



**ELECTORAL
COMMISSION**
TE KAITIAKI TAKE KŌWHIRI

Ko te pūrongo a Te Kaitiaki Take Kōwhiri mō te Pōtitanga a-Motu 2023

Report of the Electoral Commission on the 2023 General Election

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

May 2024

Ko te Taki

Preface

Tēnei Te Kaitiaki Take Kōwhiri e tāpae atu nei i tā mātau pūrongo ā-ture mō te Pōtitanga a-Motu 2023 i tū ai i te 14 o Oketopa.

Ko tā mātau mahi he tū hei kaitiaki mō te pūnaha pōti, arā, he whakaū i te whakapono me te mārāma ki taua pūnaha pōti, me te akiaki kia whai wāhi mai te marea. He kaha tā te iwi whai wāhi mai ki te pūnaha pōti o Aotearoa, he mea mihi nā ngā ine puta noa i te ao.¹ He kaha te whakapono o ngā tāngata o Aotearoa ki te pūnaha nei, ka mutu, ko te tirohanga whānui, i rere pai te nuinga o te pōtitanga.

Ko te whakariterite mō te pōtitanga

He kaupapa whānui te pōtitanga ā-motu; arā noa atu ōna uauatanga ā-whakahaere, ōna āhuatanga tuatinitini. He nui ngā whakamaheretanga, he nui ngā whakariteritenga. I te tau 2023, he nui ngā whakaritenga e taritari kaimahi ai mātou mō ngā tūranga mahi 24,000 neke atu. Ā, ka roa ake ngā wā whakarite, nā ngā uauatanga o te kawera me ngā pikinga utu nui tonu mō ngā tāngata, ngā whare, ngā karere, me ngā waka kawera. Nā ā mātau mahi whakarite i whakamaurutia ai ngā pōraruraru e puta mai ana. I aro ngā whakariteritenga ki te haumarutanga ā-tinana me te haumarutanga ā-ipurangi hoki, ā, i whakaū mahere mātau kia ora kāinga rua ai ina mate ngā ratonga pōti i ngā tūāhuatanga huarere taikaha.

The Electoral Commission is pleased to present its statutory report on the 2023 General Election, held on 14 October.

Our role as kaitiaki, or guardians, of the electoral system is to maintain confidence and understanding of our electoral system, as well as encouraging participation. New Zealand has a strong participatory electoral system, which is highly rated around the world.¹ The system enjoys high levels of trust among New Zealanders, and, overall, the election went mostly to plan.

Preparation for the election

The general election is a large, complex, and logistically challenging event. Delivery involves significant planning and preparation, which in 2023 included the recruitment of staff to over 24,000 roles and involved longer lead-in times due to supply constraints and significant cost increases for people, property, postage, and transport. Our planning also mitigated several emerging risks. Preparations focused on both physical security and cybersecurity measures, as well as contingency planning for extreme weather events and disruption to voting services.

¹ Economist Intelligence Unit. 2024. *Democracy Index 2023: Age of conflict*. London, Table 2, p 9. www.eiu.com/n/campaigns/democracy-index-2023

Ko ngā pārongo tūmatanui, te toha mātauranga, me te takatū ki te pōti

I whānui te hōtaka tuku pārongo tūmatanui, toha mātauranga hoki, i whakatairanga i ngā wāhi pōti me ngā wā pōti, i ngā ara rēhita me ngā ara pōti. I whakamārama hoki tēnei kaupapa i te pūnaha Mixed Member Proportional. Ka mutu, i mua i te pōtitanga, i whakahaere mātau i tētehi hōtaka pārongo tūmatanui mō Te Kōwhiringa Pōti Māori, nō muri mai i te huringa o te ture.

E taupuhipuhi tonu ana mātau ki tā te poutāpetā toha atu i ngā pārongo rēhita me ngā pārongo pōti ki ngā kaipōti nō mua i ngā pōtitanga. I te pikinga o ngā utu me te roa haere o ngā wā tuku, e kimihia ana he ara pokapū kia wawe ake ai te whakawhitiwhiti kōrero ki ngā kaipōti. He kaupapa matua tēnei, puta noa i tā mātau nei pūrongo.

Tāpiri atu ki ā mātau mahi kanohi-ki-te-kanohi i roto i ngā hāpori ko ā mātau mahi pārongo me ā mātau mahi toha mātauranga. Nā ēnei mahi katoa, i piki ngā rēhitatanga me te māramatanga o ngāi Māori, o te hunga rangatahi, me ngā kaipōti hauā.

Ka mutu, i te Oketopa 2022, i whakatū mātau i Te Tomokanga – Pūtea Whakatapoko Pōtitanga hei tautoko i ngā tāngata hauā ki te tū hei kaitono. Kei roto tā mātau pūrongo ā-ture mō te whakatūnga me te whakahaerenga o taua pūtea i te Āpitihianga A.

Information, education, and getting ready to vote

An extensive public information and education programme let voters know when, where, and how to enrol and vote and explained the Mixed Member Proportional voting system. Before the election, we also ran a nationwide public information campaign for the Māori Electoral Option, following a law change.

We remain highly dependent on postal delivery of enrolment and voting information to voters ahead of an election. As cost and delivery timeframes increase, we need more efficient, effective, and timely ways to communicate with voters. This is a key theme through our report.

Along with our face-to-face community-based activities, our information and education work led to an increase of enrolments and understanding among Māori, youth, and disabled voters.

In October 2022, we also established the Election Access Fund | Te Tomokanga – Pūtea Whakatapoko Pōtitanga to support disabled people to stand as candidates. Our statutory report on the establishment and administration of the Fund is in Appendix A.

Ko te pōti, te tokomaha kaipōti, me ngā tatauranga

I te tau 2023, i tino kitea te kaha tonu o te rēhita mai me te pōti. E 94.7% te tokomaha o te hunga kua rēhita mai; mai i te tau 2008, kātahi nō ka pēnei te taumata. E 78.2% o ngā tāngata kua rēhita i pōti – he tatauranga pai tēnei i tētehi whenua pēnei, he whenua e wātea ana te tangata ki te pōti, ki te waiho rānei. Tokomaha tonu ngā tāngata i pōti wawe, arā, e 61.4%, heoi, nō te tau 2020, i tokomaha kē atu, arā, e 68.0%.

Nā, ka kī ngā kaipōti, he mīharo ō rātau wanea, ahakoa i takaroa ake te tū rārangi. I tino piki ngā rēhitatanga i muri mai i te rā whakatau i te pōtitanga ā-motu, arā, te wā e tāngia nei ngā rārangi pōti e whakamahia ana mō te tuku puka pōti noa. He maha ake i te 600,000 ngā rēhitatanga, ngā whakahounga rānei i muri mai i taua rā. E 450,000 o ēnei i taka mai i roto i te wā pōti; 110,000 o ēnei i i taka i te rā pōti tonu.

Nā tēnei, ka tino piki tā mātau tuku atu i ngā puka pōti motuhake; neke atu i te 600,000 kaipōti (e 21%) i tuku pōti motuhake. He roa ake te wā tuku me te wā tiro tiro mō ngā puka pōti motuhake, tēnā i ngā puka pōti noa, etia nei, he taumaha ake ngā kawenga a ngā ratonga wāhi pōti, inarā ngā kawenga o te rā pōti. Ahakoa i tutuki te tatauranga ōkawa i roto i te 20 rā kua whakatauria i roto i ngā ture, kei te wānanga mātau i ngā ara e tere ake ai te whakatutuki.

Me tiro tiro ngā rēhitatanga me ngā pōti motuhake i mua i te whakaoti i te toenga o te tatauranga. Nā te pikinga o ēnei i uaua ai te whakatutuki i te

Voting, turnout, and results

In 2023, we saw continued high levels of participation – in both enrolment and turnout. The enrolment rate was the highest (94.7%) since 2008. Turnout was 78.2% of enrolled electors, which is a strong result for a country where voting is a choice. The overall trend of voting in advance was high at 61.4%, although lower than the 68.0% of voters in 2020.

Voters reported high overall levels of satisfaction, despite reporting longer queuing times. We saw a pronounced shift to increased enrolment activity after writ day when the electoral rolls used for issuing ordinary votes are printed. More than 600,000 enrolments or updates happened after writ day, including 450,000 during the voting period, of which 110,000 occurred on election day.

In turn, this contributed to significant growth in special declaration votes to over 600,000 (21% of voters). Special votes take longer to issue and process than ordinary votes, and this growth put pressure on voting place services, especially on election day. Whilst the official count was completed in 20 days, within the statutory timeframe, we are considering options to improve timeliness.

Enrolments and special votes must be processed before the rest of the official count process can be finalised. The volume increases placed significant pressure on the timeframes for the official count, where some errors occurred.

After releasing official results on 3 November, the Commission identified errors that required the release of amended results on

tatauranga i roto i te wā e tika ana, ā, i puta ētehi hapa.

Nō muri mai i te tauākī i ngā tatauranga ōkawa i te 3 o Noema, ka kite Te Kaitiaki Take Kōwhiri i ētehi hapa i mate ai mātau ki te tuku atu i ngā tatauranga kua whakatikahia, i te 9 o Noema. Ahakoa kāhore i rerekē ngā otinga i ērā hapa, i pā mai te māharahara. Nō reira, i wānanga tahi mātau ko te Tumuaki o Te Mana Arotake, kātahi ka whakatau ia me arotaki i ngā tukanga whakaū kouna o Te Kaitiaki Take Kōwhiri.

Kei te mihi Te Kaitiaki Take Kōwhiri ki tā te Tumuaki o Te Mana Arotake pūrongo tukupū me āna tūtohutanga. Kua tonu mātau i tētehi arotakenga tukupū o ngā tukanga tatauranga ōkawa, o ngā whakangungutanga, me ngā tikanga whakaū kouna, kia whakatinanatia ai aua tūtohutanga i mua i te pōtitanga ā-motu e heke mai nei. Kua whakarite hoki mātau i ētehi tikanga hei whakamauru raru mehemea he pōtitanga pāerotanga.

Ka āta aroturuki mātau, ka tuku pūrongorongo hoki mō te whakatinanatanga o ēnei whakapainga me ētehi atu, kia mōhio ai tātau ka taea tonutia e ngā tāngata o Aotearoa te whakapono ki ngā whakahaerenga o ngā pōtitanga.

Ko ngā rōpū tōrangapū, ngā kaitono, me te ū ki ngā ture

Ka matapaki hoki tā mātau nei pūrongo i ngā rōpū tōrangapū, i ngā kaitono, me ā rātau kawenga kia ū ki ngā ture. I tēnei pōtitanga, he kawenga pūrongorongo hou hei whakatutuki mā rātau. Ka whakamārama, ka whakamāmā ā mātau tūtohutanga i ngā ture e tōtika ai te whakahaere i te pōtitanga, e tutuki ai hoki te pōtitanga i te wā e tika ana.

9 November. While these errors did not change the results, they were concerning. As a result, and after discussion with us, the Auditor-General decided to review the Commission's quality assurance processes.

The Commission welcomes the Auditor-General's comprehensive report and recommendations. We have commissioned a full review of official count processes, training, and quality assurance so the recommendations are addressed ahead of the next general election and have put immediate mitigations in place for any by-elections.

We will closely monitor and report on the delivery of these and other improvements to ensure New Zealanders can continue to have trust in the delivery of elections.

Parties, candidates, and compliance

Our report also discusses parties and candidates and their compliance obligations, with this election seeing new reporting requirements for them. Our recommendations seek to clarify or simplify the rules for the timely and efficient delivery of the election.

Ko te whakahāngai i ngā pōtitanga ki te ao hurihuri

Ka tuku tūtohutanga mātau mō te whakahou, mō te whakapai i ngā ratonga ki ngā kaipōti, tae atu ki ngā tukanga rēhita me ngā whakamahinga hangarau, me te whakaū tonu i te tōkeke me te tika. Ka tono mātau ki te Pāremata kia whakaarohia ngā ara e iti iho ai te maha o ngā pōti motuhake. E tutuki ai ētehi o ēnei tūtohutanga, me ngākau ū, me tuku rauemi hoki ki ngā huringa ā-ture, huringa tuku ratonga, huringa pūnaha hoki, hei roto i te wā o ētehi o ngā pōtitanga e heke mai nei. Ka tīmata te kohikohinga o aua tūtohutanga hei te whārangi 11.

Kua tīmata te Inquiry into the 2023 General Election a te Justice Committee.

Ka tiroiro tēnei ki:

- ngā whakahaerenga pōtitanga, tae atu ki te mahi whakahaere, ngā whakanekenekehanga, me ngā tikanga pōti
- ngā tūāhuatanga whānui o ngā ture pōtitanga, tae atu ki ngā whakatairangatanga, ngā rārangi rōpū, ngā wāhi pōti, te rēhitatanga ki ngā rārangi Māori me ngā rārangi whānui, ngā takoha, me ngā huringa o ngā ture kua taka i muri mai i tērā pōtitanga ā-motu
- ngā ia mauroa e pā ana ki ngā pōtitanga, tae atu ki te pōti wawe, te tokomaha o ngā kaipōti, ngā kōrero whakatuapeka, me te raukaha o Te Kaitiaki Take Kōwhiri.

Ka aro mātau ki ēnei take i roto i tā mātau nei pūrongo, ā, ka āwhina i te komiti i roto i tana tiroirohanga me tana tautohu i ētehi

Modernising elections

We make recommendations to modernise and improve services to voters, including enrolment processes and the use of technology, while maintaining integrity and accuracy. We also ask Parliament to consider ways to reduce the growing number of special votes. Some of these recommendations require a commitment to and investment in legislative, service delivery, and system changes, phased over several election cycles. The recommendations are collated from page 11.

The Justice Committee has started its Inquiry into the 2023 General Election. This Inquiry focuses on:

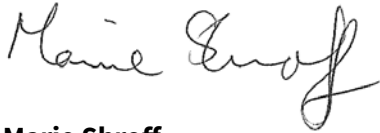
- election operations, including administration, logistics, and voting practices
- electoral law broadly, including advertising, party lists, polling places, registration on the general and Māori rolls, donations, and changes to legislation since the previous general election
- long-term trends in elections, including advance voting, turnout, Commission capacity, and disinformation.

We address these matters in our report and look forward to assisting the Committee with its inquiry as it identifies specific legislative changes to improve the electoral system for the next election and longer term.

Work is already under way to deliver a general election in 2026 that gives all eligible New Zealanders the opportunity to make their voices heard.

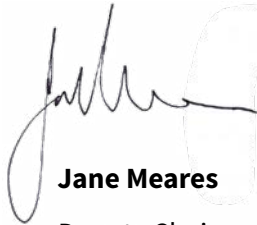
huringa tauwhāiti o ngā ture hei whakapai i
te pūnaha pōti mō te pōtitanga e heke mai
ana, ā, haere ake nei.

Kua tīmata kē ngā mahi kia whakatūria he
pōtitanga ā-motu ā te tau 2026 e āhei ai ngā
tāngata katoa o Aotearoa ki te whakaputa i ō
rātau whakaaro.



Marie Shroff

Chair



Jane Meares

Deputy Chair



Karl Le Quesne

Chief Electoral Officer

Ko te Ihirangi

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Ko te Pōtitanga ā-Motu – he matawaitanga 2023 General Election at a glance

Logistics

- Over 24,000 temporary roles
- 47,542 job applications received
- 9,055,800 ballot papers printed
- 43,832 electoral rolls printed
- More than 3.4 million EasyVote packs sent



Enrolment

- 3,688,292 people enrolled – 94.7% of eligible voters
- 567,012 Māori enrolled – an increase of more than 31,500 from 2020
- 83.1% of 18 to 29-year-olds enrolled – up from 80.7% in 2020
- 602,454 people enrolled or updated enrolment details from the day after writ day to the end of the election period (an increase of 38.5% on 2020)
- About 110,000 people enrolled or updated their details on election day (an increase of 37.5% on 2020)

Parties and candidates

- 567 candidates
- 495 electorate candidates
- 469 list candidates
- 17 parties contested the party vote
- 56 candidates stood as independents or represented unregistered parties
- 839 advisory opinions on 1,718 separate advertisements





Voting places

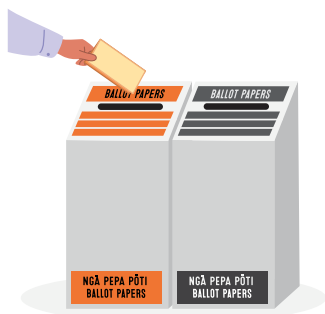
- 829 advance voting places
- 2,334 election day voting places
- 15 Kaupapa Māori voting places
- Nearly 70,000 total opening hours
- 1,110 votes taken per voting place on average
- 41 votes per hour of voting on average

Busiest advance voting places

- Queensgate Shopping Centre, Hutt Central: 10,389 ordinary votes
- Glenfield Mall, Glenfield: 10,358 ordinary votes
- The Mall, Upper Hutt: 9,247 ordinary votes

Busiest election day voting places

- Selwyn District Council, Rolleston: 1,881 ordinary votes
- Silverstream School, Silverstream: 1,487 ordinary votes
- The Warehouse Building, Mosgiel: 1,476 ordinary votes



Voting and turnout

- 2,884,111 votes – 78.2% of enrolled electors
- 1,762,490 votes cast in advance (61% of all votes)
- 602,488 special votes (21% of all votes)
- 77,295 overseas votes
- 68% turnout of electors in Māori electorates

Overall rating of the voting process

- Overall rating of voting process 93% (excellent or very good)
- Overall rating by Māori voters of the voting process 88% (excellent or very good) (95% in 2020 and 88% in 2017)



Ko te Ara Tiatia

Key dates

Date	Action
1 July 2021	Electoral Access Fund Act 2020 comes into force
31 October 2022	Electoral Access Fund applications open
1 January 2023	Changes to electoral finance rules for parties and candidates come into force
19 January	Prime Minister announces general election date
31 March	Changes to the Māori Electoral Option and temporary changes to overseas voter eligibility come into force
14 July	Māori Electoral Option 3-month exception period begins
14 July	Regulated period for election expenses starts
30 July	Enrolment update campaign starts
8 September	Dissolution of Parliament
10 September	Writ day
15 September	Nomination day
27 September	Overseas and telephone dictation voting begins
2 October	Advance voting begins
10 October	Port Waikato by-election dates announced
14 October	Election day and preliminary results
16 October	Port Waikato by-election writ day
17 October	Port Waikato regulated period starts
20 October	Port Waikato by-election nomination day
3 November	Official results
8 November	Applications for judicial recounts in Nelson, Mt Albert, and Tāmaki Makaurau lodged
9 November	Amended official results
10 November	Nelson recount decision issued
13 November	Port Waikato by-election advance voting begins
15 November	Mt Albert and Tāmaki Makaurau recount decisions issued
16 November	Return of writ with names of successful electorate MP (excluding Port Waikato electorate) and declaration of election of list MPs
25 November	Port Waikato election day and preliminary results
5 December	Opening of Parliament and MPs are sworn in
6 December	Port Waikato official results
9 December	Overseas voter eligibility reverts
12 December	Return of writ for Port Waikato by-election

Ko ngā Tūtohutanga

Recommendations

Election resilience		Page
The Commission recommends Parliament:		
1. Considers legislation that makes seeking to disrupt an election event a specific offence with its own thresholds and penalties.		23
2. Considers the recommendations of the Independent Electoral Law Review regarding emergency powers, including: <ul style="list-style-type: none"> • vesting adjournment powers in the Commission Board rather than the Chief Electoral Officer • enabling the Commission to extend the time available for any electoral processes or deadlines affected by an unforeseen or unavoidable disruption that could affect the proper conduct of an election • a new power that permits the Governor-General, acting on the advice of the Prime Minister, to withdraw the writ issued for a general election where a national state of emergency will significantly interfere with the proper conduct of the election and requires the Prime Minister to advise the Governor-General of the earliest date the general election can be held (but no later than the day 3 months after the withdrawal of the writ) • considering the merits of a new statutory power to reconvene Parliament. 		26
3. Considers amending the Constitution Act 1986 to ensure the continuity of executive government in the event of a delay to the return of the writ (for example, a judicial recount or an emergency that requires adjournment).		129
Election date		Page
4. The Commission recommends Parliament considers legislative change to require the announcement of the election date by a specified date in the year Parliament is due to expire, if not announced prior.		28
Enrolling and voting		Page
The Commission recommends Parliament:		
5. Considers whether the Commission is required to send Māori Electoral Option information to electors for an out-of-cycle triennial local body election that does not have a Māori ward or constituency.		49

<p>6. Considers a longer-term legislative modernisation programme, which will require funding to provide for additional flexibility and/or conditions in which electronic means are allowed, including:</p> <ul style="list-style-type: none"> • allowing an enrolment update to be made for an existing elector following a data match, with either postal or electronic confirmation (for example, a change of address) • allowing electronic confirmation for a new enrolment, including any conditions (for example, only if a person has enrolled online and verified their identity using RealMe, a driver licence, or a passport) • allowing, if a data match identifies a person who is not enrolled, a new enrolment to be actioned automatically with either postal or electronic confirmation sent to the elector and clarifying how the Māori Electoral Option provisions would apply in this situation • enabling alternative forms of enrolment inquiry to be undertaken by digital methods, such as email • amending the data-matching provisions in section 263B of the Electoral Act to allow the Commission to receive email and phone numbers to enable electronic communications to encourage enrolment • allowing electronic confirmation for any update of an existing elector's enrolment record completed online or in writing • allowing overseas electors to be sent electronic correspondence for enrolment update campaigns, to confirm a new enrolment, or for an enrolment update • for integrity reasons requiring electors who live overseas to re-enrol every 3 years (for New Zealand citizens) or 12 months (for New Zealand permanent residents). 	66
<p>7. Considers a review of the enrolment update requirements in section 89D of the Electoral Act to ensure only necessary information is collected for roll integrity.</p>	67
<p>8. Considers changing the legislation to enable unpublished electors to be issued an ordinary vote using a unique identifier on the roll, should funding for this become available in the future.</p>	68
<p>9. Considers removal of electoral rolls and habitation indexes from general sale except to MPs, parties, and candidates for electoral purposes.</p>	69
<p>10. Considers removal of reference in section 42(2) of the Electoral Act to the sale and inspection of the Index to Places and Streets, and clarification of the address information the Commission can share with Land Information NZ for enrolment purposes.</p>	70
<p>11. Reviews the treating offence in the Electoral Act to consider whether greater clarity can be provided, including cultural considerations.</p>	78

Special votes		Page
<p>12. The Commission recommends Parliament considers options, subject to funding, to reduce the growing number of special votes and their impact on the official count, balancing access, timeliness, and integrity, including:</p> <ul style="list-style-type: none"> ways of improving how voters' enrolment details are kept up to date processing special votes in the electorate where they were cast digital solutions, such as digital roll mark off, print on demand, and electronic counts early processing of special votes before election day. 		89
Scrutineers		Page
The Commission recommends Parliament:		
<p>13. Clarifies what 'accompany' means for scrutineers accompanying ballot boxes to a designated counting place for the preliminary count, to include following in a separate vehicle.</p>		94
<p>14. Considers an Electoral Act amendment to make it clear an MP cannot be a scrutineer.</p>		111
<p>15. Reviews whether the scrutineer provisions remain fit for purpose, including whether they are clear about who should be able to appoint scrutineers, the parts of an election they should be appointed to observe, and the information they should be able to collect and share with their campaign teams.</p>		111
Ballot papers		Page
The Commission recommends Parliament:		
<p>16. Considers the layout and instructions on the ballot paper. Ballot papers for general elections and by-elections are prescribed forms. They have not been reviewed since 1995, and it is timely for Parliament to consider whether improvements can be made.</p>		101
<p>17. Considers prohibiting voters from taking photos of their ballot papers in polling places without permission of the Returning Officer.</p>		125
Parties, candidates, and compliance – Electoral finance		Page
The Commission recommends Parliament:		
<p>18. Considers whether the election advertising expenditure limits are adjusted once each parliamentary term, in the year before the election.</p>		103
<p>19. Considers removing the requirement that returns are made available for public inspection and just require them to be publicly available on an internet site the Commission administers.</p>		104

20. Considers adding an overarching anti-collusion provision to the Electoral Act to aid enforceability of electoral finance rules. This could make clear that the democratic context means any deception or avoiding of transparency requirements is likely harmful to the public interest, whether or not further criminal offending is involved.	105
21. Considers, for the avoidance of doubt, 'free labour' and 'free or discounted services' be defined in the Electoral Act. The definition should be clear whether 'person' is limited to natural persons for the purposes of free labour.	107
22. Considers the Electoral Act be amended to explicitly confirm whether or not and what type of aggregation is required for the purposes of the donations and loans thresholds.	107
23. Considers requirements about reporting donations and loans for parties that apply to cancel their registration are clarified in the Electoral Act.	109
24. Reviews the expense return requirements for parties that do not contest the party vote or stand any electorate candidates.	109
25. Reviews the requirement for an audit report for parties that spend \$50,000 or less on election expenses at an election.	109
26. Considers amending the Electoral Act to allow parties and candidates to pay a late invoice with the leave of the Chief Electoral Officer where they seek leave before the deadline for filing their return.	109
Parties, candidates, and compliance – Enforcement	Page
27. The Commission recommends Parliament considers whether the Commission be given the power to require the production of documents to better enable the Commission to manage its compliance function in relation to electoral offences.	105
Parties, candidates, and compliance – Party registrations	Page
The Commission recommends Parliament:	
28. Considers the statutory deadline, when party and logo registration applications cannot be processed by the Commission, be amended to coincide with the start of the regulated period.	113
29. Considers parties be required to provide a copy of their candidate selection rules with their party registration application, rather than within a month of registration.	113
30. Reviews the existing umbrella and component party provisions and considers whether changes to the rules are needed.	114
Parties, candidates, and compliance – Nominations	Page
The Commission recommends Parliament:	
31. Considers amendment of the candidate nomination provisions in Part 6 of the Electoral Act to refer to the Electoral Commission rather than the Returning Officer.	116
32. Considers removal of the right to inspect candidate nomination forms.	116

33. Considers a single deadline for all candidate and party list nominations.	117
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WĀHANGA 1: Ko te whakariterite mō te pōtitanga ā-motu

PART 1: Preparing for the election

Electoral Commission's role in the general election

The Electoral Commission's role is to administer the electoral system in ways that maintain New Zealanders' confidence in and understanding of the system as well as encouraging participation in the country's parliamentary democracy.

Our te reo Māori name, Te Kaitiaki Take Kōwhiri, means 'the guardian of the choice' and reflects our responsibility as kaitiaki of New Zealand's electoral system. We deliver New Zealand general elections, by-elections, and referendums, and we provide the rolls to enable these as well as local body elections. We also provide electoral advice and support democracy in the broader Pacific region.

An election is a large, complex, and logistically challenging event – we must plan and prepare over several years to deliver a general election, and work continues into the following year to review and report on the delivery of the general election and recommend improvements.

Trust in the electoral process is created and maintained by the delivery of well-run electoral events. Election delivery involves significant foundational work throughout the electoral cycle, including maintaining electoral rolls, supporting boundary reviews, assisting policy makers considering electoral law change, advising parties, candidates, and others, and undertaking work in the community to promote understanding and participation.

We became aware of issues relating to the counting of votes following the publication of the official results of the 2023 General Election. The Commission is conscious of the significance of its role as trusted administrator of the election and has started work to improve and ensure the quality and integrity of the vote count in the future (discussed further in Part 7).

3-year cycle

Our work revolves around a 3-year cycle.

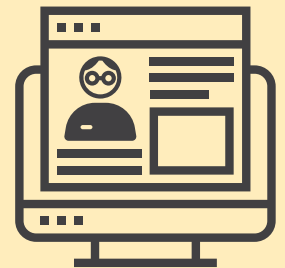
Year 1

In the year following a general election, we review our delivery, considering feedback from voters, candidates, parties, and others about their experiences. We determine strategic and operational priorities for the new cycle and begin the planning, design, and implementation of the next election, including advising on proposals for legislative reform.



Year 2

Our focus mid-cycle is on designing, testing, and improving systems and processes for the next general election to ensure they are fit for purpose. We procure our physical supplies, identify who we need to partner with, plan our recruitment activity, start recruiting regional managers and Electorate Managers, find headquarter properties, and, as necessary, redesign services to give effect to legislative changes.



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Year 3

In the third year of the cycle, we start implementing our plans and temporary infrastructures and systems required for delivering the general election. We send out information on the Māori Electoral Option, enrolment, and voting, and run information and education campaigns. Extensive recruitment and training of a temporary workforce takes place, and voting places are set up throughout the country for the delivery of the election. This is the year we deliver the general election.



Throughout the 3-year operating cycle, we also provide information and education to a wide range of community groups, schools, and others to promote electoral participation and understanding. We continually maintain the electoral rolls for local body and parliamentary elections, which includes running an enrolment update campaign ahead of the 3-yearly local body elections.

By-election readiness

During the 3-year operating cycle, the Commission remains on stand-by to deliver a by-election should a vacancy arise in an electorate.

Two by-elections occurred in 2022 as preparations were gearing up for the 2023 General Election. The Hamilton West by-election was during a critical preparation point for the 2023 General Election, which was challenging on resources.

During the advance voting period of the 2023 General Election, the ACT candidate for Port Waikato died, triggering a by-election. Party votes in the Port Waikato electorate were counted in the 2023 General Election results. However, electorate votes were not. The by-election, which took place on 25 November, was held to elect an electorate member of Parliament (MP) for Port Waikato.

Preparation and planning

Resilience, assurance, and engagement

The Commission undertook planning and preparation for the 2023 General Election with a focus on increasing resilience within an increasingly complex environment. This included addressing risk factors such as severe weather events; deliberate disruption; security of staff, properties, materials, and transport; financial controls; and health and safety. The Commission identified the need to strengthen risk management and assurance in 2022 and was taking steps to address this matter. The Commission Board reviewed the planning undertaken at an electorate level as part of its assurance activities.

Preparation included anticipating different scenarios to assess how well prepared we were to run a general election while maintaining voter accessibility, public safety, and overall system integrity.

We continued to strengthen our work with specific communities to build trust and increase participation in democracy. A critical aspect of this strategic priority was taking active steps to build stronger relationships with groups less likely to participate in the electoral system, particularly, Māori, Pasifika and other ethnic communities, disabled people, and youth.

Logistics

A general election is a complex logistical exercise that requires significant planning and preparations to execute successfully. The law requires a general election to be conducted through in-person physical voting places, with manual, paper-based voting and counting

mechanisms. This involves substantial staff, supplies, paper, postage, printing, and property. The Commission also provides voting services to eligible New Zealanders who are overseas.

We had to plan for potentially longer production and transport times, particularly when procuring the amount of paper we needed to run the election. Ordering critical supplies early mitigated supply chain constraints.

Property

Each election, the Commission re-establishes an extensive network of physical spaces to support the delivery of the election. In 2023, this included:

- 65 electorate headquarters, which support all logistical and recruitment activities required for delivering voting services within each electorate
- 2,599 unique voting places across the country, with each voting place having to be assessed for suitability before it is confirmed
- secure storage locations to support the delivery of the election in regional and rural electorates where voting places can be at a distance from their electorate headquarters.

For the 2023 General Election, the Commission faced increased costs in securing both electorate headquarters and voting places. The total cost of leasing these properties was \$16.360 million. Electorate headquarters cost \$14.288 million and voting places cost \$2.072 million. For electorate headquarters, this was an increase of \$2.98 million from \$11.313 million in 2020, due to the cost per square metre being higher.

In 2020, we secured voting place sites easily and at reduced rates because we were free of competing bookings due to COVID-19 restrictions. Offsetting this, however, was the requirement to have additional space due to the COVID-19 social distancing requirements, incurring additional cost for larger sites. In 2023, the Commission was funded for and leased fewer voting places than in 2020, and while the cost per square metre was more, the net result was \$120,000 less being spent on voting places. In identifying voting places in the future, we must continue to balance giving people good access to voting places with achieving efficiency and value for money.

Equipment and supplies

The procurement, printing, mailing, and distribution of all equipment and supplies used in a general election requires significant planning, with long lead-in times and close working relationships with external suppliers.

For context, the Commission produced for the 2023 General Election:

- 9,055,800 ballot papers
- 43,832 electoral rolls
- 1,080 habitation indexes

- more than 3.4 million enrolment update and 3.4 million EasyVote packs.

To produce these paper products, we work for over 2 years with our suppliers to procure a variety of paper types for the different items we print. This was more challenging in the lead-up to the 2023 General Election due to a reduction in supply internationally, longer production times, and disrupted shipping schedules.

Transport and postage

The Commission and its suppliers faced increased costs for transport and postage both in the lead-up to and delivery of the 2023 General Election. NZ Post increased its postal rates by 64.4% since 2020. The total postage cost for the 2023 General Election was \$7.86 million compared with \$4.78 million in 2020. In addition to this, fuel costs increased in the lead-up to and peaked at the time of the 2023 General Election. This had an impact on both the costs we were charged by our freight providers and the costs the Commission itself incurred in transporting materials to and between election properties.

NZ Post has indicated such costs are likely to continue increasing, so we are looking at options to reduce the volume of paper items we need to produce, post, and transport. There is no intention to move away from the use of printed paper ballot papers at this stage. However, proposed changes to the postal delivery network will require us to explore alternative methods for communicating with the public. These are likely to require both legislative and technology changes. Options for change are explored further in Part 5.

Variety of voting services

The main method used to deliver domestic voting services continues to be through physical voting places.

In 2023, the focus was on a community-led approach, where Commission staff worked with people from different communities to understand their needs and preferences around the voting experience and to invite them to be actively involved in delivering the election. This was reflected in the voting services provided, with the Commission continuing its efforts to provide voting experiences in locations and at times that were convenient for voters and in ways that better met their needs. Voting services are discussed further in Part 6.

Promoting accurate information about the election

The potential always exists for incorrect information to circulate about the election process. Mostly this happens when people are simply mistaken about something, but it can also be deliberate.

Concern is growing internationally about the use of inaccurate and false information to influence voters and undermine trust in the election process, especially in an age when images and words can be shared quickly on social media and without checks and balances.

For this reason, in preparation for the 2023 General Election, we set about producing information on enrolling, voting, and the electoral system in a variety of formats that could be easily shared from our digital channels.

This included a new ‘facts about New Zealand elections’ page on vote.nz that addressed common misconceptions about elections, proactive social media posts explaining the election process, and videos on how to enrol and vote and how votes are counted. The information was recognisable as being from the Commission, giving the public resources they could trust.

We do not have a role in regulating the content of election advertisements. The Advertising Standards Authority, Broadcasting Standards Authority, and Media Council all have a role in considering whether campaign advertising and media coverage meet the standards they administer. We worked with these agencies to ensure complaints about election material reached the right place.

Social media channels

The Commission monitors its own social media channels to ensure accurate information is being shared but does not have a wider monitoring role. However, we were ready to do what we could to correct inaccurate information about enrolling and voting if we saw it.

We did not see a big increase in inaccurate information being shared, but the potential for inaccurate information to influence elections remains. We will continue with our approach of making available correct information on the election process the public can trust and share.

Information technology

The delivery of the general election relies on several critical technology assets. Off-the-shelf software is used for payroll, recruitment, finance, and standard operating environments, with custom-developed software used for election management and enrolment activities.

The technology needs of the Commission’s temporary workforce required a considerable scaling up of hardware. More than 1,200 laptops and tablets and nearly 7,000 mobile handsets were deployed to support election staff for the delivery of the electoral event. Despite this, election staff reported not enough laptops in some places. This caused delays and lengthened processing times for some official count activities.

Significant advances have been made to the Commission’s technology services in recent years, including online enrolment, substantial cybersecurity advances, device and infrastructure modernisation, and recruitment management. However, further investment will be necessary for the Commission to respond to the demand for more digital services and have the flexibility to respond to changes and unexpected volume pressures during the general election.

Many of the critical technology assets that support election management and enrolment are complex and ageing. As part of planning for the 2026 General Election and the longer term, the

Commission will assess how fit for purpose these assets are to support its future needs and determine an appropriate investment treatment.

The Commission intends to begin work on a business case this year to extend, refresh, or replace these critical legacy systems used for enrolment and election management to support the delivery of modern electoral services.

Cybersecurity

The Commission substantially improved its existing controls to detect, prevent, and respond to cyberattacks in preparation for the 2023 General Election. These improvements included internal risk assessment and certification activities, working in-depth with government security agencies for assessment and planning, and investment in strengthening its technology security capabilities.

The Commission recognises the security risk inherent within its IT supply chain, so these activities extended across key software suppliers for the 2023 General Election. Assurance was also undertaken with independent testing of these capabilities, review by government security agencies, and simulation of threat scenarios and responses.

These measures, combined with the existing controls and good practices, resulted in no successful cyberattacks on the Commission's core election management systems. The Commission will continue to invest in developing cybersecurity capabilities as part of its ongoing work programme and in preparation for the 2026 General Election.

Physical security

The international and domestic security context for elections has changed markedly over recent elections. Going into the 2023 General Election, we saw an increase in anti-government sentiment, and increased potential for disruptive protest.

In response, the Commission significantly changed its physical security preparations for the 2023 General Election, including reviewing all points of vulnerability and we instituted several new security initiatives.

During the voting period, election staff contended with increased anti-social behaviour, lower levels of tolerance for competing views, and a tendency to conflate election staff with 'the government'. Anecdotally, this led to an increase in security incidents compared with previous elections, including some where police were required to be called.

The 2023 General Election was successful from a security perspective, largely due to the level of extra resourcing, security measures and initiatives, and increased focus by staff. The challenges and incidents faced were in line with the threat and risk assessments received from inter-agency partners, and our preparations and resourcing were sufficient to mitigate or prevent the most likely risks.

Interagency cooperation

Ensuring the security, trust, and integrity of the election is an all-of-government concern. Effectively mitigating risks and managing disruptions or incidents requires strong support from other government agencies, particularly those operating in national security and emergency response.

In early 2023, we worked with support agencies to evaluate risks to the general election event, mitigate these risks, and respond to issues as they arose. Support was provided within the all-of-government national security system. Agencies' roles and responsibilities were established through inter-agency protocols, which were released publicly.² The protocols covered a coordinated inter-agency approach to communications, managing disruptions to the election, and the role of the intelligence agencies in managing national security threats to the election.

The Commission would like to thank all its government partners for their close cooperation and assistance in managing security risk. The start of the 2026 General Election electoral cycle offers the opportunity for the Commission and its partners to review the security requirements for the next election and the role agencies will play in protecting against disruption to the event.

The Commission will work with relevant agencies before the next general election to mitigate risks identified as less likely but more consequential, such as a major natural hazard or weather event, a coordinated attempt to disrupt the election, foreign interference, and insider threat.

Given the changing threat landscape for elections, the Commission will consider establishing an inter-agency structure to monitor emerging threats and key risks to democracy beyond election year. This would assist with early awareness of new risks and help to keep electoral integrity on the agenda at other agencies.

New Zealand can currently respond to people taking steps to intentionally disrupt a general election only where a criminal threshold is met.

The Commission recommends Parliament considers legislation that makes seeking to disrupt an election event a specific offence with its own thresholds and penalties.

Recruitment

A large workforce is required to deliver a general election. In 2023, we recruited into more than 24,000 temporary roles (some people worked in more than one role) to deliver our services, with the majority based in voting places or electoral headquarters across the country. A total of 65,584 people registered their interest in working and we received 47,542 job applications.

² Electoral Commission. 2023. Election protocols. <https://elections.nz/guidance-and-rules/election-protocols>

For the 2023 General Election, we ran a nationwide recruitment advertising campaign to drive job applications. Our messaging encouraged people to support their community to have their say. This campaign was supplemented by local initiatives. Employing local people to deliver the election has many benefits. We know people share election information within their communities, encourage enrolment, increase voting, and help us maintain trust in the election process.

Some recruitment was challenging. Finding enough people to work in rural areas was difficult and it was not easy to find experienced Electorate Managers and people with experience in post-election roles needed for the official count. Several staff left to take permanent or higher paying roles after being hired.

We filled some staffing gaps from the public sector workforce and by redeploying Commission staff. However, further work is required for us to successfully use the public sector as a contingent workforce, potentially without the need for formal employment agreements, so we can respond quickly to urgent needs as they arise. Currently, employing staff from the public service through secondments and the standard recruitment application process are the standard options, but they are not always timely.

The Commission will look at how utilising the public service as a contingent workforce can be more expedient.

Workforce diversity

We strive to have a diverse workforce that reflects the communities we serve. We saw an improvement in the diversity of people hired compared with previous elections, particularly among Asian peoples, Pasifika, and Middle Eastern, Latin American, and African peoples.

Table 1 compares the ethnicity of people hired for the 2023 General Election with their population proportion. We also saw an increase in the number of Māori hired, although more work is to be done to achieve representation that reflects the Māori population proportion.

Table 1: Ethnicity of people hired for the 2023 General Election^A

Group	Percentage hired (%)	Percentage population ^B (%)
NZ European	71.0	72.8
Māori	12.8	16.7
Asian	16.0	13.5
Pasifika	6.4	6.6
Middle Eastern, Latin American, African	3.0	1.4
Other	2.2	1.3

A People can indicate more than one ethnicity, so percentages will sum to more than 100%.

B Source: 2018 Census.

Recruitment changes since the 2020 General Election

The 2020 General Election internal review identified improvements and efficiencies that needed to be made to our recruitment processes. The manual systems and processes in place during that election affected the management of the high volume of applicants, affected the service applicants received, and increased the risk of inaccurate recruitment reporting.

The implementation of an online recruitment system addressed issues raised after the 2020 General Election, but also created challenges. This system enabled Ministry of Justice criminal checks to be completed faster and more efficiently, consistent processes, a reduction in data entry resources required, a reduction in the risk of inaccurate manual inputs, and more robust reporting. Some applicants and staff, however, found it hard to use and were frustrated.

Work is under way to understand how the system can be improved and to address the concerns raised so it is fit for purpose for future electoral events.

Guidance and training

The Commission trained people in over 24,000 temporary roles using multiple methods. New and existing training material was developed and re-designed to equip election staff with the necessary knowledge and preparation to perform their role. The training delivered targeted content on a variety of topics using manuals, film clips, animation, interactive e-learning modules, and face-to-face training.

The Commission does not measure overall satisfaction with training, rather individual satisfaction for each type of training. The most successful type was e-learning with more than 75% of voting place respondents finding the modules clear and easy to access.

However, some staff training could be improved (as noted in the Auditor-General's review recommendations), particularly in the area of quality assurance and post-election processes. This training is a priority. We also plan to develop better support for election staff, including more accessible guidelines and effective escalation pathways when operational queries arise.

Weather disruption and emergency powers

The flooding event in Auckland and Cyclone Gabrielle in early 2023 were a reminder of the potentially devastating impact of weather on the delivery of a general election. In planning for the 2023 General Election, we mitigated potential risks from such events by:

- developing plans to reduce the impact of disruptions to postal services
- selecting voting places assessed as having a low risk of closure in the event of flooding and other natural events
- assessing potential road closures and then establishing appropriately located hubs for the

storage of voting materials so voting places could still be serviced

- making provision for the use of dictation voting services for voters unable to make it to a voting place (as was done in the 2020 General Election for voters in managed isolation for COVID-19)
- identifying alternative options if normal methods of transporting voting papers to our headquarters for processing and counting after election day could not be used.

The extreme weather events that affected the Hawke's Bay, Te Tai Rāwhiti, and Te Tai Tokerau regions in the lead-up to the Māori Electoral Option and election campaigns significantly reduced our ability to get key messages to voters using traditional methods such as post. Our ability to travel within the regions was also severely affected.

The Commission collaborated with other public service agencies in the regions, such as Stats NZ and the Ministry of Social Development, and held 'one-stop shop' days in affected communities where the public could hear from a variety of service providers.

The Commission has previously made relatively broad recommendations about the need to review emergency provisions. Notwithstanding changes to the emergency powers that were made before the 2020 General Election, the current provisions appear to address only short-term disruptions that affect polling day. They do not provide for a situation in which a

The Commission recommends Parliament considers the recommendations of the Independent Electoral Law Review³ regarding emergency powers, including:

- vesting adjournment powers in the Commission Board rather than the Chief Electoral Officer
- enabling the Commission to extend the time available for any electoral processes or deadlines affected by an unforeseen or unavoidable disruption that could affect the proper conduct of an election
- a new power that permits the Governor-General, acting on the advice of the Prime Minister, to withdraw the writ issued for a general election where a national state of emergency will significantly interfere with the proper conduct of the election and requires the Prime Minister to advise the Governor-General of the earliest date the general election can be held (but no later than the day 3 months after the withdrawal of the writ)
- considering the merits of a new statutory power to reconvene Parliament.

³ Independent Electoral Review. 2023. *Final Report: Our recommendations for a fairer, clearer, and more accessible electoral system*. Wellington. <https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-systems/constitutional/democratic-structures-and-processes>

significant emergency happens after the dissolution of Parliament or after the writ is issued that affects candidate nominations, advance voting, or the completion of the count.

Health and safety considerations

The Commission continues to improve the health, safety, and wellbeing of its people. During 2023, this included developing health, safety, and wellbeing guardrails, designed to mitigate the risks of fatigue and working in isolation during an electoral event.

The focus of the guardrails was on appropriate rostering – limiting the hours worked in 14-day and 24-hour periods; safe driving – the time allowed to drive within a working period and road legal cars; responding to aggression – working in pairs and training on how to respond to an aggressive incident; and psychological support – leaders checking in on their people.

However, long hours were sometimes worked during the election. The guardrails did not prevent people from working long hours during voting and counting periods, particularly on election day and night. Enrolment staff worked hours far more than those forecast to meet demand.

Early announcement of election date

The convention for recent elections has been for the Prime Minister to announce the date of the election early in election year, which provides certainty for planning and preparations for the election. 2023 saw a continuation of this convention, with the date announced on 19 January.

The Prime Minister determines the date of the general election subject to the requirement that the election is held on or before the last legal date under the law. There is no legally prescribed minimum notice period required for an election to be held. The recent convention of Prime Ministers announcing the election date early in year three of the cycle benefits all parties building their campaigns and preparing. It also creates efficiencies and timely and more cost-effective delivery of the election by allowing the Commission to:

- more effectively recruit electoral staff and plan and deliver their training in ways and at times that maximise the quality of training they receive
- book advertising space and plan for the development of the enrolment and voter information campaign with certainty
- manage and schedule production and printing of critical election materials to meet deadlines
- negotiate for and secure suitable and accessible voting places, in particular, advance voting places, and consult with stakeholders before they are finalised
- inform enrolled electors of Māori descent that they cannot change roll type in the 3 months before election day.

An option that would create efficiencies and certainty without restricting the Prime Minister's ability to determine the date, would be to require the date to be announced by a specified date (for example, by 1 March) in the year Parliament is due to expire if not already announced before that date.

The Commission recommends Parliament considers legislative change to require the announcement of the election date by a specified date in the year Parliament is due to expire, if not announced prior.

Election Access Fund

The Election Access Fund, Te Tomokanga – Pūtea Whakatapoko Pōtitanga, supports disabled people to stand as candidates in parliamentary elections by removing or reducing the cost barriers they face.

The Commission implemented the Fund in October 2022 under the Election Access Fund Act 2020. For more information on the Fund's establishment and administration, see Appendix A.

The Commission is required to report on the funding provided under the Election Access Fund Act.⁴ In accordance with the Election Access Fund Act, the Minister of Justice is required to arrange for a review of the operation and effectiveness of the Act within 6 months of the Commission's report on the General Election 2023. This review is under way.

The design and implementation of the Fund was informed by engagement and consultation with the disability community, including on the eligibility criteria for the Fund. An applications panel, with expertise and lived experience of disability was established to assess applications. The expenditure on Fund establishment and grants follows the pattern of similar funds in other jurisdictions where the set-up costs were high compared with the number of grants allocated, and uptake of grants and fund efficiency increased over time.

The total cost of establishing and operating the Fund since inception in July 2021 to 31 January 2024 was \$751,836 (excluding grants made by the Fund). The most significant costs for the project were staffing and advertising and publicity. Now the Fund is established, ongoing costs will be mostly operational.

Five applications were approved across four candidates. A total of \$45,375 was allocated in grants with unspent funds of \$19,465 returned.

Fund recipients had a variety of disabilities and support needs. They feel the Fund made it easier for them to stand and improved the quality of their campaigns.

⁴ Section 8 of the Electoral Act 1993.

Election budget

The Electoral Commission's 3-year funding for the 2023 election cycle (excluding by-elections) was \$225.461 million. Of that funding, \$128.3 million specifically related to the delivery of the General Election.⁵ For the first time, we have included spend on the Māori Electoral Option as part of the general election delivery, due to the changes that were implemented on 31 March 2023 (see Part 3 of the report).

As outlined in Table 2, actual costs incurred for the election were \$134 million – a \$5.7 million overspend that was funded through reserves.

Table 2: Costs of the 2023 General Election

Cost elements	2023 General Election actual (\$m)	Percentage of actual (%)
People – temporary election workforce	50.758	37.9
People – permanent	12.901	9.6
Property – temporary offices (headquarters and enrolment) and voting places	19.537	14.6
Property – permanent offices	2.018	1.5
Paper, printing, and postage	16.820	12.6
Advertising campaigns	11.900	8.9
Computers and telecommunications	8.065	6.0
Travel expenses	2.677	2.0
Storage costs	2.475	1.8
Other expenses	6.844	5.1
Total	133.995	100.0

⁵ The \$128.3 million is only for the delivery of the 2023 General Election and excludes funding for other work, including local body elections.

Approximately 65% of election costs relate to the temporary election workforce, temporary property to deliver the election, paper, printing, and postage. These costs are ‘hard-wired’ into legislative requirements that mandate in-person voting, paper ballots, manual counts, and postal enrolment transactions and enquiries. For this reason, and the scale and short duration of activities required, less scope exists to find economies in procurement activities. During the 2023 cycle, costs were subject to significant inflationary and cost pressures. For example, the average square metre cost for our electorate headquarters in 2023 was 20% above what had been budgeted due to market changes and availability of suitable property. This accounted for \$4 million more spent on electorate headquarters than was budgeted. The cost of advance and election day voting places was \$2.1 million, 20% above budget. Postal costs increased significantly and are projected to continue to increase with changes to postal services.

The Commission’s statutory objective includes administering the electoral system efficiently and effectively. Every election requires the Commission to balance voting service levels against the funding available and spending it wisely. Some recommendations in this report will enable us to reduce costs for future general elections. However, to achieve these cost savings, business cases for funding will be required for significant modernisation of systems and processes, depending on changes made to legislative requirements.

Funding certainty is critical to planning and delivering an election, and for modernising the electoral system. A multi-year appropriation is in place for the 2023 and 2026 election cycles to provide flexibility to the Commission to manage timing uncertainties, including when the election will be held. A multi-year appropriation provides the ability to see funds across a 3-year cycle and to draw funds forward. Cost pressures, legislative changes that incur cost, and any modernisation of electoral services may often require funding increases to any multi-year appropriation.

WĀHANGA 2: Ko ngā pārongo tūmatanui me te toha mātauranga

PART 2: Public information and education



The Electoral Commission delivers an extensive public information and education programme to let voters know when, where, and how to enrol and vote, how the Mixed Member Proportional (MMP) voting system works and to encourage all eligible New Zealanders to take part. This contributes to the Commission's statutory objectives to facilitate participation and build understanding of New Zealand's electoral system.

The purpose of the programme is to maximise awareness and participation in the General Election by all New Zealanders. This requires a multi-layered approach to meet the diverse needs and levels of understanding that exist among New Zealanders eligible to vote.

Using a broad range of communication channels and people to deliver messages was key to a successful campaign. Information for voters was delivered through advertising, stakeholder engagement, councils, libraries, and direct communications, community engagement, and media.

Promoting understanding, enrolment, and voting

The Commission's advertising campaign was based on research into the barriers to participation to ensure it reached all New Zealanders in a meaningful way.

We know most New Zealanders have a good understanding of enrolling and voting. In our 2023 post-election survey of voters and non-voters, 90% of people said they have a good or very good understanding of the voting process (89% in both 2017 and 2020). High-level results from the 2023 voter and non-voter survey are in Appendix B.

Most voters simply need a prompt or reminder when it is time to check their enrolment details and information about where and when to vote. These messages are delivered by Orange Guy and Pup through channels such as traditional television, radio, and outdoor and print advertising, and various digital channels such as online video, digital radio, social media, and online display advertising.

Our research shows some New Zealanders feel voting is solitary, irrelevant, and confusing. The underlying barriers that lead to these sentiments are a lack of understanding of the electoral process or a lack of belief in the voting process and its outcomes. These barriers are more widely seen among young people, Māori, Pasifika, and ethnic communities.

To address these barriers, a different approach was needed to build understanding and increase confidence among those who are less likely to take part. Advertising used images of real people to deliver information and targeted different audiences. Channels included online video and display, and posters in streets and dairies, ethnic press, community networks, social media, iwi and digital radio, and content partnerships with media organisations and social media influencers. For the first time, we also produced resources in six regional te reo Māori dialects, enabling authentic discussion and building positive relationships with local organisations and Māori communities (discussed further in Parts 3 and 4).

The public information campaign contributes to an understanding of the country's elections. According to our survey of voters and non-voters, in 2023, compared with previous election years, Māori are more likely to say they have a very good understanding of both how to vote (83% in 2017 to 93% in 2023) and the enrolment process (85% in 2017 to 88% in 2023).

Young people (aged 18 to 29) are also more likely to say they have a very good understanding of both the enrolment process (23% in 2017 to 35% in 2023) and voting process (31% in 2017 to 39% in 2023).

Informing voters

Our public information activity increases when direct communications are sent to voters, including an increase in advertising, stakeholder, and media engagement.

Direct communications include the enrolment update letter, which was sent to 3,357,425 electors in New Zealand from 31 July. Packs were also sent to 71,241 New Zealanders living overseas who have registered an overseas postal address. The timing of the mailout and public information campaign was planned to begin on 30 June. It was moved to 31 July, after the Māori Electoral Option exception period was confirmed, to begin on 14 July, to avoid confusing enrolment messages to Māori.

The focus of this stage was for enrolled voters to check and update their details before writ day (10 September 2023) to make voting quick and easy. At the same time, advertising reinforces the message to enrol before writ day and reaches people who are not enrolled.



Advertising before writ day encouraged people to enrol now

After writ day, advertising and other public information focused on voting – when voting started and where people could find their closest voting place. The enrolment message changed after writ day from ‘enrol now’ to ‘you can still enrol up to and on election day’. The main message, however, was ‘it’s time to vote’.

All voters who enrolled by writ day were sent an EasyVote pack before the general election. During the voting period, a message about enrolling and voting if you did not get your EasyVote

pack was dropped from the campaign because of issues with the delivery of EasyVote packs (discussed in Part 6). This meant there were no enrolment messages through advertising during the voting period.

More information on EasyVote is in Part 6 and on the enrolment update campaign is in Part 5. Part 3 details direct information sent out on the Māori Electoral Option.

Informing through social media

Social media has become an increasingly important source of information for the public about elections. In 2023, a small Commission team shared election information about enrolling and voting and answered people's questions on our social channels, which included Facebook, X (formerly Twitter), and Instagram. We advertised on social media to let people know when and how to enrol and vote and moderated the comments on those advertisements.

The Commission delivered over 63.7 million impressions across organic and paid social media in the 2023 election period and had over 530,000 engagements across all its content, which is well above average for social media engagement. Impressions are the number of times our content was displayed to users, including those who do not follow us (that is, through paid or sponsored posts).

Informing through websites

Two websites provide information to voters and stakeholders in plain English, te reo Māori, and New Zealand Sign Language.

Vote.nz is a one-stop-shop where voters can enrol, update their details, learn about the election, find their nearest voting place, and find who they can vote for. Elections.nz covers the needs of other audiences, including political parties, media, schools, and researchers. A new portal for political parties was launched for the 2023 General Election (from elections.nz).

The most common source of additional information were general online sources (48%) or visiting the Commission's website (29%). Both Commission websites had record pageviews on election day (1,182,373 on vote.nz and 152,112 on elections.nz). Those who visited our websites found them to be useful (75%), consistent with results after previous elections.

Informing through face-to-face communications

Postal and digital communication do not reach all people, so community-based information and education are important in meeting our statutory objectives.

We use data, lessons from previous cycles, and community feedback to support our approach, ensuring we connect with communities face to face in a way that works for them. Quality engagement supports understanding, trust, awareness, and participation in the electoral process and helps the Commission be responsive to community interests.

This work in the community occurred through schools, markets and stalls, online presentations, community events, student forums, and community providers such as shelters for people experiencing homelessness, youth groups, and health clinics, and in other locations of significance for communities such as places of worship.

We also worked with government agencies such as Te Puni Kōkiri, Whaikaha | the Ministry of Disabled People, Ministry for Pacific Peoples, Ministry of Youth Development, and Ministry for Ethnic Communities. These agencies provided insights into community interests, disseminated information through their networks, provided cultural competency support, and co-hosted events with their communities.

A significant component of our approach is to work with communities where participation has been consistently lower over successive electoral cycles. Alongside Māori, the Commission identified four other audiences with lower participation rates – Pasifika, other ethnic communities, youth, and disabled people.

Working with Māori

Changes to the Māori Electoral Option created a platform for increasing understanding with Māori.

The Commission worked extensively with Māori across the country, including with marae, hapū, iwi, community providers, and kaupapa Māori organisations. For example, we worked with a school in Kaikohe, Te Kura Kaupapa Māori o Kaikohe, to provide a Kaupapa Māori voting place with local rangatahi (youth) employed to staff it. The community's use of the voting place during the election period (1043 votes, representing nearly one-quarter of the Kaikohe population) demonstrated the value of this approach to building understanding and participation in the community. Further to this, several new stakeholders were identified for future work across the region.

Working with Pasifika

The Commission worked with Pasifika in community settings and at gatherings of significance, including through church groups, community and health providers, youth groups, sports and academic settings, and cultural celebrations. For example, we worked with Victoria University of Wellington to support the Pasifika Roadshow, a series of seven workshops across the greater Wellington area that provided students and their families with information on the election and how they could participate, alongside other topics of interest for the community.

Working with ethnic communities

The Commission worked with ethnic community groups across the country, including through places of worship, cultural interest groups, and community providers such as English Language Partners. We sought advice from the Ministry for Ethnic Communities on language and cultural competency and provided information about enrolling and voting in 28 languages.



Our work included six information evenings held with diverse groups across Auckland, including delivering content in the native language of the group we were meeting with, and a recruitment expo co-hosted with the Ministry in Christchurch where the community learned about working in voting places.

Working with youth

Our Youth Advisor team worked face to face with young voters at community events, school presentations, and careers expos. We also worked through tertiary organisations and hosted online opportunities such as the Youth Week ‘Rangatahi in Democracy’ forum, which provided information on enrolment and participation.

Working with disabled people

Individuals have diverse needs, so we provide information about enrolling and voting in alternate formats for disabled people, including New Zealand Sign Language, Easy Read, audio, and large print.

Disabled people with a very good understanding of how to enrol increased significantly in 2023 (from 86% in 2017 and 89% in 2020 to 93% in 2023) and understanding of how to vote increased from 92% in 2017 to 96% in 2023.

We also worked with community providers and used their networks to ensure our information was accessible for all voters and to share our resources about enrolling and voting with their communities in the lead-up to the election.

We connected with Whaikaha | Ministry of Disabled People, the DPO Coalition (a coalition of disabled people's organisations), Deaf Aotearoa, and Deaf Action New Zealand. Strengthening these connections gives us a platform to continue collaborating with the sector and community, improving accessibility for future events.

Extending our reach using community providers

Community providers were contracted to further the Commission's reach into communities. Each of the three providers demonstrated a national network that could support communication across our priority audiences, cultural competence, and confidence to engage with diverse communities, and the ability to scale up its services to support our goals for participation. Of the three providers, one each focused on Māori, Pasifika, and ethnic communities.

Each provider was also required to demonstrate its ability to work with youth and disabled people within their population of focus. Staff from the providers received a similar level of training as Commission staff, including on providing enrolment support.

Educating children – Kids Voting – Te Pōti a Ngā Tamariki



We also work to increase understanding of the electoral system and encourage participation with tamariki (children).

Kids Voting – Te Pōti a Ngā Tamariki is a programme designed for schools to help students understand how voting works and encourage them to take part. The programme is popular with schools and students across the country. More than 117,000 students took part in the programme in 2023. Teachers can use curriculum-aligned teaching units to support students to explore real-life election issues, the political parties and candidates standing in the election and can build up to a mock election experience in the weeks leading up to the election.

Of teachers who responded to a post-election survey on Kids Voting, 92% said the programme helped their students understand the electoral system and motivated their students to discuss electoral participation and the voting process in class. All teachers said they would participate in the programme again.

Informing news media

The media has a key role in sharing information about how to enrol and take part in the country's elections.

In 2023, we provided information to media to support their daily reporting, including a media kit with core information about the process and election statistics, media releases at election milestones, and media briefings. Monthly enrolment figures and daily advance voting figures were published on the website and used in media stories. On election night, a dedicated media feed was made available for media reporting the results to the public and creating graphics.

Addressing public enquiries

Another way we inform the public is when we respond to people who contact us with questions.

A dedicated customer services team responded to enquiries, working closely with our 0800 number provider, Telnet. Telnet, on our behalf, responds to the public's calls, email and text messages, and information pack requests. Between August and October 2023, Telnet responded to 63,000 enquiries. Telnet achieved a Net Promoter Score of 8.4 out of 10,⁶ with positive feedback received.

Our internal Customer Services team receives escalations from Telnet and direct questions from our website forms and emails. The team completed nearly 18,000 enquiries over 13 weeks and managed almost 400 complaints. The team achieved an 88% satisfaction rate from people who used the service.

We will continue to improve how we respond to and support public enquiries for future elections.

⁶ The Net Promoter Score is a measure of customer loyalty based on customers' likelihood of recommending a given business. The question asked is, 'How likely would you be to recommend the Electoral Commission based on the service you received today. On a scale of 0 to 10 where 0 is not at all likely and 10 is very likely'.

Supporting New Zealand's Pacific neighbours

The Commission plays a strong role in assisting the country's Pacific neighbours to maintain their electoral systems and prepare for and deliver national elections. The Ministry of Foreign Affairs and Trade funds our international liaison programme under the New Zealand Aid Programme.

As part of our Election Visitor Programme in 2023, we hosted 37 election officials from across Australia and the Pacific, including from Bougainville, Tonga, Fiji, Papua New Guinea, Samoa, Tuvalu, Kiribati, Nauru, Timor-Leste, Tokelau, the Solomon Islands, Vanuatu, and Australian states.

The programme is about information sharing. We outline our strategy and approach to conducting the election and give participants an opportunity to view our initiatives and see how we deliver voting services. The programme is an opportunity to discuss innovations and global electoral issues with our Pacific colleagues as well as demonstrate our work.

Participants also received presentations on various aspects of the election, toured advance voting places around Wellington to see how voting takes place here, and observed our logistics processes and preparation for the count.

On election day, they saw how services for the Deaf were provided at Ākau Tangi Sports Centre voting place in Wellington, toured Parliament, and visited the Commission's overseas office in Lower Hutt to see how New Zealanders overseas can vote while getting a glimpse into what happens during the early count.

WĀHANGA 3: Ko Te Kōwhiringa Pōti Māori

PART 3: Māori Electoral Option

The Māori Electoral Option is the choice available to Māori about which roll to be on – the Māori Electoral Roll or the General Electoral Roll.

The roll type a Māori voter is on determines whether they can vote for a candidate in a general electorate or a Māori electorate at parliamentary elections. For local elections, voters on the Māori roll vote in Māori wards or constituencies, where these have been established.

The number of Māori on the general and Māori rolls, together with the results of the population census, are used to work out the number of general and Māori electorates. It is an important decision for voters, and our job is to make sure Māori are aware of what their roll choice means for them and facilitate Māori exercising the Option as part of the electoral registration process.



Legislative changes to the Māori Electoral Option

Before 2023, Māori could choose the roll they wanted to be on only when they first enrolled and then during a 4-month period every 5 years after each census. The last time the Option occurred in this format was 2018.

A law change in November 2022 replaced the 4-month Option period with a continuous Option, and those changes came into effect on 31 March 2023.

Māori can now choose which roll to be on when they first enrol and then change rolls at any time except:

- in the 3 months before a general election
- in the 3 months before local elections, which are held every 3 years
- before a parliamentary by-election if the change would move the elector into the electorate where the by-election is being held.

As well as a change to the frequency of the Option, the Commission is now required to send information about the Option to Māori electors at least 3 months before the exception period for a general election and the triennial local elections.⁷ This change meant Māori electors were sent information about which type of roll they were on and had the opportunity to change rolls from 31 March until 3 months before the 2023 General Election.

Previously, the Commission provided Stats NZ with Māori electoral data at the end of the 4-month Option period to allow the Government Statistician to use the number of Māori on the general and Māori rolls, together with the results of the census, to work out the number of general and Māori electorates. The recent law changes to the Option mean we provide the same information to Stats NZ on census day or, if census day is in the same year as the general election, on 1 April the next year. We provided this electoral data as at 1 April 2024 to Stats NZ on 5 April 2024.

⁷ Section 89DA of the Electoral Act 1993.

Preparation for the continuous Māori Electoral Option

The shift to a continuous Option was a major change that needed to be implemented at pace, with the development and roll out of system and process changes before 31 March 2023.

As well as a mailout, a public information campaign, nationwide advertising, and community engagement were required to communicate the change from 31 March.

Our communications strategy for the public information campaign was based on research. Eight focus groups with Māori were held in different locations around the country in late 2022.

Key messages were then developed for the campaign that emphasised the change meant Māori could change rolls if they wanted to before the 2023 General Election, as well as to build understanding of the difference between the two rolls.

Four key messages were as follows.

- If you are Māori and enrolled to vote, you can now choose between the Māori roll and the general roll at any time up until 3 months before this year's election.
- If you want to change the roll you are on, you can do it before midnight on 13 July.
- It is an important choice. It decides your voting area – which is your electorate – and the candidates you can choose from in elections.
- He mana tō te kōwhiri. Your choice has mana.

**HE MANA
TŌ TE
KŌWHIRI**

**YOUR CHOICE
HAS MANA**

Communicating the change

A total of \$6.84 million was budgeted for the 2023 Option compared with \$5.755 million for the previous Option in 2018. The most significant costs were the public information campaign (\$2.94 million), including advertising (\$2.76 million), community engagement (\$0.61 million), and the mailout (\$0.63 million).

At the beginning of April 2023, we sent Option information packs in English and te reo Māori (Te Ātiawa) to 512,000 Māori electors. The pack included a bilingual brochure with information about the Option and a bilingual form to allow electors to change from one roll type to the other, should they choose to do so.

We delivered the public information campaign from 31 March to 13 July, informing Māori voters about the change to the Option, how to take part, what it meant for them, and where to get more information.

Information was available online at vote.nz. Other resources, including posters and brochures, social media tiles, and digital assets, were produced in English and – for the first time – regional dialects (Te Ātiawa, Ngā Puhi, Waikato–Tainui, Ngāti Porou, Te Arawa, and Kāi Tahu/Ngāi Tahu). We received positive feedback on this approach from communities.

Advertising was placed across multiple channels to reach all eligible Māori, including television, online video, radio, press, out-of-home channels (that is, street posters and static and digital billboards), social media, online display ads, and Google Search.

We worked with media providers to help build understanding of the Option and what it means for Māori. Media we worked with included TVNZ, Whakaata Māori, Mai FM, and Pou Tiaki. We also worked with social media influencers Te Aorere Pewhairangi and Jaedyn Randell to help provide information about the Option to rangatahi (youth).

Temporary staff helped deliver information in the community alongside our permanent team. There was a mix of kanohi-ki-te-kanohi (face-to-face) event attendance, community requests for support, kura (school) and marae visits, and online forums. Most of these engagements were delivered in areas with high Māori populations, including the Far North, South Auckland, Te Tai Rāwhiti, Waikato, and Hawke's Bay.

This approach was supplemented by the recruitment of four contracted community providers working across seven regions where additional support was required. These providers had strong community networks and demonstrated skills in te reo Māori me ōna tikanga (protocols). The Commission also worked with the Pou Tikanga National Iwi Chairs Forum to support delivery of the Option campaign.

How well the Māori Electoral Option was communicated

A quantitative benchmark survey was undertaken in March 2023 to measure awareness and understanding of the Option before the start of the campaign and provide a benchmark for the post-Option campaign survey.

Our post-Option campaign survey tells us the campaign was highly visible and reached people across a broad range of ages, living in rural and urban areas, and across different education and income levels. Key messages were successfully delivered about making a choice, that there is mana in that choice, and when the choice needs to be made.

Following the campaign, understanding of the Option had increased, with 85% of respondents aware Māori could change from one roll type (up 11 points from baseline) and 53% aware that Māori can change roll at any time except 3 months before an election (up 20 points). The greatest increases in awareness were among wāhine (women), people in the North Island outside Auckland and Wellington and in the South Island, and people with undergraduate and lower education qualifications.

Results of the 2023 Māori Electoral Option

Electors were able to use the Enrol Online function on the Commission's vote.nz website for the first time as an alternative to completing and returning a paper form to exercise the Option (31 March to 13 July 2023). However, the level of uptake of the online service was lower for the Option than other enrolment transactions at 37.7%.

From 31 March to 13 July, around 40,000 voters of Māori descent changed rolls, enrolled for the first time, or updated their details:

- 14,587 changed rolls – 8,109 from the general roll to the Māori roll, and 6,478 from the Māori roll to the general roll
- 2,134 new enrolments occurred on the Māori roll and 1,108 on the general roll⁸

⁸ A correction was made after the statistics were initially released, resulting in one additional new enrolment on the Māori roll and one less updated details enrolment.

- another 22,135 voters of Māori descent did not change rolls, but updated their details such as their address
- 1,751 people of Māori descent came back on the Māori or general electoral rolls after being classified as dormant.

As at 13 July, 506,099 Māori were enrolled to vote: 259,872 (51%) on the Māori roll and 246,227 (49%) on the general roll.

3-month period before the election

In the 3-month period before the election (the exception period), Māori who were already enrolled could not change roll types.

Anyone of Māori descent not yet enrolled could still exercise their choice between the Māori and general roll, and from 14 July to 14 October there were:

- 11,282 new Māori enrolments on the general roll
- 14,732 new Māori enrolments on the Māori roll.

Some Māori voters already enrolled wanted to change rolls during the exception period, including on election day, and their roll changes were processed after the election. During this period:

- 10,670 people attempted to move from the general roll to the Māori roll
- 9,716 people attempted to move from the Māori roll to the general roll.

As Māori electors, including those on dormant rolls, were not able to change rolls during this period, this activity suggests work is still required to raise awareness that Māori who are already enrolled cannot change roll type during this time.

As the election came nearer, Māori enrolment activity increased from both new enrolments and people coming back onto the main rolls, for example, when they updated their address.

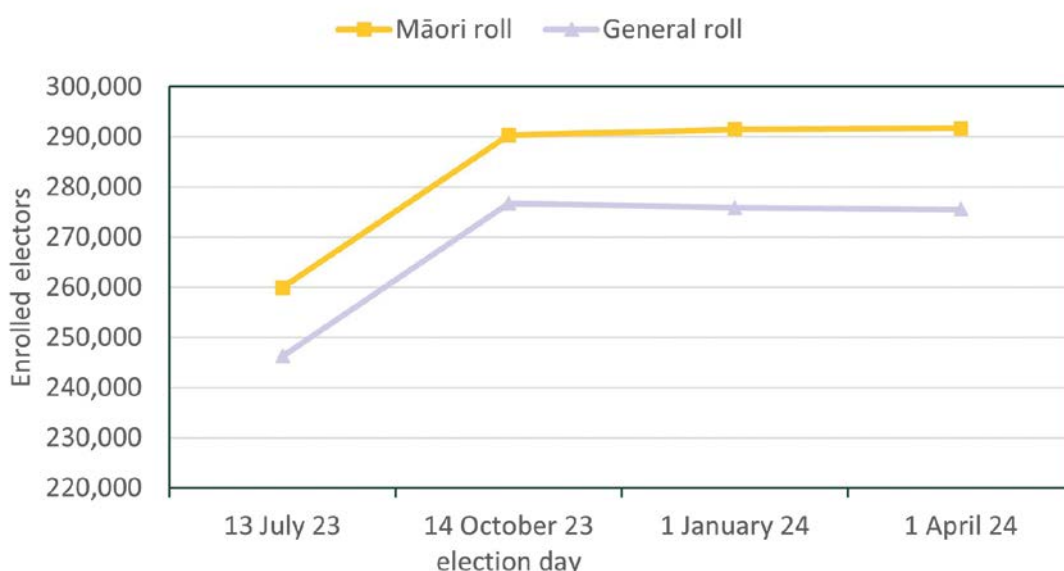
On 13 July, 506,099 Māori were enrolled on the general and Māori rolls. By the election, that had grown by almost 61,000 to 567,012. A similar number was enrolled when 1 April 2024 figures were provided to Stats NZ for the calculation of electorate seats (291,656 on the Māori roll and 275,520 on the general roll).⁹

⁹ We also provided Stats NZ with the number of Māori electors on the dormant general and Māori rolls.

The proportion of Māori on the Māori and general rolls has been consistent from 13 July 2023 to 1 April 2024 (see Graph 1). As of 1 April, 51.4% of Māori were on the Māori roll and 48.6% were on the general roll.

The proportion of Māori on the Māori and general rolls has been consistent from 13 July 2023 to 1 April 2024 (see Graph 1). As of 1 April, 51.4% of Māori were on the Māori roll and 48.6% were on the general roll.

Graph 1: Māori enrolment by roll type, July 2023 – April 2024



Challenges

Changes to the Option in late 2022 and tight timeframes for planning and delivery in early 2023 required significant resourcing to manage system changes, communications, and community engagement work during that period, an already busy time in the run-up to the election. It was a challenge to manage change, to effectively communicate those changes through a nationwide public information campaign, and to ensure competing priorities for the election were not adversely affected.

Māori received 2 separate enrolment-related pieces of correspondence in election year, the first for the Option and then the general election. As Option information must be sent to Māori electors at least 6 months before the general election and the triennial local elections, the Commission will look at the optimal timing of the enrolment update campaign for future elections. As well as reducing and simplifying the information sent out, there could be efficiencies in combining information sent about the Option with the enrolment update pack.

This would require further work to understand possible benefits and savings. We are also mindful we will likely need to plan for a transition away from postal communications on the Option in the future.

Weather events across the North Island in January and February 2023 (the Auckland flooding and Cyclones Hale and Gabrielle) affected electors of Māori descent living in affected areas. We gathered information from councils in those areas, along with insights on the ground from our staff, local partners, stakeholders, and public service entities to:

- make contact by phone or email with enrolled Māori electors living at red- and yellow-stickered addresses
- join other public sector agencies to provide an all-of government approach (for example, we joined a multi-agency road trip to heavily affected areas such as Wairoa, creating an opportunity for the community to engage with a variety of government services all at once).

When the Option changes were introduced, we understood the exception period (as it applied to local body elections) would apply to only the triennial local body elections. There is no exception period for local body by-elections. It has since been clarified that the Option exception period also applies to a triennial local body election held out of cycle, such as the 2024 Tauranga City Council election. Consequently, an Order in Council was made in relation to the Commission sending out information about the Option to Māori electors ahead of the Tauranga election scheduled for 20 July 2024.¹⁰

The Commission recommends Parliament considers whether the Commission is required to send Māori Electoral Option information to electors for an out-of-cycle triennial local body election that does not have a Māori ward or constituency.

Looking ahead

The Commission continues to provide information about the Option to Māori electors as part of its ongoing enrolment, community engagement, and communication activities.

We will next send Option information to Māori electors in the first half of 2025 ahead of the October local body elections.

¹⁰ The Option is important for voters living in Tauranga as the council has introduced a Māori ward.

WĀHANGA 4: Ko ngā ratonga ki a ngāi Māori

PART 4: Services for Māori

Improving services to Māori voters was a continuing focus for the Commission as it prepared for the 2023 General Election.

We looked at areas with historically low turnout and implemented a community-led approach to improve services and encourage participation in those areas. In areas of high Māori population this approach included:

- working with local Māori to identify appropriate voting places for their community
- employing local people to work in community engagement teams and at voting places
- working with national and local organisations with connections to communities.

Following a successful pilot in 2020, we also supported communities to run 15 bilingual Māori voting places where staff were fluent te reo Māori speakers.



Using regional dialects to make communications more effective

An important initiative from the Māori Advisory Team (established after the 2020 General Election) was a reo Māori regional dialect approach for important resources such as brochures and voting place posters for the 2023 General Election. This initiative involved identifying and using the most appropriate dialect for each of the seven Māori electorates as a way to connect with and speak to Māori authentically.

It was the first time we had adopted this approach. We received positive feedback, including from the Iwi Chairs Forum and Kaupapa Māori voting places, where information was appropriately written in their mita (regional dialects), enabling discussion and the building of positive relationships between the Commission and local organisations and Māori communities. We also received feedback that the approach does not adequately reflect iwi, hapū, or whānau boundaries and collectives and more recognition of hapū, iwi, and whānau autonomy from the Commission would be welcome.

Kanohi-ki-te-kanohi (face-to-face) engagement

To effectively promote understanding and participation and build trust and integrity in the electoral system, we need to build enduring relationships in ways that resonate with Māori communities. We used Māori networks, met in places of significance such as marae, kura, and wānanga, and demonstrated appropriate levels of knowledge around te ao Māori (the Māori world), tikanga (protocols) and te reo Māori.

We engaged across generations and used the influence of whānau on each other to encourage participation. Numerous whānau reported tīpuna (grandparents) and their mokopuna (grandchildren) participating together for the first time due to the influence and encouragement of each other to have their say.

By talking directly with communities, we gain valuable insights into what works, so we can tailor our messages and engagement approaches to resonate better with community interests.

Voting places accessible to Māori communities

It was a priority for us to provide voting places at the 2023 General Election that were of significance to local communities, easy to get to, and where people would feel comfortable voting. Voting place locations included 45 marae, 62 kura,¹¹ and 9 wānanga, as well as churches, community halls, sports clubs, and shopping areas. For Māori voters, that included enabling people to engage in the voting process in te reo Māori and ensuring the mana of Māori at any voting place would be upheld.

In 2023, the Commission had 15 Kaupapa Māori voting places, where Commission staff could take voters through the voting process in te reo Māori or English. The goal was to build voter trust and confidence in New Zealand's democratic process, leading to increased understanding and participation from Māori and other communities.

From groups involved in hosting Kaupapa Māori voting places, we heard about positive aspects to this approach, including:

- the acknowledgement of te reo Māori regional dialects having multiple positive impacts, including the growth and normalisation of te reo Māori
- our genuine approach being seen as relatable, acceptable, and demonstrating appropriate consideration of cultural protocols, with many taking the opportunity to vote in te reo Māori for the first time
- voters and whānau speaking passionately about how proud they were to have their own people working in the voting place
- rangatahi (youth) feeling empowered, supported, and comfortable to vote where staff were familiar to them or the same age as them
- the provision of manaakitanga (the process of showing respect, generosity, and care for others), in all forms, was crucial to the voter experience and satisfaction.

Areas for improvement were also identified and will be incorporated for the 2026 General Election.

¹¹ Kura includes dual medium mainstream, kura kaupapa Māori (tuatahi) (Primary), kura kaupapa Māori (wharekura) (Secondary Immersion) and kura-a-iwi (Tribal Medium School).

Voting place information and experiences

Voting place locations were available online at vote.nz. People could search and filter Kaupapa Māori voting places using an online map. A page contained information on kaupapa Māori voting, and users could choose to read the information in Te Ātiawa. The page also included information and links on the choice between the Māori roll and the general roll.

In our 2023 post-election survey of voters and non-voters, 77% of Māori voters rated the comfort and welcome they felt at the voting place as excellent (73% in 2020). Ninety-two percent of Māori said the amount of time it took to vote was reasonable, compared with 93% for the overall population.

As noted in Part 3, just over 20,000 Māori voters who were already enrolled wanted to change rolls during the exception period, including on election day. This may have contributed to reports that some Māori voters received incorrect voting papers, as they may have thought that their request to change rolls had been processed.



Key statistics

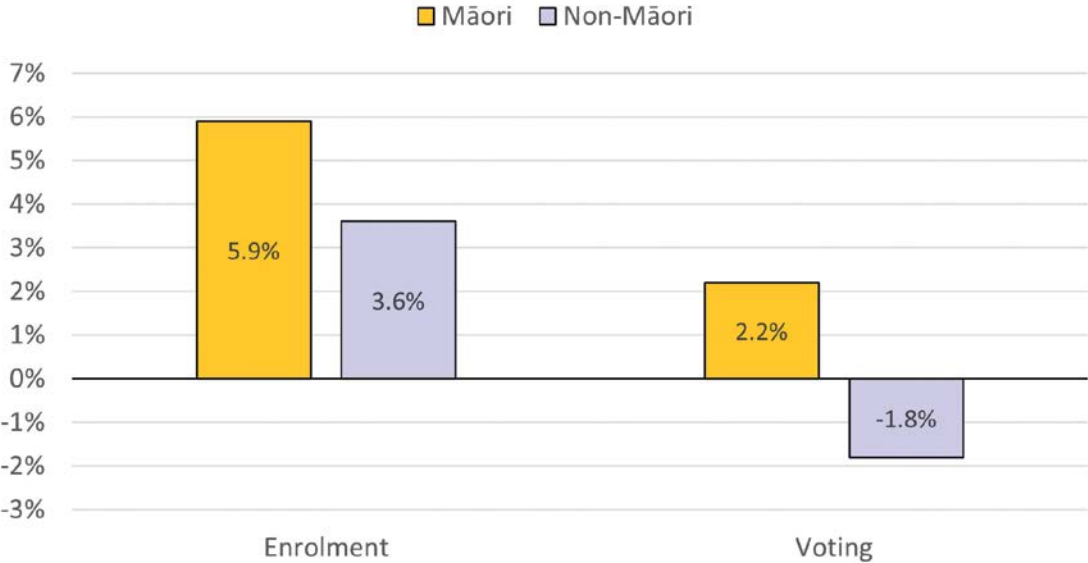
Compared with the previous election, the number of enrolled electors of Māori descent increased, specifically in the age groups 30 to 34, 65 to 69, and 70+ (which recorded 12.9%, 16.6%, and 19.7% increases respectively). A breakdown of the number of electors by age is in Table 3.

Table 3: Electors enrolled by age of Māori and non-Māori descent, 2023

Age group	Māori descent	Non-Māori descent
18–24	77,669	249,329
25–29	65,902	227,296
30–34	64,904	274,743
35–39	54,033	274,289
40–44	47,808	262,379
45–49	46,937	248,938
50–54	49,274	273,659
55–59	43,764	263,465
60–64	41,388	265,399
65–69	30,186	231,510
70 and over	45,147	550,273
Total	567,012	3,121,280

Graph 2 compares changes in enrolment and voting from 2020 to 2023, by descent. Compared with the previous election, there was a higher increase in enrolment for people of Māori descent than non-Māori descent (5.9% compared with 3.6%). When it comes to voting, voters of Māori descent increased by 2.2% while non-Māori descent voters decreased by 1.8%, suggesting a positive response from Māori to our pre-election activities. While turnout for Māori electors is still lower than for non-Māori, the positive change in Māori voting behaviour in 2023 has narrowed the gap in turnout between Māori and non-Māori to the smallest in four elections.

Graph 2: Change in enrolment and voting by descent, 2020–2023



WĀHANGA 5: Ko te Rēhītatanga

PART 5: Enrolment

Voters need to be enrolled to take part in parliamentary elections. The Commission is responsible for enrolling voters and keeping their details up to date.

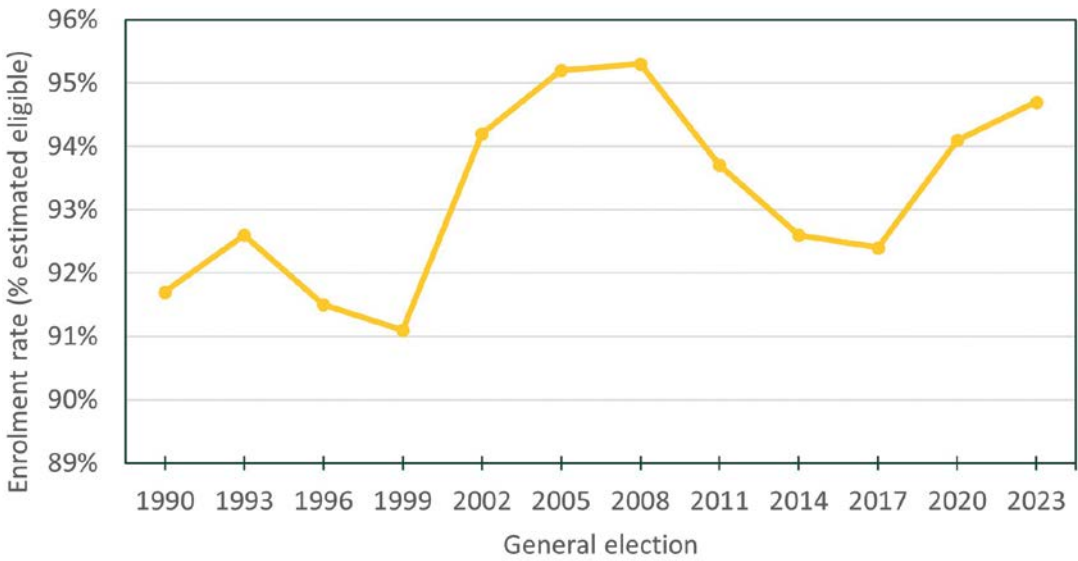
Growth of enrolment

At the 2023 General Election, 94.7% of the estimated eligible voting population was enrolled to vote (compared with 94.1% in 2020 and 92.4% in 2017 – Graph 3). Most people (90%) felt they had a good or very good understanding of the process for enrolling, including how to enrol, which was similar to previous elections (92% in 2020 and 90% in 2017).

At the start of the enrolment update campaign on 31 July, there were 3,431,451 electors. There was a net increase of 256,841 electors to 3,688,292 by election day on 14 October, equating to a net increase of 7.5%. We received 909,406 enrolment-related applications, made up of voters who were registering to vote or updating their details, which is a similar total to 2020 (1,014,837). However, about two-thirds of these transactions were after the rolls closed at writ day, with about 110,000 enrolment transactions completed on election day.

The increasing trend of later enrolment activity, particularly when voting, had a flow-on impact on the number of special votes and the time taken to declare the results, as discussed in Parts 6 and 7.

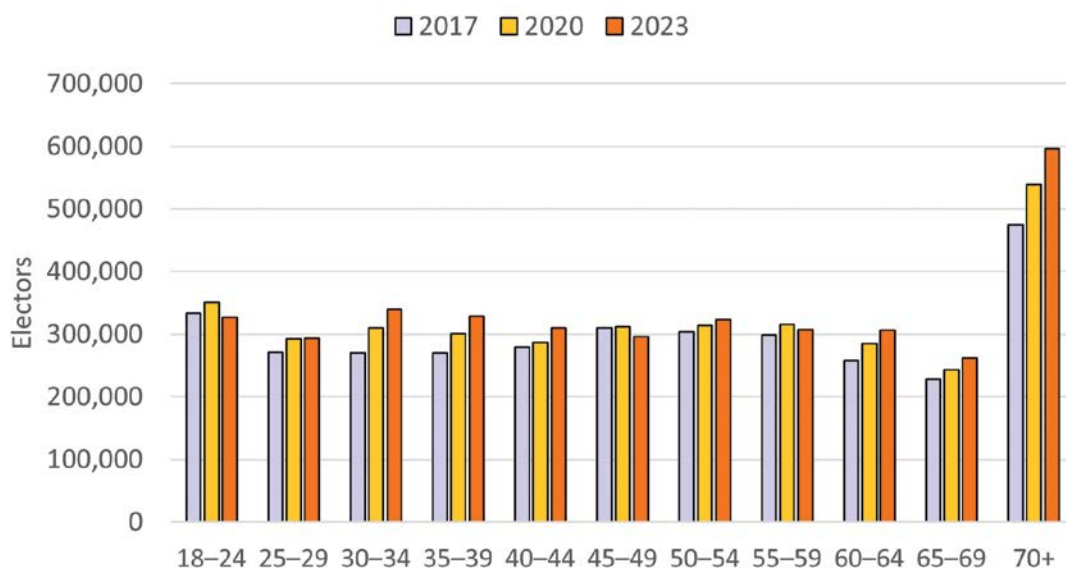
Graph 3: Enrolment as proportion of estimated eligible population, 1990–2023



Enrolled electors by age

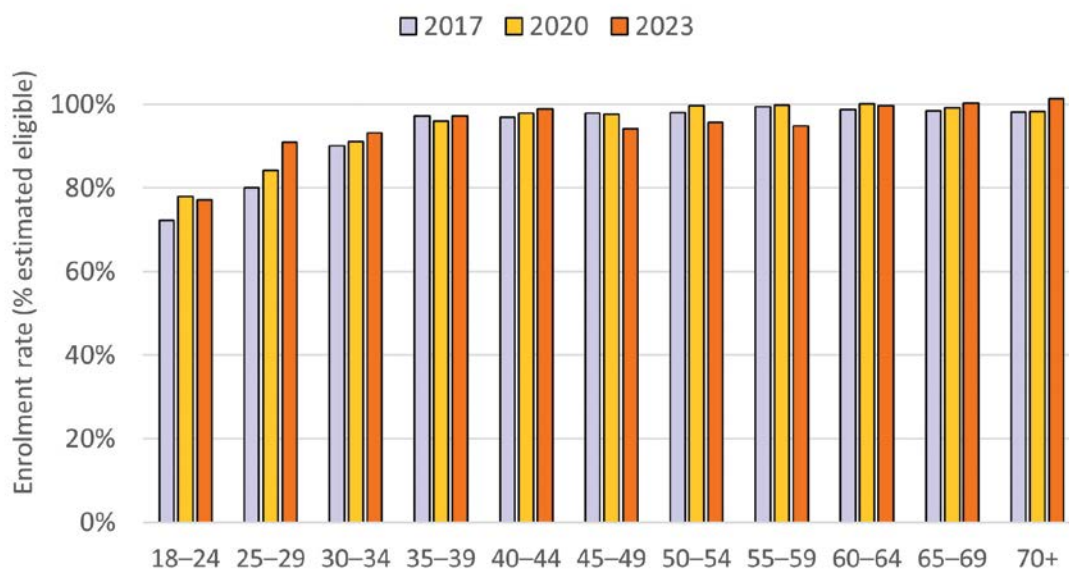
Of the 3,688,292 New Zealanders who enrolled to vote, 16.1% (595,420) were aged 70 or over (see Graph 4). The group aged 25 to 29 experienced the largest increase in the proportion of eligible electors enrolled, increasing 6.7% on the 2020 General Election (following a 4.2% increase on the previous election). People aged 70 and over increased by 3.1%, the second largest election-on-election increase in 2023.

Graph 4: Enrolled electors by age group, 2017–2023



Engaging youth (18 to 29 years) was a focus for us in the 2023 General Election. Our work to increase youth enrolment paid off, with 83.1% of youth enrolled compared with 80.7% in 2020 and 75.6% in 2017 (see Graph 5).

Graph 5: Enrolment rate by age group as percentage of estimated eligible voters, 2017–2023



Note: The percentage enrolled may go over 100% of the estimated eligible population due to population increases or movements between the annual update of estimated eligible population figures and the time of the election.

Māori enrolment on the Māori or general roll

From the start of the enrolment update campaign to election day, Māori enrolment on the Māori and general rolls increased by 60,778 (from 506,234 to 567,012). A more detailed breakdown is in Part 3.

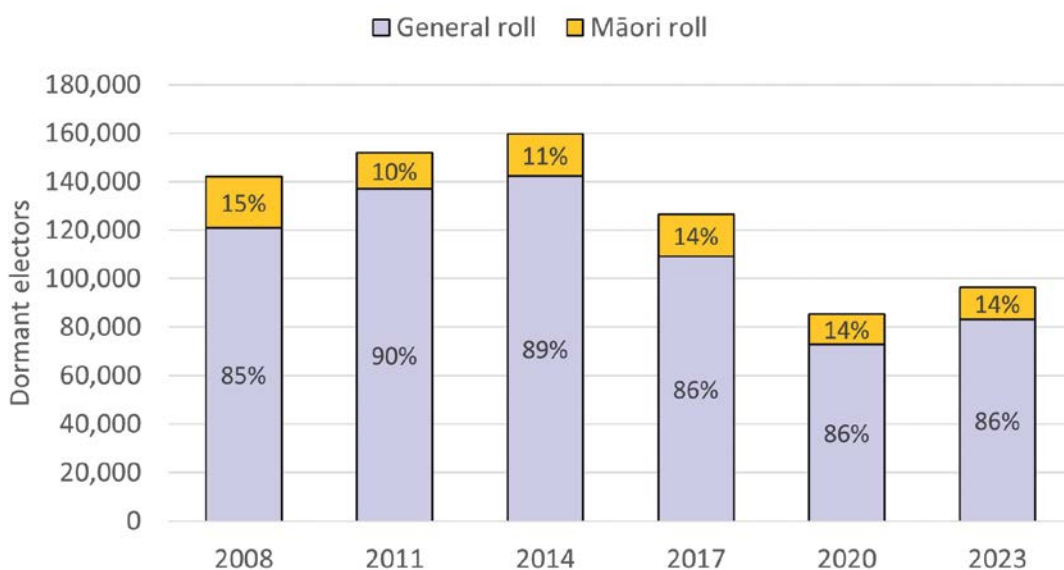
Electors on the dormant roll

Where an elector no longer lives at an address and has not updated their enrolment details, they must be removed from the main roll for their electorate and placed on the dormant roll.

Where possible, we contacted electors on dormant rolls by text message in the run-up to the election to explain how to update their details. A total of 77,309 people moved from dormant rolls to the main roll between 31 July 2023 and election day.

While the number of people on the dormant roll has been declining over recent elections, this election saw a slight increase from 85,332 in 2020 to 96,406 in 2023. Of these, 83,220 were on general dormant rolls and 13,186 were on Māori dormant rolls. The change in the proportions of electors on dormant rolls by roll type is shown in Graph 6.

Graph 6: Electors on dormant rolls by roll type, 2008–2023



More voters enrolling later

Overall, we are seeing a growing trend of voters enrolling after writ day, often at the same time as voting. This trend was reversed slightly in 2020 as the enrolment update campaign was extended 4 weeks, because of the change to the election date from September to October. In 2020, 57% of enrolment applications were received between the start of the enrolment update campaign and writ day, meaning these electors could cast an ordinary vote. This percentage decreased to 34% in 2023. The decline aligns with the continuing trend of more voters leaving enrolment until closer to the election, with significantly more wanting to enrol and vote at the same time.

We saw a pronounced shift in the number of enrolment transactions during the voting period (2 to 14 October), an increase of 46% from the 2020 General Election. The 110,000 people who enrolled or updated their enrolment details on election day, represents an increase of over 37% on the 2020 General Election when election day enrolment was introduced.

Our planning assumption for the number of enrolment transactions during the voting period was 319,000, based on a modest increase in voters wanting to enrol and vote on election day, but those wanting to enrol during the advance voting period would not significantly increase. The shift in voter enrolment behaviour from 2017 to 2023 is illustrated in Table 4.

Table 4: Timing of enrolment transactions, 2017–2023

	2017		2020		2023	
Enrolment timeframe	Enrolment transactions	Percentage total transactions	Enrolment transactions	Percentage total transactions	Enrolment transactions	Percentage total transactions
Enrolment update campaign start to writ day	278,281	48%	579,745	57%	306,952	34%
Period correlating to special votes						
Day after writ day to start of voting period	100,525	17%	124,621	12%	148,514	16%
Voting period	202,173	35%	310,471	31%	453,940	50%
Subtotal of enrolment applications from writ day	302,698	52%	435,092	43%	602,454	66%
Total enrolment transactions	580,979		1,014,837		909,406	

The volume of enrolment related applications during the voting period in 2023 meant the processing of them took longer to complete than in previous elections. Our planning assumption was for all enrolment applications for the election to be processed by 19 October, but they were completed on 25 October. If this trend to continues, it has implications both for the number of special votes and post-election processes (see Parts 6 and 7).¹²

If voters are enrolled before writ day, it takes less time for them to vote, although some may prefer the option to enrol or update their enrolment while voting. We will explore ways to make it easier for voters to enrol earlier. Some of these changes will require a commitment to and investment in legislative, service delivery, and system changes – phased in over several election cycles. Options for this and improving enrolment services are outlined below.

¹² A special vote is a cast by a voter whose name cannot be marked off an electoral roll at a voting place or who votes somewhere else (for example, at home or from overseas), and has to complete a declaration that is witnessed. A special vote is also referred to as a special declaration vote.

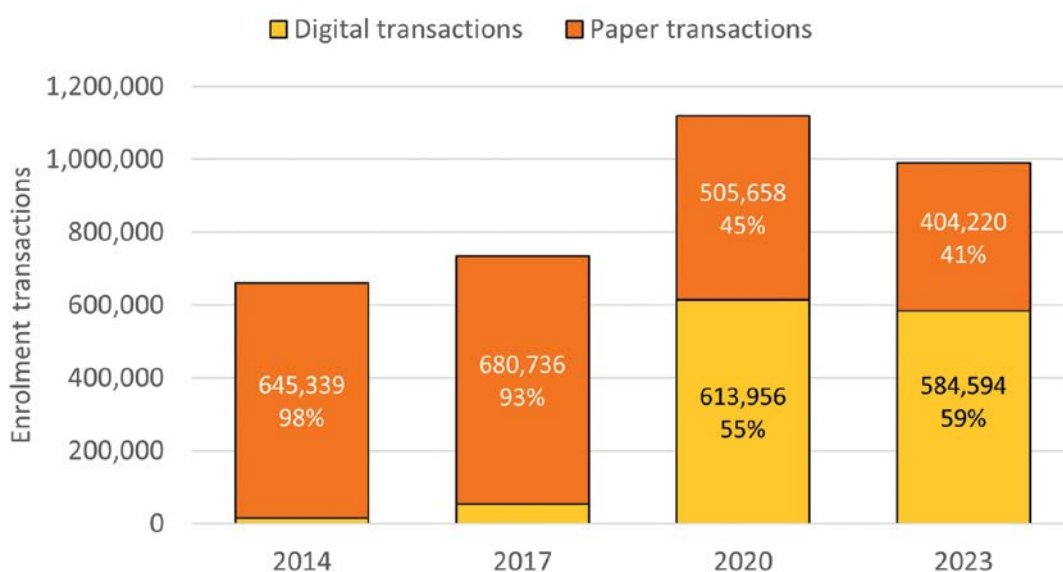
Efficient and effective enrolment services

Electors increasingly prefer to transact digitally

Our enrol online service allows people to enrol or update their details using their New Zealand driver licence, New Zealand passport, or RealMe ID as proof of identity. Digital transactions now account for 59.1% of all monthly transactions, demonstrating electors' increasing preference to transact digitally. For electors who updated their details during the campaign or voting period, less than half (46.5%) of Māori electors used digital enrolment compared with 61.9% of non-Māori.

Graph 7 compares enrolment transactions in the 6 months to the end of election day. In 2020, digital enrolment transactions increased considerably to 613,956 from 54,323 in 2017. This increase was a result of changes to the enrol online service in 2019 to make it easier for New Zealanders to enrol and update their details online,¹³ with digital transactions increasing to 59% of enrolment transactions in 2023.

Graph 7: Enrolment transaction by type, in the 6 months to election day, 2014–2023



While digital enrolment transactions are increasingly becoming the channel of choice, the law requires enrolment correspondence from the Commission to be sent by post or personally served.

¹³ Before 2019, New Zealanders could verify their identity only by using RealMe. In 2019, the service was changed to allow for identity verification using a New Zealand driver licence or New Zealand passport.

Address verification requires multiple posted letters

As eligibility to enrol is partly based on where a voter lives, we are required to verify voters' addresses by sending a letter when a person enrolls or updates their enrolment details.¹⁴ If the correspondence cannot be delivered or is returned 'gone no address', the Commission is required to investigate further to obtain correct details or remove the elector from the roll.

The diagram on the next page highlights when the Commission, by law, must post correspondence to an elector.

The diagram shows the Commission sends enrolled electors (currently 3.7 million) a minimum of three letters in a 3-year period. The number of letters increases to five for electors of Māori descent who are sent information packs at least 6 months before the general election and 3-yearly local elections. Anyone who needs to update their enrolment details receives additional correspondence.

Changes to postal services have resulted in significant printing and postage cost pressures and longer delivery times. Postage rates for the Commission have increased by 64.4% since 2020.

More effective communication with the public

We need more efficient, effective, and timely ways to communicate with the public, and communication under the rules in the Electoral Act is unsustainable. Legislative changes are needed so we can use alternative methods while maintaining roll accuracy and integrity.

The Commission undertakes data matches with Ministry of Social Development, driver licence, vehicle registration, and passport information to identify individuals who are not enrolled or whose enrolment details are out of date.¹⁵ The Commission may contact a person only by post because the data match disclosure provided for in the legislation is restricted to address and does not allow email or phone contact details to be provided to the Commission. Not only do we have to send a letter to the elector following a data match, but the elector needs to sign and return a form or update online before any change can be made, which in turn generates further confirmation correspondence.

The benefits of these processes have declined relative to their costs and response rates. Alternative options are necessary to increase earlier enrolment and to reduce special votes and pressure on the official count. There is a case for the Commission being able to carry out enrolment updates using existing government-held information and digital channels.

Changes in international postage services also mean the current requirements for postal correspondence to electors who live overseas are inefficient and are increasingly taking longer.

¹⁴ Sections 89A, 89B, 89C, and 94A of the Electoral Act 1993. See also sections 78, 87, 95A, 96, and 99 of the Electoral Act 1993.

¹⁵ See sections 263A and 263B of the Electoral Act 1993.

Posted correspondence between electors and the Commission



SITUATION EXAMPLE: An unenrolled elector is picked up in a data match

1. We have to write to the unenrolled elector saying we require them to enrol.
2. If the unenrolled elector enrolls, we have to send them a confirmation letter.
3. If a further enrolment change is made by the elector, we have to send them a confirmation letter.

2023
EasyVote card

12. We send the EasyVote pack with information about voting places.[^]

10. We have to send an enrolment update pack for the general election.
11. If someone sends back an enrolment update, we have to send confirmation correspondence.



4. We have to send Māori Electoral Option correspondence before the local body election.
5. If any change is made we have to send a confirmation letter.



6. We have to send an enrolment update pack for local body elections.
7. If someone sends back an enrolment update, we have to send them a confirmation letter.

8. We have to send Māori Electoral Option correspondence before the general election.
9. If any enrolment update is made, we have to send them a confirmation letter.



Note: Section 89DA of the Electoral Act 1993 enables the Commission to send information to Māori electors by any means the Commission considers appropriate. However, the information that section 89DA requires to be sent means text messaging and email may be impractical. Significant changes are also needed to the enrolment system so the Commission can manage digital correspondence preferences for a fully automated process.

[^] The EasyVote pack and the method for providing voters with information to prepare them to vote is not mandated in legislation. Significant operational change is needed to be able to provide a digital option for electors the Commission has cell phone numbers for. Although savings could be achieved in the longer term, upfront investment in the technological solution would be needed

We recommend the Commission be allowed to communicate enrolment information to overseas electors digitally. In conjunction with this proposal, Parliament may want to consider whether electors who live overseas should, for integrity reasons, be required to re-enrol every 3 years (for New Zealand citizens) or 12 months (for New Zealand permanent residents). Currently, an elector living overseas remains on the roll until they notify us otherwise.¹⁶

Multiple mail outs of enrolment updates for local body elections, the Māori Electoral Option, and general elections are not financially sustainable. More cost-effective and timely ways are needed to ensure voters get the information they need, and to enrol or update their details.

Enrolment and voting information can be communicated by email, SMS, web channels and other digital ways. A transition away from a reliance on post will be needed over time, carefully bringing more electors into these channels with paper-based back-ups for those who do not use digital means of communication. The Commission has email addresses for 56.6% of electors on the main roll and mobile phone numbers for 76.9% of electors on the main rolls.

Short-term and longer-term change

Changes to enrolment confirmation methods can be implemented relatively quickly once legislative change is made. However, new methods that require complex change are difficult to embark on in the absence of funding and enabling legislation that permits such methods to be used. These methods include making better use of other government data to keep elector details up to date and implementing automatic enrolment, automatic updating, and alternatives to the nationwide enrolment inquiry and Māori Electoral Option provisions.

Running a nationwide enrolment inquiry ahead of each general election and the triennial local elections ensures roll accuracy and integrity. Australia provides an example of an enrolment system that uses comprehensive data matching to keep rolls updated to a very high level, rather than running postal-based update campaigns. It is timely for Parliament to consider how the rolls should best be maintained longer term.

An automatic enrolment update for a registered elector of Māori descent could be undertaken using information held by a government agency, based on the roll choice the elector has already made and communicated to the Commission.

However, for a new enrolment, the implications for the Māori Electoral Option need to be considered. An elector of Māori descent can choose whether to enrol on the Māori roll or the general roll. As this choice cannot be made using other government information, consideration would need to be given to how the elector could be enrolled and how the provisions allowing and restricting the exercise of the Option would apply. This is likely to be contentious, and we note that automatic enrolment was not supported by the Independent Electoral Review because of the Option issue.

¹⁶ By comparison, the United Kingdom requires voters living overseas to renew their registration every 3 years. If they do not renew their registration, they are removed from the register and must make a fresh application to vote.

The Commission recommends Parliament considers a longer-term legislative modernisation programme, which will require funding to provide for additional flexibility and/or conditions in which electronic means are allowed, including:

- allowing an enrolment update to be made for an existing elector following a data match, with either postal or electronic confirmation (for example, a change of address)
- allowing electronic confirmation for a new enrolment, including any conditions (for example, only if a person has enrolled online and verified their identity using RealMe, a driver licence, or a passport)
- allowing, if a data match identifies a person who is not enrolled, a new enrolment to be actioned automatically with either postal or electronic confirmation sent to the elector and clarifying how the Māori Electoral Option provisions would apply in this situation
- enabling alternative forms of enrolment inquiry to be undertaken by digital methods, such as email
- amending the data-matching provisions in section 263B of the Electoral Act to allow the Commission to receive email and phone numbers to enable electronic communications to encourage enrolment
- allowing electronic confirmation for any update of an existing elector's enrolment record completed online or in writing
- allowing overseas electors to be sent electronic correspondence for enrolment update campaigns, to confirm a new enrolment, or for an enrolment update
- for integrity reasons requiring electors who live overseas to re-enrol every 3 years (for New Zealand citizens) or 12 months (for New Zealand permanent residents).

Reviewing enrolment communication with electors once voting starts

The Electoral Act requires the Commission to send electors correspondence by post to confirm an enrolment or an enrolment update (for example, if an elector has moved address). Dual vote investigations undertaken during the official count indicate that a small number of electors who complete an enrolment or enrolment update when they vote and subsequently receive correspondence confirming the update, vote again, resulting in their votes being disallowed.

The Commission will review the content of communications and the systems for generating correspondence likely to be received during the voting period.

Privacy and management of roll data

Fields in enrolment update correspondence

Enrolment update correspondence must contain all the elector's details from the application to enrol, including honorifics and occupation. The Commission has complaints from electors after each mailout (including the 2022 local election update mailout) raising privacy concerns that the correspondence contains too much personal information, including date of birth and occupation.

The most important details to update are the name and address, if changed. The Commission recommends the current compulsory fields in the enrolment update be able to be modified to those that relate to ongoing eligibility.

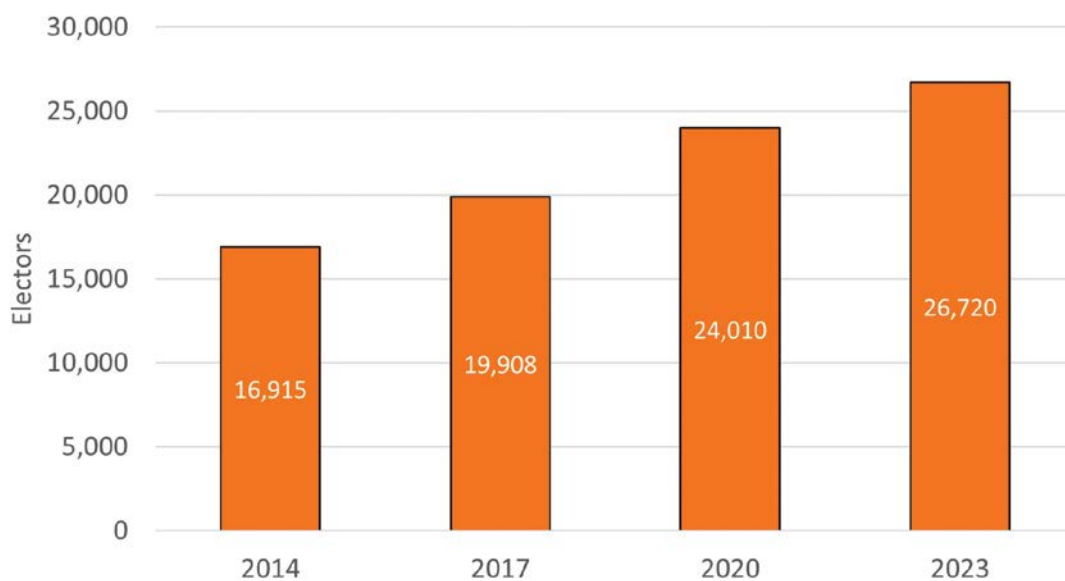
The Commission recommends Parliament considers a review of the enrolment update requirements in section 89D of the Electoral Act to ensure only necessary information is collected for roll integrity.

Electors on the unpublished roll

Electors on the unpublished roll need to cast a special vote because their name and address cannot appear in the printed roll used to issue ordinary votes in the voting place for safety reasons. This makes the voting process harder and more time-consuming for the voter. They must fill in a statutory declaration, which can be a source of apprehension. The number of electors on the unpublished roll is gradually increasing (see Graph 8). At the time of the 2023 General Election, there were 26,720 unpublished electors.

Allowing the use of a unique identifier that protects electors' personal safety to enable an unpublished elector to be marked off the roll in the voting place and cast an ordinary vote, would benefit electors and reduce the numbers of special votes by an estimated 23,000.

Graph 8: Electors on the unpublished roll, 2014–2023



This initiative needs to be managed sensitively to avoid further complicating the vote issuing process and would require significant development and testing. If this change were to be pursued, it would make sense to do so alongside other changes that might be considered such as electronic roll mark-off.

The Commission recommends Parliament considers changing the legislation to enable unpublished electors to be issued an ordinary vote using a unique identifier on the roll, should funding for this become available in the future.

Sale of printed rolls and habitation indexes

The printed rolls and habitation indexes are made available for inspection at the Commission's offices and public libraries. Allowing access to rolls serves an important integrity function. However, access to the rolls must be balanced with the need to protect personal information on the roll that New Zealanders are required to provide.

The sale of rolls and habitation indexes to anyone for any purposes is contrary to the privacy principles in the Privacy Act 2020 and risks undermining electoral participation and public confidence that voters' personal information is kept safe.

The Commission recommended in its reports on the 2014, 2017, and 2020 elections the Electoral Act be amended to remove the rolls and habitation indexes from general sale. The Justice Committee in its report on the 2017 General Election recommended this review and that it be conducted in conjunction with the Privacy Commissioner. We would support such a review.

In the Commission's view, allowing any person in New Zealand or overseas to purchase a printed copy of the roll (listing electors' name, address, and occupation if specified) and use it for any purpose is inconsistent with the privacy principles and contemporary understanding of the appropriate handling and use of personal information. Contrary to their primary purpose, the rolls are mainly purchased by businesses, media organisations, and private investigators and used for debt collection, marketing, and other ancillary purposes.

There are restrictions on the digitisation of a paper roll, but once sold, or where rolls are available for inspection in unsupervised locations, digitisation may be occurring.

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 be inspected only at an office of the state Electoral Commission.

The Commission recommends Parliament considers removal of electoral rolls and habitation indexes from general sale except to MPs, parties, and candidates for electoral purposes.

Production and sale of Index to Places and Streets

The Commission works with Land Information New Zealand (LINZ) to produce the Index of Places and Streets, habitation indexes, and up-to-date address information for electors who move into new developments or properties.

The Electoral Act does not make any provision for the Commission to share elector address information with LINZ. We recommend an express provision specifies what information the Commission may provide to LINZ to assist with the maintenance of the rolls and habitation indexes under Part 5 of the Act.

The Index to Places and Streets is available electronically on the LINZ website.¹⁷ However, section 42 of the Electoral Act still makes reference to the sale of indexes and a role for the Commission in determining where they can be sold and inspected. This is obsolete because the information is available free online.

The Commission recommends Parliament considers removal of reference in section 42(2) of the Electoral Act to the sale and inspection of the Index to Places and Streets, and clarification of the address information the Commission can share with Land Information NZ for enrolment purposes.

¹⁷ Toitū Te Whenua | Land Information New Zealand. 2023. Index to Places and Streets 2023. www.linz.govt.nz/products-services/data/types-linz-data/road-address-and-places-data

WĀHANGA 6: Ko te pōti me te tokomaha kaipōti

PART 6: Voting and turnout

The 2023 General Election saw a continued high level of participation by New Zealanders (78.2% of enrolled electors, compared with 82.2% in 2020 and 79.8% in 2017). To facilitate participation, we delivered an extensive variety of voting services, both in New Zealand and overseas.

The Commission's statutory functions include providing information about voting places and the names of the parties and candidates contesting the election. In 2023, we provided EasyVote packs to make it easier for people to vote.



EasyVote

EasyVote packs are posted to electors in the run-up to the election (about 3.4 million in 2023), helping them to get ready to vote. The main component of the pack is a personalised EasyVote card that helps staff in the voting place to quickly find the voter on the printed roll when issuing their vote. In 2023, each pack also included voting place locations, a brochure explaining how to vote, the candidates for the voter's electorate, and the party lists.

While the packs contain useful information to assist voters, they don't need to have received an EasyVote pack to vote. We encourage voters to use their EasyVote card to make voting quicker and simpler – we estimate it's 40% faster to issue a vote if a voter brings their EasyVote card with them.

Three-quarters (75%) of those who voted in 2023 took along their EasyVote card (compared with 82% in 2020 and 80% in 2017). Of those who received their EasyVote pack, 79% found it to be useful (88% in 2020 and 85% in 2017). Most electors (82%) were aware they could vote without their EasyVote card.

Time needed for EasyVote packs

Producing 3.4 million personalised EasyVote packs is a large operation – for us, our print providers, and NZ Post – that can only start after nominations close.

Concerns were raised about how long it took voters to receive their EasyVote pack in 2023. We provide a lot of information in the pack, which increases complexity and reduces the speed of pack production. Changes to postal services since 2017 have also affected delivery timeframes.

We addressed this in 2020 and 2023 by progressively sending out the packs by electorate as they were produced, rather than waiting till they were all produced as we had done in 2017 (see Table 5).

The end date of the delivery of the main run of EasyVote packs in 2023 was the same as in 2017. This was 6 days later than in 2020, where the packs contained referendum material that could be printed before nomination day but did not contain party lists or lists of voting place locations.

Table 5: EasyVote timeframes, 2017–2023

Days to election		2017	2020	2023
29		Nomination day – EasyVote data extracts	Nomination day – EasyVote data extracts, party list production starts	
28		EasyVote letter and candidate list printing, insertion, and mail processing begins	EasyVote letter and candidate list printing begins	
26			Insertion and mail processing begins	
25	Nomination day – EasyVote data extracts, party list production starts	EasyVote delivery starts (released progressively)		
24			EasyVote delivery starts (released progressively)	
23	EasyVote letter printing begins			
19	Insertion and mail processing begins			
15	EasyVote delivery starts (released progressively)			
14		Advance voting begins		
12	Advance voting begins			Advance voting begins
11		Main run delivery complete		
5	Main run delivery complete			Main run delivery complete
0	Election day	Election day	Election day	Election day

Replacement packs

After the packs were produced, in a handful of packs in three electorates, an error was identified, where a small number of voting place lists were inaccurate. We reprinted all the packs in these electorates to ensure everyone received the correct information. As a result, the delivery of these packs was completed by 12 October, 3 days later than the final delivery dates for the other packs. We will review our quality assurance processes to avoid future production errors.

A small number of EasyVote packs were damaged by rain during severe weather events during the election period. A letter and information pack were produced for these voters, which could be used instead of the EasyVote card.

Future of paper-based delivery

EasyVote cards have been used since the 2002 General Election. With further reductions in postal services likely and increased printing, postal, and mail production costs, the paper-based method of delivery needs to be reconsidered. This, in combination with the scale and timeframes we need to meet, means it is increasingly impracticable for the current content of the EasyVote pack to be physically delivered to all electors. This raises similar issues to those with enrolment correspondence, and we are looking at how we can best provide this information to voters in a timely and efficient manner. Options may include sending out packs with only the EasyVote card and making other information available digitally or progressively moving towards providing information through electronic means for those who opt in.



Voting services

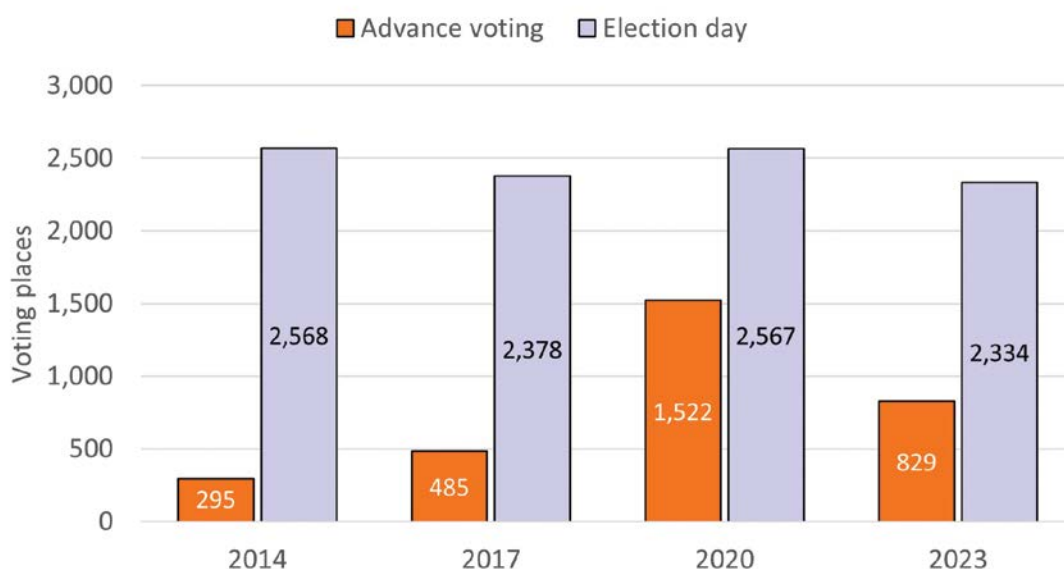
The Commission's strategic approach to delivering voting services is community led. Voting services are most effective when the community is at the centre of the voting experience. We recognise every community and electorate is different and need to tailor voting services to meet the needs of all voters across the country.

Number of voting places

As New Zealand's population continues to grow, the number of voters increases. Overall, the number of voting places for the 2023 General Election was comparable with the 2017 election. However, we provided more advance voting services than in 2017 in response to community demand and a trend towards more voting in advance. The overall approach meant more voters per voting place, which, combined with the increase in special votes, may explain why voters reported an increase in queue times.

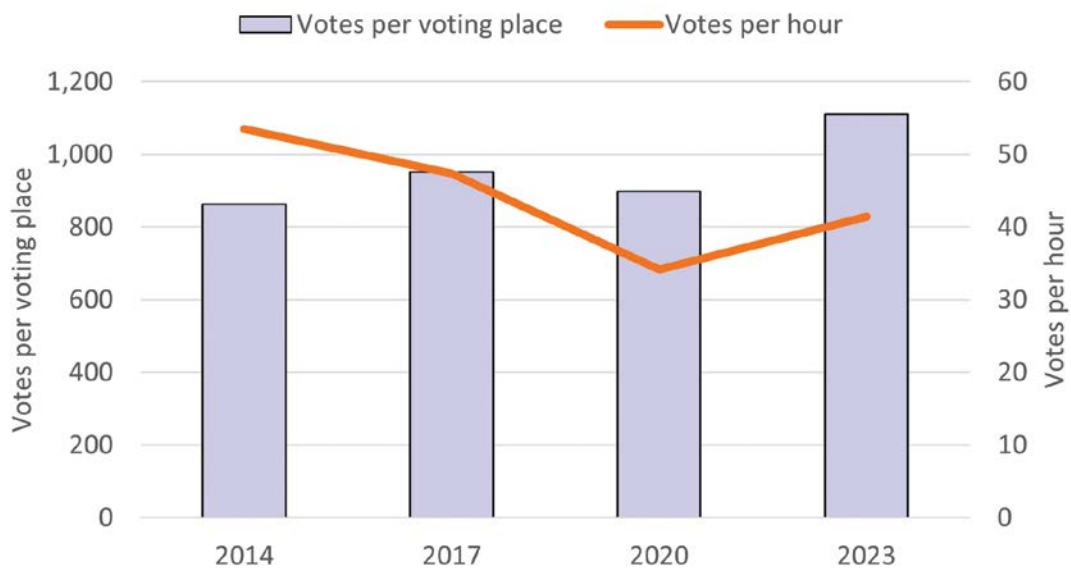
In 2020, the number of voting places increased during advance voting and on election day because of public health measures to protect voters and staff (see Graph 9).

Graph 9: Number of voting places, 2014–2023



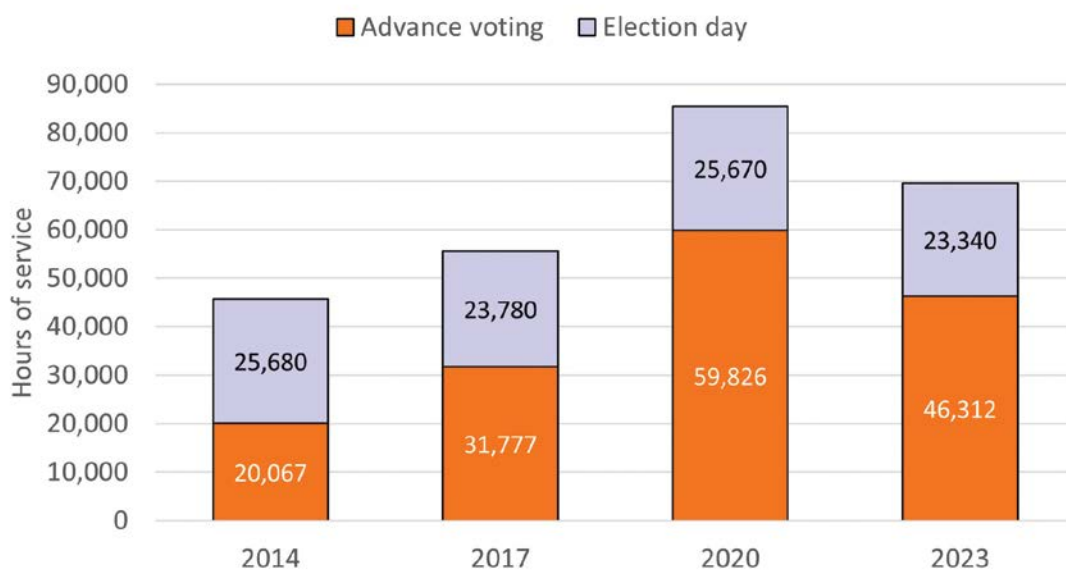
The number of votes taken per voting place in 2023 increased from previous elections (up 17% compared with 2017 and up 24% compared with 2020). In addition, the continued trend for greater numbers of special votes issued at each election means the number of votes issued per hour was down 13% from 2017 as special votes take longer to cast. We would expect our issuing rate to increase, particularly in busy voting places, if the number of special votes reduces. Compared with 2020, the number of votes issued per hour in 2023 was up 21% due to 2020 having two referendums to vote on and COVID-19 protocols in voting places. (See Graph 10).

Graph 10: Votes taken per voting place and votes issued per hour, 2014–2023



For the 2023 election, we provided more hours of voting than in 2017 (see Graph 11). In 2020, the Commission received additional funding so we could provide significantly more advance voting hours to enable social distancing in response to COVID-19 requirements.

Graph 11: Voting place hours, 2014–2023



Selecting voting places

When selecting voting places, we consider how best to meet community needs, which is informed by communities' feedback. Every voting place is assessed for suitability, and criteria include the convenience of locations, suitable operating times, shared electorate voting (offering an ordinary vote based on the likely demand from voters in the surrounding region), political neutrality, disability and mobility access, storage, and security.

We provide all registered political parties with a list of proposed voting places for consultation before they are finalised.

A diverse variety of voting places were assessed and secured, including malls, supermarkets, marae, schools, tertiary institutions, community centres, sporting venues, churches, mosques, temples, and other community spaces. As part of this work, 15 Kaupapa Māori voting places were secured where people could go through the voting process in te reo Māori.

In response to low voter turnout patterns for Māori voters in Auckland, we engaged with local contacts, who recommended we use Manurewa, Papakura, Ruapōtaka, and Ōrākei Marae.

Concerns were raised about the selection of Manurewa Marae as a voting place. Various government-delivered and government-funded services are delivered from this marae, which made it a well-known location in the community. We were aware of a candidate's involvement with marae management during the selection process. Before agreeing to use the venue, we secured agreement the candidate would not enter the voting place other than to vote. We were provided with an alternative designated contact person and ensured marae staff were aware of the rules regarding election advertising. Despite these arrangements, some people questioned the political neutrality of this venue. We will be reviewing our guidance on political neutrality in the selection of voting places.

Activity at voting places

While campaigning is not allowed on election day, campaign activity is only restricted to within 10 metres of the entrance to advance voting places. Activity by parties, candidates, and their supporters near advance voting places may not be contrary to the rules but often results in complaints or concerns being raised with us.

The Commission received complaints about the provision of food and other activities at Manurewa Marae while the voting place was in operation. Anyone who gives or provides food, drink, or entertainment is liable for prosecution for the corrupt practice of treating, if done 'for the purpose of corruptly influencing' a person to, generally put, alter their voting behaviour or procure the defendant's election.¹⁸

We advised management at the marae that food and activities could be provided to everyone coming to the marae, for the purposes of manaakitanga (the process of showing respect, generosity, and care for others). Based on the information we had, we did not consider this would meet the test for treating.

The offence of treating has existed in electoral legislation since the 1850s and pre-dates the secret ballot. There are complex cultural considerations in providing food and drink. Parties and candidates want greater certainty about what is allowed and where manaakitanga fits in. The treating offence in the Electoral Act and case law do not allow the Commission to provide

¹⁸ Section 217 of the Electoral Act 1993.

that level of certainty. One solution would be to clarify that parties and candidates can provide only a non-alcoholic beverage and a light snack in the context of a meeting and that this is all that is allowed during the regulated period.

The Commission recommends Parliament reviews the treating offence in the Electoral Act to consider whether greater clarity can be provided, including cultural considerations.

Additional convenient locations

For 2023, we continued to provide voting places in locations convenient to voters, such as shopping centres, some Foodstuffs North Island supermarkets, and The Warehouse Group. This saw us operate voting places in 47 malls, 9 supermarkets and 11 Warehouse retail sites. These proved to be some of the most popular voting sites. This approach provided people with the convenience of being able to vote at a location they were already visiting for other reasons. For the Commission it provided additional challenges, including:

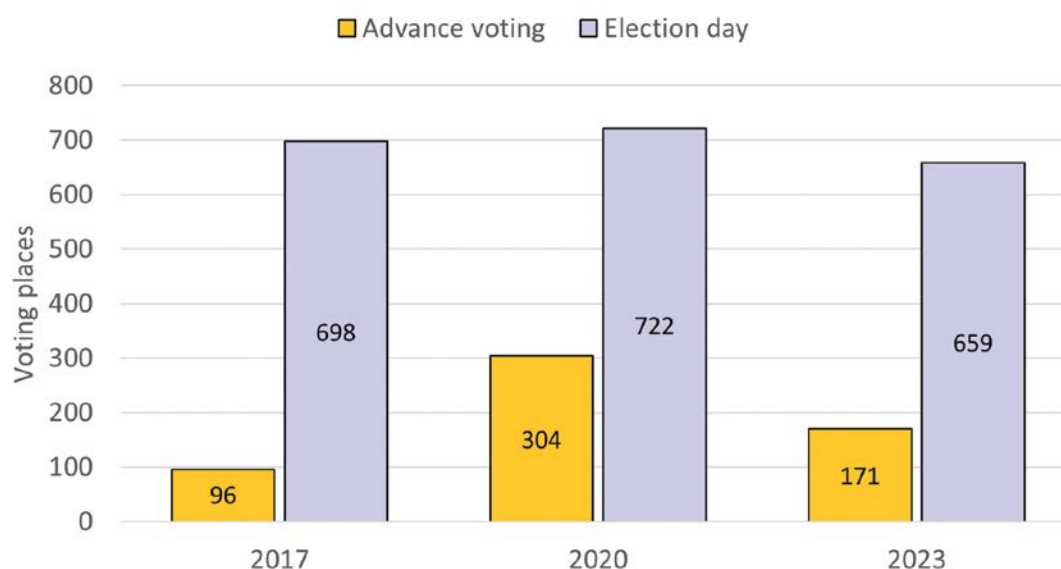
- a limited ability to scale up the service when demand was high – we were allocated a limited amount of space and could not accommodate additional enrolment and vote-issuing staff
- the need for additional security precautions, noting the increase in raids and thefts occurring at shopping centres during the election period
- the need to securely store voting materials for these places, which often involved transporting them to other more secure locations.

These voting places experienced high numbers of people wanting to enrol on election day. Again, the ability of the voting place staff to service these voters was limited by the space available, which resulted in queues in some locations. We will consider these challenges and the high cost of using such voting places alongside the convenience they provide to voters, when deciding whether to use them for future elections.

Rural voting places

The number of voting places in rural areas during advance voting and on election day in 2023 are compared with previous elections in Graph 12.

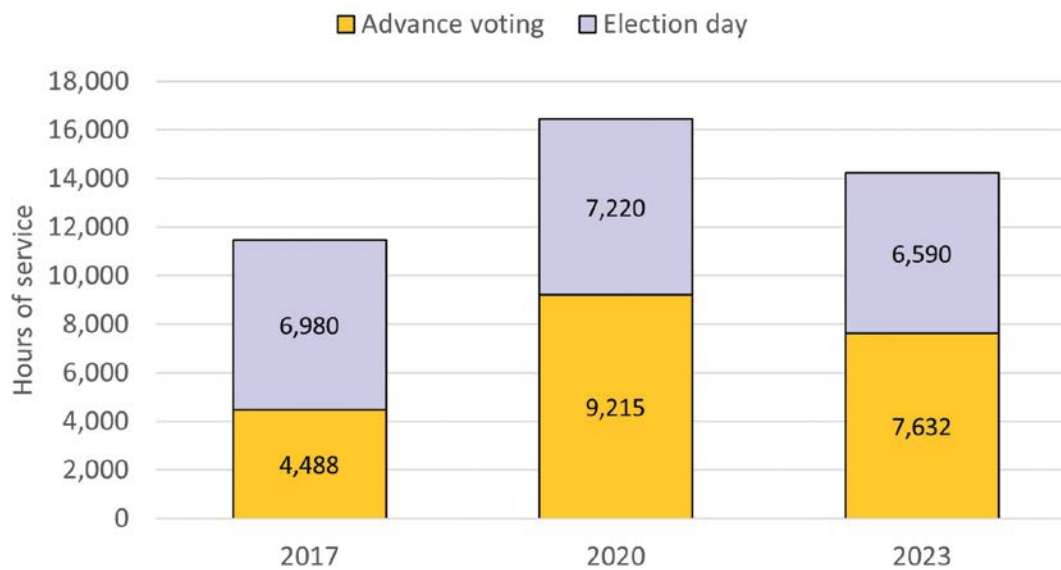
Graph 12: Voting places in rural electorates, 2017–2023



Providing election day voting services in small rural locations presents challenges. These include recruiting voting place staff from small populations, providing face-to-face training, and transporting voting place supplies and papers, given the distances and nature of the roading networks. To address these challenges, we provide a mobile ‘pop-up’ voting service to remote communities ahead of election day, usually over the weekend before election day. This mobile service enables us to use trained staff from outside the area, to plan and promote the service with the local community, and to safely transport voting papers back to headquarters. This service is provided as an alternative to election day voting where the local community supports the mobile service and still has reasonable access to voting services at a nearby location on election day.

This mobile model of operation was expanded for the 2023 General Election and more widely adopted by rural electorates to better meet the needs of voters in rural and remote communities. The number of voting places and hours of voting in rural voting places were considerably higher in 2023 than in 2017. The total number of hours in 2023 was lower than in 2020 (see Graph 13), reflecting the special circumstances of COVID-19 that required a greater spread of services to allow for social distancing and less queuing. We will seek feedback from rural communities and continue to ensure voting place numbers and locations respond to the particular features of rural electorates and communities.

Graph 13: Voting place hours in rural electorates, 2017–2023



Voters with disabilities

The Commission plans for as many voting places as possible to be fully accessible. In 2023, it surpassed the statutory requirement for accessible voting places, with 1,495 fully accessible voting places and 962 voting places accessible with assistance.¹⁹

¹⁹ Section 155(4) of the Electoral Act 1993 requires at least 12 polling places in each district to have access that is suitable for disabled people.

We consulted representatives of the Deaf community to understand what voting services would look like for that community. In 2023, we added New Zealand Sign Language interpreters in locations of specific interest to Deaf communities. Ākau Tangi Sports Centre was used as a voting place in Wellington and received a steady flow of Deaf voters, due to it being in direct view of a Deaf futsal tournament.

We also offered telephone dictation for voters who could not mark the ballot paper due to vision or another disability. In 2023, the telephone dictation service received 743 registrations (740 domestically and 3 from overseas) and 723 votes were cast (721 domestically and 2 from overseas).

Voters unable to get to a voting place

Voting services for voters unable to get to a voting place included:

- postal and takeaway voting
- voting teams visiting hospitals, care homes, prisons, and police cells
- remote voting services, including on islands administered by the Department of Conservation and Campbell, Raoul, Pitt Islands, Ross Dependency, Tokelau, offshore installations, and vessels
- telephone dictation services for voters who are blind, partially blind, or unable to mark their voting papers unaided.

The 2023 General Election also saw the return of enrolment and voting services at international airports (airside) as previously seen in 2017.

Overseas voting

Overseas voters could download their voting papers from vote.nz, vote in person at an overseas post, or apply for postal voting papers from the Commission or the 74 overseas voting places provided by the Ministry of Foreign Affairs and Trade and the Australian state Electoral Commissions. In addition, two physical voting places were set up for 1 week on New Zealand navy ships (HMNZS *Aotearoa* and HMNZS *Te Mana*) stationed near Vietnam.

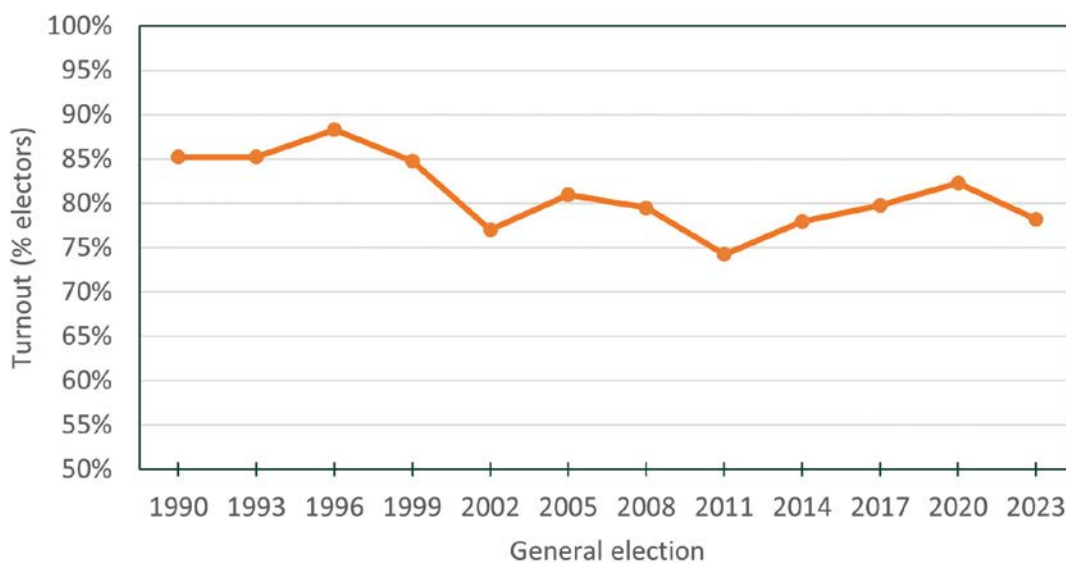
Voters who were overseas returned their voting papers using the upload service on vote.nz, by hand delivering or posting them to the nearest overseas voting place, or by posting them to the Commission in Wellington.

Recent changes to the Electoral Regulations 1996 meant overseas voters could mark their voting papers digitally and insert their normal signature onto the special vote declaration digitally. This change gave overseas voters using the download service an alternative to printing voting papers, thereby improving accessibility. The Commission provided comprehensive instructions about how to complete voting papers digitally. However, a small number of these votes were not allowed, for example because a typed signature had been provided. We will continue to reinforce these requirements to ensure clarity about the digital process.

Voter turnout

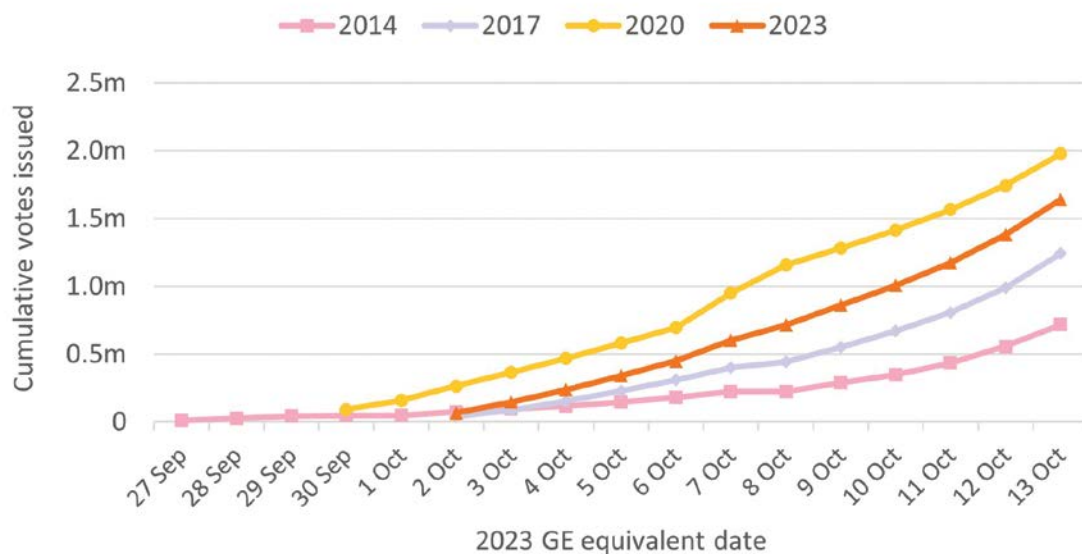
Overall turnout was 78.2% of enrolled electors, with a total of 2.88 million votes cast. This compares with turnout of 82.2% in 2020 and 79.8% in 2017 (see Graph 14).

Graph 14: Elector turnout at general elections, 1990–2023



Advance voting, which started 12 days before election day in 2023, decreased to 61.4% of total votes cast from 68.0% in 2020, although it was still higher than in 2017 (47.0%) and other previous elections (see Graphs 15 and 16).

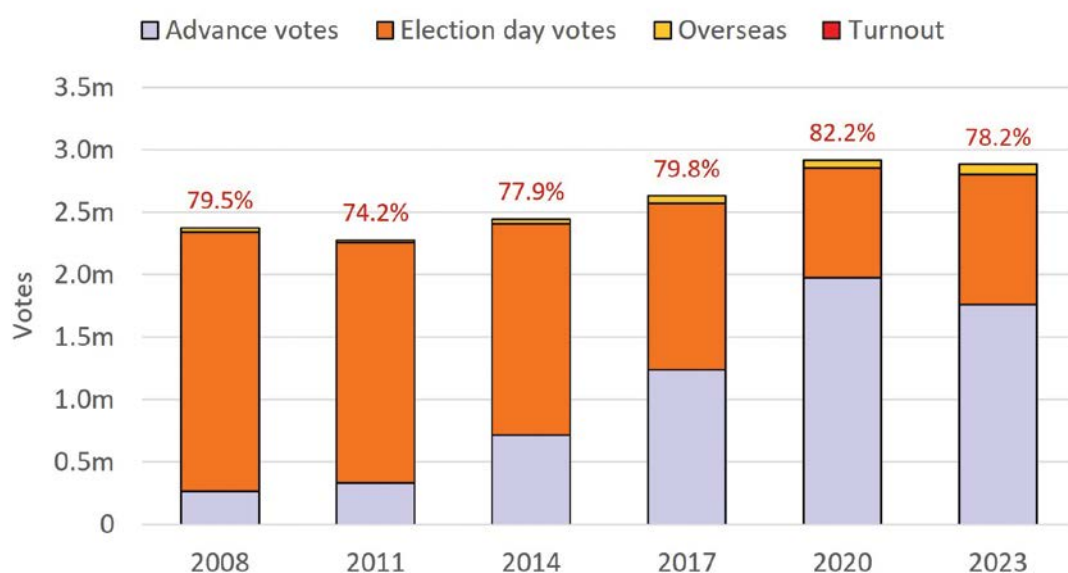
Graph 15: Advance voting, 2014–2023^A



A Daily data is collected informally from voting places each day and may not match official results.

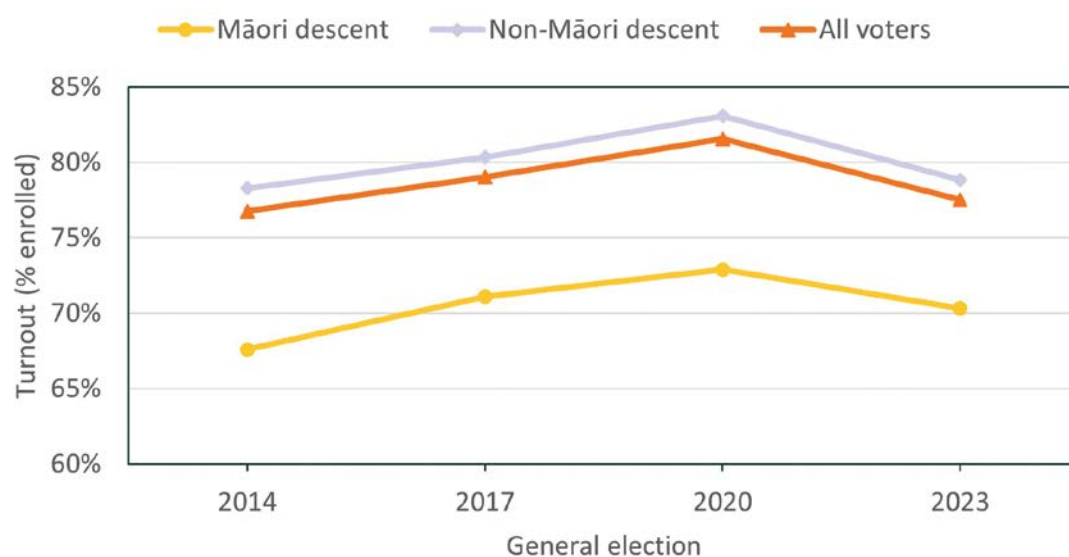
The 602,488 special votes made up 21% of total votes cast. This was more than 97,000 additional special votes than in 2020 and 156,000 more than in 2017, making up 17% of total votes cast in both previous elections. Some of the increase was from more voters casting their vote from overseas; 77,295 compared with 61,133 in 2020 (see Graph 16). This increase was likely boosted by more people travelling, an activity that was restricted in 2020.

Graph 16: Elector turnout and votes by type, 2008–2023



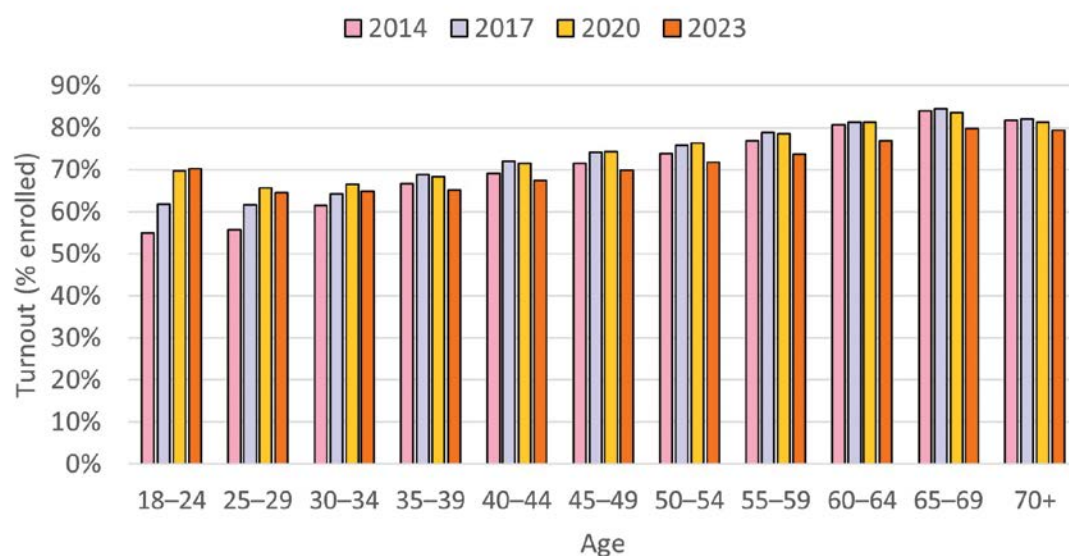
Turnout compared with 2020 was 4.3% lower for voters of non-Māori descent, and 2.6% lower for voters of Māori descent (see Graph 17).

Graph 17: Elector turnout by descent, 2014-2023



Turnout by Māori voters aged 18 to 24 was higher in 2023 (70.3%) than in the previous four elections, up from 69.7% in 2020 and 61.8% in 2017 (see Graph 18).

Graph 18: Māori Elector turnout by age, 2014-2023

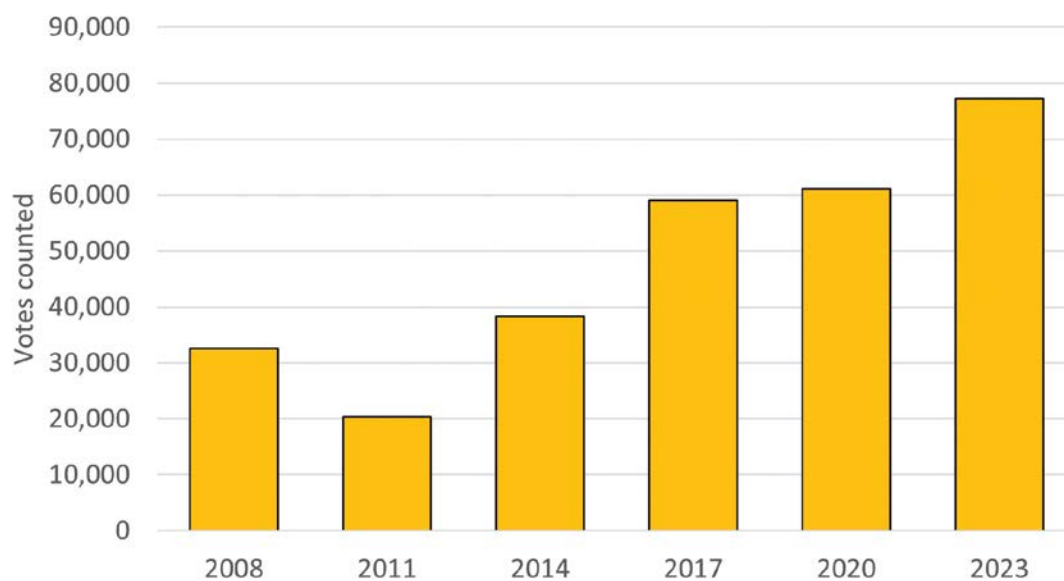


Overseas turnout

The download service was the preferred method for most overseas voters to receive their voting papers (87.8% compared with 12.1% issued at an overseas voting place and 0.05% (or 48 postal votes) sent from New Zealand to overseas voters). Most overseas voters (83.1%) returned their voting papers by upload, 16.8% used an overseas voting place, and 0.1% (118) voters posted their papers back to New Zealand.

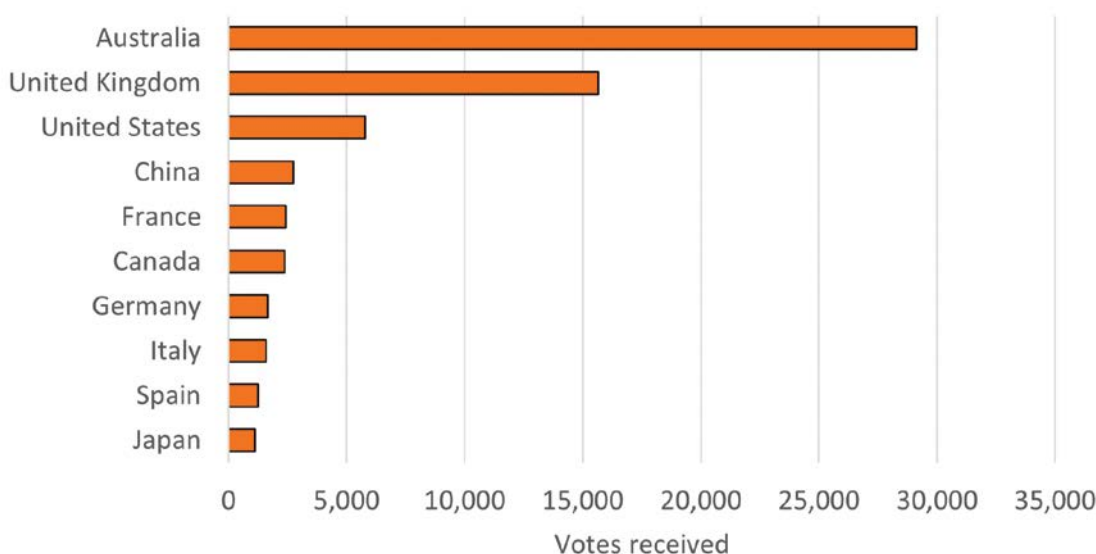
We saw a 26% increase in overseas votes counted at the 2023 General Election (see Graph 19). It is unclear whether that is the direct result of the eligibility extension or a normal increase with more people travelling post-COVID-19.

Graph 19: Overseas Votes, 2008 – 2023



Graph 20 shows the top 10 countries and volumes where overseas votes were received from.

Graph 20: Overseas votes received, 2008–2023



Prisoner voting

The Commission works with the Department of Corrections to provide in-person voting services to eligible prisoners. Over 4,100 votes were issued at the 2023 General Election across all prison sites.

Growth of special votes

The number of special votes at the 2023 General Election exceeded 600,000, or 21% of votes, a significant rise from previous elections. Special declaration votes take longer to issue and process and put pressure on voting place services, especially on election day.

Voters who cannot be marked off a roll in a voting place have to complete a special vote. This happens if the voter:

- is not enrolled by writ day, so their name is not on a printed roll at a voting place
- votes outside their electorate at a voting place not issuing ordinary votes for their electorate
- completes a takeaway or postal vote
- uses the telephone dictation voting service
- votes from overseas
- is on the unpublished roll.

Until changes are made to our current system, there will always be a percentage of special votes because not all voters can get to a voting place or be marked off a roll (for example, unpublished electors). However, significant growth in the number of special votes has occurred over the last decade (see Table 6), in part because fewer voters are enrolled by writ day, so cannot be marked off the roll at voting places.

Table 6: Turnout, advance and special votes, 1996–2023

Year	Total votes	Advance votes	Advance votes %	Special votes	Special votes %
2023	2,884,111	1,762,490	61	602,488	21
2020	2,919,073	1,976,996	68	504,621	17
2017	2,630,173	1,240,740	47	446,287	17
2014	2,446,297	717,579	29	331,005	14
2011	2,278,989	334,558	15	263,469	12
2008	2,376,480	267,078	11	270,965	11
2005	2,304,005	197,938	9	248,677	11
2002	2,055,404	132,609	6	218,846	11
1999	2,127,265	112,904	5	262,226	12
1996	2,135,175	112,934	5	273,122	13

Being able to enrol while voting and having the option of voting at any voting place provides a flexible service to voters. However, the number of special votes has implications for the delivery of services to voters, the preliminary results, and the timeliness of the official count (discussed in Part 7).

The increase in the number of special votes, particularly on election day, may have affected the voting experience in 2023 as it takes longer to issue a special vote, and was likely to have resulted in longer queues in some voting places. The volume of special votes also has resource and cost implications, as they require more staff time to issue and process after the election.

Impact of special votes

Significantly reducing the number and improving the management of special votes, while maintaining high levels of participation, is likely to improve the voter experience. It will also simplify the processing of votes in the post-election period, will reduce the risk of errors, and may improve the timeliness of the count. Reducing the impact of special votes, is likely to require both operational and legislative reform over several electoral cycles. The number of special votes could be reduced and be better managed in a variety of ways, and we think it is timely for Parliament to consider how the growing number of special votes should be managed.

Since the 1990s, New Zealanders have been able to enrol after writ day, with election day enrolment having been introduced before the 2020 election.

Closing the rolls before election day may be an option to reduce special votes. However, removing election day enrolment is unlikely to significantly reduce special votes, but would likely increase the number of disallowed votes cast by voters who are not enrolled. Additionally, closing the rolls before election day may disenfranchise some communities more than others. Data indicates that special votes are more likely to come from electors who live in areas with larger proportions of Māori, Asian, and Pasifika communities. We also know younger voters and voters on the Māori roll are more likely to have to do a special vote.

Most special voters are not new voters, rather they are voters who have previously been enrolled to vote but have not kept their enrolment details up to date. Our recommendations to improve getting people ready to vote (in Part 5) should help ensure the enrolment details of more voters are kept up to date, which would in turn reduce the number of special votes.

Other options that might reduce the number of special votes are set out below.

Shared electorate voting

Over recent elections, the Commission has increased its use of ‘shared’ electorate voting, where voting places issue ordinary votes for other electorates. This helps to reduce the overall number of special votes, but it increases the number of counts to be completed for the election. More shared electorate voting could reduce the number of special votes, but has resource implications and increases the complexity of the counts.

Processing special votes in the electorate where they are cast

Consideration could be given to processing special votes where they are cast, rather than repatriating them for the official count. While this might appear to save time at the start of the post-election process, it would reduce visibility of the scrutiny and counts at each electorate and would complicate the count processes by increasing the number of counts required. It may also delay the timeframe for any recounts as all special votes for a recount would need to be repatriated before the recount could start.

Digital solutions

A future digital solution could involve live roll mark off, allowing anyone who can be marked off the roll electronically to be issued an ordinary vote, regardless of which electorate they are enrolled in, combined with the printing of ballot papers on demand. However, this would present complexities for the preliminary counts and results on election night because voting places could issue votes for all 72 electorates, so manually sorting and counting votes would be impractical. Practicality could be enhanced by enabling an electronic count in voting places or by enabling voting places to count only those electorates where 20 or more ballot papers

were issued (rather than fewer than six). A full manual count of all ordinary votes would still be undertaken for the official count.

Such a digital approach would significantly increase the number of votes included in the preliminary count provided on election night, as ordinary votes would make up a larger proportion of the total votes cast.

A significant programme of work and investment would be needed to develop and successfully implement this digital approach. It would take time to develop and test digital solutions as these are not without risks and issues. The legislative framework already permits electronic marking of the rolls and an electronic preliminary count of advance votes, but the Electoral Act 1993 would need to be amended to allow for electronic counts in voting places.

Timing solutions

One option to manage the growth of special votes is to allow more time after the election to process special votes and reduce pressures on the official count. More time may be particularly beneficial for the temporary workforce, many of whom worked long hours in the run-up to the election as well as post-election. However, this is unlikely to be a popular solution in an MMP environment where pressure exists to produce the official results as quickly as possible.

Another timing option would be to allow the Commission to start processing special vote declarations before election day. However, challenges exist with this option as eligibility to vote at an election is linked to a voter's enrolment status on election day. But there may be benefits to being able to check the validity of declarations. This option would require regulatory change to allow the declaration envelope to be opened before election day or to allow the declaration to be attached to the special vote envelope instead of being inside a separate sealed envelope.

The Commission recommends Parliament considers options, subject to funding, to reduce the growing number of special votes and their impact on the official count, balancing access, timeliness, and integrity, including:

- ways of improving how voters' enrolment details are kept up to date
- processing special votes in the electorate where they were cast
- digital solutions, such as digital roll mark off, print on demand, and electronic counts
- early processing of special votes before election day.

Adapting service delivery on election day

We had to adapt our service delivery on election day in response to weather disruption, the need to restock voting paper supplies, and an outage of the eRoll mobile application.

Weather disruption

On election day, several regions across the South Island experienced severe weather-related events, including extreme winds, disrupting the operation of a small number of voting places. Three voting places closed early, and power outages meant 13 voting places across three electorates (Selwyn, Waimakariri, and Kaikōura) had to move their election night count to their electorate's headquarters or a nearby voting place.

The Chief Electoral Officer approved three voters to vote using the telephone dictation service due to a localised weather event.²⁰ These voters called to register to use the service, but none voted using this service.

Temporary shortage of voting papers and other forms

Throughout the voting period, we closely monitor the number of votes issued at each voting place daily to ensure each voting place has sufficient voting papers to deal with expected voter demand in the coming days. When voting places begin to run low on materials, electorate headquarters arrange for logistics or mobile support staff to resupply a voting place.

Despite significant effort, some voting places temporarily ran out of enrolment forms, special vote papers, and voting papers for shared neighbouring electorates due to voter demand being higher than expected. This happened at only a small number of voting places that had considerably more voters than expected, and they were resupplied as quickly as possible. Voting place staff have established processes for issuing photocopied and handwritten voting papers while awaiting the resupply.

eRoll application

The eRoll mobile phone application checks which electorate a voter is eligible to vote in at voting places. It can also identify whether a person needs to complete an enrolment form and/or complete a special vote. We first used the application at the 2020 General Election in response to more voters arriving at voting places less prepared and with more diverse needs

²⁰ Regulation 24B of the Electoral Regulations 1996.

than in previous elections. eRoll is a still relatively new tool to assist with the overall flow of the voting place and enhance the voter experience.

In the lead-up to the 2023 General Election, the application was enhanced so a voter who moved within the same electorate could update their details digitally and cast an ordinary vote. As a result of this improvement, almost 34,000 voters cast an ordinary vote instead of having to complete an enrolment form and cast a special vote.

On election day, eRoll experienced a nationwide outage, leaving voting place staff unable to use the application and reverting to the back-up manual process.

While, historically, it has been commonplace for queuing to occur in voting places on election day between 9am and 12pm, the eRoll outage may have contributed to longer queues and some voters having to complete an enrolment form and cast a special vote unnecessarily.

We managed the incident as a priority with our technology provider, and when investigating the cause of the outage, determined that load testing had not fully stressed the application in the way it would be used during election day. More robust testing will occur for future elections.

WĀHANGA 7: Ko te tauākī i ngā tatauranga

PART 7: Declaring the results

The count processes for parliamentary elections are time-consuming and complex, involving two separate preliminary counts, scrutiny of the rolls, repatriation and checking of special votes, and then the official count before the results can be declared.

This part of the report covers the steps and checks undertaken before the results can be declared, the reasons a small number of errors occurred, and the work under way to ensure New Zealanders can continue to have trust in the delivery of elections. A priority for the Commission is to review the official count processes to maintain integrity and provide assurance, as well as to identify ways we can increase timeliness.



Time needed to complete the official count

Before the 2020 General Election, the overall time to conduct a general election (from the issue of the writ, which is the Commission's formal direction to conduct the election, to the return of the writ, after the release of the official results and any recounts) was extended from 50 days to 60 days. The Commission needed additional time because of the new election day enrolment provision and the growing number of special votes (which take up to 10 times longer to process than an ordinary vote).²¹

Initial declaration of official results

We declared the official results for the 2020 and 2023 elections 20 days after election day, compared with 14 days after election day for previous general elections. We needed all this time to process the large number of special votes and enrolment transactions. The amount of time it takes to declare the results is, in part, because of the complexity of largely manual processes, including the counts, and, in part, because of statutory timeframes for the return of special votes. In 2023, the volume of enrolment applications and special votes (see Parts 5 and 6) put additional pressures on the official count. We acknowledge that the time needed for the official count may impact on the time for government formation, depending on how close the preliminary results are on election night.

The official results were declared on 3 November 2023 and reissued on 9 November 2023. However, as there were three recount applications, the return of the writ was delayed from 9 to 16 November.

Declaration of amended results

Before the return of the writ, we were informed by an external party of a small number of data entry errors in the official results. Following a full check of all voting place results, in addition to a small number of data errors, we identified that 620 votes in the East Coast electorate were included in the preliminary count but not included in the official count. These errors were corrected, and amended official results were released on 9 November. More information on these errors is provided below.

²¹ The additional time also means a slightly longer period between nomination day and the start of advance voting to allow more time to produce and distribute EasyVote packs and ballot papers.

Preliminary counts

Preliminary counts of 2,244,380 ordinary votes were released on election night from 7pm, made up of 1,368,830 votes cast in advance and 875,550 votes cast on election day. These results provide an indicative outcome of the election, but results can change as special votes are not counted until after election day.

Ordinary votes cast during advance voting are counted on election day in a secure area at electorate headquarters from 9am. By contrast, ordinary votes cast on election day are counted on election night from 7pm with the results phoned into electorate headquarters to be entered into the national election management system.

Most election night counts take place at voting places after they have closed. In 2023, for the first time, we conducted some counts at a designated place²² where it was not feasible to count at the voting place (for example, voting places in open spaces such as malls). Any scrutineer present when voting closed can accompany the ballot boxes to the designated place. We allowed scrutineers to accompany the ballot boxes in the vehicle used to transport them by electoral officials. However, this approach presents practical challenges about what to do if there are multiple scrutineers and raises health and safety considerations.

The Commission recommends Parliament clarifies what ‘accompany’ means for scrutineers accompanying ballot boxes to a designated counting place for the preliminary count, to include following in a separate vehicle.

²² See section 174 of the Electoral Act 1993.

Scrutiny of the rolls

Before the official count can begin, we scan all the rolls used in voting places to issue ordinary votes – 19,011 rolls in 2023. These rolls are used to create a master roll for each electorate, which also includes a list of special voters for the district.

The scrutiny of the rolls, and the names of voters removed from the rolls after writ day, identifies which votes have to be removed from the official count. This includes where the:

- vote was cast before election day and the voter has died
- voter was not eligible to vote in the electorate they have voted in (in which case only their party vote is counted)
- voter has voted more than once (dual votes).

Where a voter appears to have voted more than once, their votes are not included in the official count (see Part 8 for the number of dual vote referrals to police).

Processing and checking special votes

After election day, special votes are processed by the electorate where the voter is enrolled to vote. By law, special votes must have been repatriated to the ‘home’ electorate 13 days after the election. The exception is for overseas and dictation votes which are processed centrally in Wellington. As discussed in Part 6, time could be saved if special votes did not have to be repatriated. However, the special vote counts would be more complex, and the special votes would need to be repatriated for recounts.

To process a special vote, we must:

- check the declaration has been correctly completed by the voter and witnessed
- check the special voter’s enrolment to confirm they are qualified to vote.

This process is time-consuming as several steps are involved, with additional controls to maintain the secrecy of the ballot.

The qualification process also depends on enrolment applications made up to and including election day having been processed. As noted in Part 5, the higher-than-expected number of enrolment transactions in the voting period resulted in processing delays, which in turn put additional pressure on the amount of time available to process and qualify special votes.

Special votes are included in the official count only once these checks have been done. Improvements to make it easier to keep voter details up to date (see Part 5) and reduce the number of special votes (see Part 6) are intended to have efficiency and timeliness benefits for post-election processes.

Official count

As with the preliminary count, the official count is conducted by hand. We do not use vote counting machines. The official count involves counting ordinary votes again and counting special votes. Because special votes are now included and because votes can be removed from the count during the scrutiny process, the preliminary results and official results are not directly comparable.

Overall responsibility for the official results rests with each Returning Officer (Electorate Manager) who carries out quality assurance checks. Once the voting place results have been confirmed as correct, the totals are recorded on a certificate of results and the Electorate Manager and a Justice of the Peace sign the certificate.

Further quality assurance checks are carried out at the Commission's national office to identify any errors Electorate Managers may not have picked up. Once all checks are complete, the Electorate Manager and Justice of the Peace sign final results certificates for their electorate. The process takes 20 days to finalise. By contrast, the Australian federal election results, which have a similar level of complexity, can take up to 5 weeks to complete.²³

Errors identified after the official count

After the release of the official results on 3 November 2023, the Commission was alerted to an error in the published results. After investigating, a small number of errors were identified. Corrections were made, and we released amended official results on 9 November 2023.

Investigations into the errors found:

- three voting places had misallocated party votes to the wrong parties during data entry
- 15 voting places had similar errors for candidate votes
- one electorate had special votes entered incorrectly
- data for five voting places had been entered as election day votes rather than advance votes; this did not affect the total numbers of votes for parties or candidates
- one electorate had missed counting the votes in a ballot box during the official count.

These factors meant 693 votes were added to the total number of party votes cast in the election and candidate votes increased by 708. The turnout remained unchanged at 78.2%. These changes were small in scale relative to the total votes counted and did not affect the overall results or allocation of seats in Parliament.

²³ Counting the votes. www.aec.gov.au/voting/counting

The Board continues to maintain confidence in the overall integrity of the election process and the results. However, it is critical the public have trust and confidence in the results of New Zealand's parliamentary elections and that our processes identify and correct any errors before the official count is completed.

Following the discovery of the errors, we took steps to immediately strengthen official count processes. These processes were implemented for the Port Waikato by-election that took place later in the month following the general election.

In addition to the official count errors already identified, a small number of other errors due to some apparent dual votes that may not have been removed in line with established processes were identified. This was because a Commission instruction at the end of the official count process, for Electorate Managers to resolve any outstanding apparent dual votes and extract apparent dual votes, was not universally implemented and some of these votes were included in the official count. However, a review of results found this would not have changed the outcome in any electorate.

To strengthen the system to reduce future errors, the Board has:

- reviewed delivery of the 2023 election comprehensively, particularly in the post-election period
- adopted an updated assurance policy and audit plan that sets clearer expectations for the management and reporting of controls activity
- commissioned audits on post-election and enrolment processes to identify further gaps in and improvements needed to quality assurance controls
- initiated a review of operating manuals and training to improve the implementation of quality assurance controls during the delivery of elections
- prioritised the making of improvements to post-election processes to improve the integrity and timeliness of the official count
- approved short-term changes to strengthen the official count process for any by-election required before a full review of post-election processes is completed.

The Board will closely monitor and report on the delivery of these and other improvements to ensure New Zealanders can continue to have trust in the delivery of elections.

Auditor-General review

The errors in the official count prompted the Commission to consult with the Office of the Auditor-General, which chose to undertake a review into:

- why the vote counting errors occurred
- the quality assurance policies, processes, and measures in place in relation to those errors

- the extent to which the design, operation, and implementation of those measures was effective
- what the Commission did once those errors came to light
- possible improvements.

Review findings

The review highlighted that manual processes, including those in the count, are vulnerable to mistakes and these are more likely to occur when those processes and the people doing them are put under pressure. The review noted that in the General Election mistakes happened because some ballots were misplaced, which led to incorrect counting, and because some people made data entry errors or did not do the checks that were required. In one instance, a ballot box was not counted during the official count.

Causes of errors noted include the following.

- The process and instructions for managing ballot boxes were not followed in one instance.
- In some cases, quality assurance checks for the count were not done properly and were not as effective as they should have been, meaning checks did not pick up all the errors in the results.
- Quality assurance checks were insufficient. Result checking processes were not well understood or documented, and quality assurance data checks were not fully documented. There was no system to verify that checks had been done.

The review noted that the higher-than-expected numbers of special votes and enrolments during the voting period put pressure on the time available to carry out post-election checks, creating an environment where mistakes were more likely to occur and less likely to be detected.

The need to prepare for a by-election in Port Waikato also further reduced capacity in National Office for carrying out quality assurance.

The review also noted that the current vote count process prescribed in legislation, based on paper ballots, manual counting, and manual data entry, is likely to result in errors and that investments in clarifying processes and roles is required. The Auditor-General observed that the Commission had a well-structured approach to managing external risks in the lead-up to the election such as disruption at voting places, weather events, and cyberattacks. However, the post-election internal risks did not receive enough attention. This meant the accuracy of the count and the effectiveness of the Commission's count process and controls in the post-election period were not given adequate importance as risks to be managed.

A shift in planning and governance arrangements to the General Election Delivery Taskforce close to the election led to a shift in focus to operational matters. From this point, the

Commission did not have adequate oversight of emerging risks, which meant it was unable to respond in a timely way. The review found that the Commission needs to apply more robust risk management throughout the whole election period.

Review recommendations

In addition to the findings, the Auditor-General offered the following seven recommendations to the Commission.

- 1.** Review all vote counting and quality control checks and assurance activities to address gaps and vulnerabilities.
- 2.** Review and update standard operations manuals and instructions to improve the clarity of information about quality control activities and why they are important, and to clarify accountability and responsibility for carrying out the quality control activities.
- 3.** Complete an end-to-end description of the elections process, inter-dependencies of activities, and identify controls that support the election process.
- 4.** Review the personnel resource requirement for elections (including skills and experience required for key roles), the process for recruiting and training elections workers, and planning for contingencies (such as staff unavailability, system outages and fatigue).
- 5.** Review hardware requirements to ensure electorates have sufficient and fit-for-purpose technology to complete tasks required of them.
- 6.** Review the information technology systems that support the election process to ensure they remain fit for purpose for both electorate and national office functions.
- 7.** Enhance risk identification processes and continue applying programme and project management disciplines (including managing risks) throughout the election period.

Electoral Commission to implement all recommendations

The Board has considered the recommendations and agrees with all seven. We are now working on addressing each recommendation and building on the improvements we have already made.

Recounts

Following the release of the official results on 3 November, candidates and parties had 3 working days to apply for a recount. Three candidates applied for recounts, for the Mt Albert and Nelson general electorates and the Tāmaki Makaurau Māori electorate. Recounts are led by a District Court judge, and final decisions are available on the District Court website.

The Nelson recount was completed on 10 November 2023, and the Mt Albert and Tāmaki Makaurau recounts were completed on 15 November. The recounts did not result in any change to the winning candidate for the respective electorates (see Table 7).

Table 7: Result margins following recounts, 2023

Electorate	Winning margin of successful candidate as at official results released on 2 November	Winning margin of successful candidate following recount
Mt Albert	20 votes	18 votes
Nelson	29 votes	26 votes
Tāmaki Makaurau	4 votes	42 votes

At the recounts, the judges adjusted the counts (for example, to allow disallowed votes), where the Returning Officer had not been satisfied the voter’s intention was clear and counting errors occurred.

Judge Kelly noted in the Tāmaki Makaurau recount decision, ‘The most common errors which resulted in informal votes involved voters casting two candidate votes. This may reflect some confusion about the instructions on the voting paper (to the effect that a voter has two votes), especially where English may not be a first language’.²⁴

Judge Treadwell also noted in the Mt Albert recount decision, ‘The informal votes included numerous instances in which the voter had placed ticks against two candidate’s names. Sometimes, this was replicated by two ticks also being placed in the column for the Party Vote. The scrutineers shared my concern that this “double voting” may be the result of a misunderstanding of the large heading at the top of the form “YOU HAVE 2 VOTES”. ... The tick was sometimes placed on a candidate’s party logo, rather than in the relevant circle’.²⁵

In their reports, the three judges leading the recounts thanked those involved in the process. Commission staff and counters were described as ‘professional and diligent’ in undertaking the recount. All expressed a similar sentiment – that the New Zealand public should take comfort in the integrity of the process.

24 *Re an Application for a Recount of Electorate Votes in the Māori Electorate of Tāmaki Makaurau* [2023] NZDC 24875, para12. www.districtcourts.govt.nz/all-judgments/re-an-application-for-a-recount-of-electorate-votes-in-the-Māori-electorate-of-tamaki-makaurau-2023-nzdc-24875

25 *Re an Application by Melissa Lee for a Recount of electorate votes in the Mt Albert District* [2023] NZDC 25093, para17. www.districtcourts.govt.nz/all-judgments/re-an-application-by-melissa-lee-for-a-recount-of-electorate-votes-in-the-mt-albert-district-2023-nzdc-2509327 Section 150 and schedule 2, forms 11 and 12, of the Electoral Act 1993

The Commission recommends Parliament considers the layout and instructions on the ballot paper. Ballot papers for general elections and by-elections are prescribed forms.²⁶ They have not been reviewed since 1995, and it is timely for Parliament to consider whether improvements can be made.

Statistical reporting of results

After each election, the Commission produces a detailed statistical breakdown of the official results.

These statistics include split vote analysis, showing how many voters choose to vote for a party and candidate from the same party, or a different candidate. This analysis was likely of particular interest when MMP was first introduced.

To produce this data, as part of the official count process, ballots are counted by party vote, and then counted by votes for each candidate by party. The results are added to a worksheet that requires tabulation of both rows and columns, which must balance. This process was also designed as a control count for accuracy. However, this process is not a requirement of the official results and it adds a degree of complexity and is time-consuming to administer.

Similarly, we also provide statistical reporting on the number of special votes by advance voting and election day.

As part of our design considerations for the 2026 General Election, we will consider whether removing the split vote count analysis and advance and election day reporting of special votes will simplify the count process and speed up the official count.

²⁶ Section 150 and schedule 2, forms 11 and 12, of the Electoral Act 1993.

WĀHANGA 8: Ko ngā rōpū tōrangapū, ngā kaitono, me te ū ki ngā ture

PART 8: Parties, candidates, and compliance

This part of the report discusses parties and candidates and their compliance obligations, with this election seeing new reporting requirements for them. Our recommendations look to clarify or simplify the rules for the timely and efficient delivery of the election.



Electoral finance reporting

Spending limits and the availability of returns

To promote fairness in election campaigning, candidates, parties, and third parties are subject to spending limits on advertising published during the 3-month regulated period before an election.

The spending limits for election advertising published during the regulated period for the 2023 General Election (14 July to 13 October) were:

- \$32,600 (including GST) for an electorate candidate
- \$1,388,000 (including GST) for parties contesting the party vote plus \$32,600 (including GST) per electorate contested by candidates for the party
- \$15,700 (including GST) for unregistered third-party promoters
- \$391,000 (including GST) for registered third-party promoters.

Spending limits for candidates and parties were fixed at \$20,000 and \$1 million from 1993 to 2010.

Since 2011, the limits for candidates, parties, and third-parties are adjusted annually by Order in Council on 1 July. This means three different limits apply over a parliamentary term and change part way through election year. To create efficiencies in providing information and guidance to participants and to allow participants to plan with certainty, the limits should be reviewed for every election, not annually.

The Commission recommends Parliament considers whether the election advertising expenditure limits are adjusted once each parliamentary term, in the year before the election.

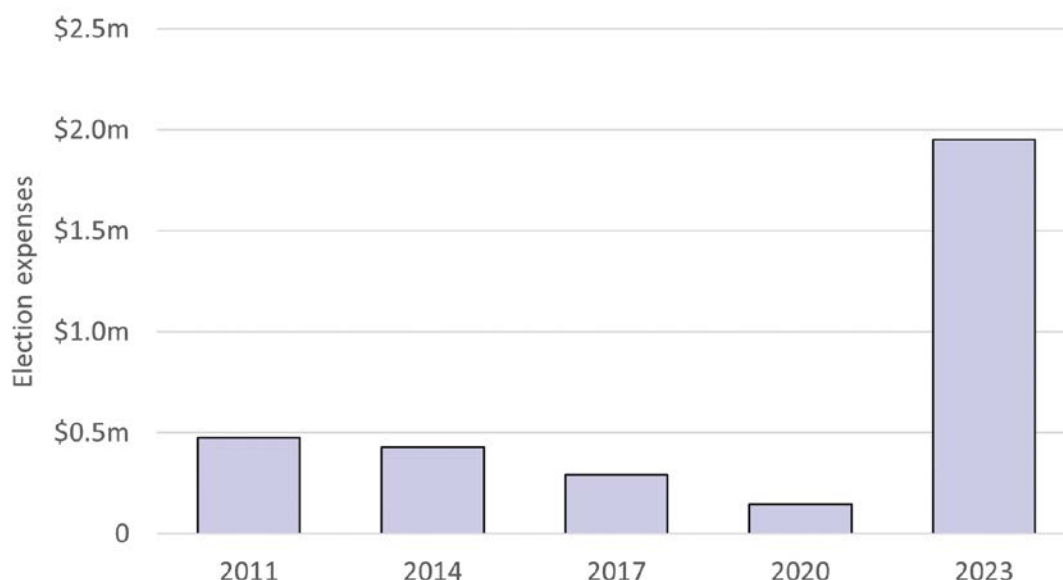
Electorate candidates and third parties that spent more than \$100,000 had to file their returns for the 2023 General Election by 14 February 2024. Parties had to file their returns by 13 March 2024. The returns are available on the elections.nz website.

Overall, the number of registered promoters and spending by them on election advertising for the 2023 General Election increased (see Graph 21).²⁷

²⁷ In 2011 and 2020, promoters could also register to promote the referendums held with those elections. In 2011, there were 17 registered promoters for the MMP referendum with a total reported spend of \$235,616. In 2020, there were 15 registered promoters for the cannabis referendum with a total reported spend of \$903,436 and 14 registered promoters for the end-of-life choice referendum with a total reported spend of \$1,249,334.

Spending by electorate candidates varies considerably and, perhaps not surprisingly, more is generally spent on the most closely contested seats. Around 30% of electorate candidates filed a nil return after the election, indicating they did not do any paid advertising to campaign for the seat they contested.

Graph 21: Total reported spend by registered promoters at general elections, 2011–2023



The provisions for returns to be available for public inspection are no longer fit for purpose. As the returns are published on our website, it would be more efficient if returns were made available online.

The Commission recommends Parliament considers removing the requirement that returns are made available for public inspection and just require them to be publicly available on an internet site the Commission administers.

Changes to reporting for parties and candidates

The 2023 General Election was conducted with new electoral finance settings in place. The Commission had to ensure parties and candidates were aware of these new rules.

The past parliamentary term also featured high profile litigation concerning the requirements for election expenses, returns, and donations under the Electoral Act 1993.

The definition of a party donation now explicitly includes donations received by anyone with reasonable grounds to believe it was intended for the benefit of a party.

The existing requirement to transmit donations to the relevant candidate or party secretary was strengthened so that failing to transmit (which could mean a donation was not disclosed) can be an offence.

Arguments to update electoral finance enforcement provisions in the Electoral Act with a general anti-collusion mechanism have been put forward by the Justice Select Committee, the Electoral Commission, and now the Independent Electoral Review. The Serious Fraud Office favours investigative powers for the Commission, including the ability to refer matters directly to the Serious Fraud Office.

The Independent Electoral Review also supports additional investigative powers for the Commission, including requiring documents and undertaking audits. At present, the Commission can only refer suspected offences to police, and police must separately substantiate any breach. In some cases, neither New Zealand Police nor the Commission can obtain information such as communications as a production order requires the offence to have a possible penalty of imprisonment.

In recent cases, donations matters have been prosecuted under the Crimes Act 1961, attracting possible prison sentences but sitting outside the framework for electoral consequences such as entry on the corrupt practices list (which disqualifies a person as a candidate or voter), and appearing more difficult to prove.

The Commission recommends Parliament considers adding an overarching anti-collusion provision to the Electoral Act to aid enforceability of electoral finance rules. This could make clear that the democratic context means any deception or avoiding of transparency requirements is likely harmful to the public interest, whether or not further criminal offending is involved.

The Commission also recommends Parliament considers whether the Commission be given the power to require the production of documents to better enable the Commission to manage its compliance function in relation to electoral offences.

Party financial statements will first be filed this year

A significant law change is that registered parties must file financial statements, separate from returns of donations, loans, or election expenses. The first financial statements are due to be filed in 2024, reporting on periods from 1 January 2023. The new requirements establish different categories for reporting depending on the party's constitution and structure. Party secretaries will likely need to work with accountants or otherwise ensure the applicable accounting standards are met.

We will need to determine whether the financial statements filed with the Commission can be accepted, and we will publish them online as we do with returns.

The new rules around financial statements are complex and require a different form of reporting from parties. Smaller, unincorporated parties are likely to find it a burden to comply with these requirements. The Commission will be able to advise on the implementation of the rules once parties begin to file their statements later in 2024.

Candidates now disclose loans

In addition to reporting election expenses and donations, candidates are now required to disclose loans made to their campaign at the election. This is similar to the reporting by registered parties of election expenses, donations, and loans. Unlike donations, no threshold for disclosure exists with loans — all loans must be reported. We provided information in the candidate handbook, a video resource, and the candidate return form to ensure candidates were aware of their new obligations.

Only one candidate loan of less than \$700, was reported for the 2023 General Election. By comparison, candidates reported just under \$3.5 million spent on election expenses in the regulated period and received just over \$4 million by way of donations over \$1,500 for their campaigns, which shows donations are the primary way in which candidate campaigns are funded.

Parties will now report extra detail about donations

From 2023, registered parties reporting donations must distinguish total monetary donations from total non-monetary donations received. Parties also now report the number and total value of donations received under \$1,500. Annual returns for 2023 had to be filed with the Commission by 30 April 2024.

Donations in kind

Candidates and parties can receive monetary donations and donations in kind, such as free goods and services. However, ‘labour of any person that is provided ... free of charge by that person’ is not counted as a donation.²⁸

The Electoral Act does not define ‘labour’ or ‘services’ for the purposes of the donations and expenses rules. It is unclear whether the definitions exempt any services provided free of charge, or just exempt natural persons providing their services for free (that is, door knocking, canvassing, and other pro bono or volunteer activity with a candidate’s or party’s campaign).

A permissive approach (and with the absence of any express or implied limitation of the term ‘person’) would also exempt free services provided by incorporated or unincorporated bodies for both the meaning of candidate and party donations in section 207 of the Electoral Act and the meaning of election expenses in section 3E of the Electoral Act. Free professional services (for example, accountancy, advertising, and legal services) a business supplied would not be a donation under this approach.

²⁸ See section 207 of the Electoral Act 1993.

Adopting a more permissive approach would also create an inconsistency in the application of the donations rules, where a candidate or party would not be required to record or report services provided for free but would be required to record (and report) services that met the reporting limits provided at less than reasonable market value.

The Commission recommends Parliament considers, for the avoidance of doubt, ‘free labour’ and ‘free or discounted services’ be defined in the Electoral Act. The definition should be clear whether ‘person’ is limited to natural persons for the purposes of free labour.

Clarity for treatment of joint donations and loans

The Electoral Act requires disclosure of donations and loans over specified thresholds but does not specifically address how those thresholds apply when two individuals give both separately and jointly. For example, a husband and wife separately donate an amount to a party in separate transactions and later make a joint donation to the party.

The Commission recommends Parliament considers the Electoral Act be amended to explicitly confirm whether or not and what type of aggregation is required for the purposes of the donations and loans thresholds.

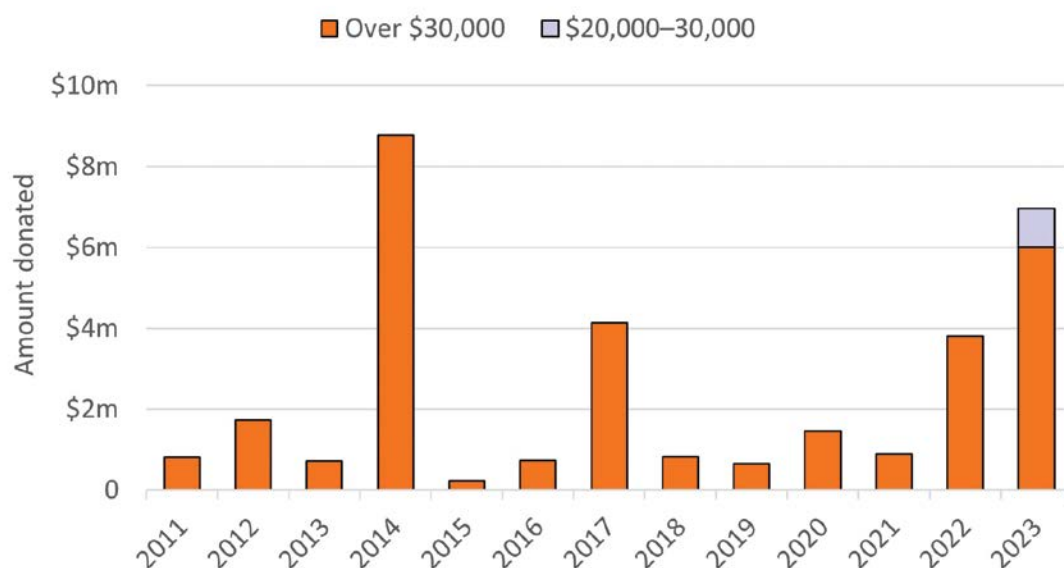
Immediate disclosure of donations over \$20,000 in election year

From 1 January 2023, the requirement for parties to immediately report donations over \$30,000 was replaced with a requirement to immediately report donations over \$20,000 received in election year between 1 January and the day before election day (13 October 2023). Parties filed 126 returns during 2023. Four parties failed to file a return within the 10-working day timeframe and were reminded of their obligations to have good processes in place to report donations over \$20,000 straight away.

The total number of returns filed in 2023 for donations over \$20,000 was more than twice the number of returns over \$30,000 made by parties in election years from 2011 to 2020. The total value of donations reported was also significantly higher than in 2020, 2017, and 2011 (see Graph 22). Of these, 41 returns were for donations of \$20,000 to \$30,000, totalling \$955,000, and 85 returns were for donations over \$30,000, totalling \$6 million.

With the changes to electoral finance reporting, parties will next have to immediately report donations over \$20,000 in 2026.

Graph 22: Donations reported under section 210C of the Electoral Act 1993, 2011–2023



Donations protected from disclosure

During 2023, 10 donations totalling \$376,390 were protected from disclosure, paid anonymously through the Commission to parties between August and December.

Reporting of party expenses, donations, and loans by parties

Party expense returns had to be filed by 13 March 2024. Parties that contested the election reported a broad range of election expenses from nil to more than \$3 million. In total, parties spent around \$12.5 million on advertising during the regulated period and, in addition, received a combined total of just over \$4 million of broadcasting allocation funding.

Any party registered during the regulated period must also file an expense return, which must be audited, even if they did not contest the party vote or stand any candidates at the election.

Additionally, all parties must have their expense returns audited, even where a party's spend is very low. Smaller parties with limited funds often find the audit report requirement a significant burden. To enable smaller parties that spend relatively little at an election to participate, Parliament may want to bring the audit requirement for expenses in line with the requirements for party donations. This would mean a party that spent \$50,000 or less on election expenses would not have to have their return audited.

Registered parties are required to file an annual return of donations and loans by 30 April for the previous calendar year. The definition of ‘party’ in the Electoral Act²⁹ requires an expense return and a donations and loans return to be filed by parties registered at any time during the regulated period.

The Electoral Act could be clearer about whether a donations and loans return must be filed by a party that has deregistered at other times during the electoral cycle. A specific provision in section 210(8) of the Electoral Act deals with the situation where a party is registered partway through a year, but not when a party is deregistered.

The Commission recommends Parliament:

- considers requirements about reporting donations and loans for parties that apply to cancel their registration are clarified in the Electoral Act
- reviews the expense return requirements for parties that do not contest the party vote or stand any electorate candidates
- reviews the requirement for an audit report for parties that spend \$50,000 or less on election expenses at an election.

The Electoral Act provides deadlines for invoices to be given to parties and their candidates, and further deadlines for those invoices to be paid by parties and candidates ahead of the returns being filed with the Commission.

Leave of a District Court judge must be obtained to pay an invoice after the statutory deadline. To improve the efficiency of the process, we recommend this be changed to leave of the Chief Electoral Officer where the return has yet to be filed. This would avoid parties, or their candidates, having to take up the time of the courts and make it easier for them to comply with the requirements of the legislation.

The Commission recommends Parliament considers amending the Electoral Act to allow parties and candidates to pay a late invoice with the leave of the Chief Electoral Officer where they seek leave before the deadline for filing their return.

²⁹ See section 3 of the Electoral Act 1993.

Scrutineers

The role of scrutineers observing an election is an important integrity measure. Scrutineers are able to collect information from voting places about who has voted at an election to assist their campaign team to mobilise voters. They can also collect results information from the counts and communicate this information to their campaign teams after the close of the polls.

For this election we continued the practice, introduced in 2020, of providing lists of the electorate, roll page, and line numbers of people issued ordinary votes for scrutineers to photograph at voting places. Overall, this process worked well, and parties support it.

While there have historically been high levels of trust and confidence in New Zealand electoral processes, and the 2023 voter and non-voter survey showed that 93% of respondents either agreed or had a neutral response to ‘the Electoral Commission is trustworthy’, at this election some people wanted to use the scrutineer role for purposes beyond those prescribed. Similar requests were made after the 2020 General Election for count certificates so the election could be ‘audited’. In 2023, concerns were expressed about the chain of custody of voting papers, vote rigging, and ballot stuffing. This questioning of processes, together with some incorrect information about the processes shared online, appears to mirror wider societal concerns about trust in government.

For example, 2023 saw a new initiative, the Election Integrity Project,³⁰ call for thousands of people to sign up as scrutineers. The project appeared to have had concerns about the 2020 General Election and its aim was to have a scrutineer at every voting place to report back on the count³¹ to conduct its own audit of the results. The project also wanted to observe the receipt of the preliminary results from voting places by telephone and data entry of results into the election management system at electorate headquarters, and asked for copies of count certificates so it could verify election results. A small number of scrutineers who were concerned about vote-rigging were appointed by candidates and parties.

Managing requests from individuals to observe processes that the law does not currently allow scrutineers to observe took up electoral officials’ time, particularly towards the end of the advance voting period and on election day and during the official count, with additional support provided to affected Electorate Managers, as necessary. A law change to allow

³⁰ This initiative is not connected with the Electoral Integrity Project, which is an academic project set up in 20 countries that compares elections worldwide: www.electoralintegrityproject.com

³¹ NZ 2023 Election Special #2/5: *The Election Integrity Project with Tracy Livingston*. Counterspin Media. <https://counterspinmedia.com/blog/resources-videos/nz-2023-election-special-2-5-the-election-integrity-project-with-tracy-livingston>
C Mitchell. 2023. Scrutinising the scrutineers: The plan to stop ‘potential vote-rigging’. *The Press*, 16 September. www.thepress.co.nz/nz-news/350071656/scrutinising-scrutineers-plan-stop-potential-vote-rigging

scrutineers to be provided with copies of results documentation would likely not be practicable given an estimated 77,500 documents are produced for the preliminary and official counts.³²

To improve the efficiency of the voting and official count process, the Commission recommends review of the scrutineer provisions in the legislation to clarify the role of scrutineers, including their role at the preliminary and official counts, and to clarify what processes can be observed, what information scrutineers can request and/or record, and how to ensure the processes for the preliminary count and official result are efficient, fair to all stakeholders, and maintain trust and confidence in elections.

Party secretaries of registered parties contesting the election can appoint scrutineers to attend the allocation of list seats. The legislation describes a manual process. In reality, this process is automatically produced by the Commission's election management system. Scrutineers have not attended the allocation at recent elections. We would recommend Parliament review whether it is relevant for scrutineers to observe this process.

The Commission recommends Parliament:

- considers an Electoral Act amendment to make it clear an MP cannot be a scrutineer.
- reviews whether the scrutineer provisions remain fit for purpose, including whether they are clear about who should be able to appoint scrutineers, the parts of an election they should be appointed to observe, and the information they should be able to collect and share with their campaign teams.



³² The preliminary and early counts on election day are made up of over 9,500 individual counts, as all the advance voting and election day voting places complete a count for every electorate they issue ordinary votes for. This is a minimum of two electorates for each voting place (for example, a count for at least one general electorate and one Māori electorate), plus counts for any other electorates they issue ordinary votes for.

Party registrations

In 2023, we registered seven new parties: Animal Justice Party Aotearoa New Zealand, Democratic Alliance, Freedoms New Zealand, Leighton Baker Party, New Nation Party, New Zealand Loyal, and Women's Rights Party. Five of these parties registered in August 2023, either shortly before or after candidate nominations opened.

All the above parties also registered logos to appear on the ballot paper. In addition, in the run-up to the election we processed applications for a change of name and logo for One Party to NewZeal, the Māori Party to Te Pāti Māori, and New Conservative to New Conservatives and for a logo change for The Opportunities Party (TOP).

In February 2024, Democracy NZ had its party registration cancelled at its request. There are 19 registered parties currently.

To register as a party, the party must have a certain level of support as demonstrated by party membership; namely, 500 current financial members who are eligible to enrol. Additionally, the name of the party must not be misleading, confusing, offensive, or overly long.³³

We cannot process an application to register a party or logo between writ day (about a month before election day) and the last date for the return of the writ. It generally takes about 8 weeks to process a party registration application and around 4 weeks for a logo application. These timeframes mean an application to register a party can still be under way during the regulated period when spending limits apply to registered parties and when eligible parties have started incurring expenditure using their broadcasting allocation.

We recommend the start of the regulated period should be the legal deadline when we stop processing party and logo applications in the run-up to the election. This would mean parties and voters would have greater certainty about which parties were eligible to contest the election, from the start of the 3-month regulated period. It would also provide certainty earlier to parties that are eligible to use the broadcasting allocation and would limit the need for us to make late variations to the amount of money eligible parties can receive. At recent elections, the Commission had to make variations after writ day, as this is the current deadline for eligible parties to be registered.

An earlier cut-off for processing would also make it much easier for the Commission to help new parties understand their obligations during the regulated period and ensure their candidates understand the campaign rules and what it means to stand as a candidate at the election. This would be similar to the registration process the Victorian Electoral Commission administers, where applications cannot be made within 120 days of a state election.³⁴ We also

³³ Section 65 of the Electoral Act 1993.

³⁴ Victorian Electoral Commission. No date. Register a political party (webpage). www.vec.vic.gov.au/candidates-and-parties/registered-political-parties/register-a-party

recommend the same deadline for making changes to a registered party name or logo to assist with readiness for voting paper production.

The Commission recommends Parliament considers the statutory deadline, when party and logo registration applications cannot be processed by the Commission, be amended to coincide with the start of the regulated period.

Currently, applicant parties must provide a copy of their candidate selection rules within a month of registration. Changing this to require the rules with an application ensures we can check the rules and make them available to the public as soon as a party registers and that this information can be publicly available before candidate nominations.

The Commission recommends Parliament considers parties be required to provide a copy of their candidate selection rules with their party registration application, rather than within a month of registration.

Umbrella and component parties

Most registered parties operate independently and contest the party vote and stand multiple electorate candidates at a general election. The Electoral Act does, however, permit parties to jointly contest general elections by allowing one or more (registered or unregistered) parties to be a component party of another registered (umbrella) party. The Electoral Act defines a component party but does not define an umbrella party.³⁵

At the 2023 election, Freedoms NZ stood as an umbrella party, with NZ Outdoors & Freedom Party and Vision New Zealand as registered component parties and Rock the Vote NZ as an unregistered component party. New Nation Party was also a component party for a time but ceased to be so on 21 July 2023, shortly after the start of the regulated period for the election.

A component or umbrella party situation can arise when:

- several unregistered parties unite under an umbrella and the umbrella party registers to contest the party vote
- registered parties unite under an umbrella party
- a combination of registered and unregistered parties unite under an umbrella party
- a registered party becomes part of another registered party.

³⁵ Section 3 of the Electoral Act 1993.

Parties that have jointly contested elections are:

- Advance NZ (umbrella party) and NZ Public Party, the New Zealand People's Party, Reset NZ, and Direct Democracy New Zealand (as unregistered component parties) at the 2020 General Election
- InternetMANA (consisting of the Internet Party and MANA Movement as registered component parties) at the 2014 General Election
- The Alliance (consisting of component parties NewLabour Party, the Democrat Party, Mana Motuhake, the Greens, and the Liberal Party) at the 1993, 1996, and 1999 General Elections.

The Alliance is the only party that has won seats as an umbrella party under the MMP system.

Arrangements are often made in election year and nothing in the Electoral Act prevents such an arrangement ceasing after party lists have been lodged and nominations have closed. The Commission queries whether there should be restrictions about when a party can join or leave these types of arrangements in the run-up to an election to give certainty to voters. At present, parties in this type of arrangement can exit the arrangement at any point, up to and including election day.

The Independent Electoral Review recommended unregistered parties not be allowed to be a component party in such an arrangement to avoid the disclosure requirements loophole, as only registered parties must report party expenses, donations, and loans.

We invite Parliament to consider how the current umbrella and component party provisions in the legislation work and whether any changes are needed, particularly around the transparency of funding of parties that have umbrella and component party arrangements.

The scrutineer provisions are also more complex for these umbrella and component arrangements; for example, Freedoms NZ could appoint scrutineers to observe voting in a voting place in any electorate, even though it had component party candidates standing in 35 electorates.

No deadline exists for the notification of component party arrangements in the run-up to an election, which produces uncertainty for voters and can also affect the nomination and broadcasting allocation processes. We recommend that section 128A of the Electoral Act, which allows a party to make a declaration of any change to component party arrangements before polling day, is amended to enable parties to notify component parties only up to the start of the regulated period. This would align with the recommendation relating to the registration of parties. Alternatively, if changes are not made to the deadlines for party registration and logo applications, then we recommend parties are not allowed to add or remove component parties between writ day and the return of the writ.

The Commission recommends Parliament reviews the existing umbrella and component party provisions and considers whether changes to the rules are needed.

Candidate nominations

The numbers of candidates nominated and registered parties contesting the election in 2023 were similar to numbers in 2017 and 2020 (see Table 8).

Table 8: Number of candidates and parties, 2017–2023

Category	2023	2020	2017
Electorate candidates	495	601	453
List candidates	469	548	449
Independent/ unregistered party candidates	56	58	46
Registered parties contesting the election	19 ^A	17	16
Registered parties contesting the party vote	17 ^B	17	16
Unregistered parties who stood candidates	13	15	10
Number of parties entering Parliament after the election	6	5	5

A Democratic Alliance did not submit a party list or stand any electorate candidates.

B NZ Outdoors & Freedom Party and Vision New Zealand contested electorate seats only as component parties of Freedoms New Zealand.

There is often public interest in the breakdown by gender and ethnicity of candidates standing at an election and who makes it into Parliament. The Commission does not collect information about the ethnicity of candidates, but does collect gender information for statistical purposes, which is optional for candidates to provide. Table 9 provides a breakdown of candidates by gender and elected MPs at the beginning of the 2017 to 2023 parliamentary terms. The make-up of Parliament often changes during a term, and, in 2022, the fifty-third term of Parliament became the first term with more female than male MPs.

Table 9: Candidates and members of Parliament (MPs), by gender, 2017–2023

Category	2023 candidates	2023 MPs	2020 candidates	2020 MPs	2017 candidates	2017 MPs
Identified as female	229	54	263	58	190	46
Identified as male	329	67	413	62	341	74
Did not disclose gender ^A	5	1	1		3	
Identified as another gender	4					
Total	567	122^B	677	120	534	120

A In 2017 and 2020, the categories gender diverse and not specified were reported together.

B Parliament subsequently increased to 123 MPs after the Port Waikato by-election, won by Andrew Bayley who entered as a list seat at the general election, which resulted in Nancy Lu replacing him as a list MP.

In 2023, for the first time, the receipt and processing of candidate nominations was centralised to improve efficiency and provide a seamless service for parties and candidates. We propose that the candidate nomination provisions in the Electoral Act reflect this, by replacing references to the Returning Officer with the Commission. Delegations will still be used to allow candidates who do not want to submit their nomination and pay their deposit electronically to lodge their nomination with the local Returning Officer by appointment.

The Commission recommends Parliament considers amendment of the candidate nomination provisions in Part 6 of the Electoral Act to refer to the Electoral Commission rather than the Returning Officer.

Nomination forms that contain candidates addresses, phone numbers, and dates of birth are available for public inspection by any registered elector of the district as soon as nominations are lodged. This raises privacy concerns, no longer reflects the centralised processing of nominations, and is now unnecessary because we publish the names of candidates and parties and their list ranking on our vote.nz website as soon as possible once nominations close. As candidates generally start promoting themselves before nominations close, we do not expect that removing this right of inspection will give rise to issues around the freedom of media and others to find out who is standing in an electorate.

The Commission recommends Parliament considers removal of the right to inspect candidate nomination forms.

By law, different nomination deadlines exist for party lists and bulk nominations (noon the day before nomination day) and for individual nominations by independents and unregistered

party candidates (noon on nomination day). For this election, the deadline for party lists and bulk nominations was noon on 14 September. The deadline for individual candidate nominations was noon on 15 September.

Having different deadlines can be confusing for new parties. This was apparent in 2023, in the unsuccessful litigation brought against the Commission by a party contesting the deadlines for amending its party list.³⁶ Having different deadlines also delays voting paper and EasyVote printing.

The Commission recommends Parliament considers a single deadline for all candidate and party list nominations.

For the first time since the introduction of MMP, a nominated candidate died before election day, triggering a fresh election to ‘be conducted as if it were a by-election’.³⁷ Several provisions in the Electoral Act relating to by-elections are triggered by notice from the Speaker, but no notice is issued in this situation. Urgent validation orders³⁸ by the Governor-General were required under section 266 of the Act to ‘make other provision’ in circumstances where sufficient provision was not made by or under the Act.

The Commission recommends Parliament considers how the provisions of the Electoral Act apply where a candidate dies after the close of nominations.

We published a public notice in major daily newspapers on 26 August, notifying the opening of candidate nominations on 28 August to give people information about the process for getting nominated and the deadlines. We then had to publish a second notice on 11 September because of the requirement to do so immediately after receiving the writ.³⁹ With nomination day on 15 September, this timing was too late to give adequate notice and adds additional unnecessary cost.

The Commission recommends Parliament considers changes to section 142 of the Electoral Act to allow the Commission to determine the date and the methods for giving notice of nomination day and the process for nominations.

Under the legislation, parties can give notice of their intention to bulk nominate up until one working day after writ day. In 2023, the deadline for giving notice was 11 September. The deadline for bulk nominations was noon on 14 September. The ability to give notice so late adds risk to the nominations process for parties and the Commission. The deadline should be

³⁶ *New Zealand Loyal v Electoral Commission* [2023] NZHC 2827 (9 October 2023).

³⁷ Section 153E(2) of the Electoral Act 1993.

³⁸ Electoral (Port Waikato By-election) Order 2023.

³⁹ Section 142 of the Electoral Act 1993.

brought forward to the start of the regulated period to align with the proposed earlier deadline for party registration and party name and logo applications discussed elsewhere in the report.

The Commission recommends Parliament considers changes to section 146B of the Electoral Act to make the deadline for giving notice of the intention to bulk nominate 1 working day after the start of the regulated period. This will also align with the recommended earlier deadline for party registration and party name and logo applications.

Registered promoters

The Commission registered 32 promoters for the 2023 General Election, a similar number to that for the 2020 General Election. Most promoters were organisations, such as unions and issue-based groups, although three promoters were individuals.

While the Electoral Act does not allow the Commission to register a promoter if it is involved in the affairs of a party or candidate, there is no such prohibition if a promoter is involved in the affairs of another promoter. This provision exists to ensure a separation between parties and candidates and the promoters that could advertise on their behalf. As there is no similar restriction for registered promoters, a person could have the benefit of the expenditure limit of more than one registered promoter.

The Commission recommends Parliament considers whether a person should be able to be involved in the affairs of more than one registered promoter.

Advice, guidance, and advisory opinions

The Commission is responsible for administering the rules in the Electoral Act, including promoter statement, authorisation requirements, and election day rules.

For each election, we produce a variety of resources to help candidates, parties, and other stakeholders understand the electoral rules and processes. For this election, these resources included:

- handbooks for candidates, MPs, third parties, scrutineers, and media
- a candidate hub on the elections.nz website where candidates could find everything they needed to know, including short videos explaining how to become a candidate, the campaign rules, and expenses, donations, and loans
- briefings for candidates, parties, third parties, and media.

Feedback from parties was positive around the resources, party secretary updates, and the assistance we provided, with some party secretaries noting the complexity of the rules that they must be across and the help that smaller parties and new parties need. For the 2023 General Election, we provided MPs with guidance about the rules at the beginning of election year. We are looking at whether we can provide this guidance earlier this term, which may assist new MPs in particular.

Most candidates were also positive about the guidance available. In our post-election survey of candidates, 81% said they used or referred to the handbook and 83% agreed or strongly agreed that it provided useful information.

In 2022, we launched a party portal, in a secure part of the elections.nz website, so party secretaries of registered parties and their authorised personnel could access guidance and resources from one place and upload documents to the Commission. For this election, parties could also log into the nominations system using this portal.

Some parties like the portal, others prefer other ways of accessing advice and guidance, and some parties and candidates suggested improvements that we will build into our planning for the next election.

We also provide advice on request to candidates, parties, and others in the run-up to the election on the election advertising rules. This includes providing advisory opinions on whether an advertisement is an election advertisement for the purposes of the Electoral Act. Our opinions are our interpretation of the Act and are not legal advice.

For the 2023 General Election, we issued 839 advisory opinions on 1,718 separate items, with an average turnaround of 1.9 days. This compares with 1,037 advisory opinions on 1,662 advertisements in 2020.

Most advisory opinions are requested by MPs, who cannot display or publish election advertising during the regulated period paid for by the Parliamentary Service. Outside the regulated period, MPs can use Parliamentary Service funding to publish election advertising provided it does not explicitly solicit support, votes, financial support, or membership.

However, in election year, the rules do not prohibit MPs from increasing their spending on non-election advertising to raise their profile with the electorate. For example, an MP could run much larger contact advertisements on billboards or the back of buses in the electorate they are intending to contest in the 6 months before the election. Provided it is run no more frequently during the 3-month regulated period this is allowed under the Electoral Act and the rules the Parliamentary Service administers. Arguably, this provides an advantage to incumbents.

The Commission recommends Parliament considers whether the contact information exemption for MPs in the Electoral Act should have any size and prominence restrictions to ensure a level playing field for all candidates.

Social media and our work with the platforms

As part of our role, we provide information and education to promote understanding of the electoral system and respond, where appropriate, to incorrect information about enrolling and voting either through deliberate campaigns aimed at undermining trust in the process or the sharing of misleading information when people have just got things wrong.

The *Protocol on Communications Related to the 2023 General Election Process* outlines the roles of agencies in managing public communications for the election. This includes which government agencies will officially communicate with the public to support participation in the election and the approach for responding to public enquiries. It details how to address misleading or inaccurate information about the general election, including liaison with online social media platforms.⁴⁰

⁴⁰ New Zealand Government. 2023. *Protocol on Communications related to the 2023 General Election Process*. Wellington: Electoral Commission. <https://elections.nz/assets/2023-General-Election/Election-protocols/Protocol-on-communications-related-to-the-2023-General-Election-process.pdf>

Throughout the 2023 General Election cycle, we worked with online social media platforms to establish escalation mechanisms to report breaches of the election advertising rules and to report mis- or dis-information specifically about the election process. For the 2023 General Election we had escalation mechanisms in place with Meta, X (formerly Twitter), WeChat, Google, TikTok, Snap, and Microsoft. During the election period, 23 matters were escalated. Thirteen items were escalated to Meta and all were actioned. Nine matters were escalated to X. One was taken down, one was found not to violate X terms and conditions, one could not be found because the clip had been removed by the account owner, and six were not actioned by the platform. One escalation was made to Google, and it was able to confirm there was no breach of the election day rules.

Promoter statements and safety

All election advertisements and election-related advertising published in any medium and at any time require a promoter statement.⁴¹ The promoter statement must include the name and street address of the person who has initiated or instigated the advertisement. A post office box is not permitted.

In June 2022, the Local Electoral Act 2001 was urgently updated for the 2022 local elections to amend the promoter statement requirements to address safety concerns related to the publication of residential addresses on local election campaign advertisements. Candidates at local elections are now allowed to include (a) a residential or business address, (b) an email address, (c) a post office box number, (d) a phone number, or (e) a link to a page on an internet site, if the page contains one or more of the contact details in (a) to (d).

The promoter statement requirement provides for accountability and transparency in electoral advertising. For parliamentary election advertising, the address can be the candidate's full street address of either the place where they usually live or any other place where usually someone can contact them between 9am and 5pm on any working day. In the Commission's guidance we advise candidates a street address can be the campaign office, party headquarters address, parliamentary or out-of-Parliament address. Sitting MPs standing for re-election and larger parties that can afford campaign offices can provide candidates with non-residential addresses that can be used on their promoter statements. However, this may not be realistic for smaller parties and independent candidates, who may have to include their residential address on their advertising.

During the 2023 election cycle some candidates, third-party promoters and 'get out the vote' campaigners expressed privacy and safety concerns to the Commission about this requirement,

⁴¹ Section 221A(2) of the Electoral Act 1993 provides an exemption for advertising published by the Commission and any other agency charged with official publicity or information on behalf of the Government that relates to electoral matters.

and in some cases decided against participating in the election. There is growing concern and awareness of the impacts of abuse and threats towards candidates and MPs. The current rules may also have a chilling effect on third parties publishing advertising to encourage engagement in elections.

This is a difficult policy issue where privacy concerns also need to be weighed against the public expectation those standing for public office should expect a higher degree of public interest and scrutiny and that transparency around election or election related advertising is paramount to maintain confidence in elections. Consideration could be given to whether the same requirements apply to all participants or whether there are different rules for candidates, parties, and third-party promoters. For example, should election-related advertising published by an entity encouraging people to get out and vote require the same form of promoter statement as election advertisements initiated by candidates and parties?

The Commission recommends Parliament reviews the requirement for a street address in promoter statements in light of personal safety and security concerns of people participating in the election.

Broadcasting regime

Parliament appropriated \$4,145,750 (including GST) for parties to use on television, radio, and online advertising for the 2023 General Election. This is the deemed appropriation amount under section 74 of the Broadcasting Act 1989. The funding amount has not increased since 2017.

Section 78(2) of the Broadcasting Act sets out the criteria the Commission must use to determine the allocation of money to parties. Several of the statutory criteria require an assessment of past performance, acknowledging parties' previous electoral success, but they also require the Commission to have regard to the need to 'provide a fair opportunity for each political party ... to convey its policies to the public'. Rather than being a simple mathematical exercise, the legislation provides no guide to weighting and requires the Commission to use its judgement when considering all the criteria.

The allocation must also be considered within the wider broadcasting statutory context, which prevents parties from accessing radio and television for campaigning using their own money. More information about how the money was allocated by the Commission to parties and some of the difficulties with the criteria are outlined in the allocation decision, which is available online.⁴²

⁴² Electoral Commission. 2023. 2023 broadcasting allocation decision (Media & News webpage, 12 May). <https://elections.nz/media-and-news/2023/2023-broadcasting-allocation-decision>

The amount allocated to each party is always controversial as views differ about how fairness is to be achieved. In 2023, the tension between the allocation criteria and how the allocation process applies to component and umbrella parties lead to judicial review proceedings in the High Court. The Court found no error in the Commission's approach or its application of the relevant provisions to umbrella and component parties. The judge noted that the matter was also being considered by the Independent Electoral Law Review panel and that 'there are plainly difficulties with both the principles underlying, and the operation, of Pt 6 of the Broadcasting Act ... a number of fundamental rights are at stake, [and] those rights themselves have complexities and can pull in different directions ... and it is almost certainly for Parliament to recalibrate the balance as and when it sees fit'.⁴³

As noted in the report on the 2020 General Election, only allowing parties and candidates to broadcast from writ day shortly before the start of advance voting is overly restrictive and adds complexity to the rules on how the broadcasting allocation can be used, particularly for online advertising, which is not usually restricted before writ day.

Broadcasting in breach of the rules is a serious offence in the Broadcasting Act. However, for what appears to be no apparent reason, the legislation distinguishes between who is liable depending on whether the breach occurs during the election period or before the election period. During the election period, both the broadcaster and the person who arranged the broadcasting are liable, whereas at other times only the broadcaster is liable. In our view, both should be liable at all times.

The Commission recommends Parliament reviews the allocation criteria and current broadcasting regime. If the allocation remains in its current form, the Commission recommends that the appropriation be increased for the 2026 General Election given the significant increases in the costs of advertising since 2017.

The Commission recommends Parliament considers whether parties and candidates be allowed to broadcast election programmes from the start of the regulated period and the use of allocation money for internet advertising not be restricted to advertising run during the election period.

The Commission recommends Parliament considers amendments to section 80I of the Broadcasting Act 1989 to make both the broadcaster and the person who arranges the broadcasting liable for breaches of the broadcasting rules at all times, not just in the election period.

⁴³ *NZ Outdoors & Freedom Party v The Electoral Commission* [2023] NZHC 1823, para 128. <https://thelawassociation.nz/wp-content/uploads/2023/08/NZ-Outdoors-and-Freedom-Party-v-Electoral-Commission-2023-NZHC-1823.pdf>

Campaign rules for advance voting places

The election advertising rules prohibit campaigning and the display of campaign material inside and within 10 metres of the entrance to advance voting places during opening hours (the buffer zone).

The buffer zone applies from the entrance to the voting place, which means the place that contains voting screens where votes are issued. To ensure the rule does not unduly restrict freedom of expression in a mall or community centre, where voting is taking place in an area within the wider complex, the 10 metres is measured from the entrance to the area in which votes are being issued not from the entrance to the complex. The Commission can specify a smaller buffer zone and may designate an entrance but does not have discretion to extend the buffer zone.

The rule works well when voting is taking place within an enclosed space but in 2023 there were issues with the operation of the buffer in some open space voting locations that caused disruptions to voting. For example, voting was disrupted at the start of voting in a mall where digital displays remained visible close to and above the area where voters were voting, but just outside the buffer zone from the entrance.

Open voting places are highly visible and popular with voters, but to ensure voting can proceed smoothly, the Commission is recommending legislative change.

The Commission recommends Parliament considers the campaign buffer zone provision be amended to refer to the perimeter of the area in which votes are being issued, including the overhead space.

Photography in voting places

Some people suggest voters should be permitted to take photos of their ballot papers, arguing that individuals should be able to decide whether to share them or not as an expression of free speech.

Regardless of what happens with the broader election day rules, we think it is important people do not share photos of their completed ballot papers and that a rule should be introduced that makes it illegal for people to take photos of their ballots in polling places. This rule is necessary to protect the secrecy of the ballot. The secrecy of the ballot protects voters' privacy, but it also functions as a safeguard against bribery and intimidation by ensuring a voter can never prove how they voted. This is not intended to prevent pre-arranged photo opportunities such as of party leaders placing their ballot paper into the ballot box.

The Commission recommends Parliament considers prohibiting voters from taking photos of their ballot papers in polling places without permission of the Returning Officer.

Election day rules

With the growth of advance voting, the Commission has been recommending since 2014 that the election day rules and the rules during advance voting need to be reviewed.

At recent elections, we have frequently received complaints about the inconsistency of the rules around campaigning and advertising in the immediate vicinity of advance voting places and the blanket ban on campaign activity until 7pm on election day. As outlined in our 2020 report, one option could be for election day to have the same rules as advance voting, which bans advertising and influencing voters only in voting places and inside the buffer zone around voting places. In 2023, we received a large number of complaints about activities online and on social media.

Door-to-door or telephone activity designed to assist voters and encourage voting are a part of this country's voting tradition. Parties, candidates, and others play an important role in encouraging voting. The Commission provides advice to parties and candidates and other campaigners on what they can do to encourage voting without breaching the election day rules that prohibit the publication of statements likely to influence voters. Although advice was requested in 2023 on whether scripts for candidate and party volunteer activity were within the rules, we received fewer complaints about face-to-face canvassing on election day.

The two types of advertising that received the most complaints on election day were signs still being up and posts on social media. The rules in the Electoral Act provide a defence if signs are left up inadvertently and are taken down or covered up when it is brought to their attention. Generally, parties and candidates took swift action to remove any signs left up inadvertently.

The law currently allows election-related content to remain on the internet on election day if it is not added to or advertised. This raises important issues regarding 'get out the vote' activities and parties and candidates being able to provide information about enrolling and voting without being in breach of the election day rules. There are also issues with this provision for media wanting to promote their election night coverage in any medium (television, radio, or online) on election day.

The Commission recommends Parliament reviews the rules that apply to election day considering the growth of social media and advance voting, including what information can be added to a website on election day about enrolment, voting and news media coverage.

Compliance and enforcement

We dealt with a similar number of enquiries and complaints in the run-up to the election about the campaign rules as in previous elections. The most common complaint about election advertising was the failure to include a promoter statement.

The Commission made seven referrals to police for failure to comply with the promoter statement requirements during 2023, six of these matters related to advertising for candidates or parties and one was for third-party advertising.

Three referrals to police were made relating to broadcasting election advertisements outside the election period. One referral was made for a party broadcast not paid for from the broadcasting allocation.

We referred 20 breaches of the election day rules relating to posts on social media to police. In addition, three separate matters, relating to hoardings, a social media post, and a protest were raised directly with police on election day.

We received several complaints about treating at this election. The Commission generally receives some complaints in the run-up to the election that activity by candidates and parties, including free food, drink, or giveaways, amounts to treating. One treating complaint, regarding offering money to vote for a party, was referred to police.

Voting rules and dual votes and referrals

Anyone convicted of a corrupt practice offence is put on the corrupt practices list and is not eligible to enrol or vote for 3 years from the date of their conviction.

Four people convicted of failing to file a candidate return after the 2020 General Election, and placed on the corrupt practices list, made applications to enrol and voted at the 2023 General Election. They were referred to police for making a false statement when enrolling and applying for special votes while on the corrupt practices list.

In early 2024, the Commission referred 55 individuals who appeared to have voted more than once at the 2023 General Election. There were 48 referrals for dual voting after the 2020 General Election, 37 after the 2017 General Election, and 126 after the 2014 General Election.



WĀHANGA 9: Ētehi take anō

PART 9: Other matters

Continuity of Executive Government

With the announcement of the election by the Prime Minister on 19 January 2023, the Commission was able to plan for the delivery of the election in October. However, the formal election timetable only got under way, following the dissolution of Parliament, when the Governor-General issued the writ on 10 September, with a maximum of 60 days allowed from writ day until the return of the writ (assuming no recounts).

Before the 2020 General Election, this period was 50 days, but legislation extended this by 10 days to allow additional time to manage election day enrolment, the growth of special votes, postal delivery changes, and the delivery of referendums with a general election.

For the 2023 election, the Commission followed a similar timetable to that in 2020, with 34 days between writ day and election day, and 20 days between election day and the release of the official results.

Following the release of the official results on Friday, 3 November 2023, the law allowed candidates 3 working days to apply for a judicial recount of the electorate vote. This deadline expired on Wednesday, 8 November with the last date for the return of the writ being Thursday, 9 November.

As recount applications were received for Nelson, Tāmaki Makaurau, and Mt Albert, the return of the writ and the declaration of list MPs occurred on 16 November.

Ministers can stay in office for 28 days after they cease to be MPs, which was up to and including 11 November for the 2023 election. As the return of the writ was delayed because of the recounts, the outgoing Prime Minister (Chris Hipkins), and the incoming Prime Minister (Christopher Luxon) supported the Governor-General appointing Chris Hipkins as Prime Minister and his ministers on a caretaker basis until such time as the new government was appointed. Those appointments were made on 11 November. Ministers can hold office for up to 40 days from the date of their appointment despite not being MPs at the time of appointment,⁴⁴ provided they were candidates at the election.

⁴⁴ Section 6(2)(a) of the Constitution Act 1986.

Christopher Luxon was sworn in as New Zealand's forty-second Prime Minister, along with the rest of the Executive Council on 27 November, 44 days after election day.

The Commission recommends Parliament considers amending the Constitution Act 1986 to ensure the continuity of executive government in the event of a delay to the return of the writ (for example, a judicial recount or an emergency that requires adjournment).

Review of electorate boundaries before the 2026 General Election

The Representation Commission will review electorate boundaries before the next general election.

The boundary review can get under way once the Government Statistician has calculated the electoral populations and the number of electorates, using population data from the 2023 census and Māori electoral data provided by the Commission as at 1 April 2024. Any by-elections held this term will be conducted on the current boundaries.

Electors will be notified of any change to their electorate in the update campaign conducted before the 2026 General Election, and the new electorates will come into force on dissolution of the current Parliament.

Next general election – 2026

The last legal date for the 2026 General Election is 19 December 2026.

The default date for the start of the regulated period for the 2026 General Election is 14 July 2026.

The last date for which a by-election must be held for a vacancy is 9 May 2026, after which time the House of Representatives may resolve not to hold a by-election.

Acknowledgements

We acknowledge the goodwill shown by voters, parties and candidates, and other election stakeholders during the election.

We also thank our colleagues in the wider public sector and our suppliers for the support they provided to us. For their commitment and service, we thank all of the staff at the Commission and the thousands of New Zealanders who worked at the election in a wide variety of roles, as well as the Justices of the Peace and scrutineers who fulfilled their role as independent observers.

Ko te Rārangi Kupu

Glossary

Advance vote	Vote cast in an advance voting place before election day during the advance voting period set by the Electoral Commission (12 days in 2023)
Ballot paper	Voting paper on which the voter indicates their preferred candidate and political party
Broadcasting allocation	Public money allocated to parties to buy advertising on television, radio, and the internet and to pay for the production costs of television, radio, and internet advertising
By-election	Election held during a parliamentary term when the seat of an electorate member of Parliament becomes vacant, for example they die or resign
Candidate	Person contesting an election. Candidates can contest an electorate or be on a party list or both
Disallowed vote	Vote disallowed because the returning officer is satisfied the person's vote cannot be counted, for example where the voter is not registered to vote, a special vote declaration is incomplete or returned late, or it appears a voter has voted more than once at the election
Dormant roll	Roll containing electors who have been removed from the main roll for their electorate because they no longer live at an address and have not updated their enrolment details
EasyVote card	Card posted to every voter on the printed electoral roll, providing their details from the roll
Election day	Day of the election, always on a Saturday with hours of voting 9am to 7pm
Electoral roll	List of names of people who are registered electors for an electorate
Enrolment form	Application form used to enrol to vote or to update enrolment details

Enrolment update campaign	Campaign when the Commission writes to every enrolled elector's address before general and local elections
eRoll	Mobile phone application used at voting places to check which electorate a voter is eligible to vote in and to identify whether a person needs to complete an enrolment form and/or complete a special vote
General electorate	Voters on the general roll vote in a general electorate
Informal vote	Vote that cannot be counted as the voter's preference on the ballot paper is unclear, for example, where the voter leaves the ballot paper blank or puts ticks next to multiple candidates or parties
Issuing officer	Person responsible for issuing votes
Kaupapa Māori voting place	Voting places where Commission staff can take voters through the voting process in te reo Māori
Māori Electoral Option	Voters of Māori descent choose to be on the Māori electoral roll or the general electoral roll when they first enrol to vote. They can change the roll they are on at any time except in the 3 months before an election
Māori electorate	Voters on the Māori roll vote in a Māori electorate
MMP	Mixed Member Proportional representation voting system
MP	Member of Parliament
Ordinary vote	Vote cast by a voter who is on an electoral roll at the voting place
Overseas vote	Vote cast by an eligible New Zealand citizen or permanent resident overseas
Registered party	Party registered under Part 4 of the Electoral Act 1993 that can contest the party vote and is eligible for the broadcasting allocation
Regulated period	Period during which advertising expenditure is capped for party, candidate, and third-party campaigning
Returning Officer	Person responsible for the management of voting in an electorate
Scrutineer	Person who observes the conduct of the election on behalf of candidates and parties

Special vote	Vote cast by a voter whose name cannot be marked off an electoral roll at a voting place or who votes somewhere else, for example at home or from overseas, and has to complete a declaration that is witnessed (also referred to as a special declaration vote)
Takeaway or postal vote	Type of special vote that can be completed away from a voting place
Unpublished roll	Roll containing the names of voters whose personal details are not released publicly
Unregistered party	Parties that can contest a general election, or by-election, by standing electorate candidates but they cannot contest the party vote
Writ day	Date the Governor-General formally instructs the Electoral Commission to conduct the election and date at which the rolls used in voting places close

Ko ngā Āpitihianga

Appendices

Appendix A: Election Access Fund | Te Tomokanga – Pūtea Whakatapoko Pōtitanga

The Election Access Fund | Te Tomokanga – Pūtea Whakatapoko Pōtitanga was established to support disabled people to stand as candidates in parliamentary general elections and by-elections.

The purpose of the Fund is to remove or reduce cost barriers faced by disabled people by covering disability-related costs that non-disabled candidates do not face in seeking selection to be a candidate or campaigning as a candidate.

The Fund was established by the Election Access Fund Act 2020.

The Act requires the Electoral Commission to:

- establish a fund to facilitate the participation of disabled people standing as candidates in or seeking selection as candidates in general elections or by-elections
- consult appropriate people and organisations on the eligibility criteria for accessing the Fund
- publish the eligibility criteria in the *Gazette*
- administer the Fund.

The Act came into force on 1 July 2021, and the Fund opened for applications in October 2022.

Fund establishment

Consultation and communications with the disability community were given a high priority throughout the Fund's establishment. Consultation on the Fund was required under the Act, and Commission staff working on the establishment project were aware that working closely with the disability community would be critical for a successful fund. A broad variety of stakeholders from the community provided input and helped shape the Fund. However, the project team struggled to engage with and get input from the Māori and Pasifika disability communities despite trying different approaches. The constrained timelines for establishment

made engagement more difficult. This is an area of continued focus for the Fund's development.

The input from the community provided helpful guidance for the development of the Fund's policies and guidelines. As the Fund was the first of its kind, these policies and guidelines were expected to need adaptation as they were implemented. The establishment project's steering committee (including the DPO Coalition (a coalition of disabled peoples organisations) and Whaikaha – the Ministry of Disabled People) oversaw the adjustments.

Communicating the Fund

A challenge for raising awareness about the Fund once it was open, was that it would be of interest to a particular segment of the population, that is, disabled people interested in standing for Parliament. As the disabled community is diverse, the Commission needed to use a variety of channels for communicating and to provide supporting material in accessible formats. The Commission used direct outreach, social media, and a national advertising campaign to raise awareness about the Fund.

Fund administration

Once the Fund was open, grant funding decisions were informed by an applications panel with lived experience of disability and experience of providing input to advisory or funding panels.

Cost of establishing and administering the Fund

Expenditure on Fund establishment and grants follows the pattern of similar funds in other jurisdictions where the set-up costs were high compared with the number of grants allocated and the uptake of grants increased over time.

The total cost of establishing and operating the Fund since inception in July 2021 to the end of January 2024 was \$751,836 (excluding grants made by the Fund). This includes staffing, information technology, equipment, travel, communications, and advertising. A breakdown of establishment and operational costs is in Table 10.

Table 10: Election Access Fund establishment and operational costs, July 2021 – January 2024

Cost category	Establishment expenditure	Operational expenditure	Total expenditure
	July 2021 – end October 2022 (\$)	November 2022 – end January 2024 (\$)	July 2021 – January 2024 (\$)
Employee-related	158,783	154,964	313,747
Specialist services	148,323	281,179	429,502
Other	2,929	5,658	8,587
Total	310,035	441,801	751,836

The relatively high costs of setting up the Fund reflect legislative requirements to consult with and engage disabled people, which was critical for the Fund’s credibility. The most significant costs for the project were employee-related expenses and specialist services, which include advertising and publicity as well as translation of materials into a variety of accessible formats. Most advertising expenditure was during the operational phase of the project. Other costs such as travel and equipment were relatively low, with most meetings taking place online.

Uptake of the Fund

The Fund received five applications for the first round of funding from four applicants. One applicant applied twice – once for the selection process and again for campaigning as a candidate. All five applications were successful.

Twenty-two enquiries about the Fund did not proceed further. Some enquirers had misunderstood the nature of the Fund and were not planning to stand as candidates in an election. Some enquirers wanted financial assistance that was not covered by the scope of the Fund (for example, financial support to help with childcare so they could campaign).

Grant funding allocated

The total amount of funding paid out was \$45,375 (including GST), with \$19,465 returned unspent. This was only a small proportion of the total of \$1 million that was available.

Funding provided ranged from \$7,814 to \$13,467, with an average grant of \$10,695 per recipient. Applicants are required to present forecasted costs and to account for these through regular reporting. Unused funds are returned.

Type of support funded

Funding recipients had different disabilities and support needs. Table 11 breaks down the amount granted by category. Some recipients received funding for more than one type of support.

Table 11: Amount granted by funding category (including GST)

Category	\$
Support/administrative assistants	32,688
Travel	10,817
Equipment	1,870
Total	45,375

Comparison of grants and uptake with overseas schemes

It is difficult to make direct comparisons with other schemes internationally because of the small number of fund recipients in New Zealand and because data on overseas schemes is limited.

The total funds available and the amounts granted varied significantly between and within the different United Kingdom (UK) funds.

- The UK Access to Elected Office for Disabled People Fund (2012 to 2015) made an average award of \$9,000.
- The UK EnAble Fund (2018 to 2020) had \$500,000 available, and most grants were less than \$1,400 per applicant. This fund granted only \$70,000 in total.
- The Access to Elected Office Fund Scotland, in its pilot year in 2016/17, granted \$400,000 with grants ranging from \$100 to \$43,600.

Uptake varied significantly across the UK schemes. Table 12: Summary of UK funds, including candidate numbers shows the number of candidates standing (where available) to provide a sense of the relative scale of the different elections the funds were available for.⁴⁵ The UK schemes all provided funding for local body elections, which have significantly more candidates than national elections.

Uptake of the two UK-wide schemes appears low, whereas the first year of the Scottish fund had a much higher uptake relative to the scale of the election. Further research would be needed to understand the reason for this, but Inclusion Scotland, the organisation running the Scottish fund, provides a wider range of guidance and support for disabled people wanting to engage in politics. Additionally, all five Scottish political party leaders have signed up to the Access to Politics Charter, which sets out commitments to reduce barriers to participation in politics for disabled people.

Uptake increased over time for the three-year UK Access to Elected Office for Disabled People pilot, which had a low number of grants in its first year of operation due to opening late in the electoral cycle. The Welsh fund received only two applications for the Senydd Cymru national elections that were run in the first year of the fund but received 18 applications (of which 17 were approved) for local government elections in 2022.

The scale of the New Zealand general election is most similar to the Senedd Cymru elections in terms of candidate numbers, and the Senedd Cymru elections also took place in the first year of operation of the Welsh fund. On this basis, the New Zealand fund might be seen as having a comparable performance with the Welsh scheme.

⁴⁵ Not all applicants granted funding would have been selected for elections, so it is not possible to determine the proportion of Fund recipients standing in relation to overall candidate numbers.

Table 12: Summary of UK funds, including candidate numbers

Fund	When established	No. of grants in first electoral cycle of operation	No. of grants during evaluation period	Elections covered by funds	No. of candidates standing overall
Access to Elected Office for Disabled People Fund (UK wide)	2012	Low number (not specified)	94	2013, 2014, and 2015 local elections 2015 General Election	60,000 total for all local authority elections 3,971 for the general election
EnAble Fund (UK wide)	2018	41	41	2019 English local elections and European Union elections	No data sourced
Access to Elected Office Fund Scotland	2016	44	44	2017 local elections	2,572
Access to Elected Office Fund for Wales	2020	2	19	2021 Senydd Cymru (Welsh Parliament) 2022 local elections	634 (Senydd Cymru) 9,930 (local elections)
New Zealand Election Access Fund	2022	5	n/a	2023 General Election	567

Source

EE Goldsmiths and S Reher. 2021. Barriers to Elected Office for Disabled People. Government Equalities Office. <https://www.gov.uk/government/publications/barriers-to-elected-office-for-disabled-people/barriers-to-elected-office-for-disabled-people#introduction>

EE Goldsmiths and S Reher. 2021. *Barriers to Political Representation: Disability and the EnAble Fund*. Government Equalities Office. <https://www.gov.uk/government/publications/barriers-to-elected-office-for-disabled-people/barriers-to-political-representation-disability-and-the-enable-fund>

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Difference the Fund makes

Two of the four recipients to the New Zealand Fund reported that the Fund's existence was a significant factor in their decision to stand. Recipients also considered that the Fund had made a significant difference to their ability to campaign and their ability to stand as a candidate on a more equal footing with other candidates. While the number of recipients is small, the reported reduction of barriers to participation is encouraging.

Next steps

The Election Access Fund Act requires the Minister to arrange for a review of the operation and effectiveness of the Act and to report on this within 6 months of the Commission's report on the general election. The Ministry of Justice is supporting the Minister with the review. The Minister's review will draw on the Commission's internal review of the Fund but will have a wider scope.

Appendix B: Summary data from the 2023 survey of voters and non-voters

After each general election, the Electoral Commission surveys voters and non-voters to measure how satisfied voters are with our services and to understand levels of engagement with the voting process, and barriers to voting. The full survey for the 2023 General Election is available on our website: elections.nz/2023-general-election.

Table 13 highlights figures used in this report. It includes results for groups historically less likely to enrol and vote.

Table 13: Summary results from the survey of voters and non-voters, 2023 (%)

	2017 total	2020 total	2023 total	18 to 29-year-olds	Māori	Pacific peoples	Asian peoples	People with a disability	Non-voters
Good or very good understanding of the enrolling process	90	92	90	84	88	80	80	93	76
Recall receiving an EasyVote pack	94	93	87	80	83	69	77	91	68
Aware you can vote without an Easy-Vote card	-	-	82	70	71	69	71	87	56
Voting place experience									
Had to queue to vote	31	22	37	48	33	37	44	40	-
Satisfied length of time it took to vote was reasonable	96	98	93	89	92	92	85	94	-
Satisfaction with voting place location, rating 4 or 5 out of 5	98	98	96	93	91	92	94	94	-
Overall satisfaction with the ballot paper, rating 4 or 5 out of 5	94	96	92	94	91	93	90	94	-
Overall rating of voting place staff, 4 or 5 out of 5	96	97	97	95	92	96	97	96	-
Overall rating of the voting process, 4 or 5 out of 5	94	95	93	94	88	89	91	90	-
No issues encountered while voting	95	94	96	96	92	95	95	93	-
Confidence									
Confidence the Electoral Commission conducts elections fairly, rating 4 or 5 out of 5	78	87	74	60	57	55	65	73	46
Agree or have a neutral response to 'the Electoral Commission is trustworthy'	-	-	93	91	84	82	97	93	86
Non-voters – main reasons not to vote									
	2020 2023								
Didn't know who to vote for	22 15								
Voting process, eg not enrolled	7 16								
Personal barrier, eg personal commitments	28 18								
Practical barrier, eg overseas	2 8								
Don't believe in voting/couldn't be bothered	11 9								

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