

# Inquiry into the 2025 Local Elections

Submission to the Justice Committee

---

February 2026



**Ngā pōtitanga ā-rohe**  
Local body elections

**VOTE  
HERE**



## List of recommendations

---

### Recommendations: Voting methods

That the Justice Committee:

1. note that both delivery frequencies and the number of post shops are expected to decline between now and the 2028 local elections, further impairing the ability to administer elections by post
2. note the strategies local authorities used to manage in a declining postal system in 2020
3. agree that the security and public trust environment for online voting be reviewed once every six years by the Department, security agencies and representatives of the sector
4. agree that priority be given to advancing the use of an in-person vote in local elections
5. note the cost and voter experience concerns with an in-person experience
6. agree that a central/local government working group consider the voter experience issues that arise out of an in-person voting system, with a view to enhancing existing guidance and legislation
7. agree that the central/local government working group consider options for funding an in-person election
8. agree that any expenditures on developing a new voting system and supporting it with voter education be exempt from any rates cap.

### Recommendations: Delivery of Elections

9. agree that central and local government jointly develop proposals for centralised delivery of some or all of local electoral functions in the Electoral Commission
10. agree that in the event of local electoral functions transferring to the Commission, legislation be amended to require the appointment of at least one person with knowledge of local elections
11. agree that any such legislation be amended to set out minimum expectations for the Commission when it engages with the local government sector.

### Recommendations: Election promotion and communications

12. agree that there should be a multi-media national communications and engagement campaign designed to build awareness of local elections and understanding of how to vote.
13. agree that the campaign should be part funded by central government.

**Recommendations: Civics**

14. **agree** that New Zealand undertake foundational research in the state of civic awareness and knowledge both in school-level students and in adults.

**Recommendations: Candidate information**

15. **agree** that the Electoral Commission (or other central administrator of local elections) should be funded to develop a centralised online repository of candidate profiles and biographies in a standard format
16. **agree** that the existence of the repository and that the information will help speed up the voting process be part of the national promotional campaign.

**Recommendations: Length of term**

17. **agree** that the term of office for Parliament and all local authorities, local boards, and community boards be extended to four years
18. **agree** that all procedural and accountability requirements aligned to the three year term in local government be aligned to a four-year cycle. Among others, this includes the Local Government Act 2002, Local Electoral Act 2001, and the Land Transport Management Act 2003.

**Recommendations: Māori Wards and Constituencies**

19. **agree** that the Local Electoral Act be amended to restore the ability to establish a Māori ward or constituency without a poll.

**Recommendation: Citizenship of Candidates**

20. **agree** that section 55 of the Local Electoral Act be amended to require candidates to furnish proof of New Zealand citizenship.

**Recommendation: Candidate photos**

21. **agree** that section 61 of the Local Electoral Act be amended by specifying a period within which any candidate photo must have been taken.

**Recommendation: Campaign Expenditure Limits**

22. **agree** that the Local Electoral Act be amended to allow setting of campaign expenditure limits by regulation.

**Recommendations: Ratepayer Enrolment**

23. **agree** that section 27 of the Local Government Rating Act 2002 be amended to place the ability of local authorities to use rating database information to administer the ratepayer franchise beyond doubt and

24. **agree** that regulations 15 and 17 be reviewed for consistency with a ratepayer's ability to remove themselves from the franchise.

**Recommendation: Access to the unpublished roll**

25. **agree** that each local authority's electoral officer and other sworn staff be given access to the unpublished roll.

**Recommendation: Special votes**

26. **agree** that special voting requirements be reviewed to ensure that there is a rationale for the information required of those wishing to cast a special vote. And in particular, that the requirement to provide the occupation of the applicant be deleted from regulation 38.

**Recommendations: Social media**

27. **agree** that the definition of advertisement in the Local Electoral Act be amended to include advertisements in any medium.
28. **agree** that the expression of personal political views on the internet be expressly excluded from the definition of electoral advertisement.

**Recommendation: Pre-election Reports**

29. **agree** that all local authorities be permitted to use annual plan estimates for the financial year preceding the election date in their pre-election reports.

## Part One: Introduction

---

### What is Taituarā?

Taituarā — Local Government Professionals Aotearoa (Taituarā)<sup>1</sup> thanks the Justice Select Committee (the Committee) for the opportunity to submit in regard to the Committee's inquiry into the 2025 local elections.

Taituarā is Aotearoa New Zealand's leading membership network for professionals working in and for local government. Our thriving membership base consists of around 1020 members, drawn from chief executives, managers, and staff across all 78 local authorities.

What unites Taituarā members is our commitment to being our professional best, supporting local government excellence through connection, collaboration, and care for the well-being of our communities.

Taituarā strengthens the local government sector by using our members' insight and experience to influence the public policy debate. We encourage thought leadership by enabling our members to step back from the day-to-day agenda, share wisdom, create value, and build knowledge.

### Our Role in Local Elections

Taituarā makes a substantial contribution to the success of the local electoral process.

The Local Electoral Act 2001 (LEA) formed part of the last substantive (and integral) part of the LEA. The July 2000 SOLGM/LGNZ publication *A New Legislative Framework for Local Government Elections*, was developed with members of our Electoral Working Party 'holding the pen'.

Taituarā supports electoral officers in the transparent and efficient conduct of local elections. Each triennium we provide electoral officers with a revised and updated *Code of Good Practice* in local elections. It achieves this by identifying the key components of the local elections process, linking them to the relevant statutory references, and supplementing this with recommended good practice supported by sample documents and references. It is prepared with assistance from staff at the Local Government Commission and the Department of Internal Affairs.

The Code is the basis for the training that Taituarā provides electoral officers and other staff involved in local elections.

Taituarā also supports the efficient conduct of local elections through a series of joint procurement initiatives and negotiating with providers of electoral services. These include joint procurement of:

---

<sup>1</sup> Taituarā is the trading name of the Society of Local Government Managers (SOLGM) conferred upon us in January 2021 by the (then) Ministers of Defence and Local Government, the Hon Peeni Henare, and the Hon Nanaia Mahuta.

- election insurance
- collateral for the enrolment campaign for the ratepayer franchise and
- national rates for the production, distribution, and collection of voting documents (through NZ Post/Datam and through DX Mail).
- the orange ballot bins

Taituarā convenes a standing Electoral Reference Group (ERG) whose members comprise electoral officers from a variety of councils, the election service providers, Electoral Commission, DIA, Local Government Commission, Electoral Commission, LGNZ, NZ Post and DX Mail. This approach is long-standing and enables us to work closely and efficiently with everyone involved in the delivery of elections and to identify any issues and respond to them with agility.

### **This Submission**

Taituarā considers that the local electoral system cannot continue along its present path. The postal system, long regarded a disrupted technology, is approaching the point where it is unsustainable as the primary means of running elections.

Yet the answer is not as simple as local authorities simply switching the voting system and leaving electoral reform at that. The present public trust and security environment make online voting impractical for the foreseeable future. In-person voting is available now, but is not currently used by any local authority. A total systems approach is required that considers not only how people vote, but also what makes them choose to vote (or not), and the barriers to casting their vote.

In Part Two, we focus on the big picture, the fundamentals of the local electoral framework and the wider context in which it sits. What we offer the Committee is grounded in a systems thinking approach. This Part starts with the case for change to the voting system and then proceeds to examine changes to delivery agencies, systems, and communications.

The recommendations we offer in Part Two are a package designed to create total system change; few would make sense if implemented individually. We discourage cherry-picking.

Part Three then turns to the processes and mechanics of running local elections. For the most part, these recommendations raise issues we have addressed in previous submissions.

## Part Two: The Big Picture

---

### Voting Methods

Managing an election through the postal system is a logistical challenge. NZ Post advises that the 3.613 million voting packs delivered last September and October is more than triple the volume of mail for an average week.

Diminishing mail volumes may make it increasingly difficult to conduct elections by mail. The final abolition of cheques as a means of payment in 2021 and the fact that a majority of commercial invoicing and almost all payments are done electronically, suggest there is no real prospect of a reversal of declining mail volumes.

Postal deliveries to residential addresses are made every other day rather than daily. In October 2025, announcements were made regarding a change to the Crown-NZ Post Deed that reduced the number of weekly delivery days to two in urban areas and three in rural areas.<sup>2</sup> Although the change in the deed does not necessarily guarantee a reduction in service levels, it appears to be a very strong harbinger of it.

Post office branches and post boxes are becoming increasingly difficult to find.<sup>3</sup> Indeed, as we write this submission, NZ Post announced the closure of 142 branches, which we understand are part of plans to reduce the number of branches from 800 to around 400 over the next three years.

### ***The sector maintained several strategies for managing the impacts of a declining postal system in 2025.***

How did the sector manage these issues in 2025?

In some rural areas of New Zealand, local authorities advised electors to allow a week for the return of both nomination forms and voting documents. Many also issued publicity around a 'last date to post' and publicity advising voters where they could deliver their votes in person.

There was greater use of an alternative postal service provider than in 2022. Some 800,000 voting packs were delivered by DX Mail – approximately 22 per cent of the total.

The sector coordinated the provision of orange ballot bins to give voters another option to return their votes. We can report anecdotal evidence of positive feedback about the reminder that having the bins in public places provided. Neither the service provider (DX Mail), the supermarket chain that hosted a significant number of bins, nor the electoral officers reported any evidence of tampering with the bins or with the votes in them.

---

<sup>2</sup> TVNZ, Minimum number of days NZ Post has to deliver mail lowered, report of 7 October 2025.

<sup>3</sup> We are aware of one council having attempted to verify the locations of post boxes during 2022 in their district and having found three were listed that no longer existed.

The sector also made use of other means of collecting votes such as mobile collection booths, drop-in centres, attendance at community events and the like. These strategies were, of course, distinct from the vote collection strategies of some non-council actors. They were supervised by council staff or those working for the electoral service providers. The key is to ensure that these activities are supervised and that opportunities are offered across a range of places to maintain the neutrality of the electoral process.

More can be done in this area, later in our submission we make some supporting recommendations. Our Elections Reference Group will be working with the sector to promote these options and to maintain confidence in the delivery of outgoing and incoming voting papers.

We submit that, in the long term, New Zealand will be unable to successfully deliver local elections through the postal system. We now turn to two alternatives.

***While convenient, the security and public trust issues make online voting impracticable in the foreseeable future.***

Some in the sector have put forward online voting as the way forward.

The evidence about the impact of online voting on turnout in those jurisdictions that have it is 'spotty'. We observe that online voting tends to be used as a convenience option by those who have already decided to vote, as opposed to something that encourages people to vote.

Work done by a group of local authorities on a potential trial in 2019 highlighted that introducing online voting is a far more complex process than just another software purchase. It is not enough to have a working technological solution. Voter education and the building of voter trust and confidence are also major areas to address.

Overseas experience shows that the most effective way to introduce online voting is gradually, making steady progress towards a trial.

The biggest risk with online voting is security, real or perceived. The 2014 Ministerial Reference Group on Online Voting concluded that online voting can never be secure; it can only be secure enough. That same report provided a good overview of the different categories of security risk, from foreign states to individuals opposed to online voting 'in principle'<sup>4</sup> to those simply looking for targets of opportunity. The security agencies have consistently advised against the introduction of online voting.

There is misinformation about technology and its applications in the election process, such as the (repeatedly debunked) claims of tampering with voting machines in the 2020 US Presidential election. The present civic environment provides fertile ground for such claims.

---

<sup>4</sup> Probably the textbook case of this type of actor was the compromising of the Washington DC online voting model by three graduate students of the University of Michigan (and their supervisor). Their research is online at <https://www.eecs.umich.edu/eecs/about/articles/2012/dcvoting-fc12.pdf>

In the present security and public trust environment, much work would be needed to build public trust and confidence in a system, establish a system that is 'secure enough', and keep it there. We observe that overseas jurisdictions that make use of online voting with most success have other digital infrastructure to support it. For example, Estonia has a state provided digital identity warrant (our term).

While we do not wholly rule out online voting, we cannot see that it is viable in the medium term. This doesn't preclude a periodic 'kicking of the tyres' to assess if anything has changed (say, once every six years). But priority should lie elsewhere.

***There are cost and voter experience issues to consider with an in-person vote. But the absence of a sustainable long-term alternative makes it something New Zealand will have to consider.***

We noted Local Government New Zealand's recommendation in its 2025 position paper, *Refreshing Our Local Democracy*, supporting the mandatory introduction of an in-person vote. LGNZ further recommends that electors be able to cast an in-person vote up to 2 weeks before election day (as is the case in general elections).

Of course, the in-person option now exists, though the Local Electoral Act and its regulations for booth voting are not equivalent to the process under the Electoral Act. No local authority used booth voting in 2025, and none has since 1992.<sup>5</sup>

Supporters of the in-person vote argue that the reduced voting window (compared to postal voting) encourages people to 'act now' (and, as we've seen, behavioural economics tends to support such a view). Although there was a small decline in turnout at the 2025 local elections, the multiplicity of factors involved, and the size of the decline make it difficult to draw a statistically valid conclusion.

An in-person vote has several advantages over other methods. The first is that in-person voting can promote a sense of community. In casting an in-person vote an elector needs to interact with others while travelling to the polling place, waiting for the opportunity to vote etc. That sense of community also provides an opportunity to promote voting by fostering community spirit and a sense of belonging (another insight from psychology). Those local authorities that have offered mobile voting stations are, in part, attempting to 'tap into' that sense of belonging.

Personation and other forms of vote fraud are more difficult than in postal or online voting. A voter's face is not something that can be readily stolen (outside popular culture). Security can be enhanced with practices such as requiring a photo ID or even the 'easy-vote' cards issued before the General Election. While not impossible, large-scale fraud would most likely require large-scale manipulation of the roll and the connivance of senior electoral officials.

---

<sup>5</sup> The last in-person vote in a local election in this country took place in 1992 in Hutt City Council. Turnout was 26 per cent, down from 45 per cent in the previous election. It is not known what other local factors may have contributed to this result e.g. local issues, promotional effort etc.

The same qualities that make personation more difficult also go to preserving the secrecy of the vote provided both electoral officials and the voter take some obvious precautions (e.g. privacy screens, folding the voting paper before placing in the ballot box etc),

Cost is one of the bigger concerns with an in-person vote and should not be underestimated. A network of places to cast an in-person vote is required, with personnel to operate these places and to organise facilities, voting papers, etc.<sup>6</sup> It is difficult to estimate how much, as the costing of a booth voting process depends on matters such as the number of places, opening hours, number of days open etc.

We can expect an in-person election to cost at least 2-2.5 times as much as a postal election.<sup>7</sup> We are also aware that in 2024, the Auckland Council cost an in-person vote in that council at around \$19.95 million, including the need to hire some 3000 people to administer the elections. While relatively compact communities may be able to run an in-person election with fewer polling places, an in-person system might not work as well in rural and regional councils.<sup>8</sup>

The Committee should also note that there are considerable differences between the voting experience in Parliamentary elections and local elections.

In Parliamentary elections:

- the elector has two issues to consider (a party and a personal vote) and in both cases, the elector must indicate only a single preference
- there are generally a small number of candidates, more than ten standing in an electorate is uncommon
- party politics is dominant
- there are national campaigns both by the Electoral Commission and by parties themselves
- manifestos and the associated policy debates receive widespread coverage.

Whereas in a local election:

- electors in some areas may have as many as five issues to vote on. We understand that in Auckland, there are more than 130 different combinations of voting papers required.
- candidate numbers vary considerably – in some cases, there may be no election required at all, on the other hand it is not uncommon for one city council elected at large to have 40 candidates stand
- party politics is not as prevalent, and outside some of the metropolitan and provincial councils it is almost unknown.

---

<sup>6</sup> To give some idea of scale, the Electoral Commission hired some 24000 short-term workers to staff the polling places at the 2023 General Election.

<sup>7</sup> This is based on a costing a smaller provincial centre undertook in advising its elected members on the choice in advance of the 2025 election.

<sup>8</sup> We are aware of research that shows that “Voters ultimately value the convenience of polling locations. If a poll is accessible to the citizen they will make an effort, if the citizen has to travel a long distance then voter turnout decreases dramatically”. (Haspel and Knot).

- information about candidate views and policies is ‘spotty’ at best.

To take an example of the impact the difference can have, having a postal ballot with candidate profile statements means a voter can pause voting and refer to the information as needed. Having people refer to candidate booklets at polling places is likely to create significant delays for electors.

We make these points to demonstrate that a move to an in-person vote requires more than a legislative intervention. In the modern electoral environment, a move to an in-person vote would require each local authority to carefully consider how it would interface with the representation system, the choice of electoral system, and even the order in which candidates are ranked on the ballot paper.

Nevertheless, the in-person vote is the viable option in the present and foreseeable future.

Of course, no election could be fully in person. There should be options available for voters with high needs and those who are remote to request an alternative way to cast a vote.

A move to an in-person vote should be phased in. Earlier reports from this Committee have recommended that the central and local governments agree upon terms of reference for a formal trial of advance voting. We have also recommended to previous inquiries that legislation allowing the issuance of a replacement voting paper would better empower ‘drop-in voting centres’ (which could be mobile voting booths, in fixed locations, or both).

In the meantime, a central/local government working party should be tasked with considering all aspects of the current electoral framework with a view to both:

- providing councils with current advice on how these translate into a modern election, and
- discuss options for funding
- advising on any legislative and regulatory changes that would be required.

As managers, we advise that moving to an in-person vote would also require a whole-of-system response. The large-scale introduction of an in-person vote would best be supported by national-level public information about the voting process and how it differs from the general election. And, above all, there should be a whole-of-system approach to civic education and to addressing the salience of local elections.

On a purely practical note, we have seen that there will be considerable additional costs associated with an in-person vote. The Committee should note that this will not fit well within the proposed rates cap.

### **Recommendations: Voting methods**

**That the Justice Committee:**

- 1. note that both delivery frequencies and the number of post shops are expected to decline between now and the 2028 local elections, further impairing the ability to administer elections by post**
- 2. note the strategies local authorities used to manage in a declining postal system in 2020**
- 3. agree that the security and public trust environment for online voting be reviewed once every six years by the Department, security agencies and representatives of the sector**
- 4. agree that priority be given to advancing the use of an in-person vote in local elections**
- 5. note the cost and voter experience concerns with an in-person experience**
- 6. agree that a central/local government working group consider the voter experience issues that arise out of an in-person voting system, with a view to enhancing existing guidance and legislation**
- 7. agree that the central/local government working group consider options for funding an in-person election**
- 8. agree that any expenditures on developing a new voting system and supporting it with voter education be exempt from any rates cap.**

### **Centralised delivery of local elections**

Taituarā supports, in principle, the centralisation of some or all local electoral functions. Functions such as an investigative or ombudsman role, the conduct of promotion and working to strengthen civics education lend themselves to centralisation.

In our view, the case for centralisation would be strengthened by requiring councils to adopt in-person voting. We submit that an in-person vote would be less likely to succeed in the absence of national promotion and enhanced civic education. We'd also add that we would see benefits in a national approach to training those who will administer elections in local authorities and staff polling places.

A centralised agency may be better able to research, develop and implement new voting methods, should those become a viable prospect. A centralised agency is likely to have a greater level of internal capacity to undertake the many and varied tasks that come with a new voting method e.g. developing any technology, advising on the regulatory framework that accompanies the method, developing and administering public education about the new method and so on.

Similarly, a centralised agency would have the capacity to commission national level education and promotional campaigns for local elections. The Electoral Commission

would have a distinct advantage here, as it could draw on its experience running these campaigns at the general election.

It is a fact that the local government sector's capacity to undertake national-level initiatives is limited by the voluntary membership of national bodies, such as Taituarā and LGNZ. There is no compulsion to contribute to a promotional campaign or developing a new technology.

Any move to a more centralised delivery model will need to address three key concerns.

The first is that centralising the delivery of local elections would effectively move elections to monopoly provision. Local government's experience with monopoly service provision by central government and its agencies is not encouraging. We are aware that this has been a concern in one of the Australian states where the State Commission runs local elections. The Commission was referred to the state economic regulator.

Local government would need to be satisfied that there is sufficient equity, transparency and efficiency in what costs are recovered from local government, and how.

We agree with LGNZ that legislation should guarantee that at least one member of Electoral Commission should have knowledge and experience of local elections. We submit that this role ought not be filled by a sitting elected member – this would maintain the Commission's independence. The Commission would also need to demonstrate an exceptional level of engagement with the sector in developing the approach to the administration of elections on the ground, at any national level activity, and the cost allocation model.

A second and related concern is the Commission's ability to attract and retain the capability needed to run local elections. On the face of it the Commission will need to increase its capability over what it needs to administer the Parliamentary elections on a permanent basis.

And thirdly, there are aspects of the election process where ongoing local government involvement and process may be required. For example, the administration of the ratepayer franchise requires access to each local authority's rating information database and interaction with out-of-district ratepayers, which might be better handled locally. Care would be needed to ensure that national administration of elections does not undermine any promotion or engagement activity undertaken locally. And, most importantly, the representation review process should remain with local authorities, with the Local Government Commission acting as the appellate body.

This in itself is a major reform. Any move to move any significant local electoral functions into the Commission in advance of 2028 needs to start now.

### **Recommendations: Centralised Delivery of Local Elections**

**That the Justice Committee:**

- 9. agree that central and local government jointly develop proposals for centralised delivery of some or all of local electoral functions in the Electoral Commission**
- 10. agree that in the event of local electoral functions transferring to the Commission, legislation be amended to require the appointment of at least one person with knowledge of local elections**
- 11. agree that any such legislation be amended to set out minimum expectations for the Commission when it engages with the local government sector.**

### **Election promotion and communications**

One of the points made in previous inquiries is the need for a national promotional and education campaign in advance of local elections.

The local government sector has attempted to get a national promotions campaign 'off the ground' on several previous occasions. These have always foundered on the sector's collective unwillingness to fund such a campaign.

Within the envelopes of existing funding the sector did run [Vote Local, Vote 25 | Pōti 25 - Local Elections - New Zealand](#). Taituara provided collateral for local authorities to use in promoting the ratepayer franchise; unlike previous years, we did not procure newspaper space (councils were no longer required to advertise this in newspapers).

Local authorities undertook promotional and educational activity both individually and in regional groupings. Councils will include their own experiences in their submissions, but they include (among other things) 'get out the vote' meetings,, meet the candidate nights, participation in the youth voting programme and so on.

We submit that there needs to be a single, coordinated national campaign that utilises national-level media – including radio, television, and the internet. Of course, such a campaign will be non-partisan and focus on awareness and on the act of voting.

We see this as role for a centralised agency. This is no different from the pre-election communications activity that the Electoral Commission currently undertakes. The complexity of local elections is such that any communications campaign will have a strong educative element – for example, two voting systems, a wider range of 'issues', etc.

We further submit that central government should play a role in assisting to fund the campaign. A well-designed campaign could align with the work the Commission does at central government level and serve as an investment in building citizen awareness and promoting participation at central government.

### **Recommendations: Election promotion and communications**

**That the Justice Committee:**

- 12. agree that there should be a multi-media national communications and engagement campaign designed to build awareness of local elections and understanding of how to vote.**
- 13. agree that the campaign should be part funded by central government.**

### **Civics education**

New Zealand, like the rest of the world, is experiencing a decline in trust and confidence in many of our public institutions.

Declining trust and confidence has also manifested in a decline in the state of civic discourse – including some willingness to resort to compulsion and force as a tool (e.g. the occupation of Parliament grounds, the blocking of a peaceful parade celebrating a religious festival by a group aligned with another religious organisation, to letters purporting to place local government CEs under house arrest for the ‘crime’ of collecting a legally set rate).

One of the consistent features of post-election research is that there are significant elements of the community that did not vote because they consider:

- voting would make little difference to the way that their local authority is run
- local government is not relevant to them personally
- some degree of distrust of, or disengagement from, local government and its institutions.

Civics education is a counter to all of this and, to that extent, is an investment in the country’s future. On one level, it’s a device to instil an understanding of local government institutions and their role in New Zealand’s constitutional arrangements at an early age. But more fundamentally, civics inculcates a culture of active community involvement and an understanding of the value of community and participation for the common good.

Of course, a citizen who is engaged in civic society does more than vote once every three years. They inform themselves about local and national issues. They engage in the political process through formal means (such as submitting on a bill or on an annual plan) and informal means (for example by participating in a legitimate protest). An engaged citizen also involves themselves in community activities – for example, by volunteering.

The obvious place to raise awareness is through a civics component in the education curriculum. While there is no specific subject called ‘civics’ in the curriculum, the Ministry of Education advises that civics is woven into the social sciences, health and physical education, technology, and arts curricula.

We are unaware of any research that specifically considers the impact of civics education on participation in local affairs. Studies at 'national' level generally do find a statistically significant impact. For example, Saha and Print (2009) found Australian students who took a course in civics or government were 10 per cent more likely to vote in Federal elections, Bachner (2010) found American students with civics were between three and six per cent more likely to vote in Federal elections.

Another interesting note from the research is that, by and large, there is a higher degree of awareness and understanding of national-level politics than local politics and international politics.<sup>9</sup>

The last international comparative study of civic awareness and knowledge that this country participated in ranked New Zealand students above average with their peers. This comes despite that same study citing New Zealand as one of two nations where the authors found civics education has a low priority (their words)<sup>10</sup> Sadly that study was in 2009. New Zealand did not participate in the 2016 edition of that study.

If New Zealand is to make useful investments in civic education, it should begin with foundational research on civic awareness and knowledge, both in school students and in the wider community. This includes participation in the next ICCS study and/or advocacy internationally for a replacement.

LGNZ also historically devoted time and energy to producing resources to enable the incorporation of a local government component into civics education. Other local authorities, most notably Auckland, have developed resources for use in their own areas. However local government/governance is not a mandatory part of the civic-related aspects of the curriculum.

Research suggests that experiential learning (learning by doing) is generally the most effective means of civics education. The Electoral Commission undertakes the so-called Ngā Pōti ā-Taiohi – Youth Voting programme in advance of general elections. We understand that this has a relatively good take-up.

This is also run in local government elections – though not well taken up (only 25 schools participated in the programme in 2025, down from 55 in 2022). At least one council said they found the cost prohibitive.

We are aware that the Scandinavian countries make experiential learning a key component of their programmes e.g. site visits, mock debates, and the like. The American Centre for Civic Education runs a programme called 'We, The People' where high-school age children debate issues of relevance and discuss constitutions, democracy and its fundamental principles.

We've become aware that the Ministry of Education has published a very useful teaching and learning guide. The guide restates the core values and objectives of civics education (though it appears with more of a social studies lens). The guide

---

<sup>9</sup> Refer to the 2009 International Civic and Citizenship Education Study (ICCS).

<sup>10</sup> Schulze et al, ICCS 2009 International Report, Civic knowledge, attitudes and engagement among lower secondary school students in 38 countries, pp 44- 45

then provides a series of exemplars of resources or programmes deemed effective at different levels of the curriculum. This includes at least one example of a mock debate on a local issue with/through a local authority.

However, it appears there is a focus on year ten social studies and in the school leavers toolkit, and there is no compulsion to use these resources. The kind of systematic civics teaching we have in mind would require extending the curriculum beyond year ten and adding mandatory local government content.

Predecessors to this Committee have regularly called for enhancements to civics education. We call on the Committee to not only renew that recommendation but perhaps consider a recommendation in support of foundation research that would form an evidence base for the next steps.

### **Recommendations: Civics**

**14. That the Justice Committee agree that New Zealand undertake foundational research in the state of civic awareness and knowledge both in school-level students and in adults.**

### **Candidate information**

One of the most common reasons potential electors give for not voting is that they did not know enough about the candidates or their policies. The candidate profile statement was intended to help overcome the information deficit by providing candidates an opportunity to introduce themselves and briefly discuss their views at low cost.

A review of a sample of profile statements undertaken for a previous inquiry showed that those for Mayoral candidates generally contained policy commitments or other content. Those for other positions tended to focus more on the personal details, such as the person's role in the community, how long they'd been there and so on. And, as would be expected, there was little commonality in approach.

The candidate profile statement became an option after postal voting became widely used. In an in-person election, the regulations require the distribution of the statements with the voting document. As we've seen, that is likely to add to the time many electors take to complete their votes and therefore to delays. If in-person elections are to become more widespread than alternative or supplementary means of making the information available (and getting people to read it ...).

Local authorities can (and do) make the candidate profile statements available online. This past election also saw some local authorities offering candidates the opportunity to make short videos. Of course, local authorities need to exercise caution in doing so, lest they be seen as compromising their neutrality.

At each local election since 2019, candidates have had the opportunity to place their profiles and photos in a central repository and add a more detailed biography. The

website policy.nz partnered with 19 councils to fund this activity. We are advised that the website covered almost 600 distinct local elections, with around 40 per cent of the candidates submitting detailed information for publication.

Of course, the challenge with this and an earlier sector-sponsored initiative (vote.co.nz) is that they depend on the sector's willingness to provide funding. It is therefore subject to similar incentives to free-ride as a sector-funded promotion campaign.

This is another potential means of enhancing voter participation that may sit better in a central agency such as the Electoral Commission. As a neutral administrator, they might host it themselves, or (and more likely) pay a party such as policy.nz to compile and host it. The resource might also be enhanced with a set of standard questions (perhaps derived from elector research that a centralised body would be placed to commission).

Of course, the information is only helpful if the public is aware that it exists and is using it. Both the existence of the information and that using it will help speed up the voting process should be part of the national promotions campaign that were mentioned earlier.

### **Recommendations: Candidate information**

**That:**

- 15. the Electoral Commission (or other central administrator of local elections) should be funded to develop a centralised online repository of candidate profiles and biographies in a standard format**
- 16. the existence of the repository and that the information will help speed up the voting process be part of the national promotional campaign.**

### **Local media**

LGNZ's position paper noted that:

*"The traditional model of journalism is caving under pressure. Print advertising has shifted online and away from mainstream media businesses, gutting revenue. This has driven decline in local media, which presents a threat to local democracy. While central government funding is no panacea, investment in the Local Democracy Reporting scheme has ensured those communities receive local government news. Local media could be supported in a range of ways, including initiatives that encourage other local media providers to start up or that directly support existing local media providers."<sup>11</sup>*

LGNZ went on to recommend that the Local Democracy Reporting scheme be extended into areas where the commercial media no longer cover local government. And that the scheme operates on a three-year cycle to attract and retain talented staff.

<sup>11</sup> LGNZ(2025), Refreshing Our Grassroots Democracy, page 14.

We agree.

### **Length of terms**

In the week we finalised this submission, the Minister of Justice announced that the Government would ‘shelve’ the *Term of Parliament (Enabling the 4-year Term) Legislation Bill*. That Bill provided for a referendum on the extension of the Parliamentary term to four years.

Taituarā considers that a four-year electoral term sends better incentives for quality policy-making and law-making in both central and local government. We submitted in favour of this Bill with one critical proviso – that a similar extension to local government must accompany any extension of the Parliamentary term.

With the three-year term an election is always ‘just around the corner’. A shorter term incentivises governments to look for short-term policy wins as opposed to longer-term structural reforms. New Zealand has seen this in spheres such as resource management reform and water services reform where successive governments have continually ‘run out of runway’ or there are sudden policy reversals

Ironically, the reason the Minister gave for shelving the recent legislation (the lack of time in this term to pass the law and give lead time to a referendum) serves as further demonstration of this.

The RIS that accompanied that Bill noted that there could be significant practical challenges if local government elections coincided with the general elections. We agree.

Central and local government elections are held under quite different rules and processes. For example, central government elections are always held as an ‘in-person vote’. People who know they will be overseas can ask for a special vote in a general election, those same voters have to be sent a vote by mail for local elections (which is dependent on knowing where they will be). Electors can email overseas votes in a Parliamentary election, that option is not available in local elections and so on. The difference in rules and procedures can be frustrating for electors at the best of times but will only be multiplied when the two elections happen together,

There is evidence that holding elections together does increase turnout. But in the words of Anderson (2024)

*“very little is known about what happens with the electorate outside of the simple increase in voting. Just because citizens choose to vote, it does not mean that they actually pay attention to all the campaigns or feel that their participation is valuable. Using 20 years of American National Election Study survey data and focusing primarily on the low-salience House of Representatives, this paper examines the psychological effects of concurrent elections in the United States. It concludes that, while concurrent elections do boost turnout, lower-salience candidates receive less attention during concurrent elections, leading the public to rate them more negatively and know less about them. Higher-salience office candidates avoid these negative consequences. Thus there is a trade-off with concurrent elections – more people*

*tend to vote when multiple offices are contested simultaneously but those voters also tend to focus on the higher offices and ignore the bottom of the ballot.”<sup>12</sup>*

Anderson speaks of higher salience elections subsuming lower salience elections. That would be the impact of holding central and local elections in the same year, in other words that central government issues and concerns would dominate the process.

The conduct of a general election is a major practical and logistical undertaking that is not a one-year project. Elections require lead-in time to prepare. This would be particularly true of a year in which local and central elections coincide, as the Commission also has a substantive role in local elections (providing roll information, supporting the special voting process). We are not sure how the Commission would provide the surge capacity needed to manage both in the same year – and frankly suspect that local government elections would be the poorer for it.

Important central and local government processes are currently undertaken once every three years for no reason other than to align them with the electoral cycle. This includes processes such as Departmental Statements of Intent but also includes policies and funding commitments such as the Government Policy Statement on Land Transport Funding that signal the priorities for the National Land Transport Fund.

Important local government processes also run on a three-yearly cycle, coinciding with those set out in the Local Electoral Act 2001. These include (among others) the Long-term Plan, Regional Land Transport Plans, Regional Public Transport Plans, and Representation Reviews. A full list is available in the Taituarā Register of Mandatory Documents.

### **Recommendations: Length of term**

**That:**

- 17. the term of office for Parliament and all local authorities, local boards, and community boards be extended to four years**
- 18. all procedural and accountability requirements aligned to the three year term in local government be aligned to a four-year cycle. Among others this includes the Local Government Act 2002, Local Electoral Act 2001, and the Land Transport Management Act 2003.**

### **Maori Wards/Constituencies**

The 2025 local elections saw 42 local authorities holding a poll asking the community whether it wished to overturn the local authority’s earlier decisions to establish a Māori ward or constituency (we’ll use the term Māori ward as a shorthand).

<sup>12</sup> Anderson (2024), *Crowded Out : The Effects of Concurrent Elections on Political Engagement, Candidate Evaluation, and Campaign Learning in the United States*, *Journal of Representative Democracy*, vol 60,

Eighteen local authorities voted to retain Māori wards, 24 voted to abolish them. Together with the three wards where polls were not required, this means 21 local authorities have a Māori ward or constituency.

Taituarā supports, and continues to support, the establishment of Maori wards by decision of local authorities without recourse to a poll.

***The decisions and actions of local authorities can and do give rise to breaches of te Tiriti. Māori representation in the decision-making process is therefore essential.***

Article Two of Te Tiriti guarantees Māori the right to make decisions over the resources and taonga they wish to retain. Article Three commits the Crown to ensuring the rights and obligations of a New Zealand citizen apply equally to Māori.

Local authorities are public entities that make decisions that impact on lands, waters and taonga. Decisions such as RMA zoning, placement of infrastructure and levels of service, even the setting and enforcement of rates all have (or could have) such an impact. While not signatories to Te Tiriti, the decisions that local authorities make can easily impact on the Crown's obligations to Māori. Local authorities should be cognisant of these principles and identify the impacts that their decisions will have.

Additionally, there are some activities where local authorities are acting as delivery agent on behalf of the Crown. Many of the regulatory services involve exercise of some function on behalf of the Crown.

There are a wide variety of arrangements, both formal and informal, for Māori to contribute to local authority decision-making processes. These range from the strategic partnerships with iwi (such as the partnership between Rotorua Lakes and Te Arawa), the Komiti Māori that exist in many local authorities through to the Independent Māori Statutory Board Parliament established when it created Auckland Council.

The Waitangi Tribunal has observed that *“Alternative mechanisms for Māori participation in local government are not the same as having a dedicated seat at the council table”*.<sup>13</sup> A Māori ward or constituency is the only mechanism that guarantees Māori representation on the body that makes the final decisions (for example committees of council cannot adopt a District Plan or Long-Term Plan).

This is a matter for local choice based on an informed consideration of the needs and preferences of the community, especially iwi and hāpu.

A poll is a higher procedural standard for Māori wards than apply to other decisions made in a representation review. There is no such trigger for polls with regard to other decisions around wards and constituencies. The only other representation decision that may be overturned by poll is the decision on the voting system. The restoration of polls re-imposes a higher, and therefore inequitable, procedural standard on one particular representation arrangement than applies to others.

---

<sup>13</sup> Waitangi Tribunal (2024), The Māori Wards and Constituencies Urgent Inquiry Report, page 2.

One of the common pieces of disinformation that circulated in the last local elections was the claim that a Māori ward breached the ‘one person, one vote’ principle. The statutory formula for determining the number of Māori wards or constituencies ensures that a vote in a Māori ward/constituency has broadly the same weight as a vote in any other wards/constituencies.

The Department of Internal Affairs commented that:

*“Referendums and polls are an instrument of majority rule which can suppress minority interests. Normal lawmaking process have safeguards to make sure minority rights and interests are considered – human rights legislation, parliamentary debates and the select committee process. But referendums do not require that tabling and balancing of interests, and the outcome will depend on the majority’s perception of the minority interests.”<sup>14</sup>*

We agree that the complex constitutional, legal, and political issues do not readily lend themselves to a ‘yes/no’ question. The restoration of referenda to decisions on Māori wards, including wards that have already been established, places local authorities in exactly that same position and should be avoided. Perhaps this is why the Prime Minister has publicly ruled out a referendum on Treaty principles, and why Parliament overwhelmingly rejected last year’s Treaty Principles Bill.

### **Recommendations: Māori Wards and Constituencies**

**19. That the Local Electoral Act be amended to restore the ability to establish a Māori ward or constituency without a poll.**

### **Mis/disinformation**

The Select Committee asked specifically about mis and disinformation in the last local election. The place where these phenomena were most obvious and prevalent lay in some of the material circulating about the poll on Māori wards. We’ve cited the most common of these in our comments on the poll process – that these seats violate one person, one vote principles (they do not). The fact that organised groups were involved in the generation and circulation of this material makes this systemic.

We do not, and can not know whether these claims swayed the result of a poll, or indeed any individual voter. Our suspicion is that they were mostly received by already receptive ears.

<sup>14</sup> Department of Internal Affairs (2023), Local Government Briefing – Coalition policies for local electoral changes, page 7.

## Part Three: Electoral Administration

---

This part focuses more on the technical and mechanical aspects of local elections. For ease of presentation, we have classified these under the following headings:

- candidacy issues
- voting matters
- information matters

### Candidacy matters

***Electoral officers should have statutory support to ask for proof of citizenship upon nomination.***

Candidates must be New Zealand citizens to run for election. We acknowledge past cases where candidates elected to office were not New Zealand citizens and thus ineligible. The two most recent cases (2017) only came to light months after the candidates had begun serving as elected members.

Section 25 of the Local Electoral Act is very clear – a candidate must be a New Zealand citizen. The nomination form requires the candidate to attest to their holding of New Zealand citizenship. Section 21 makes it an offence to nominate a candidate knowing that the person is ineligible to hold office, or to accept a nomination knowing that you are ineligible to hold office.

The nomination form used by most local authorities makes the candidate aware that they may be asked to furnish proof of their New Zealand citizenship. The form also makes it clear that acceptable proof includes a New Zealand Passport, New Zealand Birth Certificate, or other New Zealand Citizenship documents, such as a Certificate of Citizenship or Determination of Citizenship.

It appears that some electoral officers rely on the candidate certifying their eligibility in two places and signing the form, and on the legal sanction and loss of office as controls.

The general election nomination form appears to require a similar certification. It also requires candidates born outside New Zealand to furnish proof of citizenship and, helpfully, directs candidates who are unsure of their status to the Department of Internal Affairs.

However, the legislative authority for this could be made a lot more certain especially in circumstances where a candidate refuses to produce proof. We recommend an amendment to section 55 to require candidates to furnish proof that they are New Zealand citizens.

The 2023 Census showed that around 29 per cent of New Zealand's usually resident population were not born here. This was up from around 25 per cent at the 2013 Census. New Zealand is likely to remain a nation with a growing migrant population. This issue will not go away.

### **Recommendation: Citizenship of Candidates**

- 20. That the Justice Committee agree that section 55 of the Local Electoral Act be amended to require candidates to furnish proof of New Zealand citizenship.**

#### ***Legislation should more clearly define what constitutes a recent photograph.***

Section 61 empowers, but does not require, candidates to supply a recent photograph for inclusion alongside their candidate profile statement. The Act does not specify what constitutes 'recent'. As a result, we are aware that there are differences in practice between election providers – one considers six months recent, another considers a year recent. Both providers report debates with prospective candidates.

The dictionary definition of 'recent' (having begun or happened or started from a short time ago) is not helpful in this regard. We have no preference for which time period to select, only that there should be one.

### **Recommendation: Candidate Photos**

- 21. That the Justice Committee agree that section 61 of the Local Electoral Act be amended by specifying a period within which any candidate photo must have been taken.**

#### ***Candidate expenditure and donations***

Democracy flourishes where political discourse is encouraged – having different rules applying to central and local government creates an unnecessary barrier to such discourse.

We would also strongly support the annual indexing of expenditure limits. The latest Half Year Economic Update from Treasury forecasts that the headline rate of inflation will increase by around seven per cent in the next three years.

Even in a low inflation environment inflation still moves at 4-5 per cent over the course of a triennium. We submit that the Act should be amended to allow for the setting of expenditure limits through regulation rather than by statute. Parliament's time ought not be diverted for mechanical amendments such as these.

### **Recommendation: Campaign Expenditure Limits**

- 22. That the Justice Committee agree that the Local Electoral Act be amended to allow setting of campaign expenditure limits by regulation.**

#### **Voting matters**

##### ***There is an opportunity to enhance the convenience of the ratepayer enrolment process.***

One of the features unique to local elections is the non-resident ratepayer franchise: a ratepayer who lives in Auckland but owns property and pays rates in Thames can vote in both local authority elections if they register as a ratepayer elector.

There is a degree of public misconception that the ratepayer franchise somehow breaches the one-person, one-vote principle. Those who make these arguments commonly follow it with comments such as “no one gets two votes in a general election”. This is based on a misunderstanding of the nature of local governance – each local authority is a single jurisdiction and those on the ratepayer roll pay local tax (i.e. rates) in that jurisdiction.

A person may not exercise a vote on the ratepayer franchise and one on the general franchise in the same election. Denying a ratepayer elector the opportunity to vote is to deny the principle of “no taxation without representation”.

A person wanting to vote as a ratepayer elector needs to register as a ratepayer elector in the relevant local authority (Thames-Coromandel in the above example). The Act requires local authorities to notify ratepayers with postal addresses outside the area of the option, and publicly advertise the option once every three years.

Unlike the residential roll, a person who wants to stay on the ratepayer roll needs to re-register each election. The nature of the enrolment process is such that only the truly committed take up ratepayer enrolment. Turnout on this franchise is generally a great deal higher than for other voters - in past elections, the turnout of ratepayer electors has generally been 75 – 80 per cent.

The eligibility for the ratepayer franchise is determined from information on the local authority’s rating information database (a collection of information that is used for assessing and collecting rates).

A person becomes eligible for the ratepayer roll through the act of acquiring a property in a district in which they do not normally live. The local authority becomes aware of the acquisition when it receives a notice of sale (which the former owner is responsible for furnishing).<sup>15</sup> Amendments to the local authority’s district valuation roll are made through a process known as ‘roll maintenance’ – which some local

<sup>15</sup> Section 32, Rating Act, it is this act that is the means through which the former owner removes themselves as the person liable for rates.

authorities undertake themselves and others contract their valuer to undertake for them. That the new ratepayer is eligible for the ratepayer franchise is picked up through the ratepayer's address for sending rates assessments/invoices as it appears on the district valuation roll (DVR).

This process could be used to determine when a ratepayer elector is no longer eligible for the ratepayer roll. All that is required is the addition of an indicator to the rating unit's entry in the local authority's rating information database (not the district valuation roll) that signals whether the owner is on the DVR.<sup>16</sup> When a property is sold, the person doing the roll maintenance is made aware the property was formerly owned by a ratepayer elector and advises the electoral officer.

Ratepayer electors may remain eligible for the roll but choose not to stay on it. Currently, all they need do is not return the form when the registration process opens. This change would require a ratepayer elector to take action to get themselves *removed*. That requires some redesign of the existing forms or the creation of a new form signalling the elector's wish to leave the roll.

Section 27 of the Local Government Rating Act 2002 allows a local authority to use information on the database for communication with ratepayers. In this era of privacy and litigiousness it may be desirable, but probably not essential, that this provision be amended to put the use of information for administering the ratepayer franchise beyond doubt.<sup>17</sup> There would be a need to change some of the regulations governing preparation of the ratepayer roll. Regulation 15 would need to change to allow for the possibility of a ratepayer deciding to remove themselves from the ratepayer roll. A similar provision may be needed in regulation 17.

### **Recommendations: Ratepayer Enrolment**

**Taituarā recommends that the Justice Committee:**

- 23. agree that section 27 of the Local Government Rating Act 2002 be amended to place the ability of local authorities to use rating database information to administer the ratepayer franchise beyond doubt and**
- 24. agree that regulations 15 and 17 be reviewed for consistency with a ratepayer's ability to remove themselves from the franchise.**

### **Access to the unpublished roll**

The Electoral Act 1993 establishes the unpublished roll. This is a device for protecting those electors whose personal circumstances are such that publication on the electoral roll may compromise their personal safety (for example, police officers

<sup>16</sup> A local authority's rating information database holds all the information necessary to set and assess rates. This includes the information on the district valuation roll, but in many cases also includes other information valuers do not collect and which is used to set rates.

<sup>17</sup> The provisions governing the use of, and access to, information on the rating information database and the links between these provisions and other statute that draws on this information are well-known for their overall lack of coherence and ability to 'talk to' each other.

and those who are protected by a domestic violence protection order). By law, details of those on this roll cannot be provided to anyone outside the Electoral Commission. This includes local authority electoral officers and their staff.

Those on the unpublished roll are eligible to vote in local elections. In these cases, the Electoral Commission notifies the elector that they are eligible to vote as a residential elector. The voter then contacts the electoral officer to exercise a special vote and fills in a special voting declaration.

As it stands, the process is reliant on the elector making an approach to the electoral officer. The number of special votes issued is generally a great deal lower than the number on the unpublished roll (and remember that this is just one of the grounds that an elector may have for requesting a special vote).

Taituarā accepts that personal safety is a valid concern and that there should be protections for voters with a genuine and demonstrable concern for their personal safety. Electoral officers and staff make a declaration, which includes an undertaking not to disclose information received in this role unless authorised by the LEA. An intentional or reckless breach of this Act is an offence punishable by a fine of up to \$2000. We suspect that an electoral officer guilty of any breach, whether intentional or not, would also face disciplinary action and (probably) employment consequences.

We do not see these concerns as insurmountable, as electoral officers and staff are subject to the same restrictions as Electoral Commission staff and returning officers. These protections could be extended to others exercising functions in support of local elections, such as mail house staff.

**Recommendation: Access to the unpublished roll**

**25. That the Justice Committee agree that each local authority's electoral officer and other sworn staff be given access to the unpublished roll.**

***Special voting processes may need modernisation. We are unclear that all of the information required of applicants has a purpose.***

The Select Committee has specifically asked for comments on special votes and the number of special votes that were declined in 2025.

Members of our Electoral Reference Group noted a significant increase in the number of special votes received in 2025, and while data is still being compiled, anecdotally, we understand more were declined.

Electoral officers advise us that the main reasons that special votes were declined were that people were not on the roll, or that the special vote declaration form was incomplete.

The Local Electoral Act and regulations require that a special vote be allowed if and only if the declaration is in order. Regulation 38 requires the elector's signature, a date, that the declaration be witnessed (with the witness' usual residential address) and include the elector's occupation. If any of these are missing then the vote cannot be accepted. The requirements are strictly enforced – the decisions made here are among the areas examined in the judicial recount and inquiry processes.

This is an area that needs to be considered afresh – the perception that votes are disallowed on a technicality does not enhance the overall public perceptions of the electoral practice.

We are advised that 'occupation' was one of the parts of the declaration often left blank. As we understand it, the rationale for capture of this information is to help differentiate between voters, e.g if there are two John R Smiths on the roll, is it John R Smith the builder or the policy analyst who wants a special vote?

This is also a requirement for special votes under the Electoral Act. We understand that this requirement has been removed from the declarations for Parliamentary elections. Not everyone has an occupation. We submit that this is a case where processes should be as similar as possible.

#### **Recommendation: Special votes**

- 26. That special voting requirements be reviewed to ensure that there is a rationale for the information required of those wishing to cast a special vote. And in particular, that the requirement to provide the occupation of the applicant be deleted from regulation 38.**

#### ***Electronic transmission of votes from overseas***

The LEA and Regulations currently only allow voters wanting to cast a special vote to receive or deliver the documents by post or in person. This makes casting a special vote problematic at best for overseas voters. In essence, the voter has to know that they will be at a particular postal address during a specific window of time (in some parts of the world, that window may be as narrow as 2-3 days, even if the international postal system operates at peak efficiency).

The Electoral Regulations 1996 permit the electronic transmission of special voting documents by overseas electors, provided a secure means of transmission is available.<sup>18</sup> We can see no reason why a similar provision could not be incorporated into the Local Electoral framework.

<sup>18</sup> Regulation 47B, Electoral Regulations 1996.

### **Recommendation: Overseas Votes**

27. That the Justice Committee agree that the law be amended to allow for electronic transmission of special votes to and from voters who will be overseas during the election period. This might also be considered for voters with high access needs.

## **Information issues**

### ***Social media and elections***

When the LEA was enacted in 2001 social media sites such as Facebook and Twitter did not exist or were very much in their infancy.

Social media began to filter into the communications and campaigning strategies and techniques of candidates in the middle of the last decade. With it has come the use of social media by electors with views on particular issues or candidates. It has also come with a raft of issues around the applicability of the regulatory settings to social media. This is particularly true of the provisions around election advertising.

We have previously been asked whether communications on the internet are advertising for the purposes of section 113. The advice we have suggests a communication that appears on the internet probably falls outside the scope of section 113 but that the legislative provisions could be a great deal clearer. They based this conclusion on the fact that section 113(1) provides a list of places where advertisements cannot be published without authorisation including:

*"... any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement..."*

Campaigning online is something that is likely to continue to increase in the coming elections, both in terms of its quantity and its sophistication. It is an offence for candidates (or persons acting on behalf of a candidate) to publish an advertisement without the proper authorisation. That being the case there should be far greater certainty in the treatment of internet-based communications.

We have looked at the equivalent provisions in the Electoral Act 1993. As we understand it, Parliament has expressly included internet-based advertisements that apply to Parliamentary elections. Section 3A of the Electoral Act states that an electoral advertisement is an 'advertisement ***in any medium...***', which would extend to the Internet or online media.

However this is also safeguarded with a series of exemptions. Where consistent with the intent of the LEA, these exemptions should be incorporated into the LEA. In particular, section 3A(2)(e) expressly excludes "*any publication on the Internet, or other electronic medium, of personal political views by an individual who does not make or receive a payment in respect of the publication of those views*" from being regarded as an advertisement. This would avoid doubt as to whether activity as

trivial as a member ‘liking’ a candidate’s Facebook post requires a promoter statement.

In preparing this recommendation we were cognisant of developments in election law in the United States, especially the so-called *Citizens United* case around advertising and electoral donations. Our view is that the exemption we recommend below should apply only to so-called natural persons and should not extend to personalities in the legal sense (such as a corporation, trust, or the Whanganui River). The Committee may wish to consider the equivalent parallels in the Electoral Act.

### **Recommendations: Social media**

**That, in accordance with practice in Parliamentary elections, the Justice Committee:**

- 27. agree that the definition of advertisement in the Local Electoral Act be amended to include advertisements in any medium.**
- 28. agree that the expression of personal political views on the internet be expressly excluded from the definition of electoral advertisement.**

### ***Pre-election reports***

In 2010 Parliament added a new requirement to the planning and reporting requirements of the Local Government Act 2002. The so-called pre-election report (PER) is a document that was intended to put the financial stewardship of the outgoing local authority, and its key spending issues ‘front and centre’ in the election debates. The document contains:

- historic financial statements (that is to say that the pre-election reports released in 2025 contained historic financial information for the 2022/23 and 2023/24 financial years). This data comes from annual reports
- an estimated financial outturn for the financial year preceding election year (that is the pre-election reports released in 2025 have an estimated outturn for the 2024/25 financial year)<sup>19, 20</sup>
- a report on the local authority’s performance against the financial limits and target set in its financial strategy
- forecast financial information for the three years following election year. This information comes from the local authority’s long-term plan.<sup>21</sup> and

<sup>19</sup> Local authorities with a usually resident population of 20,000 or less have the option of substituting information from their annual plan. SOLGM’s guide on PER recommends that local authorities that have this option make use of it.

<sup>20</sup> The local authority financial year ends on 30 June. With the due date for PER being two weeks before nomination day (i.e. usually at the end of July), there is no opportunity for local authorities to prepare actual information and get this audited.

<sup>21</sup> Strangely, there is no requirement to include information for election year in a PER. Almost all local authorities did include this information, however.

- information about the major projects planned for the three years following election year. This information comes from the local authority's long-term plan.

For the most part, the PER consolidates existing information into a single document. Few local authorities have identified significant issues with the production of PER, with few indicating that the requirement created significant additional costs for the local authority. The biggest concern that most express is around the requirement to include an unaudited estimate of the financial out-turn for the year prior to the election year, especially as the actual outturn will be included in annual reports that are generally released in the weeks after local elections. Numbers can change significantly meaning there is the potential for misuse of information.

We are unconvinced that PER have achieved their purpose. Where the media cover these documents at all, the reporting tends to largely replicate the content of local authority media releases. There has been no substantial increase in the number of candidates standing, or in turnout. Issues such as the major projects will have been signalled and been the subject of community engagement during the LTP process or will already be well-known in the community. Requirements to report on financial stewardship have now been incorporated elsewhere in the local accountability framework through the Local Government Financial Reporting and Prudence Regulations 2014.<sup>22</sup>

The PER does have benefits as a single 'source of truth' that local authorities can use as source material for their own information campaigns (including for responding to any factual inaccuracies that arise during the campaign). The PER serves as a kind of 'quick reference guide' to key financial and non-financial information that an elector who intends to cast an informed vote could use.

Taituarā does not consider the PER to be a particularly onerous or costly requirement, but a slight streamlining of the requirement to allow all local authorities to use the annual plan forecasts for the year preceding the election year would reduce the cost still further. These numbers are used as the basis for setting rates, so they should be reliable.

### **Recommendation: Pre-election Reports**

- 29. That the Justice Committee agree that all local authorities be permitted to use annual plan estimates for the financial year preceding the election date in their pre-election reports.**

<sup>22</sup> These regulations require local authorities to report their planned and actual performance against a set of parameters and benchmarks of fiscal prudence. Among other things this includes a report on compliance with the limits on rates and debt in the local authority's financial strategy.



**Taituarā – Local Government Professionals Aotearoa**

Level 9, 85 The Terrace, Wellington

PO Box 10373, Wellington 6140

**T** 04 978 1280

**W** [taituara.org.nz](http://taituara.org.nz)

**E** [info@taituara.org.nz](mailto:info@taituara.org.nz)