

Justice Select Committee

Transparency International New Zealand ([TINZ](#)) is the recognised New Zealand chapter of [Transparency International](#), the global civil society organisation fighting corruption. TINZ is a not-for-profit incorporated society with charitable status. TINZ is non-partisan, and is powered largely by volunteers.

TINZ consistently advocates for integrity in politics, transparency and accountability in electoral processes and in political behaviour including political donations, at national and local government levels. TINZ has also developed educational tools, run public events during elections (focused on transparency) as well as submitting and advocating directly.

Thank you for the opportunity to provide this submission. The comments below focus only on those areas in which we have expertise, or which are core to our work.

Summary:

TINZ supports some of the clauses in the [Electoral Amendment Bill](#) around integrity, accessibility and administrative fairness. However, TINZ is concerned that several of the proposed changes will disenfranchise citizens without reasonable justification. The legislation should also focus more on integrity, transparency and accountability in the election process.

1. Subpart 1—Elector registration, Clauses 4 to 8 (amending sections 3, 60, 74, 88, and 89 of the principal Act)

TINZ does not support these amendments.

1.1 Changing the Deadline for close of registration as an elector.

At a time when voter cynicism is on the rise and trust in political processes is in decline^{1, 2} TINZ expects New Zealand's democratic governments to support and encourage people to exercise this fundamental right, and not in a way that would make it more difficult or less accessible.

Electoral integrity is increasingly under pressure including in well-established democracies like New Zealand, and it is for Parliament to consider how to respond to challenges including election management.

1.2 The report by the Electoral Commission to the Justice Select Committee Inquiry into the 2023 General Election³ noted that its research shows that whilst most New Zealanders understand the voting process, some feel that *“voting is solitary, irrelevant, and confusing. The underlying barriers that lead to these sentiments are a lack of understanding of the electoral process or a lack of belief in the voting process and its outcomes. These barriers are more widely seen among young people, Māori, Pasifika, and ethnic communities.”* The Electoral Commission also noted success in reaching out to those communities in the recent election:

¹ <https://acumennz.com/acumen-edelman-trust-barometer/acumen-edelman-trust-barometer-2025/>

² <https://www.publicservice.govt.nz/assets/DirectoryFile/Report-OECD-Trust-Survey-Second-Wave.pdf>

³ <https://elections.nz/assets/2023-General-Election/Report-on-the-2023-General-Election.pdf>

- 3,688,292 people enrolled – 94.7% of eligible voters
- 567,012 Māori enrolled – an increase of more than 31,500 from 2020
- 83.1% of 18 to 29-year-olds enrolled – up from 80.7% in 2020
- 602,454 people enrolled or updated enrolment details from the day after writ day to the end of the election period (an increase of 38.5% on 2020)
- About 110,000 people enrolled or updated their details on election day (an increase of 37.5% on 2020)

- 1.3 The Electoral Commission noted in its report that voting patterns have changed over time including increased use of special votes and advance voting. Globally voting percentages have dropped by around 10 percentage points since the 1960s. New Zealand sits at about 25th in the world on non-compulsory voter turnout.⁴

Mechanisms put in place to turn around the dismal turnout in 2014 included ‘closer to election day enrolment’, on day enrolment, the earlier counting of advance votes and more accessible enrolment forms. Those measures were successful. The Electoral Commission has recommended further changes to help make special vote processing more efficient and to reduce the number of special votes. Those changes did not include changes to the registration deadline. The Ministry of Justice, in its [Regulatory Impact Statement](#), has also recommended against this option of shifting the voter registration date, favouring alternative long-term solutions.

- 1.4 The main rationale given for the proposed change of voter registration date is the impact of voting close to elections on timeliness of the result, due to the time taken to process special votes. This is a valid concern but the role of Parliament is to weigh that cost (and possible mitigations) against outcomes which in this case would likely be disenfranchisement and lower democratic participation. New Zealand has a proud history of improving enfranchisement. A retrograde response is not the answer.

TINZ urges the Select Committee to fully consider advice from the Attorney-General, the Ministry of Justice and constitutional experts as well as civil society. This is a significant matter relating to democratic resilience.

1.5 Citizens right to vote

Along with other organisations, individuals and officers such as the Attorney-General, TINZ reminds the government of the NZ Bill of Rights Act:

*Every New Zealand citizen who is of or over the age of 18 years—
(a) has the right to vote in genuine periodic elections of members of the House of Representatives, which elections shall be by equal suffrage and by secret ballot. (NZ Bill of Rights Act – NZBORA).*

- 1.6 Since 1993, citizens have been able to register at any time up to (and since 2020 on) polling day (with a few exceptions). The proposed voter registration deadline of at least 13 days prior to polling day has received caution from the Attorney-General that this move would make the Bill inconsistent with the New Zealand Bill of Rights Act in several respects.

⁴ <https://ourworldindata.org/grapher/voter-turnout-of-registered-voters?mapSelect=~NZL>

1.7 Impacts on both individual voters, and groups of voters who are harder to reach

If passed this clause would specifically adversely impact (according to the assessments of the Attorney-General and Ministry of Justice):

- Harder to reach populations who have lower enrolment/voting rates such as Pasifika Asian, Māori and disabled individuals;
- Those more likely to vote closer to election day, such as young voters and first time voters;
- People returning from overseas after being away for an extended time;
- People who may become New Zealand residents but not within the 13 days;
- People who have been released from prison within the 13-day period;
- Those who have not updated their address records, who will have their electorate vote disallowed;
- Overseas voters whose registrations don't meet the deadline.

1.8 Sizeable impact

If these amendments are adopted the number of citizens who stand to be disenfranchised would be substantial. The Electoral Commission report on the election noted that "More than 600,000 enrolments or updates happened after writ day, including 450,000 during the voting period, of which 110,000 occurred on election day." The Attorney-General notes that over 97,000 people registered for the first time during the voting period, and nearly 134,000 people changed electoral districts during the voting period.

1.9 Changes advanced for political party gain?

Since the changes could potentially advantage or disadvantage political parties in the current coalition government, the proposal most certainly raises the perception of an attempt by the government in power to restrict voters who are more likely to vote for other parties in future elections. Those in power need to be particularly careful to balance opinion and possible party gains against the damage to citizen rights and trust in government.

1.10 Clauses 5, 6, 7, 8, 89(a) and 89 (b):

For the same reasons given above TINZ also does not support Clauses 5,6,7,8, 89(a) and 89(b) and the repeal of 60(g).

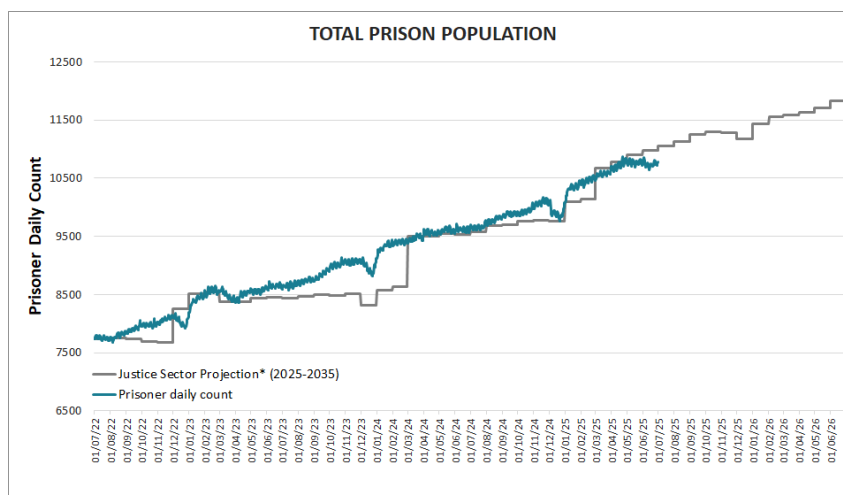
2. Subpart 2—Disqualifications for registration: persons detained in hospitals, secure facilities, and prisons (Clauses 9-12)

2.1 TINZ broadly supports the enabling of registration and voting for persons detained in a hospital under Mental Health (Compulsory Assessment and Treatment) Act 1992 or a security facility under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003. Ensuring access for all citizens to the electoral process affirms dignity, equality and New Zealand's obligations under the International Rights of Persons with Disabilities.

2.2 TINZ does not support the increased scope of disqualification for persons serving a term of imprisonment (of any length). This is a rights-based decision. Whilst the government has the power to decide on the rights of citizens, the NZBORA confirms our rights-based intent in legislative behaviour. The Attorney-General has advised that the outcome would be irrational disenfranchisement and 'double punishment', both of which would place it in breach of the New

Zealand Bill of Rights Act. The general issue of prisoner rights to vote has already been tested by the courts, which found in favour of the NZBORA.⁵

- 2.3** The Ministry of Justice in its Supplementary Analysis Report (SAR) has also noted that the proposal is in breach of the NZBORA, NZ's International rights obligations and the Crown's obligations under Te Tiriti. It has advised the government that the costs of disenfranchisement outweigh the benefits (supporting civic responsibility). The MoJ has also advised the government that there is a gap in the ability to test assumptions and impacts due to the single focus of the proposed legislation and lack of consultation.
- 2.4** TINZ understands the position that freedoms imposed by imprisonment should also include a loss of civic rights under the general assumption that the person has 'not complied with civic responsibilities and therefore doesn't deserve the right to have a say in how government is run'. But prisoners are citizens and are already penalised by incarceration. There is no evidence to show that the proposal would have any positive impacts on New Zealand society.
- 2.5** As at March 2025 there were 5,942 offenders in prison, with 2,107 prisoners serving a prison term of under three years (not including prisoners on remand). The Bill would further disenfranchise at least 2,107 people. The number of those imprisoned is rising according to Justice statistics⁶, so the number of disenfranchised people will also rise.



- 2.6** As the Attorney-General has also noted, a blanket ban would impose irrational disenfranchisement due to the variations of criminal penalties that occur in New Zealand (including house arrest) and timing and type of imprisonment.
- 2.7** The Ministry of Justice has also advised in its SAR that a blanket ban would exacerbate the current disproportionate effect on Māori, particularly including Māori women. Overall Māori comprise just under 53% of the total number in prison (5300 not including 2894 on remand). 49% of adults receiving a prison sentence of more than three years are Māori, and 65% of female adults receiving a prison sentence of more than three years are Māori.

⁵ The issue of inconsistency with NZBORA has been addressed in the courts (2015 High Court [Taylor vs Attorney General](#), that decision upheld by the Court of Appeal in 2017 and the [Supreme Court in 2018](#)

⁶https://www.corrections.govt.nz/resources/statistics/quarterly_prison_statistics/prison_facts_and_statistics_-_june_2025

3. Subpart 3—Elector registration details

TINZ supports Clauses 13 to 22 relating to the information the Electoral Commission collects from electors. Information relating to an elector's occupation and preferred honorific will no longer be collected, but that emails or contact phone numbers may be.

4. Subparts 4 and 5—Electoral Commission's powers to update address, and decide on appropriate form of communication including electronic

TINZ generally supports Clauses 23 to 25 which provide for the Electoral Commission to update an elector's address on the electoral roll when it is satisfied, on the basis of information received from another agency, that the elector's address has changed, and to support electronic delivery of registration processes.

TINZ supports Clauses 26-34 giving the Commission to decide the appropriate mode of communication. However TINZ notes concerns from **the disability community**⁷ that a shift away from postal communication to digital-only services will exclude many, as internet access rates are significantly lower among people with intellectual disability. The IHC advises *that internet access among people with intellectual disability is significantly lower than in the general population - only 69% have internet access, compared to 91% of non-disabled. Among intellectually disabled people aged 55 and over, fewer than 50% have access.*

Further, TINZ notes from the 2022 Internet NZ report⁸ that "New Zealanders who have a **household income less than \$50,000**, those with a long-term disability and those who live in the North Island outside Wellington and Auckland are less likely than average to have a fibre Internet connection."

Research⁹ also confirms anecdotal reports that New **Zealanders living in aged care residential facilities** generally have much lower digital literacy, and very much lower access to internet facilities than those living outside of facilities.

The Electoral Commission will need resourcing to improve relationships with aged care, disability facilities and those with lower levels of accessibility to enable hard copy election returns and to empower those people to participate.

5. Subpart 6—Advance polling

Clauses 35 to 42 relate to advance polling. TINZ generally supports these clauses and any initiative that supports people to vote and manages unforeseen or unavoidable disruption. Advance voting has certainly contributed positively to voter turnout, and should be encouraged. Advance voting, which started 12 days before election day in 2023, decreased to 61.4% of total votes cast from 68.0% in 2020, although it was still higher than in 2017 (47.0%) and other previous elections.

⁷ https://cdn.prod.website-files.com/628455c1cd53af649dec6493/68b7a1dd2c4c6ae0ad3fa41a_2025%20IHC%20Submission%20on%20Electoral%20Amendment%20Bill.pdf

⁸ <https://internetnz.nz/assets/Uploads/Internet-insights-2022.pdf>

⁹ <https://pubmed.ncbi.nlm.nih.gov/39173159/>

6. Subpart 7—Offences

- 6.1 Bribery.** The Amendment Bill also proposes a change to the current offence of bribery in the Electoral Act to describe and further define bribery offences. Whilst TINZ definitely opposes vote buying and unfair efforts to induce the choice of a vote, we consider that Section 216 of the Act already addresses this. We think it best to let this clause be tested in the courts first before amending law.
- 6.2** In relation to food and drink, it would be expected that water would be provided particularly if people have to queue in hot weather. Also, for marae-based polling stations manaakitanga is customary. TINZ agrees with the Ministry of Justice that the law should be clarified to make it easier to understand and more enforceable, with a lower intent threshold and penalty, i.e. prohibit the use of food, drink or entertainment **to induce a specific element of voting**. Rather than setting in place a ‘cordon’ there needs to **be a clear connection between the incentive given and the outcome sought by providing it**.
- 6.3** Clause 217 (Treating) will generate confusion. The Attorney-General has advised that if this goes through ordinary electoral support could be captured - such as someone giving a lift to or from the polling station, or making donations to a candidate’s campaign to help get them elected.

7.. Subpart 9—Other amendments to principal Act

7.1 *Electronic access to returns of expenses, donations, and loans*

TINZ recommends to government that it amends the Electoral Act to put in place real-time disclosure of political donations and loans ahead of the election, and well ahead of the Electoral Commission’s annual release of political contributions data. Currently the public release of political contributions data occurs six months after the election, and more ironically, after the Select Committee Inquiry into the Election. This makes it very difficult for voters, journalists, civil society and even Parliament itself, to hold politicians and political parties to account for the donations they accept.

- 7.2** TINZ draws the Committee’s attention to the Queensland State real-time disclosure arrangement, in which candidates and political parties must lodge disclosure returns within 7 business days of receiving a gift or loan, and within 24 hours in the week before an election. This information is published on the [Electoral Commission of Queensland \(ECQ\) website](#) via an [Electronic Disclosure System \(EDS\)](#), ensuring public transparency and integrity in political campaign funding.
- 7.3** Considering the sizeable increase in political party donations made during the 2023 election, much more transparency is needed, and prompt transparency, of who is funding political parties and candidates.
- 7.4 *Clauses 109-115*** TINZ is supportive of clauses that enable returns to be made publicly available rather than in-person public inspections, as long as the public access (and more prompt access) component of this is upheld. TINZ is also supportive of the requirement for party donations and loans, candidate donations and loans, political party election expenses, allocation expenses, auditor statements loans and returns of registered prompters election expenses, to be publicly available and free of charge on the Electoral Commission’s internet site.
- 7.5** TINZ also promotes greater and more prompt transparency of election promotion expenses, whether online or other form. Again, there is no reason why the Queensland model should not

be applied where all electoral expenditure is lodged in the electronic system once the total amount spent reaches \$500 or more.

- 8.6 **TINZ does not support Clause 119** which amends section 210 of the principal Act to increase the threshold in section 210(1)(a) and (b) for the disclosure of party donations, and contributions to party donations, from \$5,000 to \$6,000. Section 210(6A)(c) is also amended to update the top reporting band to \$6,000 (instead of \$5,000) for the purposes of that provision.

The Government's justification for Clause 119 this is "to account for inflation", which the USA has applied to its political donations. However, for anonymous donations the USA threshold is USD\$200. For any donations above that the parties must provide donor names, addresses, occupations and employer information, which then become public record freely available and tracked by the Federal Election Commission.

Whilst TINZ acknowledges that CPI adjustments have been and will continue to be applied to promotion expenses, those elements don't have a non-disclosure threshold. Applying an inflation argument to the receipt of political donations appears to be poorly considered. It also raises questions about the motivation behind the change, when its outcome would enable more people to donate anonymously. The best outcome in relation to donations is clear sunlight - we argue for Transparency, Transparency, Transparency. TINZ, along with other organisations including Health Coalition Aotearoa and the Helen Clark Foundation advocate for more transparency on political donations, not less.

- 8.7 **TINZ is not supportive of Clause 120** which amends section 210C(6) of the principal Act to extend the time frame by 10 days for filing a return in respect of a party donation exceeding \$20,000 that is received during an election year. No rationale is provided for this proposed extension. We cannot find any recommendation by the Electoral Commission to this effect.

In its report to the Select Committee Inquiry into the 2023 election, the Electoral Commission noted that:

"From 1 January 2023, the requirement for parties to immediately report donations over \$30,000 was replaced with a requirement to immediately report donations over \$20,000 received in election year between 1 January and the day before election day (13 October 2023). Parties filed 126 returns during 2023. Four parties failed to file a return within the 10-working day timeframe and were reminded of their obligations to have good processes in place to report donations over \$20,000 straight away. The total number of returns filed in 2023 for donations over \$20,000 was more than twice the number of returns over \$30,000 made by parties in election years from 2011 to 2020. The total value of donations reported was also significantly higher than in 2020, 2017, and 2011 (see Graph 22). Of these, 41 returns were for donations of \$20,000 to \$30,000, totalling \$955,000, and 85 returns were for donations over \$30,000, totalling \$6 million. With the changes to electoral finance reporting, parties will next have to immediately report donations over \$20,000 in 2026."

This is surely an adjustment matter for political parties. But there appears to be no rationale a extending the time for reporting returns over \$20,000. What is the reason for this?

9. Other Integrity Matters not included in the bill

The Electoral Commission recommended consideration by the Committee of other changes that would help manage some of the 'game-playing' that occurs around electoral finance. The Bill is silent on these recommendations. We are keen to hear why these have not been considered by the Select Committee:

- a. Adding an overarching anti-collusion provision to the Electoral Act to aid enforceability of electoral finance rules. This could make clear that the democratic context means any deception or avoiding of transparency requirements is likely harmful to the public interest, whether or not further criminal offending is involved.
- b. Considering whether for the avoidance of doubt, 'free labour' and 'free or discounted services' be defined in the Electoral Act. The definition should be clear whether 'person' is limited to natural persons for the purposes of free labour.
- c. Amending the Electoral Act explicitly confirm whether or not and what type of aggregation is required for the purposes of the donations and loans thresholds.
- d. Whether the Commission be given the power to require the production of documents to better enable the Commission to manage its compliance function in relation to electoral offences.
- e. That parties be required to provide a copy of their candidate selection rules with their party registration application, rather than within a month of registration. TINZ proposes that the publication of candidate selection rules for each party should be published on the Electoral Commission website. This allows the public to see the criteria, which could, for example, include whether the candidate has or is charged with any convictions relevant to public office.

9.0 Final Statement

TINZ calls on political leaders to enhance New Zealand's reputation as a country that upholds enfranchisement and representative democracy. We think that most politicians would support:

- The right of citizens to vote;
- Public transparency of donations, loans and expenses in a more timely way that empowers citizens to hold politicians and political parties to account;
- Electoral process management and oversight that is free from political influence.

Submission ends

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