

26 March 2026

By email to: [REDACTED]

Kia ora [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2026/16

On 10 March 2026 you made a request under the Official Information Act 1982 (the OIA) for the following information:

1. Statutory Basis

Please provide:

- a) The statutory provisions relied upon by the Electoral Commission that establish or require **compulsory electoral enrolment**.*
- b) Any internal legal advice, guidance papers, or policy documents explaining the interpretation and scope of those provisions.*

2. Administrative Enforcement

Please provide documents describing:

- a) The procedures used by the Electoral Commission to identify persons who are required to enrol but have not done so.*
- b) The procedures used to **notify, investigate, or enforce** enrolment requirements.*
- c) Any operational manuals, enforcement policies, or internal instructions relating to these processes.*

3. Penalties and Legal Proceedings

Please provide:

- a) Documentation describing the **penalties or offences** associated with failing to enrol.*
- b) Records describing how such matters are **investigated, referred, or prosecuted**, including which agency is responsible.*
- c) Any statistical records since 2015 showing how often enforcement actions have been taken for non-enrolment.*

4. Delegations of Authority

Please provide:

- a) Copies of any **delegations, warrants, or authorisations** enabling officers or contractors to administer or enforce compulsory enrolment requirements.*
- b) Documentation describing which roles within the Electoral Commission hold those delegated powers.*

5. Public Guidance and Interpretation

Please provide:

- a) Copies of any public guidance, explanatory material, or policy documents explaining the legal basis for compulsory enrolment.*
- b) Any documents describing how the Commission interprets its obligations in administering the enrolment requirement.*

Responses to each of your questions are outlined below:

Question one: Statutory Basis

As per the OIA response sent to you on 10 February 2026, the statutory provision that requires compulsory enrolment is [section 82 of the Electoral Act 1993](#) (the Act).

The Commission applies this provision. As the provision is clear, there is no internal legal advice, guidance papers, or policy documents explaining the interpretation and scope of that provision therefore this aspect of your request is refused pursuant to section 18(e) of the Official Information Act as the information does not exist.

Question two: Administrative Enforcement

The Commission believes that it is much more sensible to put its effort and resources into encouraging people to enrol and vote.

The offence under section 82 of the Electoral Act is not just a matter of not being enrolled, but of “knowingly and wilfully” failing to register. Under section 82(6) of the Act, a person who applies for registration as an elector is not liable to prosecution for their earlier failure to apply for registration. Prosecution is expensive and does not proceed in any case once an application is lodged.

While rates of enrolment are high in New Zealand (94.7% for the 2023 General Election) we take a number of steps to identify persons that are not enrolled and to encourage them to enrol. The Commission delivers a nationwide enrolment campaign in the run up to general elections and local elections. We also have a community engagement programme promoting enrolment, together with information and resources about enrolling and voting in a range of formats and languages. Data matching provisions under section 263B of the Electoral Act allow us to identify people that are not enrolled from information from MSD, motor vehicle registration, driver licence and passports.

The Commission believes that effort should be focused on encouraging enrolment and voting. As outlined below, re breaches and prosecutions, there have not been any referrals to Police of offences under section 82 of the Act in the time period given. Accordingly, the Electoral Commission does not have specific guidance or documents of the kind you have requested.

Question three: Penalties and Legal Proceedings

The penalties upon conviction of failing to enrol are set out at section 82(7) of the Act. If a person is eligible, failing to enrol is an offence punishable by a fine of \$100 on the first conviction and \$200 on the second or subsequent conviction. The Electoral Act provides that a person's previous failure to enrol is excused if they enrol.

As per the Electoral Commission Delegations Policy – December 2025, only the Deputy Chief Executive, Operations and the Director of Enrolment have the delegation to investigate apparent breaches of section 82 of the Act with advice and assistance from the Legal, Regulation, and Policy team. Further, only the Chief Electoral Officer can decide to refer or not to refer apparent breaches of this provision.

As per the response sent to you on 10 February 2026, the Electoral Commission does not have the power to issue warnings or penalties. Matters can be referred to New Zealand Police. Warnings and penalties are matters for Police and the Courts.

No referrals for apparent breaches of section 82 of the Act have been made by the Commission to the New Zealand Police since 2015.

Question four: Delegations of Authority

All delegations of authority within the Commission can be found in the Electoral Commission Delegations Policy – December 2025 which was shared with you as part of the OIA response sent to you on 9 March 2026.

As stated above and in this policy, the authority to investigate apparent breaches of section 82 are reserved to the Deputy Chief Executive, Operations and the Director of Enrolment and the authority to make referrals of these apparent breaches is reserved to the Chief Electoral Officer.

Question five: Public Guidance and Interpretation

[Our website](#) and [enrolment form](#) inform the public that if they are eligible to vote in New Zealand they must enrol.

As outlined above, the Commission does not hold any documents describing how the Commission interprets its obligations in administering the enrolment requirement therefore this aspect of your request is refused pursuant to section 18(e) of the Official Information Act as the information does not exist.

In the interests of transparency, we release responses to Official Information Act requests every 3 months. We will publish this response with your personal details redacted.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Yours sincerely



Kristina Temel
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