

**Submission**

**By**

**THE  
NEW ZEALAND  
INITIATIVE**

To the

**Government Administration Select Committee**

on the

**Electoral Amendment Bill**

11 September 2025

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## **SUBMISSION BY THE NEW ZEALAND INITIATIVE ON THE ELECTORAL AMENDMENT BILL**

### **1. INTRODUCTION**

- 1.1 This submission on the Electoral Amendment Bill (**the Bill**) is made by The New Zealand Initiative (**the Initiative**).
- 1.2 The Initiative is a Wellington-based think tank supported primarily by major New Zealand businesses. We undertake research that contributes to the development of sound public policies in New Zealand, and we advocate for the creation of a competitive, open and dynamic economy and a free, prosperous, fair and cohesive society.
- 1.3 In combination, our members employ more than 150,000 people, spanning the breadth of the New Zealand economy. The views expressed in this submission are those of the author rather than the Initiative's members.
- 1.4 The Initiative has a long-standing interest in strengthening democratic institutions, including electoral reform. In 2020 we produced a report, *Democracy in the Dark*, which identified wide gaps in the public's understanding of civics and politics. Earlier this year, we submitted on the Term of Parliament (Enabling 4-Year Term) Legislation Amendment Bill. We are also working on a report on how the Mixed Member Proportional (MMP) electoral system could be improved after nearly thirty years in operation.
- 1.5 We generally support the Bill. Many of its provisions implement recommendations made by the Justice Select Committee's Inquiry into the 2023 General Election. In particular, the Bill addresses a growing problem: the time needed to receive, process, verify and count increasing volumes of special votes.
- 1.6 In 2023, when the time taken to declare the result was almost three weeks, the commencement of coalition negotiations was delayed, extending the period when the country was in limbo. In contrast, many other countries count all their votes and declare their results much quicker, usually in hours or days rather than weeks. The United Kingdom, France, Singapore, Germany, and Ireland are examples of countries that provide rapid results.
- 1.7 This submission comments on provisions for enrolment, advance voting, special vote processing, and election day restrictions. We do not have any comments on other aspects of the Bill.

### **2. COMMENT ON THE BILL**

#### **Ending enrolment during the voting period**

- 2.1 Canada and some American states allow 'same day registration' but most countries (including Australia and the United Kingdom) close their electoral rolls before the voting period begins and do not allow people to both enrol and vote during the voting period. Some countries (including Germany) have automatic enrolment from residency registers, but their rolls are usually closed well before election day.
- 2.2 In New Zealand, people registering for enrolment or updating their details during the voting period must cast a special vote. The Regulatory Impact Statement (RIS) for

*Improving the timeliness of the official vote count* stated that the number of special votes has grown from 263,469 in 2011 (11.8% of total votes) to 602,488 in 2023 (20.9%). It added that special votes could rise to nearly one million (30%) by 2032. Special votes require intensive checking to ensure they are valid, which takes time and is a significant burden on the Electoral Commission. The process must also not commence until after election day.

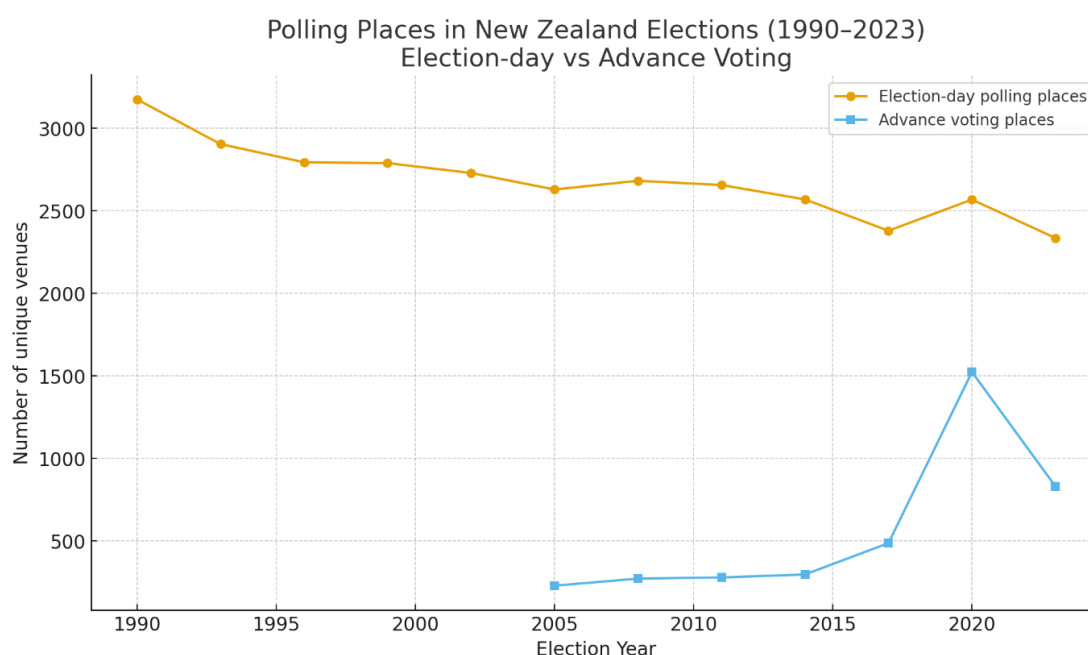
- 2.3 Clauses 4-8 of the Bill will end the ability to enrol during the voting period, requiring people to enrol 13 days before polling day (i.e., before the commencement of advance voting). We agree that the electoral roll should close before the start of advance voting to ensure certainty for electoral administrators and reduce the volume of special votes. This should help reduce the time it takes to provide a final election result.
- 2.4 Concerns have been raised about the impact on accessibility and turnout, particularly among young and mobile voters. These concerns should be acknowledged, but in our view, institutional certainty, efficiency of vote processing and counting, and the integrity of results must take priority. There will remain ample opportunities for voters to enrol or update their details before the roll closes, and political parties and civic organisations will be able to adjust their efforts accordingly. The Electoral Commission should undertake a well-resourced, visible campaign to inform people of the change as well as a stronger enrolment campaign in the lead-up to the election period.
- 2.5 Another concern is the impact on people turning 18 during the voting period. The Bill provides for this in Clause 8. It allows an application from a person who turns 18 between the close of registration and the close of polling day. In that case, the Commission must treat the person as qualified to be registered as an elector. We support this approach. An additional way to reduce the impact on people turning 18 would be to reduce the period of advance voting, and therefore, when the roll is closed, to seven days (see 2.16 below).
- 2.6 Clauses 13-34 of the Bill make some changes to elector registration details, including no longer collecting occupation and honorific information; enabling the Electoral Commission to initiate updates of elector's address on the electoral roll; and allowing electronic delivery of registration processes. These are intended to enable the Electoral Commission to provide more efficient and increasingly digital enrolment.
- 2.7 We support these changes. We also believe full implementation of automatic enrolment, including for new enrolments, should be an eventual goal. Australia and other countries have adopted this approach. Although it would require significant investment and take time to fully realise its benefits, automatic enrolment done well would improve accessibility.
- 2.8 We emphasise, however, that automatic enrolment must be designed so that it is accurate and secure and does not compromise electoral integrity or privacy. There are complicated issues that would need to be satisfactorily resolved. These include factoring in unique New Zealand characteristics like the extension of the franchise to non-citizens resident in New Zealand for more than 12 months while restricting it for citizens overseas for more than three years. Not to mention the Māori electoral option, where people can choose which roll to be registered on.
- 2.9 The RIS considered whether people should be required to vote in their electorates. We agree that there are valid reasons why people may vote outside their electorates.

Restricting this ability would reduce accessibility and convenience. The increase in shared electorate polling places allows more ordinary votes to be cast, which might otherwise be cast as special votes.

2.10 We agree with retaining the ability for a person to vote outside their electorate. The RIS stated that there are valid reasons for this to continue to be allowed. However, we suggest there should also be more polling places and advance voting places (including those shared between electorates).

2.11 Over the past three decades there has been a steady decline in election day polling places (from 3,174 in 1990 to 2,334 in 2023) broken by a blip in 2020 in response to Covid-19. The decline in election day polling places has been offset since the 2010s by an increase in advance voting places. However, these are mostly located in urban areas, impacting on accessibility for rural communities, and there are still relatively few considering most votes are now cast in advance. It is also noteworthy that since 1990 New Zealand's population has increased by more than 50%, meaning an even steeper drop when expressed per capita.

2.12 The changes in both types of polling places since 1990 is shown in the chart below.



Source: *General Election statistics (E9) 1990-2023* and (in the case of advance voting places in the 2000s) media reports.

2.13 A final option in the RIS was removing requirements to investigate and extract dual votes. Although this would save time, we agree that it could impact integrity. It has (rightly) not been included in this Bill.

### Set period for advance voting

2.14 To date, the period of advance voting has been an operational matter for the Electoral Commission. This might have been appropriate when the prevalence of advance voting was minor. However, advance voting has increased dramatically over recent elections from 15% of overall turnout in 2011 to 61% in 2023. With the electoral roll to be closed

before the commencement of advance voting, it is important to provide for a set period in legislation.

- 2.15 Clauses 35-42 relate to advance voting. The Bill provides for a 12-day period, the same duration as in 2023. The RIS for *Setting an advance voting period* noted that a seven-day period was also considered. A shorter period might be better for parties managing key policy announcements, so they are fresher in the minds of voters.
- 2.16 In addition, a shorter period would reduce the number of people turning 18 who could not enrol during the voting period and would have to apply early to be registered. It would also enable campaigning to continue longer if advertising restrictions applied to polling day were extended to the advance voting period (see 2.24 and 2.25 below).
- 2.17 Despite these advantages for a seven-day period, the Electoral Commission preferred 12 days so it can continue to scale up capacity throughout the advance voting period. However, this argument may not be entirely convincing given that until recently, by far the most votes were cast on a single day: election day.
- 2.18 Longer periods have previously been used (17 days in 2011 and 2014, and 14 days in 2020), but the RIS notes that 12 days has been ‘more than necessary’ to meet voter demand.
- 2.19 On balance, we see merit in a shorter advance voting period, such as seven days. This would still allow two Saturdays of voting.

### **Modernising special-vote processing**

- 2.20 Clause 124 of the Bill will enable the validation and qualification of special votes to begin before election day. This should help to expedite post-election processes and support a timely vote count. We support this provision.

### **Election Day Restrictions**

- 2.21 The Electoral Act imposes restrictions on election day activities, including prohibiting the publishing, distributing, or broadcasting any statement that could influence voters on election day. Yet, election advertising is allowed during the advance voting period.
- 2.22 As noted by this Committee in the report for its Inquiry into the 2023 General Election, 61% of votes were cast before polling day. Although down from 2020’s 68%, the percentage has risen sharply over recent elections. The Electoral Commission has, since 2014, called for these rules to be reviewed. The Justice Committee agreed in its Inquiry into the 2023 General Election and made recommendations accordingly.
- 2.23 Unfortunately, this review does not yet appear to have been undertaken, and the Bill has not made changes in this respect. These restrictions have become anachronistic. Modern communication methods require a more pragmatic approach to election day restrictions.
- 2.24 As a point of principle, the rules for election day should be the same as those for advance voting. To achieve this, some rules for election day could be relaxed, while some rules for advance voting could be tightened.

- 2.25 It might therefore be appropriate to ban organised campaigning, paid advertising, and campaign material near polling places for election day and advance voting. However, in both periods, individual citizens should be able to discuss their voting choices on social media and regular news coverage should be permitted. These changes would impact the parties' ability to campaign, which might be a good reason for having a shorter period for advance voting (for example, seven days rather than the Bill's 12 days).
- 2.26 We submit that these changes would recognise freedom of expression while preserving the dignity and calm of the voting period. The objective should be consistency and fairness: preventing organised attempts to unduly influence voters while protecting ordinary civic discussion.

### **3. CONCLUSION**

- 3.1 The Initiative supports the Electoral Amendment Bill's provisions to end enrolment before the voting period, changes to elector registration processes, introducing a set period for advance voting, and modernising special-vote processes.
- 3.2 We submit the Bill should go further in three respects:
- i) Consider reducing the advance voting period from 12 to seven days;
  - ii) Enable progress towards full implementation of automatic enrolment; and
  - iii) Make the advertising and political expression rules consistent across the whole voting period (advance voting and election day itself).

ENDS