

Regulatory Impact Statement: Improving the timeliness of the official vote count

Decision sought	<i>Cabinet decisions on policy proposals for the Electoral Matters Bill</i>
Agency responsible	<i>Ministry of Justice</i>
Proposing Ministers	<i>Minister of Justice</i>
Date finalised	<i>27 March 2025</i>

This Regulatory Impact Statement (RIS) relates to a package of legislative changes intended to improve the timeliness of the official vote count at general elections. These changes are proposed to be included in the Electoral Matters Bill. The RIS focuses on two key regulatory proposals preferred by the Minister of Justice: closing enrolment 13 days before election day and introducing automatic enrolment updates.

The Electoral Matters Bill will include a range of policy proposals. The Cabinet paper on the options in this RIS also includes proposals on setting an advance voting period, removing requirements to conduct enrolment processes by post, and other administrative efficiencies. These proposals are not in scope of this RIS; however, some have dependencies with options in this RIS that are discussed where relevant. A separate RIS has been prepared on setting an advance voting period.¹

Summary: Problem definition and options

What is the policy problem?

The timeliness of the completion of the official vote count has come under increasing pressure in recent elections. These pressures are driven by several interrelated factors including the significant growth of special votes, the trend of more people enrolling or updating their enrolment details closer to election day, and time-consuming post-election processes that are still largely manual.

These factors are resulting in longer timeframes for election results, which can in turn delay government formation negotiations and prolong public uncertainty about election outcomes. They are also creating an administrative burden around the vote count that is straining the viability of the current election delivery model.

Without change, the growth of special votes and the trend of later enrolments and updates is expected to continue. These trends have already led to the official results being released later than in previous elections. If they are not addressed, then the current timeframes for the official count may eventually become unachievable and require further extension.

What is the policy objective?

The primary policy objectives are to improve the timeliness of the official vote count and the efficiency of electoral administration. Swift election results support the prompt formation of

¹ <https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/>

executive government and Parliament. Modernising electoral administration will help to manage the costs of future elections and provide more efficient services for the public and other electoral participants.

Enduring electoral objectives, such as supporting participation and maintaining integrity, also apply. The options present some trade-offs and tensions between these objectives.

In the last two general elections in 2020 and 2023, the official results have been released 20 days after election day. The Minister of Justice has indicated his expectation that the official results should be available within 14 days after election day, as was the case prior to 2020.

What policy options have been considered, including any alternatives to regulation?

No single solution can improve the timeliness of the official vote count because it is affected by a complex range of factors. For that reason, our approach has been to develop a package of changes to support a timelier vote count.

We have assessed a wide range of regulatory options that include interventions across enrolment, voting and counting processes. We also identified non-regulatory options, such as operational improvements, additional resourcing and communications campaigns to encourage earlier enrolment, but did not consider these sufficient to address the problem definition.

What consultation has been undertaken?

No public consultation has been undertaken, given the timeframes for developing the proposals and passing legislation ahead of the 2026 General Election. Options have been developed and assessed with significant input from the Electoral Commission on operational implications, and relevant agencies have been consulted.

Is the preferred option in the Cabinet paper the same as the preferred option in the RIS?

The Cabinet paper recommends a package of legislative changes in response to the problem.

The Minister's preferred options in the Cabinet paper include two key regulatory proposals: closing enrolment earlier and introducing automatic enrolment updates. This RIS supports introducing automatic enrolment updates but does not recommend the option of closing enrolment earlier. This difference reflects that the Minister's preferred options put more weight on the criterion of effectiveness at improving the timeliness of the vote count ahead of the 2026 General Election, while the Ministry's analysis weights all criteria equally.

A range of smaller administrative proposals are also being progressed (see Annex 1), but these have been exempted from the requirement to provide a RIS.

Summary: Minister's preferred options in the Cabinet paper

Costs (Core information)

Outline the key monetised and non-monetised costs, where those costs fall, and the nature of those impacts

Closing enrolment earlier

The Electoral Commission has estimated costs of \$5.085 million to implement this proposal. These costs include public communications, process and data changes, ICT changes, and staffing and training. This proposal will restrict the ability of some people to vote in parliamentary elections if they do not enrol before the deadline, which could negatively impact participation. The scale of impact is difficult to estimate as it will depend on voter

behaviour. Some communities, including Māori, Asian, Pasifika and young people, may be disproportionately affected based on previous trends in enrolments and special votes.

Introducing automatic enrolment updates

The Electoral Commission has estimated upfront costs of \$6.691 million to implement this proposal. This figure only includes initial implementation costs. Full implementation would require significant further investment, following the completion of a business case.

Implementing this proposal will require changes to how personal data is used for enrolment purposes. Any privacy impacts will be managed through policy and operational design.

Benefits (Core information)

Outline the key monetised and non-monetised benefits, where those benefits fall, and the nature of those impacts

Closing enrolment earlier

Closing enrolment earlier will allow the Electoral Commission to complete enrolment processing earlier. This will allow other post-election processes to begin more quickly and reduce pressure on the Electoral Commission, which could enable a more efficient vote count. It may enable some reduction in the number of special votes, though the impact is highly uncertain, and some associated cost savings.

Introducing automatic enrolment updates

This proposal could reduce enrolment processing pressures on the Electoral Commission during elections and reduce the number of special votes. It could help to improve roll accuracy over time and reduce the number of hours for issuing and processing special votes, which should create associated cost savings. This proposal could make it easier for the public (particularly highly mobile communities) to keep their enrolment details up to date, which supports electoral participation.

Balance of benefits and costs (Core information)

Does the RIS indicate that the benefits of the Minister's preferred options are likely to outweigh the costs?

The Ministry considers that automatic enrolment updates can help to address a key feature of the problem definition more sustainably while supporting positive participation outcomes. However, full implementation costs are not yet known (see below), and it will take more than one electoral cycle for benefits to be realised.

Compared to automatic enrolment updates, an earlier enrolment deadline may merely shift enrolment demand in the run up to the election rather than reduce it. Its impact on reducing special votes is uncertain, while its impact on democratic participation could be significant. For these reasons, this option is not preferred in this RIS.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

The Electoral Commission will be responsible for implementing these proposals. Implementation will require changes across a range of its operations and systems.

The Electoral Commission has submitted a cost pressure budget bid for Budget 2025. Implementation of these proposals is contingent on the outcome of the bid and the level of additional funding.

The earlier enrolment deadline will take effect for the 2026 General Election. Public communication campaigns will be critical to convey the earlier deadline to voters and to mitigate negative impacts on participation.

Initial steps to implement automatic enrolment updates will begin ahead of the 2026 General Election, with benefits expected to be realised from the 2029 General Election. Operational design will need to manage data integrity and privacy risks. Full implementation will require significant further investment, including to upgrade the Electoral Commission's bespoke and ageing systems that are not well-equipped to integrate new functions or changes.

Limitations and Constraints on Analysis

The analysis in this RIS has been limited or constrained as follows.

Consultation

We have not undertaken consultation with the public or affected communities, although we have drawn on submissions to previous electoral reviews where relevant. This means that potential risks and impacts may not be fully understood.

Constraints based on uncertainty and a lack of data

It is uncertain whether any package of changes could reduce the count timeframes for the next general election from 20 days after election day to 14 days. The Electoral Commission has modelled potential impacts based on data from previous elections, but there is still a high level of uncertainty, given the complex set of factors affecting vote count timeframes.

The potential impact of changing the enrolment deadline on the number of special votes is uncertain. It has been over 30 years since the deadline for enrolment was well in advance of election day, and voting trends and volumes have changed substantially since then. This means that no recent comparable data is available to assess the likely impacts on the number of special votes, disallowed votes, and votes where only the party vote is counted. Impacts will depend on voter behaviour and how well the new deadline is communicated.

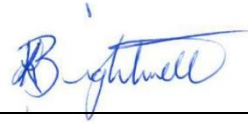
The Electoral Commission is unable to estimate costs for full implementation of automatic enrolment updates, in advance of completing a business case.

Assumptions underpinning impact analysis

- We have assumed slightly reduced service levels to the 2023 General Election and a 12-day advance voting period. Decisions on service levels for the 2026 General Election could affect implementation and costs for some options. These decisions are subject to funding through Budget 2025.
- Speed of implementation has been a key consideration, given the Minister's expectation for a timelier vote count at the 2026 General Election.
- Special votes may be cast for multiple reasons. As a result, the number of people who have cast a special vote for a specific reason can only be estimated.
- There is limited data about the demographic make-up of people who enrol after writ day, other than age and whether they are Māori. We have inferred that some groups are likely to make up a higher portion of later enrolments based on data that indicates special votes are more likely to come from areas with larger proportions of Māori, Asian and Pasifika communities.
- The Electoral Commission's modelling includes estimates of population growth and ordinary and special vote growth, based on government projections and past data. In the short term, population growth is expected to offset some benefits of policy changes.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager signature:
Kathy Brightwell
General Manager, Civil and Constitutional
27 March 2025



Quality Assurance Statement

Reviewing Agency: Ministry of Justice

QA rating: Partially meets

Panel Comment: The Ministry of Justice's Regulatory Impact Assessment quality assurance panel has reviewed the Regulatory Impact Statement ***Improving the timeliness of the official vote count*** prepared by the Ministry of Justice. The panel considers that the information and analysis summarised in the Regulatory Impact Statement **partially meets** the Quality Assurance criteria.

The RIS clearly identifies the problem and objectives and analyses a range of options, their costs and benefits. The RIS also clearly identifies that successful implementation is contingent on the outcome of the Electoral Commission's Budget 2025 cost pressure bid and the level of additional funding it receives.

The analysis is constrained by the lack of public consultation on the proposals, given the significance of electoral law settings to New Zealanders. While information from previous consultation was noted in the RIS, the panel did not consider this to be an effective proxy for consultation. Despite this constraint, the RIS is otherwise robust and the panel considers it can be relied on by Ministers to support their decision-making.

Section 1: Diagnosing the policy problem

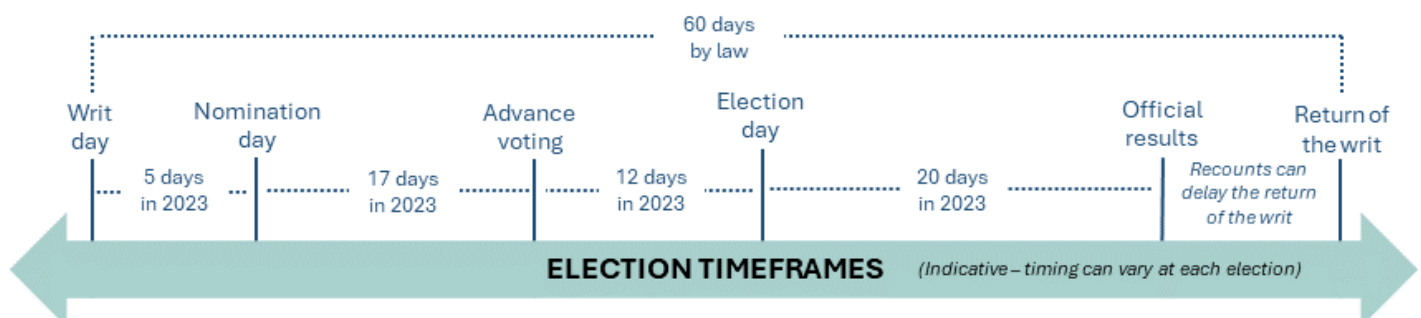
What is the context behind the policy problem and how is the status quo expected to develop?

1. The Electoral Commission is responsible for administering general elections. The completion of the official vote count enables the Electoral Commission to release the election results, subject to any recount applications. The timely conclusion of elections supports the prompt formation of executive government and Parliament.

Electoral timeframes

2. Under the Electoral Act 1993 ('the Act'), the Governor-General must issue a writ within seven days of the dissolution of Parliament that formally sets election day. This date is known as 'writ day'. By law, the writ must be returned by 60 days after it is issued. The return of the writ declares successful electorate candidates. Along with the declaration of elected list candidates, the return of the writ marks the conclusion of the election.
3. There is no statutory timeframe for the official vote count, but the results must be declared before the latest date for the return of the writ. The Act requires the official results to be declared as soon as practicable after the completion of the official count. In practice, the official results are typically declared several days before the latest date for the return of the writ, which allows time for any recount applications to be lodged.

Figure 1: Indicative election timeframes



4. Following the 2017 election, the latest date for the return of the writ was increased from 50 to 60 days after writ day. This change was made to accommodate the growth of special votes and the introduction of election day enrolment (discussed below). In the 2020 and 2023 general elections, the official results were declared 20 days after election day, compared with 14 days for previous elections.

Vote count processes

5. Several statutory checks are conducted between the close of polling and the completion of the official vote count. These checks are critical to ensuring the integrity and accuracy of the election results. Accurate results help to maintain trust and confidence in the electoral system.
6. At a high level, post-election processes include the following steps:
 - a. **Preliminary count:** The Electoral Commission conducts a preliminary count of advance votes and ordinary votes on election night. Special votes are not included as they can be received after election day and must be checked before being counted.

- b. **Enrolment processing:** The Electoral Commission processes all the enrolments and enrolment updates it receives after writ day.² This processing must be completed before special votes can be checked, as a person must be enrolled for their vote to be counted. Enrolment processing involves several integrity checks.
 - c. **Repatriation of special votes:** Special votes in each electorate are sorted, and ballots that were cast outside the voter's own electorate are sent back to the electorate for which they were issued for processing and counting.
 - d. **Validation and qualification:** Validation involves checking special votes have been received on time and the declaration form has been filled in correctly. Qualification involves checking the voter is enrolled and eligible.
 - e. **Scrutiny of the rolls:** The Electoral Commission compiles a master roll, which lists the names of people who voted in each electorate, and scrutinises this roll to identify voters who may have voted more than once.
 - f. **Apparent dual vote investigations:** Election staff investigate any apparent dual votes to see if they can be resolved, which can be time consuming and resource intensive.
 - g. **Vote extractions:** Election staff prepare lists of apparent dual votes and post-writ day deletions. These ballots are extracted and not included in the final count.
 - h. **Official count:** As the above steps are completed, every ballot is rechecked and recounted. All votes are counted by hand.
7. There are many interdependencies between these steps, some of which are done in parallel and some sequentially. This can create a compounding effect if there are delays during any one part of the process. All steps require robust quality assurance, and many are done manually. Detailed operational processes and guidance are critical to help a large, temporary workforce to navigate these complex requirements.
8. At the 2023 General Election, errors were discovered in the official results, and the Electoral Commission had to issue amended results. The Auditor-General conducted an independent review of the vote count and made several recommendations for the Electoral Commission to improve its post-election processes ahead of the next election.

Factors affecting the timeliness of the vote count

9. The timing of the official vote count has come under increasing pressure in recent elections. A range of factors affect the timeliness of the official vote count, including legislative settings, operational processes and systems, voter behaviour, and funding and resourcing. Two key trends affecting the vote count are discussed below.

The growth of special votes

10. There are several reasons in the Act for why a person may be eligible to cast a special vote. These include if they are not on the printed electoral roll at a polling place (for example, because they enrol after writ day or they are voting in a different electorate) or if they are voting away from a polling place altogether because they cannot get to one.

² The electoral rolls that are used to issue votes typically close for printing on writ day. Anyone who enrolls after writ day will not be on the printed roll and so must be issued a special vote.

11. Special voting is an important way of ensuring a wide range of voters can participate in elections. The sources of special votes at the 2023 General Election are outlined below.

Table 1: Sources of special votes in the 2023 General Election

Reason for special vote	Number of votes ³
Not enrolled, or not enrolled at correct address by writ day, or on the dormant roll	About 300,000 – 350,000 ⁴
Voted outside of electorate	149,057
Overseas votes	77,295
Voters on the unpublished roll	23,096
Votes taken at hospitals, care homes and prisons	15,750
Takeaway or postal votes	15,700
Telephone dictation votes	723
Remote votes (including offshore installations and vessels)	24

12. These voters must complete a declaration form alongside their ballot so their eligibility can be checked later. Special votes can take up to ten times longer to process than ordinary votes due to these additional checks.
13. Special votes have grown significantly in the last decade in both volume and as a proportion of the total number of votes. In the 2023 General Election, over 602,000 special votes were cast (21 per cent of the vote), compared to about 331,000 special votes in the 2014 General Election (14 per cent of the vote).
14. The Electoral Commission's report on the 2017 General Election noted: 'If the number of special votes grow to 625,000 – 725,000 by 2023, without significant changes to the current way of handling special votes, the pressure this places on the official count will grow to a point where declaring the final result within the two week period may no longer be possible.'⁵ As noted above, the timeframe for the return of the writ was extended ahead of the 2020 General Election in part to accommodate these trends.
15. The preliminary results released on election night do not include special votes, which are only included in the official count. Special votes often affect the final number of seats allocated to parties. For that reason, government formation negotiations may be constrained until special votes have been counted.

A trend towards later enrolments

16. There are currently no restrictions on enrolling during the voting period. Voters have been able to enrol up to the day before election day since the 1990s. Election day enrolment

³ Some of these figures are estimates only. A precise breakdown is not possible as the reason for a special vote is not recorded in every case, and a special voter may fall into more than one category.

⁴ Different types of enrolment transactions after writ day have been used to estimate the number of special votes completed by voters who were not enrolled by writ day.

⁵ Electoral Commission, *Report of the Electoral Commission on the 2017 General Election*, <https://elections.nz/assets/2017-general-election/Report-of-the-Electoral-Commission-on-the-2017-General-Election-March-2020.pdf>, page 33.

was introduced at the 2020 General Election.⁶

17. The number of people enrolling or updating their enrolment details between writ day and election day has been increasing over several electoral cycles. At the 2023 General Election, enrolment transactions during the voting period increased by 46 per cent compared to the 2020 General Election. 79 per cent of enrolment transactions after writ day were by voters who were enrolled, or who had previously been enrolled, and who needed to update their enrolment details, rather than new enrolments.
18. The Electoral Commission is required to conduct an enrolment update campaign ahead of each general election, where it contacts every enrolled person and prompts them to check their enrolment details. This campaign is intended to ensure enrolment details are up to date before voting begins, but many people are not updating their details until well after the campaign, as shown in Table 2.⁷

Table 2: Timing of enrolment transactions, 2017-2023⁸

Enrolment timeframe	2017		2020		2023	
	Enrolment transactions	Percentage total transactions	Enrolment transactions	Percentage total transactions	Enrolment transactions	Percentage total transactions
Enrolment update campaign start to writ day	278,281	48%	579,745	57%	306,952	34%
Period correlating to special votes						
Day after writ day to start of voting period	100,525	17%	124,621	12%	148,514	16%
Voting period	202,173	35%	310,471	31%	453,940	50%
Subtotal of enrolment applications from writ day	302,698	52%	435,092	43%	602,454	66%
Total enrolment transactions	580,979		1,014,837		909,406	

19. Enrolment transactions after writ day are a large source of special votes. This trend also places considerable pressure on completing enrolment processing quickly so that special vote processing can begin. In the 2023 General Election, the increase in

⁶ Ministry of Justice, *Impact Summary: Enabling election day enrolment*, <https://www.justice.govt.nz/assets/ris-enabling-election-day-enrolment.pdf>.

⁷ Currently, the enrolment update campaign must be delivered by post, which may limit its effectiveness at reaching people who have moved address. The Cabinet paper associated with this RIS also proposes changes to enable the campaign to be delivered through digital channels, such as email.

⁸ Source: *Report of the Electoral Commission on the 2023 General Election*, page 61.

enrolment transactions during the voting period caused enrolment processing to take six more days than planned, which caused delays in turn to other post-election processes.

These pressures will continue to grow under the status quo

20. Without change, the growth of special votes and the trend of later enrolments and updates is expected to continue.
21. Population growth means that the number of eligible voters will continue to grow, with flow-on effects for the volume of special votes (see Table 3). Between 2014 and 2023, the estimated eligible population increased by about 15 per cent. The Electoral Commission has estimated that special votes could grow to nearly one million votes by the 2032 General Election if no changes are made.

Table 3: Special votes – actual and estimated, 2011-2032⁹

	Actual					Estimated		
	2011	2014	2017	2020	2023	2026	2029	2032
<i>Estimated eligible population</i>	3,276,000	3,391,100	3,569,830	3,772,100	3,893,946	4,162,000	4,325,000	4,496,000
<i>Total votes</i>	2,278,989	2,446,297	2,630,173	2,919,073	2,884,111	3,124,548	3,205,581	3,336,279
<i>Number of special votes</i>	263,469	331,005	446,287	504,621	602,488	739,870	864,952	999,056
<i>% of special votes</i>	11.6%	13.5%	17%	17.3%	20.9%	24%	27%	30%

22. Population mobility will affect these trends as well. At the last census, about 20 per cent of the population had lived in their house for 1 year or less, and 53 per cent had lived in their house for less than five years. People moving frequently may mean that voters do not keep their enrolment details updated between elections, resulting in more enrolment updates and more special votes to process.
23. Enrolment trends are also driven by voter behaviour and preferences. The public has come to expect a flexible voting experience, including the ease of waiting to enrol until they vote. While the settings that enable this behaviour support participation, they do not provide an incentive to enrol earlier.
24. As noted above, these trends have already led to the timeframe for the return of the writ being extended and the official results being released later. If they are not addressed, then the current timeframes for the official count may become unachievable over time and require further extension.

⁹ 2029 and 2032 eligible population estimates follow trend and include estimated overseas voters but are not from official Stats NZ projections. Special vote estimates are based on 2023 turnout percentage and enrolment rate and assume 3 per cent growth each electoral cycle based on historical increases.

What is the policy problem or opportunity?

25. The factors affecting the timeliness of the vote count are resulting in longer timeframes for election results. In addition, they are creating an administrative burden on election processes that is straining the viability of the current election delivery model.

Delays to election results

26. Longer timeframes for the official count delay the conclusion of the election. This can delay government formation negotiations, prolong the period of public uncertainty, and extend the period when caretaker conventions apply and significant policy decisions are deferred (where possible).
27. The level of uncertainty about election outcomes will always depend on how close the results are for each election. Likewise, the degree to which parties may be able to progress government formation negotiations while awaiting the official results will depend on the closeness of the results as well as other political considerations. There is no definitive answer as to what timeframe is acceptable for the completion of the official vote count, particularly when balanced against the imperative of ensuring the integrity and accuracy of the results.
28. That said, elections are by nature a time of uncertainty in democracies, and there is value in a timely and smooth transfer of power following an election. A change of government and associated changes in policies can have broad impacts – for example, on the general public, Māori, businesses, the voluntary sector, public services, and more. Some international studies have indicated that political uncertainty around national elections can have an impact on economic factors, such as reduced investment and spending.¹⁰ For these reasons, there are benefits to minimising the period of uncertainty.

Operating model sustainability

29. The delivery of general elections has a broad impact – over 2.8 million people voted in the 2023 General Election – and constitutional significance. The factors affecting the timeliness of the vote count are straining the current delivery model for elections, which is largely manual. This model may be nearing the end of its capacity to cope with increasing volume and processing requirements.
30. If these issues are not addressed, it could lead to:
- a. increased resource requirements and costs, as later enrolments and special votes take more staff and time to process
 - b. negative impacts on the voting experience, as special votes take longer to issue and may cause longer queue times
 - c. increased risk of errors caused by time pressures, which may affect trust and confidence in election results.

¹⁰ See, for example, Julio, Brandon and Yook, Youngsuk, Political Uncertainty and Corporate Investment Cycles (February 2012). *The Journal of Finance*, Vol. 67, No. 1, February 2012, pp. 45-83. Available at: <https://www.jstor.org/stable/41419671>.

Features of the problem

31. Enrolment, voting and counting processes are closely linked, as described above. Pressures in these areas are collectively impacting the timeliness of the vote count. More broadly, these problems are driven by a combination of:
- a. regulatory settings that are not well equipped to manage the volume growth and shifts in voter behaviour that have been seen in recent elections
 - b. outdated systems and processes, including reliance on manual processes and ageing and bespoke technologies
 - c. resource challenges associated with delivering a nationwide service over a short period of time, including funding and workforce constraints.

What objectives are sought in relation to the policy problem?

32. The primary objectives are to improve the timeliness of the official vote count and the efficiency of electoral administration. Specifically, the Minister of Justice has expressed an expectation that the vote count should be able to be completed within 14 days of election day for the 2026 General Election.
33. These objectives will contribute to the outcomes of concluding elections more quickly, managing the costs of future elections, and providing more efficient services for the public and other electoral participants.
34. The primary objectives should be considered in context of other enduring objectives for electoral law, such as encouraging participation and maintaining the integrity of the electoral system. Encouraging participation is critical to ensuring effective representation and democratic legitimacy. Greater participation gives a greater authority to elected governments by better representing the breadth of New Zealand's political community. Maintaining integrity helps to uphold trust and confidence in the electoral system and election results, which is also vital to democratic legitimacy and the smooth transfer of power.
35. In some cases, there will be trade-offs between these objectives. For example, some options present tensions between the right to vote, which is a fundamental right affirmed by the New Zealand Bill of Rights Act 1990, and the administrative requirements that apply to exercising that right, which support the efficient delivery of elections.

What consultation has been undertaken?

36. No public consultation has been undertaken on these proposals. The Electoral Matters Bill that will include these proposals will be subject to public consultation as part of its Select Committee process.
37. All proposals have been designed and assessed with input from the Electoral Commission to understand operational implications. Impact analysis has been informed by data from previous elections, where available and applicable.

38. Submissions to other electoral reviews (such as the Justice Committee’s Inquiry into the 2023 General Election and the Independent Electoral Review¹¹) that involved public consultation have been considered where relevant to the two preferred options. The views raised by submitters to these reviews are discussed in the option descriptions.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

39. The following criteria have been used to compare options to the status quo:
- a. **Effective:** contributes to the primary policy objectives of improving the timeliness of the vote count and the efficiency of electoral administration. Assessment includes consideration of the scale and timing of potential benefits.
 - b. **Efficient:** provides value for money and is practical to administer.
 - c. **Supports electoral participation:** supports modern and accessible services for all voters and does not create barriers to participation.
 - d. **Maintains the integrity of electoral processes:** provides clear and consistent rules that preserve trust in the electoral system and support the accuracy of election results.
 - e. **Consistent with Te Tiriti o Waitangi / Treaty of Waitangi:** actively protects Māori citizenship rights, including rights to political representation, and does not disproportionately affect Māori.
40. The Minister’s preferred options reflect a stronger weighting of the effectiveness criterion, particularly how quickly potential benefits can be realised, in line with his expectation for a faster vote count for the 2026 General Election. The Ministry’s assessment has weighted all criteria equally. These weightings see a difference in the evaluation of the trade-offs between timeliness and participation, including with respect to near-term and longer-term interventions.

What scope will options be considered within?

41. A combination of legislative, operational and technological changes will be needed over several electoral cycles to address the factors affecting vote count timeframes.
42. Officials have considered a wide range of legislative options that could contribute to the policy objectives, as discussed below. The Minister’s primary policy objective of improving timeliness means that we did not consider the option of extending the timeframe for the vote count in response to processing pressures.
43. We identified the following non-regulatory options but did not consider them to be sufficient to address the problem definition. On that basis, we have not assessed them in detail.
- a. **Operational improvements:** In preparation for the 2026 General Election, the Electoral Commission is assessing a range of operational process and system

¹¹ The Independent Electoral Review was an independent panel appointed in June 2022 to lead a broad review of electoral law. It delivered its final report to the Minister of Justice in November 2023.

changes. Some of these changes may expedite processes, particularly for enrolment processing, and reduce the risk of errors caused by time pressures. On their own, these changes are not expected to be able to reduce post-election timeframes to 14 days. We consider these improvements to be complementary to regulatory options.

- b. **Additional resourcing:** The option of funding additional resource to address growing special vote volumes and processing demands was not explored in detail, given the current environment of fiscal constraint. Additional resourcing would not address the root causes of pressures on the official count, which are expected to worsen over time. Any investment would be better targeted to designing and implementing longer-term solutions.
- c. **Communications campaigns:** Public messaging during elections could encourage people to enrol earlier and vote in their own electorate, which could help to reduce enrolment processing pressures and the volume of special votes. However, it is not expected that public messaging alone could shift voter behaviour at the scale needed, as there is a lack of incentive given the ease and convenience voters have come to expect when enrolling and voting.

What options are being considered?

- 44. No single solution can improve the timeliness of the official vote count, given the complex range of factors that affect it. For that reason, our approach has been to develop a package of changes intended to support a timelier vote count rather than a single preferred option, as many options are not mutually exclusive. This approach has meant that our analysis has taken account of scale of change risks in relation to cumulative impacts on the Electoral Commission and voters.
- 45. The options we have assessed include interventions across enrolment, voting and counting processes, in line with the sources of pressure on the official vote count. We have identified options by considering approaches taken in other countries, recommendations from previous electoral reviews, and suggestions from the Electoral Commission based on its operational expertise.
- 46. The following options analysis focuses on the most significant interventions with the biggest potential impacts. The table on page 23 evaluates each option against each assessment criterion. Key impacts on particular criteria are noted in the option descriptions.
- 47. Annex 1 outlines other options that were considered. Some of these options are proposed to be included in the Electoral Matters Bill but are exempt from impact analysis requirements as they would only have minor impacts.¹² Other have been ruled out at this time.

Option 1 – Status Quo / Counterfactual

- 48. As outlined in Section 1, without change the growth of special votes and the trend of later enrolments is expected to continue. The administrative burden of addressing these

¹² One option in Annex 1 is removing occupation and honorifics from enrolment applications. While this option is largely administrative from an electoral perspective, it has flow-on impacts in several other areas. These are briefly analysed in Annex 2.

pressures will lead to increasing costs, longer timeframes and higher risks of errors. The current three-week timeframe for the official vote count may become infeasible.

Option 2 – Close enrolment earlier

49. Currently, voters can enrol at any time before the end of election day. This option considers setting an earlier enrolment deadline, which would apply to new enrolments and enrolment updates. Enrolment applications received after the deadline would not be processed until after the return of the writ. Anyone applying to enrol after the deadline who has not been enrolled previously would not be able to cast a valid vote. Anyone applying to update their address to a new electorate after the deadline would remain enrolled at their previous address. Only their party vote would be counted when their vote is processed as their electorate vote would be invalid.

Effectiveness criterion

50. The main benefit of this option is it would allow enrolment processing to be completed earlier. This would in turn allow processing of special votes to begin sooner after election day, which could alleviate pressure on post-election timeframes.
51. As shown in Table 1 on page 8, voters who enrol or update their enrolment details after writ day are the largest source of special votes. An earlier enrolment deadline could help to reduce these special votes. However, the potential impact is highly uncertain as it will depend on several factors:
- a. Some voters may respond to the deadline and enrol earlier, though it may take more than one electoral cycle for this behavioural change to bed in. This could result in some special votes being avoided, depending on when the deadline is.
 - b. Some voters who miss the deadline may not vote as a result. This would result in some special votes being avoided but at the expense of voter turnout.
 - c. Some people who have never been enrolled and who miss the deadline may still try to vote. These voters may still have to be issued a special vote ballot, as there are multiple reasons why a person's name may not be on the printed roll at a polling place. Their special vote would have to be processed but could be disallowed if they are not qualified. This could counteract some of the efficiency gains of an earlier deadline.
 - d. People are placed on the dormant roll when their enrolment details lapse because they cannot be contacted at the address where they are registered. These voters will remain entitled to cast a special vote, provided they were enrolled at the last election, and so this source of special votes may not decrease.¹³

Participation and Te Tiriti o Waitangi / Treaty of Waitangi criteria

52. An earlier deadline will restrict the ability of some people to vote in parliamentary elections if they do not enrol before the deadline. As noted above, the right to vote is a fundamental right, and encouraging participation is key to effective representation and democratic legitimacy. This option will create a barrier to participation and may be seen

¹³ Section 60 of the Electoral Act 1993 provides for people on the dormant roll to be qualified to vote if they were enrolled at the last election. In the 2023 General Election, the number of dormant electors who changed their enrolment details between writ day and election day and who cast a vote was over 52,000.

as a step backwards for accessibility, in light of changes to enable greater participation over recent elections. Closing enrolment earlier could harm confidence and trust if people are not able to vote because they missed the deadline or if more votes are disallowed.

53. In the 2023 General Election, special votes included over 97,000 people who enrolled during the voting period and nearly 134,000 people who changed electorates during the voting period. These figures provide some indication of the number of people who may be affected by this policy change. Actual impacts – including on enrolment and voter turnout rates, disallowed votes, and votes where only the party vote is counted – will depend on how voters respond to the new deadline and when the deadline is.¹⁴ The earlier the deadline, the more significant the impact on participation is likely to be.
54. Some people may only become eligible to enrol after the enrolment deadline – for example, people who turn 18, or return to New Zealand after an extended period overseas. To avoid unduly restricting the right to vote, the Cabinet paper proposes that this policy be designed in a way that still allows people in these circumstances to enrol.
55. Electoral Commission data indicates that special votes are more likely to come from areas with larger proportions of Māori, Asian and Pasifika communities, and younger people are more likely to cast special votes. In 2023, 33 per cent of 18- to 19-year-old voters enrolled or updated their details during the voting period, as did 48 per cent of Māori voters aged 18 to 19. These trends may indicate that these communities are more likely to be affected by an earlier enrolment deadline.
56. Electors who enrol or update their details after writ day are more likely to be Māori and registered on the Māori roll. In the 2023 General Election, 17.3 per cent of Māori voters updated their details or enrolled during the voting period, compared to 9.8 per cent of non-Māori. The percentage is even higher for voters on the Māori roll, where 18.9 per cent of voters enrolled or updated their details during the voting period. These data from previous elections suggest that Māori could be disproportionately affected by this option.
57. Article 3 of Te Tiriti o Waitangi / the Treaty of Waitangi provides for equal citizenship rights for Māori. These rights include the right to political representation. Setting an earlier enrolment deadline will increase the administrative requirements to exercise this right. Based on previous trends, there may be an increased likelihood that votes cast by Māori may be disallowed at a higher rate than those cast by non-Māori, depending on how voters respond to the deadline.

Previous consultation

58. Closing enrolment significantly in advance of election day has not been considered in detail through previous reviews that involved public consultation. This means that potential risks and impacts may not be fully understood. Previous reviews have elicited high-level views on the rationale for an earlier or later enrolment deadline.

¹⁴ The 2017 General Election was the last election where election day enrolment was not allowed. About 19,000 votes were disallowed for people who voted on election day even though they were not enrolled. Another 42,000 voters only had their party votes counted because they voted in an electorate where they were not enrolled. It is not known how many electors may have wished to vote on election day but did not do so as they knew they were not enrolled.

59. During the Independent Electoral Review's first stage of engagement, about 40 per cent of submitters who commented on enrolment processes supported the status quo, noting that they were straightforward, accessible and provided ample opportunity to enrol.¹⁵ Most submitters who commented on enrolment supported the continuation of election day enrolment to make it as easy as possible to enrol and to support participation. Others thought that enrolment should stop earlier to manage operational impacts and risks of voter fraud.
60. Similar views were raised in submissions on the Electoral Amendment Bill 2019, which expanded enrolment to election day, with most submitters supporting the expansion and only a few opposing it.¹⁶
61. Only a few submitters to the Justice Committee's Inquiry into the 2023 General Election commented on the timing of enrolment, with differing views. Members of the Justice Committee also had divided views on whether the enrolment deadline should be earlier than election day.¹⁷

Sub-options

62. There are several possible timeframes for an earlier enrolment deadline. Enrolment deadlines vary internationally:
- a. In Australia, enrolment closes seven days after the issue of the writ for federal elections.¹⁸
 - b. In the United Kingdom, enrolment usually closes 12 working days before election day.
 - c. In Canada, enrolment is allowed at the polls when people go to vote, including on election day.
 - d. In Ireland, enrolment applications must be received at least 15 days before an election (excluding Sundays, Good Friday and public holidays).
63. This analysis focuses on two options linked to election timeframes: Option 2A) 13 days before election day, or Option 2B) writ day. Removing the recent introduction of election day enrolment would not be sufficient to address volume and processing pressures, and so this option has not been included in the assessment.

Option 2A – Close enrolment 13 days before election day

64. Setting the enrolment deadline 13 days before election day should allow enrolment processing to be completed by the close of polling. Special vote processing could then begin promptly after election day if all enrolments have been processed.

¹⁵ Independent Electoral Review, *Summary of submissions: Stage 1 engagement*, March 2023, https://ndhadeliver.natlib.govt.nz/webarchive/20240119114109mp_/https://electoralreview.govt.nz/assets/PDF/IER-Summary-of-Submissions-Stage-1-Engagement.pdf.

¹⁶ Ministry of Justice, *Departmental Report: Electoral Amendment Bill*, October 2019, https://www.parliament.nz/resource/en-NZ/52SCJU_ADV_89712_JU68465/4c83018535771a7b060b3493249a9f42e4456edc.

¹⁷ Justice Committee, *Inquiry into the 2023 General Election*, November 2024, <https://selectcommittees.parliament.nz/view/SelectCommitteeReport/018d1b6b-7d22-4a67-3620-08dd01d456de>.

¹⁸ Depending on election timeframes, this could be 26-51 days before election day.

65. Under this option, people who enrol between writ day and the enrolment deadline would still have to cast special votes. Enrolment transactions during this timeframe may increase if many people enrol or update just before the deadline.
66. This option would align with the start of advance voting, assuming a 12-day advance voting period.¹⁹ This would mean that enrolment would close at midnight on Sunday before advance voting opens on Monday morning. Aligning the enrolment deadline with the start of advance voting would provide a meaningful connection for voters.

Option 2B – Close enrolment at writ day

67. Setting the enrolment deadline at writ day would align with when the electoral rolls typically close for printing. In theory, this approach could reduce special votes beyond Option 2A by avoiding special votes caused by people enrolling after writ day.
68. The timeframes for printing and distributing the rolls to polling places after writ day and before the start of advance voting are limited. At the 2023 General Election, the Electoral Commission had four days following writ day to process the enrolment applications received by writ day ahead of its printing deadlines. Setting the enrolment deadline at writ day may cause a peak of enrolment transactions immediately before the deadline, and it may not be possible to process all of these in the time available.
69. Writ day is not fixed and may vary at each election. At the 2023 General Election, writ day was 34 days before election day. While writ day is when the election date is formally declared by the Governor-General, in practice the election date tends to be announced many months beforehand by the Prime Minister. On that basis writ day is not a meaningful date for the public and so may not be an intuitive deadline.

Option 3 – Introduce automatic enrolment updates

70. Automatic enrolment updates would allow the Electoral Commission to use data-matching with other government agencies to update a person's address on the electoral roll with no action required by the elector. The Electoral Commission would contact the person (electronically, where possible) to advise that their enrolment details will be updated and provide a short window of time for the person to correct their details if needed before the update is actioned.
71. The Act already enables the Commission to use data-matching with certain agencies²⁰ to send letters to eligible people encouraging them to enrol or update their details, but it cannot do so on their behalf. The person must still complete and submit an enrolment form to the Electoral Commission either by post, online or in person. The Electoral Commission has not run the data-matching programme since 2021, as low response rates and the inefficiencies of communicating by post mean that it is not currently cost-effective.

¹⁹ Currently, the length of the advance voting period is at the Electoral Commission's discretion. The Cabinet paper associated with this RIS also proposes changes to set a legislated advance voting period of 12 days.

²⁰ New Zealand Transport Authority for driver's licence and vehicle registration information, the Ministry of Social Development for beneficiary and student information, and the Department of Internal Affairs for passport and citizenship information.

72. We considered but have not progressed the option of using automatic enrolment for new enrolments. Māori electors choose whether to enrol on the general roll or the Māori roll when they first enrol. Automating new enrolments would constrain their ability to exercise that choice, as there is no clear way to identify who would be eligible and to give them the opportunity to choose their roll before being enrolled. This may mean that new electors would have to be enrolled on the general roll by default. By comparison, only updating the details of people who are already enrolled means that Māori electors would remain on their most recent roll choice and would have the ability to change rolls if they choose.

Effectiveness and efficiency criteria

73. Most enrolment transactions after writ day are people updating their enrolment details (79 per cent of enrolment transactions in 2023), rather than new enrolments. About 134,000 voters changed their electorate after writ day during the 2023 General Election. Many voters change their place of residence between elections and then may not receive postal reminders to check and update their details. These people must cast a special vote as they will not be on the printed roll in their electorate.
74. Automatic enrolment updates could help to reduce pressures caused by these trends. It could manage enrolment processing pressures by keeping the electoral rolls accurate and up to date between elections, which could smooth the sharp spike in enrolment transactions as election day approaches. In turn, fewer post-writ day enrolment transactions would result in fewer special votes being issued to people who are not on the printed roll in their electorate. This reduction would enable time savings across several post-election processes, though the overall impact on timeframes is difficult to quantify as it will depend on volume and resourcing.
75. Full implementation of automatic updates would require significant investment, and the benefits ahead of the 2026 General Election would be limited, with more significant benefits being realised from the 2029 General Election. Implementation is discussed further in Section 3.
76. In other jurisdictions that have adopted this approach, such as Australia, the full benefits are usually seen after several electoral cycles as roll accuracy progressively improves. As the benefits of automatic updates are achieved, the Electoral Commission's efforts will be freed up to focus on ensuring the integrity of the roll.

Participation criterion

77. Automatic enrolment updates would make it easier for enrolled electors to keep their details up to date, providing a more efficient and modern service. This approach may be particularly beneficial for highly mobile communities, which can include Māori, new migrants and young people, that may struggle to keep their enrolment details up to date when moving frequently. Some groups may have particular privacy or data integrity risks that will need to be managed through policy and operational design (discussed further in Section 3).

Previous consultation

78. Several submitters to both the Justice Committee's Inquiry into the 2023 General Election and the Independent Electoral Review supported the use of automatic enrolment updates. Some submitters to the Independent Electoral Review's first stage of

engagement thought that automatic enrolment was consistent with the compulsory nature of enrolment and said it would make enrolment easier for voters and reduce barriers to participation. A few submitters thought these benefits outweighed privacy concerns or noted that the relevant data is already collected and held by government agencies.²¹ In the second stage of engagement, a few submitters raised concerns about consent, risks of data inaccuracies, and low trust in government.

79. The Independent Electoral Review considered automatic enrolment more broadly (i.e., for new enrolments as well as enrolment updates). It noted the potential benefits for highly mobile populations, people with low literacy or digital access, and Māori. In its final report, it did not recommend adopting automatic enrolment as it considered the risks relating to data protection, consent and the exercise of the Māori electoral option outweighed the benefits.²² However, this recommendation was made in the context of people being able to enrol at any time during the voting period, including on election day, to maximise accessibility for enrolling and voting.
80. The Justice Committee supported consideration of a range of ways to ensure enrolment details are kept up to date, including automatic enrolment updates.

Option 4 – Require people to vote in their electorate

81. As Table 1 shows, the second largest source of special votes is from people voting outside their electorate, as they cannot be marked off the roll. Requiring people to vote in their home electorate could help to reduce special votes, though the scale of the impact would depend on how many people would need to use alternative voting methods (as discussed below).
82. The Act provides that a person may cast a special vote if they intend to be absent from their electorate on election day. In practice, people are allowed to cast a special vote outside their electorate at any point during the voting period, which maximises flexibility and accessibility. The Electoral Commission also offers shared electorate voting at some polling places, where ordinary votes are issued for nearby electorates. This service was offered in about a third of polling places in 2023 and helps to reduce special votes.

Participation criterion

83. There are a range of reasons why people may vote at a polling place in another electorate – for example, because they are travelling for business, family reasons or holiday; because they are a remote or itinerant worker; because they are a student enrolled at their family home but voting where they study; or because it is convenient. There is no data available on whether people vote outside their electorate because it is convenient or because they are genuinely unable to vote within their own electorate.
84. Restricting where people can vote will reduce accessibility and convenience, which could discourage participation. It would also mean that some people would have to be turned

²¹ Independent Electoral Review, *Summary of submissions: Stage 1 engagement*, March 2023, https://ndhadeliver.natlib.govt.nz/webarchive/20240119114109mp_/https://electoralreview.govt.nz/assets/PDF/IER-Summary-of-Submissions-Stage-1-Engagement.pdf.

²² Independent Electoral Review, *Final Report: Our recommendations for a fairer, clearer and more accessible electoral system*, November 2023, <https://www.justice.govt.nz/assets/Documents/Publications/Independent-Electoral-Review-Final-Report-November-2023.pdf>, pages 213-215.

away if they try to vote at a polling place outside their electorate. The current default is that a person should be issued a ballot to avoid inappropriately disenfranchising anyone, and whether that person is eligible and their vote is valid is assessed as part of post-election processes. If election staff must make these determinations at the polling place, then there is a risk that they make give incorrect advice or make the wrong decision.

Efficiency criterion

85. Alternative voting methods would need to be provided for people who have a legitimate reason for being unable to vote in their electorate. For example, postal voting is used more widely in some jurisdictions that limit where people can vote, such as the United Kingdom. The administrative requirements for these alternatives may be higher than issuing a special vote at a polling place.
86. Implementing this option could affect a range of election operations, including selection and advertising of polling places, the use of shared electorate voting, public communications, ballot issuing, and special vote processes and forms.

Option 5 – Remove requirements to investigate and extract dual votes

87. Removing the requirement to investigate and extract dual votes could potentially enable time savings in the post-election period. However, this option could undermine confidence in the integrity of the results and lead to more election petitions.²³
88. The Electoral Commission identifies possible dual votes through the scrutiny of the rolls and investigates them. If they cannot be resolved, they are extracted and disallowed. Dual vote investigations can involve checking whether the dual vote was caused by clerical or administrative errors (such as accidentally marking the wrong person off the roll) or optical roll scanning errors, considering enrolment information, and contacting the voter. This process is very time and resource intensive.
89. In Australia, multiple ordinary votes are identified through the scrutiny of the marked rolls used to issue votes, but they are not extracted because it is not possible under the secret ballot system. The Australian Electoral Commission (AEC) examines all detected cases of multiple voting after the election to determine whether the number of multiple votes detected possibly exceeded the margin by which a candidate was elected. If this is the case, the AEC can consider disputing the election result through the Court of Disputed Returns. In addition, apparent multiple votes that cannot be resolved through the AEC's examinations are referred to the police.

Effectiveness and integrity criteria

90. The design of this option would entail trade-offs between time savings and integrity. If possible dual votes were still investigated but not extracted before the official count, there would be fewer negative impacts on the integrity of the results but only minimal time savings at the very end of post-election processes. Alternatively, investigations could be completed over a slightly longer timeframe if they did not have to be finished in time to extract votes for the official count. This approach could enable more time savings, but it would have higher impacts on the integrity of the results as the number of

²³ Election petitions are challenges to whether the election of an electorate candidate or the allocation of list seats were lawful. They are heard by either the High Court or the Court of Appeal and are more time and resource intensive than recounts.

unresolved dual votes, and the potential impact on the margin for election results, would not be as clear.

91. In New Zealand, the number of apparent dual votes after investigations are completed are not usually high enough to have an impact on the allocation of seats based on the party vote. However, dual votes might have an impact on the results in electorates where the vote count margins can be narrow. If the Electoral Commission identified that the number of possible dual votes potentially exceeded the margin in an electorate, or if the potential impact were uncertain, it could trigger an election petition.

How do the options compare to the status quo/counterfactual?

	<i>Option 1 – Status quo / counterfactual</i>	<i>Option 2A – Close enrolment 13 days before election day</i>	<i>Option 2B – Close enrolment at writ day</i>	<i>Option 3 – Introduce automatic enrolment updates</i>	<i>Option 4 – Require people to vote in their electorate</i>	<i>Option 5 – Remove requirements to investigate and extract dual votes</i>
Effective	0	+ Enrolment processing can be completed earlier. People who enrol between writ day and the deadline would still cast special votes, and so special votes may not reduce significantly.	++ Enrolment processing can be completed earlier. Avoids special votes cast by people enrolling after writ day.	++ Could significantly reduce special votes over time by keeping enrolment details up to date, which will allow more people to cast ordinary votes.	+ May help to reduce special votes, which take longer to process, and number of votes that need to be repatriated, but impacts are highly uncertain.	+ Could enable some time savings, depending on design.
Efficient	0	+ Avoids the need to process enrolment applications received during the voting period.	0 Would shift processing pressure to the writ day roll closure, which could in turn put pressure on the start of the advance voting period due to limited timeframes for processing enrolments before printing and distributing rolls.	0 Keeps enrolment details up to date between elections to smooth peaks of high resource demands at elections. Requires significant investment, and benefits cannot be realised for 2026.	- May result in an increase in alternative forms of special votes (e.g., postal votes) and higher administrative complexity. Would require significant redesign of some election processes.	0 May reduce time and resource needed before the official count but could cause higher resource demands (e.g., election petitions) later.
Supports electoral participation	0	- Could result in lower enrolment rates, lower turnout, and more disallowed votes. Reduces ease for voters and creates a barrier to participation.	-- Could result in lower enrolment rates, lower turnout, and more disallowed votes. The earlier the deadline, the more significant the impact on participation will be. Deadline may not be intuitive to voters.	+ Makes it easier for electors to keep enrolment details up to date, especially highly mobile populations.	-- Reduces accessibility and convenience for voters, which may discourage participation. May increase the administrative burden for people who have a legitimate reason for being unable to vote in their electorate.	0 No expected impacts.
Maintains integrity of electoral processes	0	- An increase in disallowed votes may reduce confidence in election results, particularly if some communities are impacted more than others.	- An increase in disallowed votes may reduce confidence in election results, particularly if some communities are impacted more than others.	0 Supports accuracy of electoral rolls. Some data integrity and privacy risks will need to be managed.	- People trying to vote outside their electorate would have to be turned away from voting, which risks people being inappropriately disenfranchised.	-- May undermine the integrity and accuracy of election results and trust in them, if dual votes could have impacted election outcomes.

	<i>Option 1 – Status quo / counterfactual</i>	<i>Option 2A – Close enrolment 13 days before election day</i>	<i>Option 2B – Close enrolment at writ day</i>	<i>Option 3 – Introduce automatic enrolment updates</i>	<i>Option 4 – Require people to vote in their electorate</i>	<i>Option 5 – Remove requirements to investigate and extract dual votes</i>
Upholds te Tiriti o Waitangi	0	- Electors who enrol or update their details during the voting period are more likely to be Māori and registered on the Māori roll, which means they may be disproportionately affected in terms of negative impacts on participation.	- Electors who enrol or update their details after writ day are more likely to be Māori and registered on the Māori roll, which means they may be disproportionately affected in terms of negative impacts on participation.	+ Māori tend to be a highly mobile population and update their details during voting at higher rates, which means this option could be beneficial in actively supporting Māori to vote.	0 Data is not available to assess whether there may be any disproportionate effects on Māori from the impacts discussed under the ‘Participation’ criterion.	0 No expected impacts.
Overall assessment	0	-	-	++ (Preferred option)	--	-

Key:

- ++ much better than the status quo/counterfactual
- + better than the status quo/counterfactual
- 0 about the same as the status quo/counterfactual
- worse than the status quo/counterfactual
- much worse than the status quo/counterfactual

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

92. As discussed above, a package of options is being progressed to address the problem, including minor proposals in Annex 1. It is highly uncertain whether any package of options could reduce the official count timeframes from 20 days to 14 days for the 2026 General Election without compromising the accuracy of the results. In the near term, the effects of population growth may offset policy benefits in terms of time and cost savings. Greater benefits are likely to be realised over several electoral cycles, particularly if technological solutions become more feasible over time.
93. Of the options assessed above, Option 3 (introducing automatic enrolment updates) is our preferred option. It directly addresses the issue of enrolment trends, which are a root cause of special vote growth and longer count timeframes, in a way that avoids negative impacts on participation and removes pressure during elections.
94. Automatic enrolment updates may create some risks around privacy and data integrity. These risks, and how they can be managed, are discussed further in Section 3.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

95. The Cabinet paper recommends both Option 3 (our preferred option) and Option 2A (closing enrolment 13 days before election day). As noted earlier, the Minister's preference for Option 2A reflects a stronger weighting of options that could be implemented ahead of the 2026 General Election.
96. The Ministry has weighted all criteria equally, meaning that this option is not preferred based on an evaluation of its potential benefits against its negative impacts on participation and accessibility. Enrolment is compulsory, and it is not inherently unreasonable to expect eligible voters to enrol before a particular deadline (as is the case in many overseas jurisdictions). However, policy and practice in recent decades has built a public expectation that people can enrol during the voting period. This option would create a barrier to exercising the right to vote compared to current settings, which may have negative impacts on turnout and on trust and confidence in the electoral system.
97. Compared to automatic enrolment updates, we consider that an earlier enrolment deadline may merely shift enrolment demand in the run up to the election rather than reduce it, which could strain other critical election processes. Its impact on reducing special votes is also uncertain, which may mean that its benefits for timeliness are limited. The Ministry considers that it would be preferable to progress longer-term changes, such as automatic enrolment updates, that mitigate negative impacts on participation and may be able to deliver greater benefits. However, we acknowledge that if the policy objective is to deliver a faster vote count for the 2026 General Election, the benefits of automatic enrolment updates cannot be realised in that timeframe.

What are the marginal costs and benefits of the preferred options in the Cabinet paper?

98. Some of the benefits of the two preferred options will overlap in terms of reductions in special votes and issuing and processing hours. For that reason, benefits between options should not necessarily be considered additive.

99. The estimated benefits of automatic enrolment updates reflect two legislative changes: introducing automatic enrolment updates and extending data-matching to enable more digital communication with electors. The connections between these changes are discussed more in Section 3 and Annex 1.

Closing enrolment earlier

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Electoral Commission	Implementation costs have been estimated by the Electoral Commission. See Section 3 for detail.	\$5.085 million	Medium
General public	Negative impacts on voter participation are likely but difficult to estimate as they depend on voter behaviour. Some groups may be disproportionately affected. See previous section for detail.	Medium	Low
Total monetised costs		\$5.085 million	
Non-monetised costs		Medium	
Additional benefits of the preferred option compared to taking no action			
Electoral Commission	Enrolment processing can be completed earlier, allowing other post-election processes to begin more quickly. Impacts on special votes are highly uncertain. The Electoral Commission has estimated a reduction of about 63,000 special votes and about 75,000 hours of enrolment and vote processing time for 2026.	Medium Cost savings for reductions in processing time estimated at \$2.4 million.	Low

General public	Election results may be available more quickly, but impacts are highly uncertain.	Low	Low
Political parties	Election results may be available more quickly, but impacts are highly uncertain.	Medium	Low
Total monetised benefits		\$2.4 million	
Non-monetised benefits		Medium	

Introducing automatic enrolment updates

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Electoral Commission	Costs for initial activities, including extending data-matching to enable digital communications, have been estimated by the Electoral Commission. See Section 3 for detail.	\$6.691 million Significant further investment would be needed for full implementation.	Medium (for initial costs) Low (for full implementation costs)
General public	Personal data will be used in a different way for enrolment purposes, but operational design can manage privacy and data integrity risks.	Low	Medium
Partner agencies for data-matching programmes	Costs incurred are passed on to the Electoral Commission. Will require agency resource to update information sharing agreements.	Low	Medium
Total monetised costs		\$6.691 million (upfront costs only) Significant further investment would be	

		needed for full implementation.	
Non-monetised costs		Low	
Additional benefits of the preferred option compared to taking no action			
Electoral Commission	For 2026, estimated reduction of special votes of about 62,000 and of issuing and processing hours of about 25,000 hours. For 2029, estimated reduction of special votes of more than 170,000 and of issuing and processing hours by about 96,000 hours.	High Cost savings for reductions in processing time estimated at \$0.739 million for 2026 and \$3.073 million for 2029. Further benefits will be seen for subsequent elections.	Medium
General public	Easier to keep enrolment details up to date, which supports electoral participation.	Medium	Medium
Total monetised benefits		\$0.739 million (2026) \$3.073 million (2029)	
Non-monetised benefits		High	

Section 3: Delivering an option

How will the proposals be implemented?

100. The Electoral Commission will have the primary responsibility for implementing the package of changes proposed, including those in Annex 1. Implementation will require a wide range of changes to its systems, processes and training. Some proposals can be in place ahead of the 2026 General Election, while others will take several electoral cycles to design and implement.
101. The Electoral Commission is facing material cost pressures that would affect service delivery levels for the 2026 General Election if not addressed. Decisions on service levels would affect implementation of some proposals. For example, reduced public information campaigns could make it difficult to convey information about the enrolment deadline to voters, and reduced voting services (e.g., fewer polling places and reduced hours of voting) could increase pressure on election staff implementing new rules and processes and increase the risk of errors. Available funding will also affect resourcing levels for enrolment and vote processing.
102. The Minister of Justice has submitted a budget bid for the Electoral Commission for Budget 2025 to manage cost pressures for the 2026 General Election and to modernise delivery to reduce costs. The Minister expects the initial costs for these proposals to be

met from any new funding from this bid. Implementation of these proposals is contingent on the outcome of the bid and the level of additional funding. Full implementation of automatic enrolment updates would require significant further investment, which would be sought through subsequent budget cycles following the completion of a business case.

103. In addition to these proposals, the Electoral Commission will be implementing a range of other legislative proposals in the Electoral Matters Bill for the 2026 General Election as well as operational improvements, including in response to the Auditor-General's report into vote count errors. This creates scale of change risks that may strain the Electoral Commission's capacity to operationalise legislative changes.

Closing enrolment earlier

104. The earlier enrolment deadline would take effect for the 2026 General Election. Public communication campaigns will be critical to convey the earlier deadline to voters and to mitigate negative impacts on participation. Targeted outreach may be needed for communities that commonly enrol closer to election day – for example, Māori and young people. There may be some risks of disruptions at polling places if people arrive expecting to be able to enrol and find out they are ineligible to vote.
105. To implement this proposal, the Electoral Commission will need to make changes across a range of operations, including process redesign, revising staff training and instruction materials and public information, ICT changes to front-facing and back-end systems and dashboards, and upgrades to its eRoll application. Additional funding would be required to meet associated costs as well as for the communication campaigns.
106. Setting an earlier enrolment deadline for general elections has implications for local elections. It will increase the difference in the enrolment deadlines for general and local elections, as enrolment will continue to be permitted up to the day before polling day for local elections, under the Local Electoral Act 2001. Having substantially different deadlines for the two types of elections may be confusing for voters.
107. It is likely that one or more local authorities will have a by-election or poll during the time when processing enrolments is prohibited for general elections (i.e., between the enrolment deadline and the return of the writ). As eligibility for local elections and polls is linked to being on the electoral roll, this may mean that electors who would otherwise be eligible to vote in these by-elections or polls may be prevented from enrolling or updating their details during this period. We note this situation can already occur under current settings, as the Electoral Commission cannot process enrolments between the end of election day and the return of the writ, but the earlier enrolment deadline would extend the period when it can occur.

Introducing automatic enrolment updates

Design and risks

108. Automatic enrolment updates would primarily be used to update address details. The Electoral Commission would contact electors if a data match identified that the address details on the electoral roll may be out of date. Electors would have a window of time (e.g., 28 days) to correct their details if necessary before the update is actioned. If they do not respond, then the update will be actioned at the end of that period.

109. Under Information Privacy Principle 8, there must be reasonable steps to ensure personal information is accurate before using or disclosing it. The purpose of this proposal is to improve the accuracy of personal information on electoral rolls, but the Electoral Commission will need to take steps to ensure the data being shared with it by other agencies is up to date and accurate for enrolment purposes. These steps may include:
- a. data cleansing
 - b. cross-referencing data sources
 - c. identifying groups where accuracy may be an issue and designing appropriate measures to address these risks.
110. Accuracy risks could include people who have multiple residences, distinguishing between changes to residential and postal addresses, students who may be enrolled to vote at home but are living elsewhere, and overseas voters.
111. Notifying and providing an opportunity for electors to check the accuracy of their details before any update is actioned will help to mitigate data integrity risks. It will provide electors with visibility of how their data is being used and give them the chance to correct their details if they are wrong. The enrolment update campaign will continue to prompt electors to check the accuracy of their enrolment details ahead of elections, when it is most important.
112. Additional measures can be considered for people with higher privacy risks, such as people on the unpublished roll – for example, not undertaking automatic enrolment updates for anyone enrolled at the same address as someone on the unpublished roll.
113. We do not propose to allow people to opt out of automatic enrolment updates, as enrolling and updating enrolment details after a change of address is compulsory by law. Electors will have the opportunity to review and consent to the actual changes being made to their enrolment details. Privacy principles also require individuals to be informed about how their personal information will be used.
114. Implementation will require the Electoral Commission to work closely with the other agencies in the data-matching programmes and to update or create new agreements to govern that information sharing. Officials will determine the best mechanism for implementing these information sharing arrangements in line with privacy principles.
115. We have consulted agencies that are in scope of existing data-matching programmes (i.e., NZTA, MSD and DIA). These agencies did not have significant concerns with this proposal but noted that it will require some resource to update information sharing agreements and to develop or amend technical and legal processes. Consideration could be given to adding data sources from other agencies over time to fully achieve the benefits.

System and funding requirements

116. Implementing automatic enrolment updates will require systems design and change over several electoral cycles. Initial benefits are likely to be seen from the 2029 General Election. Additional funding would be required for initial and full implementation as well as for ongoing costs.

117. As a first step, the Electoral Commission could recommence data-matching ahead of the 2026 General Election, which could be extended to enable digital communication (see Annex 1). It could also begin process design for enrolment processes to support early implementation of automatic enrolment updates. The Electoral Commission will likely require initial and ongoing data quality capability above current resource as well as training and new skills for enrolment staff. Some public communication and education may be needed to support implementation.
118. Full implementation will require more significant ICT system change. A limiting factor is the Electoral Commission's current enrolment system, which is a bespoke and ageing system that is not well-equipped to integrate changes or new functions.
119. Currently, the Electoral Commission is required or constrained by the Act to conduct several enrolment processes by post, including outreach as part of its data-matching programmes. A shift from post to digital communication will be necessary to make automatic enrolment updates efficient and cost-effective. The Minister of Justice is proposing to include changes in the Electoral Matters Bill that would remove mandatory postal requirements for several enrolment processes and enable digital communication. Dual systems – digital and post – will need to be maintained in the medium term, which will mitigate any impacts on communities that may experience digital access issues.
120. Automatic enrolment updates and the transition to digital communication are mutually enabling and will deliver greater benefits and a higher return on investment if implemented together. This approach would require a business case to assess requirements for a two-way communication solution, given the limitations of the Electoral Commission's current systems. Any technological solution, whether a new system or a modernisation of existing systems, is expected to require significant further investment.
121. In advance of a communication solution being designed and funded, the Electoral Commission may outsource large-scale digital communications to electors to an external provider.

How will the proposals be monitored, evaluated, and reviewed?

122. The effectiveness of these proposals will be evident in how quickly the official vote count can be completed at each general election. However, the speed of the vote count will reflect the cumulative impacts of these proposals as well as the complex range of operational and behavioural factors that affect timeliness and continued population growth. Over time, the effectiveness of automatic enrolment updates may also be reflected in the number of special votes caused by people updating their details after writ day and the accuracy of the electoral rolls.
123. The Electoral Commission already collects relevant data at each election that can be used to monitor and evaluate policy effectiveness and impacts on participation. These data include enrolment and turnout rates, when people enrol, the number of special votes and the number of disallowed votes. When data-matching programmes were in use, it also collected data on response rates.
124. Aspects of the electoral system are regularly reviewed. The Electoral Commission is required under the Act to publish a report following each general election. The issues that these proposals seek to address have been a focal point of the Electoral Commission's report in recent elections. Future reports will assess the impact of these proposals,

including any issues that arise from implementation and any recommendations for improvements.

125. By convention, the Justice Select Committee undertakes an inquiry into each general election, which includes consideration of the Electoral Commission's report. The public and other stakeholders have an opportunity to submit to the Justice Committee's review and raise any concerns.
126. The Government must respond to the Justice Committee's report and recommendations, and that response is tabled publicly in the House of Representatives. Electoral Amendment Bills are regularly used to improve aspects of the administration of the system between elections.

Annex 1: Other options assessed

A wide range of options were considered to improve the timeliness of the vote count. This annex summarises the other options that were assessed in addition to those discussed above.

Options being progressed

These options are proposed to be included in the Electoral Matters Bill, but they are exempt from a Regulatory Impact Statement as they are largely administrative and only have minor impacts. They either provide small benefits to the policy objectives, or they are important enablers for other proposals that are likely to have greater impacts.

Option	Comment
Enrolment processes	
Remove occupation and honorifics from enrolment applications	The Electoral Act currently specifies that enrolment applications must ask for a person's occupation and honorific, if any. This information is not necessary to collect for electoral purposes, and updating these details can result in unnecessary enrolment transactions. This is inefficient and may impact on timeliness of post-election processes due to processing requirements. See Annex 2 for further information on flow-on impacts.
Include email addresses and phone numbers (where available) on enrolment applications	In practice, the Electoral Commission already includes fields for phone numbers and email addresses on its enrolment form. This change would ensure the law better reflects current practice and the growing use of digital communication. It will also provide a consistent legislative basis for the Electoral Commission to use email and text for the purposes of data-matching and automatic enrolment updates.
Extend data-matching programmes to include email addresses and phone numbers	The Electoral Commission uses data-matching with other government agencies to contact and encourage people to enrol or update their details. Currently, it can only contact people by post, as the information that can be disclosed by law only includes residential and postal addresses. Extending these provisions to include email addresses and phone numbers would allow the Commission to contact people more efficiently. This change would be critical to enable implementation of automatic enrolment updates.
Voting processes	
Enabling mobile voting teams visiting prisons to issue ordinary ballots where practicable	Mobile voting teams visit prisons to issue votes. Allowing any mobile voting team to issue ordinary ballots where practicable would bring practice in line with the existing regulations for mobile voting in hospital and care homes. Enabling this change could result in a very small reduction in the number of special votes.
Counting processes	
Enable the validation and qualification of special votes to begin before election day	Currently, these processes can only begin after election day. Enabling them to begin earlier would help to expedite processing of some special votes (particularly overseas special votes, which are processed centrally). This approach is unlikely to be widely used for other kinds of special votes due to practical constraints in how they are processed.

Option	Comment
Change the deadline for receiving special votes from 13 to 10 days after election day	Prior to the 2023 General Election, the deadline for repatriating special votes was 10 days. Reverting to this deadline is necessary to complete the official count more quickly. Any votes received after this deadline will be disallowed as late.
Enable special votes to be processed in the electorate where they were cast if they are identified close to the deadline	Enabling discretion for some special votes to be processed in the electorate where they are cast would allow the Electoral Commission to not repatriate ballots if they are received close to the deadline. This may save some time and prevent some ballots from being disallowed, particularly in combination with the above change to the repatriation deadline.

Options not being progressed

These options have been ruled out at this time, based on the assessment of their likely risks and impacts. Some options may be reconsidered later.

Option	Comment
Enrolment processes	
Expand eligibility for provisional enrolment	Eligibility for provisional enrolment, which is currently permitted for 17-year-olds, could be extended to 15- and 16-year-olds. This could help to reduce special votes from people enrolling to vote in their first election by enrolling them earlier. This option is not a priority for change, particularly as the cost of implementation could exceed the benefits if implementation is not well-resourced.
Voting processes	
Enable unpublished electors to cast ordinary votes	People on the unpublished roll must cast a special vote as they are not on the printed electoral roll for safety reasons. Changes could be made to enable unpublished electors to be included on the printed roll using a unique identifier instead of their personal details, which could allow them to cast a special vote. This option is not a priority for change as the number of special votes affected is reasonably small. It may be revisited at a later stage.
Close overseas voting earlier	The volume of overseas votes is creating processing pressures. Closing overseas voting in advance of election day would allow processing to begin earlier. This option has not been progressed due to the potential impacts on participation.
Introduce live roll mark off	Live roll mark off would involve digitally marking voters off live rolls that are continuously updated, which would help to reduce the number of special votes. This option has the potential to deliver significant benefits, but it would also involve significant costs, complexity and risks. The costs and benefits would first need to be assessed through a business case.

<i>Counting processes</i>	
Automate overseas vote processing	Most overseas votes are cast through upload/download, but they are still printed for manual processing and counting. Automating some of these processes may expedite processing timeframes. This option is not being progressed at this time as further design is needed before regulatory changes can be made. It is likely to be revisited at a later stage.
Conduct a preliminary count of special votes	A preliminary count of special votes could be conducted before the official count (but after the preliminary count of advance and ordinary votes) to give an early indication of election results. This option may create integrity risks and would ultimately add to the overall timeframe for the official count.
Make some post-election processes electronic	Most post-election processes, including the preliminary count and the official count, are done manually. Some post-election processes could be made electronic. This option has the potential to deliver significant benefits, but it could involve significant costs, complexity and risks. The costs and benefits would first need to be assessed through a business case.

Annex 2: Removing occupation and honorifics from enrolment applications

Proposal

Occupations and honorifics are currently collected on enrolment applications but are no longer necessary for electoral purposes. This option proposes to remove occupation and honorifics from enrolment applications, which would also mean this information would no longer be available to those with access to electoral roll data.

Use for enrolment purposes

These personal details do not affect whether a person is eligible to enrol and vote. Occupation is included on the printed electoral rolls used to issue votes and can be useful to differentiate between electors on the roll who have the same name and address. However, the Electoral Commission has advised it has other means to do so, such as EasyVote cards or the eRoll app.

Under the Privacy Act 2020, Information Privacy Principle 1 states that personal information must not be collected by an agency unless the information is collected for a lawful purpose connected with a function of the agency, and the collection of the information is necessary for that purpose.

Occupations change frequently, and the Electoral Commission must process these updates regularly. In the 2023/24 financial year, the Electoral Commission processed nearly 400,000 occupation changes.²⁴ This is inefficient and may impact on timeliness of post-election processes due to processing requirements.

Use for secondary purposes

Several sections of the Act provide for access to electoral roll data. The provisions that include access to occupation data are:

- Public inspection of the main and supplementary electoral rolls (which may be accessed by private researchers and genealogists)
- Purchase of copies of the main and supplementary rolls for a fee by any person (which, outside of electoral purposes, are mainly purchased for debt collection and marketing)
- Supply of lists of electors to science, health or electoral researchers in state sector organisations (which is mostly used to contact people to participate in research surveys)
- Supply of lists of electors to the Government Statistician for the production of official statistics or research (Statistics NZ has been consulted on this option and does not have any particular concerns)
- Supply of enrolment information to local authorities for the purpose of local elections
- Supply of electors' information to candidates, parties and MPs.

Removing occupation data is not expected have significant impacts on these uses, as affected groups will still have access to other information covered by these provisions. For example,

²⁴ These updates may have included changes to other enrolment details, which means that not all of these updates could have been otherwise avoided if occupation data were not collected.

MPs, parties and candidates will still have access to names, residential addresses and postal addresses that can be used to contact voters. Any impacts should be balanced against the privacy principle that personal information should only be collected if it is necessary for the purpose for which it is collected.

In addition, the Electoral Commission uses roll data to prepare jury lists for the Ministry of Justice under the Juries Act 1981 and Juries Rules 1990. Occupation information is used to help identify and exclude people who have listed occupations that make them ineligible for jury service. However, this process excludes less than one per cent of those eligible. It may not be the most reliable mechanism for excluding people from jury service, as the occupation data provided by electors to the Electoral Commission may be out of date, incomplete or inaccurate. Under current settings, if an ineligible person receives a jury summons, they must reply to the summons and provide proof for why they are not eligible in order to be excused – a step that is missing if they are excluded in advance based solely on their occupation data on the electoral roll. This change may also affect the ability of lawyers to vet potential jurors.

Analysis of option against criteria

This option has been assessed against the status quo.

	<i>Option 1 – Status quo</i>	<i>Option 2 – Remove occupation and honorifics from enrolment applications</i>
Effective	0	+ Removing occupation data will help to streamline enrolment processing.
Efficient	0	+ Removing occupation data will help to streamline enrolment processing. Current forms will need to be amended.
Supports electoral participation	0	0 No expected impacts. The Electoral Commission has other means of distinguishing between electors with the same name and address when issuing votes.
Maintains integrity of electoral processes	0	0 No expected impacts. The Electoral Commission has other means of distinguishing between electors with the same name and address when issuing votes.
Upholds te Tiriti o Waitangi	0	0 No expected impacts.
Overall assessment	0	+ (preferred option)

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

This option will reduce unnecessary enrolment transactions, which will make electoral administrative more efficient. It could help to ease enrolment processing pressures during the election period.

What are the marginal costs and benefits of the option?

Costs

The Electoral Commission has advised that implementing this change could involve net costs of \$400,000, if it incurs sunk costs from not being able to use its existing stocks of forms. Transitional provisions enabling the current forms to continue to be used until existing stocks are used up would make the proposal cost neutral.

As above, this option will mean that some groups no longer have access to occupation data that may currently use it.

Benefits

As above, this option will reduce unnecessary enrolment transactions, which will enable some cost savings. It better protects the privacy of electors by not collecting or sharing personal data that is not necessary for enrolment purposes.

How will the new arrangements be implemented?

The Electoral Commission will implement this option, which will require updating some of its forms and the information that is included on printed electoral rolls.

This proposal will require consequential amendments to the Juries Act 1981 and Juries Rules 1990.