

Departmental Disclosure Statement

Electoral Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

22 July 2025.

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Part One: General Policy Statement

The Electoral Amendment Bill (the **Bill**) amends the Electoral Act 1993 (the **Electoral Act**) to make electoral law and administration more modern, robust, and effective ahead of the 2026 general election. It makes a range of systems improvements to support the timeliness, efficiency, integrity, and resilience of the electoral system.

Improving timeliness and efficiency of electoral administration

The Bill aims to modernise and streamline electoral administration. Collectively, the amendments in the Bill will help to deliver timelier election results, manage the costs of future elections, and provide more efficient services to voters and other electoral participants. Areas of focus include the following:

- *Enrolment*: closing enrolment earlier and introducing automatic enrolment updates will help to respond to the impact that enrolment processing pressures are having on the timeliness of the official vote count. Other changes, such as removing requirements for enrolment processes to be done by post, updating information-sharing agreements to include digital contact details, and no longer collecting unnecessary enrolment information such as occupation and honorifics, will enable the Electoral Commission to provide more efficient and increasingly digital enrolment services.
- *Special vote processing*: enabling the validation and qualification of special votes to begin before election day will help to expedite post-election processes to support a timely vote count.
- *Candidate nominations*: changes to streamline processes include creating a single deadline for candidate nominations, giving the Electoral Commission more flexibility about how and when it gives notice of nomination day, removing public inspection requirements for nomination forms, and updating the Electoral Act to reflect the shift to a centralised nomination process.
- *Political finance reporting requirements*: changes include creating an exemption to audit requirements for political parties with election expenses under \$50,000, increasing the donation disclosure threshold, extending the time frame for reporting large donations in an election year, and providing for financial returns to be made available for public inspection online. These changes will reduce the compliance burden on parties and the Electoral Commission.

Strengthening integrity of electoral law

To be effective, electoral law should be comprehensive, clear, and enforceable. The Bill makes changes in support of these objectives, such as—

- closing a loophole that allows a registered political party to avoid financial reporting requirements if it cancels its registration during the reporting period:
- amending voter eligibility provisions to avoid confusion caused by the term “permanent resident” and help people to understand both their rights and obligations to enrol:
- changing party registration processes and deadlines to support party compliance and provide greater public visibility of parties contesting an election.

Free and fair elections rely on electoral participants not being subject to improper influence. The following changes strengthen protections relating to improper influence:

- expanding the existing offences of bribery, treating and undue influence to prevent improper influence over a person's decision to enrol and enrolment choice:
- strengthening the application of the offence of treating by prohibiting the provision of any free food, drink, or entertainment within 100 metres of a voting place:
- making it clear that members of Parliament cannot be scrutineers, to ensure that voters are not improperly influenced by the presence of a sitting member of Parliament at a polling place.

The Bill also disqualifies all prisoners convicted and sentenced to a term of imprisonment from enrolling and voting while in prison. This change will establish a consistent approach to prisoner voting, regardless of the length of sentence. It underlines the importance that New Zealanders place on the rule of law and the civic responsibility associated with the right to participate in a democracy.

This disqualification does not apply to persons who have committed a crime but are detained in a hospital or secure facility. Under the existing settings, people who have committed a crime but who are detained in hospitals or secure facilities lose the right to vote after they have been detained for 3 or more years. The Bill removes this disqualification, allowing all people detained in such facilities to enrol and vote.

Ensuring resilience of electoral system

The Bill addresses recently identified gaps about how and when certain provisions apply when there is an out-of-cycle local body election or a by-election following the death of a candidate. These changes will ensure that electoral processes are fit for purpose and obligations are well understood.

The Bill makes the following changes to ensure that electoral settings are fit for purpose in light of emerging trends and risks:

- requiring advance voting to be available for 12 days to provide certainty that this widely used form of voting will be available:
- expanding the size of the Electoral Commission's board from 3 members to up to 7 members. This will improve resilience (for example, if a board member cannot serve at a critical period) and widen the range of skill sets on the board:
- providing greater flexibility about the contact information that can be included in promoter statements, in response to safety and security concerns about being required to provide a physical address.

Other changes

The Bill also makes minor and technical changes to ensure that the Electoral Act is fit for purpose.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
<p><i>Report of the Electoral Commission on the 2023 General Election</i>, Electoral Commission, May 2024 (accessible at https://elections.nz/assets/2023-General-Election/Report-on-the-2023-General-Election.pdf).</p> <p><i>Inquiry into the 2023 General Election</i>, Justice Committee, November 2024 (accessible at https://selectcommittees.parliament.nz/view/SelectCommitteeReport/018d1b6b-7d22-4a67-3620-08dd01d456de).</p> <p><i>Final Report: Our recommendations for a fairer, clearer, and more accessible electoral system</i>, Independent Electoral Review, November 2023 (accessible at https://www.justice.govt.nz/assets/Documents/Publications/Independent-Electoral-Review-Final-Report-November-2023.pdf).</p> <p><i>He Aha I Pērā Ai? The Māori Prisoners' Voting Report</i>, Waitangi Tribunal, August 2019 (accessible at https://forms.justice.govt.nz/search/Documents/WT/WT_DOC_160697181/He%20Aha%20i%20Pera%20Ai%20W.pdf).</p> <p><i>Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Electoral (Disqualification of Convicted Prisoners) Amendment Bill</i>, Hon Chris Finlayson, 2010 (accessible at https://www.justice.govt.nz/assets/Documents/Publications/BORA-Electoral-Disqualification-of-Convicted-Prisoners-Amendment-Bill-v2.pdf).</p> <p><i>Court decisions on declaration of inconsistency on 2010 prisoner voting ban</i> High Court decision: <i>Taylor v Attorney-General</i> [2015] NZHC 1706 (accessible at https://www.justice.govt.nz/jdo_documents/workspace_SpacesStore_7a3cb521_ea4_492_7_a17d_894233436a88.pdf).</p> <p>Court of Appeal decision: <i>Attorney-General v Taylor</i> [2017] NZCA 215 (accessible at https://www.nzlii.org/nz/cases/NZCA/2017/215.html).</p> <p>Supreme Court decision: <i>Attorney-General v Arthur William Taylor</i> [2018] NZSC 104 (accessible at https://www.courtsofnz.govt.nz/assets/cases/2018/2018-NZSC-104.pdf).</p>	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>The Ministry of Justice provided the following Regulatory Impact Statements to inform the policy decisions that led to this Bill:</p> <ul style="list-style-type: none"> • <i>Setting an advance voting period</i>, 26 March 2025 • <i>Improving the timeliness of the official vote count</i>, 27 March 2025. <p>These Regulatory Impact Statements will be published at: https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/ and https://www.regulation.govt.nz/our-work/regulatory-impact-statements/.</p>	

2.3.1. If so, did the RIA Team in the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The Regulatory Impact Statements did not meet the threshold for receiving an independent opinion on quality from the RIA team based in the Ministry for Regulation.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	YES
<p>The Ministry of Justice provided the following Regulatory Impact Statements after policy decisions on the Bill. They were considered by Cabinet when it approved the Bill for introduction.</p> <ul style="list-style-type: none"> • <i>Strengthening electoral offences relating to improper influence</i>, 16 June 2025 • <i>Implementing a ban on prisoner voting, and the voting rights of detained people</i>, 17 June 2025. <p>These Regulatory Impact Statements will be published at: https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/ and https://www.regulation.govt.nz/our-work/regulatory-impact-statements/.</p>	

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The Regulatory Impact Statements contain discussion of the costs and benefits of the policy proposals.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES

The benefits of the policy to close enrolment earlier will be impacted by the level of compliance, which will depend in turn on voter behaviour and how well the new deadline is communicated. These impacts are discussed in the Regulatory Impact Statement *Improving the timeliness of the official vote count*.

The policy to prohibit the provision of free food, drink, and entertainment in 100-metre areas around voting places is likely to have technical compliance, though there may be challenges for election staff to monitor an area of this size. However, the activities which are not permitted within the controlled area may take place just outside the controlled area. Compliance with the policy to prohibit the use of bribery, treating or undue influence to improperly influence a person's enrolment will require awareness and understanding of the new rules, particularly for parties, candidates and third-party promoters. These impacts are discussed in the Regulatory Impact Statement *Strengthening electoral offences relating to improper influence*.

For several other policies in the Bill, the Electoral Commission will work with political parties, candidates and third-party promoters to ensure they understand the regulatory changes that apply to them to support compliance.

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

New Zealand's international obligations were considered during the policy development phase of the Bill.

The Bill will disqualify all sentenced prisoners from enrolling and voting. The right to vote is recognised by Article 25 of the International Covenant on Civil and Political Rights (ICCPR). The United Nations Human Rights Committee (the UNHRC) considers blanket prisoner voting bans to be inconsistent with the ICCPR. In November 2023, the UNHRC communicated its View to New Zealand that a similar ban on prisoner voting introduced in 2010 breached Article 25(b) of the ICCPR.

The ban on prisoner voting may also be inconsistent with New Zealand's international human rights obligations, such as Article 5(c) of the International Convention on the Elimination of All Forms of Racial Discrimination, due to its disproportionate effect on Māori. Article 5(c) states that parties are to prohibit and eliminate racial discrimination and to guarantee political rights, especially electoral rights. The ban may also be inconsistent with the United Nations Declaration on the Rights of Indigenous Peoples.

To the extent that the Bill extends full voting rights for those detained in hospital or secure facility instead of prison, it is possibly more aligned with the United Nations Convention on the Rights of Persons with Disabilities than the status quo.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The Ministry of Justice analysed the policies in the Bill for consistency with the rights and interest of Māori protected by the Treaty of Waitangi.

This analysis included consideration of previous Waitangi Tribunal reports. In 2018 the Waitangi Tribunal considered three claims that sought the repeal of a total ban on prisoner voting. The Tribunal found that the Crown failed to obtain and provide sufficient information on the effect of a total voting ban on Māori. In so doing, the Crown had failed in its obligation of active protection with respect to the right of Māori to equitably participate in the electoral process and its duty of informed decision-making under the principle of partnership. It considered that because Māori are disproportionately represented in New Zealand's prison population, the ban was a serious Treaty breach. Analysis of these findings has been included in the Supplementary Analysis Report *Implementing a ban on prisoner voting, and the voting rights of detained people*.

No consultation has been undertaken with Māori on these policies.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

YES

Advice provided to the Attorney-General by the Crown Law Office, or a section 7 report of the Attorney-General, is generally expected to be available upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry of Justice website at: <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/>.

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
<p>The Bill extends the existing offences of bribery, treating, and undue influence to prohibit the use of incentives to improperly influence an elector's enrolment (clauses 43-45).</p> <p>The Bill also creates a new offence that prohibits the provision of free food, drink, and entertainment within 100 metres of the entrance of a voting place (clause 46). This offence will be classed as an illegal practice under the Electoral Act and will be punishable by a fine of up to \$10,000.</p>	

3.4.1. Was the Ministry of Justice consulted about these provisions?	NO
<p>The Bill has been prepared by the Ministry of Justice. Internal discussions with the Offences and Penalty Vetting team have been undertaken on these provisions as appropriate to inform the policy.</p>	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>Several provisions in the Bill relate to the collection, storage, access to, correction of, use or disclosure of personal information, as follows:</p> <ul style="list-style-type: none"> • introducing automatic enrolment updates, where the Electoral Commission can update a person's address on the electoral roll following a data match with information held by another government agency (clause 25); • extending data-matching agreements between the Electoral Commission and other government agencies so that an individual's email address and phone numbers can also be shared (clause 22); • no longer collecting information on a person's occupation and preferred honorifics on enrolment applications (clauses 13-22); • including contact details (if any) in the legislative requirements for enrolment applications (which are already collected in practice) (clause 13); • amending promoter statement requirements to allow more flexibility in what contact details can be provided (other than physical address) in response to safety concerns (clauses 125-129); • raising the threshold for when the identity of political donors must be disclosed from \$5,000 to \$6,000 (clause 119); • removing the requirement to make candidate nomination forms available for public inspection (clause 80); • allowing the Ministry of Health to collect enrolment details from persons received from prison into hospitals and secure facilities, with their consent, and sending them to the Electoral Commission to facilitate their enrolment (clause 12); • amending some provisions relating to when prison managers collect enrolment information from prisoners for the purpose of facilitating enrolment, with their consent, to reflect the prisoner voting ban (clause 12). <p>Some of these provisions are privacy protective as they reduce or increase the flexibility of requirements to collect, disclose or provide access to personal information. The first two provisions will broaden the use of personal information and will be designed to manage any potential privacy risks.</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
The Office of the Privacy Commissioner was consulted about these provisions during the policy development stage and on the draft Bill. It has not raised any concerns with these provisions as potential privacy risks are being appropriately mitigated.	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	NO
No public consultation has been undertaken. Policies have been informed by public consultation undertaken through the Justice Committee's Inquiry into the 2023 General Election and the Independent Electoral Review where relevant.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
The Ministry of Justice has consulted the Electoral Commission and other agencies that would have a role in implementation (including the Department of Corrections, New Zealand Police, New Zealand Transport Agency, the Ministry of Social Development, the Department of Internal Affairs, and the Ministry of Health) on the policy and the draft Bill.	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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