

**Government Response to
Report of Justice Committee
on
*Inquiry into the 2023 General Election***

Presented to the House of Representatives

In accordance with Standing Order 256

Government response to Report of Justice Committee on *Inquiry into the 2023 General Election*

Introduction

- 1 The Government welcomes the Justice Committee's report *Inquiry into the 2023 General Election* published on 11 November 2024.
- 2 The report makes 65 recommendations. These are attached as **Appendix A**. The Government has examined the recommendations and responds to the report in accordance with Standing Order 256.

Background

- 3 In February 2024, the Justice Committee initiated an inquiry into the 2023 General Election. The terms of reference were to examine the law and administrative procedures for the conduct of parliamentary elections in light of the 2023 General Election, including election operations, electoral law broadly, and long-term trends in elections.

Government response

- 4 The Government generally supports the recommendations made in the Justice Committee's report. The Government's response to the Justice Committee's recommendations can be separated into the following categories.

Recommendations that could be addressed via an upcoming electoral amendment bill, where practicable

- 5 The Government intends to introduce an electoral amendment bill shortly, which will focus on improving the efficiency and timeliness of electoral administration and the resilience of the electoral system.
- 6 The Government plans to address 23 of the Justice Committee's recommendations, either in full or in part, through an electoral amendment bill, where feasible. These recommendations raise matters which are largely practical to address ahead of the 2026 General Election and generally align with the purpose of the upcoming bill. In some cases, the Government may progress an option which differs from the specific approach recommended by the Justice Committee but addresses the issue raised or the overall intent of the recommendation. The bill will be in force ahead of the 2026 General Election.
- 7 The specific recommendations that the Government intends to address with an electoral amendment bill are listed in *Table One* in **Appendix A**.

Recommendations which require longer-term legislative changes or further consideration

- 8 The Government considers a further 36 recommendations would require policy consideration and significant legislative changes over a longer term to implement. These recommendations raise complicated issues which relate to the fairness of our electoral system, the powers that apply during emergencies, and offences for breaches of electoral law. For these reasons, the Government does not consider it practical to progress these recommendations before the 2026 General Election, given the timeframes for progressing legislative changes.
- 9 The Government will consider the implications and complexity of these recommendations, and may progress them as part of a future electoral work programme, as other priorities allow.
- 10 These recommendations are listed in *Table Two* in **Appendix A**.

Recommendations which do not require legislative change

- 11 The remaining six recommendations do not require legislative change and are listed in *Table Three* in **Appendix A**. These relate to operational matters or can otherwise be addressed through non-legislative means.
- 12 The Government has asked the Electoral Commission to consider these recommendations and how they can best be implemented, subject to funding and in consultation with other relevant agencies as necessary.

Conclusion

- 13 The Government thanks the Justice Committee for its report.
- 14 The Government generally supports the recommendations and intends to prioritise 23 recommendations to be addressed via an upcoming electoral amendment bill. Thirty-six recommendations will be considered for inclusion in any future electoral work programme, as other priorities allow. The remaining six recommendations do not require legislative change and will be considered by the Electoral Commission in preparing for the delivery of future elections.

Attachments

Appendix A: Classification of Justice Committee recommendations

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Table One – Recommendations that the Government intends to address via an upcoming electoral amendment bill, where practicable

2	Consider amending the candidate nomination provisions in Part 6 of the Electoral Act 1993 to refer to the Electoral Commission rather than the Returning Officer.
3	Consider removing the right to inspect candidate nomination forms.
4	Consider a single deadline for all candidate and party list nominations.
5	Consider amending section 142 of the Electoral Act to allow the Electoral Commission to determine the date and the methods of giving notice of nomination day and the process for nominations.
6	Consider amending section 146B of the Electoral Act to make the deadline for giving notice of the intention to submit bulk nominations one working day after the start of the regulated period.
7	Consider amending the Constitution Act 1986 to ensure the continuity of executive government in the event of a delay to the return of the writ—for example, a judicial recount or an emergency that requires adjournment.
9	Consider an Electoral Act amendment to make it clear that an MP cannot be a scrutineer.
11	Consider amending the statutory deadline, after which applications for party and logo registration cannot be processed by the Electoral Commission, to coincide with the start of the regulated period.
12	Consider requiring parties to provide a copy of their candidate selection rules with their party registration application, rather than within a month after registration.
27	Consider removing the requirement for a street address in promoter statements in light of personal safety and security concerns of people participating in the election.
28	Consider whether the Electoral Commission should be required to hold contact details of all candidates, parties, and registered promoters, which would be available on request by any enrolled voter. <i>[Note: this recommendation could be considered alongside Recommendation 27 above.]</i>
34	Amend sections 147 and 157 of the Electoral Act and Regulation 18 of the Electoral Regulations 1996 to require the names of either all list candidates or a maximum of 120 to be included in the information published online by the Electoral Commission and provided to each Returning Officer for display in each polling place, not just the first 65 names.
38	Review the treating offence in the Electoral Act to consider whether greater clarity can be provided. This should take into account cultural considerations and consider whether the provision of any food or drink at any polling booth should be prohibited.
39	Clarify and publicise the requirement for enrolment for residents who are permanent residents or who hold a residence visa without an exit date.
40	Consider a longer-term legislative modernisation programme, which will require funding to provide for additional flexibility, or conditions in which electronic means are allowed, including: - allowing an enrolment update to be made for an existing elector following a data match, with either postal or electronic confirmation (for example, a change of address) - allowing electronic confirmation for a new enrolment, including any conditions (for example, requiring enrolment to be done online and verified using RealMe, a driver licence, or a passport) - allowing a new enrolment to be actioned automatically following a data match that identifies a person as not enrolled, with either postal or electronic confirmation sent to the elector and clarifying how the Māori Electoral Option provisions would apply in this situation - enabling alternative forms of enrolment inquiry to be undertaken by digital means, such as email

	• amending the data-matching provisions in section 263B of the Electoral Act to allow the Electoral Commission to receive email and phone numbers to enable electronic communications to encourage enrolment • allowing electronic confirmation for any update of an existing elector's enrolment record completed online or in writing • allowing overseas electors to be sent electronic correspondence for enrolment update campaigns, to confirm a new enrolment, or for an enrolment update • for integrity reasons, requiring electors who live overseas to re-enrol every three years (for New Zealand citizens) or every 12 months (for New Zealand permanent residents) • improving the scope for information-sharing to update enrolment details • allowing an individual to be automatically enrolled at birth or upon gaining residency or citizenship • exploring allowing the use of Inland Revenue and other government data as an automatic enrolment tool.
42	Consider options, subject to funding, to reduce the growing number of special votes and their impact on the official count, balancing access, timeliness, and integrity, including: • ways of improving how voters' enrolment details are kept up to date • processing special votes in the electorate where they were cast • digital solutions, such as digital roll mark-off, print on demand, and electronic counts • early processing of special votes before election day.
44	Consider amending the cut-off date for enrolments and updates to enrolment details to be prior to polling day.
45	Consider whether the Electoral Commission is required to send Māori Electoral Option information to electors for an out-of-cycle triennial body election that does not have a Māori ward or constituency.
46	Consider removing the requirement that returns be made available for public inspection and just require them to be publicly available on an internet site that the Electoral Commission administers.
51	Consider clarifying the Electoral Act's requirements about reporting donations and loans for parties that apply to cancel their registration.
53	Consider whether electoral law should move towards a single voting period. Factors that should be considered include: • the appropriate balance between certainty and flexibility in the law • how advance voting affects campaigning • the effect that an emergency or disruption or an early election could have on advance voting services.
57	Consider how the provisions of the Electoral Act apply where a candidate dies after the close of nominations.
61	Consider whether parties with election expenses of less than \$50,000 need to have an auditor's report and whether to replace other audited returns with a financial review when income is less than a specified amount.

Table Two – Recommendations which require longer-term legislative changes or further consideration

8	Clarify what "accompany" means for scrutineers accompanying ballot boxes to a designated counting place for the preliminary count.
10	Review whether the scrutineer provisions remain fit for purpose, including whether they are clear about who should be able to appoint scrutineers, the parts of an election they should be appointed to observe, and the information they should be allowed to collect and share with their campaign teams.
13	Review the existing umbrella and component party provisions and consider whether changes to the rules are needed.
14	Consider vesting adjournment powers in the Electoral Commission Board rather than the Chief Electoral Officer.

15	Consider enabling the Electoral Commission to extend the time available for any electoral processes or deadlines affected by an unforeseen or unavoidable disruption that could affect the proper conduct of an election.
16	Consider a new power that permits the Governor-General, acting on the advice of the Prime Minister, in consultation with the leader of the opposition, to withdraw the writ issued for a general election where a national state of emergency will significantly interfere with the proper conduct of the election and requires the Prime Minister to advise the Governor-General of the earliest date the general election can be held (but no later than the day three months after the withdrawal of the writ).
17	Consider the merits of a new statutory power to reconvene Parliament.
18	Consider legislation that makes seeking to disrupt an election event a specific offence with its own thresholds and penalties.
19	Consider whether the electronic voting service used by overseas voters could be extended to voters with disabilities who have difficulty voting because of accessibility issues.
22	Review the rules that apply to election-day advertising, taking into account: - the growth of social media and advance voting, including what information can be added to a website on election day about enrolment, voting, and news media coverage - the potential to enable increased freedom of speech, particularly for the interactions of voters.
23	Consider (if the election-day advertising rules remain), whether to introduce harsher penalties for breaches and penalties for the candidates as well as the forum hosting the advertisement, and whether to relax time constraints to bring action of breaches.
24	Consider amending the campaign buffer zone provision to refer to the perimeter of the area in which votes are being issued and better clarify where the space applies, including the overhead space.
25	Consider how to ensure consistent rules for election advertising across the country. This should include the timing for when advertisements can be put up, the ability to override local council rules, and a requirement for New Zealand Transport Agency rules to be based on safety. If strict placement restrictions are necessary, they should be enforced.
26	Consider whether the election advertising expenditure limits should be adjusted once each parliamentary term, in the year before the election.
29	Review the allocation criteria and current broadcasting regime. If the allocation remains in its current form, the appropriation should be increased for the 2026 General Election, given the significant increases in the cost of advertising since 2017.
30	Review the broadcasting rules and make the advertising rules “mode neutral”—that is, broadcasting would be treated the same as any advertising.
31	Consider whether parties and candidates be allowed to broadcast election programmes from the start of the regulated period, and the use of allocated money for internet advertising not be restricted to advertising run during the election period.
32	Consider amendments to section 80I of the Broadcasting Act to make both the broadcaster and the person who arranges the broadcast liable for breaches of the broadcasting rules at all times, not just in the election period.
33	Consider whether the broadcasting allocation should be removed and the election expense limit increased, with parties or candidates allowed to purchase as much broadcasting as they wish under the cap.
41	Consider a review of the enrolment update requirements in section 89D of the Electoral Act to ensure that only information necessary for roll integrity is collected.
43	Consider changing the legislation to enable unpublished electors to be issued an ordinary vote using a unique identifier, should funding become available in the future.
47	Consider adding an overarching anti-collusion provision to the Electoral Act to aid enforceability of electoral finance rules.
48	Consider whether the Electoral Commission be given the power to require the production of documents to better enable it to manage its compliance function in relation to electoral offences.

49	Consider, for the avoidance of doubt, defining “free labour” and “free or discounted services” in the Electoral Act. The definition should make clear whether “person” is limited to natural persons for the purposes of free labour.
50	Consider amending the Electoral Act to explicitly confirm whether or not and what type of aggregation is required in calculating the thresholds for donations and loans.
52	Review the expense return requirements for parties that do not contest the party votes or stand any electorate candidates.
54	Consider whether the Electoral Commission should be funded to run local elections.
55	Review section 199A of the Electoral Act to extend the prohibition against publishing false statements to influence voters to the entire voting period rather than two days before and on polling day.
56	Review the rules related to the death of a candidate to ensure the proportionality of Parliament is maintained.
58	Amend section 55 of the Electoral Act to provide for the seat of a list MP who wins a by-election to be automatically vacated at the close of the day before the writ is returned.
59	Create infringement offences for minor breaches of electoral law.
60	Prosecute political parties for breaches of electoral law, rather than secretaries personally.
62	Modernise the wording and the operation of the Electoral Act.
63	Consider reviewing the layout and instructions of the ballot paper, including the order of candidates and parties.
64	Prohibit voters from taking photos of their ballot papers in polling places without permission of the returning officer.
65	Consider increasing the availability of electoral data for research purposes.

Table Three – Recommendations which do not require legislative change

1	Encourage the Electoral Commission to consider how it can improve its recruitment, training, payroll, and management processes, including: • hiring more experienced and skilled poll workers • simplifying its payroll system • ensuring staff are able to work with voters with disabilities.
20	Consider the extent to which New Zealand Sign Language services and resources are available in every electorate, or urban centre if it spans multiple electorates.
21	Ask the Electoral Commission to consider different ways of distributing the EasyVote card, including electronically, and to make it clear that the card is not required to vote.
35	Direct the Electoral Commission to continue enabling alternative ways to access polling booths. This should include later sessions for shift workers and on-site days at locations that are accessible to large workplaces such as factories and hospitals.
36	Encourage the Electoral Commission to better monitor the connection of polling sites to particular candidates or political movements and views, and avoid booths on premises that have direct connections with candidates or parties.
37	Consider stronger restrictions on polling booth sites, for example, requiring them to be policy- and viewpoint-neutral.