

**Government Response to  
Report of Justice and Electoral Committee  
on  
Inquiry into the 2005 General Election**

**Presented to the House of Representatives  
In accordance with Standing Order 253**

# **Government Response to Report of Justice and Electoral Committee on its Inquiry into the 2005 General Election**

## **Introduction**

The Government welcomes the Committee's report on its Inquiry into the 2005 General Election. The Government responds to the report in accordance with Standing Order 253.

## **Recommendations and Government response**

### **Recommendation 1**

That the Government undertake a review of the law relating to parliamentary elections, and that this review be completed in time for any changes to be in place for the 2008 General Election.

### **Response**

The Government is currently undertaking a targeted review of the Electoral Act 1993 focusing on key areas of concern raised by successive Justice and Electoral Committees, including state funding, political donations, election expenses, third party advertising and broadcasting. The review includes:

- a review of what an "election expense" is and what the limits should be and how expenses can be apportioned between parties and electorate candidates;
- whether third party advertisers should be subject to election expense limits and the requirement to furnish returns;
- whether there is a case for more controls on donations; and
- whether there is an alternative approach to the current regime, including the campaign funding of parties and candidates, which would be simpler for parties, candidates and administrators.

The Government has prioritised these areas as they emerged as key issues in the 2005 General Election. Electoral organisational arrangements did not emerge as a key issue, and as such have not been prioritised by the Government at this stage.

The restricted scope of the review is necessary to ensure that legislation addressing these key issues is enacted prior to the 2008 General Election.

### **Recommendation 2**

That the Government review the provisions of electoral law relating to election broadcasting, advertising, and expenditure. The review should focus on making the provisions clearer and their application more transparent. Any changes should be implemented in time for the 2008 General Election.

## **Response**

The current review of the Electoral Act 1993 includes reviewing the provisions relating to election broadcasting, advertising, and expenditure. An objective of the current review is to ensure that the Electoral Act 1993 contains rules that are effective and clear, and can be administered, complied with, and enforced efficiently.

The Government aims to enact any changes next year to allow electoral agencies, parties and candidates to prepare for the election with certainty and confidence.

## **Recommendation 3**

That the Chief Electoral Office continue to work on establishing secure and efficient methods of electronic voting for future general elections, and that, when an appropriate system is available, the law be amended to allow the use of electronic voting.

## **Response**

Widespread public support and legislative change would be required before electronic voting ('e-voting') could be introduced to parliamentary elections. There are important technical and social questions to be considered – such as voter authentication, security of service, reliability, auditability, privacy issues, and the implications of any shift from publicly supervised elections to unsupervised voting.

E-voting solutions will not be available at the 2008 General Election. However, the Chief Electoral Office is working to develop a long term electronic voting strategy by the end of 2007. The aim of the strategy will be to consider the desirability and feasibility of e-voting in New Zealand parliamentary elections in the future.

## **Recommendation 4**

That more emphasis be placed on enhancing access to election broadcasting on television for people who are deaf or hearing-impaired. This could be achieved by utilising new technology and encouraging television broadcasters to caption live broadcasts such as political debates and election coverage.

## **Response**

The Government supports this recommendation, particularly in view of the enactment of the New Zealand Sign Language Act 2006.

The captioning of live broadcasts such as political debates and election coverage is the responsibility of individual broadcasters. An inter-agency working group was convened by the Office of Disability Issues over 2005 and 2006 to consider ways to reduce language access barriers for New Zealanders who are deaf or hearing impaired across a number of areas, including public broadcasting. As a result, NZ On Air and TVNZ are being formally invited to develop plans for improving access to public broadcasting services for people who are deaf or hearing impaired.

The introduction of free-to-air digital television next year may create further options for enhancing access to election broadcasting. This may, in the medium term, include interactive functions allowing individual viewers to select features such as sign language or captions.

The Government also has other measures in place to improve access to general elections for people who are deaf or hearing-impaired, for example:

- As part of the Chief Electoral Office's 2005 Disability Action Plan, a sign language DVD explaining the enrolment and voting processes was produced in collaboration with the Deaf Association. The film used sign language and captions, and sound was provided to disability organisations.
- Articles for newsletters and publications were provided to disability organisations. These emphasised the advance voting option (voting before election day).
- All television advertisements about enrolment, MMP and voting of more than five seconds in length included captions.
- An EasyVote card was posted to all people enrolled when the electoral rolls closed for printing. Election staff could process a vote simply with the information supplied on the card.

The Chief Electoral Office, in consultation with the Electoral Enrolment Centre, the Electoral Commission, community groups and disability service providers, including the Deaf Association, is developing a Disability Action Plan for the 2008 general election. The aim of the action plan is to identify new initiatives and further improvements to existing initiatives to improve access to the enrolment process, information about MMP, and voting for people with disabilities.

## **Recommendation 5**

That the Electoral Enrolment Centre and Chief Electoral Office continue to monitor enrolment or voter fraud and prosecute when appropriate.

## **Response**

The Government is committed to protecting the integrity of the electoral process. Enrolment and voting fraud are serious offences under the Electoral Act 1993.

The electoral agencies have a number of systems in place to guard against fraud.

The Electoral Enrolment Centre undertakes data matching exercises twice each calendar year using data from the Ministry of Social Development, the Ministry of Transport, Land Transport New Zealand, and the Department of Internal Affairs. This is in addition to the data matching exercise undertaken against the Department of Labour records.

The Electoral Enrolment Centre has also implemented a new systems report that shows people enrolled at an address with the same date of birth.

Registrars will continue to monitor enrolment and challenge enrolments where it is believed that there is an issue, and will refer matters to the Police where appropriate.

The Chief Electoral Office treats any complaints of voter fraud very seriously and refers details of suspected offences to the Police for further investigation.

Once a matter is referred by an electoral agency, the decision to prosecute is exercised by the Police in accordance with the Solicitor-General's Prosecution Guidelines.

### **Recommendation 6**

That the Government amend section 263A of the Electoral Act 1993 to allow the Chief Registrar of Electors online access to the Department of Labour's list of people currently in New Zealand.

### **Response**

This recommendation is under active consideration. The Electoral Enrolment Centre and the Department of Labour are discussing the technical options available. An amendment to section 263A of the Electoral Act would require an appropriate legislative vehicle. Such an amendment is outside the scope of the current review of the Electoral Act.

### **Recommendation 7**

That the Chief Electoral Office review its organisation and resourcing so that all polling places have sufficient supplies and trained staff to cope with the demands they may face on polling day.

### **Response**

Post-election market surveys confirmed a high level of public satisfaction with the service provided to voters and the timeliness of preliminary results. However, the Chief Electoral Office continually strives to improve its services through careful planning, training, and risk management.

Following the 2005 election, the Chief Electoral Office undertook a comprehensive review of its conduct of the election with a view to identifying opportunities for service and process improvements.

Specific initiatives for the next general election arising from that review include:

- A review of terms and conditions of field staff;
- Improvements in training delivery and content for the 17,000 temporary staff that support the administration of elections; and
- Improvements to the management and delivery of supplies to election day staff.

### **Conclusion**

The Government is pleased to be able to respond positively to the Committee's recommendations for a review of the Electoral Act 1993. The Government is also pleased to confirm that work is underway to implement the Committee's other recommendations.