

# **Local Electoral Matters Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill is an omnibus Bill introduced under Standing Order 263(a). That Standing Order states that an omnibus Bill to amend more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. The single broad policy of the Bill is to provide greater flexibility to enable local electoral arrangements to adapt to changing circumstances. This omnibus Bill achieves that single broad policy by—

- amending the Local Electoral Act 2001 to support the conduct of trials of novel voting methods:
- amending the Electoral Act 1993 to enable the design of future voting methods to utilise date of birth information:
- amending the Electoral Act 1993 to ensure that analysis of voter participation in local elections (including trials) can utilise age group information.

### **Departmental disclosure statement**

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2018&no=50>

### Regulatory impact assessment

The Department of Internal Affairs produced regulatory impact assessments on [date] to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact assessments can be found at—

- <https://www.dia.govt.nz/Resource-material-Regulatory-Impact-Statements-Index>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause, which provides that the Bill comes into force on the day after the date of Royal assent.

## Part 1

### Amendments to Local Electoral Act 2001

*Clause 3* provides that *Part 1* of the Bill amends the Local Electoral Act 2001.

*Clause 4* amends the definition of voting method in section 5 of the Local Electoral Act 2001. The amendment clarifies that the term voting method includes a method of voting that involves a choice between methods of voting.

*Clause 5* amends section 36 of the Local Electoral Act 2001. Section 36 provides that an election or a poll conducted by a local authority must be conducted using 1 or more methods of voting adopted by resolution of the local authority. The amendment enables the local authority to adopt a voting method for a specified class of elector if regulations authorise the use of that voting method by a specified class of electors for the purpose of conducting a trial of the method.

*Clause 6* amends section 139(1)(c) of the Local Electoral Act 2001 to enable regulations to be made that authorise, for the purpose of conducting a trial of a voting method (for example, an electronic voting method), a local authority to adopt the voting method for a specified class of elector.

*Clause 7* amends section 141 of the Local Electoral Act 2001 to provide—

- that regulations under section 139(1)(c) may specify a class of electors by reference to a local government area or subdivision, or any other characteristic that makes a voting method suitable for the specified class of electors; and
- that, where regulations authorise a voting method that involves date of birth information, the default measures to protect information that are set out in section 89 of the Act apply to the date of birth information and that regulations must also prescribe measures to prevent unauthorised access to, or use of, such information.

*Clause 8* amends section 142 of the Local Electoral Act 2001 to provide that regulations relating to electoral rolls must not provide for any electoral roll to include an elector's date of birth.

*Clause 9* makes a consequential amendment to regulation 11 of the Local Electoral Regulations 2001. Regulation 11 sets out the information that must be included on an electoral roll. The consequential amendment to regulation 11 provides that an electoral roll must not include an elector's date of birth.

## **Part 2**

### **Amendments to Electoral Act 1993**

*Clause 10* provides that *Part 2* of the Bill amends the Electoral Act 1993.

*Clause 11* amends 112 of the Electoral Act 1993. Section 112 provides for persons conducting research to request that the Electoral Commission supply them with lists of electors within certain groups for the purpose of research that relates to scientific matters or to human health. If a request meets certain conditions (and the Electoral Commission is satisfied that the requested lists should be provided), the Electoral Commission is required to supply the lists. An amendment to section 112(1) provides for the Electoral Commission to supply lists of electors in a particular age group for the purpose of research that relates to elector participation in any election, by-election, or poll conducted under the Electoral Act 1993 or the Local Electoral Act 2001.

*Clause 11* also amends section 112(3) to provide that a request made under section 112 may seek information about electors who appear to be entitled to vote in 1 or more local board areas. Currently, section 112(3) provides that a request may seek information about electors who appear to be entitled to vote within 1 or more other local authority subdivisions (for example, wards or community board areas), but local board areas are not included.

*Clause 12* amends section 113 of the Electoral Act 1993. Section 113 requires the Electoral Commission to supply local authorities with specified information for the purpose of any election, by-election, or poll. An amendment to section 113(10) requires the Electoral Commission to supply local authorities with electors' date of birth information for the purpose of conducting any election, by-election, or poll.

*Clause 12* also amends section 113(10)(f) to provide that the specified information may include a description of the local board area in which each elector appears to be entitled to vote. Currently, section 113 provides that specified information may include, in respect of each elector, a description of each local authority and subdivision in which the elector appears to be entitled to vote, but local board areas are not included.

Finally, *clause 12* adds a *new subsection (11)* to section 113, which provides that date of birth information must not be provided by the Electoral Commission except to an electoral official of a local authority for the purposes of an election, by-election, or poll. It also provides that the date of birth information may be provided for the purposes of an election, by-election, or poll only if regulations have been made under

section 139(1)(c) of the Local Electoral Act 2001 (as amended by *clause 6*) that authorise a voting method that requires the use of date of birth information for the election, by-election, or poll.

*Hon Nanaia Mahuta*

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Local Electoral Matters Act **2018**.

**2 Commencement**

This Act comes into force on the day after the date of Royal assent.

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**Part 1**

**Amendments to Local Electoral Act 2001**

**3 Amendments to Local Electoral Act 2001**

This Part amends the Local Electoral Act 2001.

**4 Section 5 amended (Interpretation)**

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In section 5(1), definition of **voting method**, paragraph (d), after “combination of”, insert “or choice between”.

**5 Section 36 amended (Voting method for elections and polls)**

After section 36(3), insert:

(4) **Subsection (5)** applies if—

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(a) regulations authorise the use of a voting method, for the purpose of conducting a trial of that method, by a specified class of elector in any specified class of election or poll or in any specified election or poll; and

(b) the local authority adopts that voting method by resolution in accordance with those regulations.

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(5) The voting method to be used by the specified class of elector in the election or poll must be the method adopted by resolution under **subsection (4)**.

(6) If, under **subsection (5)**, any election or poll of 1 or more territorial authorities in which a voting method is to be used by a specified class of elector is to be conducted in conjunction with 1 or more other elections or polls, that voting method is to be used by the specified class of elector in each of the elections or polls.

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(7) If **subsection (5) or (6)** (or both) apply to an election or a poll, the voting method or methods to be used for other electors in the election or poll must be determined in accordance with subsections (1) to (3).

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**6 Section 139 amended (Regulations)**

In section 139(1)(c), after “or any specified election or poll”, insert “(or, for the purpose of conducting a trial of a voting method, by a specified class of elector or by all electors in any specified class of election or poll or in any specified election or poll)”.

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**7 Section 141 amended (Voting methods)**

In section 141, insert as subsections (2) and (3):

- (2) Regulations made under section 139(1)(c) may specify a class of elector by reference to—
- (a) a local government area or subdivision in which the specified class of electors is eligible to vote; or 5
  - (b) any other characteristic that makes a voting method suitable for the specified class of electors (for example, in relation to an electronic method of voting, the members of the specified class may reside overseas or in remote locations, or have a relevant disability). 10
- (3) If regulations made under section 139(1)(c) authorise the use of a voting method that requires the use of electors' date of birth information,—
- (a) the regulations must also prescribe—
    - (i) measures to prevent unauthorised access to, or use of, electors' date of birth information; and 15
    - (ii) the manner in which documents or records containing electors' date of birth information must be secured after the completion of the count (in accordance with section 89(1));
  - (b) any document or record containing an elector's date of birth must be treated as specified material for the purpose of section 89(5). 20

**8 Section 142 amended (Electoral rolls)**

In section 142, insert as subsection (2):

- (2) Despite subsection (1) and section 139(1)(f), regulations made under section 139(1)(f) must not provide for any electoral roll to include an elector's date of birth. 25

**9 Consequential amendment to Local Electoral Regulations 2001**

- (1) This section amends the Local Electoral Regulations 2001.
- (2) After regulation 11(2), insert:
- (2A) Despite subclause (2)(a)(iii), the electoral roll must not include any elector's date of birth. 30

**Part 2****Amendments to Electoral Act 1993****10 Amendments to Electoral Act 1993**

This Part amends the Electoral Act 1993.

**11 Section 112 amended (Supply of information on age and Maori descent)**

- (1) In section 112(1)(b)(ii), after “descent”, insert “; or”.
- (2) After section 112(1)(b), insert:
- (c) without limiting paragraph (a), for the purposes of research by that person that relates to elector participation in an election, a by-election, or a poll conducted under this Act or the Local Electoral Act 2001, a list of electors in a particular age group as defined in section 114(9). 5
- (3) In section 112(3)(f), replace “;—” with “; or”.
- (4) After section 112(3)(f), insert:
- (g) 1 or more named local board areas;— 10

**12 Section 113 amended (Supply of computer-compiled lists and electronic storage media to local authorities)**

- (1) After section 113(10)(a), insert:
- (aa) the elector’s date of birth: 15
- (2) After section 113(10)(f)(iv), insert:
- (iva) local board area; or
- (3) After section 113(10), insert:
- (11) However, the Electoral Commission must not supply electors’ date of birth information except under subsection (1) and may supply that information only if regulations made under section 139(1)(f) of the Local Electoral Act 2001 authorise a voting method that requires the use of electors’ date of birth information to be used for the election, by-election, or poll. 20