requires the person to sign and return a new enrolment form, which can be frustrating.

The Commission data matches with Ministry of Social Development, driver licence, vehicle registration and passport information to identify individuals who are not enrolled and where there is potentially out-of-date information on the electoral roll. The registration or update is not automatic and requires the person to sign and return a form. The response rate is low at about 20%.

The Commission contacts the person by mail because the disclosure provided for in the legislation is limited to their postal address. The Commission believes that it could increase the response rate by using electronic methods to contact people rather than letters.

The Commission recommends that postal redirection or any other written notification be sufficient authority to activate a change of address within or between electorates, with the person notified electronically.

The Commission recommends amendments to the data matching provisions to include email and phone numbers.



**New Zealand army cadets enrolling to vote in the General Election**

## Automatic enrolment updates

Automatic enrolment increases enrolment rates by using existing government information to put a person on the roll without the person having to complete an application.

Since 2012, the Australian Electoral Commission uses information from Driver Licensing, Department of Human Services (Centrelink), and Passports to automatically update the Register of Electors. The person is notified in writing and has 28 days to respond, providing reasons why the change or registration should not proceed. If there is no response or a good reason is not provided, the transaction proceeds and confirmation is provided to the elector.

In New Zealand, there is a potential difficulty with automatically enrolling people for the first time because electors of Māori descent must have the right to choose whether they go onto the Māori roll or the General roll. The Commission believes that where a person is already enrolled their details should be able to be automatically updated using information from other agencies.

The Commission recommends legislative change to enable automatic enrolment updates based on information from data matches currently undertaken using Ministry of Social Development, driver licence, vehicle registration and passport data.

## Access to rolls and addressing voters' privacy concerns

New Zealand's democratic system relies on people having confidence in the integrity of the roll and that their personal information is kept safe. The Commission holds personal information about every enrolled elector in New Zealand including their enrolment history. Maintaining trust and confidence in elections requires that the Commission be a careful steward of roll data, keeping it safe from inappropriate use. Misuse of electoral information could significantly undermine confidence in the Commission and in electoral participation.

There are two issues the Commission wants to highlight: the first is increasing use of electronic roll data and increased concern in the community about the use, sharing, and consolidation of information across multiple data sets.

We provide electronic data to parties, candidates, researchers, local authorities and for jury lists. These arrangements have been in place for several years and for good purpose. The context of these data arrangements has changed rapidly. There is now greater use of data analytic tools and increasing risk of cyber incursion. Our standards are meant to ensure that the data is used appropriately. It is timely to review the current policy and procedural settings to ensure they are fit for purpose to recognise the changing environment.

The second issue is that any person in New Zealand or overseas can purchase a printed copy of the roll and use it for any purpose. This is inconsistent with the Privacy Principles and contemporary understanding of the appropriate use of personal information.

New Zealand is well out of step with tighter restrictions in other jurisdictions. In Australia, for example, rolls have not been available for sale since 2004 and can only be inspected at an office of the Electoral Commission.

There are restrictions on the digitisation of a paper roll, but rolls are available for inspection in unsupervised locations where there can be no assurance that digitisation is not occurring.

The purpose of the electoral roll and habitation indexes is to conduct general elections, by-elections, local elections and referenda. An accurate roll ensures that only eligible people vote, in the correct electorate, and that each person votes only once for a candidate and a party. Allowing access to rolls serves an important function, enabling people to be assured that the election process is fair and all electors are bona fide. Access for parties and candidates is also an important tool to help get out the vote.

At the same time, access to the rolls must be balanced with the need to protect personal information on the roll that New Zealanders are compelled to provide.

Section 115 of the Act provides for electors to go on the unpublished roll if publication of their name, address and occupation would be prejudicial to their personal safety or the safety of their family. Some electors do not enrol because they do not meet the criteria for inclusion on the unpublished roll and do not want their full residential address being publicly available.

Contrary to their primary purpose, the rolls are mainly purchased by business, media organisations and private investigators and used for debt collection, marketing, and other ancillary purposes. In its 2016 report, there was cross-party support at the Justice and Electoral Committee for a review of access to rolls in consultation with the Privacy Commissioner and an acknowledgement of the significant privacy interests involved.

Access to electoral rolls is an important policy question and the current provisions may well be out of date. The Commission will be reviewing its data provision procedures to ensure recipients are aware of their obligations regarding the use, security and destruction of the data.

The Commission recommends legislative change to remove electoral rolls and habitation indexes from general sale except to MPs, parties and candidates for electoral purposes and that public inspection of an electronic copy of the roll is provided for only at national and regional offices of the Commission.



## Prisoner voting litigation

Since December 2010 prisoners serving a sentence of imprisonment have not been eligible to vote but the Commission provides enrolment and voting services to prisoners on remand (including those awaiting trial, or awaiting sentence after conviction). Prior to that only those sentenced to three or more years in prison lost the right to vote.

In *Attorney General v Taylor* [2017] the Court of Appeal upheld a High Court decision (*Taylor v Attorney General* [2015] NZHC 1706) to issue a formal declaration that section 80(1)(d) of the Electoral Act (as amended by the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010) is inconsistent with the right to vote as affirmed and guaranteed in section 12(a) of the New Zealand Bill of Rights Act 1990 and cannot be justified under section 5 of that Act. The Supreme Court has heard an appeal and a decision is awaited.

The Attorney General, Hon David Parker, has written to the Speaker of the House of Representatives, Hon Trevor Mallard, proposing to provide a statutory basis for the senior courts to issue declarations of inconsistency of legislation with the New Zealand Bill of Rights Act 1990. The Speaker has referred the matter to the Privileges Committee.

The Commission wishes to draw Parliament's attention to the fact that the question of prisoner voting rights is a live issue before the Courts and is likely to continue to be raised.

## Online voting

There is regular public debate about online voting and views are polarised both here and overseas. Advocates identify online voting as an opportunity to increase accessibility. Opponents raise concerns about transparency of process, voting verification, authenticity of the results and protection against outside influence. Reports from overseas about cyber-security breaches during elections only serves to amplify these concerns.

Work is currently underway to allow an online voting trial for local authority elections. This will be an opportunity to test processes at a local level within New Zealand. Its ability to be scaled up to a nation-wide parliamentary election may be limited.

Online voting for parliamentary elections would require the implementation of a national system that provides enough confidence and demonstrable protection from hacking and cyber risk. Work in this area will require sufficient funding, early policy decisions and legislative amendments prior to development. Consensus support for online voting in parliamentary elections would be critical to its success.

The Commission will continue to monitor online voting initiatives. We are currently working with our state and national counterparts in Australia around the potential for a shared service to provide online voting capability. While this initiative is at a very early stage, if successful it will provide a robust and cost-effective online voting mechanism that meets internationally accepted standards around security and voter verification.

In the meantime, we are pursuing other online opportunities to simplify enrolment and voting services, including a more accessible online enrolment service, an e-version of the EasyVote pack for voters and better use of technology in voting places.

# Parties and candidates

## Encouraging people to be candidates

The rules around elections can be complex for candidates. Parliamentary democracy needs people to put themselves forward to represent their communities. It is important the Commission does everything it can to support the participation of parties and candidates and other stakeholders (such as media and third parties). The Commission provides a range of services including:

- advisory opinions on the election advertising rules (there were 711 requests for advisory opinions on 1,121 separate advertisements in 2017, compared with 544 opinions on 849 advertisements in 2014)
- handbooks for candidates, MPs, party secretaries, third parties, media and scrutineers
- briefings for party secretaries and candidates, broadcasters and third parties.

The number of electorate and list candidates reduced and the number of independents or unregistered party candidates increased in 2017.

**Table 8: Numbers of candidates**

	2017	2014
<b>Electorate candidates</b>	453	483
<b>List candidates</b>	429	440
<b>Independents/unregistered party candidates</b>	46	38
<b>Parties</b>	16	15

In 2017, candidate nominations were available from 23 August to 29 August. Candidate briefings were held after the close of nominations in the first week in September. Candidates indicated that they would like the candidate briefing sooner in the campaign.

The Commission wants to do everything it can to encourage people to be candidates, including making our processes as easy as possible. For future elections, the Commission will call for candidate nominations sooner and time candidate briefings earlier to provide prospective candidates with information about nominations and the campaign rules.

## Providing certainty with the deadline for registration of political parties

Registered political parties are able to contest the party vote, use the registered party expense limit and access the broadcasting allocation money.

The Act provides that no action can be taken on an application for registration in the period from Writ Day to the return of the Writ, however, there is no deadline for applications to register. In recent elections, including in 2017, the Commission has received applications to register too late to be completed before Writ Day.

The Commission recommends a deadline (eight weeks before Writ Day or the default day for the start of the regulated period) for party registration applications in section 63 of the Electoral Act to ensure certainty for applicants.

## Broadcasting allocation payments

Parliament appropriated \$4,145,750 (including GST) for political parties to use for the 2017 General Election, an increase of \$862,500. Further details of the 2017 broadcasting allocation are available at <http://www.elections.org.nz/events/2017-general-election/2017-parties-candidates-and-third-parties/broadcasting-allocation-2017>.

The Broadcasting (Election Programmes and Election Advertising) Amendment Act 2017 removed the requirement for TVNZ and Radio NZ to provide free broadcasting time for opening and closing addresses. It also enabled parties to use their allocations of funding for television, radio and internet advertising.

Under section 80B(3) of the Broadcasting Act 1989, the Commission, on behalf of the party, pays the supplier who issues the invoice to the party. This works well for broadcasters and production companies. However, it is not practical for the payment of online platforms such as Facebook and Twitter which require upfront payment by credit card. The Commission took a pragmatic approach and paid the allocation directly to the party so long as they could show robust documentation of each transaction.

The Commission recommends that section 80B(3) of the Broadcasting Act 1989 is amended to expressly allow the Commission to pay the allocation directly to the parties under certain circumstances.

## Broadcasting period could start earlier

Broadcasting by parties and candidates on radio and television can start on Writ Day, which is just two weeks before the start of advance and overseas voting. With the growth of advance voting, parties may need more time to undertake their broadcasting activity before voting starts.

The Commission recommends parties and candidates be allowed to broadcast election programmes from the start of the regulated period. This would also be consistent with the recommendation regarding the deadline for applications for party registration.

## Broadcasting regime

The broadcasting allocation and the restrictions on the broadcasting of election programmes have been regularly considered by Justice and Electoral Select Committee inquiries. Whether there should be public funding of political advertising and whether it should be restricted to broadcasting and internet advertising are matters that are likely to continue to be raised and to be contentious.

Section 78(2) of the Broadcasting Act sets out the criteria the Commission must use to determine the broadcasting allocation. They require consideration of each party's numbers of members of Parliament, opinion polling results, and election results, under the criteria in section 78(2)(a) to (e), and the exercise of a wider discretion to consider "fairness" under section 78(2)(f). The amount allocated to each party is always unpopular as there are differing views on how fairness is achieved. Smaller parties, in particular, identified issues around coverage and the difficulties of getting their policies out across the country.

The Commission again recommends that Parliament considers whether the allocation criteria and the current broadcasting regime are fit for purpose.

## Offences and penalties need review

The Electoral Act contains over 100 offences carried forward without review, since the 19th century. Some offences carry significant penalties, yet in the case of bribery, treating and undue influence offences, the ambit of the offences is unclear.

All offences, if upheld, are referred to the Police with no other mechanism to deal with minor infringement. Conversely, more significantly serious breaches require an abnormally high threshold before action can be taken.

At every election, the Commission receives a number of enquiries and complaints about refreshments, giveaways and prizes being provided by parties and candidates. New initiatives, for example in this election included, giving money to charity or entering people into a draw in return for 'liking' a party's or candidate's page.

In the Act, treating is defined as giving food, drink, entertainment or provision to a person with the intention of corruptly influencing their vote (section 217). The provisions are outdated and the lack of clarity means parties and candidates are concerned about what is now regarded as ordinary hospitality.

The Commission recommends a review of all the offences, penalties and the mechanisms for enforcement and whether they remain fit for purpose. There appear to be some offences that could more appropriately be dealt with by administrative penalties or other mechanisms rather than referral to the Police for prosecution.

## Campaign and election day rules and social media

### Election day and advance voting campaign rules

The existing campaign rules need reconsideration, particularly given the rise of advance voting and the contrast between the rules applying to advance voting and those applying on election day.

Some argue that although voting places should be campaign-free, restrictions reduce opportunities to promote participation. On the other hand, the current rules are longstanding and many voters appear to strongly value a campaign-free election day.

The Commission notes that the current election day campaign rules are inconsistent with the rules during advance voting and likely to be an issue that Parliament is again asked to reconsider given the further growth of advance voting.

### Rosettes in voting places

Of all the issues at the election, scrutineers in voting places wearing rosettes attracts the most complaints from voters. Voters who see scrutineers wearing rosettes in voting places believe the scrutineers are campaigning or that the people wearing the rosettes are voting place staff breaching the rules about political neutrality of electoral officials.

Following the 2014 election, the Commission recommended that campaigning be prohibited within advance voting places and their immediate vicinity.

The Electoral Amendment Act 2017 introduced a 'buffer zone' 10 metres from the entrance to advance voting places. No campaigning is allowed within the buffer zone, with the exemption of scrutineers and others being allowed to wear a party lapel badge or rosette. The buffer zone was a success but concerns were raised by some voters about scrutineers wearing rosettes, and some landlords were unhappy about rosettes 'politicising' their premises.

The Commission recommends that all voting places and their environs should be campaign-free and that the Electoral Act prohibits the wearing of party lapel badges or rosettes in all voting places.

### **Social media and websites on election day**

Election day rules prohibit any statement that may influence voters, including statements shared on social media. These rules were enacted well before social media become a routine part of everyday life. The current rules no longer reflect the expectation of voters about what they can post online and unduly criminalise behaviour.

This, too, is a significant policy question that is likely to continue to be debated. Exemptions could be provided for personal expression of political views by individuals other than parties or candidates and editorial comment. However, it may be difficult to prevent party or candidate supporters coordinating the use of an exemption for individuals or high profile personalities and media outlets using exemptions to exercise influence over voters on election day.

Even if there is no appetite for change, it should be noted that the existing provisions for websites need review.

Section 197 prevents the publication on election day of any statement likely to influence any voter as to the candidate or party for whom the voter should or should not vote. Section 197(2A) makes clear that a publisher does not have to remove this type of content from their website on election day, but the publisher cannot advertise the site on election day.

There is no exemption for editorial comment in the election day rules. This means that a multimedia news organisation can promote their radio or television election night coverage in any medium (television, radio or online) at any time including election day, but can only promote their website up until midnight on the day before election day. The website cannot be advertised on election day before 7pm.

In its report on the 2011 and 2014 General Elections, the Commission recommended further consideration and debate on the extent to which electioneering generally, especially on the internet and social media, should be regulated and how any regulation might be effectively managed.

The Commission recommends that Parliament reviews the rules that apply to election day taking into account the growth of social media and advance voting. The Commission recommends, as a minimum, that the advertising of news media websites that contain election-related material is not unduly restricted.

## **NEXT GENERAL ELECTION: 2020**

21 November 2020 is the last legal date for the next general election.

The default date for the start of the regulated period for the 2020 General Election is 20 June 2020.

The last date for which a by-election must be held for a vacancy is 9 April 2020.





**Electoral Commission**  
**Te Kaitaki Take Kōwhiri**

Level 10 34-42 Manners Street

PO Box 3220

Wellington 6140

New Zealand

(04) 495 0030

[enquiries@elections.govt.nz](mailto:enquiries@elections.govt.nz)

[elections.org.nz](http://elections.org.nz)