



He Arotake Pōtitanga Motuhake
Independent Electoral Review

Final Report

Our recommendations for a fairer, clearer,
and more accessible electoral system

November 2023

Executive Summary

Background

1. We were established as an independent panel in May 2022 by the Minister of Justice to review Aotearoa New Zealand's electoral system. Our Terms of Reference cover almost everything to do with how our elections work.¹
2. We approached our task independently and with open minds. Taking a principled approach, we considered how best to achieve the objectives set for us. These objectives included how to improve the fairness, accountability, clarity, representativeness and effectiveness of our electoral system and how it can uphold te Tiriti o Waitangi / the Treaty of Waitangi (**te Tiriti / the Treaty**).
3. Over 2022 and 2023, we met with a wide range of New Zealanders and received more than 7,500 written submissions during two periods of consultation. We are grateful to all those who took the time to share their views with us. Alongside these submissions, we also undertook research, looked at international case studies and experience, and considered previous reports and recommendations, including from the Electoral Commission, parliament's Justice Select Committee, and the 1986 Royal Commission on the Electoral System.
4. We have taken careful account of all these sources when developing our own views. In June 2023, we released an interim report with our draft recommendations. After considering feedback on that report, we have made several changes to our draft recommendations.
5. We present this, our final report, to the Minister of Justice.

¹ Our Terms of Reference can be found in **Appendix 2**. Matters specifically out of scope for this review were online voting, alternatives to the Mixed Member Proportional voting system, the retention of the Māori electorates, local government elections and broader constitutional matters like whether to have an Upper House.

Part 1: Foundations

The constitutional and human rights context of electoral law

6. We begin by outlining the wider constitutional arrangements and international and domestic human rights obligations within which our electoral law must operate. This context informed our approach to the review and our recommendations.
7. Aotearoa New Zealand's constitutional arrangements provide checks and balances by one branch of the government against another. Under Aotearoa New Zealand's constitutional arrangements, members of the executive must be members of parliament. This requirement gives the executive branch a powerful influence over the workings of the parliamentary branch.
8. Aotearoa New Zealand has ratified several binding international treaties that protect human, civil, political and minority rights and is a party to international declarations. Such obligations are taken seriously by our government and international partners alike. These agreements, along with the domestic human rights law in the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990, also underpin our electoral law.

The overall design of electoral law

9. The Electoral Act 1993 needs to be thoroughly redrafted to modernise its language, structure and content to make it easier to understand, implement and keep updated. Over time, the Electoral Act has become increasingly complex and unwieldy. It specifies *how* things are to be done (such as using the postal service) rather than what is to be done and to what standard, making it difficult to innovate. The Electoral Act uses outdated language in some areas, such as in provisions referring to mental health and disabled people. Redrafting would be an opportunity to update the Electoral Act for the 21st century.
10. An important feature of electoral law in Aotearoa New Zealand is the entrenched provisions. These provisions can only be changed by a majority vote in a public referendum or by a 75 per cent vote in parliament. This high bar for amendment is based on the idea that changes to core aspects of electoral law should have broad public and political support.
11. We found inconsistencies and gaps across the provisions that are currently entrenched. We recommend additional provisions should be entrenched, including the party-vote threshold, the Māori electorates, the right to vote and to stand as a candidate, and the independence of the Electoral Commission.



Upholding te Tiriti o Waitangi / the Treaty of Waitangi

12. The Crown is responsible for upholding its obligations under te Tiriti / the Treaty as they relate to our most fundamental democratic rights: the right to vote and contest free, fair and regular elections. The Crown must redress past breaches, actively protect Māori electoral rights, and provide equitable opportunities for Māori to take part in elections. Decades of systematic breaches by the Crown have resulted in consistently lower rates of Māori voter engagement and participation. The Crown must do better.
13. We recommend that the Electoral Act explicitly requires decision-makers (including the Electoral Commission) to give effect to te Tiriti / the Treaty and its principles when exercising all functions and powers under the Act. This requirement should also be an explicit statutory objective of the Commission. A statutory obligation will ensure the Commission has clear authority to continue its work to reach Māori voters and candidates. To provide greater transparency of this work, the Commission should be required to publish a Tiriti / Treaty policy and strategy. We recommend the Commission works with Māori to enable Māori governance over Māori electoral data, and that it is funded by government to do so.

Part 2: The voting system

Improving MMP

14. We think the way seats in parliament are allocated in elections could be fairer. Our recommended changes to the core Mixed Member Proportional (**MMP**) settings function as a package.
15. The current party-vote threshold of five per cent is higher than it needs to be. We recommend lowering the threshold to 3.5 per cent. Lowering the threshold will broaden representation by making it easier for new parties to enter parliament, while still allowing for the formation of stable parliaments and effective governments.
16. We recommend abolishing the one-electorate seat threshold (often referred to as the “coat-tail provision”), provided the party-vote threshold is lowered to 3.5 per cent. Currently, a party that wins an electorate is also entitled to its share of list seats based on its party vote, even if it did not meet the party-vote threshold. We think it is unfair that this rule gives voters in some electorates more say than voters in other electorates about which parties get represented in parliament.
17. An overhang seat occurs if a party wins more electorate seats than its share of the party vote would otherwise have entitled it to. When this happens, that party keeps all the electorate seats it has won, but the total number of list seats allocated to other parties is increased until the next election. This makes sure the



number of seats those parties has remains in proportion to their share of the nationwide vote. If the one-electorate seat threshold were removed, the number of overhang seats would be likely to increase. For that reason, if the threshold is removed, we recommend also removing these extra seats for other parties. Instead, fewer list seats should be allocated.

18. We propose fixing the ratio of electorate to list seats at 60:40 to ensure there are enough seats to maintain parliament's proportionality and the representation of diverse communities. The effect of this change would be that parliament would gradually increase in size over time in line with changes in our population.
19. In addition, there should always be an uneven number of seats to avoid hung parliaments, where no party or coalition of parties can form an absolute majority.

The parliamentary term and election timing

20. Parliaments last for a maximum of three years. We heard arguments for and against changing the term of parliament, which can only be done by a 75 per cent majority vote in parliament or by a majority in a public referendum. We think this is a decision for voters. It is 33 years since we last had a referendum on whether the term of parliament should be longer. It is time for another referendum, supported by an independent information campaign about the pros and cons of a longer term.
21. Currently, the prime minister can call a general election at any time within the three-year parliamentary term. In recent years, the prime minister has given plenty of notice – usually announcing the election date early in the third calendar year of parliament. This practice appears to work well, balancing the need for both flexibility and certainty, and so we do not recommend any change.

Vacancies in parliament

22. We think the grounds for when a Member of Parliament's (**MP**) seat is vacated remain largely fit for purpose. However, we propose that the ground for non-attendance without leave be changed from the term of parliament to three months, and that the ground for mental incapacity be removed as it is out of date and unnecessary.
23. We recommend abolishing the "party-hopping" rules. At the moment, an MP can lose their seat if they leave, or are removed from, their party. We heard from some submitters that this reflects the central importance of parties under MMP and the accountability of MPs to their parties and the voters that support them. However, in our view, MPs have the right to freedom of expression and of association and should be able to expressly dissent from their party's views. Removing rules would protect those rights and could act as an important check on parties.

24. Some submitters argued that by-elections are an expensive and unnecessary exercise. We consider that they fill an important democratic function by ensuring constituents continue to have local representation, and should be retained.

Part 3: Voters

25. The rules for who can vote and how, and the way voting is administered, are of fundamental importance to our electoral system and democracy. We have focused on how to make voting more accessible and improve voter participation.

Voter eligibility

26. The right of citizens to vote is a fundamental right, recognised and protected by international and domestic law. Any limit on that right must be reasonable and justified.
27. We recommend lowering the voting age to 16. Having reviewed the evidence, we are confident that 16-year-olds are just as capable of making informed decisions about how to vote as 18-year-olds. Lowering the voting age could also support improved participation, based on emerging research from other countries.
28. We recommend extending the time that New Zealand citizens can spend overseas without losing the right to vote, which is currently three years. People have more ways than ever before to stay connected with Aotearoa New Zealand while overseas. We think most citizens overseas would continue to be invested in and affected by government policies beyond a single electoral cycle. We recommend extending the timeframe to two electoral cycles.
29. Residents who live in Aotearoa New Zealand and have the right to stay here indefinitely can vote once they have lived here for a year. This time requirement starts from when a person first begins living here, regardless of whether they are on a temporary or resident visa at that time. We heard from submitters that they found both the current rules and our interim recommendations confusing, so we have sought to clarify these in this final report.
30. We recommend extending the time that residents for electoral purposes (that is, non-citizens entitled to remain in the country indefinitely) must live in Aotearoa New Zealand before being able to vote from one year to a full electoral cycle. We think the current timeframe is too short and creates risks. Our recommended change would ensure people will have seen and experienced an election here before they can take part in one. This required time period would still begin from when a person first begins living in the country. The amount of time that residents for electoral purposes can spend overseas without losing the right to vote should stay at 12 months.
31. In our view, all prisoners should have the right to vote. Currently, anyone serving a prison sentence of three years or more cannot vote. Given the fundamental nature



of the right to vote, disenfranchisement should not form part of someone's punishment.

Enrolling to vote

32. Currently, enrolment is compulsory but voting is not. We do not recommend changing these rules because they are generally working well.
33. Earlier this year, parliament made changes to the Māori electoral option, which gives people of Māori descent the choice of whether to enrol on the general roll or the Māori roll. Now, Māori electors can change rolls at any time except in the three months leading up to a general or local election, or once a seat has been formally declared vacant before a by-election. While this change helps to address a long-standing issue for Māori voters, we do not think it goes far enough, especially as there is evidence of voters wishing to change rolls in the three months before the 2023 general election.
34. We recommend that Māori voters should be able to switch rolls at any time up to and including election day for general and local elections, while retaining the exception for by-elections. The period just before an election is when people are most likely to be thinking about their choice of roll, and so the current law could prevent people from exercising the option exactly when they are most likely to be engaged with elections. To be as effective as possible, the greater flexibility to exercise the Māori electoral option should be accompanied by improved information and engagement.
35. Currently, people of Māori descent cannot be on different rolls for local body and general elections simultaneously. The growth of local Māori wards around the country makes this choice increasingly relevant for Māori voters. We recommend removing this administrative barrier to allow people to be on different rolls simultaneously.
36. The decline of postal services and the growth of digital enrolment services raise important policy questions about how to verify a person's residence. While particularly relevant to elections, we consider this issue requires broader government consideration. We recommend an all-of-government approach to encourage enrolment, for example, when people are accessing other government services.

Voting in elections

37. We make recommendations to reflect changes in voter behaviour, make voting more accessible, and improve the resilience of the electoral system.
38. More people now vote before election day, known as advance voting, than on election day. However, the law has only minimal provisions for advance voting,

and the rules regulating electioneering on election day are much more restrictive than they are during the advance voting period.

39. We think the rules for advance voting and election day voting should be more consistent. A minimum period of 12 days should be set for in-person advance voting. We recommend changing election day restrictions on electioneering to match advance voting rules, so one set of rules applies to the whole period.
40. Other recommendations focus on accessibility. We heard from submitters that equitable access to polling places is a key factor in enabling participation, and so we propose that electoral law sets principle-based standards for polling places to ensure they are widely available and accessible. Special voting provides ways to vote for people who cannot vote in person. With postal services in decline, work is needed on what voting methods will replace postal voting to ensure ongoing access for those who need it. We recommend changes to the process for issuing ballots to address barriers for some communities.
41. We have all become acutely aware of the potential for natural disasters, pandemics or other unforeseen events to disrupt an election. Existing emergency provisions already provide for delaying an election or implementing alternative voting processes. However, they do not provide for situations where parliament has already dissolved or expired, but it may not be safe or practical to hold an election for a prolonged time. We recommend updating these provisions to include a new last-resort power to withdraw the writ for a general election in the event of a catastrophic disaster.

Counting the vote and releasing results

42. The important processes of counting the vote and releasing results are generally working well.
43. We recommend allowing the preliminary count, which is done on election night ahead of the official count, to be conducted electronically in the future. This change would enable the Electoral Commission to start long-term work towards a live digital roll mark-off, where voters are marked off the roll electronically. Digital roll mark-off would make vote issuing easier and help to reduce the administrative costs of special votes. It would allow people voting outside the electorate where they are enrolled to cast an ordinary vote instead of a special vote. Electronic scanning technology has been successfully used to count votes in previous referendums.
44. We recommend creating a legal requirement for the preliminary results to be released as soon as is reasonably practicable to formalise and future-proof the current practice.

Improving voter participation

45. Voter participation is central to a healthy democracy. People are more likely to vote if they understand why voting is important in a democratic system. The Electoral Commission plays a crucial role in improving voter participation and educating people about the electoral system, and we support its continued work in these areas.
46. We recommend developing a funding model to support community-led initiatives for civics and citizenship education and voter participation. Community groups know best about how to reach their members, but they are not always resourced to do so. We have changed our initial view and now consider that the fund should be administered by the Electoral Commission rather than a different government agency. The Electoral Commission's independence and political neutrality, combined with appropriate safeguards, would ensure that the funding is not used for partisan purposes.
47. We set out the barriers to participation that may be faced by different communities, and the steps being taken to address them. We recommend some changes in response to outstanding barriers, such as providing targeted information to communities about using preferred names when enrolling and voting, and enabling people on the unpublished roll to cast an ordinary vote to make voting easier for those with safety concerns.

Part 4: Parties and candidates

Standing for election

Party regulation

48. Political parties play a vital role in our electoral system. They need to be regulated because they exercise significant public power in selecting and promoting candidates at elections and can (if registered) receive state funding. However, parties must also be able to organise themselves, determine policy, select candidates, and contest elections in ways that reflect their widely differing sizes, ethos, and organisational approaches. Our recommendations balance these two considerations.
49. We think many of the current rules are working well, although we recommend ways to strengthen them to increase transparency and public confidence. The existing requirement for party members to participate in selecting both electorate and list candidates would be strengthened by allowing the Electoral Commission to refuse to register a party whose rules do not permit this to happen.
50. We recommend giving the Electoral Commission a power to audit the requirement for registered parties to have 500 current financial members who are enrolled to vote if it has reasonable grounds to believe a party is not complying. We also



recommend bringing forward the deadline for when a party must be registered to the start of the regulated period (that is, about three months before election day).

51. We recommend closing the loophole where an unregistered party can avoid disclosure requirements by becoming a component party of a registered party.

Candidates

52. All citizens who are registered electors are eligible to stand as candidates. We think this remains appropriate. We could not find any reason to depart from this alignment between voter and candidate eligibility in each of the provisions we reviewed. We concluded that if our recommendations to expand voter eligibility are accepted, then those newly eligible groups should also be able to stand as candidates. That is, 16- and 17-year-olds, prisoners, and overseas citizens who have been away from Aotearoa New Zealand for no more than two electoral cycles. Extending candidate eligibility supports representation, and ultimately voters decide who to elect.
53. We heard from some submitters that electorate candidates should only be able to contest electorates where they live, and that dual candidacy should be prevented (candidates contesting an electorate and being on a party list at the same time). In our view, these proposals would undermine the ability of parties to stand strong candidates in all electorates, and we do not recommend them.

Political finance

54. Raising money and other resources is fundamentally important to parties' and candidates' participation in the electoral system. Parties and candidates use money and resources for a wide range of activities, including developing policy, communicating with the public, and campaigning. Making donations and providing loans is a form of political expression and electoral participation, allowing people to support parties and candidates of their choosing. The right to do so is protected by the New Zealand Bill of Rights Act 1990.
55. However, there are risks to electoral integrity and public confidence in the electoral system if some people are able to unduly influence parties and candidates by making donations or loans. Even the sense or perception of undue influence can undermine trust in our democratic processes.
56. Our recommended changes, as outlined below, may reduce private funding and increase compliance costs for parties. We recommend a modest increase in state funding to address these effects. Parties are central to our electoral system and supporting them in a fairer, more transparent and up-to-date way is vital.

Private funding

57. Private funding is an important source of political party finance but it also causes considerable public concern. We recommend simplifying and tightening some

provisions in the existing private funding rules to improve public trust by increasing transparency.

58. Parties and candidates mostly rely on private donations and loans to pay for their day-to-day activities and for their election campaigns. In Aotearoa New Zealand, people have the right to support any party. While the law should enable this form of participation, it also risks enabling the exercise of undue influence through financial means.
59. We recommend that only individuals enrolled to vote should be able to make loans or donate to parties and candidates. This means that all entities, whether trusts, companies, trade unions, iwi, hapū, or unincorporated associations, would be prohibited from providing funding. They will continue to be able to participate as third-party promoters or by donating to third-party promoters.
60. Currently there are no restrictions on the amount that an individual may donate or loan to a party or candidate. We recommend introducing a cap of \$30,000 per party and all its individual candidates for each election cycle. We also recommend reducing the amount of money that can be donated anonymously from \$1,500 to \$500. The reduction will improve transparency while still allowing for “grass-roots” fundraising. The rarely used protected disclosure regime for larger anonymous donations should be removed.
61. We make further recommendations in response to submissions about loopholes and avoidance issues. Registered third-party promoters who are required to declare their election expenses should also be required to disclose all donations over \$30,000 received from any person (whether as a single donation or multiple donations) in an electoral cycle used for election expenditure. Increased monitoring and new offences would be required to enforce new restrictions on third-party promoters. These changes are needed to limit, for example, the potential for donors to collude with parties and subvert our recommended changes to private funding.
62. Other recommendations close potential loopholes relating to membership and affiliation fees and financial disclosure by parties when applying for registration. In addition, the Electoral Act should contain a general anti-avoidance offence to strengthen the ability to enforce political finance rules.
63. Reporting and disclosure requirements should increase in frequency before elections. In an election year, we recommend requiring parties and candidates to disclose large donations (of more than \$10,000 in total) at the beginning of the three months leading up to election day, and within 10 working days during that time. We have extended this timeframe for disclosure from the seven days recommended in our interim report, in response to feedback from parties about the challenge this timeframe would present. The public disclosure threshold for donations in parties’ annual returns should reduce from \$5,000 to \$1,000.
64. We revise our initial view and now recommend largely retaining the definition of donation in the Electoral Act. However, we propose lowering the exemption for



gifts of goods and services to \$500. This change aligns with our recommended anonymous donation limit.

State funding

65. To balance the effect of our private funding recommendations, we recommend a modest increase in the levels of state funding provided to registered parties.
66. The changes we recommend to private funding aim to increase transparency, reduce the risk of undue influence, and incentivise parties to seek larger numbers of small donations. These changes are likely to affect the amount parties receive privately. We recommend a mix of direct and indirect state funding to compensate. We appreciate the contentious nature of public spending on parties that individual taxpayers may not support, but parties play a vital constitutional role in our system.
67. Per-vote funding should be introduced on a sliding scale for parties that receive at least two per cent of the party vote. Although this could favour parties already in parliament, other measures we recommend will offset this effect.
68. Base funding of \$15,000 each year should be made to all registered parties to support compliance with legal obligations. This funding will help smaller parties in particular to meet transparency and disclosure costs.
69. Tax credits of 33 per cent should be available to donors for political donations of up to \$1,000 each year.
70. A new fund – Te Pūtea Whakangāwari Kōrero ā-Tiriti / Treaty Facilitation Fund – should be established to support party and candidate engagement with Māori communities, in ways appropriate for Māori.
71. The purpose and size of the existing Election Access Fund / Te Tomokanga – Pūtea Whakatapoko Pōtitanga should be expanded to allow parties to apply to meet the costs of providing materials to voters with accessibility needs in their campaigns.
72. Precise costings for our package of recommendations, particularly for tax credits, are difficult to provide. About \$4.1 million in state funding is currently provided through the broadcasting allocation (discussed below) and suggest it should be reapplied to our funding model. In addition, Parliamentary Service funding for the parliamentary wing of parties was about \$52 million in the 2023/24 financial year. As this funding can be used for activities that also have potential electoral benefits, we suggest that some of this funding should be redirected towards our recommended state funding.
73. In this final report, we recommend establishing an independent fiscal institution to provide costings of registered party policies at their request. This could help to counter misinformation and disinformation and would constitute an indirect form of state funding to all registered parties.

Election advertising and campaigning

74. An election advertisement is generally one that encourages people to vote for or against a particular party or candidate, whether or not they are mentioned specifically. We support the current approach of applying low-level advertising restrictions all the time, such as requiring advertisements to include details of who has placed them, and increasing restrictions closer to the election.
75. We recommend that a total prohibition on election day advertising should only apply inside or within 10 metres of polling places, which is the approach that currently applies during advance voting.

Media-specific regulation of advertising

76. The media landscape has changed significantly, meaning that the existing controls on the broadcast media are no longer fit for purpose. The specific rules that apply to broadcasting party and candidate advertisements on television and radio should be removed, along with the current state funding for such advertising provided through the broadcasting allocation. Instead, parties and candidates should be free to advertise on television and radio as they wish, up to their campaign spending limits.
77. Online advertising, including its targeted (and microtargeted) nature, is a fast-moving and complex area and is used increasingly by parties. Although some protections are in place, we recommend broader government consideration of whether they are sufficient.

Campaign spending limits and disclosure requirements

78. Advertising spending limits for all electoral participants apply in the three months before election day.
79. We recommend setting a flat spending limit for parties at a level similar to the actual amounts the two largest parties spent at the 2020 election. From there, we recommend that spending limits for candidates and third-party promoters should be set as a proportion of the spending cap for parties. Our recommended changes to spending limits, subject to adjustment for inflation and other factors that may have arisen since 2020, are:
 - setting a flat spending limit of \$3.5 million for all parties
 - setting the limit for candidates at one per cent of the spending limit for parties for general elections and at two per cent for by-elections (instead of setting a dollar amount)
 - setting the limit for third-party promoters at 10 per cent of the party limit.
80. We note that our proposed spending limits would need to be adjusted at the time of enactment to take account of the impact of inflation and other factors since 2020.



81. We do not recommend changing current disclosure requirements, including that election expense returns are filed after the election.

Part 5: Electoral administration

Electoral Commission

82. The Electoral Commission generally delivers well-run elections with high levels of integrity. It also supports and encourages people to take part in elections, including by working directly with communities with lower participation rates. We think it is important the Commission focuses on understanding and addressing the barriers for these communities. Therefore, we recommend amending the requirement for the Commission to facilitate participation to a requirement to facilitate *equitable* participation.
83. The Electoral Commission board should be expanded from three to five members. The Minister of Justice should be required to ensure that the board collectively has skills, experience and expertise in te Tiriti / the Treaty, te ao Māori, and tikanga Māori. To this end, we recommend that the Minister of Justice should have to seek nominations for the Electoral Commission board from iwi and Māori representative organisations.
84. Our recommendations about the Electoral Commission work together with our recommendations that decision-makers give effect to te Tiriti / the Treaty, that the Commission has a Tiriti / Treaty strategy, and that it prioritises establishing Māori governance over Māori data.

Accessing the electoral rolls

85. Accurate and up-to-date electoral rolls are critical to administering elections and to the system's integrity. As well as having a central role in the electoral system, electoral roll data is accessed for other purposes, such as research and preparing jury lists, and by political parties wanting to canvass voters before elections. The rolls contain personal identifiable information such as names, addresses and occupations.
86. The need to strongly protect personal data has become more critical now that technology can be used to data-match and target people. We consider electoral roll data should be more stringently controlled by amending the Electoral Act to be more consistent with the requirements of the Privacy Act 2020.
87. Public inspection and purchase of electoral rolls should end, as should access to information about who has voted, although access should remain for undertaking election petitions and enrolment objections. Historical electoral rolls should be available publicly after 50 years for private research.



88. Access to roll data should continue for research relating to social science, health, and electoral participation. However, there should be tighter controls on data access and use, including a stronger approval process before researchers can access data. Electoral researchers should be provided with specific access to de-identified master roll information for research directly related to voter turnout, subject to the same approval process.
89. We have revised our initial view about party, MP and candidate access to roll data. We now consider they should continue to have access to roll data, but for specified, limited purposes, including election campaigning and communicating with constituents about parliamentary business. There should also be tighter controls on the use and retention of information by parties, MPs and candidates. The ability for scrutineers to access records of votes cast during the voting period, and to share this information with political parties and candidates, should end.

Boundary reviews and membership of the Representation Commission

90. The boundary review process is conducted by the Representation Commission and determines how the country is divided into electorates. We recommend that Stats NZ is given flexibility on the data sources it uses to calculate electoral populations, such as using the estimated resident population, instead of being required to use the census. However, other data sources should only be used once improved processes to ensure their robustness are in place, including around determining the Māori descent population. We recommend boundary reviews continue to take place every five years.
91. To stabilise electorate boundaries, we recommend increasing how much an electorate's population size can depart from the average size (known as the population quota tolerance) from plus or minus five per cent to plus or minus 10 per cent.
92. Currently, when the Representation Commission sets Māori electorate boundaries, it has to take into account Māori communities of interest. We recommend the Commission should have to consider Māori communities of interest alongside general communities of interest when it sets general electorate boundaries too.
93. The Representation Commission includes a chairperson, two members appointed by parliament (one representing the government and one the opposition) and four government officials. When determining Māori electorate boundaries, the Commission also includes the chief executive of Te Puni Kōkiri and two people of Māori descent (representing the government and the opposition). We recommend these members are also members when general electorate boundaries are being considered.



Electoral offences, enforcement and dispute resolution

94. Electoral offences need a thorough overhaul and consolidation. The offences in the Electoral Act are all criminal and have been added and amended over time, with some carried over from earlier electoral laws. As a result, some offences and penalties are out of date, and there are inconsistencies in the treatment of various behaviours.
95. The offence of “treating” voters with food, beverage and entertainment before elections should be repealed, and a judge should have an express discretion to restore voting rights to someone placed on the Corrupt Practices List. We recommend a new offence of intentionally obstructing, undermining or interfering with an election official’s work conducting elections. This offence will protect election officials and future-proof the Electoral Act. Further work should be done on whether a similar offence should be created for harassing candidates.
96. Currently, parties cannot be held directly liable for breaches of electoral law, and individual party secretaries are liable for offences such as breaking election finance or advertising rules. We think the question of whether parties should be liable, particularly for systemic breaches of donation and expenditure rules, merits a closer look as part of the overhaul of offences.
97. We recommend giving the Electoral Commission more investigative powers, such as requiring documents and undertaking audits, as well as the ability to refer serious financial offending directly to the Serious Fraud Office. The threshold for referral should align with the Serious Fraud Office’s jurisdiction.
98. The Electoral Commission currently has no ability to prosecute offences (all enforcement actions are taken by the Police and the Serious Fraud Office). As part of the overhaul of all offences, the ability of the Commission to impose low-level sanctions for the breach of some electoral laws should be considered.
99. The Electoral Act contains mechanisms for resolving disputes about election outcomes through election recounts and election petitions. In our interim report, we recommended that judges should have the discretion to decide whether a recount goes ahead. In response to feedback that this could lead to delays, we no longer make this recommendation. Consequently, the deposit fees required to apply for a recount should be retained at their current amounts.

Security and resilience

Managing the risks of disinformation

100. The spread of disinformation (false information intentionally spread to mislead or influence people), especially online, can undermine the integrity of the electoral system and distort free and open debate. While it is of particular importance to the electoral system, the issue is far broader than the electoral system. We are concerned about the risk that disinformation presents to the security and

resilience of the electoral system and to voter participation. Upholding rights to freedom of expression and freedom of association are also important.

101. We recommend extending the timeframe for the offence of knowingly publishing false information to influence voters, so that it covers the entire advance voting period.
102. Internationally, finding ways to regulate disinformation is a developing area. In Aotearoa New Zealand, ways to address it are being considered by social media companies and the government. The outcome of that work will impact on the electoral system. In the meantime, education and community engagement are the best tools we have.

Foreign interference

103. Efforts by other countries to influence, disrupt or subvert our national interest present a risk to our electoral system. The New Zealand Security Intelligence Service did not identify systemic, state-sponsored interference activity in the 2020 election but it did confirm a small number of states engage in interference activities against Aotearoa New Zealand's interests. However, electoral interference remains a key area of its focus, due to the prevalence of interference in elections around the world. The New Zealand Security Intelligence Service has confirmed a small number of states engage in interference activity against our national interest, including by targeting our political sector.
104. Our current law contains several safeguards, and the Electoral Commission works with our security agencies to identify potential foreign interference. We recommend addressing an existing vulnerability in our system by preventing registered third-party promoters using money from overseas persons to fund election advertising in the three months before an election. We also recommend amending the definition of overseas person to close potential loopholes.

Recommendations

Part 1: Foundations

Chapter 2: The Overall Design of Electoral Law

- R1. Redrafting the Electoral Act 1993 to incorporate the changes set out in this report and to update the statute's structure and language with the aim of making it modern, comprehensive and accessible.**
- R2. Reassessing the appropriate use of primary and secondary legislation in electoral law as part of redrafting the Electoral Act.**
- R3. Adding to the currently entrenched provisions by entrenching:**
 - a. the allocation of seats in parliament and the party vote threshold**
 - b. the Māori electorates**
 - c. the right to vote**
 - d. the right to stand as a candidate**
 - e. the independence of the Electoral Commission, including the process for removing its members**
 - f. the process for the report of the Representation Commission on electoral boundaries to take legal effect.**

Chapter 3: Upholding te Tiriti o Waitangi / the Treaty of Waitangi

- R4. Requiring decision-makers to give effect to te Tiriti o Waitangi / the Treaty of Waitangi and its principles when exercising functions and powers under the Electoral Act. This obligation should apply generally across the Act and be explicitly included in the Electoral Commission's statutory objectives.**
- R5. Requiring the Electoral Commission to publish a Tiriti / Treaty policy and strategy and report on progress as part of its statutory obligation to publish a post-election report.**
- R6. The Electoral Commission prioritises establishing Māori governance over data collected about Māori in the administration of the electoral system, and is funded by government to do so.**

Part 2: The Voting System

Chapter 4: Representation Under MMP

- R7. Lowering the party vote threshold for list seat eligibility from five per cent of the nationwide party vote to 3.5 per cent.**
- R8. Abolishing the one-electorate seat threshold, provided the party vote threshold is lowered to 3.5 per cent.**
- R9. Removing the existing provision for extra seats to compensate for overhang seats, in line with our other recommendation to abolish the one-electorate seat threshold, which would result in fewer list seats being allocated.**
- R10. Fixing the ratio of electorate seats to list seats at 60:40, requiring parliament to be an uneven number, and allowing the size of parliament to grow in line with the population.**

Chapter 5: Parliamentary Term and Election Timing

- R11. Holding a referendum on the parliamentary term, supported by a well-resourced information campaign (including dedicated engagement with Māori as Tiriti o Waitangi / Treaty of Waitangi partners).**
- R12. Continuing to allow the prime minister to call a general election at any time before the end of the parliamentary term.**

Chapter 6: Vacancies in Parliament

- R13. Updating the ground for non-attendance so that the seat of any Member of Parliament becomes vacant if they are absent from parliament for three months without permission.**
- R14. Repealing mental incapacity as a ground to remove a Member of Parliament.**
- R15. Retaining the remaining grounds for when a Member of Parliament vacates their seat, including the ground of citizenship.**
- R16. Amending the ground for criminal conviction to make clear that a vacancy arises upon conviction.**
- R17. Repealing the restriction on Members of Parliament remaining in parliament if they cease to be a member of the party from which they were elected.**
- R18. Retaining the current rules for filling vacant electorate seats and list seats, including the processes for a seat that is vacated within six months of a general election.**

Part 3: Voters

Chapter 7: Voter Eligibility

- R19. Lowering the voting age to 16.**
- R20. Extending the time that New Zealand citizens can spend overseas without losing the right to vote to six years (or eight years if the term of parliament is extended).**
- R21. Replacing the use of the term “permanent resident” in the Electoral Act with “resident for electoral purposes” to avoid confusion with the Immigration Act 2009.**
- R22. Keeping the time that residents for electoral purposes can spend overseas without losing the right to vote at 12 months.**
- R23. Extending the time that residents for electoral purposes must spend in Aotearoa New Zealand before gaining the right to vote to three years (or four years if the term of parliament is extended).**
- R24. Granting all prisoners the right to vote.**

Chapter 8: Enrolling to Vote

- R25. Retaining compulsory enrolment.**
- R26. Retaining voluntary voting.**
- R27. Allowing the Māori electoral option to be exercised at any time up to and including election day for general and local elections, while retaining the current prohibition ahead of by-elections.**
- R28. Allowing anyone of Māori descent to be registered simultaneously on one roll for general elections and a different roll for local elections.**
- R29. Improving education and engagement about the Māori electoral option.**
- R30. Adopting an all-of-government approach to encourage and support people to enrol, including when accessing other government services.**



Chapter 9: Voting in Elections

- R31. Requiring advance voting to be provided for a minimum period of 12 days.**
- R32. Including standards in electoral law for polling places to ensure they are widely available and accessible, including during advance voting.**
- R33. Future-proofing special voting provisions by:**
 - a. clarifying that anyone voting outside their electorate can cast a special vote at any time during the voting period**
 - b. monitoring whether postal voting remains a viable option for overseas voters**
 - c. considering how to scale up voting methods for people who cannot vote in person as postal services decline.**
- R34. Removing the election day restrictions on trying to influence voters so that the rules that currently apply during the advance voting period apply throughout the entire election period.**
- R35. Aligning restrictions on election day with those of the current advance voting period for the wearing of lapel badges, rosettes and party colours in polling places and within 10 metres of their entrances.**
- R36. Prohibiting voters from taking photos of their ballot papers in polling places.**
- R37. Repealing the requirement to verbally state your name to be issued a ballot.**
- R38. Repealing the ability of scrutineers to require voters to be questioned about their identity and whether they have already voted before they are issued a ballot.**
- R39. Vesting emergency powers in the board of the Electoral Commission, not just in the chief electoral officer.**
- R40. Adding a new general power for the Electoral Commission to extend the time available for any electoral processes or deadlines where they are impacted by an unforeseen or unavoidable disruption that could impact the proper conduct of an election.**

- R41. Adding a new power that, subject to appropriate consultation:**
- a. permits the governor-general, acting on the advice of the prime minister, to withdraw the writ issue for a general election where a national state of emergency will significantly interfere with the proper conduct of the election**
 - b. requires the prime minister, as soon as it is reasonably practicable after the withdrawal of the writ, to advise the governor-general of the earliest available date where the general election could be properly conducted (but no later than the day three months after the withdrawal of the writ).**
- R42. The government works with all parliamentary parties to consider the merits of a new statutory power to reconvene parliament.**
- R43. Amending the Constitution Act 1986 to ensure the continuity of executive government in the event of an adjourned election.**
- R44. Amending the Cabinet Manual so that the caretaker convention applies (as if the election result was unclear) in circumstances where an election is delayed under the emergency powers in the Electoral Act.**

Chapter 10: Counting the Vote and Releasing Results

- R45. Enabling the preliminary count to be conducted electronically.**
- R46. Requiring the release of the preliminary results as soon as reasonably practicable in legislation, while retaining a level of flexibility for emergency situations.**
- R47. Allowing a person's vote to be counted if they have voted in advance and die before election day.**

Chapter 11: Improving Voter Participation

- R48. Developing a funding model to support community-led education and participation initiatives, with this model also providing for by Māori for Māori activities.**
- R49. Providing targeted information about the use of preferred names for enrolment and voting purposes to relevant communities.**
- R50. Allowing people on the unpublished roll to cast an ordinary vote, subject to the development of a unique identifier for inclusion in the electoral rolls that meets privacy requirements without disclosing a voter's address.**

Part 4: Parties and Candidates

Chapter 12: Standing for Election

- R51. Providing the Electoral Commission with the power to either refuse to register, or to de-register, a party:**
 - a. whose rules do not meet the existing statutory requirement to provide for member participation, including through delegates, in the selection of candidates, but only after**
 - b. the party has been notified and given an opportunity to amend its rules to comply with its statutory obligations.**
- R52. Requiring parties to supply their party membership and candidate selection rules to the Electoral Commission when applying to register.**
- R53. Requiring a registered party to submit a list of party candidates at each general election to remain registered.**
- R54. Strengthening the current requirement that a party has 500 current financial members before it is eligible to register by:**
 - a. requiring those 500 members to be enrolled to vote**
 - b. enabling the Electoral Commission to audit any registered party for compliance with this ongoing requirement if it has reasonable grounds to believe that the party is not complying, and**

- c. providing for offences for obstructing or failing to provide information to the Electoral Commission in a timely manner when it is conducting an audit under recommendation 54(b).**
- R55. Requiring a party secretary to confirm by statutory declaration that the process for ranking list candidates complied with the party's candidate selection rules.**
- R56. Extending the period before an election in which parties cannot be registered to the start of the regulated period (usually three months before election day).**
- R57. Prohibiting unregistered parties from becoming component parties of registered parties.**
- R58. Broadening candidate eligibility, in line with our voter eligibility recommendations, to include:**
 - a. 16- to 17-year-olds**
 - b. citizens living overseas for two electoral cycles**
 - c. all prisoners.**
- R59. Updating the candidate definition of public servant in the Electoral Act to align with the Public Service Act 2020.**

Chapter 13: Political Finance

- R60. Permitting only registered electors to make donations and loans to political parties and candidates.**
- R61. Treating spending on election advertisements that requires authorisation from a political party or candidate as a donation.**
- R62. Limiting the total amount a registered elector may give by way of donations and loans to each political party and its candidates to \$30,000 per electoral cycle.**
- R63. Reducing the amount that can be donated anonymously to \$500.**
- R64. Abolishing the protected disclosure regime.**



- R65. Amending the minimum reasonable market value threshold for the donation of goods and services so that any good or service provided free of charge, or at a discount, with a reasonable market value of \$500 or less is not a donation.**
- R66. Requiring:**
- a. at the beginning of the regulated period, political parties and candidates to disclose donations and loans above \$10,000 (but below \$20,000) made during an election year**
 - b. during the regulated period, political parties and candidates to disclose donations and loans above \$10,000 within 10 working days.**
- R67. Requiring the disclosure of all donors and lenders who give more than \$1,000 in a year to a political party or candidate, but only requiring their names and electorates to be made public.**
- R68. Requiring registered third-party promoters to have a separate election campaign bank account for campaign donations and election expenses.**
- R69. Requiring registered third-party promoters to keep records of election campaign donations.**
- R70. Requiring registered third-party promoters that spend more than \$100,000 on election expenditure during the regulated period to also disclose donors who donate over \$30,000 in total during an electoral cycle, if the donation has been used for election expenditure.**
- R71. Increasing monitoring powers for the Electoral Commission and offence provisions in the Electoral Act, including restricting collusion between third-party promoters and political parties.**
- R72. Introducing a maximum political party annual membership and affiliation fee of \$50 per member, or member equivalent.**
- R73. Requiring political parties to disclose assets and liabilities when applying for registration.**
- R74. Including a general anti-avoidance offence provision relating to political finance rules in the Electoral Act.**
- R75. Increasing state funding by:**
- a. providing registered political parties with per-vote funding on a sliding scale**

- b. providing registered political parties with base funding of \$15,000 per year**
- c. providing tax credits for people who make donations of up to \$1,000 per year**
- d. establishing a new fund – Te Pūtea Whakangāwari Kōrero ā-Tiriti / Treaty Facilitation Fund – to facilitate political party and candidate engagement with Māori communities**
- e. expanding the purpose of the Election Access Fund to include applications by political parties to meet accessibility needs in their campaigns**
- f. establishing an independent fiscal institution to provide costings of registered political party policies at their request.**

Chapter 14: Election Advertising and Campaigning

- R76. Permitting election advertising on election day anywhere except inside or within 10 metres of polling places (where voters and scrutineers may only display lapel badges, rosettes, and party colours on their person).**
- R77. Allowing promoter statements for candidate advertisements to use PO Box numbers or email addresses instead of physical addresses.**
- R78. Abolishing the restrictions on the use of television and radio for election advertising by parties and candidates.**
- R79. Abolishing the process for providing funding to parties to run election advertisements on television and radio, and reallocating the funding to our package of state funding recommendations.**
- R80. Providing the Advertising Standards Authority with funding during election periods to support its ability to respond to complaints in a timely way.**
- R81. Broader consideration and monitoring by government of whether the laws regulating the use of microtargeting for online advertising are sufficient, including for safeguarding trust in elections.**



- R82. Adopting spending limits during the regulated period based on the sums below, after adjustments are made to allow for increases in inflation and other factors since 2020:**
- a. registered parties: \$3.5 million
 - b. candidates: one per cent of the registered party spending limit for a general election (\$35,000 at present) and two per cent for a by-election (\$70,000 at present)
 - c. third-party promoters: 10 per cent of the registered party spending limit (\$350,000 at present).

Part 5: Electoral Administration

Chapter 15: Electoral Commission

- R83. Amending the objective of the Electoral Commission to facilitate equitable participation.**
- R84. Expanding membership of the board of the Electoral Commission from three to five members.**
- R85. Requiring the board of the Electoral Commission to have a balance of skills, knowledge, attributes, experience and expertise in te Tiriti o Waitangi / the Treaty of Waitangi, te ao Māori, and tikanga Māori.**
- R86. Requiring the Minister of Justice to seek nominations for appointments to the Electoral Commission board from iwi and Māori representative organisations before a recommendation is made to the House of Representatives.**

Chapter 16: Accessing the Electoral Rolls

- R87. Removing the availability of the main and supplementary rolls for public inspection, except for the purpose of making an electoral petition or an objection to a registered elector's enrolment.**

- R88. Removing the availability of the master roll for public inspection after an election, but retaining access after an election for the purposes of making an electoral petition.**
- R89. Removing the ability for any person to purchase electoral rolls and habitation indexes.**
- R90. Making historical electoral rolls publicly accessible for the purpose of research after a period of 50 years, as is the case for births, deaths and marriages records.**
- R91. Retaining access to electoral rolls and habitation indexes for scientific, human health and electoral participation research, but with tighter controls on data access and use, and a stronger approval process (including ethics approval) that requires researchers to:**
- a. provide reasons why there is not a reasonable or practical alternative data source to the electoral rolls**
 - b. demonstrate that they have systems, policies, and procedures in place to look after any electoral roll data securely**
 - c. destroy electoral roll data at the end of research projects.**
- R92. Ensuring that the controls and approval process for researcher access to electoral rolls and habitation indexes:**
- a. is co-designed with Māori and grounded in the Māori data governance model published by Te Kāhui Raraunga**
 - b. builds in Māori oversight and participation.**
- R93. Allowing electoral researchers specific access to de-identified master roll information for research directly related to voter turnout, subject to the tighter controls and approval process set out in recommendation 91.**
- R94. Allowing Members of Parliament, candidates and parties to have access to electoral rolls for specified, limited purposes, and with controls on use and retention of information, including that:**
- a. Members of Parliament can access information for the purpose of communicating with constituents about parliamentary business. Data must be destroyed when they cease to be a Member of Parliament, and the data cannot be combined with any other information.**

- b. Electorate candidates can access information for the purpose of election campaigning. Data must be destroyed after the election, and the data cannot be combined with any other information.**
 - c. Registered parties can have ongoing access to electoral roll information for the purpose of election campaigning. Information must be destroyed if a party is de-registered, and the data cannot be combined with any other information.**
- R95. Removing the ability for scrutineers to access records of votes cast during the voting period and to share this information with political parties and candidates.**
- R96. Retaining the existing provisions for being enrolled on the unpublished roll.**
- R97. The Electoral Commission better publicise the unpublished roll and ensure flexibility in its administration, particularly for the evidence required to prove eligibility.**

Chapter 17: Boundary Reviews and the Representation Commission

- R98. Removing the requirement that the boundary review is based on census data, so that other data sources could be used once improved processes are in place to ensure:**
 - a. the transparency, robustness, and independent review of those data sources**
 - b. Māori data governance and a more robust and transparent calculation of the population of Māori descent.**
- R99. Increasing the population quota tolerance (that is, the extent to which it can vary from the average population in an electorate) to plus or minus 10 per cent when setting electorate boundaries.**
- R100. Considering Māori communities of interest alongside general communities of interest in the setting of general electorates as well as for setting the Māori electorates.**
- R101. Retaining the five-year frequency of boundary reviews.**
- R102. Retaining the current membership of the Representation Commission.**

R103. Adding the current Māori members of the Representation Commission – the chief executive of Te Puni Kōkiri and the two political representatives of Māori descent – as members for determining general electorate boundaries.

Chapter 18: Electoral Offences, Enforcement and Dispute Resolution

R104. Undertaking an overhaul and consolidation of all electoral offences and penalties, to ensure they are consistent and still fit for purpose. This work should be guided by the principles of proportionality, effectiveness and practicality.

R105. Giving judges an express discretion to restore voting rights for people found guilty of a corrupt practice.

R106. Repealing the offence of treating voters with food, drink or entertainment before, during or after an election for the purpose of influencing a person to vote or refrain from voting. Also repealing the offence of corruptly accepting food, drink or entertainment under these conditions.

R107. Making it a criminal offence to intentionally obstruct, undermine or interfere with the work of an electoral official in conducting elections.

R108. Giving the Electoral Commission additional investigative powers (including to require documents and to undertake audits).

R109. Giving the Electoral Commission the ability to refer serious financial offending directly to the Serious Fraud Office. The threshold for referral should include instances where the Electoral Commission suspects a serious or complex fraud that falls below a belief that a criminal offence has occurred, to align it with the Serious Fraud Office threshold.

R110. Considering whether the Electoral Commission should be able to impose sanctions for low-level electoral breaches, as part of a broader overhaul and consolidation of electoral offences.

R111. Retaining the deposits for recounts at the current amounts.

R112. Retaining the existing provisions for electorate-level or national-level recounts.

R113. Retaining existing notice periods for initiating an election petition and commencing the hearing for that petition.

Chapter 19: Security and Resilience

R114. Extending the timeframe for the offence of knowingly publishing false information to influence voters to include the entire advance voting period and election day.

R115. That the overhaul and consolidation of the offences and penalties regime for electoral law specifically considers the scope of the undue influence offence, and whether it should be expanded to include disinformation methods and mechanisms.

R116. Prohibiting registered third-party promoters from using money from overseas persons to fund electoral advertising during the regulated period.

R117. Amending the overseas person definition to close potential loopholes.

Minor and technical recommendations

Appendix 1 set out the minor and technical changes we recommend for each part of our final report.

Appendix 1: Minor and technical recommendations

We recommend several minor and technical changes in addition to the more substantive recommendations set out in the body of this report.

In many cases, these changes are previous recommendations from the Electoral Commission that we endorse, or recommendations from the Justice Select Committee. You can follow the links to the previous reports for more information.

The following tables set out the minor and technical changes we recommend for each section of the final report.

Part 3: Voters

Recommendation	Comment	Relevant report
Chapter 8: Enrolling to vote		
R118. Extending the information the Electoral Commission can access through data-matching to include email addresses and phone numbers.	<p>This change would build on existing data-matching provisions, which are currently restricted to physical addresses. It would enable the Electoral Commission to contact people through digital channels who are not enrolled or need to update their details.</p> <p>We endorse this recommendation on the condition that data-matching is done in a way that is consistent with privacy principles and takes account of privacy risks, such as shared phones or email addresses. We also believe there needs to be consideration of equity and engagement with communities, such as Māori, over any changes and their potentially unforeseen impacts.</p>	<p>Electoral Commission, Report on the 2017 General Election, page 46</p> <p>Electoral Commission, Report on the 2020 General Election, pages 45-46</p>

Recommendation	Comment	Relevant report
R119. Enabling same-day enrolment on election day for overseas voters.	<p>Currently, any eligible voter can enrol and vote on election day except for overseas voters, whose enrolment deadline is midnight the day before election day.</p> <p>The Electoral Commission has proposed work to update its system to enable election day enrolment for overseas voters, which would also require an amendment to the Electoral Act.</p>	Electoral Commission, Report on the 2020 General Election , page 43
Chapter 9: Voting in elections		
R120. Clarifying that parents can take their children into voting booths.	<p>The Electoral Act says that a person must go into a voting booth alone. This rule is meant to protect the secrecy of the vote. In practice, however, voters can take their children with them into the voting booth if they cannot be left unattended.</p> <p>For clarity, we recommend that the law should state that children under the voting age can accompany their parent or caregiver into the voting booth.</p>	
R121. Clarifying section 61 to cover people whose name appears on the electoral roll but who have moved address and need to update details.	<p>The Electoral Commission has recommended several changes to clarify and modernise special voting provisions.</p> <p>These changes should be considered as part of a redraft of the Electoral Act.</p>	Electoral Commission, Report on the 2020 General Election , page 41
R122. Updating references in section 61 about special voting eligibility to refer to electoral officials generally instead of specific officials.	<p>The Electoral Commission has recommended several changes to clarify and modernise special voting provisions.</p> <p>These changes should be considered as part of a redraft of the Electoral Act.</p>	Electoral Commission, Report on the 2020 General Election , page 41
R123. Allowing special vote declarations issued in a voting place to be completed in an approved electronic medium.	<p>The Electoral Commission has recommended several changes to clarify and modernise special voting provisions.</p> <p>These changes should be considered as part of a redraft of the Electoral Act.</p>	Electoral Commission, Report on the 2020 General Election , pages 42-43

Recommendation	Comment	Relevant report
R124. Modernising archaic language used in the provisions relating to special voting in the Electoral Act and the Electoral Regulations 1996.	The Electoral Commission has recommended several changes to clarify and modernise special voting provisions. These changes should be considered as part of a redraft of the Electoral Act.	Electoral Commission, Report on the 2020 General Election , pages 57-58
R125. Allowing scrutineers to be appointed by either the electorate candidate or the party secretary.	Permitting more flexibility in who appoints scrutineers better reflects the MMP voting systems and acknowledges the role of party secretaries in coordinating a party's election-related activities.	Electoral Commission, Report on the 2020 General Election , page 55
R126. Prohibiting Members of Parliament from being scrutineers at general elections or by-elections.	Having sitting MPs observing voters in polling places is not appropriate and should be prohibited to prevent voters from being influenced.	Electoral Commission, submission to this review
Chapter 10: Counting the vote and releasing results		
R127. Enabling roll scanning and initial special vote declaration checking to begin before the close of voting.	This change would help to reduce pressure on the official count by allowing special vote processing to begin earlier.	Electoral Commission, Report on the 2020 General Election , page 41

Part 4: Parties and candidates

Recommendation	Comment	Relevant report
Chapter 12: Standing for election		
R128. Requiring party secretaries to be enrolled voters.	<p>Currently, the only requirement for becoming a party secretary is that the person must live in New Zealand. We think there should be an additional requirement to reflect the party secretary's statutory responsibility for registered party compliance.</p> <p>We think party secretaries should be required to be enrolled voters, to mirror our recommended requirement that a party's 500 current financial members must also all be enrolled.</p>	
R129. Providing model templates for party structures, constitutions, and candidate selection rules that comply with statutory requirements.	<p>We think there is a need for help to make it easier for new and smaller parties to become registered.</p> <p>We recommend that the Electoral Commission develops model templates for party structures, constitutions, and candidate selection rules that comply with statutory requirements. Parties could use these templates if they wanted to, and could modify them to meet their particular requirements.</p>	
R130. Require candidates to provide satisfactory evidence of New Zealand citizenship if required by the Electoral Commission.	<p>Candidates are required to be citizens of Aotearoa New Zealand in order to be eligible to stand, but are not required to provide proof of citizenship.</p> <p>The Justice Select Committee has recommended that candidates are required to provide satisfactory evidence of New Zealand citizenship if required by the Electoral Commission.</p>	<p>Justice Select Committee Report on the Inquiry into the 2017 General Election and 2016 Local Elections, page 22</p>

Recommendation	Comment	Relevant report
R131. Allowing the Electoral Commission or electoral officials to accept individual nominations.	In its submission, the Electoral Commission recommended several changes to make candidate nominations processes fairer and more efficient and effective. These changes should be considered as part of a redraft of the Electoral Act.	Electoral Commission, submission to this review
R132. Modernising the rules around notification of nomination including broadening the definition of public notice.	In its submission, the Electoral Commission recommended several changes to make candidate nominations processes fairer and more efficient and effective. These changes should be considered as part of a redraft of the Electoral Act.	Electoral Commission, submission to this review
R133. Providing that consent can be given on behalf of a candidate who is unable to complete the individual nomination form without assistance due to a disability.	In its submission, the Electoral Commission recommended several changes to make candidate nominations processes fairer and more efficient and effective. These changes should be considered as part of a redraft of the Electoral Act.	Electoral Commission, submission to this review
R134. Removing the right of inspection for nomination forms to protect privacy.	In its submission, the Electoral Commission recommended several changes to make candidate nominations processes fairer and more efficient and effective. These changes should be considered as part of a redraft of the Electoral Act.	Electoral Commission, submission to this review
R135. Allowing the Electoral Commission to refund bulk-nomination deposits before all returns have been individually filed.	In its submission, the Electoral Commission recommended several changes to make candidate nominations processes fairer and more efficient and effective. These changes should be considered as part of a redraft of the Electoral Act.	Electoral Commission, submission to this review

Recommendation	Comment	Relevant report
Chapter 13: Political finance		
R136. Making it clear that any free labour or free services must be provided on a voluntary basis.	<p>Currently, the labour of any person provided free of charge, and goods or services provided free of charge (under a certain minimum reasonable market value) are not donations under the Electoral Act.</p> <p>In its submission, the Electoral Commission recommended that “free labour” and “free or discounted services” is defined in the Act. The definition should be clear that “person” is limited to natural persons for the purpose of free labour.</p>	Electoral Commission, submission to this review
Chapter 14: Election advertising and campaigning		
R137. Following removal of the restriction on electoral advertising on election day, ensuring the regulated period also includes election day.	<p>Our recommendation to remove the current restrictions on election day advertising (except for inside or within 10 metres of polling places) means that election advertisements will be able to be run on election day. For consistency, the rules that apply to expenditure during the regulated period should be extended to include election day.</p> <p>Submitters to our second consultation were supportive of this recommendation.</p>	
R138. Adjusting spending limits once per election cycle to allow for inflation and rounding them up to the next \$1,000.	<p>Currently, when spending limits are adjusted for inflation, it results in figures that are highly specific and difficult for electoral participants to keep track of. We think rounding these limits up to the next \$1,000, when they are adjusted for inflation, will be clearer and simpler.</p> <p>In our interim report, we recommended that the spending limits should be adjusted regularly. The Electoral Commission submitted that spending limits should be updated once per cycle, rather than every year, to avoid confusion.</p> <p>We agree with the Electoral Commission that adjustments should be once per cycle. This will give more certainty ahead of elections</p>	

Recommendation	Comment	Relevant report
	and be simpler for electoral participants to keep track of, particularly in circumstances such as in 2020 where the election was postponed. We revised our recommendation accordingly.	
R139. Updating provisions for candidates that are overseas to have additional time to file campaign returns.	In its submission, the Electoral Commission recommended that the provisions for candidates overseas having additional time to file a return are obsolete now that forms can be accessed and submitted electronically, and should be updated.	Electoral Commission, submission to this review
R140. Updating the provisions for public inspection of returns.	In its submission, the Electoral Commission submitted that the public inspection provisions for returns are no longer fit for purpose, because returns are now published on the Electoral Commission's website, and should be updated.	Electoral Commission, submission to this review

Part 5: Electoral administration

Recommendation	Comment	Relevant report
Chapter 16: Accessing the electoral rolls		
R141. Specifically providing for the Electoral Commission to share electors' address information with Land Information New Zealand.	<p>The Electoral Commission submitted that the Electoral Act should clarify what information it can share with Land Information New Zealand.</p> <p>This change will improve efficiency, lower costs and help voting-place officials to issue special votes more quickly and accurately by making the information in the index much easier to use.</p>	Electoral Commission, submission to this review

Recommendation	Comment	Relevant report
<p>R142. Allowing the supply of the <i>Index of Streets and Places</i> in digital format.</p>	<p>The Electoral Commission submitted that the law should allow the <i>Index of Streets and Places</i> (a listing that links all streets and places in New Zealand to their relevant general and Māori electorate) to be supplied in digital format.</p> <p>This change will improve efficiency, lower costs and help voting-place officials to issue special votes more quickly and accurately by making the information in the index much easier to use.</p>	<p>Electoral Commission, submission to this review</p>
<p>R143. Removing provision for the sale or public inspection of the physical <i>Index of Streets and Places</i> by the Electoral Commission.</p>	<p>In our first consultation, the Electoral Commission recommended removing provision for sale of the physical <i>Index of Streets and Places</i>, noting it had not been available for sale to the public for several years.</p> <p>In our interim report, we recommended removing the <i>Index</i> from sale.</p> <p>We have made a minor amendment to our final recommendation to limit it to removing the physical <i>Index</i> from sale or public inspection at Electoral Commission offices.</p> <p>We note the <i>Index</i> is now freely available online via LINZ and should continue to be.</p>	<p>Electoral Commission, submission to this review</p>