

4 November 2025

Petitions Committee

Parliamentary Petitions

Parliamentary.petitions@parliament.govt.nz

Tēnā koutou

Petition of Joshua Riley on behalf of Sovereign.nz: Allow scrutineers to watch early ballot processing in local government elections

This letter responds to your email of 10 October 2025 inviting Taituarā (Local Government Professionals Aotearoa (Taituarā)) to provide a written submission on the petition of:

Joshua Riley (the petitioner) requesting *that the House of Representatives repeal Section 81(1) of the Local Electoral Act 2001, which prohibits scrutineers from overseeing early ballot processing in local elections, and adopt provisions similar to Section 174C(2) of the Electoral Act 1993, which allows such oversight in national elections.*

The petitioner states that the reason for their petition is:

Section 80(4) of the Local Electoral Act allows voting documents to be fully processed before voting closes; however, Section 81(1) prohibits scrutineer oversight during this time. In 2022, 83% of voting documents in Auckland, 90% in Christchurch, and 80% in the Far North were received and fully or partly processed before polling day. We firmly believe that repealing Section 81(1) before the 2025 local government elections is imperative to uphold the transparency mandated by Section 4(1)(c)(iv).

Who is Taituarā?

Taituarā is Aotearoa New Zealand's leading membership network for professionals working in and for local government. We have just over 1,000 members, drawn from chief executives, managers, and staff across all

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78 local authorities. Taituarā strengthens the local government sector by using our members' insights and experience to influence the policy debate.

Who was consulted?

Taituarā consulted with members of the Taituarā Electoral Reference Group. The purpose of the Electoral Reference Group is to assist the local government sector to achieve high standards in the planning, management, and conduct of legislative requirements under the Local Electoral Act 2001 and Local Electoral Regulations 2001, and to give effect to Te Tiriti and Te Tiriti principles.

Membership of ERG includes the two election service providers and electoral officers, deputy electoral officers and electoral leads from councils across New Zealand. ERG connects directly with DIA and with organisations which have a role in elections: Electoral Commission, NZ Post and DATAM, DX Mail and the Local Government Commission.

Context re local government elections

All but three councils contract private firms to manage election services. This includes appointing a staff member from the company to be the electoral officer. The two companies providing election services for councils are Independent Election Services (Auckland-based) and Electionz.com (Christchurch-based). The service provided includes vote processing and counting. The Electoral Commission has no involvement with local elections apart from providing the lists of resident electors. All local elections are currently undertaken by postal voting, whereas parliamentary election undertaken by booth voting. Local elections have different methods, processes and legislative requirements when compared with parliamentary elections. They are not directly comparable.

Legislative provisions

DIA's submission¹ succinctly sets out the relevant legislative provisions (summarised below for context):

- The Local Electoral Act 2001 and the Local Electoral Regulations 2001 distinguish between “processing” votes and “counting” votes. “Processing” includes viewing and recording the vote cast.
 - For elections or polls that use the **Single Transferable Voting** electoral system the definition of “processing” is: process or processing voting documents means to carry out any process that facilitates the efficient counting of votes, and includes (a) opening returned envelopes, (b) extracting voting documents, (c) rejecting blank or informal voting documents, (d) identifying valid voting documents, (e) recording votes from valid voting documents and putting them in a form for counting by a certified counting program.

¹ [ac7cf9eb1ca01844efb473a12f745ea90e2d496c](#)

- For elections or polls using the **First Past the Post** electoral system, the definition is the same except it includes an additional explicit statement that “processing” does not include counting votes.
- Under regulations 56 and 101, the electoral officer may process **voting** documents during the voting period (i.e. during the 32.5 days leading up to the close of polling). This only applies to councils using postal voting. Booth voting regulations do not permit the early processing of votes.
- Scrutineers can be present for the roll scrutiny process during the voting period and any vote processing that takes place after the close of voting.

DIA’s submission goes on to outline that the prohibition on scrutineers being present for early vote processing dates back to 1998, when the legislation was amended to include the option of early vote processing. The main transparency mechanism in the legislation is that if the electoral officers undertake any early processing of votes, they must appoint at least one Justice of the Peace to observe the processing. Every Justice of the Peace appointed for this role must give a certificate to the electoral officer stating whether or not the Justice is satisfied that the regulatory requirements for early processing were complied with while they were observing. There are eligibility criteria for the Justice of the Peace appointees to support independence. The Justice must not be a current member or employee of a local authority or community board, or a candidate, or have nominated a candidate.

Implementation

As explained above, all but three councils contract out the Electoral Officer role to an election service provider. The remaining councils all use the companies for some aspects of administration of and processing for local elections. The two election service companies each have one central vote processing centre – in Christchurch and in Auckland. Both companies use electronic vote capture and counting software. All votes are processed and counted by one of the companies.

Early processing of votes

Early processing takes place throughout the election period. “Processing” the votes involves opening the envelope, removing and scanning the voting document. The software checks that it is a valid vote and records the vote. If there is an issue with the vote the software will flag the paper for manual checking. Electoral staff follow processes to review the vote and determine whether it is blank or informal (which is recorded).

Both providers have a separate process for recording which electors have voted, by scanning the barcode on the envelope, when it is first received, without opening it. Scrutineers can be present for this process.

Early processing does not involve counting or totalling votes for any candidate for election.

Processing and counting after the close of polling

After the close of polling, the remainder of votes are processed by the service providers, and the votes are counted. With electronic processing, the count processes are computerised tasks, taking several minutes. The companies use electronic counting for all votes (STV and FPP).

The bulk of the votes, those that have already been “processed”, are counted very quickly after the close of polling. Progress results are sent to councils while the companies wait for documents to be returned from around the country.

We are advised that very few scrutineers request to observe the vote count process.

Practicalities of the petitioner’s request

The current provisions allow for early processing of voting documents to speed up the count after the close of polling and, through the requirement to have a Justice of the Peace present, provide for independent scrutiny.

Vote processing and counting of all votes takes place in two cities, through the election service providers. Scrutineers are interested in observing the parts of the process that take place before they are currently allowed in the room - checking vote validity and the bulk of the processing.

Vote processing for local elections begins early in the election period (approximately 3 weeks before polling day). This is quite different from parliamentary elections where the early processing period is on polling day morning, so observers’ movements in and out of the restricted space can be controlled. Controlling observers’ movements over a long period is likely to be challenging.

There are opportunities for scrutineers to observe special count and official count processes, after the polls have closed. Interest in this appears to be low.

We are not aware of any urgent issue that needs to be addressed. We submit that no change is required to the current provisions for scrutineers. The current requirement to have one or more Justices of the Peace present for early processing ensures independence and opening up centres for potentially long periods to scrutineers would be impractical and create an administrative burden as well as a security risk to the integrity of the systems with people able to be in secure areas for extended periods of time. It would also increase the risk of breaches of the Act where a scrutineer may be able to identify trends in voting and relay this information back to candidates breaching provisions of vote secrecy and could undermine efforts of Council to encourage voting by allowing a candidate to target an area with low voting or high voting and causing disruption.

As noted earlier, local government elections cannot be compared to those of national elections, the requester is not comparing two things that are alike, as there are very clear differences in process, approach and management of the elections.

Yours Sincerely

Raymond Horan

Chief Advisor

Taituarā

