

**Government Response to the  
Report of the Justice and Electoral Committee  
on  
Inquiry into the 2011 General Election**

**Presented to the House of Representatives  
In accordance with Standing Order 249**

## Introduction

The Government welcomes the Justice and Electoral Committee's report: *Inquiry into the 2011 General Election*.

The report makes 32 recommendations. These are attached as Appendix 1. The Government has examined the Committee's recommendations and responds to the report in accordance with Standing Order 249.

## Recommendations and Government Response

The recommendations of the Justice and Electoral Committee can be separated into three categories.

1. One recommendation, *Amending the Electoral Regulations 1996 to allow overseas voters to scan and upload their ballot papers to a secure elections server, and supporting the Electoral Commission in developing such a system*, has already been addressed through recent amendments to the Electoral Regulations 1996.
2. Seven other recommendations do not require legislative change. The Government will consider the recommendations for implementation as appropriate, in consultation with the Electoral Commission. These recommendations are:
  - *Providing funding, as fiscal conditions permit, to continue developing the Long Term Strategy for Voting Technology.*
  - *Asking the Electoral Commission to report on the implications of the increasing trend towards advance voting.*
  - *Requesting the Electoral Commission to liaise with the Ministry of Education on the feasibility, including resourcing implications, of incorporating ongoing comprehensive civics education into the New Zealand school curriculum.*
  - *Supporting the Electoral Commission to expand the public civics education programmes, resources permitting.*
  - *Ensuring that future public information campaigns about electoral matters provide sufficient detail and are accessible to all voters.*
  - *Examining the merits of a standalone postal vote versus a referendum in conjunction with the general election when making decisions about future public referenda.*
  - *Continuing to regularly update and cull the dormant roll as appropriate.*
3. The remaining recommendations would require amendment to the Electoral Act 1993 and/or the Electoral Regulations 1996 if they are to be implemented. The Government will carefully consider the policy implications of these remaining recommendations to determine whether change should be implemented for the 2014 election through a Bill to amend the Electoral Act 1993 or through amendments to the Electoral Regulations 1996.

The recommendations which require more significant consideration are unlikely to be included in a Bill prior to the 2014 election. However, the Government is seeking advice from Ministry of Justice officials on these recommendations and will consider including them in future legislative change to electoral law.

## **Conclusion**

The Government thanks the Justice and Electoral Committee for its thorough report. The Government will be considering its recommendations, with a view towards what can be implemented in time for the 2014 General Election, either for inclusion in a Bill to amend the Electoral Act 1993 or through amendments to the Electoral Regulations 1996.

## **Appendix - Inquiry recommendations**

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*(note: recommendation numbers have been added and do not feature in the Inquiry Report)*

### **Electronic enrolment and voting systems**

1. Making provision, as fiscal conditions permit, for online enrolment using Electronic Identity Verification, and amending the Electoral Act 1993 accordingly.
2. Providing funding, as fiscal conditions permit, to continue developing the Long Term Strategy for Voting Technology.

### **Advance voting**

3. Asking the Electoral Commission to report on the implications of the increasing trend towards advance voting.
4. Amending Part 2 of the Electoral Regulations 1996 to allow scrutineers to be appointed to advance voting places.
5. Amending sections 174C(5)(a) and 174F(4) of the Electoral Act 1993 to change the starting time of the early count of advance parliamentary and referendum votes from 3 pm to 2 pm.

### **Accessibility**

6. Exploring the suggestions contained in the submission of the Human Rights Commission for improving the voting rights of people with disabilities, especially regarding improved data collection.
7. Requiring a minimum distance between voting booths and providing an alternative area with a mock voting paper for people who need to have the ballot paper explained in their primary language. This would mean that a voter could then go unaccompanied into the voting booth.
8. Prioritising the development of alternative voting methods for voters disadvantaged by paper-based ballots.

### **Education**

9. Requesting the Electoral Commission to liaise with the Ministry of Education on the feasibility, including resourcing implications, of incorporating ongoing comprehensive civics education into the New Zealand school curriculum.
10. Supporting the Electoral Commission to expand the public civics education programmes, resources permitting.
11. Ensuring that future public information campaigns about electoral matters provide sufficient detail and are accessible to all voters.

### **Overseas voting**

12. Amending the Electoral Regulations 1996 to allow overseas voters to scan and upload their ballot papers to a secure elections server, and supporting the Electoral Commission in developing such a system.
13. Seeking better ways of ensuring the integrity of votes cast overseas.

### **Disruption to electoral events**

14. Commissioning a review of legislation to determine whether it provides adequately for the disruption to electoral events by a significant emergency, and the wider constitutional and political issues of such an event, and amending the legislation accordingly.

### **Referenda**

15. Examining the merits of a standalone postal vote versus a referendum in conjunction with the general election when making decisions about future public referenda.

### **Electioneering on election day**

16. Prohibiting electioneering activity on election day, including the wearing of rosettes, lapel badges, ribbons, streamers, and party apparel, other than the wearing of a party rosette by a scrutineer inside a polling station.
17. Commissioning a review of existing regulations applying to social media on election day, to determine whether they are workable.
18. Reducing the fine for not removing an election advertising billboard by election day.

### **Election advertising/programme**

19. Establishing in time for the 2014 general election a mechanism for clarifying what work of a member of Parliament constitutes an election advertisement, ahead of the regulated period.
20. Aligning the statutory tests of "election programme" in section 69 of the Broadcasting Act 1989 and "election advertisement" in section 3A of the Electoral Act 1993.
21. Aligning the liability for breaching Part 6 of the Broadcasting Act 1989 so that provisions would apply to the broadcaster and any person who arranged for the broadcast of an election programme in contravention of the Act, whether within or outside an election period.

### **Filing return of election expenses**

22. Retaining the existing timeframe for candidates and third party promoters filing election expenses within 70 working days of election day, but increasing the timeframe for filing party returns to within 90 working days of election day.
23. Amending the Electoral Act 1993 to ensure that there is a significant penalty to act as a deterrent to failing to file a return in a deliberate attempt to defeat the operation of electoral law.
24. Amending the Electoral Act 1993 to make loans to parties and to candidates subject to the same disclosure rules as donations.

### **Technical recommendations**

25. Continuing to regularly update and cull the dormant roll as appropriate.
26. Amending Part 6 of the Electoral Act 1993 to authorise the Electoral Commission to use an EasyVote card as the record an ordinary vote has been issued and as evidence that a special voter is eligible to vote, and to compile manual or electronic records of who has cast an ordinary or special vote using the EasyVote card or other verification methods
27. Amending the Electoral Regulations 1996 to extend the period in which postal votes can be received, in line with the Electoral Commission's recommendations.

28. Amending the Electoral Act 1993 to make it clear that the Electoral Commission has the power to recalculate and amend the allocation of list seats for an election as the result of a successful election petition regarding an electorate seat.
29. Amending the Electoral Act 1993 to allow bulk nomination and party list deposits to be submitted by direct bank deposit, and bulk nomination and party list documents to be lodged by email. These changes could be made as technical amendments in a statutes amendment bill.
30. Allowing only registered parties to maintain registered logos.
31. Amending the Electoral Act 1993 and Citizens Initiated Referenda Act 1993 so the counter-signature to the writ would no longer be required.
32. Examining the current electoral enforcement provisions to determine whether they are adequate.