

29 April 2026

By email to: [REDACTED]

Kia ora [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2026/23

On Friday, 27 March 2026 you made a request under the Official Information Act 1982 (the OIA) for the following information:

I am seeking clarification regarding electoral processes and their relationship to legal status changes. This request is made in good faith to better understand how the electoral system operates and what implications participation may have for enrolled individuals.

SECTION A: ELECTORAL ENROLLMENT PROCESSES

A1. Enrolment Verification Procedures

1. What specific steps does the Electoral Commission take to verify that a person is "active" on the electoral roll before they participate in voting?
2. What documents or information systems are accessed during this verification process?
3. Are there different categories of enrolment status (active, inactive, suspended, etc.) and what determines each category?
4. How often are enrolment records updated or reviewed for accuracy?

A2. Legal Status Documentation

5. What legal documents or authorities does the Electoral Commission rely upon to establish a person's eligibility to vote?
6. Does the Commission distinguish between different types of legal persons (natural man/woman, artificial persons, legal entities) in its enrolment processes?
7. What birth registration documents are typically used to verify identity for electoral purposes?
8. Are there different procedures for individuals who present different types of birth documentation (born document vs registration of birth RG13 & Printout Copy vs birth certificate)?

A3. Enrolment Consequences

9. What legal relationships, if any, are created when a person enrolls on the electoral roll?
10. Does enrolment on the electoral roll create any form of legal representation or agency relationship?
11. Are enrolled individuals considered to have consented to any particular form of government representation?
12. What legal obligations, if any, does enrolment create for the enrolled individual?

SECTION B: ATTORNEY GENERAL RELATIONSHIPS

B1. Power of Attorney Mechanisms

- 13. Does the electoral process create any form of power of attorney relationship between enrolled individuals and government officials?*
- 14. Is there any mechanism by which the Attorney General receives authority to act on behalf of enrolled individuals?*
- 15. How is the Attorney General's authority renewed or confirmed following each election?*
- 16. What role, if any, does the winning political party play in determining the Attorney General's powers over enrolled individuals?*

B2. Legal Representation Authority

- 17. Under what legal authority does the Attorney General claim to represent the interests of enrolled voters?*
- 18. Are there any documents or legal instruments that establish this representative relationship?*
- 19. Can enrolled individuals withdraw from or limit this representative relationship?*
- 20. What legal mechanisms exist for individuals to challenge decisions made by the Attorney General on their behalf?*

B3. Consent and Authority Transfer

- 21. At what point in the electoral process, if any, do enrolled individuals provide consent for government representation?*
- 22. Is this consent explicitly requested and documented, or is it presumed from participation?*
- 23. What information is provided to voters about any representative relationships being created through their participation?*
- 24. Are there alternative forms of civic participation that do not create these representative relationships?*

SECTION C: LEGAL CAPACITY AND STATUS

C1. Competency Determinations

- 25. Does enrolment on the electoral roll involve any determination of legal competency or capacity?*
- 26. Are enrolled individuals considered to have full legal capacity, or are there any limitations implied by enrolment?*
- 27. What age-related provisions exist regarding electoral enrollment and legal capacity?*
- 28. How does the Commission handle situations where an individual's legal capacity may be in question?*

C2. Guardianship and Ward Relationships

- 29. Does electoral participation create any form of guardianship or ward relationship between individuals and the state?*
- 30. Are there any circumstances under which enrolled individuals are considered wards of the state?*
- 31. What legal protections exist to prevent enrolled individuals from being treated as having diminished capacity?*

32. How does the Commission ensure that enrolled individuals maintain their full legal rights and freedoms?

C3. Legal Person Distinctions

33. Does the Electoral Commission maintain different procedures for different types of legal persons?

34. How does the Commission distinguish between living individuals and legal entities in its processes?

35. What training do Commission staff receive regarding the distinction between natural and artificial persons?

36. Are there specific protocols for handling enrolment requests from individuals who identify as living men/women rather than legal persons?

SECTION D: DISCLOSURE AND TRANSPARENCY

D1. Information Provided to Voters

37. What information does the Electoral Commission provide to individuals about the legal implications of enrolment?

38. Are voters informed about any representative relationships that may be created through their participation?

39. What disclosure documents are provided regarding the Attorney General's role and authority?

40. How does the Commission ensure that voters are making informed decisions about their participation?

D2. Opt-Out and Alternative Mechanisms

41. What options exist for individuals who wish to participate in civic life without creating representative relationships?

42. Can individuals enrol with specific limitations on the authority granted to government representatives?

43. What procedures exist for individuals to withdraw from electoral enrolment?

44. Are there alternative forms of civic engagement that the Commission recognizes or facilitates?

D3. Record Keeping and Documentation

45. What records does the Electoral Commission maintain regarding the legal relationships created through enrolment?

46. How long are these records retained, and who has access to them?

47. What documentation exists regarding the historical development of current enrolment procedures?

48. Are there any internal Commission documents that discuss the legal implications of electoral participation?

SECTION E: INTERNATIONAL AND COMPARATIVE PRACTICES

E1. International Standards

49. How do New Zealand's electoral processes compare with international standards regarding voter consent and representation?

50. What international legal instruments or treaties influence the Commission's enrolment procedures?

51. Are there other jurisdictions that provide greater disclosure about the legal implications of electoral participation?

52. What best practices from other countries has the Commission considered adopting?

E2. Legal Framework Development

53. What consultation processes were used when developing current enrolment procedures?

54. Were legal experts consulted regarding the implications of electoral participation for individual legal status?

55. What consideration was given to ensuring that enrolment procedures respect individual sovereignty and choice?

56. How does the Commission balance democratic participation with individual legal rights and freedoms?

SECTION F: REMEDIAL AND CORRECTIVE MEASURES

F1. Error Correction

57. What procedures exist for correcting errors in enrolment records or legal relationships?

58. How does the Commission handle situations where individuals claim their enrolment was based on misunderstanding?

59. What remedial measures are available for individuals who believe their legal rights have been compromised through enrolment?

60. Are there any compensation mechanisms for individuals who have suffered harm due to enrolment procedures?

F2. System Improvements

61. What reviews or audits has the Commission conducted regarding the legal implications of enrolment procedures?

62. Are there any planned improvements to increase transparency about the legal consequences of electoral participation?

63. What feedback mechanisms exist for individuals to raise concerns about enrolment procedures?

64. How does the Commission monitor and evaluate the effectiveness of its disclosure practices?

The answers to your questions are provided below. Please note we have not responded to the questions which require the Commission to form an opinion or provide an explanation and so create new information to answer a request, as this is not official information.

1. The Commission is required to register electors in accordance with the requirements of Part 5 of the Electoral Act 1993. There is no requirement for a person to be 'active' on the electoral roll before they participate in voting.
2. The Commission relies upon the information provided on the enrolment form completed by an individual or their representative and the declaration they make to establish their eligibility to vote, see section 83 and sections 84 to 86 of the Electoral Act.

The Commission checks a person's name is not on the list of people who are not eligible to enrol provided by Immigration NZ pursuant to section 263A of the Electoral Act for enrolment purposes.

Anyone using the Commission's Enrol Online service to enrol or update their enrolment details must verify their identity using their NZ passport, NZ driver licence or RealMe ID.

3. The Electoral Act provides for the following categories of elector:
 - a. Main roll – for registered electors for a district (section 89 of the Electoral Act)
 - b. Provisional roll – for people who have applied to enrol who are 17 years old, who will be automatically enrolled when they turn 18 (section 82(2) of the Electoral Act)
 - c. Dormant roll – for electors who cannot be contacted at their address on the roll and whose whereabouts are not known. A person can remain on the dormant roll for up to three years (section 109 of the Electoral Act)
 - d. Unpublished – for electors (main, provisional and dormant) whose names do not appear on the rolls because of personal safety reasons (section 115 of the Electoral Act)

A person can remain on the dormant roll for a period of three years from the date their name was put on the dormant roll. If they re-enrol, they come back onto the main roll. The re-enrolment process is the same as the process to enrol.

If a person is removed from the main, provisional or dormant roll, e.g. because they are no longer eligible to be an elector for one of the reasons under section 80 of the Electoral Act, their status will be 'other' in the Commission's enrolment management system as they are no longer an elector. Any person with a status of 'other' will not appear on the roll and is not qualified to vote.

4. New Zealand has a system of continuous enrolment so the electoral rolls are maintained on a daily basis. By law, eligible electors must enrol, and keep their enrolment details up to date.

The Commission is required to send correspondence to electors when they register or update their enrolment details, and we have to write to all electors to make sure their details are up to date and send Māori Electoral Option information to Māori electors before local and general elections.

If at any time, correspondence from the Commission comes back gone no address, and the whereabouts of the elector are not known, the Commission must, following any inquiries the Commission thinks fit, remove the elector from the main roll and place them on the dormant roll.

The Commission is not able to write to electors to tell them they have been put on the dormant roll as their current address is not known. However, if we have mobile numbers and or email addresses, we will attempt to contact dormant electors by text and email to encourage them to update their details .

5. Please see the answer to question two.
6. The Commission follows the definitions and rules set out in the Electoral Act to define who is eligible to enrol as an elector. Sections 74 and 80 of the Electoral Act set out who qualifies to be registered and the disqualifications for registration.
7. Birth registration documents are not required to verify identity for electoral purposes.
8. No, see the answer to question seven.
9. No legal relationships are created when a person enrolls on the electoral roll beyond those set out in the Electoral Act.
10. No legal representation or agency relationship is created when a person enrolls on the electoral roll beyond those set out in the Electoral Act.
11. As noted in the letter sent to you dated 20 April 2026, statutes are binding on individuals in New Zealand in accordance with parliamentary sovereignty. Acts passed by Parliament and that have received Royal Assent apply to all people. The requirement to enrol is a statutory requirement not a requirement based on consent or trust law principles.
12. After an individual has enrolled to vote they are also obligated to give notice to the Commission of a change of place of residence pursuant to sections 89B and 89C of the Electoral Act.
13. No, the electoral process does not create any form of power of attorney relationship between enrolled individuals and government officials.
14. No, there is no mechanism in the Electoral Act by which the Attorney-General receives authority to act on behalf of enrolled individuals.
15. The Attorney-General is appointed by the Governor-General on the advice of the Prime Minister; this can happen at the beginning of the Government's term or at any other point during the parliamentary term. Information about the process for the appointment of Ministers and the Attorney-General is contained in the Cabinet Manual [Attorney-General | Department of the Prime Minister and Cabinet \(DPMC\)](#).
16. Please see the answer to question 15.
17. The Commission is not able to express an opinion on this part of your request. Please contact the Department of the Prime Minister and Cabinet if you have questions about the legal authority of the Attorney-General.
18. This part of your request is refused under section 18(e) of the Official Information Act as the Commission does not hold this information.
19. Enrolment is compulsory under section 82 of the Electoral Act. There is no mechanism under the Act for an eligible elector to ask to be removed from the electoral roll.

20. This part of your request is refused under section 18(e) of the Official Information Act as it is asking for the Commission's opinion on what legal mechanisms exist for individuals to challenge decisions made by the Attorney-General on their behalf. The Commission recommends you obtain independent legal advice on this matter.
21. Please see the answer to question 11.
22. Please see the answer to question 11.
23. See the response to 10 above. The Commission provides information to voters about the electoral process and how to vote at elections and the MMP electoral system, for example on our websites [elections.nz](https://www.elections.nz) and [vote.nz](https://www.vote.nz).
24. This question is not a request for information held by the Electoral Commission therefore this aspect of your request is declined pursuant to section 18(e) of the Official Information Act.
25. Everyone in New Zealand who is eligible to enrol, must enrol. This includes people who have conditions that may have impact on cognitive function. There is no capacity test for enrolment. The Electoral Act makes provision for a representative being able to apply on behalf of a person who does not have the capacity to enrol.
26. Please see the answer to question 25.
27. Section 74(1) of the Electoral Act establishes that those qualified to be registered on the electoral roll must be an adult. An adult is defined in section 3 of the Electoral Act as someone of or above the age of 18 years.
28. Please see the answer to question 25.
29. No, electoral participation does not create any form of guardianship or ward relationship between individuals and the state.
30. No, there are no powers under the Electoral Act or associated regulations that would place someone under the care of the state.
31. Please see the answer to question 25.
32. The Commission keeps the electoral rolls up to date and accurate to ensure all registered voters can take part in elections. Please see the objective of the Commission at section 4C and the functions of the Commission at section 5 of the Electoral Act for the Commission's statutory objective and functions. Further duties and obligations of the Commission can be found throughout the Act and the Electoral Regulations 1996.
33. The definition of 'elector' is defined in section 3 of the Electoral Act as follows: elector, in relation to any district, means a person registered, or qualified to be registered, as an

elector of that district. The criteria for who qualifies as an elector can be found in Part 5 of the Act.

34. Please see the answer to question 33.
35. This part of your request is refused under section 18(e) of the Official Information Act as this information does not exist.
36. No, as previously stated, the Commission uses the definition of 'elector' as defined in section 3 of the Electoral Act and the criteria as to who qualifies as an elector which can be found in Part 5 of the Act, to determine who is eligible to be enrolled.
37. The Commission is required, not later than 14 days after the registration of a person as an elector, to give the person written notice of the registration, see section 89A of the Electoral Act. Similarly, written notification is required for a change of details under section 94A of the Electoral Act.
38. Please see the answer to question 11.
39. The Commission does not hold disclosure documents regarding the Attorney-General's role and authority therefore this aspect of your request is declined pursuant to section 18(e) of the Official Information Act.
40. The Commission educates New Zealanders about the electoral system and the part they play in enrolling and voting in parliamentary elections. For example, we provide electors with information on the Māori Electoral Option, enrolment, and voting, and run information and education campaigns.
41. Please see the answer to question 24.
42. No, enrolment is not differentiated by the authority an individual wishes to ascribe to representatives in Parliament.
43. Please see the answer to question 19.
44. Please see the answer to question 24.
45. Legal relationships are not created through enrolment so we do not hold any records regarding this therefore this aspect of your request is declined pursuant to section 18(e) of the Official Information Act.
46. Please see the answer to question 45.
47. As explained in the answer to question 4 the electoral rolls are continuously maintained by the Commission in accordance with the requirements of the Electoral Act. Parliament is responsible for determining the rules for enrolling and voting. This part of your request is declined under section 18(d) of the Official Information Act as information on electoral legislation passed by Parliament is publicly available.

48. There are no internal documents that discuss the legal implications of electoral participation. After each election the Commission is required to report to Parliament on the administration of that election, including the services provided to electors to facilitate voting and enrolment and voting statistics. As our reports are publicly available, for example:
[Report on the 2023 General Election | Elections NZ](#)
[Report on the 2020 General Election and referendums | Elections NZ](#)
[Reports and statistics from the 2017 General Election | Elections NZ](#)
this part of your request is therefore declined pursuant to sections 18(g) and 18(d) of the Official Information Act.
49. This part of your request is refused under section 18(e) of the Official Information Act as it is asking for the Commission's opinion on how New Zealand's electoral processes compare with international standards regarding voter consent and representation, and the Commission does not hold this information.
50. This part of your request is refused under section 18(e) of the Official Information Act as it is asking for the Commission's opinion on what international legal instruments or treaties influence the Commission's enrolment procedures. The Commission's procedures are determined by legislation and the Commission does not hold this information.
51. The Commission does not hold information on whether there are other jurisdictions that provide greater disclosure about the legal implications of electoral participation therefore this aspect of your request is declined pursuant to section 18(e) of the Official Information Act.
52. As explained in the responses to questions 4 and 47, the rules for enrolling and voting are determined by Parliament. While the Commission is not responsible for policy advice on electoral legislation, our report on each general election may make recommendations to Parliament about possible changes to the legislation. On occasion our recommendations may be informed by lessons learnt from other countries. For example, in our report on the 2023 General Election we recommended the legislation allow an enrolment update to be made for an existing elector following a data match, which is similar to direct enrolment enabled in Australian legislation.
53. As explained in the responses to questions 4 and 47, the enrolment procedures are prescribed in the Electoral Act. This part of your request is therefore declined as the Commission is not responsible for consultation processes on legislation. Please note the Ministry of Justice provide policy advice on electoral legislation and is generally responsible for any consultation that is undertaken on proposed changes. Consequently, this part of your request is declined under section 18(e) of the Official Information Act.
54. Please see the answer to question 53.
55. Please see the answer to question 11 and question 53.
56. Please see the answer to question 53.

57. Please see the procedures set out in the answer to question 4. Section 98 of the Electoral Act provides that the Commission may correct any mistake or omission in the particulars of the enrolment of a person. There is also the right of a person pursuant to the Privacy Act to see a copy of personal information held about them and to ask for it to be corrected. Details on how to do this are available here [Privacy & security | Elections NZ](#). These provisions do not provide for a correction to legal relationships or allow a person who is eligible to enrol to be removed from roll.
58. Please see the answers to questions 4, 11 and 47.
59. There are no remedial measures provided for in the Electoral Act available for individuals who believe their legal rights have been compromised through enrolment.
60. There are no compensation mechanisms provided for in the Electoral Act for individuals who have suffered harm due to enrolment.
61. Although the Commission or its auditors have conducted audits on compliance with the enrolment provisions in the Electoral Act, the Commission has not conducted reviews or audits regarding the legal implications of enrolment procedures. This part of your request is declined pursuant to section 18(e) of the Official Information Act.
62. No, the Commission does not have plans to increase transparency about the legal consequences of electoral participation, therefore this part of your request is declined pursuant to section 18(e) of the Official Information Act.
63. After each general election, by convention, the Justice Select Committee conducts an inquiry into that election and seeking feedback on the legislative framework. The Justice Committee invite submissions on the inquiry. Copies of their reports from previous election inquiries are publicly available here [Business Before Committees - New Zealand Parliament](#) and information on the next inquiry process will be available after the general election here [Justice - New Zealand Parliament](#).
64. This part of your request is declined pursuant to section 18(e) of the Official Information Act as the Commission does not monitor and evaluate the effectiveness of disclosure practices.

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
Chief Legal Advisor, Legal Regulation and Policy