



Local Electoral (Advertising) Amendment Bill

137—1

Report of the Justice Committee

June 2022

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Ginny Andersen
Chairperson

Local Electoral (Advertising) Amendment Bill

Recommendation

The Justice Committee has examined the Local Electoral (Advertising) Amendment Bill and recommends unanimously that it be passed without amendment.

About the bill as introduced

The Local Electoral (Advertising) Amendment Bill aims to address safety concerns related to advertisements for local election campaigns, while maintaining accountability and transparency in electoral advertising. It seeks to make a targeted amendment in time for the 2022 local elections.

Section 113 of the Local Electoral Act 2001 requires electoral advertising to include an authorisation statement containing certain information. The information required is the name of the person or persons for whom, or at whose direction, the advertisement is published, and their residential or business address. Concerns have been raised about the safety of individuals who are required to publish their residential address on electoral advertising.

The bill would amend section 113 of the Act so that the address requirement for an authorisation statement could be met by providing any of the following:

- a residential or business address
- an email address
- a post office box
- a phone number
- a link to a page on a website, if the page contains one or more of the above.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Main themes raised by submitters

We consider that the bill as introduced needs no amendment. We discuss below the main themes raised by submitters.

Reducing the risk of harm to candidates

Nearly two-thirds of submitters consider that the bill would support the safety of candidates. One submitter pointed out that past and prospective candidates at council elections, as well as elected officials, have raised personal safety concerns about residential addresses being

published. Another submitter highlighted the importance of ensuring that candidates feel safe to stand in local elections. This is particularly so because local candidates live and work in the communities that they represent and have less access to support and security than parliamentary candidates. Many submitters shared personal experiences of feeling at risk of harm under the current address requirement. They gave examples of receiving hate mail and anonymous letters hand-delivered to their home, having election signs vandalised, and feeling particularly vulnerable having their address published while living alone.

Twenty percent of submitters consider that the bill is a necessary response to an increasingly unsafe local electoral environment. Their concerns included an increase in negative comments on social media. Submitters also suggested that conversations about politics are becoming toxic in many spaces, including digital communications and in-person events. They gave examples of verbal abuse, intimidation, and physical assaults. Other concerns included more frequent cases of aggression and bullying towards political candidates and elected members.

Removing barriers to electoral participation and supporting equity

A number of submitters suggested that the bill would remove a barrier to people standing for local government elections, thereby supporting electoral participation and encouraging more diverse candidates. Submitters told us that the address requirements have deterred people from standing, citing concerns for their safety and wellbeing and that of family members who share the address.

Some submitters also believe the bill would support a more equitable electoral environment for candidates. Some of them noted that women, Māori, and candidates from ethnic and other diverse communities experience an inequitable risk of harm. Several submitters consider that the address requirements discriminate against people with no home or an unstable home, or who do not have the option of providing a business address.

Submitters' views on balancing accountability and safety

Some submitters asserted that the bill would support transparent democracy by ensuring that candidates are accessible and accountable, while improving the safety of people who run for office. Several submitters recognised the need for accountability and transparency but consider that publishing a home address is not necessary to achieve this. One submitter observed that people prefer the immediacy and ease of communication through email and social media, rather than by letter or door knocking.

Conversely, several submitters expressed concern that the alternative contact options proposed in the bill would not provide electors with the information needed to hold candidates accountable. They submit that the bill would not be required if candidates had nothing to hide and that an address is important to verify that a person is a resident of the area where they are standing. Another submitter maintains that an address is a more straightforward method for verifying the legitimacy of advertising than a phone number or email address. This is because a phone call might not be answered or an email might not be read.

Shortened time frame for considering the bill

We note that the bill is intended to be enacted as soon as possible so the amendments will be in force before the start of the pre-election campaign period for the 2022 local elections. This aims to give councils, candidates, electoral officers, and communities as much certainty as possible about the electioneering rules. Nominations for the 2022 local elections open on 15 July 2022. If enacted, the bill would come into force on 1 July 2022.

Several submitters commented on the shortened report-back date for this bill. Four submitters believed that the time frame was justified to ensure that the changes would be in force for the 2022 local election campaign period. Another submitter who supported the bill expressed concern about the short select committee process. National members agreed with this submitter.

Using council email addresses to facilitate and foster participation

One submitter noted that the Local Government Act 2002 was amended in 2019 to require chief executives to facilitate and foster participation in local elections. They suggested that providing candidates with a council email address for the duration of the campaign is a way in which this could be achieved. Another submitter told us that funding is available for councils to operate an election. Election staff would be able to access resources to obtain separate council email addresses. We heard that a benefit of such an arrangement is that council systems have a number of protections that private email addresses do not have.

We are interested in this proposal and sought advice about what it would entail. We learned that no legislation prevents councils from offering candidates a council-owned email address for the election period. However, we were advised that local authorities would need to work through several matters before proceeding with such a service. They include whether certain legislation would apply, such as the Local Government Official Information and Meetings Act 1987, the Public Records Act 2005, and the Privacy Act 2020. Matters to consider also include the established sector guidelines about the inappropriate use of council resources for electioneering purposes.

Information about staying safe during a candidacy

We asked whether information is provided, or could be provided, to candidates about staying safe during their candidacy. We were advised that the peak sector bodies Local Government New Zealand (LGNZ) and Taituarā issue national guidance about local elections for candidates, elected members, and council staff.¹ We understand that this does not include guidance for candidates about keeping themselves safe during the campaigning period. However, we were pleased to learn that the Department of Internal Affairs intends to work with LGNZ and the Elections Reference Group to understand how best to provide additional guidance in this area.

¹ Taituarā is the national membership organisation for local government professionals.

Potential changes to the local electoral framework

In October 2021, the Government responded to our report on our inquiry into the 2019 local elections.² It agreed to consider changes to the local electoral framework once two reviews were completed. These were the Review into the Future for Local Government and an independent review of parliamentary electoral law. We understand that the advertising framework will be considered as part of this future work. We note that this may address some of the matters raised by submitters that require further policy work or are outside the scope of the bill. The matters include removing the authorisation statement completely and giving the Electoral Officer more responsibility, and the regulation of negative advertising. They also include a desire for the Government and councils to support candidates with diverse backgrounds to stand in local elections.

We encourage this future work to consider how candidates can keep themselves safe from harm. We believe this is necessary given the lack of information about how a candidate can stay safe if standing for an election for the first time.

In the meantime, we note that the Department of Internal Affairs plans to work with LGNZ to determine what other initiatives can be promoted without legislative change.

² A copy of the Government response is available on the [Parliament website](#).

Appendix

Committee procedure

The Local Electoral (Advertising) Amendment Bill was referred to the committee on 7 June 2022. The closing date for submissions was 11 June 2022. We received and considered 30 submissions from interested groups and individuals. We heard oral evidence from five submitters at hearings by videoconference.

We received advice on the bill from the Department of Internal Affairs. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office was available to assist with legal drafting.

Committee members

Ginny Andersen (Chairperson)
Hon Paul Goldsmith
Dr Emily Henderson
Nicole McKee
Hon Mark Mitchell
Simon O'Connor
Willow-Jean Prime
Vanushi Walters
Arena Williams

Advice and evidence received

The documents that we received as advice and evidence are available on the Parliament website, www.parliament.nz.