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Te Whare Māngai o Aotearoa

Justice Committee
Komiti Whiriwhiri Take Ture

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2023/24 Annual review of the Electoral Commission

Presented to the House of Representatives
by Hon James Meager, Chairperson

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Electoral Commission

Recommendation

The Justice Committee has conducted the annual review of the Electoral Commission for 2023/24, and recommends that the House take note of its report.

About the Electoral Commission | Te Kaitiaki Take Kōwhiri

The Electoral Commission is an independent Crown entity responsible for running New Zealand's parliamentary elections and keeping the electoral rolls up to date. The Commission states that its purpose is to provide an effective and impartial electoral system that New Zealanders understand and trust. The Commission administers the Electoral Act 1993, which contains the rules for parliamentary elections and the electoral roll.

Karl Le Quesne is the Chief Electoral Officer and chief executive of the Commission. Dame Marie Shroff was the chair in 2023/24. Hon Justice Simon Moore KC began a five-year term as chair in November 2024.

Summary of 2023/24 performance and audit results

The Commission's work and finances follow the three-year election cycle. In 2023/24, total revenue was $123.67 million, mainly from government appropriations. Total expenditure was $131.74 million, resulting in a deficit of $8.07 million. This compares with total revenue of $86.49 million and a surplus of $11.6 million for the previous year.

A multi-year appropriation was introduced for the 2023 electoral cycle to provide flexibility to the Commission to manage timing uncertainties. In 2023/24, this approach was continued for the 2026 electoral cycle.

Financial trends

	2020/21 $million	2021/22 $million	2022/23 $million	2023/24 $million	Change in 2023/24
Revenue	135.95	27.95	86.49	123.67	42.99%
Expenditure	147.04	37.46	74.88	131.74	75.93%
Net surplus or (deficit)	(11.07)	(9.51)	11.60	(8.07)	—

Audit results

The Auditor-General's appointed auditor issued a standard audit report. The Commission's management control environment and financial information and supporting systems and controls were assessed as "very good", with no recommendations for improvement. The auditor rated as "good" the Commission's performance information and supporting systems

and controls, recommending that some improvements continue to be made. The auditor encouraged the Commission to continue to illustrate the cyclical nature of its work using multi-year and trend information. She acknowledged improvements in the current year but stressed the importance of the Commission continuing this in non-election years. She also recommended that the Commission develop its strategic reporting framework, and noted minor improvements that the Commission could make to its IT operating environment.

We note that these recommendations have been made in the audits for the past two financial years. The Commission told us that it must focus "really hard" in the two years before an election year. It said it will have an opportunity to address the recommendations in 2025. We hope to see the improvements made by the Commission's next audit.

Organisational overview

Organisational structure

In the lead-up to the General Election, the Commission's staffing increases from 170 to about 22,000. Its two biggest teams are the operations group, which operates the enrolment service and provides education, and the enterprises services team, which provides the Commission's IT function.

The Commission has experienced high turnover in its permanent staff. In 2023/24, the turnover rate was 18 percent, and it was 22 percent in the two previous years. We asked whether the Commission has more staff turnover in particular areas, and how turnover is being addressed. The Commission said it was pleased that, more recently, turnover had decreased to 11 percent. It observed that providing elections is "really hard work" and "not for everyone". It is normal that some staff decide to move on in the year after an election. It also considers that work to modernise its IT system is an important part of addressing turnover.

Strategic risks related to the Commission's funding

We note that the Commission's organisational risk profile as at 7 February 2024 identified the risk *Inability to deliver successfully or meet expectations due to insufficient funding.*[1] This was at the time of the baseline review for Budget 2024. The Commission's baseline funding was not reduced. However, like all Crown entities, it received an enduring letter of expectations requesting that it focus on understanding cost drivers and getting value from public funding.

The Commission explained that it is dealing with growing complexity in the electoral system. There has been "massive growth" in the "quite complex" transactions it deals with in the 60 days between the issue and return of the writ (that is, the beginning and end of the election process). All types of special votes have increased, such as people on the unpublished roll, overseas votes, and people voting outside their electorate. The Commission told us it will face increasing strain unless it finds better ways to remove those complex transactions.

[1] Electoral Commission (Responses to written questions, Appendices), p 46, available on the Parliament website.

The Commission considers that improving its processes will alleviate some pressure, as will recommendations both it and we have made about direct enrolment updates in our respective election reports.[2] It is also exploring different election administration technologies.

We note that 110,000 people enrolled to vote or changed their enrolment details on election day, creating a challenge for the Commission. Based on patterns from past elections, the Commission thinks that many of them would have enrolled earlier if enrolment were prohibited on election day. It views the main source of pressure as the 454,000 people who updated their enrolment details during the voting period. Therefore, the Commission is focused on ensuring that people's details are up to date well before voting starts.

Tracking against performance reporting

In its *Statement of Intent 2022–2026,* the Commission has developed a performance framework to show whether it is successful. Its objective is that New Zealand maintains a healthy democracy. This will have two impacts: people have trust and confidence in the electoral system and people take part in the electoral process. Its outputs are its main activities, which are:

- maintaining and protecting the integrity of the electoral system
- preparing for and running electoral events
- helping people understand the electoral system
- making it easy and simple for people to take part.[3]

We note that the Commission did not achieve 9 of its 25 performance measures. We explored the barriers to achieving them, work to progress them, and whether some measures could be expressed more clearly.

Trust and confidence in the electoral system

Confidence that elections are conducted fairly and impartially

The Commission surveys and reports on the percentage of the population who have confidence that the Electoral Commission conducts parliamentary elections fairly. It also reports on the percentage who have confidence that Electoral Commission staff conduct parliamentary elections impartially. We are concerned that the Commission did not achieve these measures.

The Commission considers that three factors affect people's confidence in the electoral system. They include people's direct experience of the election and enrolling, and what people hear about an organisation. The other factor is a general decline in confidence in institutions and government agencies, both in New Zealand and internationally. To address this, the Commission sees its role as to prioritise providing a "really excellent service".

At present, the Commission reports on the understanding and confidence measures every three years, right after the election. It intends to survey every year to see how it is tracking

[2] A copy of the *Report on the 2023 General Election* is available on the Commission's website. A copy of our report, *Inquiry into the 2023 General Election,* is available on the Parliament website.

[3] The Commission reports against its targets under each output area on pages 57 to 61 of the *Electoral Commission Annual Report for the year ended 30 June 2024*.

between elections. The Chief Electoral Officer is consulting colleagues from other jurisdictions that measure confidence continuously. They have told him that confidence peaks straight after election day and then slides off, which they primarily attributed to people's recall and experience of voting.

The effect of decisions about prosecutions on trust and confidence

We suggested that several events during the 2023 election may have affected the public's perception about the integrity of the electoral process. Errors were made during the vote counting and the Commission approved the use of Manurewa Marae as a voting booth despite a candidate being the chief executive. The Commission also referred a case to the Police where a candidate accidentally did not disclose $178,000 worth of donations. Some of us consider that the issues of treating[4] and donations do not appear to have been taken seriously by the authorities.

The Commission explained that it must exercise discretion and not refer to the Police some breaches of the Electoral Act that it considers inconsequential. However, some offences in the Act are strict liability offences. The Commission's referrals to the Police contain a detailed explanation of the rules and a determination of the facts. After a referral, the Commission publishes on its website a summary of the breach and the referral. It said it would consider any requests to publish details of matters that the Police had decided not to prosecute.

Enrolment

We note that the Commission did not meet three of the five performance measures for Impact 2: People take part in the electoral process. They included the number of 18- to 24-year-olds enrolled and the number of people enrolled on the provisional roll (17-year-olds).

The Commission set out its approach to enrolment, which it described as "always on". Its social media channels contain regular reminders for people about enrolment and elections. The Commission targets community events in areas that it knows have low enrolment, doing so throughout the electoral cycle. It also undertakes "enrolment inquiries" for the local body and general elections. For young people, it typically concentrates its effort on the enrolment inquiry. The Commission goes to places that have low enrolment rates and to events and communities where young people are more likely to be. It plans to consider how it can use data matching to provisionally enrol young people in the future.

In 2023/24, the Commission achieved the measure for the percentage of people entitled to enrol on election night. However, it did not achieve the measure for the number of people enrolled (3.618 million enrolled, against a target of 3.640 million). We asked why the Commission was unable to reach this target. The Commission said it was "quite ambitious" when it set the target, given the importance of enrolment. It considers that the target is reachable, but its systems cannot cope with how people are living in this online age. In the Commission's view, Australia exemplifies the value of using modern technology and data-

[4] The Electoral Act defines the offence of treating. It applies to anyone who gives or provides food, drink, or entertainment if done for the purpose of corruptly influencing a person to alter their voting behaviour or to procure the defendant's election.

matching to automatically update people's enrolment details. Between elections, Australia has almost consistently maintained an enrolment rate of about 97 percent.

The Commission reports as raw numbers the average numbers of enrolled 18- to 24-year-olds and people of Māori descent. Given that population growth rates differ among groups, we asked why it does not use percentages. The Commission explained that it has used 2018 Census data for the past several years. However, the information was insufficient to enable it to set a percentage target for the Māori population. It is discussing with Stats NZ how it can get appropriate information from the last Census.

Making it easy and simple for people to take part

We note that the Commission reports on the percentage of enrolment transactions conducted digitally for the whole year, regardless of whether the transaction was made during the election. The Commission agreed with our suggestion that the figure could be skewed by the fact that a person updating their enrolment details while voting would count as a paper-based transaction.

The Commission noted that the 2023 General Election saw the highest enrolment rate since 2008, but turnout declined. Overall turnout was 78.2 percent of enrolled electors, compared with 82.2 percent in 2020 and 79.8 percent in 2017. We heard that making it straightforward and easy to vote is one area that the Commission can focus on.

Performance measures for Māori voters

We expressed concern that two performance measures for Māori voters were not achieved. They include the percentage of people of Māori descent surveyed who are aware of and understand the Māori Electoral Option. We asked the Commission to provide the four questions that are used in the survey for this measure. We would like to see whether committee members would be able to answer them given that the issue is complex.

The Commission also reports on the increase in participation by enrolled Māori voters across elections. In 2023/24, the target was that 520,000 electors of Māori descent were enrolled at the 2023 General Election. However, the result was reported as a percentage. We encourage the Commission to reconsider the measure so that the target and result align.

We asked about the Commission's strategy to improve engagement and enrolments among Māori. The Commission told us that it targets channels where young Māori consume information. It also recognises that it needs to work with people in the community who Māori may trust more than a government agency to provide information. The Commission does not have a specific Māori strategy. Instead, it has an overall strategy for groups who participate at lower rates than others.

Civics education in schools programme

We note that the Commission did not achieve the result for the measure *Uptake of the civics education in schools programme.* As part of its civics education resources, the Commission operates the Kids in Schools voting programme. It times the programme so that it is an authentic experience for children based on real candidates. In the Commission's view, it did not meet the target due to the timing of the election in 2023. This resulted in schools only having three days to participate in the programme after the October school holidays.

We understand that the Commission's civics education target was based on the 2020 General Election result. We wondered whether the 2020 election was an outlier due to COVID-19 and lockdowns influencing what schools requested so the comparison should instead be based on the 2017 result. The Commission agreed that the 2020 election was an outlier for a range of reasons. It added that it needs to do more work on how it targets the civics education programme.

Maintaining and protecting the integrity of the electoral system

The Commission reports on the measure *All employees and contractors understand how to maintain political neutrality in their work.* Permanent staff self-report on this measure at the end of the electoral process. We consider that the Commission's temporary staff are more likely to be "nefarious actors" or not understand the importance of neutrality. We were told that the Commission's recruitment process includes a criminal conviction check and questions that indicate whether a person might struggle to maintain political impartiality and neutrality. During the election, the Commission terminated the employment of a small number of people whose behaviour did not meet its standards.

Some of us have heard that the recruitment process for the 2023 election was much stricter, so some experienced workers were not rehired. The Commission said it deliberately used more robust recruitment and vetting processes and undertook more comprehensive criminal conviction checks. It acknowledged that some people struggled to use its new recruitment system. The Commission is considering how to streamline the recruitment process, while maintaining the ability for people to make paper-based applications.

Election 2023

EasyVote cards

For the 2023 General Election, the Commission distributed enrolment update and EasyVote cards to more than 3.4 million registered voters. We understand that some people did not receive their cards or did not know that they could vote without them. We wondered whether the cards create more administration and confusion. The Commission said it still thinks that EasyVote cards are a good idea, and that people like to receive them. It pointed out that the cards reduce the time taken in a voting place by 40 percent on average. They also make it easier and provide more certainty for issuing officers marking people off the electoral roll.

The Commission acknowledged that the cards did not reach some people before voting started. Along with the cards, the Commission sends details of candidates and voting places for the relevant electorate. To send this material together, it must print and post 3.5 million packs within the 17-day period between the candidates being finalised and the start of advance voting. The Commission is not obliged to send the information about candidates and voting places. It is exploring whether it should direct people to digital sources of the information instead. The Commission also considers that it would be useful to clarify that people do not need the card to vote.

Voting places

Alternative access to voting places

We acknowledge the increase in “non-traditional” voting places, such as malls and supermarkets. We asked whether the Commission has analysed the number of votes cast in these places compared with more standard places like schools and council buildings. The Commission said it has not reported “in great detail on that”. However, it noted that the Queensgate Shopping Centre took the highest number of ordinary votes through the voting period, with 10,389. Glenfield Mall took 10,358 ordinary votes, and the mall in Upper Hutt 9,247.

In our inquiry report, we recommended that the Commission continue to enable alternative ways to access polling places, including later sessions for shift workers. After every election, the Commission identifies where people voted, population changes in the area, and appropriate voting places for the next election. It told us that it tries to accommodate shift workers by providing advance voting hours in different places.

The selection of Manurewa Marae as a voting place

The Commission’s report on the election noted that concerns were raised about the selection of Manurewa Marae as a voting place, given that its chief executive was an election candidate. Some of us consider that the Commission’s decision to use Manurewa Marae was a very big error in judgement. We discussed the rationale behind the decision, who was responsible for it, and whether the Commission questioned the political neutrality of the venue.

The Commission explained that the recommendation to use Manurewa Marae arose from its engagement with a collective of marae across Auckland. It said that the marae was well known in the area and provided a lot of government-funded services and health services. It therefore seemed like a place where the Commission could reach people who do not enrol and vote at the same rate as others.

As part of his role, the Chief Electoral Officer approved all advance and election day voting places. When it became aware of the candidate’s relationship with the marae, the Commission developed a mitigation plan to manage the potential conflict of interest. The Chief Electoral Officer said, “I think I have to say we got that wrong. I don’t think the perception of a conflict in there could have been managed in the way we set out to do it.” We agree.

At the time of our hearing, the Commission had nearly completed a review of its operational guidance to electoral staff about voting places. The guidance will contain more specific requirements to identify when people with perceived conflicts of interests are likely to be involved in the election. In these situations, a voting place should not be used.

We proposed several scenarios and asked whether the Commission would consider them appropriate locations for voting booths. They were the Manurewa Marae if the successful Member stood again, and a school or church where a principal or pastor was standing as a candidate. In the case of Manurewa Marae, the Commission would apply its guidance, give it due diligence, and decide. It thinks it would be hard to “go ahead with it” but did not want to

rule out any voting place at this point. The Commission would also need to apply the same criteria for the other suggested venues.

When asked, the Commission was hesitant to make a "blanket rule" that a venue should never be considered if a candidate is very closely attached to it. It said it would need to "unpack" the meaning of association because a rule could make it "incredibly difficult" to find voting places. We heard that the Commission is interested in our views on how it should assess an association where the conflict cannot be managed.

Logistical issues at voting places

We observed that, on election day, some parts of New Zealand did not appear to be as well served as others. We understand that some places had very long queues, while others ran out of voting papers. The Commission noted that it prints 9 million ballot papers and distributes them to where it thinks they will be needed. On election day, mobile teams restock voting places. The Commission acknowledged that it does not always get it right and accepted that some voting places ran out of ballot and enrolment papers. These were typically voting places that were popular and held ballot papers for neighbouring electorates. The Commission restocked the papers as quickly as possible once it knew they had run out.

There were far fewer voting booths in the previous election than there were during the election at the height of COVID-19. We asked the Commission whether it has analysed the cost of having more voting booths against the benefit of increasing people's ability to vote. The Commission explained that it gives advice to the government every electoral cycle about the different levels of service it can provide, and the funding needed for each level. The decisions about how much funding it will receive are then made by the government. It pointed out that the time taken to issue the increased number of special votes has reduced the rate of votes issued at voting places. To address this, the Commission provides more hours of voting at every election. It reiterated that it needs to find ways to remove complexity during the voting period, to improve the voting experience and alleviate administrative pressure.

The Commission noted that its post-election survey maps how long it took people to vote and their level of satisfaction. It also conducts some qualitative interviews, particularly with people who reported problems. We suggested that the Commission should establish average wait times and project how many people were leaving rather than voting. The Commission told us it could consider this.

Mitigating the risk of disruptions to elections

We asked how the Commission mitigates risks of disruptions to elections. These could be internal risks, such as protests making it difficult to vote, or from foreign interference by human actors, employees, or cyber-attack. We were told that the Commission routinely tests its systems to address its cyber-security risks. It said there were a huge number of attempted incursions, none of which were successful. For the 2023 General Election, the Commission worked with the Police's National Headquarters to discuss potential threats. To escalate any issues, a Police staff member also worked at the Commission for about three months before the election. The Commission identified the vulnerable points where people

might try to disrupt the election and strengthened key points in response. This included hiring security guards at voting places to keep ballots safe.

Independent review of counting errors

After the official results of the General Election were publicly released on 3 November 2023, a reporter queried the accuracy of party vote results at one voting place. Preliminary enquiries found errors at three voting places. Subsequent investigations identified errors in the candidate vote count in 15 electorates and in the party vote count in 6 electorates. The election results were recertified and reannounced on 9 November 2023.

In December 2023, the Commission asked the Office of the Auditor-General (OAG) to independently review the effectiveness of its quality assurance checks for counting votes and to recommend improvements. The review identified that a Commission instruction to electorate staff to extract apparent dual votes was not universally implemented. This resulted in some apparent dual votes being included in the official results. The OAG's report, which was published in May 2024, made seven recommendations to the Commission.[5]

Progress implementing the recommendations

At our hearing on 3 December 2024, we discussed the Commission's work to implement the OAG's recommendations. The Commission noted that it had substantially completed the end-to-end review of the election process. Its board has authorised a risk and assurance framework policy and a regular schedule of audits and assurance reviews. The Commission has assessed its information systems and will develop a business case for them to be replaced. Other work that the Commission has underway includes:

- developing good documentation of its processes and controls
- ensuring that it has sufficient hardware in its electoral headquarters
- reviewing position descriptions for key roles, particularly those related to the counting process
- considering what resources it will need to process enrolment faster and to effectively apply and monitor its controls.

The Commission reports its progress on implementing the recommendations to its board monthly. We welcomed the Commission's offer to provide any reports to us that would help us.

Increased number of special votes

The OAG's report stated that almost 454,000 people enrolled in the two weeks before and on election day in 2023. Approximately 110,000 people enrolled on election day. The Commission did not have enough staff to process the volume of election-day enrolments in the time it had allowed. The number of special votes—which take up to 10 times longer to process than ordinary votes—also substantially increased. About 600,000 special votes were cast, 100,000 more than in the 2020 election.

[5] A copy of the report *General Election 2023: Independent review of counting errors* is available on the OAG's website. We also considered the report as part of our inquiry into the election.

The OAG report noted that Commission staff were under extreme pressure to complete a final quality assurance process. The process, which would usually take two days, was done in a few hours. We asked whether the pressure was caused by the drastic increase in the number of special votes. We heard that six extra days were needed to process enrolments, which compressed the other stages of the vote-counting process.

The OAG report stated that a process that the Commission's National Office had previously used to interrogate data in the 2020 election was not documented. Some staff also did not understand that the final point was not election day; rather, it was when the official result was declared. We asked about work to document institutional knowledge and to communicate to all staff that there is a lot of work after the election. The Commission said it will prioritise ensuring that people understand why its processes are so critical and what it is trying to achieve with them—a result that people can trust.

Lessons learnt from the review

The Commission explained that the number of enrolment transactions and special votes was "well outside" its forecast and built-in contingency. It described one of its main lessons as needing to plan for a significant change so it can resource itself appropriately. The Commission also considers that it needs to strengthen its monitoring to ensure that all checks are completed.

We asked whether the Commission was concerned its staff were inexperienced or untrained because so many of them were new. The Commission recognises that it needs to be "much smarter" in how it trains and recruits people with the right skills. For 2026, this involves determining which skills its workforce will need and where each person will be placed.

Our scrutiny of the Commission

In addition to the annual review, we also undertook the following scrutiny of the 2023 General Election:

- Inquiry into the 2023 General Election
- Report of the Controller and Auditor-General, *General Election 2023: Independent review of counting errors*.

Our report on the inquiry made 65 recommendations. We are currently awaiting the Government's response to those recommendations. We intend to seek a special debate on our report following the Government's response.

Facilitating voting for people on home detention

We note that people on home detention require special permission to vote. We asked how the Commission works with the Department of Corrections to ensure that people on home detention are proactively informed of this and helped to vote. In responses to post-hearing questions, the Commission confirmed that the primary focus of its interactions with Corrections is facilitating voting for prisoners. Voters who are on bail or serving a sentence in the community can access voting by attending a voting place or through a takeaway vote process. This is determined by their personal circumstances.

Since 2014, telephone dictation has been offered for voters who cannot mark their ballot paper due to impaired vision or another disability. We suggested that this service could be used to enable people on home detention to cast a vote. We heard that a regulatory change would be needed to allow this.

Counting special votes

At present, special votes are sent to the voter's home electorate for counting, which delays the final count. We asked about whether special votes could instead be counted where they are cast and then sent them to voters' home electorates. The Commission observed that not repatriating the votes would have "pluses and minuses". It agreed that this would save time. However, electorates would need to complete separate counts for multiple, and potentially all, electorates. Other barriers include logistical and scrutiny issues. For example, it would be much harder for party scrutineers to see special votes for the electorate if they were spread across the country.

We are interested in the possibility of scanning voting papers to reduce the delay. The Commission said it has been exploring technologies used in other jurisdictions. One such example involves recording votes on paper then using optical scanning technology to manage the validation and qualification process faster and more effectively.

We asked how the Commission could modernise its processes while maintaining confidence in the integrity of the electoral system. We heard that the Chief Electoral Officer has learnt the principle from other jurisdictions that when introducing technology people should "start small, try it out, try it out in safe ways, and don't take big risks with it". He considers that electoral technologies need a long-term programme with investment in legislation, systems, and resourcing, as well as support across Parliament.

Information matching

The Electoral Act contains information-matching provisions that enable the Commission to identify eligible voters who are not on the electoral roll or need their enrolment details updated. The Commission uses information from the New Zealand Transport Agency (driver licensing and vehicle registrations), the Department of Internal Affairs (passport and citizenship information) and the Ministry of Social Development (information about beneficiaries and students).

We note that no information matching was conducted in the two years before the 2023 General Election. The Commission told us that it used to undertake data matching much more regularly. However, the results were dropping over time when measured against the cost of the work. The Electoral Act prescribes what information the Commission is allowed to receive. It does not include email addresses or cell phone numbers. The Commission would like a similar process to Australia, where the organisation that is responsible can update a person's details and give them an opportunity to object. It thinks that this would "really shift the dial" and make the cost and return of data matching more worthwhile.

Our inquiry report recommended that consideration be given to allowing the use of Inland Revenue data and other government data as an automatic enrolment tool. We asked what using Inland Revenue data would entail for the Commission. The Commission noted that its

data-matching programme uses data from all its sources “in one hit”. It said it would need to develop some business rules to define an accurate match and work with other agencies to test the accuracy, particularly for address details.

Operating local body elections

In our inquiry report, we recommended that the Government consider whether the Commission should be funded to run local elections. The Chief Electoral Officer said he engages with his Australian colleagues, many of whom operate local body elections at the state level. He noted that the government funds the Commission to promote enrolment for the general and local body elections. However, individual councils are responsible for providing information and education about voting and determining what resource they allocate to that. In the Commission’s view, along with funding, several other matters would need to be addressed. They include the sequencing and timing of elections, different voting systems, and the delivery model. The Commission pointed out that postal voting is primarily used for local body elections. However, in-person voting is the Commission’s area of expertise.

Other matters considered

We also discussed the following matters. For more detail, refer to the pages noted below in the *Hansard* transcript of our hearing, available on the Parliament website.

- **Reducing the Commission’s environmental emissions—**We heard that, as an independent Crown entity, the Commission is not required to follow the Carbon Neutral Government programme. The Commission pointed out that it sends at least 3.5 million letters three times in an election cycle. It therefore considers that shifting to digital communications could reduce its effect on the environment. To prevent disenfranchising people if it stopped sending letters, the Commission is exploring solutions that would show whether a person had received or opened an email. *(Transcript, pp 9–10.)*
- **Eligibility to vote—**We understand that during the 2023 General Election many eligible people did not believe they were allowed to vote. The Commission noted that the confusion is because the term “permanent resident” is used differently for electoral and immigration purposes. The Commission updated the information about eligibility on its website in response to feedback received during the voting period. *(Transcript, pp 21–22.)*
- **Compulsory enrolment—**In New Zealand, if a person is eligible, failing to enrol is an offence punishable by a fine of $100 on the first conviction and $200 on the second or subsequent conviction. We were told that the Commission has heard feedback that some people do not know that they must enrol. The Electoral Act provides that a person’s previous failure to enrol is excused if they enrol. The Commission therefore focuses its efforts on information and education rather than sanctions. We questioned whether the law should contain a criminal offence provision for an offence that will never be enforced. *(Transcript, pp 42 –43.)*
- **The effect of a four-year term on the Commission’s operations—**According to the Commission, a four-year term would have some administrative benefits, including having more time to make development improvements between elections. The

Commission said it expects there could be more by-elections. We heard that the scale-up of temporary staff would be different, which is a potential downside. (*Transcript, pp 36–37.)*

Appendix

Committee procedure

We met between 3 December 2024 and 20 March 2025 to consider the annual review of the Electoral Commission. We conducted an in-depth annual review, hearing evidence from the Commission on 3 December 2024 for 2 hours and 45 minutes. We received advice from the Office of the Auditor-General.

Committee members

Hon James Meager (Chairperson**)**
Hon Ginny Andersen
Jamie Arbuckle
Carl Bates (from 29 January 2025)
Cameron Brewer (until 29 January 2025)
Tākuta Ferris
Paulo Garcia (until 29 January 2025)
Dr Tracey McLellan
Rima Nakhle
Tamatha Paul (until 29 January 2025)
Tom Rutherford (from 29 January 2025)
Todd Stephenson
Hon Dr Duncan Webb
Dr Lawrence Xu-Nan (from 29 January 2025)

Related resources

We received the following documents as advice and evidence for this annual review. They are available on the Parliament website, along with our structured agenda, and the Hansard transcript and recording of our meeting on 3 December 2024.

- Office of the Auditor-General (Briefing on the Electoral Commission.
- Electoral Commission (Responses to written questions).