


# Impact Summary: Enabling election day enrolment

## Section 1: General information

Purpose
The Ministry of Justice is solely responsible for the analysis and advice set out in this Regulatory Impact Statement, except as otherwise explicitly indicated. This analysis and advice has been produced for the purpose of informing key policy decisions to be taken by Cabinet on enabling election day enrolment.

Key Limitations or Constraints on Analysis
<p>The analysis in this RIS has been limited or constrained as follows:</p> <p><i>Limited range of options considered</i></p> <p>The policy objective is to increase enfranchisement. Following the direction of the Minister of Justice, our analysis was limited to a single option of election day enrolment. We have therefore not considered other options for increasing enrolment, or reducing disallowed votes, and whether these could be more successful or cost effective.</p> <p><i>Uncertainty about impact of change</i></p> <p>The Electoral Commission has modelled the impact of election day enrolment on its delivery of the 2020 election. Its modelling is based on high quality data from previous elections and the Commission has taken a conservative approach. However, there is still a significant level of uncertainty around the potential impact of this change; for example, it is not possible to know how many voters will change their behaviour as a result of this change, nor the full impact that multiple referendums could have on election day.</p> <p><i>Assumptions underpinning impact analysis</i></p> <p>There is no data about the demographic make-up of people whose votes are disallowed because they are not enrolled. We have inferred that certain groups are likely to make up a higher portion of disallowed votes based on the demographics of electorates that have the highest number of disallowed votes (e.g. Māori electorates and South Auckland electorates). We have used this to make assumptions about the communities most impacted by the current law.</p>

Responsible Manager
 Chris Hubscher Policy Manager, Electoral and Constitutional Ministry of Justice  Date: 15 March 2019

## Section 2: Problem definition and objectives

### 2.1 What is the policy problem or opportunity?

#### *How the current enrolment and voting system works*

The Electoral Act 1993 sets out who is qualified to vote at an election. This includes any person who is qualified to be registered as an elector and is registered as an elector as a result of having applied for registration as an elector before polling day. Several months before the general election the Electoral Commission runs a significant enrolment campaign to encourage people to enrol or update their enrolment details before Writ Day.<sup>1</sup> The electoral roll is closed at Writ Day to produce the printed rolls used to issue ordinary votes. This allows time for scrutiny of the roll which is important to maintain public confidence in the integrity of the electoral roll.

Electors can still apply to enrol until midnight of the day before election day. The Electoral Commission has noted a growing trend of electors enrolling after Writ Day, and in particular there has been a noticeable acceleration of enrolments during the advance voting period, which usually begins 12 days before election day. In 2017, the Electoral Commission processed over 200,000 enrolment transactions during the advance voting period of which over 94,000 were made in the last three days of the advance voting period. These late applications for enrolment are often still being processed in the days following election day, although voters can still cast their votes while their enrolment applications are pending.

Any voters who enrol after Writ Day have to be issued a special vote rather than an ordinary vote. Special votes require the voter to complete and sign a declaration form. They take up to ten times longer to issue and process than an ordinary vote and are also more difficult for the voter to complete because of the additional paperwork.

After election day the declarations of all special voters are checked to ensure they are eligible to make a special vote. This includes checking if they are enrolled. If a local Returning Officer cannot find a special voter's name on the electoral roll, the special vote declaration is forwarded to the Registrar of Electors who carries out more extensive checks to advise whether the voter is enrolled. These checks incorporate any late enrolment applications that may have been processed since election day.

If a voter is enrolled, the special vote is marked off the master roll, and valid special votes are admitted to the official count.<sup>2</sup> If the voter is not enrolled, their name is added to the list of voters not on the roll; the Registrar of Electors then writes to advise them their vote did not count and that they need to enrol.

Positively, the problem of disallowed votes has decreased in recent elections. For example, the proportion of special party votes allowed in 2017 increased by 2.7% across all electorates and 7.4% in the Māori electorates from the 2014 election.<sup>3</sup>

<sup>1</sup> Writ Day is the day on which the Governor-General issues formal direction to the Electoral Commission to hold the election (usually one month prior to the election date).

<sup>2</sup> Voters casting special votes may sometimes use the wrong electorate ballot paper. In these instances, the Returning Officer counts only the party vote, and the electorate vote is not allowed.

<sup>3</sup> Report of the Electoral Commission on the 2017 General Election, p 20.

*Problem: Some voters do not have their votes counted*

Despite the Electoral Commission's campaigns to encourage enrolment before election day, each election there are a number of voters who cast a vote which is not counted because they are not correctly enrolled. For example, at the 2017 election, approximately 19,000 non-enrolled electors (0.7% of voters) cast special votes on election day.<sup>4</sup> It is not known how many electors may have wished to cast a vote on election day but did not do so as they knew they were not enrolled. 7.6 per cent of estimated eligible voters were not enrolled by election day.<sup>5</sup> In addition, 42,000 voters (1.5%) only had their party votes counted because they voted in the wrong electorate, as their enrolment details were out of date.

There is also an inconsistency between the advance voting period and election day in that electors can apply to enrol and vote at the same time during the advance voting period, but not on election day. In 2017, 85,000 enrolment forms were completed at advance voting places.<sup>6</sup> Anecdotal evidence suggests that not being able to enrol on election day may be confusing to voters. With the uptake of advance voting, voters increasingly see an election period as 'the election' rather than just election day and may not be aware there are different rules between advance voting and election day when it comes to enrolment.

**Case study**

Following the 2014 election a judicial recount was required in the Te Tai Tokerau electorate. As part of this recount, an analysis of the enrolment histories was conducted. This indicated that some voters whose votes had been disallowed because they were not enrolled had completed special vote declarations at previous elections and had been written to by the Registrar and asked to enrol, but had not done so. This indicates that some electors had tried to vote in multiple elections and had their votes disallowed. This kind of experience does not support electoral participation.

Other observations made during the recount suggested that some people did not understand what was required for correct enrolment, some did not understand what enrolment was at all, and others understood what was required but felt it was unnecessarily complex.<sup>7</sup>

Although disallowed votes are decreasing, currently, the inability to enrol on election day disenfranchises some voters, particularly Māori voters, and will continue to do so if this is not addressed. Election day enrolment is an opportunity to reduce barriers to enrolment and voting, particularly to those communities less likely to enrol and vote, who may not be as aware of the enrolment and election day requirements.

<sup>4</sup> Report of the Electoral Commission on the 2017 General Election, p 39.

<sup>5</sup> Report of the Electoral Commission on the 2017 General Election, p 16.

<sup>6</sup> Report of the Electoral Commission on the 2017 General Election, p 2.

<sup>7</sup> Report of the Electoral Commission on the 2014 General Election, p 55.

## 2.2 Who is affected and how?

This proposal seeks to enable people who have not enrolled before election day to apply to enrol on election day and thereby have their vote counted. This would strengthen the electoral system by minimising disallowed votes.

The proposal will benefit all electors' ability to enrol. There are some known regional, ethnicity and age differences between those people who enrol before polling day and people who try to enrol and vote on polling day itself and discover they cannot. For example, the highest number of disallowed votes are found in the Māori electorates and seats in South Auckland which have a large proportion of Māori and Pasifika voters.<sup>8</sup> This proposal will benefit these groups, as they will now be able to enrol on polling day, vote and have their vote counted.

Given the historical alienation of Māori from the political system through unequal treatment in electoral legislation and processes, it is incumbent upon the Crown to ensure that Māori can have confidence in the electoral system. Historically there have been disparities in the administration of the electoral system for Māori, for example, through providing for different voting methods, voting rights, enrolment and candidate rights for Māori.

More limited services for Māori voters resulted in around four times as many special votes being cast in the Māori electorates than in the general electorates. Between 1972 and 1987, an average of 41.8 per cent of special votes cast in Māori electorates were disallowed.<sup>9</sup>

Although services to Māori voters have significantly improved since then, there are still higher rates of disallowed special votes in the Māori electorates. Māori electors who have their vote disallowed, potentially repeatedly, combined with historical treatment, could negatively impact on these voters' confidence in the electoral system. Although our data is limited, we consider that enrolment on election day will have at least some effect on lowering the rates of disallowed votes for Māori.

The proposal will place increased operational pressure on the Electoral Commission which will need to be managed carefully. The proposal will likely encourage later enrolment, leading to more special votes which, as noted in 2.1, are significantly more time consuming to issue and process.

The Electoral Commission supports election day enrolment as one way to increase enfranchisement. However, the Commission has noted that in 2020 it will also need to conduct at least one, and possibly multiple, referendums as well as the general election. Having as many as three referendums during the general election would be a first for New Zealand. While voters will be given information before going to the voting place, answering referendum and enrolment questions in a busy voting place where people are waiting will not be straightforward. In the Commission's experience, even with an extensive public engagement process people will take longer to vote and are likely to have more questions for Commission staff. More referendums, particularly on complex issues, will lead to more

<sup>8</sup> Electoral Commission, Analysis of Special Declaration Votes Disallowed, [https://www.electionresults.org.nz/electionresults\\_2017/statistics/sdv-disallowed.html](https://www.electionresults.org.nz/electionresults_2017/statistics/sdv-disallowed.html).

<sup>9</sup> The Origins of the Māori Seats, Parliamentary Library Research Paper, November 2003 (updated May 2009), p 18.

questions. These interactions increase voting times and potentially create queues. These same issues may cause confusion for voters.

In addition, legislative changes being progressed this term (treating the special vote declaration as an enrolment form and live roll mark-off) which will assist in dealing with the problems created by increasing special votes cannot be implemented in time for 2020. These legislative changes will support the Commission to develop and adopt new processes and technology going forward.

Preparations for 2020 will require considerable adaptation to cope with these demands. In 1999, where the impact of referendums was underestimated, not only was there a public outcry about election result delays, but there was significant congestion in voting places and voter dissatisfaction.

The Commission has therefore suggested postponing the introduction of election-day enrolment until 2023. However, the Electoral Commission can implement election day enrolment for 2020, alongside delivering referendums, with a number of risk mitigation measures that it is currently developing (see sections 3 and 6 for more detail).

### **2.3 Are there any constraints on the scope for decision making?**

As discussed in section 1, ministerial direction was that we focus on how to implement election day enrolment.

This proposal is connected to a number of other proposals that will impact on the conduct of elections, and which will also be progressed through the Electoral Amendment Bill. These measures are also focused on improving the voting experience and increasing enfranchisement. While these may not constrain decision making, these are a factor that needs to be considered when deciding when to implement election day enrolment. These are:

- enabling the special vote declaration to be able to be treated as an application to enrol or update enrolment details, and
- enabling the Electoral Commission, where possible, to mark voters off a 'live' electoral roll and issue an ordinary vote rather than a special vote.

These proposals are enabling provisions only. The necessary processes and technological changes cannot be implemented in time for the 2020 general election, but they will support the Commission to develop and adopt new processes and technology going forward. These provisions would complement election day enrolment.

The timing and implementation of this proposal is also impacted by the potential for referendums to be held with the 2020 general election. Holding referendums with the general election adds significant operational complexity for the Electoral Commission and will need to be managed carefully alongside this proposal. Accordingly, if this is progressed for 2020, risk mitigation measures are needed.

# Section 3: Options identification

## 3.1 What options have been considered?

Due to the constraints and limitations discussed in Section 1, we have only considered one option other than the status quo/do nothing. That is, to legislate to allow election day enrolment for any person in New Zealand. This could occur at a voting place (until 7pm), online or by post.<sup>10</sup> This would mean enrolment on election day was treated in the same way that enrolment is currently treated on the Friday before election day. The enrolment application will be able to be processed following election day, before the official count begins. This already happens for enrolments which are made towards the end of the advance voting period.

However, the timing of when the proposal is implemented is important from an operational perspective. This is because of the need to ensure the Electoral Commission can deliver both the 2020 general election and any referendums held at that election with a positive experience for voters and efficiently.

Accordingly, we have assessed this option against the status quo, but with two potential implementation dates:

- a) for the 2020 general election, or
- b) after the 2020 general election (including any by-elections held following the 2020 election).

### Criteria

An overarching principle of New Zealand’s electoral system is that voting should be as easy and freely accessible as possible to ensure maximum enfranchisement. Voter participation is a vital part of a healthy democracy. We consider that part of encouraging participation is providing a simple, coherent enrolment and voting experience with high integrity. This is to ensure that those who do try to enrol and vote have a positive experience. Rules and operational procedures that are a barrier to participation can risk damaging the legitimacy of the elections.

With this principle in mind, we used three primary criteria to analyse the options:

- 1) **Reduced participation barriers** – the option minimises barriers to voting and electoral participation, particularly for disenfranchised communities.
- 2) **Administrative feasibility** – the option reflects the practical logistics of running an election including timely results and is workable to administer.
- 3) **Consistency** - the option promotes internal consistency within the electoral law framework.

We have also evaluated the cost effectiveness of the options.

- 4) **Cost effectiveness and efficiency** – the costs to participants and regulators of electoral administration and regulation are proportionate to the benefits and objectives.

<sup>10</sup> Only overseas voters that are already on the electoral roll are able to look themselves up and use the download system. This means their enrolment needs to have been processed in advance. It is unlikely the Electoral Commission would be able to enrol overseas voters on election day in time for their papers to be made available for download. Overseas voters are already encouraged to enrol well in advance of voting, to ensure they are able to use the online voting paper download system. They will be able to enrol up to midnight on the Friday before election day as they can currently.

The main interrelationships and potential trade-offs are considered to be between criteria one and two.

### **Option 1: Allowing election day enrolment**

This option would allow voters to apply to enrol on election day. Voters would need to complete an enrolment form, and would also be issued with a special vote for the general election, and a voting paper for any referendums held at the same time.

Voters would also be able to update their details on polling day, for example changes of address.

*The advantages of this option are that it:*

- would reduce the number of disallowed votes. At the 2017 election, approximately 19,000 votes (0.7%) had to be disallowed because they were cast on election day by un-enrolled electors. 42,000 voters (1.5%) only had their party votes counted because they voted in the wrong electorate, as their enrolment details were out of date.
- would make voting more accessible and convenient. Some electors find the election system complex and may not understand the rules around enrolment. This change would assist in simplifying the enrolment system for electors.
- would provide enrolment options that are consistent with those that apply during the advance voting period.
- would result in the final electoral roll being more complete and up-to-date as people are more likely to update their details while already thinking about the electoral process (i.e. while voting) than at other times.

*The disadvantages of this option are that:*

- There will be a substantial effect on operational pressures and processes during the election period which increases risk and requires mitigations. For example:
  - Allowing election day enrolment conflicts with the current messaging to the public that people should enrol early. The Electoral Commission estimates that allowing election day enrolment will amplify the existing trend towards people leaving their enrolment later and will move the surge of enrolments that currently occurs in the three days prior to election day.
  - It is likely to increase the number of special votes issued, which will in turn increase the time needed to process the voting papers and complete the official count, because special votes take up to 10 times as long to process and count as ordinary votes. Special votes are already continuing to increase, making up 17 per cent of total votes cast at the 2017 election.
  - It could slow the issuing of voting papers and casting of votes on election day, leading to delays and congestion in polling stations which could impact on the voter experience and potentially discourage people from voting.
  - The Electoral Commission may not be able to use popular locations for voters as they could have congestion and cannot be easily closed off at 7pm on election night e.g. malls, supermarkets.
  - It will increase the number of enrolments that have to be processed before the rolls are closed for the scrutiny and official count.
  - It will reduce the time available for the Electoral Commission to process enrolments before the official count, potentially delaying the official count.

- later enrolment will result in the Writ Day rolls being less accurate, reducing the ability for candidates and political parties to scrutinise the rolls and encourage people to vote. The less accurate the Writ Day rolls are the harder it is for campaign teams to determine who has not voted in a district. Parties also purchase roll data in the weeks and days leading up to an election for mailouts and other campaign purposes – again the less accurate the rolls are the harder it may be for campaign teams to accurately target voters.

### **Implementation date**

The operational process changes needed to enable election day enrolment are substantial, with important implications for voting place services, training and the timing of the official count.

The Electoral Commission has highlighted its concern about the administrative feasibility of an earlier implementation date, especially as it will likely need to deliver at least one referendum with the 2020 election (which means that the voting process will already be slower).

#### Option 1(a): Implementing in 2020

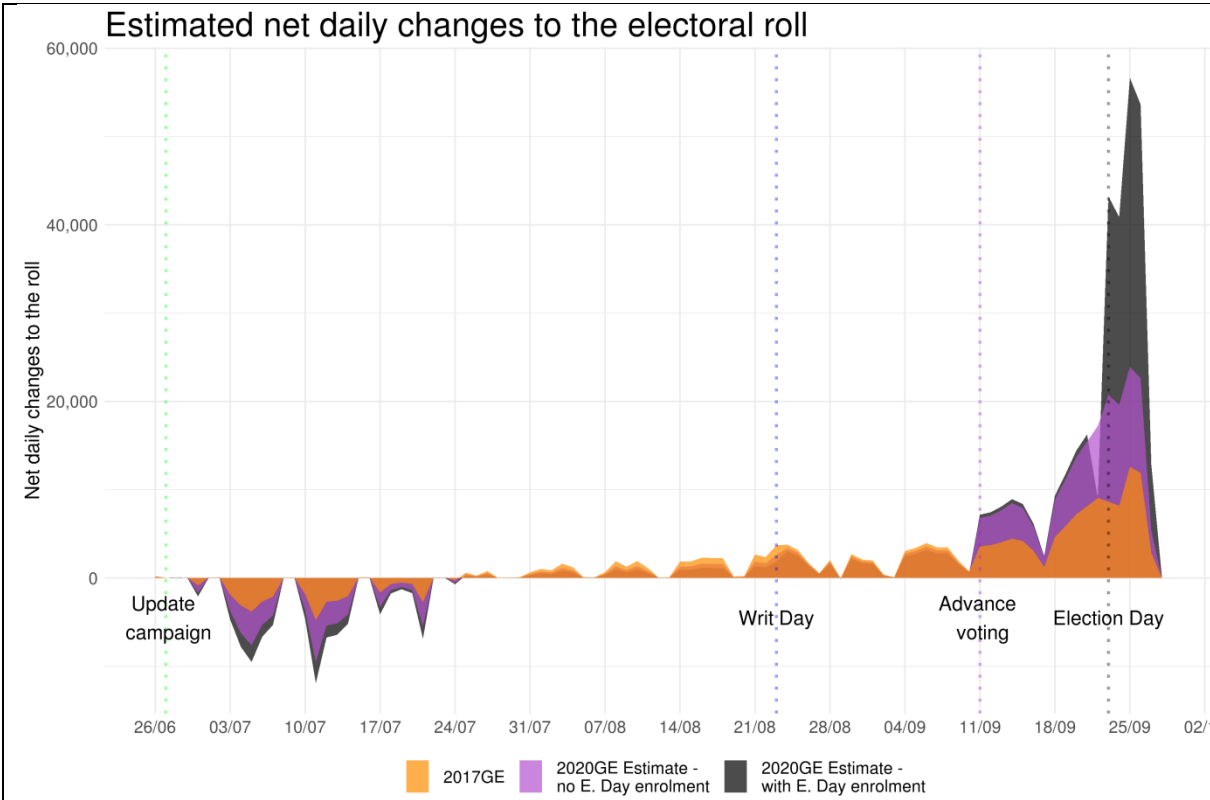
This option would see election day enrolment in place for the 2020 election.

The key advantage of an early implementation date is that more people will be enfranchised earlier, and the number of disallowed votes will be reduced.

The key disadvantages of a 2020 implementation date are the risks to the voter experience discussed in option one (which are exacerbated by the referendum) and the potential delays that may arise to completion of the official count.

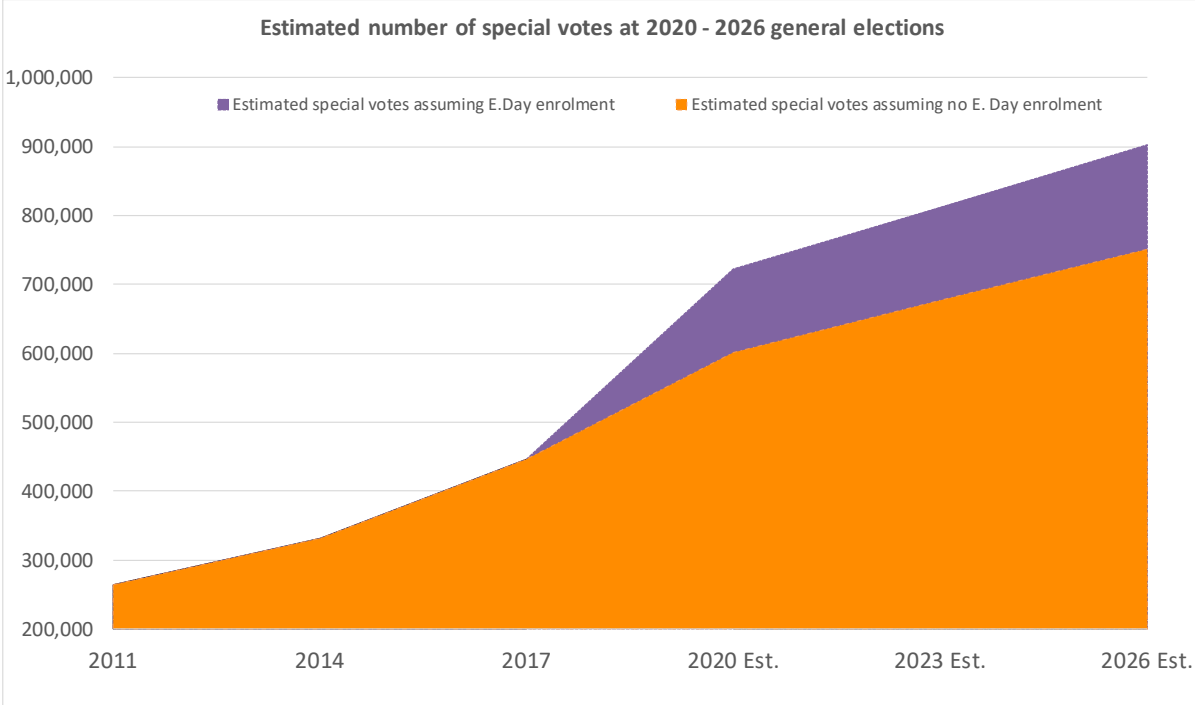
The Electoral Commission is already forecasting further growth of enrolment at advance voting places in 2020 as awareness of this service grows. If election day enrolment is introduced, the Commission anticipates that a further surge in enrolment will occur on election day. The chart below illustrates the expected increase in voter numbers that election day enrolment could enable.





The Commission estimates that election day enrolment could add as many as 100,000 election day enrolment transactions that have to be processed before it can start the official count.

The Electoral Commission has also estimated a significant increase in the number of special votes. The table below shows the growth in the number of special votes being cast at recent elections, and two estimates are provided for the 2020-2026 elections to reflect the significant impact of election day enrolment on special vote volumes.



Although similar issues could arise with allowing election day enrolment at the 2023 general election, there would be more time available to plan and develop alternative digital processes to mitigate these risks.

In order to implement election day enrolment in 2020, the Electoral Commission has advised certain risk mitigation measures will be needed:

- Extending the period for the return of the writ from 50 to 60 days

This is needed to manage the additional demands that election day enrolment will place on the official count and ensure the integrity of the enrolment process because of the increased special votes and enrolments that need to be processed. An extension to the return of the writ would mitigate the risk that the Commission cannot complete the official count within the current statutory timeframe.

This extension would allow three extra days before the election to get the additional supplies to voting places and voting and referendum information to voters. It would also allow an extra seven days after the election to complete the official count. The Commission will always aim to release the results as soon as is practicable on completion of the scrutiny of the rolls and the official count, but this extension means the official count could be released up to seven days later than in previous elections. It is important that public expectations about when the official count will be available be carefully managed.

- Increasing election day resourcing

As election day is the last opportunity to vote, congestion presents a significant risk of disenfranchising voters. Any person in the queue to vote at 7pm on election night when the voting place doors close is entitled to remain and complete their voting paper. If a queue has formed and people needing to enrol and vote are still waiting at 7pm, this could delay the start of the preliminary count.

The Commission plans conservatively, as the proper running of elections leaves no margin for error. It estimates it will need an additional 2,800 staff to ensure it can manage enrolment issues, including advising people on their eligibility, the rules around where a voter 'resides', and the choice to enrol on the Māori or General roll. This extra resourcing is estimated to cost an additional \$13.4 million. This cost will be ongoing for future elections but may change depending on how election day enrolment changes voter behaviour.

Despite these risk mitigation measures, because of the degree of uncertainty about the effect of election day enrolment, combined with the delivery of referendums, a certain level of risk will remain.

#### Option 1(b): Implementing after 2020

This option would see election day enrolment able to be in place following the 2020 election.

The key advantage of implementation after 2020 is that it will reduce the risks, and possibly the mitigations required, as discussed above. Furthermore, there may not be the challenges of one or more referendums concurrently to manage.

The Electoral Commission is already exploring the introduction of several new digital technologies which, if in place by 2023, may reduce the pressures created by special votes and post Writ Day enrolments.

For example, the Electoral Commission's digital enrolment initiatives, such as providing a more accessible online enrolment option, will have had more time to have taken effect, meaning more people should be enrolled prior to election day anyway.

The other key proposed initiative is the development of an electronic roll to mark off electors, rather than a printed roll. This could significantly reduce the number of special votes because, inter alia, it will allow voters who enrol or update their details after Writ Day to be issued an ordinary vote (although it would not be able to be used for a person enrolling just before or when they vote).

Using an electronic roll for mark off is not feasible for 2020, however, as it requires new technology. Significant funding, system development and testing will be required for successful delivery. Subject to legislative change and funding approvals, however, it could be trialled for 2023.

The key disadvantage of this option is that a significant number of voters will continue to be disenfranchised at the 2020 election (and for any accompanying referendums).

### 3.2 Which of these options is the proposed approach?

The Ministry supports allowing election day enrolment on the basis of increasing enfranchisement and providing greater accessibility for electors. A key objective of electoral work is to uphold the principles of the Treaty of Waitangi. In its report on the Māori Electoral Option, the Waitangi Tribunal found that the Crown is under a Treaty obligation to actively protect Māori citizenship rights and in particular existing Māori rights to political representation conferred under the Electoral Act 1993.<sup>11</sup> This duty of protection arises from the Treaty generally and in particular from the provisions of Article 3.

In general, participation rates of electors who identify as Māori are lower at general elections than those who identify as non-Māori, and lower for those enrolled in Māori electorates than for those Māori enrolled in general electorates. Therefore, any initiatives that could increase the participation of Māori in the electoral system warrant close attention.

In this context, ensuring electoral rules provide Māori electors with a positive voting experience and that they are not disenfranchised is key. We consider allowing election day enrolment supports this. The current situation where a higher proportion of votes by Māori are disallowed compared to other groups of electors does not support the equal participation of Māori electors in the electoral system and may impact on how legitimate Māori voters consider the electoral system to be.

Implementation after 2020 would reduce the risks, and the mitigations required, because key solutions to reduce the pressures created by the growth of special votes and post Writ Day enrolments will be available. This option allows more time for the Electoral Commission to plan for smooth delivery of this new initiative. This option is also possibly more cost-

<sup>11</sup> Waitangi Tribunal, Māori Electoral Option Report 1994, p 37.

effective as it will allow electronic roll mark off to be developed alongside election day enrolment (subject to approvals, funding and testing).

However, implementation for 2020 will reduce disallowed votes and enfranchise more voters earlier. The recommendation in the Cabinet Paper is to allow election day enrolment with implementation in 2020.

## Section 4: Impact Analysis (Proposed approach)

	Status quo	Option 1a: Election day enrolment implemented for 2020 general election	Option 1b: Election day enrolment implemented after 2020 general election
<b>Reduced participation barriers</b>	0	+ reduces disallowed votes and maximises accessibility for voters + enables more voters to vote in any referendum(s)	+ reduces disallowed votes and maximises accessibility for voters 0 does not allow more voters to vote in any referendum(s) in 2020
<b>Administrative feasibility</b>	0	- limits the amount of time for the Electoral Commission to plan for implementation and requires more mitigations - increases the residual risk of queues and delays in polling places and delays in the official results	0 provides more time for the Electoral Commission to plan implementation and manage the risks
<b>Consistency</b>	0	+ aligns enrolment rules with the advance voting period	+ aligns enrolment rules with the advance voting period
<b>Cost effectiveness and efficiency</b>	0	- possibly less cost effective as cannot develop live roll mark off alongside election day enrolment (\$13.4 million total cost)	+ possibly more cost-effective as it will allow live roll mark off to be developed alongside election day enrolment (subject to approvals, funding and testing)
<b>Overall assessment</b>	0	+	++

**Key:** + better than doing nothing/the status quo  
 0 about the same as doing nothing/the status quo  
 - worse than doing nothing/the status quo

++ much better than doing nothing/the status quo  
 -- much worse than doing nothing/the status quo

#### 4.1 Summary table of costs and benefits

Affected parties ( <i>identify</i> )	Comment: nature of cost or benefit (eg ongoing, one-off), evidence and assumption (eg compliance rates), risks	Impact <i>\$m present value, for monetised impacts; high, medium or low for non-monetised impacts</i>
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#### Additional costs of proposed approach, compared to taking no action

Electoral Commission	Additional resources required for the enrolment campaign, to manage congestion risk in voting places, system changes, and increase the number of enrolment staff.	\$13.422 million over 2018/19 to 2020/21.
Ministry of Justice	Ensure suitable programme management and governance over the range of election day and referendum initiatives that require policy and legislative development	\$0.612 million
<b>Total Monetised Cost</b>	-	\$14.034 million
<b>Non-monetised costs</b>	-	-

#### Expected benefits of proposed approach, compared to taking no action

Electoral Commission	Electoral rolls will be more up to date after an election.	Small
General Public	More convenient and accessible option for enrolment, as can enrol and vote on the same day. More people able to exercise democratic right and more people having both candidate and party votes counted.	Medium
Māori electors	Enhanced equality for Māori of exercise of democratic rights.	Medium
<b>Total Monetised Benefit</b>	-	-
<b>Non-monetised benefits</b>		Medium

#### **4.2 What other impacts is this approach likely to have?**

As discussed in section 2.2, this approach is likely to have equity benefits as Māori and Pasifika voters are less likely to be enrolled. We expect this approach could increase enrolment in these communities and result in less votes from these communities being disallowed.

## **Section 5: Stakeholder views**

#### **5.1 What do stakeholders think about the problem and the proposed solution?**

Election day enrolment was previously considered as part of the Justice and Electoral Committee's Inquiry into the 2014 General Election. It was ultimately not recommended by the Committee, as the majority of the Committee considered that the focus should be on early enrolment. A minority of the Committee did support it.

It has been proposed again by some submitters, including the New Zealand Labour Party, to the Justice Committee's Inquiry into the 2017 General Election. That Inquiry has not yet reported back.

The Electoral Amendment Bill will be subject to public consultation as part of its Select Committee process in 2019.

We do not consider further public consultation is required prior to the Select Committee process, given that this issue has been raised and discussed in the public domain as part of the Justice Committee's last two election Inquiries. Moreover, public consultation would lead to delays in implementing risk mitigation.

Further feasibility work on the implications of election day enrolment was proposed in the Electoral Commission's Report into the 2017 General Election and the Electoral Commission remain supportive. However, the Electoral Commission advised that for planning and risk mitigation purposes, delaying implementation until after 2020 would be the best option.

## Section 6: Implementation and operation

### 6.1 How will the new arrangements be given effect?

This proposal will be progressed through an Electoral Amendment Bill in 2019.

The Electoral Commission will be responsible for implementing election day enrolment. It is highly experienced in administering the electoral system. Processes for enrolment at advanced voting places are well established, as are processes for scrutinising the roll following polling day to check voter eligibility.

The operational logistics of providing enrolment services at polling places on polling day are significant. The Electoral Commission will also need to manage any knock-on operational impacts on the vote count process (if more special votes need to be issued and processed and more late enrolments need to be processed prior to the start of the official count). Any referendums held with the election will also need to be factored into its planning.

The Electoral Commission identified the following operational risks and proposed mitigations if election day enrolment is implemented for the 2020 general election:

Risk	Mitigations
Voting place congestion and queues disenfranchise voters – particularly because of referendum/s.	Early decisions and announcement date, more voting place space, and staff training. Adequate public education campaigns to ensure voters have all the information they need to feel confident to make their choice by the time they arrive at the voting place.
Delay to the preliminary result.	Ensure adequate staff and technology is in place on election day to deal with election day enrolment.  Consider not opening election day voting places in locations that could have congestion and cannot be easily closed off at 7pm on election night e.g. malls, supermarkets.
Delay to the official result caused by late enrolments and specials.	Extend the period for the return of the writ.  Promote digital enrolment and enrolment before Writ Day.
Cannot recruit 25,000 staff on a short term basis shortly before the election as finding 17,000 people to work at the election is already a significant challenge.	Early notice of the election date and referendum decisions.  Utilise existing direct recruitment processes, including community engagement to encourage people to work. Call on the wider public sector with support from Ministers if this is insufficient.



Integrity of the roll is compromised.	Ensure sufficient time for quality assurance processes and post-enrolment qualification by increasing the period for the return of the writ from 50 to 60 days.
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## Section 7: Monitoring, evaluation and review

### 7.1 How will the impact of the new arrangements be monitored?

The Electoral Commission already collects relevant data each election. For example, on the number of disallowed votes, enrolment levels and when people enrol. This data will clearly capture the impact of this change and therefore new data will not need to be collected. The Electoral Commission will monitor the impact this change has on the data.

### 7.2 When and how will the new arrangements be reviewed?

Aspects of the electoral system are regularly reviewed. The Electoral Commission and the Justice Committee both complete a triennial review after each general election. The public and other stakeholders have an opportunity to submit to the Justice Committee review. The Government's Response to the Justice Committee's recommendations is tabled in the House. Electoral Amendment Bills are regularly used to improve and modernise aspects of the administration of the system between elections.