

Report of the Electoral Commission on the 2020 General Election and referendums

Provided in accordance with section 8(1)
of the Electoral Act 1993
May 2021

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Hon Kris Faafoi

**Minister of Justice
Minita o te Ture**

Report of the Electoral Commission on the 17 October 2020 General Election and referendums

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

The Electoral Commission is pleased to present its statutory report on the 2020 General Election and referendums.

The general election is New Zealand's largest public event, with high stakes. We expect every election to be a massive logistical exercise. In 2020, however, the Commission successfully delivered a particularly complex election and two referendums. The Commission had already planned much of the 2020 election before the pandemic arose, adding further to the challenges of delivery. These included:

- A national lockdown in March of election year, to be followed by a change in the election date in August in response to continuing COVID-19 outbreaks.
- Making changes to voting services across the country, with public health measures to help protect thousands of staff and 2.92 million voters.
- Substantial law change to allow enrolment on election day, enfranchisement of some prisoners, and delivery of two high-profile referendums.
- Significant changes in voter behaviour, with two out of three people (68%) voting in advance.
- Changes in the physical and cyber security environment, as well as global attention on the integrity of results and risks of interference.
- A delayed census result, meaning electorate boundaries were only confirmed in April 2020.

Despite the challenges of 2020, we saw the highest turnout since 1999, with 2.92 million people voting. 3.55 million people were enrolled – the highest since 2008.

Pūrongo a Te Kaitiaki Take Kōwhiri mō te Pōtitanga Whānui me ngā tāpaetanga pōti o te 17 o Oketopa 2020

E tukuna ana i raro i te wāhanga 8(1) o te Electoral Act 1993

Tēnei te tāpae a Te Kaitiaki Take Kōwhiri i tana pūrongo ā-ture mō te Pōtitanga Whānui 2020 me ngā tāpaetanga pōti.

Ko te pōtitanga whānui te kaupapa tūmatanui nui rawa o Aotearoa, ā, he take nui rawa e whakataetaetia ana. Ko te tūmanako i ia pōtitanga he mahinga whakaraupapa nui tenei. Engari i te 2020, i tutuki te whakarato a Te Kaitiaki Take Kōwhiri tētahi pōtitanga matatini me ngā tāpaetanga pōti e rua. Kua whakaritea kētia e Te Kaitiaki Take Kōwhiri te nuinga o te pōtitanga whānui 2020 i mua i te pānga mai o te mate urutā, ā, āpitianga atu ki ngā uauatanga atu anō o te whakarato. Kei roto i ēnei ko:

- Tētahi noho rāhui ā-motu i te Maehe o te tau pōti, whai muri i te huringa o te rā pōti i te Ākuhata nā ngā pakarutanga mai o te KOWHEORI-19.
- Te whakarerekē i ngā huringa ki ngā ratonga pōti puta noa i te motu, me ngā whakaritenga hauora hei āwhina i ngā tini kaimahi me te hunga pōti 2.92 miriona.
- Ngā huringa nui ki ngā ture kia āhei ai ki te rēhita i te rā pōti, te āhei o ētahi mauhere, me te whakarato i ngā tāpaetanga pōti rongonui e rua.
- Ngā rerekētanga nui ki ngā mahi pōti a ngā kaipōti, ā, e rua ngā tāngata i roto i te toru (68%) i pōti tōmua.
- Ngā rerekētanga ki te taiao ōkiko me te haumarutanga ipurangi, me te aro mai o te ao whānui ki te tōtika o ngā otinga me ngā mōrea kei raweketia.
- Nā te tōmuri o ngā otinga o te tatauranga nui, nō te Āperira 2020 i mana ai ngā rohenga pōti.

Ahakoā ngā uauatanga o te 2020, i kitea te nui rawa o te hunga i tae atu ki te pōti mai rā anō i te tau 1999, ā, he 2.92 miriona tāngata i pōti. 3.55 miriona ngā tāngata i rēhita – ko te nui rawa mai i te tau 2008.

In these challenging times for electoral administration, and against the background of electoral events elsewhere, the increase in public confidence in New Zealand that elections are conducted fairly and impartially is heartening. Confidence in the Commission's fairness and impartiality increased to 87% and 85% respectively (up from 78% and 79% in 2017).

From one election to the next there are always shifts in the environment, technology, and public expectations. We may have to change or modify our plans at a late stage, as happened with COVID-19. Our efforts to continuously improve preparedness and resilience have led to the development of four new strategic priorities to guide our planning for future elections:

Building our capability - building the capability of our people and our core systems to ensure we are well placed to deliver high quality services, now and in the future.

Preparing for an election - bringing forward our election planning, so we are prepared to respond to changing or unforeseen circumstances.

Preparing for the future - thinking beyond the three-year election cycle when we plan and identify long-term projects with a view to elections in five and ten years time.

Building relationships and understanding - strengthening relationships with the people and groups who support the Commission to deliver elections, and working with Māori, our community partners, government agencies, and voters to help build understanding of the electoral system.

The strategic priorities will help in our planning, as well as in our work to improve services, increase participation, and foster trust and confidence in the integrity of our democracy.

They also align with our values:

- Tika - doing the right thing and working to the highest standards
- Tūhonotanga - bringing people together to increase participation
- Aratakina - guiding towards greater understanding.

I ēnei wā uaua mō te whakahaere pōtitanga, ā, me ngā āhuatanga pōti e haere ana i wāhi kē, he oranga ngākau te rongo i te ngākau titikaha o te iwi o Aotearoa mō te whakahaere tika me te tōkeke o ngā pōtitanga. I piki te wairua titikaha mō te tōtika me te wairua tōkeke o Te Kaitiaki Take Kōwhiri ki te 87% me te 85% (he pikitanga mai i te 78% me te 79% i te 2017).

Mai i tētahi pōtitanga ki tētahi atu ka kitea ngā nekehanga i te taiao, te hangarau, me ngā tūmanako o te iwi whānui. Tērā pea me whakarerekē, me whakahāngai pea ā mātau mahere i mua tonu o te kaupapa, pērā i te pānga mai o te KOWHEORI-19. Nā tō mātau kaha kia pai ake tā mātau takatū me te pakaritanga i puta ai ngā kaupapa matua rautaki hou e whā hei ārahi i ā mātau mahi mō ngā pōtitanga ā muri ake:

Te whakatipu i ō tātau kaha - te whakapiki i te kaha o tō tātau iwi me ā mātau pūnaha matua hei whakarite ka tino taea e mātau te whakarato ratonga tino kouna, ināianei me ā muri ake.

Te whakareri mō tētahi pōtitanga - te kukume mai i ā mātau mahi hanga mahere, kia taea ai e mātau te urupare ki ngā āhuatanga hurihuri, ohore hoki.

Te whakareri mō te anamata - te whakaaroaro ki tua atu o te hurihanga pōti toru tau ina whakarite mahere me te tautuhi i ngā kaupapa wā roa e aro ana ki ngā pōtitanga hei te rima tau me te tekau tau.

Te tuitui taura here me te māramatanga - te whakakaha i ngā taura here me ngā tāngata, rōpū hoki e tautoko ana i Te Kaitiaki Take Kōwhiri ki te whakarato pōtitanga, me te mahi tahi me te Māori, ō mātau pātui hapori, ngā tari kāwanatanga, me ngā kaipōti hei āwhina ki te whakapiki i te mōhio ki te pūnaha pōtitanga.

Ka āwhina ngā kaupapa matua rautaki i ā mātau mahi hanga mahere, me ā mātau mahi ki te whakapai ake i ngā ratonga, te whakapiki i te whai wāhitanga mai, me te hāpai i te pono me te ngākau titikaha ki te pono o tō tātau manapori.

He hāngai ki ō mātau uara:

- Tika - te mahi i te mea tika ki ōna taumata tiketike
- Tūhonotanga - te whakakotahi i te iwi kia nui ake te whai wāhi mai
- Aratakina - te ārahi kia nui ake te māramatanga.

In all our work, we have an ongoing commitment to engage with Māori. We recognise Te Tiriti o Waitangi, and will ensure that the principles of the Treaty are integrated into our day-to-day activities.

2020 was a challenging year for all of us and we appreciate the goodwill shown by voters, parties, candidates, and other election stakeholders. We would also like to acknowledge the immense support we got from across the public sector, our suppliers for their forbearance, and thank all of those people who served at the election for their commitment to ensuring New Zealanders could exercise their democratic right to vote or contest the election.

At the front of the report we set out key election and referendum facts and figures at a glance.

Part 1 covers the lead-up to the election, the services we provide and the changes we made for COVID-19. It also sets out lessons learned and recommendations relating to the resilience of the system to respond to emergencies.

Part 2 outlines public information, education, and engagement activities.

Part 3 highlights key features of the General Election and referendums, including enrolment and turnout information, the delivery of the referendums, and voter understanding and satisfaction.

Part 4 focuses on the significant continued growth of advance voting and makes recommendations for legislative changes to improve advance voting services and recognise its importance in legislation.

Part 5 sets out a number of areas in which changes are needed to modernise and improve services for future elections. The Commission does not recommend online voting. But there are a range of areas where the Commission is recommending greater use of digital processes in enrolment and voting services to meet public expectations, to increase sustainability, and reduce reliance on paper and postal communication. Service improvements and recommendations are also outlined regarding special voting, overseas voting, improving participation and services to Māori.

I roto i ā mātau mahi katoa, e whakapau kaha ana ki te torotoro ki te iwi Māori. E aro ana mātau ki Te Tiriti o Waitangi, me te whakarite kei te whakaurua mai ngā mātāpono o Te Tiriti o Waitangi ki roto i ā mātau mahi o ia rā.

He tau uaua a 2020 mō mātau katoa, ā, he mea nui ki a mātau te ngākau pai o ngā kaipōti, ngā rōpū, ngā kaitono me ētahi atu hunga whai pānga ki te pōtitanga. Kei te mihi anō hoki ki ngā tautoko nui mai a te rāngai tūmatanui, ā mātau kaiwhakarato mō te manawanui me te mihi atu ki aua tangata i whakapau kaha i te pōtitanga kia taea ai e te iwi o Aotearoa te whakatinana tō rātau motika manapori ki te pōti, te whakataetae i te pōtitanga.

I te tīmatanga o te pūrongo i whakatakotoria e mātau te pōtitanga hira me ngā meka me ngā tatau o te tāpaetanga kia kitea.

Kua kapi i te Wāhanga 1 te wāhanga i mua o te pōtitanga, ngā ratonga e tukuna ana e mātau me ngā huringa i oti i a mātau mō te KOWHEORI-19. E whakarārangi anō tēnei i ngā akoranga i puta me nga tūtohutanga e pā ana ki te manawanui o te pūnaha ki te urupare ki ngā ohotata.

Kei roto i te Wāhanga 2 ko ngā mōhihio tūmatanui, te mātauranga me ngā mahi whakawhitiwhiti tahi.

E whakaatu ana te Wāhanga 3 i ngā āhuatanga hira o te Pōtitanga Whānui me ngā tāpaetanga pōti, tae atu ki ngā mōhihio rēhita me te taetae atu ki te pōti, te whakaratonga o ngā tāpaetanga pōti, me te mārama me te rata o ngā kaipōti.

E aro ana te Wāhanga 4 ki te tipuranga nui tonu o ngā pōti tōmua me te tuku tūtohutanga mō ngā huringa ā-ture kia pai ake ngā ratonga pōti tōmua me te kitea o tōna hiranga i roto i te ture.

E rārangi ana i te Wāhanga 5 ko te maha o ngā wāhanga e hiahiatia ana kia whakahoutia me te whakapai ake i ngā ratonga mō ngā pōtitanga ā muri ake. Kāore e tūtohua ana e Te Kaitiaki Take Kōwhiri te pōtitanga tāhiko. Engari kei reira ngā tūmomo wāhi e tūtohu ana a Te Kaitiaki Take Kōwhiri kia nui ake te whakamahi i ngā tukanga matihiko i roto i ngā ratonga rēhita me te pōti kia ū ai ki ngā tūmanako o te iwi whānui, kia piki ai te toitūtanga, me te whakaheke i te whirinakitanga ki ngā whakawhitiwhiti kōrero ā-pepa, ā-pōhi hoki. Kua whakarārangihia ngā whakapaitanga me ngā tūtohutanga ki ngā ratonga e pā ana ki te pōti motuhake, te pōti i tāwāhi, te whakapai ake i te whai wāhitanga mai me ngā ratonga ki te Māori.

Part 6 covers parties, candidates and compliance, with recommendations related to matters such as party registration, the broadcasting regime, campaign rules and enforcement.

Part 7 addresses wider electoral issues for debate including the Māori Electoral Option, access to roll data, the voting age, and the MMP system.

A summary of recommendations is available at pages 8 to 11.

The Justice Select Committee has commenced its Inquiry into the General Election and referendums and identified four areas it will focus on:

- The resilience of our electoral system in the face of civil emergencies, with a particular focus on lessons learned from the COVID-19 pandemic.
- The integrity and security of our electoral system in light of emerging challenges, with a particular focus on technology and social media.
- The rise of advance voting, with a particular focus on whether any rules governing the regulated period should change in light of the increase in advance voting.
- The accessibility of the voting system for people with disabilities and New Zealand's growing ethnic communities whose first language may not be English.

The Chairperson of the Justice Committee has also expressed interest in submissions on the Māori roll, whether voters should be able to change rolls more easily and the provisional enrolment of 17-year-olds.

We address those matters in this report, and we look forward to working with the select committee to continue to improve our services and to assure the long-term health of the electoral system.

Kei te Wāhanga 6 ko ngā rōpū, ngā kaitono me te tautuku, me ngā tūtohutanga e pā ana ki ngā take pērā i te rēhitatanga o te pōti, te kaupapa pāhotanga, ngā ture whakahau me te whakaūnga.

E aro ana te Wāhanga 7 ki ngā take pōtitanga whānui hei kōrerorerotanga pērā i te Kōwhiringa Pōti Māori, te āhei atu ki ngā raraunga pōti, te taipakeke pōti me te pūnaha MMP.

E wātea ana he whakarāpopototanga o ngā tūtohutanga kei ngā whārangi 8 ki te 11.

Kua tīmata te Komiti Whiriwhiri Ture i tana Uiui ki te Pōtitanga Whānui me ngā tāpaetanga pōti, ā, e whā ngā wāhi ka arotahi atu rātau:

- Ko te pakaritanga o tā tātau pūnaha pōtitanga i te pānga mai o ngā ohotata ā-iwi, me te arotahi atu ki ngā akoranga i puta mai i te KOWHEORI-19.
- Te pono me te haumarutanga o tā tātau pūnaha pōtitanga mō te āhuatanga ki ngā uauatanga e ara ake ana, otirā e aro ana ki te hangarau me te pāpāho pāpori.
- Ko te ara ake o te pōti tōmua, otirā mēnā me whakarerekē ngā ture whakahaere i te wā whakarite nā te nui haere o te pōti tōmua.
- Te āhei atu ki te pūnaha pōti mā te hunga hauā me te tipu haere o ngā hapori mātāwaka ehara ko te reo Ingarihi tō rātau reo tuatahi.

Kua puta anō i te Tiamana o te Komiti Ture tōna hiahia ki ngā tāpaetanga ki te rārangi Māori, mēnā me māmā te whakawhiti a ngā kaipōti i te rārangi me te rēhita takitaro a te hunga 17 tau.

E whakaritea ana e mātau aua take i roto i tēnei pūrongo, ā, he pai ki a mātau te mahi tahi me te komiti whiriwhiri ki te whakapai haere tonu i ā mātau ratonga me te whakaū i te ora pūmau o te pūnaha pōtitanga.



Marie Shroff
Chair



Jane Meares
Deputy Chair



Alicia Wright
Chief Electoral Officer

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2020 General Election at a glance



2,919,073
votes

1,976,996 (68%) advance voting
877,016 (30%) election day
62,787 (2%) overseas votes
2,274 dictation votes
504,621 (17%) special votes

23% of advance votes issued in the middle weekend 10 - 11 October

68%
votes in advance

82.24%
turnout
(as % of enrolled electors)

The highest since 1999
77.40% (as % of the est. eligible population) – the highest since 1996
The number of voters aged 18-24 increased 18.8%
Voters of Māori descent grew 15.1%

Up from 94% in 2017
95% Māori voter satisfaction (up from 88% in 2017)

95%
overall satisfaction



677
candidates

Up from 534 in 2017
601 electorate candidates
548 list candidates
17 parties contested the party vote
58 candidates stood as independents or represented unregistered parties
1,037 advisory opinions on 1,662 separate election advertisements



488 tonnes of supplies sourced and deployed
7.2m referendum and 9m parliamentary voting papers printed

23,520
temporary staff

3.55m
enrolled

94.11% of est. eligible voters - the highest since 2008
90,000 enrolment forms issued at advance voting places
80,000 enrolment forms completed at voting places on election day
130,000 digital enrolments during the voting period

2,567 election day voting places
85,000 total opening hours versus 51,000 in 2017

1,522
advance voting places

Busiest advance voting places:

North City Shopping Centre 13,371 votes
The Mall Upper Hutt 11,939 votes
Queensgate Shopping Centre 11,043 votes

Busiest election day voting places:

Selwyn District Council 1,601 votes
Botany Downs Secondary College 1,452 votes
Ormiston Senior College Takanini 1,321 votes

108,000 calls to 0800 service
32,000 enquiries to our enquiries team

997,513
vote.nz pageviews
on election day



Key dates

13 November 2019	End of Life Choice Bill passes its third reading
28 January 2020	The Prime Minister announces the 19 September election date
25 March	State of emergency declared and New Zealand moves into COVID-19 Alert Level 4
17 April	Electorate names and boundaries for 2020 and 2023 elections confirmed
23 April	Cannabis and End of Life Choice Referendum Orders come into force for the referendums to be held with the election and wording of the referendum questions
12 June	Order of referendum questions drawn by lot in the presence of Justice Mallon
6 July	Launch of enrolment update campaign
17 August	Prime Minister announces new 17 October election date following community outbreak of COVID-19 and the move of Auckland to Alert Level 3 on 12 August
18 August	Start of regulated period for election expenses (originally 23 June)
6 September	Dissolution of Parliament
13 September	Writ Day
18 September	Nomination Day
30 September	Start of overseas voting and telephone dictation voting
3 October	Start of advance voting in New Zealand
17 October	Election Day and parliamentary preliminary results
30 October	Referendums preliminary results
6 November	Official results
11 November	Applications for judicial recounts in Tāmaki Makaurau and Te Tai Hauāuru lodged
17 November	Te Tai Hauāuru recount decision issued
20 November	Tāmaki Makaurau recount decision issued
20 November	Return of writ with names of successful electorate MPs and declaration of election of list MPs
24 November	Opening of Parliament and MPs sworn in

Recommendations

	Page
Preparedness and resilience	
1. The Commission recommends a review of the legislative framework to ensure that there is adequate resilience to emergencies, including consideration of the methods of voting, the grounds for casting a special vote, the provisions for adjournment, and the impacts on the election timetable.	20
Growth of advance voting	
2. The Commission recommends more legislative recognition of the importance of advance voting, including a minimum prescribed period of advance voting.	38
3. The Commission recommends extending the Election Day Worker Tax Code to all election workers (both advance and election day workers) to simplify recruitment.	38
Modernising and improving services	
Vote issuing, processing and counting	
4. The Commission recommends an amendment to allow for the preliminary count in the voting place to be undertaken either manually or by electronic means to facilitate a long-term programme to work towards digital roll mark-off, issuing and counting.	41
5. In the interim, the Commission also recommends legislative change to the current special vote provisions to address the following difficulties:	41
5.1 Enabling roll scanning and initial special vote declaration checking to begin prior to the close of voting to reduce pressure on the official count.	
5.2 Updating the regulations for issuing special votes to provide for administrative alternatives to the use of gummed paper and envelope compartments for ensuring secrecy of the vote.	
5.3 References in section 61 regarding the absence of a person's name on the roll do not deal with the situation where the name appears but they have moved address and need to update details.	
5.4 References in section 61 to satisfying the Returning Officer or issuing officer that the voter is eligible because they cannot vote at a voting place without incurring hardship or serious inconvenience should be replaced with just references to satisfying an electoral official as eligibility has to be confirmed in the official count based on the voter's declaration.	
5.5 Extending the temporary measures passed for COVID-19 to enable people in New Zealand to apply for a special vote by phone and using any other method approved by the Commission.	
5.6 Extending the temporary measures passed for COVID-19 to provide that a special vote returned by post in an envelope that is not postmarked or date-stamped is valid if it is received by a Returning Officer or an Issuing Officer on or before election day.	
5.7 Updating regulation 30 to ensure resilience in the transmission of special votes to the home electorate by enabling any Returning Officer to accept on another Returning Officer's behalf, to enable electronic transmission, and to extend the current period from 10 days to 13 working days for a general election (10 days is sufficient for a by-election) to ensure timeframes adjust for public holidays.	
5.8 Clarifying regulation 33 to enable a Returning Officer to open the voting paper side of the envelope any time it appears papers have been incorrectly enveloped, with a requirement to preserve secrecy and reseal and endorse the envelope. At present the provision only enables the voting side to be opened if the Returning Officer believes it contains the special vote declaration. There are other scenarios where it is appropriate, for example, if the Returning Officer finds two declarations or finds a declaration and a referendum voting paper but not a parliamentary voting paper.	

Special voters, including overseas and remote voters

6. The Commission recommends legislative change to allow overseas voters' marks and signatures produced through physical action captured electronically (for example) using technologies such as signature pads, trackpads/touchpads or the mouse, light pens, or similar devices, (but not the insertion of a typed signature). This is consistent with the Commission's policy for membership evidence provided with political party registration applications. 42
7. In addition, for all special votes issued in a voting place, not just overseas votes, the Commission recommends legislative change to provide for electronic completion of a special vote declaration in an approved electronic medium. This could be achieved by allowing digital completion of statutory declaration forms in the Electoral Act. 43
8. The Commission recommends consideration of whether there should be legislative change to the overseas voting eligibility criteria to address situations where voters have been prevented from returning to New Zealand by circumstances out of their control, such as a pandemic. 43
9. The Commission recommends further work be done to enable a person outside New Zealand to download their voting paper once they have lodged an application to enrol and, subject to time for implementation, an amendment to the Electoral Act to enable voters outside New Zealand to enrol on election day. This will likely not be feasible until 2026. 43
10. The Commission recommends legislative change to enable an overseas elector to be sent electronic correspondence for enrolment update campaigns, to confirm a new enrolment, or an enrolment update. 43
11. The Commission recommends amendment to the eligibility criteria in regulation 53 to allow anyone in the existing categories to use remote voting services if they satisfy the Commission that, because of their remote location at any time in the lead-up to the close of voting, they will otherwise not have reasonable access to other voting services. 43
12. The Commission recommends the application deadlines for all remote voting services be modified to noon on election day. 43
13. The Commission recommends that Pitt Island be added to the list of remote locations. 43

Digital enrolment services

14. The Commission recommends consideration be given to: 46
- 14.1 Amendment to the data matching provisions to include email and phone numbers to enable electronic communications.
- 14.2 Allowing an update to be made following a data match with either postal or electronic confirmation.
- 14.3 Whether a new enrolment could be actioned as a result of a data match with either postal or electronic confirmation.
- 14.4 Whether electronic confirmation can be sent for an update of address within the same electorate for an enrolled elector.
- 14.5 Whether electronic confirmation can be sent for an update of address between electorates for an enrolled elector.
- 14.6 Allowing electronic confirmation for other changes of enrolment details for an enrolled elector.
- 14.7 Whether electronic confirmation can be given for a new enrolment if a person has verified their identity using RealMe, a driver licence, or passport.
- 14.8 What alternative processes would be necessary to ensure the accuracy of the roll while permitting new enrolments to be confirmed through digital means.

15. The Commission recommends consideration be given to what alternative methods of enrolment update campaign can be used for example, email and text. 47
16. The Commission recommends the current compulsory fields in the enrolment update be able to be modified to those that relate to ongoing eligibility e.g., name and address details. 47

Parties, candidates, and compliance

17. The Commission recommends legislative change to add a statutory deadline, being the start of the regulated period, for party registration applications to be lodged with the Commission, to ensure certainty for applicants. 51
18. The Commission recommends Parliament review the existing umbrella and component party provisions and consider whether any changes to the rules are needed. 52
19. The Commission again recommends review of the allocation criteria and the current broadcasting regime. 52
20. The Commission recommends parties and candidates be allowed to broadcast election programmes from the start of the regulated period and that the use of allocation money for internet advertising not be restricted to advertising run during the election period. 52
21. The Commission reiterates the recommendation it made in its report on the 2017 election, noting the current election day campaign rules are inconsistent with the rules during advance voting and likely to be an issue that Parliament is again asked to reconsider given the growth of advance voting. One option could be for election day to have the same rules as advance voting which only bans advertising and influencing voters in voting places and inside the 10 metre buffer zone around voting places. 53
22. The Commission recommends legislative change to explicitly define how a change of election date affects the formula for calculating the regulated period. 54
23. To avoid confusion and provide certainty to parties, the Commission recommends spending limits are adjusted once each parliamentary term on 1 July in the year before the election. 54
24. The Commission supports the previous Justice Committee recommendations for legislative change to give the Commission investigatory, enforcement and sanction powers. 54
25. The Commission recommends adding an overarching anti-collusion provision to the Electoral Act to aid enforceability. 54
26. The Commission recommends adding failure to transmit a donation as an offence to the Electoral Act to further strengthen the donations regime. 55
27. It would be timely to review the scrutineer provisions and look at whether parties should be able to choose either to have scrutineers appointed by the electorate candidate or the party secretary. Interest has been expressed in having access to voter page and line number information provided electronically. This has potential in future when roll mark-off is electronic, but is not feasible for 2023 and would require law change. It would also be beneficial for the scrutineer provisions to be consolidated to make it easier for parties and candidates. They are currently scattered throughout the legislation. 55

Wider electoral issues

28. The Commission recommends a review of the current provisions limiting the exercise of the Māori Electoral Option. Any change to the Option should be future-proofed to enable electors to be communicated with and exercise the Option using digital channels. 56
29. The Commission recommends legislative change to remove electoral rolls and habitation indexes from general sale except to MPs, parties and candidates for electoral purposes, and that public inspection of an electronic copy of the roll is provided for only at national and regional offices of the Commission. 57

30. The Commission also recommends review of the provisions for the sale and inspection of the Index to Places and Streets and clarification of the address information provided by Land Information New Zealand and their access to the habitation index for that purpose. 57
31. With appropriate protections in place, the Commission supports legislative change to provide access to electronic roll data by StatsNZ and turnout data for academic research to aid understanding around participation. 57
32. The Commission considers that the 2012 Review of MMP recommendations would improve New Zealand’s voting system and again recommends that they be considered by Parliament. A copy of the full report and recommendations is available at: <https://elections.nz/assets/2012-report-of-the-Electoral-Commission-on-the-review-of-mmp.pdf> 57
33. It would be opportune to review archaic language and mental health provisions, including: 58
- 33.1 Reference to “mental impairment” in the enrolment provisions.
- 33.2 Archaic language in section 61, for example, references to “the person is by reason of illness, infirmity, pregnancy or recent childbirth, unable to vote at a voting place”.
- 33.3 Wording that indicates that “it shall be the duty of every Returning Officer to ensure that... facilities for special voting are made available at every hospital, maternity home, or institution for the reception or relief of persons ... suffering from any illness, disease, or disability, or for convalescent, aged, infirm, incurable, destitute, or poor people”.
- 33.4 People being disqualified for registration because they are detained for more than 3 years in certain circumstances (for example where they have been held unfit to stand trial under the Mental Health (Compulsory Assessment and Treatment) Act 1992). More clarity is needed on how these provisions apply where a person is not detained for a specified period and to persons allowed temporary release as part of reintegration.
34. The Commission recommends replacing reference to “permanent resident” in the Electoral Act with a clearer definition such as “resident for electoral purposes”. 58
35. The Commission recommends changes to the Electoral Act and regulations (including section 165) to replace references to specific designations and instead refer to electoral officials. 59
36. The Commission recommends legislative change to require protected disclosure donations to be paid to the Commission electronically and to remove references to cheques and bank drafts in the party registration and nomination provisions. 59
37. The Commission recommends legislative change to remove references to facsimile transmission in the scrutineer appointment and special voting provisions. 59
38. The Commission considers that it would be useful for there to be further public and political debate on whether 18 is the best age to enfranchise voters. 59
39. The Commission recommends a review of the current judicial recount and petition provisions to ensure they are fit for purpose and strike the right balance between the right to seek independent review and the potential to delay the outcome of an election. 60
40. The Commission invites further discussion of legislative change to provide for either a fixed election date or a minimum notice period for the general election. 61

Part 1: Preparedness and resilience

Preparing for an election

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

Trust in the electoral process is created and maintained by the delivery of well-run electoral events. But 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 political parties, undertaking community engagement to promote participation, and working with community groups and schools to promote understanding of elections.

A detailed process of review follows every electoral event to ensure that we are resilient to the changing environment, continue to respond to stakeholders' needs and expectations and to any legislative changes resulting from reviews by policy makers.

The three-year cycle

Year 1 - In the year following a general election we review our performance and speak with communities about their experience. We determine operational priorities for the new cycle, and begin the planning, design, and implementation of the next election, including advising on any proposals for legislative reform.

Year 2 - A key focus mid-cycle is on designing, testing, and improving systems and processes for the next general election and purchasing physical supplies needed.

In this year, we also support local authorities with the conduct of their elections. This includes undertaking an enrolment update campaign.

Year 3 - In the third year of the cycle, the Commission is intensively focused on implementing the temporary infrastructures and systems required for the general election. This includes:

- extensive recruitment and training of election period staff
- comprehensive awareness and education campaigns to encourage enrolment and voting
- set-up of voting places throughout New Zealand.

In each year we work with community groups, schools, and other partners to promote electoral participation and understanding. We maintain an up-to-date and accurate electoral roll and provide roll data for local body and parliamentary by-elections.

Logistics

A general election is a high stakes occasion and a massive logistical exercise for what is New Zealand's largest public event. It involves serving 3.55 million electors over a two-week period and standing up the workforce, properties, systems, and processes to do that. We must also prepare the information campaign, and secure critical goods and services from providers. The Commission is required by law to conduct the election using physical voting places and in-person, paper-based voting and counting. This necessarily requires large numbers of people, paper, postage, printing, and property.

We have a permanent field structure in place to manage enrolment, including 23 Registrars of Electors and 32 Deputy Registrars, who

help maintain the electoral rolls continuously as people enrol for the first time, change address, or update their details in some other way. This is separate from the 23,520 temporary field staff for delivering voting services that must be recruited, equipped, and trained.

The 65 electorate headquarters that serve as the hubs from which all the voting places, staff and supplies are organised across the country, must be leased and set up anew. Every voting place must be available and inspected for suitability, safety, and accessibility before it is booked or leased.

After candidate nominations closed in 2020, we had a few days to finalise, print and distribute 9 million voting papers throughout the country and overseas. We deployed over 488 tonnes of voting papers, enrolment forms, brochures, posters, electoral rolls, training, and operational materials.

Range of voting services

The main channel of voting is in person at a voting place, but the legislation allows the Commission to usually deliver a range of other services at an election including:

- takeaway voting for people who cannot go to a voting place (elderly or disabled voters)
- voting for people in hospitals and rest homes, with our teams going bed to bed
- Commission teams that go into prisons and police cells
- services for DOC workers on offshore islands, people on fishing vessels, defence personnel deployed overseas, and Kiwis in Antarctica
- voting services for people living and travelling overseas, including voting places around

the world at embassies and high commissions

- telephone dictation services for people overseas in remote locations
- telephone dictation services for people who are visually impaired or cannot mark a voting paper without assistance.

In the lead-up to the election, we work with organisations like Police, Ministry of Defence, Department of Corrections, Ministry of Foreign Affairs and Trade (MFAT), fishing companies, and managers of hospitals and rest homes, to make all these arrangements.

Given the importance of a smooth election process, once service design is confirmed, we must build in time to conduct detailed simulation and testing of our voting places, including vote issuing and instructions. This helps make sure everything works as it should, and the filming of these tests is used in training our election workers.

Additional complexities in 2020

As well as the normal logistical challenges, for a range of reasons the 2020 election was one of the most complex ever held. The additional major impacts arising from COVID-19 are covered at pages 15 to 19.

Two referendums were to be held with the election, meaning twice as many voting papers to issue and count, longer issuing times, more staff, bigger voting places and more complex campaign advertising rules.

Before the referendums were confirmed, we looked carefully at the potential operational impacts and made changes to IT systems and business processes. We conducted

tests and simulations in voting place environments to identify how much extra time it would take a person to be issued a vote and to complete the process, and how much extra space we needed for additional ballot boxes. Information from the tests helped us refine voting place operations including queue management and determining the number of voting staff to be recruited to maintain good service levels. We also tested processes for the count, resource allocation post-election day and the impact of increased supplies on headquarters space.

Following law change in March 2020, people in New Zealand would be able to enrol on election day for the first time. The election timetable was adjusted to allow for up to 200,000 people who might enrol or update their address details on election day. Extra time would be needed for the enrolments to be processed before the official count. This would add to the already growing number of people who cast special votes, which are more resource intensive to issue and process due to the declaration that must be completed by the voter.

In 2017 advance voting reached 47% and was set to keep growing. We anticipated that 2020 would be the first time that more people voted in advance than on election day. The Northcote by-election on 9 June 2018 confirmed the trend with advance voting reaching 57%.

Law change was underway to re-enfranchise prisoners serving sentences of less than three years. This was passed in June 2020 through the Electoral (Registration of Sentenced Prisoners) Amendment Act 2020.

Delays to the release of census results

had delayed the electorate boundary review process and the electorate boundaries for the election were not confirmed until 17 April.

The nation's largest public event also needed to be delivered in what was a more complex cyber-security environment, and a more sensitive physical security environment following the Christchurch mosque attacks.

New approaches to governance and inter-agency cooperation

Security and resilience

Conducting an election that is secure¹ and resilient to external disruption² directly impacts on trust and confidence in the event and the results produced. New Zealand ranks highly on Transparency International's survey of public sector corruption and has been in the top two countries since 2012. While this is something to celebrate, it would not take much for New Zealand's score to begin to fall. Risks such as foreign or domestic interference, security breaches, or fraud all have an impact on perceived levels of corruption.

We are operating with greater challenges than in the past around integrity of information and systems as well as safety of places, people, and voting materials. Increased levels of security (both physical and cyber) are of critical importance to the integrity of the election process. Electoral management bodies overseas have been targets for cyber-attacks, misinformation campaigns and international interference. Given recent international and national events including the Christchurch mosque attacks, New Zealand cannot consider itself immune to such security risks.

¹ 'Security' in elections has many dimensions including the safety and wellbeing of the participants themselves, protection of information and protection from attack and intrusion, including cyber-attack and disinformation.

² Similarly, 'external disruption' includes a range of possible events that have the potential to threaten the conduct of an election including both whether and how an election is held (the impact of COVID-19 was such an external disruption).

In response to the increasingly complex operating environment and the changing nature and scale of risk both within New Zealand and facing democracies worldwide, the Commission conducted new and significantly more work than in previous elections to understand and mitigate critical risks and to be prepared to respond.

Elections are public events and while the Commission is the administrator, it does not own and it cannot influence (and thereby mitigate) all the risks associated with delivery of the event alone³. At the heart of the Commission's response was working closely with wider public agencies to assist in the identification, mitigation, and preparation to respond to critical risks to the event. A coordinated approach utilising existing capability and structures was adopted⁴.

This inter-agency work commenced late 2019 and included:

- desktop planning exercises, simulating how a response would be coordinated under various risk scenarios
- a coordinated operational response group which was prepared to respond during the critical election period.

The Commission also implemented enhanced security measures for the election to help protect staff, the public, materials, physical premises, sensitive information, and critical systems. These changes included having all our people wearing orange vests and ID tags, more security guards and greater security controls at electorate headquarters and voting places.

The Commission enhanced its systems, capability, and processes

to improve its detection of, and resistance to, evolving cyber-security threats.

A budget of \$8m was provided specifically for the additional security and resilience measures required for the delivery of the 2020 election.

Following the US elections, we have seen an increased level of enquiries about the counting, reporting and integrity of election results in New Zealand. Most correspondents simply needed reassurance that our systems are well protected from outside intervention.

The Commission thinks that this protective security and resilience work is essential going forward and ought to be regarded as part of core business. The 'all hazards' approach already in place and access to the support mechanisms that underpin this cross-government approach were highly effective.

There were no successful cyber-attacks on the Commission's core election management systems. The Government Communications Security Bureau (GCSB) has publicly confirmed that they did not detect any significant state driven interference in the election.

The Senior Officials Committee

Recognition that changes in the wider domestic and global environment carry significantly more risks for the delivery of free and fair elections prompted fresh thinking about the best way to ensure appropriate governance and inter-agency coordination. In 2019, the Commission started to assemble support from other government agencies to help better understand and manage risks relating to the 2020 General Election.

The Commission is responsible and accountable for the delivery of the 2020 General Election work programme. However, a range of government agencies have important roles to play to support the delivery of the event. For example, the Commission relies on other agencies to help secure premises, to provide expert advice on security issues and to provide seconded staff to work at the election.

To ensure the delivery of the election was well managed across government, in August 2019, the Commission established a Senior Officials Committee chaired by the Chief Electoral Officer, to provide inter-agency oversight of the election and ensure effective collaboration. The Committee provided a forum for facilitating cross-government problem-solving and cooperation, ensuring that the statutory roles and responsibilities of agencies in the election were clearly defined and understood, mobilising additional resources from other agencies if required, and identifying and managing risks and issues, including using cross-government expertise on issues relating to physical and cyber-security.

Membership included representatives from the Department of the Prime Minister and Cabinet (DPMC) including the National Emergency Management Agency (NEMA), Department of Internal Affairs (DIA), Electoral Commission, Ministry of Justice (Justice), Te Puni Kōkiri, New Zealand Police, GCSB including the National Cyber Security Centre (NCSC), New Zealand Security Intelligence Service (NZSIS), and Ministry of Health (Health) (post-COVID-19).

³ It has been suggested by international election experts that an election management body controls somewhere around 25% of the potential risk management picture of a general election (International IDEA - report back to the Commonwealth Secretariat, August 2019).

⁴ For example, working within the NZ Government 'all hazards' approach under the National Security System governance structure.

Inter-agency protocols

A set of protocols were developed by the Commission, together with Justice, DPMC, GCSB and NZSIS, that could be triggered if needed.

The first introductory protocol clarified the relationship between the Commission and government agencies by setting out respective roles and responsibilities for the delivery of, and support to, the election process.

The protocol on the management and response to election disruptions outlined the approach that would be taken to mitigate and manage hazards, emergencies, and threats which could disrupt the election.

The protocol on communications outlined the roles of agencies in managing public communications for the election, including which government agencies would officially communicate with the public to support participation in the election, the approach for responding to public enquiries, and how to address misleading or inaccurate information about the election and referendums.

The principles and protocols for GCSB and NZSIS in managing foreign interference and cyber security threats to the 2020 General Election was developed by DPMC in consultation with the intelligence agencies and sets out the processes that would guide any response by GCSB and NZSIS to such a threat.

The protocols were provided to all government agencies and local Civil Defence Emergency Management groups through inter-agency distribution channels for use in the run up to, and throughout, the election process. Ministers, political party secretaries, other relevant

entities, and the wider public were also able to access the protocols through the Commission website at <https://elections.nz/democracy-in-nz/historical-events/2020-general-election-and-referendums/2020-election-protocols/> for the first three protocols and in the resources section at www.nzic.govt.nz for the protocol for GCSB and NZSIS. This ensured transparency and a consistent understanding.

The early formation of the Committee in August 2019, the bimonthly meetings, the formation of subgroups at working group level, and the agreement of protocols that could be triggered if needed, were invaluable. This is an approach we would like to use again at future elections and has lessons for other major event delivery. The fact that the operating framework, relationships, and the co-ordinated approach had already been established proved a crucial part of an effective response when it came to the challenges of delivering the election in a COVID-19 environment.

The Commission would like in particular to thank the Ministry of Health and Ministry of Justice for their close cooperation and assistance in ways that helped to make the election achievable under exceptionally challenging circumstances.

How we responded to COVID-19

Replanning to mitigate risk

On 25 March, when the state of emergency was declared and New Zealand moved into Alert Level 4, voting was due to start in five months. Our election preparations were well underway.

We had been planning to build on what we did in 2017 when we piloted voting in supermarket foyers – we were looking at more of these busy, high traffic, convenience locations like supermarkets, big-box stores, shopping malls and transport hubs as well as schools, community centres, libraries, churches, and marae. Suddenly this approach felt like a COVID-19 risk.

We were eight weeks away from advertising nationwide for the thousands of temporary staff to work at the election.

Returning Officers were starting to identify and secure voting places and their main face-to-face training was scheduled to take place in June.

The broadcasting allocation process (where the Commission allocates money to parties for the election campaign on television, radio and online) was underway and the boundary review process was nearing completion.

The Commission was implementing substantial legislative changes made to enrolment and voting processes in 2019 and 2020⁵ and the new provisions and election timings had been included in guidance issued to parties, candidates, MPs, third parties, scrutineers, and media.

The 2020 public information and education campaign was scheduled to launch on 6 July with the start of the enrolment update campaign.

Suddenly with the lockdown, there was speculation about whether the election could go ahead. Would the Prime Minister change the date? New Zealand parliamentary elections had only previously been delayed during the Great Depression and the Second World War.

⁵ Electoral Amendment Act 2019 (new restrictions on overseas donations, and amendments to party secretary and election related advertising rules); Referendums Framework Act 2019 (conduct of the referendums and referendum advertising rules); Electoral Amendment Act 2020 (election day enrolment, changes to the period for the return of the writ, use of licensed premises as voting places, the preliminary count, changes to emergency provisions).

There was considerable uncertainty about the trajectory of the pandemic, and whether the public health measures being taken would work. Some elections overseas were either being postponed or significantly altered to mitigate risk. It was clear that we were going to have to make big changes to our plans. There were several key risks to mitigate:

- Risks to public health - we would have to make changes to ensure the safety of voters and staff and effectively reassure the public that voting would be safe.
- Impacts on turnout - if people were concerned about the safety of in-person voting and alternatives were inadequate then this risked impacting on turnout, perceptions of legitimacy of the election result, and trust and confidence in election administration.
- Impacts on ability to recruit and retain election workers.
- Availability of voting and training venues - at Alert Level 2 or above, many recreation centres, libraries, marae, churches, and other community centres were closed. This meant availability was uncertain and inspections and bookings were difficult.
- Alternative voting services being overwhelmed - if there was fear about the safety of in-person voting and people flocked to existing alternative services such as postal and takeaway voting, these services may become overwhelmed unless significantly scaled up.

We needed to consider quickly how holding a general election would

work under different public health Alert Levels, and to identify a path under which planning for the election could be assured to provide certainty for staff, parties, and the public.

The Commission decided to replan to deliver the election as if we were at a nationwide Alert Level 2 (regardless of whether levels were lower), under the existing in-person voting model, while scaling up existing remote voting services so that people at higher risk of severe illness from COVID-19 could vote without attending a voting place. The operational implications of this decision are explained in more detail below.

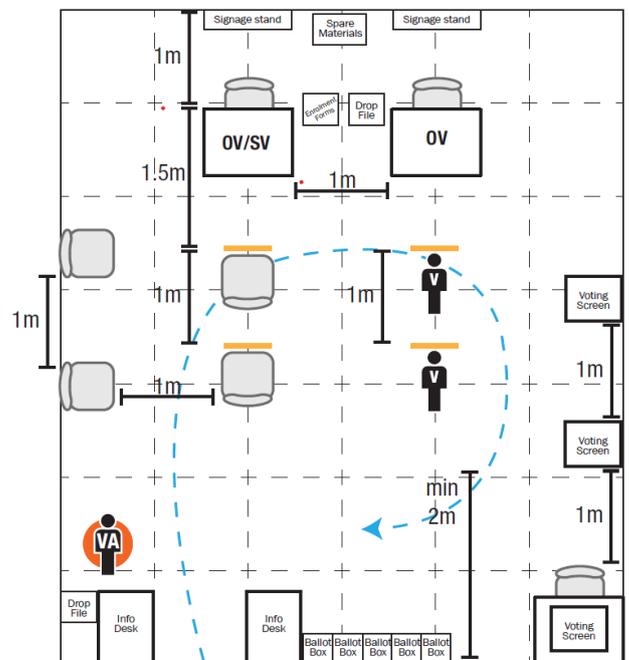
COVID-19 measures

The key mitigations for COVID-19 safety risks were:

- reducing congestion by providing more voting places and encouraging people to vote early
- encouraging people to vote close to home to reduce special votes for people casting a vote outside their electorate. Casting a special vote takes longer, requiring voters to be in the voting place for longer
- starting advance voting earlier, allowing for an additional weekend of voting
- working with the Ministry of Health to develop safety protocols

for voting places, including simulating how voting places would operate with physical distancing

- training staff on when and how to use masks and face shields
- using more large, enclosed spaces for voting, to enable physical distancing and queue management
- having two metre distancing in queues outside voting places, where practicable
- having QR codes and contact tracing
- having hand sanitiser upon entry and exit
- encouraging voters to bring their own pen and the Commission purchasing enough “single use” pens for all voters
- a new process where party scrutineers record turnout information by photograph, as well as being seated further away.



Voting place set up and voter flow

COVID-19 changes to other voting services

Alternative voting options

Our changes offered satisfactory protection for most voters at Alert Level 2. But what about people at higher risk from COVID-19? At that time, Health was advising those over 70 or with certain existing medical conditions to stay at home. This represented an estimated 750,000 persons or 20% of eligible electors. The Commission had to consider how it could scale up alternatives to in-person voting for these groups, if needed.

Under the current law, voters who cannot get to a voting place can request postal voting papers. The postal voting allowed in parliamentary elections is not like in a local election or a postal referendum. Voters are not automatically sent papers, they must apply. These voters are issued a special vote, and they must complete a declaration that is witnessed.

Although the idea of a nationwide local-election style postal vote had to be considered, it was abandoned as a solution early on. It would have raised complex policy issues and a potentially contentious debate on matters such as accessibility, turnout, and the integrity of fully unsupervised voting. Changes to the method of voting require a 75% parliamentary majority and there was no appetite to undertake this type of radical change so close to the election.

It was also not feasible to extend the upload system that overseas voters use. These voters log in using their enrolment details, print their voting papers and a declaration to complete with a witness, and then

upload their voting papers. The decrypting and handling of votes and declarations needs to be managed by the Commission in a secure environment, to ensure secrecy of the ballot. Although transmission is electronic, processing is still manually intensive. Scaling up would require new premises and infrastructure, and larger numbers of co-located staff, bringing health risks. There were other limitations too including risks of late system changes and voters needing to be enrolled and have a printer.

It was not feasible to extend the telephone dictation voting service for blind voters on a sufficient scale. This process is slow and highly manual. It requires three electoral officials to ensure secrecy and integrity – one to take the registration and issue the pin numbers, one to take the call to issue and record the vote, and a third to confirm to the voter that their vote has been correctly recorded. The party, candidate, and referendum

options had to be read out in full, taking up to 20 minutes to vote and up to 60 minutes between registering and voting.

We expanded postal and takeaway voting to ensure everyone could vote safely

In the time available, the Commission considered that expanding the existing takeaway or postal voting service was the only alternative to in-person voting that could be significantly scaled up. This was the option we would have had to rely on if the COVID-19 situation substantially deteriorated. Regulatory changes were needed to make this feasible. We had approximately 8,400 takeaway and New Zealand postal votes in 2017.

For an expanded service we needed to develop an 0800 phone service to triage services to those most in need, or to reassure voters of the safety measures at physical voting places.



The Commission's COVID-19 advertising encouraged people to vote early and close to home

Those voting remotely still need to make a statutory declaration that they are eligible under the law by either:

- reason of illness, infirmity, pregnancy or recent childbirth, and unable to attend a voting place
- satisfying the Returning Officer or issuing officer that it will not be practicable for them to vote at a voting place without incurring hardship or serious inconvenience.

Upscaling this service required changes to the Electoral Regulations to allow voters to apply by telephone, and discretion for the Commission to waive the witness requirement if home visits became a risk with COVID-19.

We built capacity for 380,000 postal votes – the maximum number of postal packs that New Zealand Post could print within the timeframes available.

Registrations for postal voting opened on 31 July and were originally set to close on 21 August. This was then extended to 28 September with the change in election date. People received written confirmation of registration and postal votes were centrally mailed out between 3 and 9 October.

Managed isolation and quarantine (MIQ), overseas, hospital and rest home voting

With the set-up of MIQ facilities for people arriving from overseas, and active community cases and their close contacts, we had to consider how people in MIQ would be able to

enrol and vote. A range of options were explored with responsible agencies. Ultimately, the Commission sought regulatory change to extend the existing telephone dictation voting service to voters in MIQ, in order to avoid risks of sending in voting staff and witnesses and having to collect voting papers.

For MIQ, a unique ID to show eligibility to vote by dictation was delivered in the welcome pack provided at the facility. We also had to incorporate relay and translation services and provided each facility with a small number of Commission smartphones so anyone without access to a web-capable device could enrol online.

Overseas voters had multiple options including the option to vote in person at an overseas voting place. In 2017, 18,653 votes were returned from the 81 overseas posts such as New Zealand high commissions and embassies. However, it became clear with COVID-19 that many overseas voting places would not be open for voting.

We encouraged people to use the voting paper download/upload service, and we worked with the MFAT Consular team so that where a site could not open, postal votes could be issued in-country rather than from New Zealand. In the end we had 22 overseas voting places doing in-person voting, 26 offering postal voting, 18 offering information to voters, and 22 unavailable (including COVID-19 hotspots like New York).

Based on Health advice, we planned on the basis that we would not be

able to go into hospitals to offer the traditional bed to bed in-person service. Instead, we encouraged voters and their friends or family to use takeaway voting. Returning Officers also delivered takeaway votes to hospital reception areas and connected with hospital volunteer programmes to help patients who may not have a friend or family member to help them.

The service for those in rest homes ultimately became a mix of both takeaway votes and visits by voting teams. This was determined by rest home managers, who worked with residents to have votes taken or collected.

The change of election date and regulated period

Change of election date

The Prime Minister had announced on 28 January 2020, well before New Zealand's first COVID-19 case, that the election day would be 19 September. Following the March lockdown, containment efforts were successful and New Zealand remained at Alert Level 1 from 8 June.

On 12 August, Parliament was due to be dissolved for the election. Four days before the writ was due to be issued, and three weeks before advance voting, another community outbreak occurred. Auckland went back into Alert Level 3 and the rest of the country went to Alert Level 2.

Dissolution of Parliament was postponed, and on 17 August, the Prime Minister announced that the election would be delayed until 17 October.

The election date is connected to a myriad of other timelines, so the shift in date required significant replanning to:

- ensure that staff and voting places were still available
- redevelop, reprint and republish guidance and collateral materials containing the old date
- extend supply contracts, and
- renegotiate and rebook advertising schedules.

Parties and candidates had their own campaigns to replan, but they also had to urgently pull back and reschedule their election broadcasting. It is unlawful to broadcast an election programme on television or radio until writ day, which had just shifted by four weeks.

The regulated period

The regulated period is the period during which election advertising expenditure is capped for party, candidate, and third party campaigning.

The regulated period had started on 19 June based on the 19 September election date. The formula for calculating the regulated period in the legislation refers to polling day and the date of the announcement of polling day. The legislation did not contemplate a situation where there were two separate announcements by the Prime Minister of two different election days.

Candidates, in particular, who have an expense cap of \$28,200⁶ for the regulated period, needed certainty about whether the regulated period would run for the two months from the new announcement date, the usual three months, or for four months.

There were a range of options:

- 19 June, as planned, or the legislation's default day of 23 June, as if the Prime Minister's first announcement never happened. Either had the risk that participants did not have resources for a four-month campaign, or that their existing spending meant they would be constrained by the expenditure limit.
- 18 August, the day after the date of the second announcement (reducing the traditional length of the regulated period but arguably mitigating the impacts of the date change).
- 17 July, three months before the new election day.

Early certainty was necessary because it affected the length of the regulated period, but also whether it fell into the next financial year and the expenditure limit received a CPI adjustment. The Commission sought legal advice and issued amended guidance to all affected stakeholders, on 20 August, that the regulated period started from 18 August.

Additional contingency plans

Higher Alert Levels

Once the foundation of the nationwide plan for Alert Level 2 was in place, we added further contingency to respond as best as we could to higher Alert Levels, if required, including:

- pre-drafted instructions and an online video for voting place managers about what was required under Alert Level 3 and the requirement for two metre physical distancing inside voting places.
- working with Justice and Te Kawa Mataaho Public Service Commission to stand up a public sector contingency workforce of up to 5,000 staff which could be called on by the Chief Electoral Officer and rapidly deployed around the country if worker availability was impacted by COVID-19 (for example, some of our temporary workers are over 70 years of age). Fifteen government agencies⁷ with regional coverage identified and arranged to release staff if required in affected areas. These staff were briefed on requirements and trained via the Commission's online training system.
- communications being ready to go.
- contingency stocks of personal protective equipment for voters being held regionally by Health.

⁶ Section 205C, Electoral Act 1993. This was the limit for 2020 following the change to the start of the regulated period to 18 August.

⁷ Ministry of Social Development, NZ Customs, Ministry of Justice, Ara Poutama Aotearoa, IRD, Ministry of Business, Innovation and Employment (MBIE), Ministry of Education, Ministry of Primary Industries, DIA, Stats NZ, Oranga Tamariki, Department of Conservation, ACC, Land Information NZ, and Kāinga Ora.

The power of adjournment

Under the legislation, if Parliament had already been dissolved and the writ issued for the election to be held, provisions in the Electoral Act and Constitution Act mean the election would need to proceed on the stated date, subject only to a limited power of adjournment by the Chief Electoral Officer.

The Electoral Act provides that the Chief Electoral Officer can adjourn voting if an “unforeseen or unavoidable disruption” occurs on election day (such as a flood or earthquake). It also provides the power to use alternative voting processes if such a disruption occurs at an advance voting place and it may be expected to continue until election day.

The adjournment power can only be exercised for up to seven days at a time. The adjournment provisions in the Act were revised well before COVID-19, which gave rise to a unique set of challenges in terms of restrictions on movement and gatherings for entire regions of people for several weeks at a time.

For 2020, we were working within the existing statutory framework which still assumes normal voting can proceed for the vast majority of people, with unexpected and temporary emergencies disrupting it in some places. No changes were made in the Act and we relied on minor regulatory changes to witness, application, and receipt processes, all of which had sunset clauses which mean they have expired.

COVID-19 is likely to continue to be a risk for some time. It would be prudent for there to be debate on the bigger issue of how to prepare for

more serious emergencies which may not be unexpected, but which may constrain elections relying on free movement, face-to-face interaction, physical materials, and gatherings of voters. It would also be useful to look at the measures other jurisdictions are taking in this area.

The Commission recommends a review of the legislative framework to ensure that there is adequate resilience to emergencies, including consideration of the methods of voting, the grounds for casting a special vote, the provisions for adjournment, and the impacts on the election timetable.

Social media and misinformation

Following incidents at both the 2016 United States election and the United Kingdom Brexit referendum campaign, 2020 saw significantly greater concern and interest in how to protect our election from misinformation. Incidents during the run up to the 2020 US election underlined this concern.

Under the existing legal framework, the Commission’s role is the enforcement of rules about transparency through promoter statements, authorisation of advertising, electoral finance, and election day restrictions.

Except for the offence of publishing false statements to influence voters on election day or the two days before under section 199A, the Electoral Act does not regulate content of advertisements. Section 199A is deliberately narrow to address a particular risk of last-

minute libel in elections that influences voters when there is insufficient time for the target of the false statement to respond. No complaints of breach of section 199A were received about the 2020 election or referendums.

To protect freedom of expression, there is an exemption for individuals using social media to express personal political views provided they are not paying, or receiving payment, to publish those views. This includes posting, reposting, or commenting and sharing. However, coordinated inauthentic behaviour is a breach of the transparency requirements.

The Broadcasting Standards Authority, the Advertising Standards Authority and the Media Council all have roles when it comes to considering the content of campaign advertising, broadcasts, and media activity and whether campaign content meets the relevant standards they administer. We worked alongside these organisations to ensure that electors understood the roles of different agencies and where they could go if they were concerned about what they saw during the campaign.

As the responsible electoral management body, we play a role in tackling misinformation by providing reliable and identifiable information about enrolling and voting. We also have a responsibility to protect the franchise by correcting and, if necessary, escalating any concerns about the spread of false information about enrolling or voting.

As part of our education function, in 2020 we also provided information to help voters consider what they saw, heard, and read during the campaign.

For 2020, Facebook introduced new requirements for anyone running paid political advertising to confirm their identity and details and include a “paid for by” disclaimer. This had the effect of stopping foreign advertising because advertisers must be based in country. They also introduced the Ad Library and third-party fact checking. We worked with Facebook to establish escalation processes which were used to remove a social media post involving misinformation and influencing electors on election day.

In 2019, Twitter banned all paid political advertising on the platform globally. We worked with them to put systems in place to escalate any breaches, enrolment and voting misinformation in organic content, and potential election day breaches. We used the channel to escalate a concern about a person claiming to have dual voted.

In 2020, Google updated its political content policy to require advertisers to undertake a verification process, to display “paid for by” and comply with the promoter statement and authorisation requirements. Google also introduced a political ad library and paused all paid election advertising on election day. We had

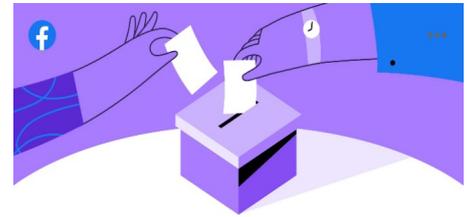
direct contact points for escalations, but no issues arose.

The Commission established a designated contact at Tencent for use in the event of any electoral law issues arising on WeChat. We understand that WeChat updated its policy to prohibit promotional political content. We had no complaints of breaches on WeChat and no escalations.

TikTok do not allow political advertising but they do allow politicians to create an account and post, within their community guidelines. They provided a direct contact if any issues arose on the platform during the campaign, or on election day. We had no issues on TikTok.

The Commission appreciates the willingness of the social media agencies to work together to build understanding about the changes they have been making for election content, to share information about New Zealand’s electoral laws, and to establish escalation channels for non-compliance on their platforms. In our view, the changes they made did reduce non-compliance.

We also want to acknowledge the steps Facebook, Twitter, Google and TikTok took to assist the Commission in getting our messages out to encourage participation in the New Zealand election.



Are You Enrolled to Vote?

Enrol now to have your say in the General Election and referendums. Authorised by the NZ Electoral Commission.



Facebook and Google helped promote enrolling and voting on their platforms

Budget

The three-year budget for the conduct of the 2020 General Election was \$99m (excluding referendums, COVID-19 and change of election date funding) compared with actual costs of \$49.58m in 2017 and \$39m in 2014. We anticipate final costs will be slightly less than forecast; these will be reported in our 2020/21 Annual Report.

This increase in costs is due to fundamental shifts in voter expectations and behaviour, as well as the security environment in which the Commission now operates. These shifts have required changes in how we deliver our services (e.g., demand for advance voting, risk mitigation and preparation, and digital enrolment).

This is, in addition to direct cost pressures from population growth, a new electorate, the introduction of enrolment on election day, significant increases in wage costs and other physical elements of the election (property, postage, supplies, freight, IT systems).

Temporary staffing for the election is a significant component of our costs and this rose from \$17.9m for 2017 to a budgeted cost of \$34.1m for 2020. This is due to the increase from the 2017 minimum wage (\$17.00 per hour including Holiday Pay) to at least Living Wage in 2020 (\$23.87 per hour including Holiday Pay), and the increased numbers of staff needed for this election to support growth in advance voting and the new legislative requirement to provide election day enrolment.

We also received \$18.4m for the conduct of the End of Life Choice and Cannabis referendums, as well as contingent funding for COVID-19 (\$28.7m) and the impact of the change to the election date (\$13.4m).

Funding shortfall

Our current baseline, set in 2019, provides \$136m for the three-year electoral cycle (excluding referendums and by-elections, which are separately funded when they occur). This funding is to cover the Commission's costs including delivery of the General Election.

This is \$40m less than the budgeted costs of the 2020 cycle (which was supplemented with a second instalment of funding that was not added to the future baseline).

This leaves us with a significant gap in funding for the next electoral cycle.

Given the risk and uncertainty that this creates, the Commission is seeking additional funding and changes to our funding model to put us on a solid footing for the upcoming cycle, and into the future.

We are working closely with the Ministry of Justice to submit a budget bid in Budget 2022, along with options for changes to our funding model.

Part 2: Public information, education and engagement

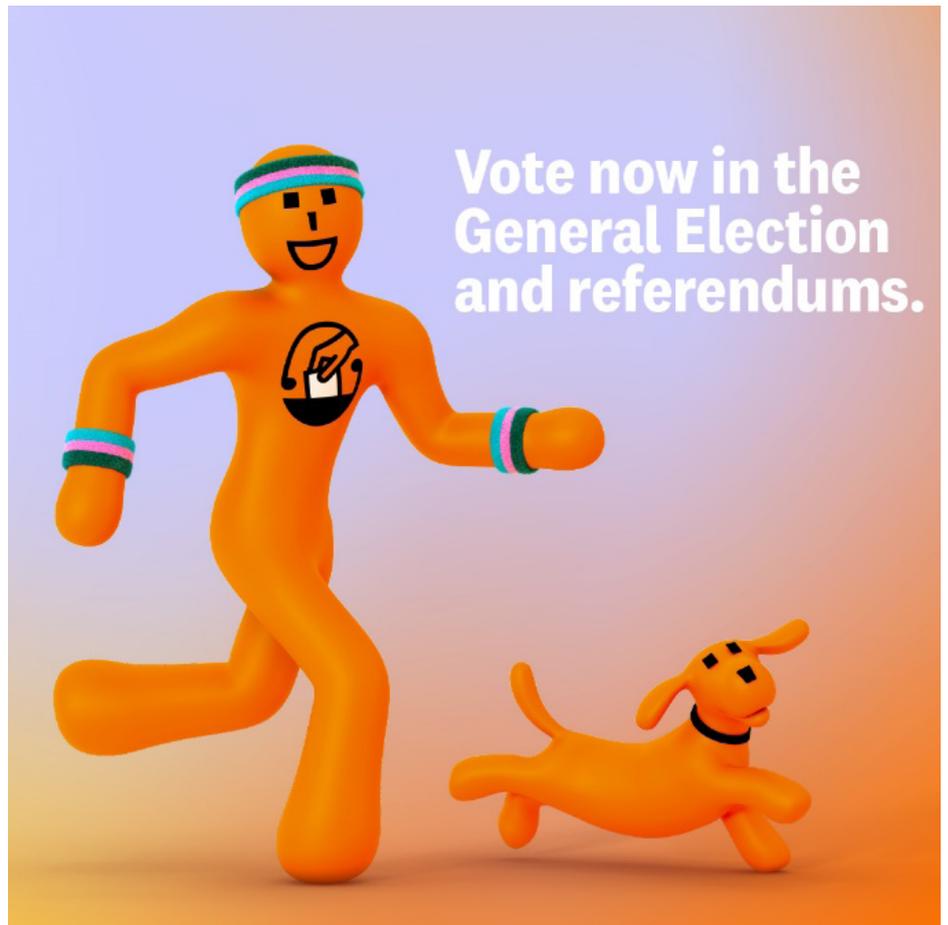
Each election, the Commission designs and delivers a public information and education campaign to let voters know when, where and how to vote, and to motivate people less likely to take part. Giving clear and simple information to the public about what to expect when enrolling and voting in 2020 was a complex task. The two referendums, enrolment on election day, the health measures in place for COVID-19 and the change in election date all posed communication challenges.

Using a wide range of communication channels and people to deliver messages was the key to a successful campaign.

Advertising prompted and motivated people to enrol and vote

The Commission's advertising campaign was based on research on the barriers to participation for different audiences. Orange Guy and his new dog Pup prompted voters to enrol and vote. Stacey and Scotty Morrison presented information to voters on the COVID-19 health measures that made it safe for people to go to a voting place and vote.

More nuanced advertising was developed for people less likely to participate, including younger voters. There were four themes addressing different barriers to voting and building understanding of the voting system. They focused on the power of voting, self-belief and having the confidence to vote, understanding that voting is easy, and understanding how the democratic process works.



Advertising was placed on channels used by these audiences, including social media.

Record high levels of awareness of advertising about the voting process were demonstrated in the voter and non-voter post-election survey⁸. Overall awareness increased from 52% in 2017 to 72% in 2020. It increased from 43% to 80% for youth and 49% to 77% for Māori.

The campaigns helped drive more than 11 million unique pageviews to the Commission's websites and prompted 108,000 people to call our 0800 service.

⁸ Voter and Non-voter Satisfaction Survey for 2020, available at <https://elections.nz/stats-and-research/participation-in-voting/>



The Vote Ghost campaign was pitched at younger voters and encouraged them to be seen and heard by voting. 78% of 18 to 24-year-olds who were enrolled voted in 2020, up from 69.3% in 2017.

Two websites provided information to voters and other groups

Two new websites were developed before the 2020 election to deliver information in plain English.

Vote.nz is a one-stop-shop for voters to enrol, update their details, learn about the election and referendums, find their nearest voting place, and check the election results.

Elections.nz covers the needs of other audiences including political parties, the media, schools, and researchers. The website has information about New Zealand's electoral system,

guidance for political parties and candidates, media releases and party news, resources for groups to share with their communities, education resources for teachers, statistics on advance voting and voter turnout, and information on past elections.

There were record pageviews on both websites on election day 17 October - 997,513 on vote.nz and 98,750 on elections.nz.

Information sent to voters

Voters were provided with information about the new electorates with the enrolment update information sent to all registered electors in early July.

The enrolment packs also included a referendum brochure.

EasyVote packs were sent to all registered voters to coincide with the commencement of advance voting. The packs included a letter with the EasyVote card, information about MMP, instructions on how to vote and two referendum brochures.

The referendums

Referendums on End of Life Choice and Cannabis Legalisation and Control were held with the election. The Commission's role was to provide a public awareness campaign, aimed at ensuring voters knew that referendums were being held with the election, what



Voting is easy with experienced voters like Aunty Kim and Koro Harry to show you how. The Master Voter campaign walked voters step-by-step through the process.



the questions were, and how to enrol and vote. Ministry of Justice delivered the public information programme on the subject matter of the referendums.

The Commission and Justice coordinated their two public information campaigns. Justice's referendum information was included in the Commission's enrolment update packs, EasyVote packs and in voting places.

A production error in the Justice referendum brochure to be included in the enrolment update packs was identified before any brochures entered circulation. However, the production error meant approximately 2.5 million packs had to be reprinted and there was a short delay to the completion of the delivery of the enrolment update packs.

The referendum awareness campaign run by the Commission had four phases with broadcast and online advertising: pre-awareness, enrol to vote, the referendum questions and 'vote now in the referendums'. Survey data shows that awareness of the referendums steadily grew, from 68% in February to 93% in October.

Complaints about VoteSafe brochure

During the election, concerns were raised that VoteSafe⁹ referendum brochures had been included in a

small number of EasyVote packs. The Commission undertook a thorough investigation and determined that the brochures could not have been inserted during printing and compilation. We did not see any evidence of tampering, but given the public interest in the allegations, we asked the Police to review our files and assess the 24 complaints received. Police consideration of this matter is still in progress.

COVID-19 changes to information and communications

There was an understandably high level of public and media interest in how the election would be conducted in the COVID-19 environment. It was important that the Commission provided clear information as soon as key decisions were made to let people know how voting would be different. Voters needed to be familiar with the changes by the time of the election.

The Commission provided information to people through media engagement, social media, websites, the 0800 service, and stakeholder communications. A dedicated COVID-19 page on vote.nz was created to keep people updated.

Our advertising strategy anticipated a change in the COVID-19 status

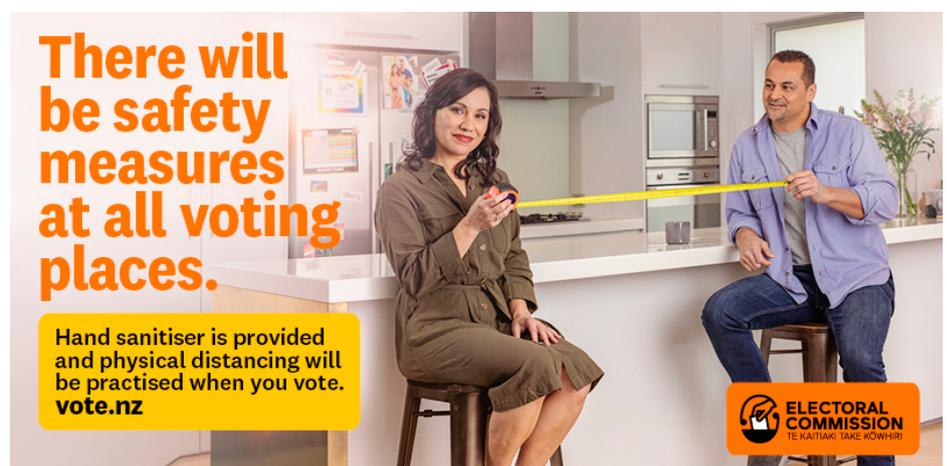
that could affect the ability, or willingness, of voters to go out and vote. Advertisements were developed with a structure that could be easily adapted at short notice, with different messages depending on the situation. When the election date was delayed by a month, these were used to advertise the change within three days.

The extended voting period and the change of date meant the usual list of voting places in each electorate could not be included in the EasyVote pack. Instead, to support people to find their nearest voting place we:

- used data driven advertising displayed on 290 outdoor digital screens across the country and, on mobile phones, showing people how far they were from the nearest voting place on a map
- scaled up services at our 0800 call-centre and improved website search functionality
- produced additional advertising in metropolitan and local community newspapers, alongside brochures and posters.

The advantage of these initiatives was the ability to also reach unenrolled voters.

Stacey and Scotty Morrison featured in advertisements about the COVID-19 measures so people would feel safe and know what to expect when they voted. Information in English and te reo Māori was also delivered to voters in a nationwide household maildrop.



⁹ VoteSafe was a campaign by Safer Future Charitable Trust, a registered promoter for the End of Life Choice referendum.



The Auckland youth team at Mt Albert Grammar School putting on face masks, using hand sanitiser and signing in with the COVID-19 tracer app all became part of the job.

More schools took part in Kids Voting - Te Pōti a Ngā Tamariki

A record number of schools (1,034 compared with 832 in 2017) registered for Kids Voting – Te Pōti a Ngā Tamariki. The programme supports students to hold mock-elections, giving them first-hand experience of voting. In a survey, teachers reported that their students enjoyed participating and that the programme had increased their students’ personal understanding, belief, and confidence in electoral participation.

The high number of participating

schools in 2020 is impressive given the challenges presented by COVID-19. We remain committed to keeping our curriculum-aligned teaching resources up-to-date and developing more resources to support civics education.

Engagement teams support communities to take part

We have teams across the country engaging directly with communities to inform them about the electoral process and motivate them to take part. They work with groups less likely to enrol and vote and who often do not have access to mainstream media or advertising.

COVID-19 restrictions required a switch to predominantly digital engagement in online forums, with face-to-face / kanohi ki te kanohi engagement where appropriate. Despite the challenges, the teams found ways to connect with communities including joining in webinars, hosting presentations in multiple languages, giving school presentations when Alert Levels allowed, and working with district health boards, whānau ora providers and migrant support groups to provide information to their communities.



The Commission's stand at the ASB Polyfest 2021

Young people talking to young people

30 of the 172-strong community engagement team were youth advocates. The youth teams used community, education and social media networks to connect with younger voters and raise awareness about the election and how to take part.

The youth teams were first trialled in 2015 and have been a great success, bringing energy and creativity to their work. They relate to other young people and give them information in a way they understand.

Engagement teams attended community events to talk to people about enrolling and voting. As part of ongoing enrolment activities, this year's ASB Polyfest was an opportunity to let students (and their parents) know they could provisionally enrol as soon as they turn 17.

International visitor programme

The visitor programme for the general election provides participants, including global election management bodies, Pacific good governance agencies, and members of the diplomatic corps posted to New Zealand, an opportunity to view various initiatives, any implemented innovations and share information on current global electoral issues.

Our initial plan for the election was to deliver an in-person visitor programme. However, given the global COVID-19 context, we piloted delivering the visitor programme virtually. Keeping all involved safe – including our staff, our voters, and our visitors – was a priority.

We had 307 registrations for the virtual visitor programme. The programme provided a valuable opportunity for electoral officials across the world to 'visit' our election from the comfort and safety of their own offices or homes. This approach

allowed us to accommodate more participants than an in-person programme without any additional costs, and to also reach those who are geographically distant where travel to New Zealand can be an impediment.

The programme consisted of four 90-minute online sessions delivered over two days, providing an overview of the New Zealand electoral system, the 2020 General Election and referendums, as well as COVID-19 specific preparations. Each of these sessions was followed by a Q&A session, where participants took the opportunity to ask questions, and request resources.

Feedback was very positive about the calibre of the visitor programme and about it being conducted virtually, both in terms of the current COVID-19 related travel restrictions and for participants beyond the Pacific for whom the travel can become prohibitive. For the majority this was their first opportunity to obtain an insight into New Zealand's conduct of elections.

Part 3: Enrolment and turnout

Growth in enrolment and voter turnout

Voter turnout was 82.24% of enrolled electors – the highest since 1999, and 77.40% of the estimated eligible population – the highest since 1996.

Enrolment and turnout rates grew significantly overall, and by age, and Māori descent.

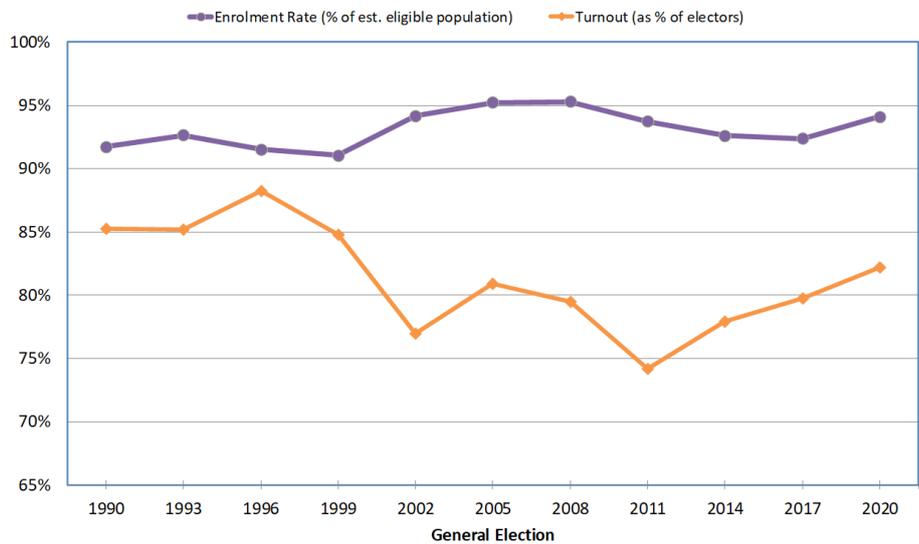
It was fortunate that by 3 October, when voting in New Zealand started, most of New Zealand was at Alert Level 1 with Auckland at Alert Level 2. Auckland was able to move to Alert Level 1 on 7 October.

At election day, 3.55 million people were enrolled. That was 94.11% of eligible voters – and the highest since 2008.

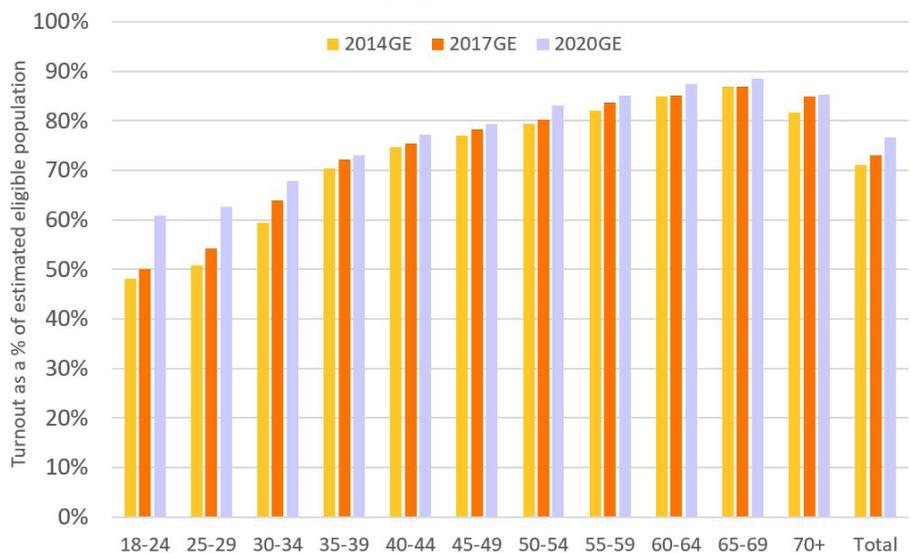
90,000 voters enrolled and voted in a voting place during the advance voting period and 80,000 on election day.

The number of voters aged 18-24 increased 18.8%.

Graph 2 shows how turnout of eligible population increased at every age band.



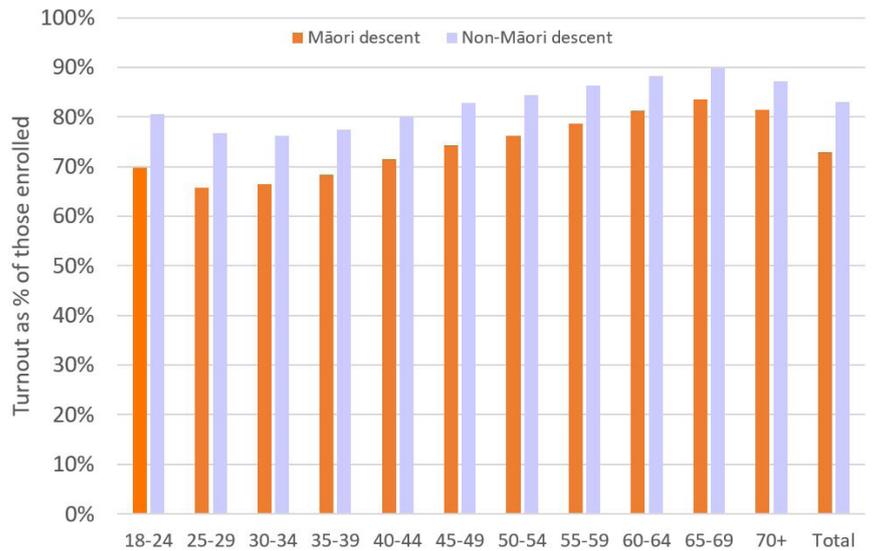
Graph 1: general election enrolment and turnout rates - 1990 to 2020



Graph 2: turnout by age at recent elections

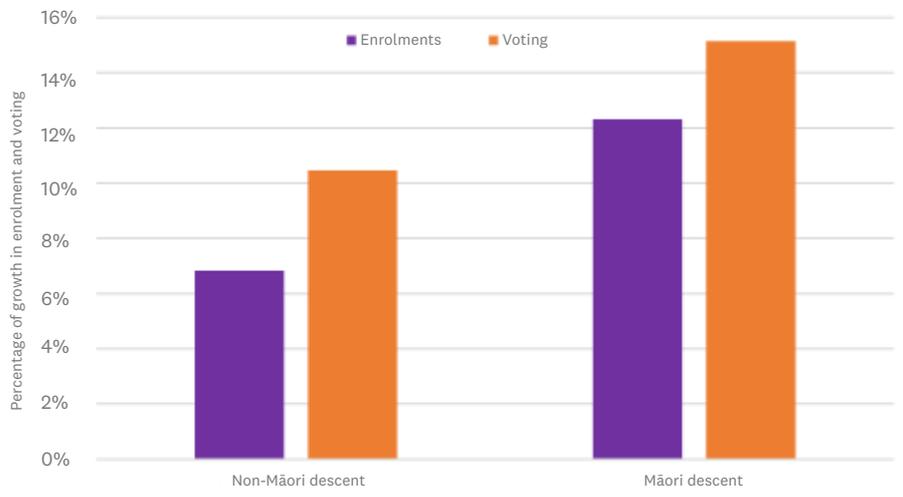
Turnout in the Māori electorates grew to 69% (66% in 2017).

The increase in the number of voters of Māori descent on the Māori and general rolls grew 15.1% compared to a 10.5% increase for non-Māori.

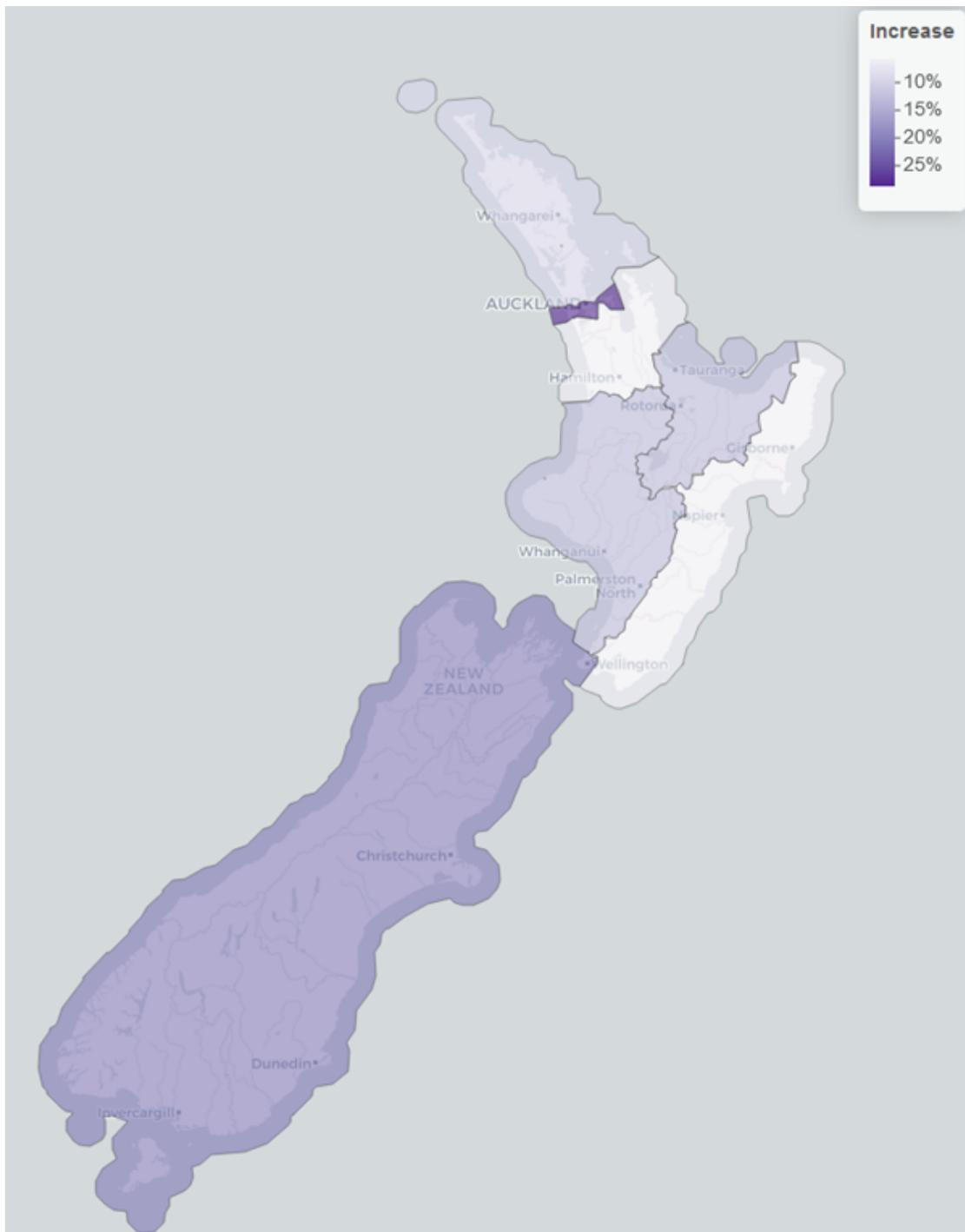


Graph 3: turnout by age and Māori descent

There was 12% growth in enrolment of electors of Māori descent, compared to 6.8% for non-Māori.



Graph 4: increase in enrolment and voting by Māori/non Māori descent from 2017 to 2020



This map shows % increases in turnout from 2017 to 2020 across the Māori electorates, with the biggest increases being in Tāmaki Makaurau and Te Tai Tonga.

Postal and takeaway votes did not grow significantly

It was important to have capacity to process a higher number of postal and takeaway votes if needed. We expected we could have tens of thousands of postal votes but needed contingency for up to 380,000 votes.

In the end there was only a moderate increase in postal and takeaway voting (taking account of additional use at hospitals and rest homes), totalling approximately 26,000 votes (compared with 8,400 in 2017). This included:

- 4,700 postal or takeaway votes issued by Returning Officers, including for people in hospital and issued by Issuing Officers at voting places
- 15,000 postal votes for voters at rest homes
- 6,300 electors using the 0800 service to request postal voting. 69% of these requests were from voters 70+ years old.

26,000 was at the lower end of our contingency planning, indicating that most people felt safe to vote in person, especially with the COVID-19 measures we had at voting places and the reduced Alert Level at the time of voting.

Postal and takeaway voting, and taking votes at hospitals and rest homes, have been a longstanding part of our elections ensuring that those who cannot get to a voting

place can still exercise their right to vote. People, for example, who are very elderly, or who are housebound because of illness or disability, use these services.

Because of COVID-19, responsibility for housebound voter visits was limited to election staff by temporary regulatory change for 2020. This meant candidates were not able to appoint agents to visit housebound voters to assist them to complete a takeaway vote. Commission staff stepped in to deliver and pick up voting papers where people did not have a friend or family member to assist them. This temporary change has now expired, and candidates will again be able to appoint agents for outreach activities. The Commission will continue to provide additional support for anyone that contacts us.

Overseas and remote voting

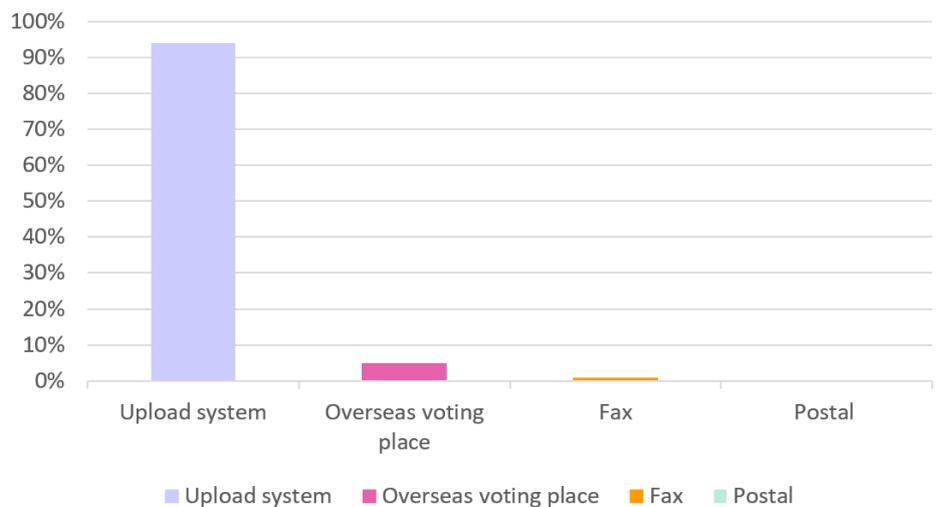
Overseas voters could download their voting papers from the Commission’s website, apply to the Commission for postal voting papers, or vote in person at an overseas voting place (although this option was limited by COVID-19 restrictions).

Voters in a remote location overseas could also vote by dictation.

The number of overseas votes increased from 61,524 in 2017 to 62,787, in spite of the travel restrictions. It is estimated that as many as half of overseas voters in 2017 would have been people travelling overseas, something that was restricted in 2020. In 2020, most overseas votes came from Australia and the United Kingdom.

The upload system performed well. It was the most popular method of returning voting papers (94% versus 67% in 2017). COVID-19 restrictions meant a significant reduction in votes taken at overseas voting places with 3,077 compared to 18,653 in 2017.

Centralising and streamlining how we managed overseas, dictation, and remote votes, was a significant project in the lead-up to the 2020 election. The goal was to improve the processing, security, and management of these votes, and relieve pressure on electorates as they completed the official count. Centralisation worked well and will be continued for 2023.



Graph 5: method of return of overseas voting papers

Voters with disabilities

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

- 92% of electors with a disability said they had a good or excellent understanding of the enrolment and voting process
- 80% of disabled voters surveyed said they voted in advance, compared with 49% in 2017
- 94% rated the overall voting process as very good or excellent
- 93% said they encountered no issues while voting
- 96% rated staff pleasantness, politeness, and efficiency highly.

There was increased uptake (933 registrations, up from 610 in 2017) of the dictation service for people who could not mark the ballot paper due to vision or other disability.

The Commission exceeded statutory voting place accessibility requirements by having 1,561 fully accessible voting places and 1,069 voting places accessible with assistance.

The physical distancing requirements inside voting places for COVID-19 presented some particular concerns and communications challenges for

disabled voters. To help with this, the Commission reminded voting place staff of the best ways to assist voters with disabilities, including non-verbal options for disabled voters to give or confirm their name.

Resources in accessible formats and multiple languages

A range of resources were produced so that all voters could access information about the 2020 election and referendums. Resources included:

- an Easy Read guide to voting developed with People First for people with learning disabilities
- audio, braille, large print and eText files that were distributed by Blind Low Vision NZ
- New Zealand Sign Language videos that were available on our website
- information on enrolling and voting translated into 27 languages and available on our website
- captioning on all videos and advertisements
- brochures, posters, web, and social media banners available in several languages to share.

New educational videos were also created in English and Māori about how to enrol, how to vote and how MMP works. The videos can be shared on social media,

watched on our website, and used in presentations to community groups.

Sign language pilot

Kim Robinson of Deaf Action New Zealand presented a petition for barrier-free elections to Parliament and in 2018 the Commission committed to exploring the use of technology in voting places to provide an interpretation service for disabled voters.

As part of a pilot there were onsite sign language interpreters at two sites in Wellington and Christchurch (a further site in Auckland was cancelled due to the COVID-19 Alert Level and concerns about distancing). The New Zealand Video Interpreter Service was available at five voting places in Auckland, Hamilton, Palmerston North, Wellington, and Christchurch.

Sites were chosen in consultation with Deaf Action New Zealand and Deaf Aotearoa based on those that would best serve the community and also based on having satisfactory mobile coverage. Video interpreting uses a lot of data, (200-400MB of data for a 10 minute Skype call) so a strong mobile connection is required. MBIE, which funded the Skype service, agreed to extend hours on election day to 9am-7pm, to match standard voting place hours.





Training for the sign language pilot

The service was promoted in media releases and through Commission and deaf organisation websites and social media. Enrolment and Community Engagement teams held enrolment information sessions with local deaf groups close to the election.

Uptake was relatively low (19 votes) but we plan to build on the pilot to increase uptake through better communications and locations and other options such as having voting teams go out to deliver the service at the premises of relevant organisations.

Disability Strategy and Election Access Fund

The Election Access Fund Act 2020 will come into force on 1 July 2021. The purpose of the fund is to reduce barriers for disabled persons standing or seeking selection as candidates in general elections or by-elections.

The Commission is responsible for determining the eligibility for funding and establishing a framework for delivering the Access Fund.

The framework must be developed in consultation with disabled people to ensure the direction and priorities it outlines are based on the needs and the voices of disabled people.

At the same time, the Commission will also be consulting with disability

communities on the disability strategy for future elections.

Prisoner voting

In June 2020, the Electoral (Registration of Sentenced Prisoners) Amendment Act restored the pre-2010 position whereby those serving sentences of less than three years' imprisonment are eligible to enrol and vote.

The Act also created a new duty for the Department of Corrections to engage with eligible prisoners regarding their right to vote and provide the opportunity to enrol.

Corrections was tasked with collecting enrolment information and transmitting it to the Commission.

The Commission worked closely with Corrections throughout 2020 to implement systems for informing prisoners of their right to enrol and to do so directly through Corrections, while upholding the privacy and accuracy of prisoners' information transmitted from Corrections to the Commission. The Commission supported Corrections with enrolment forms, unpublished roll applications, information brochures and posters, and training materials.

Post Details Reported stats may be delayed from what appears on posts

Electoral Commission NZ is in Christchurch, New Zealand. 14 hrs

Today's the first day we'll be offering New Zealand Sign Language interpreting services for deaf voters at the Tūranga Library in Christchurch Central. Anyone can vote early, so head down during open hours to have your say. #NZSL Christchurch City Libraries
Check out our website to find out when and where it's happening 🙌
<https://bit.ly/2ZVrk9gn>

NZSL interpreting services are now available for deaf voters at Tūranga Library

Tue 6 Oct | 2pm - 4pm
Thu 8 Oct | 3pm - 6pm
Tue 13 Oct | 3pm - 6pm
Thu 15 Oct | 3pm - 6pm
Election day | 10am - 5pm

Performance for your post

914 People Reached

24 Reactions, comments & shares

16 Like	12 On post	4 On shares
3 Love	3 On post	0 On shares
0 Comments	0 On Post	0 On Shares
5 Shares	5 On Post	0 On Shares
9 Post Clicks		
3 Photo views	1 Link clicks	5 Other Clicks

NEGATIVE FEEDBACK

0 Hide post 0 Hide all posts
 0 Report as spam 0 Unlike Page

Reported stats may be delayed from what appears on posts

914 People reached

33 Engagements

[Boost post](#)

June Harre, Amie LaRouche and 13 others

5 shares

Like

Comment

Share

Facebook post promoting NZSL interpreting services at voting place

Around 1,200 prisoners were enrolled in the lead-up to the election using the new Corrections mechanism. Several opportunities for improvement were identified, particularly in supporting prisoners to understand the enrolment process. This could include a bespoke enrolment form catering to the differences and difficulties with prisoners' address information.

Over 3,500 votes were taken in prisons at the 2020 General Election. It is not possible to break this number down by sentenced prisoners enfranchised by the law change, and remand prisoners who were already able to vote. A prisoner's status or sentence is not recorded at the time of voting, nor do enrolment forms make these distinctions.

The referendums

Voter satisfaction with the overall referendum voting process was high, at 96%.

Referendum votes were counted after election day with a preliminary result released on 30 October and the final result released with the general election official results on 6 November. This process and release of an earlier preliminary result worked well and will be used again for any future referendums held with the election.

The total number of informal votes, where a voting paper cannot be counted because it is blank or the voter's intention is unclear, almost doubled in 2020. As a proportion, 0.73% of party votes and 1.98% of candidate votes were informal, up

from 0.41% and 1.19% in 2017. A similar doubling occurred at the 2011 election which appears to confirm that informal votes increase as a result of holding referendums with an election.

A sample analysis of informal votes undertaken by the Commission during the official count showed that most voters (84%) who cast informal votes appeared to do so intentionally (for example, they might leave the paper blank or cross through options because they only wanted to vote for a candidate, or a party, or in the referendums).

1.2% of votes were informal in the End of Life Choice Act 2019 Referendum and 0.9% in the Cannabis Legalisation and Control Bill Referendum.

Voter satisfaction and confidence

A survey is conducted of voters and non-voters after each general election to measure voter satisfaction with the services provided and levels of understanding and confidence.

Graph 6 below illustrates some of the key findings from our post-election voter and non-voter survey.

Satisfaction with the voting process continued to be very high, with 95% of all voters rating it a 4 or 5 (94%

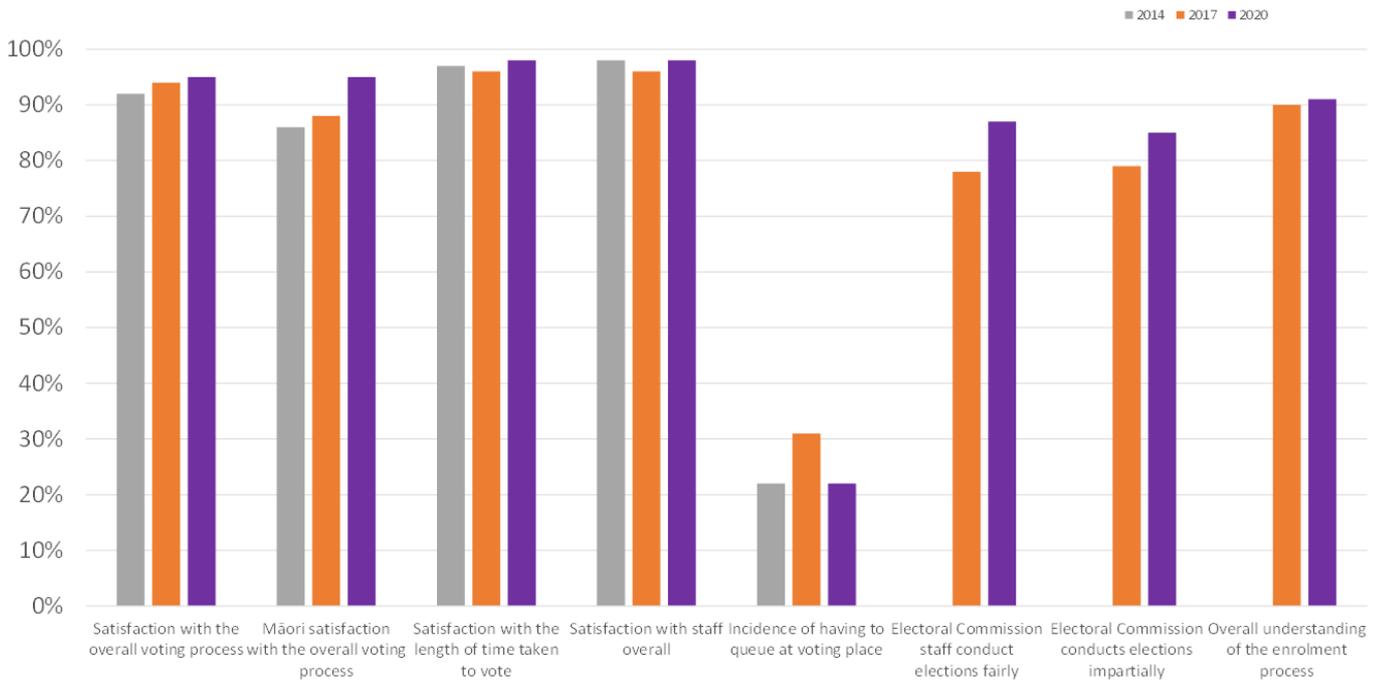
in 2017). This increased across all groups: 95% for youth (88% in 2017), 95% for Māori (88% in 2017), 96% for Pasifika (95% in 2017), 98% for Asian (91% in 2017) and 94% for disabled voters (92% in 2017).

84% of eligible voters said their voting intention was not impacted by the pandemic. 15% said it made them more likely to vote.

98% were satisfied with the time it took to vote. This is despite the increased number of people taking more than five minutes to vote (52%, up from 41% in 2017).

Only 4% of those surveyed said that the referendums had had an impact on their decision to vote. It was only slightly higher (13%) for those who did not vote in 2017.

In these challenging times for electoral administration, and against the background of electoral events elsewhere, the increase in public confidence in New Zealand that elections are conducted fairly and impartially is heartening. Confidence in the Commission’s fairness and impartiality increased to 87% and 85% respectively (up from 78% and 79% in 2017).

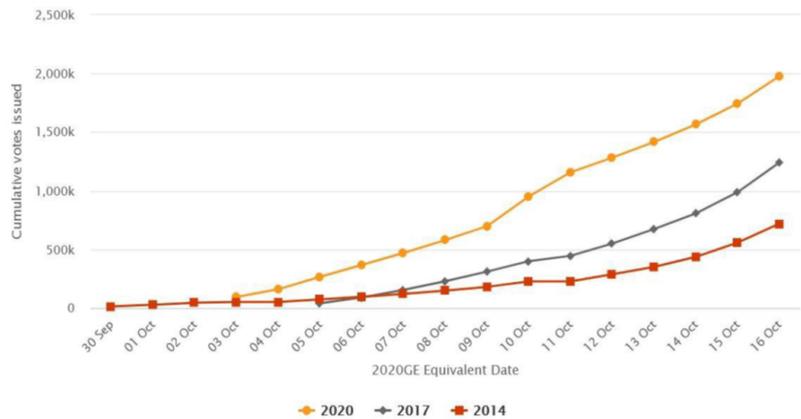


Graph 6: comparison of selected survey responses 2014 - 2020

Part 4: Growth of advance voting

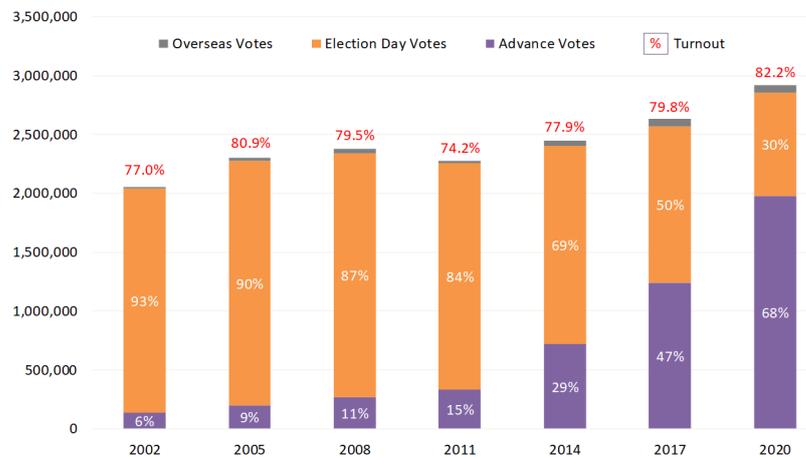
Voters turned out in force to vote in advance with almost 2 million voters (68%) doing so.

Graph 7 shows the scale of the increase and the pattern of demand during the two weeks of advance voting.



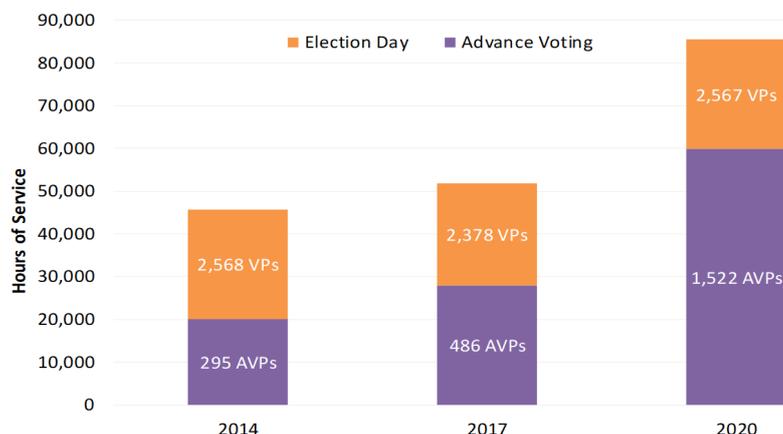
Graph 7: cumulative advance votes

Graph 8 shows how turnout has increased over recent elections and how the proportion of election day, advance and overseas votes has changed.



Graph 8: turnout and proportion of votes cast 2002 - 2020

As Graph 9 illustrates, the total numbers of voting places and opening hours have had to change significantly over the last three elections to adapt to the growth in advance voting.



Graph 9: total opening hours of advance and election day voting places

Because of COVID-19, we started advance voting two days earlier than planned and we increased the number of voting places, especially on the weekend before the election.

Before the pandemic, we planned on having 730 advance voting places. When advance voting did open there were 419 voting places, with the middle weekend rising to 1,345 voting places (including 718 schools) open on the Saturday and 825 on the Sunday. We had 609 voting places by the end of the second week.

COVID-19 also affected the locations we used as we needed bigger venues, like schools and community halls, to allow for physical distancing. We pushed public messaging about voting locations and got EasyVote packs out to people sooner, so that they were informed and motivated to vote early.

Spreading out the advance voting successfully mitigated public health risks.

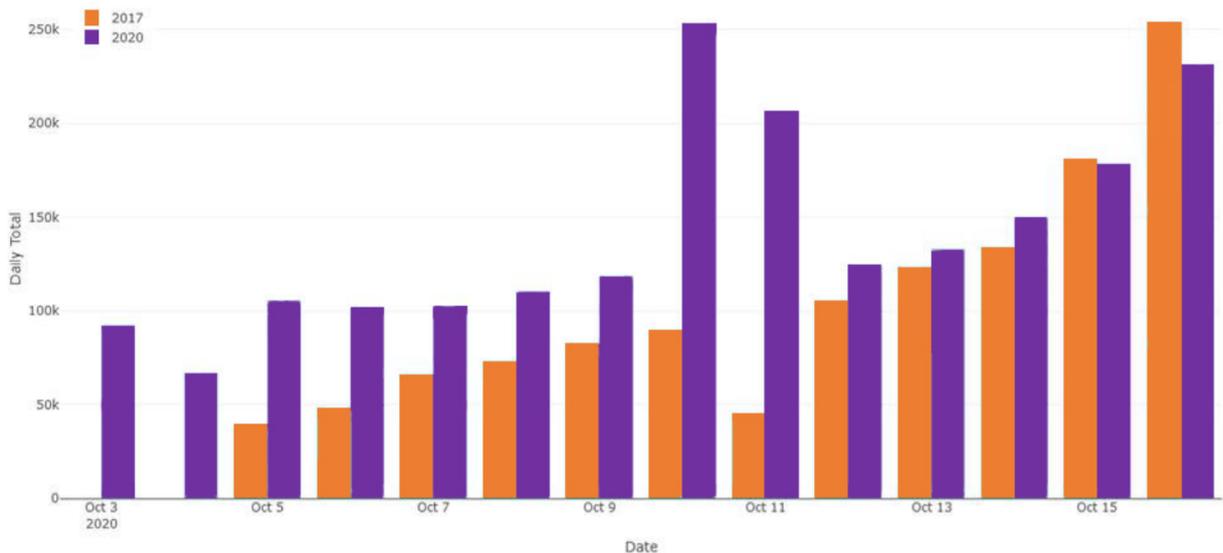
The graph below shows the spread of advance votes by day, comparing 2017 and 2020. The steep peak on 10 and 11 October shows the impact of the increased number of advance voting places in the middle weekend.

We anticipate that advance voting will continue to grow. In 2023, subject to funding, we would like to provide advance voting services for 14 days prior to election day, and some of the increased services during the middle weekend, particularly at venues that proved popular with voters. We will also be looking again at the types of voting places we can use including supermarkets, big box stores and transport hubs (some of which we were unable to use in 2020 because of the need for physical distancing).

Better reflecting advance voting in the legislation

The significance of this shift in the way that elections work in New Zealand cannot be underestimated. Providing voting services for two weeks before election day is more resource intensive, with a greater overhead, than when everyone votes on one day. Yet, however big advance voting gets, we must still maintain adequate coverage on election day because it is the last opportunity to vote.

Incremental legislative change has been made to recognise the growth in advance voting. For example, the law now allows an earlier start of the preliminary count of advance votes, and there are buffer zones to prohibit campaigning around advance voting places. However, some fundamental settings in the legislative framework remain based around the primacy



Graph 10: advance votes by day

of election day. As a result, the Commission recommends legislative change to reflect the growth of advance voting and the importance it now has in our electoral system.

With 68% of voters voting in advance in 2020, there is a stark lack of regulation ensuring provision of advance voting, which voters have come to expect, at future elections.

Election day is guaranteed through provisions relating to the issue of the writ, hours of voting and the appointment of voting places. By contrast, advance voting follows regulation 19 of the Electoral Regulations which guarantees only that, after nominations, a Returning Officer maintains in each electorate “at least 1 office open on such days and such times as the Returning Officer decides to issue special votes up until the close of the day before polling day”.

This means that there is no requirement, beyond this bare minimum, to provide for advance

voting. This raises the question of whether this is adequate to protect the franchise given the growth of advance voting, and voters’ understanding that this is how voting works. Should some minimum requirements for advance voting services be specified in the legislation, including discretion for the Electoral Commission to modify the requirements in the event of emergency? This would also ensure that advance voting must be funded.

The Commission recommends more legislative recognition of the importance of advance voting, including a minimum prescribed period of advance voting.

Election Day Worker tax code

Under the Income Tax Act, election day workers are taxed through the PAYE system at a flat rate of 17.5 cents in the dollar (plus ACC earner’s levy - currently 1.45%).

The tax incentivises people to undertake the temporary election work and recognises its public good element. The current definition of election day worker¹⁰ applies to “work done or services rendered immediately before, on, or immediately after the day on which the election or poll is held”. The current definition is outdated given the growth of advance voting and the fact that many workers work across both phases of the voting period. The current law results in conflicting advice and unnecessarily complicated recruitment processes.

The Commission recommends extending the Election Day Worker Tax Code to all election workers (both advance and election day workers) to simplify recruitment.

¹⁰ Section YA1, Income Tax Act 2007

Part 5: Modernising and improving services

Growth of special voting

Ongoing enrolment activity and the enrolment update campaign is designed to ensure that as many electors as possible enrol or update their enrolment details before writ day to ensure voters can cast an ordinary vote.

The number of special votes, 504,621 in 2020, is part of a long-term trend of people enrolling and updating closer to the election, and projections show this continuing.

Table 1: Actual and projected special votes 2011 to 2026

	2011 Actual	2014 Actual	2017 Actual	2020 Actual	2023 Projection	2026 Projection
Estimated eligible population	3,276,000	3,391,100	3,569,830	3,772,100	3.9m - 4.0m	4.1m - 4.2m
Enrolled electors	3,070,847	3,140,417	3,298,009	3,549,580	3.65m - 3.75m	3.8m - 3.9m
Electors added to roll after writ day	56,971	79,445	130,757	185,367	175k - 250k	200k - 300k
Total votes cast	2,278,989	2,446,297	2,630,173	2,919,073	3m - 3.1m	3.1m - 3.2m
Total advance votes	334,558	717,579	1,240,740	1,976,996	1.7m - 2.3m	1.8m - 2.4m
Total special votes	263,469	331,005	446,287	504,621	500k - 700k	550k - 750k

The timeframes around special votes are challenging, especially given the reduction in postal services. Special votes have to be transported back from overseas to the Commission, and from electorates around the country to the electorate where the voter is enrolled. Returning Officers must receive them within 10 days after election day. This period allows time for special votes to be returned through postal services and overseas consulates. Special votes delivered after the deadline must be disallowed.

Increased special voting means digital solutions will be needed

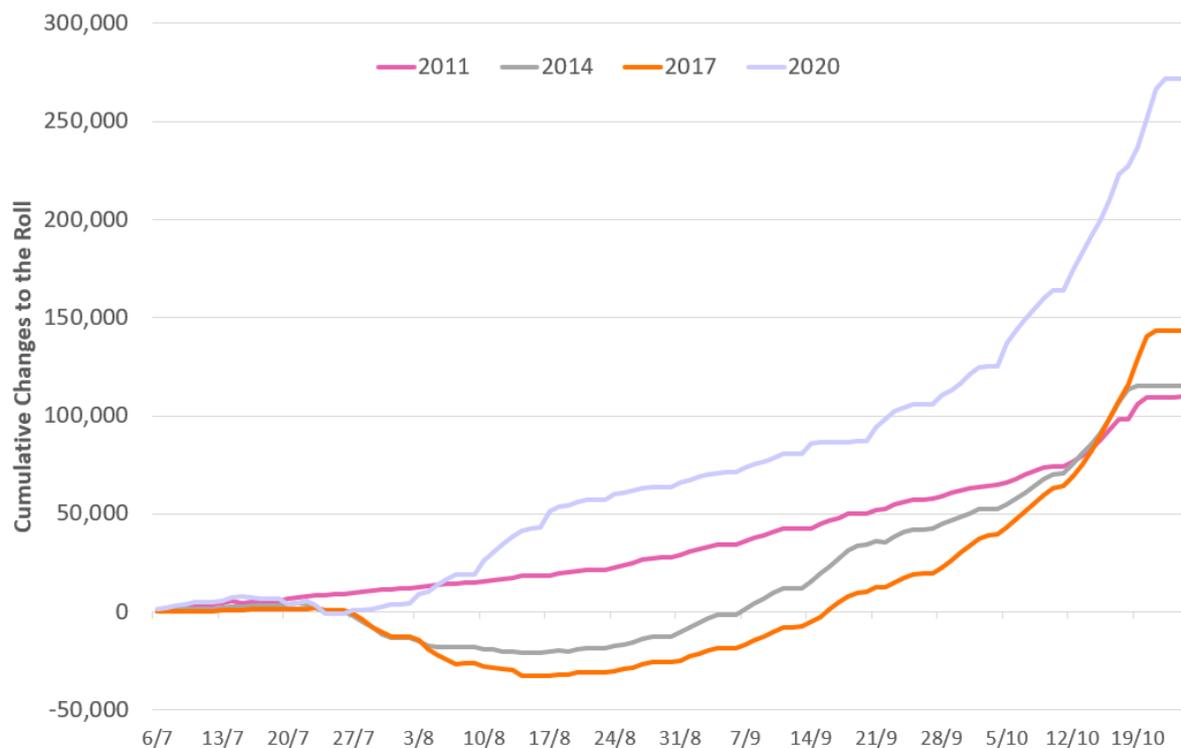
Special voting significantly increases the accessibility of New Zealand's

electoral system. However, the increase in special votes has important implications for future elections. It reduces the extent to which the election night result represents the final result of the election and this can impact on government formation negotiations. It means more voters face an added difficulty because they need to complete a declaration. The official count takes more resources and time as each special voter's enrolment has to be checked to determine if they are qualified to vote, and each declaration needs to be checked against legal requirements.

The Commission has introduced more accessible enrolment options and has more 'shared' electorates which can

take votes for other electorates, to try to address this. Further efforts in this area will require investment in voting place technologies to provide for 'live roll mark-off'.

Currently the rolls are printed as at writ day and everyone that enrolls or updates their details after that day has to cast a special vote (430,000 in 2020, compared to 260,000 in 2017). In 2020, writ day moved from 16 August to 13 September with the change of election date, effectively extending the enrolment update campaign. Graph 11 on the next page shows the increase in enrolment transactions in the last three months from the launch of the enrolment campaign in July.



Graph 11: cumulative changes to roll in the three months before election day

‘Live roll mark-off’ would allow anyone who can be marked off the roll electronically to be issued an ordinary vote, regardless of which electorate they are enrolled in. This would improve service to voters, but would necessitate an electronic count in voting places on election night to deliver the preliminary result. This is because voting places could be issuing for all 72 electorates, so manually sorting and counting votes would be impractical. To ensure confidence, a manual count could still be undertaken for the official count.

A significant programme of work is needed to develop and successfully implement this future voting place digital pathway.

The legislative framework, however, is largely in place and already permits an electronic roll, printing ballot papers on demand, an electronic early count of advance votes on election day, and allows any voter that can be marked off a ‘live roll’ to be issued an ordinary vote.

Although investment will be required, this future service has many benefits in sustainability and cost terms,

including reducing the printing and distribution of paper ballot papers and rolls, more flexible set-ups for voting places, less reliance on so many staff, reducing special votes, providing electronic roll mark-off data to parties for their ‘get out the vote’ activities, and speeding up the release of preliminary results.

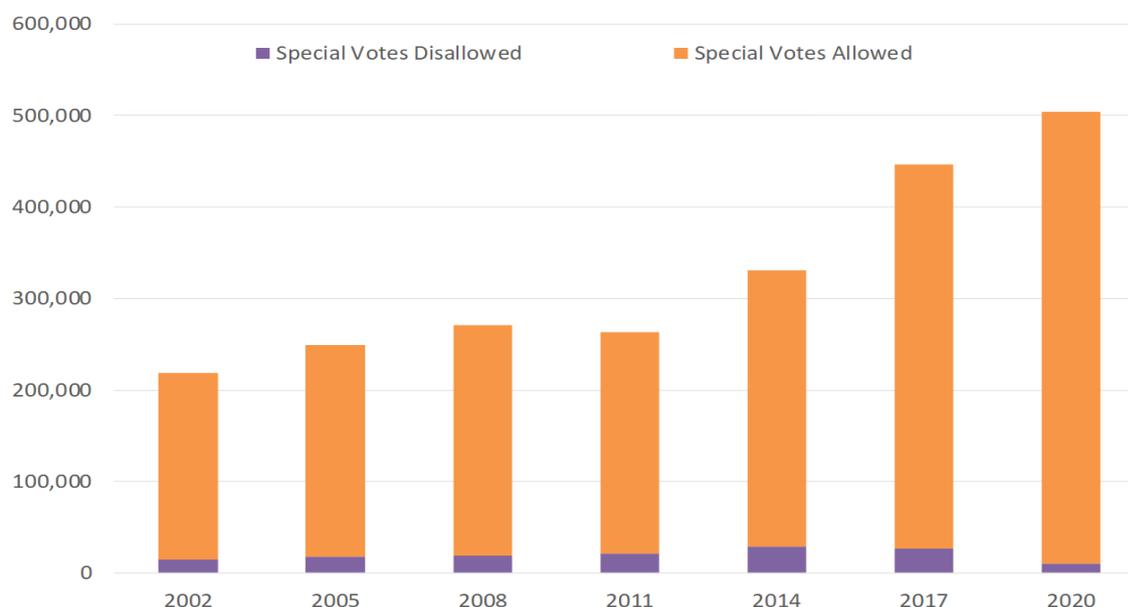
The Commission recommends an amendment to allow for the preliminary count in the voting place to be undertaken either manually or by electronic means to facilitate a long-term programme to work towards digital roll mark-off, issuing and counting.

In the interim, the Commission also recommends legislative change to the current special vote provisions to address the following difficulties:

- Enabling roll scanning and initial special vote declaration checking to begin prior to the close of voting to reduce pressure on the official count.
- Updating the regulations for issuing special votes to provide for administrative alternatives to the use of gummed paper and envelope compartments for ensuring secrecy of the vote.
- References in section 61 regarding the absence of a person's name on the roll do not deal with the situation where the name appears but they have moved address and need to update details.

- References in section 61 to satisfying the Returning Officer or issuing officer that the voter is eligible because they cannot vote at a voting place without incurring hardship or serious inconvenience should be replaced with just references to satisfying an electoral official as eligibility has to be confirmed in the official count based on the voter's declaration.
- Extending the temporary measures passed for COVID-19 to enable people in New Zealand to apply for a special vote by phone and using any other method approved by the Commission.
- Extending the temporary measures passed for COVID-19 to provide that a special vote returned by post in an envelope that is not postmarked or date-stamped is valid if it is received by a Returning Officer or an Issuing Officer on or before election day.

- Updating regulation 30 to ensure resilience in the transmission of special votes to the home electorate by enabling any Returning Officer to accept on another Returning Officer's behalf, to enable electronic transmission, and to extend the current period from 10 days to 13 working days for a general election (10 days is sufficient for a by-election) to ensure timeframes adjust for public holidays.
- Clarifying regulation 33 to enable a Returning Officer to open the voting paper side of the envelope any time it appears papers have been incorrectly enveloped, with a requirement to preserve secrecy and reseal and endorse the envelope. At present the provision only enables the voting side to be opened if the Returning Officer believes it contains the special vote declaration. There are other scenarios where it is appropriate, for example, if the Returning Officer finds two declarations or finds a declaration and a referendum voting paper but not a parliamentary voting paper.



Graph 12: special votes allowed and disallowed 2002 - 2020

Fewer special votes disallowed

The number of disallowed votes fell from 6% in 2017 to 2% in 2020 (11,000 votes down from 27,000), meaning more votes count. This can largely be put down to election day enrolment and improvements in enrolment services in voting places.

Improving overseas and remote voting

Electronic marking

COVID-19 exacerbated a growing problem of people not having access to a printer and wanting to mark their voting paper and sign their declaration with an electronic signature.

Section 168 of the Electoral Act prescribes a manual and paper-based method of voting in which a voter votes by marking the party and electorate votes with a tick. The

method of voting is so important that it is an entrenched provision that can only be amended by special majority (section 268).

All existing methods of voting including special voting require this manual marking. Overseas voters using the download voting paper system are told to print the ballot papers and then complete them. If we are satisfied that they have not, the vote must be disallowed.

Increasingly, questions are being raised about whether overseas votes are valid if completed using technology. Instead of printing the paper out, voters increasingly want to save it digitally and mark it using an electronic device. In part this is because many voters do not have access to a printer.

The Commission recommends legislative change to allow overseas voters' marks and signatures produced through physical action captured electronically (for example) using technologies such as signature pads, trackpads/touchpads or the mouse, light pens, or similar devices, (but not the insertion of a typed signature). This is consistent with the Commission's policy for membership evidence provided with political party registration applications.

In addition, for all special votes issued in a voting place, not just overseas votes, the Commission recommends legislative change to provide for electronic completion of a special vote declaration in an approved electronic medium. This could be achieved by allowing digital completion of statutory declaration forms in the Electoral Act.

Overseas voter eligibility

To continue to be eligible to vote in elections, New Zealand citizens overseas must have visited New Zealand within the last three years. Permanent residents overseas must have visited within the last 12 months. COVID-19 prompted complaints from some overseas voters that they were disqualified from voting because the travel restrictions had prevented them from returning to New Zealand.

The Commission recommends consideration of whether there should be legislative change to the overseas voting eligibility criteria to address situations where voters have been prevented from returning to New Zealand by circumstances out of their control, such as a pandemic.

Enrolment on election day

Although enrolment on election day is now allowed for New Zealand based electors, the deadline for overseas voters to apply to enrol has remained midnight the day before election day. This is because the download system does not currently allow a person to download their voting paper until their enrolment has been processed and they are on the roll.

We propose work on the download system to integrate it more with the enrolment application process. This would enable a person to use the download system if they have lodged an application to enrol. This may enable election day enrolment for voters overseas but given the amount of process redesign involved, this is likely to not be feasible until 2026.

The Commission recommends further work be done to enable a person outside New Zealand to download their voting paper once they have lodged an application to enrol and, subject to time for implementation, an amendment to the Electoral Act to enable voters outside New Zealand to enrol on election day. This will likely not be feasible until 2026.

Digital correspondence for electors overseas

Changes in international postal services and the inability to use correspondence to confirm New Zealand enrolment addresses in the case of electors living overseas, favour a shift to digital options.

The Commission recommends legislative change to enable an overseas elector to be sent electronic correspondence for enrolment update campaigns, to confirm a new enrolment, or an enrolment update.

Increasing the availability of remote voting services

Part 4 of the Electoral Regulations provide additional options for voters in remote locations, such as offshore islands, fishing vessels and remote locations overseas, to ensure they can vote. The existing timeframes

and eligibility criteria create barriers to access and need review.

Voters on vessels are only eligible if they are not scheduled to return to port during the period beginning with the close of nomination day and ending with the close of poll. A ship may return to port but not allow those on board to disembark. Voters must be overseas between nomination day and election day. This does not recognise the potential for delay in accessing voting papers after nominations close and leaves no buffer period for connecting travel or travel delays. Applications for voting by dictation have to be received by 4pm on the Thursday before election day, even though the votes can be cast until 7pm on election day.

The Commission recommends amendment to the eligibility criteria in regulation 53 to allow anyone in the existing categories to use remote voting services if they satisfy the Commission that, because of their remote location at any time in the lead-up to the close of voting, they will otherwise not have reasonable access to other voting services.

The Commission recommends the application deadlines for all remote voting services be modified to noon on election day.

The Commission recommends that Pitt Island be added to the list of remote locations.

Online voting

The Commission does not recommend online voting. However, there is likely to be continued public and political debate about it. Views on online voting are polarised both here and overseas. Changes in the postal system, difficulties with face-to-face voting during a pandemic, and the growth in demand for online services add to the perception that online voting is inevitable at some point. Advocates also identify online voting as an opportunity to increase accessibility. Opponents raise concerns about transparency of process, voting verification, authenticity of the results, protection against outside influence, and lack of evidence that it increases participation.

The Commission notes that although the Local Electoral Matters Act 2019 allows regulations to be made for partial trials of new voting methods in local elections, no trials are currently

planned by local authorities. In its report on the Inquiry into the 2017 General Election and 2016 Local Elections, the Justice Committee concluded that online voting is not safe and that the strength of evidence around the security risks of online voting is compelling.

The Commission does not recommend legislative change at this time and recommends the retention of the need for special majority currently signalled in the entrenchment of the method of voting.

The Commission will work with our counterparts from other similar jurisdictions and continue to monitor progress towards finding online voting solutions that are robust, cost-effective and that meet internationally accepted standards around security and voter verification.

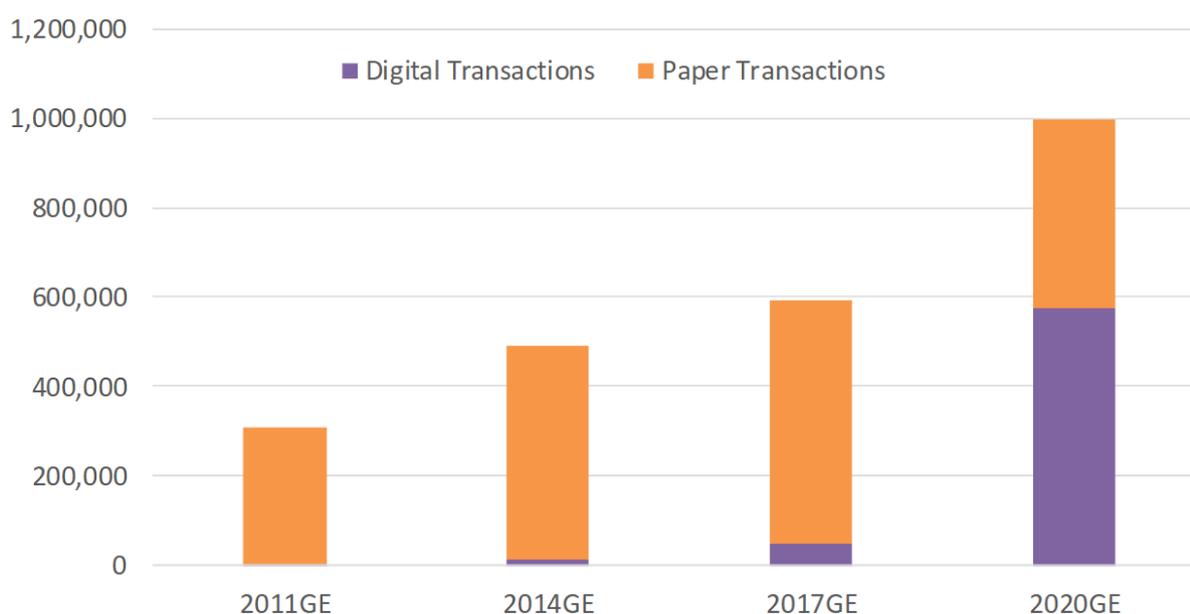
In the meantime, the Commission will focus on other technology

opportunities to improve services to voters and make efficiency gains, as outlined in this report.

Digital enrolment services

In 2018/19, we began developing an online service to allow people to enrol or update their details using their driver licence or passport number as proof of identity. People were already able to use their RealMe verified account to enrol online. We also built a mobile device application. The online service launched in November 2019 and voters have embraced its accessibility.

As the graph below shows, digital transactions have increased very significantly, from 8% in 2017 to 56% in 2020. The number of transactions to be processed in the four months before election day has also increased significantly.



Graph 13: enrolment transactions processed in the four month period to election day

Survey research confirms that online is by far the most preferred channel (81%) over paper-based channels. Vote.nz is where people go first if they want to update their enrolment (55%, up from 47% in 2017). This is even higher for youth (68%), Māori (62%) and Asian (64%) electors. The desire for online enrolment has also grown with those who are not enrolled, doubling since 2017.

The power of digital communication over postal correspondence can be seen in the inroads that we have made in reducing the dormant roll.

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

During this cycle, the Commission has increased its use of texting to contact people who have moved and not updated their details. This initiative combined with other enrolment initiatives, including enrolment on election day, has

contributed to a significant reduction in dormant roll electors compared with recent elections - 85,332 in 2020 compared to 126,539 in 2017.

The Commission wants to make greater use of text messaging and other electronic means to contact people about enrolment and voting.

Enabling more digital enrolment communications

We will continue to increase our target for digital enrolment transactions as we implement and refine our digital channels. Not only does this meet the expectations of electors, it is also important for sustainability, with digital enrolment reducing paper and printing by up to 1,731,047 pieces in 2020.

Several provisions in the Electoral Act restrict our ability to provide more customer-focused and sustainable digital enrolment services.

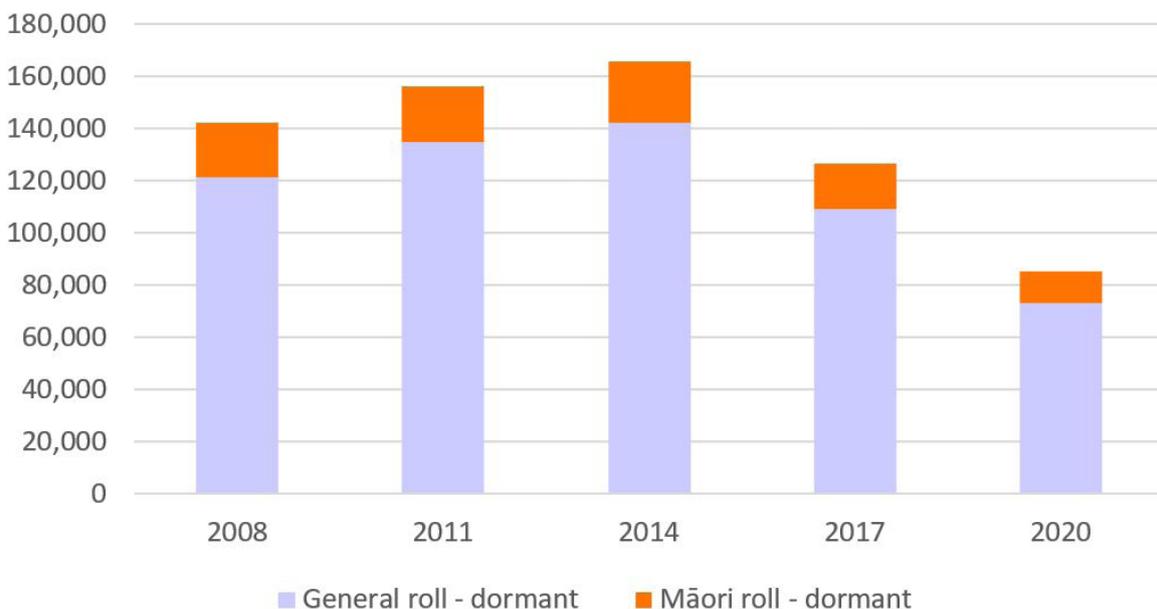
The Commission undertakes data matches with Ministry of Social Development, driver licence, vehicle registration and passport information

to identify individuals who are not enrolled, or whose enrolment details are out of date. Currently, the Commission can only contact a person by mail 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.

Following a data match, a registration or update is not automatic. It requires the person to sign and return a form or update online.

All enrolments, whether digital or paper-based, are treated the same way no matter how the application is made. When a person enrolls, they provide a declaration that the information they have given is correct, including their name, date of birth and residential address. It is an offence to make a false statement in any enrolment application.

Checks are also built into the processing of applications and the electronic enrolment system before a person is registered at an address on the roll.



Graph 14: dormant roll

The final verification step is an acknowledgement letter posted to the applicant. If it cannot be delivered and is returned ‘gone no address’, the Registrar knows the elector is not eligible to enrol at that address and they are removed from the roll or investigated further to obtain correct details.

An ongoing challenge for the Commission is our current reliance on the postal service, which is diminishing and becoming increasingly expensive. Practically all enrolment correspondence is required by law to be sent by post. A person that enrolls or updates their details must be sent a letter of confirmation. An elector whose address is obtained by data match is required to be sent a letter. They must then update their details online or fill out an enrolment form. Then, if an update is made, a letter is posted confirming this. Enrolment update campaigns involve writing to every enrolled elector prior to the general election and local elections. The provisions do not appear to allow email or text correspondence, which is becoming the channel of choice for many people.

Qualification to enrol is based on where a person resides. For this reason, sending a letter to a postal address has been used as the primary mechanism to ensure accuracy of the roll. Sending a text or email does not

connect to a physical address and yet, as dormant texting results show, when a person moves it is far more likely that a text or email is going to reach them than a letter to their last known address.

At some point, it seems inevitable that we will have to find alternative ways to transact and communicate with electors about enrolling and voting. To position us for future elections, the Commission recommends that Parliament consider enabling digital communications in the legislation, including the range of options outlined next.

The Commission recommends consideration be given to:

- Amendment to the data matching provisions to include email and phone numbers to enable electronic communications.
- Allowing an update to be made following a data match with either postal or electronic confirmation.
- Whether a new enrolment could be actioned as a result of a data match with either postal or electronic confirmation.

- Whether electronic confirmation can be sent for an update of address within the same electorate for an enrolled elector.
- Whether electronic confirmation can be sent for an update of address between electorates for an enrolled elector.
- Allowing electronic confirmation for other changes of enrolment details for an enrolled elector.
- Whether electronic confirmation can be given for a new enrolment if a person has verified their identity using RealMe, a driver licence, or passport.
- What alternative processes would be necessary to ensure the accuracy of the roll while permitting new enrolments to be confirmed through digital means.

The enrolment update campaign

The enrolment update campaign is heavily prescribed as a postal mailout of a letter containing specific information. Although we drive people to use the digital option for any updates, the provisions still appear to require the initial correspondence to be sent in paper form.

The Commission recommends consideration be given to what alternative methods of enrolment update campaign can be used for example, email and text.

Enrolment update correspondence must contain all the elector's details from the application to enrol including honorifics and occupation. However, 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 e.g., name and address details.

Improving services to Māori voters

Improving services to Māori voters was a key focus for 2020. We listened to feedback from local communities to improve recruitment outreach and increase the number of te reo Māori speakers in voting places, we reviewed voting places and times and mobile services to respond to the

needs of community, we improved our training introducing a learning module on Māori pronunciation, and we had our first te reo Māori voting place, which is an initiative we will build on for future elections.

Satisfaction in our survey amongst Māori voters increased from 88% in 2017 to 95%. This together with growth in Māori enrolment and voting is good, but there is still work to do.

There were a small number of complaints about services during the first days of advance voting when there was unprecedented demand. We took immediate action to enforce correct procedures. We are committed to learning from these incidents to improve our services and continue to build trust and confidence with Māori communities.

We will continue to improve services by engaging with Māori voters. After the 2017 election, we held a series of kōrero with Māori communities around the country to better understand Māori experiences of enrolling and voting. We will be going back to those communities and talking again about their experiences in 2020. In addition, we will be identifying what further areas of improvement are needed and how the Commission can maintain a regular kōrero to continue to work on improvements.

We will be looking at whether we need to make any changes to training as part of our election review. There is a Māori pronunciation e-learning module for staff which we encourage everyone to complete.

In 2020 we worked with a number of Māori communities seeking their support and help to identify people to work in voting places located in their communities. A number of staff recruited in this manner were proficient in te reo Māori. In total 11% of staff were Māori including 892 te reo Māori speakers and this will be something we look to build on further for 2023.

Improving participation

The Commission regards education about the value of voting and encouraging participation as fundamental to supporting New Zealanders to take part in parliamentary elections. We contribute to this through enhanced communication with voters, community partnerships, involvement with schools, our community engagement programme, and network of community liaisons and youth advocates.

Non-voters

In our post-election survey, non-voters were more likely to be those aged 18-49, female, Māori, and from Auckland.

Over two thirds of people who did not vote said they had initially considered doing so. 34% of non-voters made the decision not to vote on election day itself.

Non-voters surveyed were asked why they did not vote. 28% of non-voters identified self-stated personal barriers to voting, either due to personal access restrictions (e.g., health reasons, religious reasons, or other commitments such as work).

Others included not knowing who to vote for (22%) and not believing in voting or "could not be bothered" (11%). Most non-voters considered voting (70%), deciding not to vote on election day or in the month prior, after giving it thought.

Voting process barriers accounted for 7% of main reasons for not voting, down from 9% in 2017. This result was driven by people not being enrolled (4%) or not knowing where to vote (2%).

There were also many non-voters who gave other reasons for not voting. Of these, most comments were related to non-voters feeling the election result was a foregone conclusion or inevitable so their vote would not make a difference.

Youth, Asian and Pacific Peoples

The Commission continues to focus on its programme of school visits by the community engagement teams. COVID-19 significantly impacted some face-to-face engagement activities at schools and public events during Alert Levels 3 and 4 particularly.

Provisional roll rates for 17-year-olds dropped during 2020. The secondary

school summer holidays, followed by the pandemic lockdown and the disruption to schooling and our school enrolment initiatives contributed to the reduced number. At election day there were 8,432 people on the provisional roll compared with 14,283 at the 2017 election.

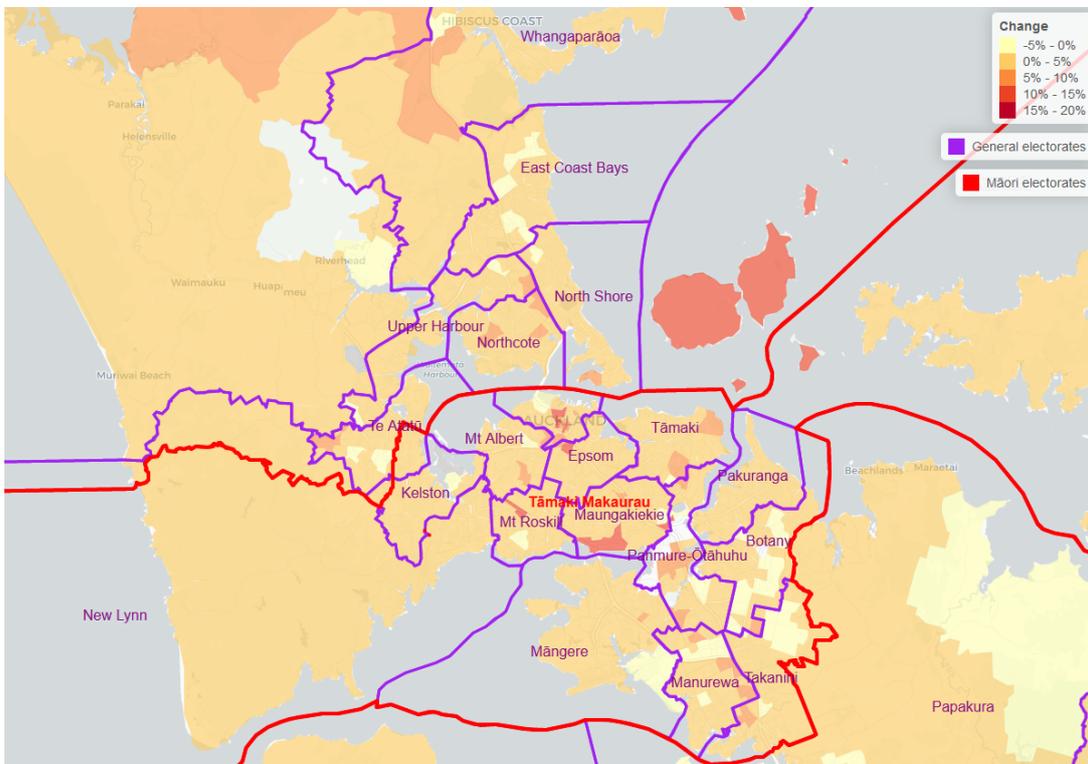
Post-election, the Commission has prioritised increasing the provisional roll through school visits, attending youth-focused events, and working alongside community partners who have a strong youth focus. We are also actively working to increase provisional enrolment through developing content targeting 17-year-olds via digital platforms.

Outside of schools, we have also been targeting a variety of events involving young people. We worked with the New Zealand Union of Student Associations (NZUSA) and attended university, polytechnic and wānanga orientation events as students began their year, helping students to get enrolled and ready to vote.

Making it easier for young people to interact with us online through our new websites and the ability to easily enrol to vote online, has also been important.

There was a good increase in enrolment and turnout rates for 18 to 24-year-olds, but overall younger voters continue to have lower turnout levels, and this extends out into 25 to 29 and 30 to 34 cohorts. The lower turnout level reinforces the importance of establishing the habit of voting. In 2020, it appears that those 18 to 24-year-old voters who did not vote in 2017 were less likely to participate as they age, despite the increase in turnout overall in 2020. For this reason, the focus of targeted motivational campaigns for younger voters has also expanded to those under 30 years.

Survey data and population and participation rate analysis at electorate and suburb level, confirm that areas with higher Māori, Pasifika, and linguistically and culturally diverse populations (including new migrants and refugees) have lower turnout levels. Although rates of participation increased significantly in 2020, the map shows some electorates had lower levels of growth in turnout (Panmure-Ōtāhuhu, Manurewa, Māngere, Botany, and Takanini).



Changes in turnout of all voters by suburb 2017 - 2020

Various factors affect turnout, many of which are outside of the Commission’s control (e.g., weather, competitiveness of the election, and interest and understanding of policy matters). The Commission works hard to provide opportunities for participation over which we have much more control e.g., accessibility and availability of voting places, ease of enrolling and updating, and community engagement to build trust in the enrolment and voting system.

Data from the voter and non-voter survey does indicate progress. Self-reported enrolment rates, in line with official enrolment at 94%, suggest increases in enrolment since 2017 among youth (77% to 86%) and Pasifika (78% to 88%). Pasifika people have a greater understanding of how to enrol and how to vote in 2020 compared to 2017. However, Pasifika and Asian voters were the least likely to know about when

they need to update their enrolment details, so this needs to be an area of further work.

Participation gains are hard won, and the Commission wants to continue to build on efforts to date which include being active in the community, doing presentations, providing information, and attending and supporting community events such as YouthFest, Polyfest, the Lunar Festival, Chinese New Year, the Lantern Festival and building community partnerships.

Community partners help us engage with communities and get information and services to voters. We have worked with Pasifika Futures extending our reach into Pacific communities. We held a series of Pacific Peoples’ fono to strengthen connections with Pacific communities and understand how to improve enrolling and voting

experiences including identifying suitable voting place locations. Other examples of partnering successes include community partnerships with organisations such as Multicultural New Zealand, Immigration New Zealand, Auckland Regional Migrant Services Trust, and the Chinese New Settlers Services Trust reaching Asian, Indian, and new migrant and refugee communities in Auckland.

COVID-19 did restrict enrolment activity at events. Following lockdown, our focus was on reconnecting with our community partners and stakeholders and preparing for the start of the election campaign. This included significant recruitment of community engagement staff. The change of election date provided additional time for our Community Engagement teams to engage creatively with people and communities attending both digital and in-person events.

We have information on enrolling and voting available in 27 languages on our website including a number of Asian and Pasifika languages.

We also worked hard to recruit voting place and enrolment staff that better reflect their communities.

In 2020, 6% of our staff identified as Samoan, Cook Islands Māori, Tongan, Niuean, Fijian or Tokelauan, 3% identified as Chinese and 4% Indian and we want to continue to build on this.

Findings from our voter and non-voter survey showed:

- 98% of Asian, 96% of Pasifika and 95% of young voters reported high levels of overall satisfaction with the voting process, all increased from 2017 (91%, 95%, 88%)
- 99% of Asian, 97% of Pasifika and 98% of young voters rated the voting place staff service as good or excellent (compared to 96%, 94% and 98% in 2017)

- self-reported understanding of the voting process was as high for voters of Asian (83%) and Pasifika ethnicity (88%) as voters overall (89%), but voters aged 18-29 were more likely than other voters to report having a poor or very poor understanding about the electoral process.

The Commission will ensure it understands and meets the needs of an increasingly diverse voting population and attracts staff who represent the community. We will continue to work to improve community engagement and information in our service offerings for young, Asian, Pasifika and voters in Auckland where there are lower rates of enrolment and voting.

Part 6: Parties, candidates and compliance

Parties and candidates

Advice and guidance

The Commission has a responsibility to support participation, not just by electors, but also the parties, candidates, and other stakeholders (such as media and third parties) that are vital to a healthy democracy. The Commission provides a range of services to help parties, candidates, and other stakeholders through electoral processes and to assist with information on the rules.

Activities include:

- advisory opinions on the election and referendum advertising rules (there were 1,037 requests for advisory opinions on 1,662 separate advertisements, compared with 711 opinions on 1,121 separate advertisements in 2017)
- handbooks for candidates, MPs, party secretaries, third parties, media, and scrutineers
- briefings for party secretaries and candidates, broadcasters and third parties
- regular party secretary updates throughout the term on electoral issues.

Candidate nominations

The number of electorate and list candidates increased significantly in 2020.

Table 2: Numbers of candidates and parties

	2017	2020
Electorate candidates	453	601
List candidates	429	548
Independents/ unregistered party candidates	46	58
Parties	16	17

With the shift in election date, candidate nominations were open longer - from 10 August to 18 September. Candidates indicated that they would like the candidate briefing sooner in the campaign. Where practicable, briefings were held ahead of the close of nominations. However, some candidate briefings had to be modified or rescheduled due to COVID-19.

Party registrations

Registered political parties are able to contest the party vote, are subject to the registered party expense limit and can access broadcasting allocation money. They also have additional obligations regarding reporting donations.

The Electoral Act provides that the Commission cannot progress party registrations in the period from writ day to the return of the writ. However, there is no deadline for submitting an application to register. Additional certainty for applicants would be helpful as it takes approximately eight weeks to process an application.

Within a month of registration, parties have to lodge copies of their candidate selection rules to ensure that there is transparency. However, nominations will have closed by then if the party is being registered close to writ day. Registrations close to writ day can also make it difficult for parties and their candidates to have sufficient time to get familiar with the rules. Parties who register late are more likely to have failed to apply for the broadcasting allocation in time which means they cannot broadcast on radio or television to inform voters about their policies.

The Commission recommends legislative change to add a statutory deadline, being the start of the regulated period, for party registration applications to be lodged with the Commission, to ensure certainty for applicants.

Component parties

In the lead-up to the election, there was a lot of public and media interest in the relatively late merger and subsequent component party relationship between Advance New Zealand (at the time an applicant for party registration) and the New Zealand Public Party (an unregistered party).

There was interest in the fact that an unregistered party can contest an election as a component of another party to access the benefits of the one electorate seat threshold for the allocation of list seats in Parliament, but not be subject to donations disclosure obligations.

There was also interest in how mergers affect the application of a party whose registration is already underway.

The Commission recommends Parliament review the existing umbrella and component party provisions and consider whether any changes to the rules are needed.

Broadcasting regime

Parliament appropriated \$4,145,750 (including GST) for political parties to use for the 2020 General Election. Further details of the 2020 broadcasting allocation are available at: <https://elections.nz/guidance-and-rules/for-parties/about-the-broadcasting-allocation/>

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

Section 78(2) of the Broadcasting Act sets out the criteria the Commission must use to determine

the broadcasting allocation. They require consideration of each party's numbers of MPs, public opinion polling results, and election results, under the criteria in section 78(2) (a) to (e), and the exercise of a wider discretion to consider "fairness" under section 78(2)(f).

The allocation of money is not a simple mathematical calculation and involves a difficult balancing exercise. The statute requires the Commission to exercise its judgement in applying all the criteria and does not indicate any weighting. Some of the criteria are quantifiable, some are qualitative, some are based on past performance, and some are based on more recent indicators. Some of the difficulties around these criteria are discussed in the 2020 allocation decision.

The amount allocated to each party is always controversial as there are differing views on how fairness is to be achieved. Smaller parties, in particular, identified issues around coverage and the difficulties of getting their policies out across the country.

The Commission again recommends review of the allocation criteria and the current broadcasting regime

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

Having different dates for broadcasting on radio and television is overly complex, and not intuitive when, for example, the broadcasting allocation can be used for advertising on the internet which is not limited to only being published from writ day. There is also unnecessary complexity in the current rules about the use of the allocation for online advertising depending on whether the advertising will be placed during the period from writ day to the day before election day.

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

Compliance and enforcement

Campaign rules

The Commission received approximately 1,000 queries and complaints about the campaign rules during the advance voting period and on election day - a similar number to 2017. Many complaints relate to matters that are lawful but that voters dislike. This includes campaigning and advertising once advance voting had started outside of the buffer zone and the different rules that apply during advance voting and on election day.

The most common complaint during the campaign was failure to include a promoter statement in advertising. Two matters were referred to Police relating to breaches prior to election day.

There were fewer complaints about scrutineers and the wearing of rosettes in voting places compared to previous elections. This may have been because there were fewer scrutineers wearing rosettes in voting places or a clearer distinction between scrutineers wearing rosettes and electoral officials wearing orange vests.

The most common election day complaints related to:

- signs still being up
- being contacted or canvassed on election day
- social media.

Section 197 of the Electoral Act makes it an offence to interfere with or influence electors on election day.

The Commission referred five matters to Police that relate to:

- the delivery of three different community newspapers that contained an election advertisement
- an email sent to voters
- an election sign on display.

The Commission additionally sent warning letters to three individuals regarding content posted on social media on election day.

The Commission reiterates the recommendation it made in its report on the 2017 election, noting the current election day campaign rules are inconsistent with the rules during advance voting and likely to be an issue that Parliament is again asked to reconsider given the growth of advance voting. One option could be for election day to have the same rules as advance voting which only bans advertising and influencing voters in voting places and inside the 10 metre buffer zone around voting places.

The law currently allows election-related content to remain on the internet on election day if it is not added to or advertised. A relaxation of the election day rules would also allow the media to promote their election night coverage in any medium (television, radio or online) on election day. This should be addressed even if wider change to election day rules is not favoured.

Voting rules

Following the election, the Commission received a complaint relating to a false statement on a special vote declaration, which has been referred to Police.

In early 2021, the Commission referred 48 individuals who appear to have voted more than once at the 2020 General Election to the Police. There were 37 referrals for dual voting after the 2017 General Election, 126 after the 2014 General Election, and 63 after the 2011 General Election.

Expenditure and donations

The spending limits for election and referendum advertising published during the regulated period (18 August to 16 October 2020) were:

- \$28,200 (including GST) for an electorate candidate
- \$1,199,000 (including GST) for a registered party plus \$28,200 (including GST) for each electorate candidate nominated by the party
- \$13,600 (including GST) for an unregistered third party promoter for the election or each of the referendums
- \$338,000 (including GST) for a registered third party promoter for the election or each of the referendums.

The regulated period was affected by the change in election date and as outlined at page 19, this is not expressly anticipated in the legislation.

The Commission recommends legislative change to explicitly define how a change of election date affects the formula for calculating the regulated period.

Spending limits are adjusted annually by Order in Council on 1 July. With the change of election date the Commission had to adjust the regulated period and spending limits in August 2020. The amended start date reduced the traditional three month regulated period for this election to just under two months.

To avoid confusion and provide certainty to parties, the Commission recommends spending limits are adjusted once each parliamentary term on 1 July in the year before the election.

There is no limit to how much a candidate, party or third party can receive by way of donations for their campaigns. After the election, candidates must report details of donations exceeding \$1,500, and overseas donations of more than \$50. Registered parties have ongoing reporting requirements for party donations.

A total of 601 electorate candidates were required to lodge returns of election expenses and donations for the 2020 General Election by 17 February 2021. 17 candidates were referred to Police for failure to file their candidate returns.

21 individuals or entities registered as promoters for the general election. Registered promoters for the election had to send us a return of expenses if they spent more than \$100,000 on election advertising. Only one registered promoter spent more than \$100,000 on election advertising during the regulated period and filed a return by 17 February 2021. One registered promoter filed a return even though they incurred expenses of less than \$100,000.

All 17 registered parties that contested the election were required to lodge returns of party expenses by 17 March 2021, which was extended to 24 March 2021 for parties that were impacted by the change in COVID-19 Alert Levels in Auckland in 2021. The Commission received returns from all parties.

Party donations and loans returns for the 2020 calendar year must be filed by 30 April 2021.

All returns received are available on the Commission's elections.nz website.

Two matters were referred to Police in April 2021, one relating to failure to declare party donations or aggregated donations over \$30,000 within 10 working days, and the other relating to election expenditure and alleged non-disclosure of candidate donations by an electorate candidate.

The Referendums Framework legislation

The Referendums Framework Act 2019 established the rules for the conduct of the referendums, for referendum advertising, and the referendum petition process.

25 individuals or entities registered as promoters for one or both referendums. Registered promoters for the referendums only had to send us a return of expenses if they spent more than \$100,000 on advertising with respect to either referendum, published during the regulated period. Some registered promoters filed returns with us even though they were not required to. Returns show that eight referendum promoters spent more than \$100,000 on referendum advertising, including five that spent more than \$300,000.

The Referendums Framework Act enabled conduct of the referendums to be integrated with the parliamentary election in terms of vote issuing, eligibility, and advertising rules. Although it has now expired, it provides a useful model for the conduct of future referendums.

Enforcement

This cycle there were a number of high-profile complaints investigated by Police and the Serious Fraud Office relating to donations, including allegations of donations not being transmitted to the party secretary or donations being given indirectly.

The Commission supports the previous Justice Committee recommendations for legislative change to give the Commission investigatory, enforcement and sanction powers.

The Commission recommends adding an overarching anti-collusion provision to the Electoral Act to aid enforceability.

The Commission also notes that while candidate or party donations must be transmitted to a candidate or party secretary within 10 working days the Electoral Act does not have an offence provision or penalty for failure to do so (section 207B).

The Commission recommends adding failure to transmit a donation as an offence to the Electoral Act to further strengthen the donations regime.

Party scrutineers

Party scrutineers play an important role in providing independent assurance to voters that elections are being conducted fairly. Generally scrutineers are appointed by electorate candidates. Registered parties contesting the election may appoint scrutineers i.e, where no candidate for that party is standing in a particular electorate.

Changes in 2020 were made out of necessity for COVID-19 safety. However, the new processes were appreciated by scrutineers and voting staff alike, and will be carried forward for future elections.

Issuing officers kept a running record of ordinary voters' electorate, page and line numbers which scrutineers were able to photograph during the opening hours of the voting place. Scrutineers sat to one side of the voting place, rather than behind issuing officers. Scrutineers could attend just to photograph page and line numbers, to observe, or both. The same scrutineer could be used across different locations in the electorate.

Based on the data available, seven political parties were represented by scrutineers. The largest number of scrutineer visits happened during the 'middle' weekend of advance voting and on election day, which aligns with the largest number of voting places.

During advance voting, more visits happened later in the day, presumably when the scrutineer came to photograph the sheets of page and line numbers of voters from that day.

Most scrutineers in advance voting places were present for less than 10 minutes, but others stayed longer to observe activities in the voting place.

On election day, most scrutineers arrived around the time the voting place opened or at lunchtime, both likely to be the peak times for voters.

It would be timely to review the scrutineer provisions and look at whether parties should be able to choose either to have scrutineers appointed by the electorate candidate or the party secretary. Interest has been expressed in having access to voter page and line number information provided electronically. This has potential in future when roll mark-off is electronic, but is not feasible for 2023 and would require law change. It would also be beneficial for the scrutineer provisions to be consolidated to make it easier for parties and candidates. They are currently scattered throughout the legislation.

Part 7: Wider electoral issues

Māori Electoral Option

Before the 2017 election was complete, planning and preparations were underway for the 2018 Māori Electoral Option (3 April to 2 August 2018). Under current electoral legislation, any person of Māori descent who is already enrolled can only change roll type during the four-month Māori Electoral Option period, which occurs every five or six years following the Census.

The Commission ran a nationwide advertising campaign using television, radio, newspapers, and social media (including videos and posts by social influencers). We sent out almost half a million personalised forms to Māori electors and 15,000 texts to Māori electors on the dormant roll. We set up an interactive website to provide information and allow easy downloading of enrolment forms. Extensive face-to-face engagement with community groups and stakeholders also took place. The campaign resulted in 5,215 individuals enrolling for the first time, and 18,119 choosing to switch rolls. More than 95% of Māori voters chose to stay on the roll they were on. When the option closed in August 52.4% of Māori voters were on the Māori roll and 47.6% were on the General roll.

The engagement campaign reached 84% of Māori over 18 years old. Public awareness of the option rose from 68% before the campaign to 81% during it. The social media campaign, developed with VMLY&R, won a silver award at New Zealand's premiere advertising awards, the Beacons.

Although the campaign gets good reach, we continue to see large numbers of electors of Māori descent trying to change roll types outside the Option and finding it frustrating that the law does not allow this. The current timing of the Option does not align with the electoral cycle and is not intuitive for voters.

Under the current law, electors of Māori descent will not get another opportunity to exercise the Option until 2024.

As the table below shows, demand to change roll types peaks in election year when people are actively engaging in the democratic process. We can expect peak demand again in 2023, but this is a year before the Option is actually available.

Table 3: Requests to change roll types outside the Option period (approximate numbers)

		From Māori to general roll	From general to Māori roll
2018	1,500	50%	50%
2019	4,000	46%	54%
2020	24,000	59%	41%

The Commission recommends a review of the current provisions limiting the exercise of the Māori Electoral Option. Any change to the Option should be future-proofed to enable electors to be communicated with and exercise the Option using digital channels.

Access to rolls and privacy

Roll sales

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

The continuing situation in which any person in New Zealand or overseas can 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 business, media organisations and private investigators and used for debt collection, marketing, and other ancillary purposes.

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

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

The purpose of the electoral roll and habitation indexes is to conduct general elections, by-elections, local elections, and referendums. An accurate roll ensures that only eligible people vote, in the correct electorate, and that each person votes only once for a candidate and a party. Allowing access to rolls serves an important function, enabling people to be assured that the election process is fair, and all electors are bona fide. However, access to the rolls must be balanced with the need to protect personal information on the roll that New Zealanders are compelled to provide.

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

The Commission also recommends review of the provisions for the sale and inspection of the Index to Places and Streets and clarification of the address information provided by Land Information New Zealand and their access to the habitation index for that purpose.

Access for statistical and academic research

The legislative provisions are very prescriptive about who, how and for what purpose roll data can be supplied. Academic researchers and StatsNZ have requested additional access than is currently provided in the Electoral Act.

With appropriate protections in place, the Commission supports legislative change to provide access to electronic roll data by StatsNZ and turnout data for academic research to aid understanding around participation.

MMP review recommendations

A boundary review setting the boundaries for the 2020 and 2023 elections was completed in April 2020 by the Representation Commission. The review resulted in an additional electorate seat in South Auckland, Takanini, bringing the number of electorate seats to 72 and reducing the number of list seats to 48. Reductions in the ratio of list to electorate seats affect the diversity of representation, a key feature of the MMP system, and if it continues, could threaten the proportionality of Parliament.

There has been significant growth in the size of electoral populations since MMP was introduced. In 1996 the South Island quota (used as the building block to determine the size and number of electorates) was 54,000. In 2020 this had increased to 65,000. In 2020 New Zealand's

population reached 5 million – an increase of approximately 1.3 million people since 1996. In this period seven additional electorate seats have been added (five North Island and two Māori seats).

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

The Commission considers that the 2012 Review of MMP recommendations would improve New Zealand's voting system and again recommends that they be considered by Parliament. A copy of the full report and recommendations is available at: <https://elections.nz/assets/2012-report-of-the-Electoral-Commission-on-the-review-of-mmp.pdf>

Updates to terminology and mental health provisions

Archaic language and mental health detention provisions

It is important that the law moves with the times and reflects modern concepts or there is a risk of creating confusion and upsetting members of the public.

It would be opportune to review archaic language and mental health provisions including:

- Reference to “mental impairment” in the enrolment provisions.
- Archaic language in section 61, for example, references to “the person is by reason of illness, infirmity, pregnancy or recent childbirth, unable to vote at a voting place”.
- Wording that indicates that “it shall be the duty of every Returning Officer to ensure that... facilities for special voting are made available at every hospital, maternity home, or institution for the reception or relief of persons ... suffering from any illness, disease, or disability, or for convalescent, aged, infirm, incurable, destitute, or poor people”.
- People being disqualified for registration because they are detained for more than 3 years in certain circumstances (for example where they have been held unfit to stand trial under the Mental Health (Compulsory Assessment and Treatment) Act 1992). More clarity is needed on how these provisions apply where a person is not detained for a specified period and to persons allowed temporary release as part of reintegration.

Permanent resident

Under the Electoral Act, citizens and permanent residents are eligible to enrol and vote provided they are over 18 years of age and have lived in New Zealand continuously at some time for a period of 12 months or more.

However, there is sometimes confusion for electors about what “permanent resident” means because the Electoral Act and the Immigration Act 2009 define “permanent resident” differently.

Under section 4 of the Immigration Act, a person is only a permanent resident if he or she holds a permanent resident visa.

Under the Electoral Act the term “permanent resident of New Zealand” is much broader. It means a person who:

- (a) resides in New Zealand; and
- (b) is not—
 - (i) a person to whom section 15 or 16 of the Immigration Act 2009 applies (these are persons that have been convicted of certain offences, deported or a security risk); or
 - (ii) a person obliged by or under that Act to leave New Zealand immediately or within a specified time (for example a person on a student or visitor permit); or
 - (iii) treated for the purposes of that Act as being unlawfully in New Zealand.

Accordingly, a permanent resident visa holder or a resident visa holder in New Zealand who meets the above criteria and has at some time resided continuously in New Zealand for at least one year is eligible to enrol and vote.

Other people may also be eligible because they can come into New Zealand and have no obligation to leave because of a special relationship with New Zealand. For instance Australian citizens who live in New Zealand are permanent residents for electoral purposes as they are legally allowed to enter New Zealand and stay indefinitely under the Immigration Act 2009.

The terminology in the Electoral Act is confusing because most people think that it has the immigration meaning which is much narrower. We explain the terminology in our enrolment information and we always advise people who are unsure whether they are eligible to enrol to call our 0800 36 76 56 or contact the Commission but removing this language would be helpful.

The Commission recommends replacing reference to “permanent resident” in the Electoral Act with a clearer definition such as “resident for electoral purposes”.

Voting place roles

The provisions no longer reflect the range of enrolment and voting services offered. Section 165 only permits the issuing officer to communicate with the voter in the voting place. This needs to be extended to any electoral official, as we now also have a range of other roles to assist voters including enquiry officers, voting place managers, community liaisons and voter assistants.

The Commission recommends changes to the Electoral Act and regulations (including section 165) to replace references to specific designations and instead refer to electoral officials.

Cheques and bank drafts

References to payment by cheque and bank draft are becoming increasingly obsolete. Protected disclosure donations can only be made by cash, cheque, or bank draft. They cannot be made electronically. When cheques and bank drafts are phased out, cash will be the only option left and this is not appropriate. Party registration and nomination provisions continue to allow payments by cheque and bank draft.

The Commission recommends legislative change to require protected disclosure donations to be paid to the Commission electronically and to remove references to cheques and bank drafts in the party registration and nomination provisions.

Fax

Fax is progressively becoming obsolete as providers remove PABX and copper lines from their networks. The numbers of special voters sending votes by fax is dwindling. In 2020 less than 400 votes were received by fax. 75% were from Australia where there are plenty of in-person and alternative options such as the upload service.

The Commission recommends legislative change to remove references to facsimile transmission in the scrutineer appointment and special voting provisions.

The voting age

The voting age in New Zealand has been set at 18 years old since 1974. However, there has been continued debate about the voting age and whether it should be lowered. Supporters of lowering the voting age suggest that it would increase youth turnout and establish a habit of voting in elections, largely by engaging voters at an age where they are still in full time education. They also argue that lowering the voting age to 16 would better align the franchise with several other significant things that a person can do at that age such as leaving home or school, getting married, or applying for a driver licence or gun licence.

Most recently, a campaign to lower the voting age sought a formal declaration from the High Court that the current voting age is an unjustified age discrimination that is inconsistent with the New Zealand Bill of Rights 1990. This legal challenge ultimately failed, with the High Court determining that the current law is a justified limit on the right not to be subject to age discrimination.

Those who wish to maintain the current voting age argue that 18 is commonly considered as the age of

adulthood and that many other laws also distinguish between those under and over the age of 18.

The Commission considers that it would be useful for there to be further public and political debate on whether 18 is the best age to enfranchise voters.

Recounts and petitions

The Electoral Act sets out the procedures for recounts of electorate and party votes. There are three types of judicial recount applications that can be made:

- an application by a constituency candidate for a recount of electorate votes (deposit of \$1,022.22 including GST)
- an application by a secretary of a registered political party for a recount of party votes in an electorate (deposit of \$1,533.33 including GST)
- an application by a secretary of a registered political party for a recount of party votes in every electoral district (deposit of \$92,000 including GST).

A recount in an electorate can take up to eight days to complete under the supervision of a District Court Judge. A nationwide party vote recount can require over 40 judges and the return of the writ may be delayed for as long as two weeks, delaying the swearing in of MPs, the calling of Parliament, and potentially the formation of a government.

Applicants for judicial recounts do not have to establish or articulate grounds and, unlike local electoral legislation, there is no statutory basis in the Electoral Act for the Judge to consider as an initial step whether there are grounds for a recount to proceed. Recent recounts have resulted in very small changes to the official results and the winning candidates have been confirmed.

A party vote recount has never been applied for. It would be a very significant and costly undertaking involving the repeat of the official count process. Given the number of judges required and the potential delays to MPs being able to be sworn in, it would be a very significant undertaking. The deposit required has not been reviewed for some time and would fall far short of what it costs to conduct.

Following the release of the Cannabis referendum results, a petition for an inquiry into the conduct of the Cannabis Legalisation and Control referendum was filed under section 28 of the Referendums Framework Act alleging that poor provision of information in the referendum campaign constituted an irregularity in the conduct of the referendum.

Security for costs was not provided within the required timeframe, which ended the proceedings. Although the substantive case did not proceed, the application raised questions of what constitutes grounds for and scope for an inquiry.

The Commission recommends a review of the current judicial recount and petition provisions to ensure they are fit for purpose and strike the right balance between the right to seek independent review and the potential to delay the outcome of an election.

The election date

By law, local elections are held every three years on the second Saturday in October. For parliamentary elections, the Prime Minister determines the date 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 has a number of benefits for all parties building their campaigns or making preparations. It also allows the Commission to:

- more effectively recruit electoral staff and plan and deliver their training in ways and at times that maximises the quality of training they receive
- book advertising space and plan for the development of the enrolment and voter information campaign with certainty

- secure accessible voting places and, in particular, advance voting places and consult with stakeholders before they are finalised
- manage and schedule production and printing of key election materials to meet deadlines.

Although the date is the Prime Minister's decision, the Prime Minister's options can be impacted by the need to enable electoral and referendum legislation to be passed or for other events such as boundary reviews to be completed. We also usually advise that school and public holidays are avoided, if practicable, because of the disruption caused by large numbers of voters being away from home, and that mid-winter elections should be avoided because of the impact of shorter days on voter participation and the risks of disruption from severe weather.

As shown in the 'at a glance' section of this report, advance voting places take far more votes per voting place than election day voting places. They are usually bigger spaces, with more staff and more shared voting (i.e., they issue ordinary voting papers for multiple electorates as well as special votes). Staff need to be available for weekdays, weekends, and late nights. There is also increased demand for high convenience locations. These take more time to secure and cost more to lease compared to more traditional

locations such as school and church halls that are more likely to be available on a Saturday.

As advance voting has grown it has become more difficult to deliver an election with less than 14 weeks' notice, even in the second half of year three. If an election were to be called earlier in the cycle, the Commission would need even more notice to ensure that an election can be held to a standard that meets stakeholder expectations. With fewer than 14 weeks' notice, the advance voting service would likely be limited and the focus would be on an election day event, as in the past.

Given the evolution of elections, it would be timely for there to be discussion of available options regarding a fixed election date and a notice period.

The Commission invites further discussion of legislative change to provide for either a fixed election date or a minimum notice period for the general election.

Next General Election: 2023

23 December 2023 is the last legal date for the 2023 General Election.

The default date for the start of the regulated period for the 2023 General Election is 17 July 2023.

The last date for which a by-election must be held for a vacancy is 12 May 2023.

Acknowledgements

We would like to acknowledge the goodwill shown by voters, parties, candidates, and other election stakeholders during the election. We would also like to thank our colleagues in the wider public sector for the immense support they provided to us. Our suppliers had to adapt to the change to the election date and the modifications we had to make to services for COVID-19 and we appreciate the lengths they went to, to assist us. We would also like to thank all of the staff of the Electoral Commission and the thousands of New Zealanders who worked in this election in a wide variety of roles, as well as the Justices of the Peace and scrutineers who fulfilled their role as independent observers, for their commitment and service.



Glossary

Advance vote	A vote cast in an advance voting place before election day during the advance voting period set by the Electoral Commission (two weeks in 2020)
Ballot paper	The voting paper on which the voter indicates their preferred candidate and political party
Broadcasting allocation	Public money allocated to parties to buy advertising on TV and radio, advertising on the internet, and pay for the production costs of TV, radio and internet advertising
By-election	An election held during a parliamentary term when the seat of an electorate MP becomes vacant, for example an MP dies or resigns
Candidate	Person contesting an election. Candidates can contest an electorate, be on a party list, or both
Disallowed vote	A vote is disallowed if the Returning Officer is satisfied the person's vote cannot be counted - for example, where the voter is not registered to vote, where a special vote declaration is incomplete or returned late or where it appears a voter has voted more than once at the election
EasyVote card	A card posted to every voter on the printed electoral roll, providing their details from the roll
Election Day	The 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	The application form used to enrol to vote or to update enrolment details
Enrolment update campaign	Writing to every enrolled elector's address prior to the general and local elections
General electorate	Voters on the general roll vote in a general electorate
Informal vote	A 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
Issuing point	Where votes are issued within a voting place

Māori Electoral Option	Option for electors of Māori descent to choose which electoral roll to be on – the general roll or the Māori roll, when first enrolling and then only during the Māori Electoral Option period which is 4 months every 5 or 6 years
Māori electorate	Voters on the Māori roll vote in a Māori electorate
MMP	Mixed member proportional representation voting system
Ordinary vote	A vote cast by a voter who is on an electoral roll at the voting place
Overseas vote	A vote cast by an eligible New Zealand citizen or permanent resident overseas
Registered party	Party registered under Part 4 of the Electoral Act 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	A 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 (may also be referred to as a ‘special declaration vote’)
Takeaway or postal vote	A type of special vote that can be completed away from a voting place
Unpublished roll	A roll containing the names of voters whose personal details are not released publicly
Unregistered party	Unregistered parties can contest a general election, or by-election, by standing electorate candidates - they cannot contest the party vote
Voter Assistant	Person who helps to manage queues of voters and the enrolment process in a voting place
Voting Place Manager	Person responsible for managing a voting place
Writ Day	The date the Governor-General formally instructs the Electoral Commission to conduct the election and the date at which the rolls used in voting places close

