



Inquiry into the 2022 Local Elections

Report of the Justice Committee

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Inquiry into the 2022 Local Elections

Recommendations

The Justice Committee has conducted an inquiry into the 2022 local elections and recommends that the Government:

- consider policy options for improving the quality, quantity, and accessibility of candidate information provided to constituents at local elections
- consider providing the Electoral Commission with additional resources to conduct triennial nationwide campaigns promoting participation in local elections
- consider the merits of reviewing the statutory timeframes for the local election process, and in particular, the time available for voting documents to be assembled, delivered, and returned
- consider the merits of moving the local election period so that it does not coincide with school holidays
- consider the merits of amending the Local Electoral Regulations 2001 to allow overseas voters to receive and return special voting documents electronically
- consider the merits of funding a trial of online voting in local elections
- consider requiring a single national organisation, such as the Electoral Commission, to investigate and resolve complaints about the conduct of local elections that arise during the election period
- consider reviewing the electoral offences set out in the Local Electoral Act 2001 following the completion of the independent review of parliamentary electoral law
- consider extending the period for requesting that the District Court conduct an inquiry into the conduct of a local election or poll
- consider extending the statutory timeframe to apply for a recount of votes following a local election, and specifying that the timeframe refers to “working days”
- consider developing guidance for candidates and electoral staff outlining avenues to seek help if they experience harassment or abuse during local elections
- consider the merits of making the Electoral Commission responsible for administration of local elections. As a minimum, the Government should make the Electoral Commission responsible for oversight of local elections, including the regulation of election service providers and management of complaint procedures.

A majority of us also recommend that the Government:

- amend primary or secondary legislation to ensure that appropriate changes are in effect prior to the 2025 local elections to improve the quality, quantity, and accessibility of candidate information provided to constituents
- make any changes to primary or secondary legislation necessary to clarify and embed the Electoral Commission’s expanded role conducting triennial nationwide campaigns promoting participation in local elections
- review the donation disclosure rules in the Local Electoral Act 2001 following the completion of the independent review of parliamentary electoral law.

Introduction

The purpose of local government in New Zealand is to promote the social, economic, environmental, and cultural well-being of communities and to enable local, democratic decision-making.¹ Local elections are held once every three years to elect representatives to local councils, boards, and other entities. These elections give communities an opportunity to determine the policies and priorities that will be pursued in their local area.

On 8 December 2022, we initiated an inquiry into the 2022 local elections, which were held in September and October 2022.² They were the twelfth local elections since the restructuring of local government in 1989.

Terms of reference for our inquiry

Our terms of reference were to examine the law and administrative procedures for the conduct of the 2022 local elections. We chose to focus on three specific areas:

- Low voter turnout.
- The provision of election services by private organisations, with particular regard to:
 - provision of ballot papers
 - postal voting (including security of ballots and whether postal voting is an effective method of receiving votes)
 - special voting
 - complaint processes
 - accountability for local elections.
- The age of eligible voters (with reference to lowering the age of eligible voters to 16 years).

This report provides our views and recommendations on the first two of these areas: voter turnout (part 2) and the administration of local elections, including provision of election services (part 3). We note that public entities such as New Zealand Post (NZ Post) are responsible for some aspects of election services. Therefore, for the second focus area, we have considered the provision of election services regardless of the provider, rather than focusing specifically on services provided by private organisations.

As to the third area, since initiating our inquiry we have reported on the Supreme Court's declaration of inconsistency regarding the voting age in the Electoral Act 1993 and the Local Electoral Act 2001.³ Our May 2023 report on this subject provides our views and recommendations in relation to lowering the voting age in local elections. We therefore do not reconsider the issue in this report.

¹ Section 10 of the Local Government Act 2002.

² Voting opened on 16 September and closed on 8 October 2022.

³ Justice Committee, Declaration of inconsistency: Voting age in the Electoral Act 1993 and the Local Electoral Act 2001, May 2023.

Background and context to our inquiry

This committee typically initiates an inquiry following the completion of each local election cycle. Most recently, in July 2021, we published a report on our inquiry into the 2019 local elections (our 2021 report).⁴ Our report contained 10 recommendations to the Government. In its response to our report, the Government noted that two significant reviews were underway that could be relevant to our recommendations.

The first, the ministerial review of the Future for Local Government, published its final report in June 2023.⁵ We note that the terms of reference for this review did not include a review of local electoral law. However, the review panel's final report does make brief comments and some recommendations relating to the administration of local elections. Where relevant, we refer to the review panel's views and recommendations in this report.

The second relevant review is the independent review of parliamentary electoral law. The review panel published an interim report in June 2023.⁶ Although the panel did not consider local electoral law, its findings and recommendations may be of relevance to the administration of local elections. For example, alignment of parliamentary and local electoral law may be considered necessary or desirable in some areas. The final report of the review panel is due in November 2023.

Previous Justice Committee inquiries

Local Government New Zealand (LGNZ) made some overarching comments about the lack of government action in response to previous Justice Committee inquiries into local elections. It noted that previous iterations of this committee have held inquiries into local elections after each local election since 2004, resulting in several "viable recommendations". It expressed disappointment that successive Governments have failed to act on key recommendations of the committee. LGNZ submitted that a lack of political will and a fast-moving electoral cycle—which sees focus shift to general elections shortly after each local election is completed—have contributed to the lack of reform.

As will be clear from this report, we agree with many submitters that there is a need for ongoing reform of the local electoral system to encourage more people to vote, introduce more accessible and reliable voting methods, and increase public confidence. This report includes recommendations for incremental changes, which we think could be advanced prior to the next local elections in 2025. It also includes recommendations to investigate and consider implementing more structural, transformational changes, which we acknowledge may take longer. We hope that these recommendations, along with those of the two reviews mentioned above, will provide a strong foundation for progress in local electoral reform.

⁴ Justice Committee, [Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections](#), July 2021.

⁵ Review into the Future for Local Government, [He piki tūranga, he piki kōtuku: The future for local government](#), June 2023.

⁶ Independent Electoral Review, [Interim report: Our recommendations for a fairer, clearer, and more accessible electoral system](#), June 2023.

Submissions received

We called for public submissions on 15 December 2022, with a closing date of 14 February 2023.

We received written submissions from 72 submitters. The submitters comprised 36 individuals, 9 local authorities, 11 of Auckland's local boards, 1 youth council, 9 organisations, 2 private election service providers, 1 energy trust, NZ Post (and, separately, its business unit, Datam), and the Electoral Commission.

Part 1: About local government and elections

Local elections are primarily governed by the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Voters elect councillors for regional councils and territorial authorities (either a city or district council, depending on the area). They also vote for the mayor of their city or district.

In some areas, voters may also elect representatives to other community-level entities.

Regional councils and territorial authorities

New Zealand's local government includes 78 councils (referred to as "local authorities"), which comprise:

- 11 regional councils
- 61 territorial authorities (city and district councils, as well as Auckland Council and the Chatham Islands Council).

In most areas of New Zealand, these two types of council have different powers and responsibilities, which are set out in the Local Government Act 2002 (and summarised below). However, six territorial authorities have the powers of both types of council and are referred to as "unitary authorities".⁷

Regional councils are primarily responsible for environmental management in their region, including flood control, air and water quality, and pest control. Regional councils may also be responsible for public transport, regional reserves, and bulk water supply.

Territorial authorities have a wide range of responsibilities including infrastructure services such as roading, water supply, wastewater, and stormwater services; refuse collection and disposal, and recycling services; community facilities such as parks, reserves, libraries, swimming pools, and community centres; and resource management planning. They also have powers to make bylaws, including in relation to public health and safety, nuisance, and offensive behaviour in public places.

Most local authorities are members of Local Government New Zealand (LGNZ), which conducts national-level advocacy on their behalf. One notable exception is Auckland Council (which represents about a third of New Zealand's population), which withdrew from LGNZ in 2023. Taituarā—Local Government Professionals Aotearoa (Taituarā) is a membership organisation with approximately 1,000 members, including chief executives, managers, and council staff from local authorities. It provides support and advice to help local authorities perform their roles effectively and efficiently. We received extensive submissions from both LGNZ and Taituarā.

⁷ These are Auckland Council, the Chatham Islands Council, Nelson City Council, Gisborne District Council, Marlborough District Council, and Tasman District Council.

Local and community boards

Local and community boards also form part of local government. They provide constituents with representation focused on issues in their specific community. In the 2022 local elections there were:

- 110 community boards
- 21 local boards (all in Auckland).

The role of a community board is to represent and be an advocate for the interests of its community. Community boards may consider and report on matters referred to them by a territorial authority, or any matter of interest or concern to the board. They also monitor services provided by the territorial authority within the community.⁸

Local boards are only established in areas represented by a unitary authority. They share decision-making with the unitary authority council on non-regulatory matters in their local area. They are required to adopt a local board plan after each local election. This must reflect the priorities and preferences of the local community in relation to unitary authority activity in the area. These details are reflected in an agreement with the unitary authority.

⁸ Section 52 of the Local Government Act 2002.

Part 2: Voter turnout

Voter turnout in the 2022 local elections

Voter turnout in local elections has been a long-term concern of the Justice Committee across several Parliaments as there has been a broad trend of declining participation since the restructuring of local government in 1989.⁹ The Local Government Act 2002 states that the chief executive of each local authority is responsible for “facilitating and fostering” participation in local elections.¹⁰ However, other entities also contribute to this goal.

LGNZ told us that it ran a national “Vote 2022 campaign” to increase the diversity of candidates and voter turnout in the 2022 local elections. The campaign was co-funded by LGNZ, Taituarā, councils, and the Department of Internal Affairs (DIA). Twenty-eight councils participated and ran localised campaigns that aligned with the national Vote 2022 branding, utilising a “toolkit of creative assets”. The campaign began in April 2022 and had two phases. Phase one encouraged more diverse people to stand and phase two encouraged more people to vote. We heard that, in total, the Vote 2022 campaign had 10,466,463 “impressions” across its digital channels.

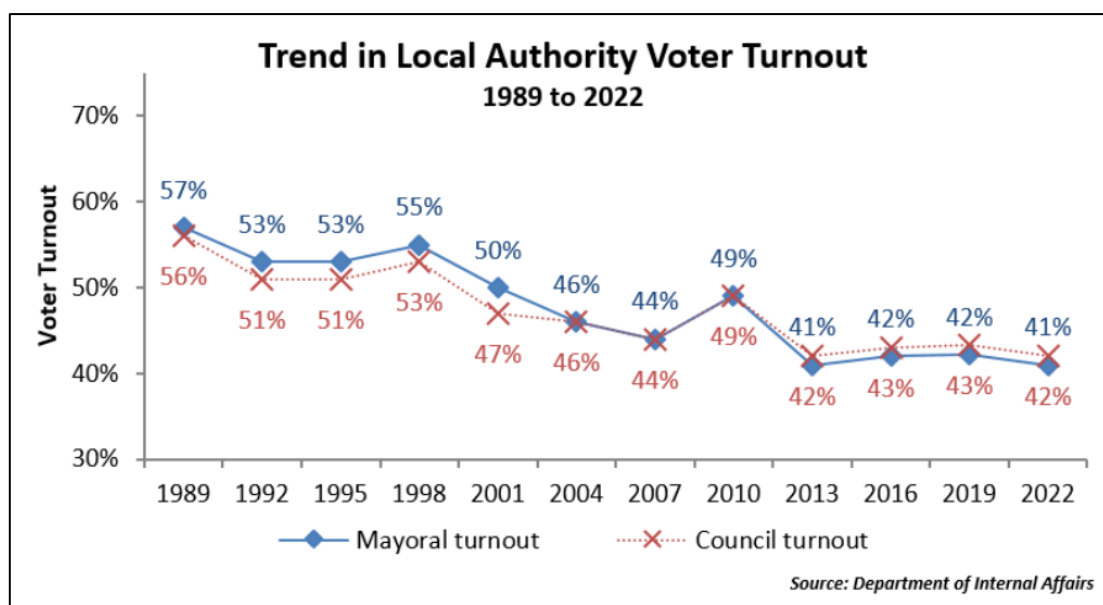
The Electoral Commission told us that, as part of its role supporting local elections, it conducted an enrolment update campaign, including nationwide advertising, and sent material by post to 3,506,880 people registered on the electoral roll. It also delivered 1,714 community engagement activities, both in person and digitally, including with Māori, Pacific, ethnic, youth, and disability organisations. The Commission processed 336,719 new enrolments and enrolment updates. On the day of the elections, enrolment stood at 90.6 percent of eligible electors.

Despite these efforts, voter turnout continued the overall downward trend since 1989. DIA provided statistics for participation in recent local authority elections. At the 2022 local elections there was turnout of 41 percent for contested mayoral elections and 42 percent for contested elections of city, district, and regional councils.

The graph below shows voter turnout for contested elections since 1989.

⁹ In 1989, following recommendations from the Local Government Commission, the Government introduced significant changes to local government. It reduced the number of councils from over 800 to 86 and altered their roles and responsibilities. The changes were implemented through the Local Government Amendment Act (No. 2) 1989 and Orders in Council.

¹⁰ Section 42(2)(da) of the Local Government Act 2002.



This downward trend exists across city, district, and regional councils. The table below shows voter turnout for contested council elections in 1989, 2007 (a rough midpoint), and 2022.

Type of council	1989 turnout	2007 turnout	2022 turnout
City councils	52%	41%	39%
District councils	65%	49%	45%
Regional councils	56%	43%	43%

We asked the Department of Internal Affairs whether there was a correlation between the population served by a local authority and the level of voter turnout in the 2022 local elections. Although there were some outliers, the data suggests a rough correlation between population size and turnout: lower populations generally had higher voter turnout.

Voter turnout for Auckland Council election

Auckland Council is the largest local authority in New Zealand, representing an estimated 1.7 million people, or roughly one-third of New Zealand’s total population. In the 2022 local elections, Auckland Council had 1,248,255 registered electors, of whom 399,149 (35.4 percent) voted.¹¹

A statistical analysis conducted by Auckland Council found that age had a strong bearing on whether electors were likely to vote. Turnout was lowest for those aged between 26 and 35 (21 percent of this age group voted). The turnout rate then increased with age, reaching a

¹¹ Dr Jesse Allpress and Brian Osborne, 2022 Auckland local election voter turnout, Research and Evaluation Unit, Auckland Council, January 2023.

peak among the 76 to 80 age group (62 percent voted), before declining again for those over 80.

Those who identified as being of Māori descent when enrolling were less likely to vote (25 percent) than those of non-Māori descent (37 percent). Auckland Council found that turnout varied dramatically across Auckland's neighbourhoods, with lower turnout in southern areas and some pockets of West Auckland. Turnout was generally higher in coastal and rural areas. The Council also found that there was a strong correlation between areas of socio-economic deprivation and low voter turnout.¹²

We asked for a comparison of voter turnout rates in the Rodney area before and after the establishment of Auckland Council as a unitary authority in 2010. We were told that voter turnout for Rodney District Council was 45% in both the 2004 and 2007 local elections. Since the establishment of Auckland Council, the former district council area has become a ward. The average voter turnout in the ward has been 46.3% since the establishment of Auckland Council.

Submissions on low turnout

We received 29 submissions that expressed concern about low voter turnout, suggested reasons for why turnout was low, or made recommendations to improve turnout in future local elections.

Possible reasons for low turnout

Submitters suggested the following possible reasons for low voter turnout:

- Postal voting and inequitable access to voting: submitters considered that returning ballots or finding time to return special votes was difficult, and that rural areas struggled with both receiving and returning papers due to limited availability of post boxes and less frequent rural deliveries.
- COVID-19: submitters noted that the pandemic could have possibly dampened desire to vote or to return papers to locations that may have had queues or crowds. Electionz.com submitted that there was "increased public distrust in organised government", which affected how the public responded to all stages of the local election process.
- Apathy, scepticism, or confusion by the public towards local elections: submissions suggested that other factors could include confusion about the local election process or the function of local government, and scepticism about whether their vote would make a difference (including concerns about central government interference in local government). Some submitters, including LGNZ, mentioned confusion about voter eligibility for people on the new one-off 2021 residency visa. Some of these electors were turned away during the 2022 local elections despite being eligible to vote.

¹² Ibid.

- Ratepayer-focused model of local elections: some submitters viewed property owners as having better access to information from local authorities while people who did not own property or who rented were less likely to receive election information.
- Candidate representation and information: submitters commented that candidate profile statements could be confusing, lack information that could indicate the candidates' values, lack information on policies, were too short, and at times deterred voting in local elections as voters felt they did not understand who they were voting for.

Several submitters also provided or cited information from post-election surveys.

Auckland Council's post-election survey found that the most common reasons for not voting were that voters did not know anything about the candidates (27 percent of those who did not vote) and did not know enough about their policies (25 percent).

Christchurch City Council's post-election survey found that the most common reasons for not voting were that it was too hard to return voting papers (25 percent), the respondent did not get around to it (21 percent), there was not enough information about candidates to make a decision (20 percent), and the respondent did not receive their voting pack (20 percent).

The Electoral Commission referred us to a Horizon Research nationwide survey of 1,151 respondents conducted following the 2022 local elections. This survey found that the most common reasons for not voting were that people did not know enough about the candidates (31 percent) and their policies (26 percent), and could not work out who to vote for (22 percent). Another 11 percent of non-voters said that they did not vote because they did not receive voting papers.

Suggestions to increase voter turnout

Several submitters offered suggestions and recommendations they thought could improve voter turnout and lessen voter confusion regarding the voting process, including:

- adopting alternative voting methods, including electronic, online, or booth voting
- amending current candidate rules and regulations, particularly in reference to candidate profile statements
- instituting compulsory civics education
- beginning enrolment and engagement campaigns well in advance of the election period
- timing local elections to avoid school holidays, when families may be travelling outside their local area, including overseas
- standardising and implementing nationally a single voting system (either first-past-the-post or single transferable vote)
- requiring the collection of demographic data on voter turnout in local elections equivalent to that collected for parliamentary elections.

Auckland Council suggested that if local elections were more party-based, voters might have more sense of who they were voting for. However, it also noted that local elections in the United Kingdom are party-based and voter turnout rates are similar to New Zealand.

Christchurch City Council said that central government should provide support for national campaigns to increase awareness of, and participation in, local elections.

LGNZ suggested that a single agency should be responsible for national and triennial campaigns about local elections. It said that this national campaign should be coordinated with the engagement efforts of local councils to avoid competing or conflicting messages. Both Taituarā and Tauranga City Council suggested a national multi-media engagement campaign to raise awareness of local elections and how to vote. The former recommended partial funding, and the latter full funding, from central government.

The Electoral Commission noted that this committee's previous reports have recommended centralising the administration of local elections. The Commission submitted that this might not lead to a significant improvement in turnout given the reasons people give for not voting. It submitted that a range of factors contribute to turnout, including voter engagement, media attention, competitive elections, campaign spending, holding elections concurrently, and ease of access to the voting process. It noted that the post-election Horizon Research poll found that confusion about candidates and their policies was the main barrier to voting in the 2022 local elections.

Candidate information

We received 24 submissions raising concerns about the information provided to voters on candidates running for election. Several submitters stated that they had difficulty accessing candidate information or found the information that was provided inadequate to inform their voting decision. We note that the three post-election surveys we refer to above also identified lack of sufficient information about candidates as one of the main reasons people gave for not voting in the 2022 local elections.

Under section 61 of the Local Electoral Act, a candidate may provide the electoral officer with a 150-word profile statement. The profile statement must only give information about the candidate, their policies, their intentions if elected to office, and any affiliated groups or organisations.

Tauranga City Council submitted that candidate profile statements in their current form do not provide sufficient information and are not helpful to voters. Auckland Council agreed that the information provided is often insufficient. It said that it provided each candidate the opportunity to place additional information about themselves on the council's website. The Greater Wellington Regional Council recommended a review of the 150-word limit for candidate profile statements to allow more information to be provided. It also noted that translations of statements into te reo Māori may result in more words being necessary than for English versions.

Several submitters recommended that the Local Electoral Act be amended so that candidates are provided guidance, via prompts or other sources, when drafting profile statements. One submitter suggested that a single online platform be provided for voters to access all candidate information and policy positions. Policy.nz provides a site for this purpose but noted that it is difficult to contact candidates in a timely way.

Our view

We received several submissions noting that low turnout for local elections is also common in other countries. It appears that New Zealand is not an outlier in this regard. However, this does not mean that it is not important to try to increase participation in future local elections.

One of the major concerns that we heard about the 2022 local elections, both from submitters and in the media, was that voters were receiving voting papers late or not at all. A majority of us think that adding to the voting methods available to voters in local elections could contribute to an increase in voter turnout. We address this issue in the next section of our report.

It is clear from the information that we received that people are not receiving sufficient information to inform their decision about who to vote for. This was one of the main reasons given for not voting by respondents to post-election surveys. We think that this issue can be at least partly addressed without complex legal or structural changes. Some of us think that a partial solution could be to require candidates to provide short answers to a small set of standard questions, and to make those answers available to voters alongside the candidate profile.

We acknowledge that not all communities or households have access to reliable internet. However, we consider that requiring information about candidates to be provided on one central website, sortable by region, district, or city, could greatly increase the amount of information available to many voters without adding to the length and complexity of voter information provided in the post.

These are only examples of possible solutions. We recommend that the Government consider a full range of policy options for improving the quality, quantity, and accessibility of the candidate information provided to constituents at each election.

Recommendation 1

We recommend that the Government:

- Consider policy options for improving the quality, quantity, and accessibility of candidate information provided to constituents at local elections.
- A majority of us also recommend that the Government amend primary or secondary legislation to ensure that appropriate changes are in effect prior to the 2025 local elections.

In our 2021 report, we recommended that the Government make the Electoral Commission responsible for leading and co-ordinating triennial, nationwide campaigns to encourage and support people standing for and voting in local elections, using the same imagery and branding as the publicity campaigns for national elections. We recommended funding such campaigns by a mixture of levies on local authorities (consistent with the average amount spent by local authorities per voter in 2019) and central government funding.

The Government agreed to consider these recommendations after the completion of the independent review of parliamentary electoral law and the Future for Local Government

review. We note that the Future for Local Government review recommended that the Electoral Commission conduct local elections, including promotional activities and specific initiatives to promote diversity of candidates.

We acknowledge that expanding the mandate of the Electoral Commission to make it responsible for administering local elections would likely require complex changes to legislation and resourcing. Such a transformation may take time to consider and, if approved, implement. However, in the interim, we think that it would be a useful and comparatively simple step to expand the current role of the Electoral Commission in promoting local elections.

The Commission already conducts an enrolment update campaign and community engagement activities. We think further resourcing could enable the Electoral Commission to better leverage awareness of its imagery and branding to promote participation in local elections on a national scale. This could include a nationwide television, radio, and newspaper campaign reminding people to vote during the election period. The messages promoted by the Electoral Commission could be fairly generic, leaving space for local authorities to complement the campaign with locally focused advertising and communications regarding candidates, voting locations, and other matters specific to their area.

Recommendation 2

We recommend that the Government:

- Provide the Electoral Commission with additional resources to conduct triennial nationwide campaigns promoting participation in local elections.
 - A majority of us also recommend that the Government make any changes to primary or secondary legislation necessary to clarify and embed the Electoral Commission's expanded role.
-

Part 3: Administration of local elections

In this part of our report, we examine the nature and quality of the electoral services provided during the 2022 local elections and options for change. To begin with, we consider the different roles and responsibilities for administering local elections under the current law.

Roles and responsibilities for administering local elections

Roles and responsibilities in the 2022 local elections

Responsibility for organising and administering local elections is divided across several entities. The Electoral Commission summarised the main entities involved as follows:

- **Department of Internal Affairs (DIA):** The role of DIA is one of oversight and provision of information. It administers relevant legislation, approves the format of voting documents, provides a certified vote-counting computer programme to support local authorities, and, in conjunction with other entities, provides information and responds to queries relating to local elections.
- **Local authorities:** Local authorities are responsible for determining the system of voting that will be used for elections (first-past-the-post or single transferrable vote), the appointment of electoral officials, and conducting local elections and polls. Many engage private companies to perform some or most of the tasks. The chief executive of each council is responsible for promoting participation in local elections.¹³
- **Electoral Commission:** The Electoral Commission is responsible for providing information from the database of registered electors to local authorities. It conducts an enrolment campaign encouraging people to update their details. It also assesses some special vote declarations to determine eligibility to vote.
- **Private election services providers:** The two main providers in New Zealand are Election Services and electionz.com. They are engaged by councils to perform tasks required to carry out elections, including, for some councils, the electoral officer role.
- **New Zealand Post (NZ Post):** The Electoral Commission contracts NZ Post for the delivery of its enrolment update materials. Local authorities, or the private companies they engage, contract NZ Post to print, deliver, and return voting documents.

The role of the electoral officer in local elections

The key figure in the administration of local elections is the electoral officer. Every local authority must appoint an electoral officer who is responsible for conducting its elections and polls. Electoral officers are not subject to the directions of any local authority, local board, or community board. Their powers and duties are conferred by the Local Electoral Act.

¹³ Section 42(2)(da) of the Local Government Act 2002.

Electoral officers are responsible for:¹⁴

- the compilation¹⁵ and certification of electoral rolls
- the publication of any public notice relating to elections and polls and the calling of nominations
- receiving nominations, candidate profile statements, and deposits required to be paid
- issuing and receiving ordinary and special votes and other official documents
- the processing and counting of votes
- the declaration of results
- receiving returns of electoral donations and expenses
- investigating possible offences and reporting alleged offences to the Police.

An electoral officer cannot be a candidate for, or a member of, the local authority, and cannot be the chief executive of the local authority unless no other option is reasonable in the circumstances. An electoral officer may delegate any of their statutory powers or duties to any person or group of persons. We were told that most local authorities appoint independent contractors to act as electoral officers.

In the 2022 local elections, 68 of the 78 local authorities in New Zealand contracted a private company to provide electoral services. Election Services provided services to 23 councils (including Auckland Council) and electionz.com provided services to 45 councils. Some councils, like Christchurch City Council, appointed one of their own staff members to act as the electoral officer, but also engaged a private company to fulfil other functions.

Voting systems for local elections

Local authorities can choose between two voting systems: first-past-the-post (FPP) or the single transferable vote (STV) system, each of which is described in the Local Electoral Act. In 2022, 63 of the 78 local authorities used the FPP voting system, and 15 used STV.

We received nine submissions that discussed the standardisation of voting systems. Local Government New Zealand said that not all councils are confident that STV is best for their community and that there are a wide range of views on the issue. It said there needs to be an informed conversation with local government and communities before any changes are made. A survey that it conducted with 1,000 respondents found that 47 percent of voters preferred FPP and 26 percent preferred STV.

We note that the Future for Local Government review recommended adopting STV as the nationwide voting system for local elections. It noted that STV can be more representative of voters' choices because votes can be transferred if a preferred candidate does not meet a specific threshold. This avoids wasted ballots. It also noted that early research in New Zealand has indicated that STV leads to improvement in the representation of women. The

¹⁴ Section 15(2) of the Local Electoral Act.

¹⁵ Section 38(4) of the Local Electoral Act states that electoral officers must obtain a computer-compiled list of residential electors from the Electoral Commission. See also section 113 of the Electoral Act 1993.

review suggested changing the “public-facing name of STV” to “ranked choice voting” to make it easier for voters to understand.

Voting methods

Local elections or polls may be conducted using postal voting, booth voting, or a combination of the two.¹⁶ Local authorities may determine which voting method will be used.¹⁷ We received 39 submissions expressing concerns or providing suggestions regarding the voting methods used at local elections.

Postal voting

In 2022, all local authorities used postal voting as their method of voting. Timeframes for postal voting are specified in the Local Electoral Act and Local Electoral Regulations 2001 by reference to “polling day”, which is the last day for voting in local elections.

NZ Post provides almost all of the postal services for local elections. Datam is a business division of NZ Post that handles some of the tasks required for postal voting, such as printing and assembling voting documents. Palmerston North City Council was the only local authority to use an alternative mail provider (DX Mail) for the 2022 local elections.

Compilation of voting documents

Datam told us that for the 2022 local elections it produced and assembled over 3.4 million voting packs, which contained over 1,000 different voting documents, and 100 different candidate profile books. It noted that local elections are much more complicated than parliamentary elections due to the variations in voting entitlements. Each elector must be sent a voting pack that includes candidate information and voting forms that are relevant to their particular area and their specific voting entitlements.

Work on printing and assembling voting packs can begin once councils provide Datam with information on candidates and electors. Candidate nominations and electoral rolls close 57 days (approximately eight weeks) before polling day. The Local Electoral Regulations state that electors must be sent their voting packs in a six-day window beginning three weeks before voting closes (the mandated delivery period). Datam told us that after receiving information from councils it was left with roughly four weeks to print and assemble voting packs and lodge them for delivery by NZ Post.

Datam submitted that the timeframe for assembling voter packs has remained the same since the 1980s but the number of eligible voters has increased significantly. It suggested amending the Local Electoral Act and Local Electoral Regulations to move the closing date for candidate nominations and electoral rolls three calendar days earlier. It said this would

¹⁶ See regulation 9 (Authorised voting methods) of the Local Electoral Regulations 2001. The definition of “voting method” in section 5 of the Local Electoral Act includes “any form of electronic voting”. However, section 139(2) states that regulations may not be made authorising a voting method other than postal or booth voting without ministerial approval.

¹⁷ Under section 31 of the Local Electoral Act, local authorities are responsible for determining, by resolution, which method(s) of voting will be used. If no resolution is adopted, then the election or poll must be conducted by postal voting.

help it to produce and assemble the growing volume of material in compliance with statutory timeframes.

Delivery of voting documents

During the 2022 local elections there were several reports of voting documents arriving late or not at all.¹⁸ Taituarā told us that there were documented pockets of delayed delivery in Amberley, Ngāruawāhia, Southland, Marlborough Sounds, and parts of Sydney.

As noted in the previous subsection, the Local Electoral Regulations require voting documents to be sent to electors within the mandated delivery period, which is a period of six days beginning three weeks before voting closes.

NZ Post told us that it treats late or non-delivered election mail as a serious matter. Where sufficient information was provided, it acted immediately to ensure that voters received their voting pack as soon as possible. It accepted responsibility for delivery problems that were proven to be due to staff or process errors. However, it noted that there were also other reasons why people did not receive voting packs. These included constituents failing to enrol or update contact details with the Electoral Commission or to register for the NZ Post rural delivery service.

NZ Post said that letter volumes have reduced significantly since the Local Electoral Act came into effect, leading to a reduction in staff and postal infrastructure like post boxes. Urban postal delivery now takes place on alternate days, so there are fewer opportunities to deliver to each address during the mandated delivery period. At the same time, the New Zealand population has continued to grow. NZ Post must deliver to more people with fewer resources. It told us that it is not cost effective to maintain permanent excess capacity in the delivery network for the temporary peak arising from elections. It said that adding short-term capacity is expensive and would likely bring additional challenges due to the inexperience of temporary staff.

NZ Post suggested amending the Local Electoral Act and Local Electoral Regulations to allow a period of nine calendar days to deliver voting documents.

Returning postal votes

Whanganui District Council said that delays in postal services meant that some voters had to cast special votes to ensure that their vote was received by polling day. The Council said that it received voting papers up to three weeks after polling day.

NZ Post said that postal vote returns were processed at a faster rate for the final three days of the voting period to ensure that they were received and counted in time. It told us that there are currently 2,270 post boxes and 880 service points (physical stores or agencies that accept mail) in New Zealand. Prior to the 2022 local elections, NZ Post conducted analysis to determine whether there is a correlation between voter turnout for local elections and the number of post boxes in a community. It found minimal or no correlation, depending on the area.

Electionz.com told us that it provided orange ballot boxes as an alternative option for returning votes in the 45 local elections that it was involved in. It noted that this was

¹⁸ See, for example: Radio New Zealand, [Local body elections: Undelivered voting papers will deter some – official](#), 30 September 2022.

particularly effective in the election for Wellington City Council, with ballot boxes placed in 55 locations around the city. We heard that 49 percent of the votes for Wellington City Council were returned in this way rather than through the postal service. Electionz.com suggested that all councils should utilise this approach, placing ballot boxes in supermarkets, and conducting a strong advertising campaign to alert voters to the option.

Auckland Council said it received 31 percent of its total votes (127,000 voting documents) through ballot boxes placed at supermarkets, train stations, and council facilities around the city.

Overseas voting

Electionz.com noted that people outside New Zealand cannot be sent voting papers ahead of the start of the three-week voting period, leaving little time to receive and return their postal votes. Auckland Council said that one voter in Australia received a voting pack one week after the close of voting on 8 October 2022 despite it being sent on 16 September, the first day of the mandated delivery period.

The Local Electoral Act and Local Electoral Regulations do not allow for voting papers to be sent or received by email. This differs from parliamentary elections—the Electoral Regulations 1996 provide for special voting papers to be sent and received electronically for people outside New Zealand.¹⁹

Voting from overseas also means reliance on foreign postal services to return votes. We were told that there were postal worker strikes in both Australia and the United Kingdom at the time of the 2022 local elections in New Zealand. Taituarā said that generally the number of votes received from overseas is very low, with the exception of Australia and some parts of the Pacific.

Alternatives to postal voting

Many of the submissions we received suggested that councils should provide alternatives to postal voting in future local elections.

Taituarā submitted that confidence in postal voting is eroding among both electoral officers and the general public. Its post-election survey of electoral officers found that 42 percent of respondents rated the overall performance of NZ Post as poor, compared to 19 percent in 2019.

LGNZ submitted that making voting more accessible is an important part of increasing voter turnout. It noted that the number of post boxes is declining, particularly in remote, rural areas, and they are often hard to find. It also said that NZ Post has decommissioned around half of its Auckland post boxes in the last decade. A survey that it conducted with 1,000 respondents found that 52 percent of those who did not vote would be more likely to vote if other voting options were more available. Two-thirds of all respondents said that they would prefer online voting as an option.

Christchurch City Council submitted that postal voting is “not an enduring, or reliable way” to conduct local elections. It said that it is “essential” that alternative or additional methods of

¹⁹ Regulations 19A and 45A of the Electoral Regulations 1996.

voting are put in place for future local elections, and that this “must include some form of online or electronic system”. Dunedin City Council also supported the provision of alternative and secure voting methods.

Electionz.com submitted that the postal voting system is not fit for purpose for a three-week voting period. It suggested extending the voting period to a minimum of four weeks, allowing voting documents to be issued and returned electronically, or permitting online voting.

In its final report, the Future for Local Government review panel said that the current postal voting system “is not adequate for the next 30 years”. It encouraged decision-makers to consider alternative options, including electronic and online voting systems, to ensure that voting is accessible and fit for purpose.²⁰

Booth voting

Under the Local Electoral Regulations, booth voting may be held over a period of up to 20 days. In its inquiry into the 2016 local elections, a previous Justice Committee recommended that the Government support a trial of advance booth voting for the 2022 elections. However, this did not take place.

Many of the submissions we received supported offering booth voting in addition to postal voting. Some candidates for local government have also expressed public support for having a single polling day and booth voting, as in general elections.²¹

Auckland Council said that for the 2025 local elections it is considering providing an option to vote in a booth on “election day”—the final day of voting. However, it has not yet investigated the cost and staffing implications of providing this option. It also noted that both postal and booth voting are offered for voting in local elections in the United Kingdom, but voter turnout is similar to New Zealand. Auckland Council told us that it investigated the option of online voting prior to the 2019 local elections. However, it said that the evidence shows that online voting does not significantly increase voter turnout.

Electronic voting

Many submitters supported introducing an electronic voting option. As noted above, the Electoral Regulations allow voters outside New Zealand to receive and send special voting papers electronically for parliamentary elections. However, this is not the case for local elections. The definition of “voting method” in section 5 of the Local Electoral Act includes “any form of electronic voting”; however, section 139(2) of the Act states that regulations may not be made authorising a voting method other than postal or booth voting without ministerial approval.

Online voting

Taituarā told us that local government made no concerted effort to gain approval for a trial of online voting at the 2022 elections. Previous attempts prior to the 2013, 2016, and 2019 elections were unsuccessful. Taituarā said the main reasons that an online voting trial did not proceed at the 2019 elections were that councils were unwilling to meet the costs of

²⁰ Review into the Future for Local Government, pp 85–86.

²¹ Tom Hunt, [Record-low early voter turnout for council elections sparks call for official polling day](#), 27 September 2022, stuff.co.nz.

conducting the trial, and security agencies were concerned about the security of online voting systems.²²

Taituarā supports an online voting option in principle, subject to sufficient public confidence in the security and accuracy of the system. It said that evidence from overseas suggests that the most successful way to introduce online voting is incrementally.

Tauranga City Council submitted that online voting is already widely used for non-government elections and is likely to engage younger voters. It suggested making an online option available alongside postal voting for the 2025 local elections.

We note that consideration of online voting was explicitly excluded from the terms of reference of the independent electoral review panel. The Government Communications Security Bureau (GCSB) told the Justice Committee of a previous Parliament that it would be concerned about the security of any online voting process for local elections.²³ Auckland Council told us that the consensus among computer scientists is that online voting is “not yet ready” for government elections.

Our view

We are concerned about reports of voters not receiving their voting packs in a timely manner. It is critical that the postal voting system works well given that in most local elections it is the only available method of voting. We think it is necessary to review the statutory timeframes for the local election process to take into account the reduction in postal services and increase in population since legislation was enacted.

The Government should consider providing additional time for voting documents to be assembled, delivered, and returned. It should also consider moving the election period so that it does not coincide with school holidays, when many families may be busy or travelling. These changes do not necessarily need to await the completion of a full review of local electoral law but could be introduced as an intermediary measure or trial ahead of the 2025 elections.

We note the popularity of ballot boxes for returning voting documents and think that this option should be available for local elections in more areas. In areas where ballot boxes were provided in 2022, those administering the local election should consider expanding the number of ballot boxes and locations for the 2025 local elections.

We agree with many of the submissions that additional forms of voting are needed to supplement postal voting. We think that booth voting should be available on polling day at a minimum. The Government should also consider amending the Local Electoral Regulations to allow overseas voters to receive and return special voting documents electronically, as is the case in parliamentary elections.

We note the continued interest in online voting from many stakeholders and submitters, as well as the concerns expressed by security agencies in relation to previous proposals. Any developments in this area should proceed in consultation with security agencies and take

²² See also, Todd Niall, [Online voting trial for 2019 elections scrapped](#), 12 December 2018, [stuff.co.nz](#).

²³ Justice Committee of the 52nd Parliament, [Inquiry into the 2017 General Election and 2016 Local Elections](#), December 2019, p 55.

into account an up-to-date assessment of security risks and challenges. Consideration should also be given to whether it would be appropriate to trial online voting in local elections (which involve more complex voting options as well as devolved funding) rather than parliamentary elections. We think it would be useful for the Justice Committee of the 54th Parliament to consider initiating a briefing on the merits, funding, logistics, and security of an online voting trial for either local or parliamentary elections.

Recommendation 3

We recommend that the Government consider the merits of:

- Reviewing the statutory timeframes for the local election process, and in particular, the time available for voting documents to be assembled, delivered, and returned.
- Moving the local election period so that it does not coincide with school holidays.
- Amending the Local Electoral Regulations to allow overseas voters to receive and return special voting documents electronically.
- Funding a trial of online voting in local elections.

Special voting

The number and proportion of voters casting special votes has been increasing in recent local elections. This trend continued in 2022.

The Local Electoral Act allows eligible voters to cast a special vote in a local election if they meet one of the following criteria:

- their name has been wrongly deleted from the electoral roll used for a local election, or otherwise does not appear on the roll
- their voting entitlements are wrongly recorded on the electoral roll
- their name is entered on the electoral roll for a territorial authority, but not for an associated ward, local board area, community, or constituency for which an election or poll is taking place
- they lose, spoil, or do not receive their voting documents
- they are able to satisfy the electoral officer that it would not be possible or practicable to cast an ordinary vote without incurring “hardship or undue inconvenience”.

Anyone wanting to cast a special vote must apply to the electoral officer to do so. An application can be made on behalf of another person. Special votes must be accompanied by a signed declaration providing the voter’s details and specifying the reason why they believe they are qualified to cast a special vote.

Before counting special votes, the electoral officer must assess each declaration to determine whether the special voter meets the statutory criteria for casting a special vote. The Electoral Commission is responsible for assessing declarations where the special voter is not listed on the electoral roll but gives a residential address within the local government area. If the electoral officer or Electoral Commission determines that a voter was not qualified to cast a special vote, the vote is not counted.

The Electoral Commission told us that, for the 2022 local elections, it checked 25,238 special vote declarations to confirm voter eligibility. It said that electoral officers have expressed interest in taking on more responsibility for assessing special votes by requesting supplementary information from the Electoral Commission. The Commission said that it would support a change to the Local Electoral Regulations to allow this.

In 2022, Auckland Council provided five special vote “super-centres” that were stocked with all 136 combinations of special voting documents. The Council received some complaints about having to travel too far to reach one of the centres. In 2019 the Council had provided 14 special voting centres, which carried only those voting documents relevant to their area. This also resulted in complaints when voters were re-directed to other centres. Auckland Council suggested allowing election officials to access, download, and print special voting documents on location, to enable voters to access the documents they need from a greater number of centres.

Election Services submitted that special votes were originally designed as a “backstop”, but it is finding that voters are increasingly relying on casting a special vote.

Electionz.com told us that the 45 councils that it provided services to issued 15,993 special votes. It said that Wellington City Council issued more than twice the number of special votes in 2022 than it did in 2019. Electionz.com submitted that special votes are complicated and prone to human error. It therefore provided councils a “special vote portal” to minimise the risk that special votes would be invalidated. It said this cut down wait times and was well received. However, it supports a change to allow special votes to be sent and received electronically.

Complaints and accountability

We understand that local authorities and private election service providers have developed a code of electoral practice, which was published by Taituarā. One submitter said that this document sets the “industry standard”. We were told that it is used nationally by electoral officers, officials, and election service providers. It helps to ensure consistency of interpretation and advice, and is updated each electoral term.

Complaints regarding the conduct of local elections can be submitted in various ways, which we outline below.

Electoral offences

The Local Electoral Act sets out specific offences relating to electoral donations (Part 5) and electoral advertising (Part 5A). Council bylaws relating to signage also apply during local elections.

Part 7 of the Act sets out several further offences, most of which relate to manipulation of elections or violation of secrecy. The most serious offences in the Act carry a maximum penalty of two years imprisonment.

In addition to these specific offences, it is an offence for electoral officers, deputy electoral officers, and other electoral officials to contravene any provision of the Act or regulations through an intentional or reckless act or omission. The penalty is a fine of up to \$2,000.

Anyone who believes an offence has been committed may complain directly to the Police, or to the electoral officer responsible for the election. If an electoral officer receives a written complaint alleging the commission of an offence under the Act, or otherwise believes that an offence has been committed, they must report this to the Police.

Election Services told us that in 2022 five complaints were forwarded to the Police, of which four related to the Auckland Council election.

District court processes

Those dissatisfied with the conduct of an election may also petition the District Court under section 93 of the Local Electoral Act. Any candidate or any 10 electors with a complaint about the conduct of an election or poll may file a petition in the District Court demanding an inquiry into:

- the conduct of the election or poll
- the conduct of a candidate or any other person at the election or poll.

A Judge conducting an inquiry has all the powers of their ordinary civil jurisdiction and may also, at any time, direct a recount or scrutiny of votes.

DIA told us that no such District Court inquiries were conducted during either the 2019 or 2022 local elections. One petition for an inquiry was lodged for the Auckland Council election in 2022 (alleging insecurities in the postal voting system), but this was withdrawn.

Any candidate may also apply to a District Court Judge for a recount if they believe that the number of votes declared by the electoral officer for any candidate is incorrect. The application must be made within three days of the electoral officer's declaration of results. The Judge must order a recount if they are satisfied that the applicant has reasonable grounds to believe that a vote tally is incorrect, and that on a recount the applicant might be elected.

One submitter who was involved in an attempt to obtain a recount in 2022 said that it is difficult to establish grounds for a recount in local elections because the vote counting process, which is usually automated, is difficult to scrutinise. They noted that in parliamentary elections there is no need to establish reasonable grounds for a recount.

The submitter said that the companies providing electoral services to councils are "highly defensive" and insist that their counting methods do not result in mistakes, while maintaining that hand-counting votes is "impossible". The submitter told us that the companies spend tens of thousands of dollars on legal fees to avoid recounts, when the recount could sometimes be completed in less time than the District Court process to determine whether a recount should take place.

The submitter also said that the time period of three calendar days to file an application is an "unreasonably short window". They noted that some results are announced on a Friday, so the three-day period for filing an application includes the weekend. They suggested that the statutory timetable for applying for a recount should be specified in "working days". We note that the Local Government Electoral Legislation Bill would make such an amendment to the Local Electoral Act if it is passed.

Complaints about online harassment and harm

The process for submitting complaints about harmful digital communications is set out in the Harmful Digital Communications Act 2015. There are two main procedures a complainant can use under the Act.

First, complaints may be reported to Netsafe, an independent agency approved under the Harmful Digital Communications Act. Netsafe assesses complaints and then uses advice, negotiation, and mediation to try to resolve the complaint between the affected parties. Netsafe does not have the authority to require a platform or producer to remove harmful content, compel them to act in a certain way, or identify someone using fake accounts or profiles.

Netsafe told us it received several complaints and reports relating to the 2022 local elections. They related to abusive social media posts, online bullying, false allegations, defamatory comments, and misinformation and disinformation. Netsafe noted that there is no formal statutory definition of misinformation or disinformation in any legislation.

Second, where Netsafe is unable to resolve a complaint or the complainant did not find the resolution of the issue satisfactory, a complainant may seek an order from the District Court. The District Court has authority to make orders that require offending material to be removed or disabled, that defendants cease or refrain from the conduct concerned, or that a correction or apology be published.

We are aware that in 2022 at least one city councillor applied to the District Court for an order to prevent sustained online harassment. The court ordered Facebook and the relevant internet provider to release information about the identity of the person who created a fake profile to conduct the harassment.

The Harmful Digital Communications Act also sets out criminal offences for the most serious conduct. Anyone may report conduct that they think is unlawful to the Police, who have discretion to decide whether to pursue a prosecution.

We consider that guidance should be developed for candidates and electoral staff outlining avenues to seek help if they experience harassment or abuse during local elections. Organisations such as DIA, Taituarā, LGNZ, and Netsafe may be able to contribute to developing guidance.

Suggestions and recommendations for change

Auckland Council suggested that offences under the Local Electoral Act be reviewed at the same time as the independent electoral review is considering parliamentary election offences.

Several submitters suggested that an independent, national-level entity—either the Electoral Commission or another entity—be given responsibility for investigating complaints arising from local elections. One submitter suggested the involvement of the Serious Fraud Office.

Electionz.com said that the role of the Local Government Commission could be expanded to offer an official, independent ombudsman process and provide advice to electoral officers during the election.

Our view

In our 2021 report we recommended that the Government consider requiring a single national organisation, such as the Electoral Commission, to investigate and resolve complaints about conduct in local elections. We consider that the evidence continues to support this recommendation.

Recommendation 4

We recommend that the Government consider:

- Requiring a single national organisation, such as the Electoral Commission, to investigate and resolve complaints about the conduct of local elections that arise during the election period.
- Reviewing the electoral offences set out in the Local Electoral Act following the completion of the independent review of parliamentary electoral law.
- Extending the period for requesting that the District Court conduct an inquiry into the conduct of a local election or poll.
- Extending the statutory timeframe to apply for a recount of votes following a local election and specifying that the timeframe refers to “working days”.
- Developing guidance for candidates and electoral staff outlining avenues to seek help if they experience harassment or abuse during local elections.

Who should be responsible for administering local elections?

There continues to be interest from local government and the public in centralising some or all aspects of the administration of local elections. This sentiment appears to have arisen for a variety of reasons, including concern about low voter turnout, dissatisfaction with available voting methods, perceptions of inconsistency in interpretation of rules, and an aversion by some to the idea of private companies being involved in electoral administration.

In our 2021 report, we considered this issue in detail. We concluded that the benefits of centralising the administration of local elections would outweigh its disadvantages. However, we said that further consideration would need to be given to what aspects should be centralised:

We believe that the ultimate responsibility for local elections should be with a public body. More work is needed on defining this responsibility. It should include examining whether to move the current role of private providers entirely to the Electoral Commission, or to have a system of election service providers approved by, or subcontracted to provide services on behalf of, the Electoral Commission. There could well be a role for private election service providers, with very strong public oversight.

We recommended that the Government review the Local Electoral Act to ensure that it is fit for purpose. We also recommended that, as a minimum, the Government should make the Electoral Commission responsible for oversight of local elections, including the regulation of election service providers and management of complaint procedures. As previously noted,

the Government said that it would consider our previous recommendations after the completion of the two reviews that have reported or are due to report this year.

For this inquiry, we invited and received submissions on the provision of election services by private organisations and accountability for local elections. We summarise the submissions received from key stakeholders below.

Submissions from local government

Local Government New Zealand submitted that it “is critical that a single agency such as the Electoral Commission is responsible for the delivery and oversight of local elections”. It also noted the need for “a degree of flexibility and customisation at the local level to responsively meet the needs of particular communities”. LGNZ submitted that, while local delivery may result in more effective adaptation of election procedures to local communities, it can also result in variation and inconsistency in how electoral law is communicated, interpreted, and applied.

Taituarā told us that it supports the centralisation of some or all local electoral functions in principle. It suggested that a central agency may be better able to research, develop, and implement new voting methods, promote elections, and carry out an ombudsman function. However, it also submitted that there would need to be an “exceptional level of engagement” with local government to develop any new approach to the administration of elections.

Taituarā noted that if the Electoral Commission were to take on the role of administering local elections it would need to enhance its regional presence. It also said that there would need to be continued involvement of local government in some aspects of elections. It gave examples of accessing ratepayer information, conducting promotion and engagement activities, and the representation review process (a process to determine how many councillors there should be for a particular council).

Auckland Council told us that the scale of local elections means that it is necessary to contract out aspects of the process—it would not be possible for council staff to do all the tasks currently performed by its contracted provider in addition to their normal duties. It also submitted that it would be inefficient for each council to invest in the commercial grade optical scanners used for vote counting.

In principle, Auckland Council supports making the Electoral Commission responsible for administering local elections. It noted that there is currently considerable duplication of effort among councils. The Council concluded that “[u]ntil administration of local elections is transferred to the Electoral Commission ... the current arrangements work well”.

Christchurch City Council said that some of the services contracted to private organisations, including the processing of voting documents, could not be undertaken by the Council with current resources and technology. It supports an increased role for the Electoral Commission in local elections, including central delivery of some or all functions. However, it said there should be significant consultation between central government and local authorities. This should include consideration of costs and options for retaining local and regional input.

Dunedin City Council opposes the full centralisation of local election administration. However, it acknowledged that centralisation of some functions could lead to benefits from greater economies of scale and standardisation. It considers that local governments' knowledge of their communities is important, particularly in regard to communication and promotion. It also submitted that it would be logistically challenging for any central authority to issue special voting papers given the different combinations of voting documents required.

Tauranga City Council supports centralisation of all local electoral functions by a fully resourced Electoral Commission. It said that the cost of local elections should be fully funded by central government.

Submissions from election service providers

Electionz.com submitted that giving the Electoral Commission responsibility for administering local elections "could work well" but said that the Commission would need to "up-skill considerably". It noted that local elections are "candidate heavy" and that the populations and geographic areas served by councils vary considerably. The Electoral Commission would therefore need different resources to carry out this task.

Election Services submitted that the Local Electoral Act is "sound". It provides local councils with autonomy to decide whether to administer elections themselves or contract private entities to provide all or some of the services required. It suggested that it would be especially difficult for small councils to retain the knowledge and hardware necessary to administer local elections every three years. Election Services submitted that the statutory roles and responsibilities of the chief electoral officer and chief executive of each council are appropriate. It does not support centralising these functions.

Submissions from the Electoral Commission

The Electoral Commission said that many aspects of local election administration rely on local presence. This includes supporting and advising potential candidates, who vastly outnumber the candidates for parliamentary elections and are usually not supported by political parties.²⁴

The Commission noted that its regional presence is now limited to 9 regional offices, which operate as community engagement hubs. It was previously required by legislation to have a presence in every electorate. However, it has significantly reduced its number of physical locations as digital enrolment and customer interactions have become more common. The Commission said that it may need to scale up its regional presence if asked to play a larger role in local elections.

The Commission also noted that local authorities currently play an important role in making decisions about the conduct and funding of their local elections. If electoral administration was centralised, a decision would need to be made about whether to retain elements of choice provided for in the Local Electoral Act, including voting methods (postal, booth, or

²⁴ In parliamentary elections, candidates stand for 72 electorate seats, while in local elections, candidates stand for approximately 1730 positions.

both) and voting system (FPP, STV). It was uncertain whether this degree of local choice would be practical in a centralised model.

The Commission also submitted that there would likely be significant cost and complexity to switching to an in-person, booth voting method at local elections, as the Commission provides for parliamentary elections. It noted that local elections require the production and distribution of hundreds of different voting document combinations and have to date largely relied on postal voting. The Commission said that there may be a net increase in overall costs to ensure consistent service levels between areas with different populations. It noted that local elections in Australia are administered by state electoral commissions and are funded through a range of models.

The Electoral Commission said that it would welcome the opportunity to work in collaboration with the Department of Internal Affairs, the Ministry of Justice, the Future for Local Government Review panel, and policymakers to consider current challenges in administering local elections and options for reform.

View of the Future for Local Government review panel

The final report of the Future for Local Government review noted that there are benefits from the localised delivery of elections, including the ability to better tailor election processes to local circumstances. However, it noted that the current approach also means:

- electoral law may not be interpreted and applied consistently across the country
- there are different levels of voter support and promotion activities across the country depending on each council's budget
- it is not always possible for councils to acquire the specialised surge capacity they need to engage fully with electoral issues
- there is often little incentive for incumbent members to support efforts to increase the number of candidates standing for election.

The panel suggested that the Electoral Commission should be responsible for the administration of local elections. It said this should include design and oversight, standard-setting, promotional activity, specific initiatives to promote diversity of candidates, determination of the election method, and the conduct of the election process.

The panel said that it was “mindful of concerns” previously expressed about the ability of a central entity like the Electoral Commission to attract and maintain relevant staff in the regions. However, it considered that this problem could be overcome if the Commission had a clear mandate, appropriate funding, and took account of local conditions.

Our view

It appears that there continues to be broad support for greater centralisation of local election delivery from many, but not all, local authorities. This is reflected in the submissions of LGNZ and Taituarā, which are membership organisations that represent a broad cross-section of local government and its staff. This was also reflected in the submissions we received from individual local authorities.

Recommendation 5

We recommend that the Government consider the merits of making the Electoral Commission responsible for administration of local elections. We recommend that, as a minimum, the Government should make the Electoral Commission responsible for oversight of local elections, including the regulation of election service providers and management of complaint procedures.

Part 4: Other matters

Electoral donations

We received four submissions supporting a greater degree of transparency regarding the disclosure of candidate funding.

Section 103J of the Local Electoral Act states that an “anonymous donation may not exceed \$1500.” Taituarā submitted that that donation disclosure rules should be aligned with the rules for parliamentary elections. We note that the interim report of the independent review of electoral law made several draft recommendations for changes to the donation rules for parliamentary elections.

Our view

A majority of us consider that the Government should review the donation disclosure rules in the Local Electoral Act following the completion of the independent review of parliamentary electoral law.

Recommendation 6

A majority of us recommend that the Government review the donation disclosure rules in the Local Electoral Act following the completion of the independent review of parliamentary electoral law.

Acknowledgments

We would like to thank everyone who took the time to make a submission as part of this inquiry. Submitter views and ideas have contributed significantly to our consideration of this matter. We also thank our advisors from the Department of Internal Affairs for their support.

Appendix

Committee procedure

We met between 8 December 2022 and 24 August 2023 to consider the inquiry. We appointed the Department of Internal Affairs as our advisors.

On 15 December 2022, we called for public submissions with a closing date of 14 February 2023. We received written submissions from 72 submitters and heard oral evidence from 14 submitters between 16 March and 6 April 2023.

Committee members

Vanushi Walters (Chairperson from 13 February 2023)

Hon Ginny Andersen (Chairperson until 1 February 2023, member until 8 February 2023)

Hon Paul Goldsmith

Dr Emily Henderson

Anahila Kanongata'a (from 8 February 2023)

Marja Lubeck (from 8 February 2023)

Nicole McKee

Hon Mark Mitchell

Simon O'Connor

Hon Willow-Jean Prime (until 8 February 2023)

Arena Williams

Advice and evidence received

We received the following document as part of our advice for this inquiry. It is available on the [Parliament website](#).

- Department of Internal Affairs, Summary of submissions.