

Regulatory Impact Statement: Temporary change to eligibility criteria for overseas voters for the 2023 General Election

Coversheet

Purpose of Document	
Decision sought:	The analysis has been prepared to inform Cabinet decisions regarding temporary changes to eligibility criteria for overseas voters in response to the effect of Covid-19 travel restrictions.
Advising agencies:	Ministry of Justice
Proposing Ministers:	Minister of Justice
Date finalised:	5 April 2022
Problem Definition	
<p>A number of citizens and permanent residents who are overseas will be disenfranchised from voting in the 2023 General Election under the current eligibility criteria for overseas voters. Travel restrictions put in place to respond to the Covid-19 pandemic have created barriers for people to travel to New Zealand and renew their eligibility to vote in the 2023 General Election.</p> <p>Currently, the overseas voter eligibility criteria provide that citizens and permanent residents must have been in New Zealand within three years and 12 months respectively of the general election to be eligible to vote. The rationale behind these criteria is that returning to New Zealand within the timeframe demonstrates a physical connection to New Zealand.</p> <p>Due to the Covid-19 pandemic, significant travel restrictions have been in place since March 2020, and these are only just starting to ease. This covers a sizeable proportion of the eligibility period over two election cycles where people have faced financial, travel, health, and logistical barriers to returning to New Zealand.</p>	
Executive Summary	
<p>This Regulatory Impact Statement outlines options that have been considered to address the impact the Covid-19 travel restrictions are having on the current overseas voter eligibility criteria for the 2023 General Election.</p> <p>The Electoral Act 1993 (the Act) sets out the eligibility criteria for overseas voters. Currently voters who are living overseas become ineligible to vote if they are:</p> <ul style="list-style-type: none">• New Zealand citizens who have not been in New Zealand within the last three years; or• permanent residents who have not been in New Zealand within the last 12 months. <p>The rationale for this approach is to ensure voters have a connection with New Zealand. The one-year and three-year thresholds aim to strike a balance between the ongoing</p>	

interest people living overseas have in New Zealand affairs, and the value New Zealanders place on being present to elect our politicians.

The Act does not make any provision for situations where citizens and permanent residents cannot meet the eligibility criteria because they have been unable to return to New Zealand due to Covid-19 travel restrictions.

Government intervention is required to respond to the impact travel restrictions have on the current eligibility criteria for the 2023 General Election. The status quo will result in additional citizens and permanent residents being ineligible to vote in the 2023 General Election.

We have identified five potential options to address the impact Covid-19 travel restrictions are having on the ability of overseas voters to vote in the 2023 General Election. The preferred option is to extend the eligibility criteria to six years for citizens and four years for permanent residents. This will broadly allow people who were eligible to vote in the 2020 General Election to vote in the 2023 General Election, considering travel restrictions have impacted both election cycles.

This approach mitigates the risk of disenfranchisement caused by the travel restrictions. It is a straightforward extension of current eligibility settings, which will make it easier for the Electoral Commission (the Commission) to administer and communicate to affected voters.

Limitations and Constraints on Analysis

Timeframe

- Changes to overseas voters' eligibility criteria must be enacted by the end of 2022. This is to give the Commission time to communicate and implement these changes, and for voters to understand how these changes may impact their ability to participate in the 2023 General Election. Changes will commence the day after Royal Assent.
- As changes must be implemented in time for the next election, this limits the time available to undertake policy development and consultation with the public and Māori. For this reason, the options explored are temporary, to respond to the immediate issue of people being ineligible to vote in the 2023 General Election due to Covid-19 travel restrictions. Permanent changes to overseas voter eligibility criteria could be considered by the Independent Review of Electoral Law that is scheduled to report back by the end of 2023.

Consultation

- The Ministry has not undertaken public consultation on these proposals. However, stakeholders have shared their views on the issue, for example in the recent Inquiry by the Justice Committee into the 2020 Election.¹ No consultation has been undertaken with Māori, limiting the views of Tangata Whenua from being considered in the development of these proposals as well as a te ao Māori understanding of Treaty implications. We have undertaken Treaty analysis on this issue by reviewing important resources like Waitangi Tribunal reports to mitigate the lack of consultation.²

¹ Stakeholder views have been shared through letters to the Minister of Justice by political parties, submissions to the Justice Committee and feedback provided to the Commission.

² Insights drawn from the Wai 431 Report on the Māori electoral option and Wai 2870 Report on Prisoner voting.

- There is an expectation that the Independent Review of Electoral Law will consult with the public and Māori.

Data

- There are limits on the data available on overseas voters who will be affected by these proposals:
 - data provided by Statistics New Zealand indicates that, as at 14 January 2022, an indicative maximum of approximately 460,300 New Zealand citizens have left the country between 20 March 2017³ and 29 November 2020 and have not returned. These citizens are therefore at risk of being ineligible to vote as an overseas voter in the 2023 General Election. This number should be considered an indicative maximum of the number of people impacted. The actual number will depend on the number of citizens who return between 14 January 2022 and the actual date of the 2023 General Election;
 - we do not have a comparable estimate for permanent residents as Statistics New Zealand does not collect data on the type of visa held by people departing, so permanent residents are not included in the number provided above; and
 - data provided by the Commission on overseas voters does not distinguish between citizens and permanent residents. Therefore, we do not know the proportion of citizens and permanent residents who are overseas voters.

Uncertainty around the future of the Covid-19 response

- The response to the pandemic may change rapidly in response to new variants, and there is no certainty about any future travel restrictions that may be imposed, whether by New Zealand or by other countries.
- As travel restrictions have eased recently, it is possible that the extension of the eligibility criteria (particularly in respect of permanent residents) is not required as people can now return. However, there is no certainty about when travel will return to pre-pandemic levels.

Despite these limitations this analysis can be relied on to inform Cabinet decisions.

Responsible Manager(s)

Hayley Denoual
Policy Manager, Electoral and Constitutional
Ministry of Justice



5 April 2022

³ This is three years prior to border restrictions being implemented in March 2020.

Quality Assurance (completed by QA panel)

Reviewing Agency:	Ministry of Justice RIS Quality Assurance Panel
Panel Assessment & Comment:	<p>A panel within the Ministry of Justice has reviewed the Regulatory Impact Statement. The panel considers that the information and analysis summarised in the Regulatory Impact Statement partially meets the Quality Assurance criteria. The Statement acknowledges that the Ministry of Justice has not consulted relevant stakeholders about the options. The panel also considers the Statement only partially convincing because the Statement doesn't clearly address the continuing impact of travel restrictions, and therefore the need for reform. However, the Panel notes that certainty about peoples' rights to vote is preferable, even as New Zealand moves towards lifting restrictions, and the options properly tend towards being rights-expanding, rather than rights limiting.</p>

Section 1: Diagnosing the policy problem

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

What are the key features of the regulatory system(s) already in place and the current state within which action is proposed?

1. The rules governing voting, and the limitations on the rights of citizens and others to vote, are set out in the Act. The Act specifies who is qualified to register as an elector and the criteria for being eligible to vote. The right to vote is also affirmed in the New Zealand Bill of Rights Act 1990 (NZBORA).
2. The rules in the Act provide a person is eligible to enrol and vote if they are 18 years or older, a New Zealand citizen or permanent resident⁴ and have lived in New Zealand continuously for 12 months or more at some point.
3. The Act disqualifies the following classes of persons (with exceptions for certain individuals such as defence force members, public servants, and diplomats):
 - 3.1. New Zealand citizens who have not been in New Zealand within the last three years; and
 - 3.2. permanent residents who have not been in New Zealand within the last 12 months.
4. These provisions have not been changed since the Act came into force in 1993.
5. 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.
6. The current eligibility settings in the Act reflects the policy rationale that New Zealand citizens and permanent residents who live outside New Zealand without returning in the specified period are considered to have insufficient connection with the New Zealand community. They cannot participate in communal decisions, such as who will exercise public decision-making power, until they become eligible again.
7. The Commission's report on the 2020 General Election noted that the number of overseas votes in the 2020 General Election increased by 2% to 62,787 votes from the 2017 General Election (61,524).⁵ This data does not distinguish between citizens and permanent residents.

⁴ This does not include people on the corrupt practices list or people detained in prison for a sentence of imprisonment for life; a sentence of preventive detention; or a sentence of imprisonment for a term of 3 years or more as specified in the Act.

⁵ Electoral Commission Report into the 2020 Election and Referendums at page 31.
<https://elections.nz/assets/2020-general-election/Report-of-the-Electoral-Commission-on-the-2020-General-Election-and-referendums.pdf>

How is the status quo expected to develop if no further action is taken?

8. The Act does not make any provision for situations where citizens and permanent residents are unable to meet the eligibility criteria because they have been unable to return to New Zealand due to Covid-19 travel restrictions.
9. The status quo risks disenfranchising a significant number of citizens and permanent residents for the 2023 General Election.

What is the policy problem or opportunity?

The Covid-19 pandemic has significantly disrupted travel to New Zealand, and so risks disenfranchising overseas voters under the current eligibility settings

10. At the core of representative democracy is the recognition that all members of society have a basic, equal right to take part in elections to select those who will represent them in Parliament, and make the laws to govern that society.
11. Since March 2020, people have faced a number of barriers preventing them from returning to New Zealand, and as a result they may be unable to vote in the 2023 General Election. These barriers include:
 - 11.1. the availability of managed isolation and quarantine (MIQ) slots;
 - 11.2. requirements to pay for MIQ slots (the current charges are \$1,610 for the first or only person in the family travel group, \$460 for each additional adult in the family travel group, and \$230 for each additional child in the family travel group);
 - 11.3. reductions in international flights;
 - 11.4. increased cost and health risks associated with air travel; and
 - 11.5. travel and re-entry restrictions in overseas jurisdictions.
12. These financial, travel, health and logistical barriers have increasingly undermined the current policy intent of the Act with respect to overseas voters.

How many voters may be affected?

13. It is difficult to estimate the number of voters who found themselves unable to return once New Zealand closed its borders. We understand a number of voters became ineligible to vote in the 2020 General Election because they could not return to New Zealand as planned in 2020.
14. Statistics New Zealand estimates that, as of January 2022 there are approximately 460,300 New Zealand citizens who have left the country between 2017 and 2020 who would be ineligible to vote in the 2023 General Election, if they have not returned by then.⁶ Statistics New Zealand does not hold the relevant visa information for departing permanent residents so a comparable number cannot be estimated for this group.

⁶ This estimate is based on New Zealand citizens who departed New Zealand on or after 20 March 2017, but not later than 29 November 2020.

15. As of 14 January 2022, 121,800 citizens who left following the 2020 General Election⁷ have not returned, but will still be eligible to vote in the 2023 General Election (if it is held within the three-year period). There were 510,600 citizens that were eligible to vote as overseas voters in the 2020 General Election and 586,200 citizens that were eligible to vote as overseas voters in the 2017 General Election.
16. The Commission has also noted that 106,881 people registered to vote in 2020 with an overseas address.
17. MIQ data since 2020 shows at times there were consistently more people wanting to travel to New Zealand than MIQ spaces were available.
18. On 28 February 2022, the Government announced that from 4 March 2022, all citizens and permanent residents will no longer be required to enter MIQ or isolate on return. While the travel barriers have been removed, they have been in place for a significant proportion of the current eligibility timeframe.
19. Factors such as some overseas jurisdictions still restricting domestic and international travel, job losses, reduced income, uncertainty around future variants and health risks will influence the time it takes for international travel to return to pre-pandemic levels. There is also no certainty that travel restrictions will not be reimposed to respond to a new variant.

Disenfranchisement is inconsistent with the Bill of Rights Act and Treaty obligations

20. In New Zealand, electoral rights (including the right of citizens to vote) are protected by NZBORA. Section 12 affirms the right of every citizen aged 18 or over to vote in elections. Like other democratic and civil rights affirmed by NZBORA, the right to vote may only be subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. The current eligibility criteria were consistent with the NZBORA when it was introduced.
21. The right to vote is also protected by international treaties, such as the International Covenant on Civil and Political Rights, which provides that every citizen must have the right and the opportunity to vote in equal conditions with other citizens.
22. The Crown has obligations to protect the rights affirmed to Māori under Te Tiriti o Waitangi when considering any reform to the electoral system. Obligations include actively protecting the right of Māori to equitably participate in all aspects of the electoral process and exercise tino rangatiratanga individually and collectively.
23. The Waitangi Tribunal has said that the Crown's duty to actively protect Māori interests extends to actively protecting Māori tino rangatiratanga.⁸ The Waitangi Tribunal has found that the Crown is under a Treaty obligation to actively protect Māori citizenship rights and rights to political representation conferred under the Act. This duty of protection arises from te Tiriti generally, but particularly under Article 3.⁹

⁷ This includes citizens that have been living in New Zealand and have left for a holiday or relocation, and citizens living overseas who have visited New Zealand citizens.

⁸ Prisoner Voting report Wai 2870 at 13.

⁹ Wai 413 report at [3.8].

24. As part of the rights of citizenship actively protected by the Crown, Māori must have equal rights of participation with other Māori and non-Māori citizens during democratic election processes.¹⁰

Stakeholder views on this issue

25. Changes to overseas voter eligibility criteria have been considered in both the Commission's Report on the 2020 General Election and referendums and the Justice Committee's interim report on its inquiry into the 2020 General Election. Both recommended that the Government review overseas voter eligibility.
26. The National Party members on the Justice Committee recommended that the Government introduce a temporary amendment to overseas voter eligibility criteria to address current difficulties with international travel.
27. Six submitters to the Justice Committee and several letters from members of the public to the Minister have raised concerns around the impact of travel restriction on the overseas voter criteria. They considered that the time limit for overseas voters should be set at five years or more, or otherwise extended to reflect the Covid-19 border restrictions.
28. Multiple press releases from the Green Party¹¹ have highlighted their concern that the current overseas voter eligibility criteria are too narrow and give too much weight to people who have the financial means to regularly return to New Zealand. It considers that the eligibility requirements have become even more inappropriate due to the Covid-19 travel restrictions.
29. University of Otago Professor Andrew Geddis' submission on the COVID-19 Public Health Response (Election and Referendums) Order 2020¹² notes that a large number of people will be disenfranchised due to Covid-19 related travel restrictions, and that it would be fundamentally wrong that public health measures implemented by the Government should have this impact.

What objectives are sought in relation to the policy problem?

30. The objective is to ensure potential overseas voters are not disenfranchised for the 2023 General Election because they have been prevented from returning to New Zealand within the required timeframe due to Covid-19 travel restrictions.

¹⁰ Prisoner Voting report Wai 2870 at 13.

¹¹ https://www.greens.org.nz/greens_call_expanded_protection_renters_overseas_voting:
https://www.greens.org.nz/kiwis_overseas_must_be_allowed_to_vote_next_year.

¹² Submission available at https://www.parliament.nz/resource/en-NZ/53SCFE_EVI_116000_FE2230/0c1a56f72ec6d2c80c8fa87809d0a50ae4d41bd5.

Section 2: Deciding upon an option to address the policy problem

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

- 31. We have identified the following criteria:
 - 31.1. **Voter enfranchisement:** ensure that overseas voters with an ongoing connection to New Zealand can participate in the 2023 General Election;
 - 31.2. **Clear and transparent:** potential overseas voters can easily understand the eligibility criteria;
 - 31.3. **Te Tiriti o Waitangi:** Honours Te Tiriti o Waitangi and supports Māori Crown relationships; and
 - 31.4. **Administrative simplicity:** the eligibility criteria can be easily implemented by the Commission.

What scope will options be considered within?

- 32. The scope of feasible options has not been limited by Minister’s commissioning, previous policy decisions or stakeholder engagement.
- 33. The scope of feasible options has however been limited by the requirement for this Bill to be enacted by the end of 2022, in time for the 2023 General Election. This tight timeframe has ruled out any permanent changes to overseas voter eligibility criteria. We expect that the Government’s recently announced Independent Review of Electoral Law will consider broader issues of voter eligibility, including for overseas voters.¹³

What options are being considered?

- 34. All options considered will be temporary measures, to apply only for the 2023 General Election.

Option One – Status Quo

- 35. Maintain the current eligibility criteria of:
 - three years for citizens; and
 - 12 months for permanent residents.
- 36. The status quo will result in potential voters being disenfranchised due to travel restrictions preventing them from returning to New Zealand. Approximately 460,300 citizens who left New Zealand between 2017 and 2020 would be ineligible to vote in the 2023 General Election if they do not return by then. We do not hold similar data in respect of permanent residents.

Option two – Extension of current eligibility criteria for both citizens and permanent residents

- 37. This option will extend the current eligibility criteria for:
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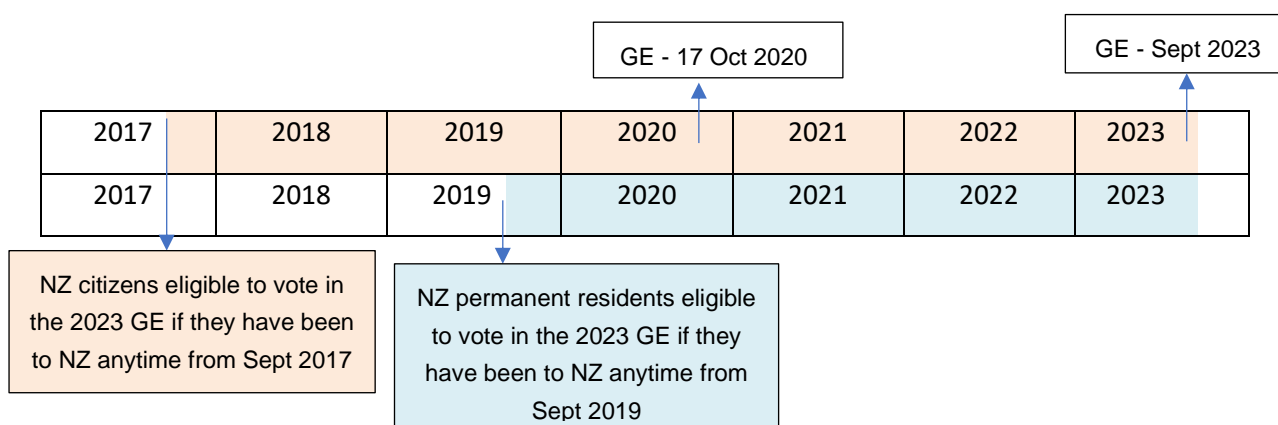
¹³ This timeframe has meant that the changes will not be in place for the 2022 Local Elections.

37.1. citizens from three years to six years; and

37.2. permanent residents from one year to four years.

38. This option extends the eligibility criteria to six years for citizens, which will, broadly, allow people who were eligible to vote in the 2020 General Election to be eligible to vote in the 2023 General Election. This 3-year extension is roughly the same length of time that the travel restrictions have been in place.
39. This option extends the eligibility criteria to four years for permanent residents to be consistent with the three-year extension for citizens.
40. This will enfranchise approximately 427,100 citizens and a number of permanent residents.
41. This option is set out in the table below.

Option two table: Based on a scenario of a September 2023 General Election



Advantages

42. This approach mitigates the risk of disenfranchisement caused by Covid-19 travel restrictions for people who have left New Zealand since the 2017 General Election. It is a straightforward extension of current eligibility settings, which will make it easier for the Commission to administer and communicate to affected voters.
43. Assuming the election was held in mid to late 2023, this option would ensure that anyone who was eligible to vote in the 2020 General Election would be eligible to vote in 2023.¹⁴ It does not require any assessment of a person's intentions to return, as this is simply not feasible.

Disadvantages

44. This option applies only to New Zealand citizens who left New Zealand from 2017 onwards, or permanent residents who left after 2019. Citizens or permanent residents who have been living overseas for longer could argue they have been equally disrupted

¹⁴ Depending on the exact date of departure from New Zealand and the exact date of the 2023 General Election, there may be a small number of New Zealand citizens living overseas who were not eligible to vote in the 2020 General Election but who will now become eligible to vote in the 2023 General Election. We consider this small inconsistency should be accepted in the broader policy context of these changes.

by travel restrictions, and thus prevented from renewing their eligibility to vote in the last two years.

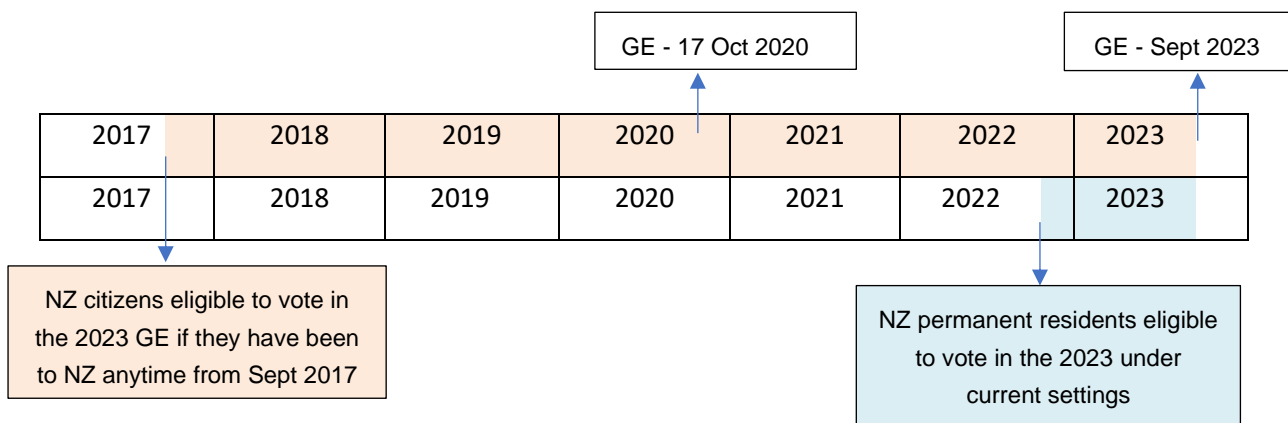
- 45. This option will allow an unknown number of people to become eligible who had no intention of returning to New Zealand within those timeframes, even if they could have. However, based on overseas voter turnout data from recent elections, we note that not everyone who is eligible to vote will vote.
- 46. This option has a disproportionate (beneficial) impact on permanent residents compared to citizens. Under this option the eligibility period for citizens is double the current settings and for permanent residents the extended period is quadrupled from the current settings.

Option three – Broad extension of current eligibility criteria for citizens only

Description

- 47. This option would only extend the eligibility criteria for citizens to vote in the 2023 General Election from three to six years. It would not extend the eligibility criteria for permanent residents.
- 48. This will enfranchise approximately 427,100 citizens.
- 49. This option assumes that the recent relaxation of travel restrictions will persist, and thus permanent residents will have their usual eligibility period to return to New Zealand, being 12 months before the next General Election. This is not the case for citizens as their eligibility timeframe is already being impacted by current restrictions.
- 50. This option is set out in the table below.

Option three table: Based on a scenario of a September 2023 General Election



Advantages

- 51. This option mitigates the risk of disenfranchisement caused by Covid-19 travel restrictions for citizens who have left New Zealand since the 2017 General Election. It is a straightforward extension of current eligibility settings for citizens.

Disadvantages

- 52. While it is possible for permanent residents to return to New Zealand 12 months before the 2023 General Election, it is unknown when travel will return to pre-pandemic levels.

Since the response to the pandemic is constantly changing, it is also possible that New Zealand may close its borders again in response to a new variant.

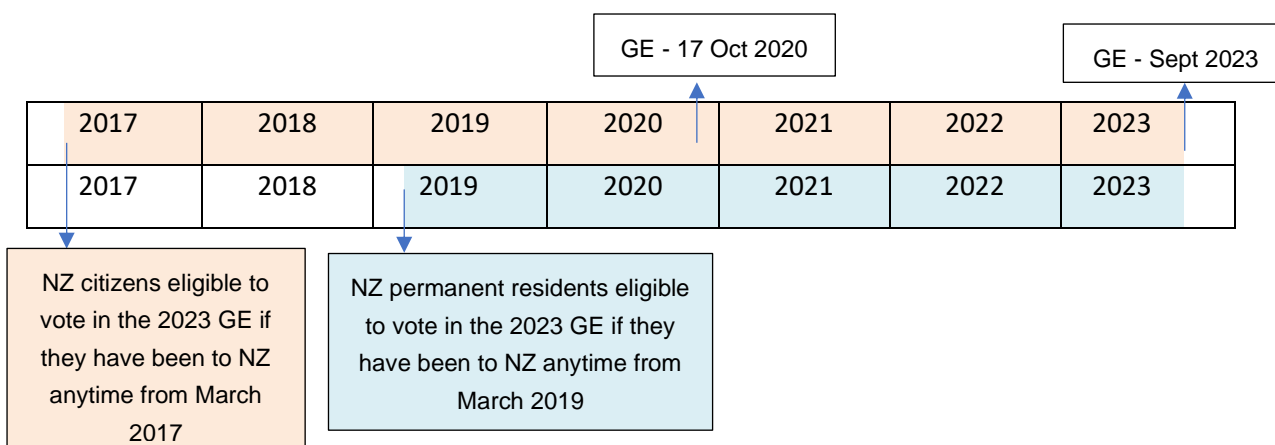
- 53. Like option two, this option will not apply to people who may want to vote in the 2023 General Election but left New Zealand before 2017, and an unknown number of citizens would become eligible to cast an overseas vote who had no intention of returning to New Zealand.

Option four – Extending criteria to include the three-year period prior to when Covid-19 travel restrictions were enacted

Description

- 54. This option considers the impact of travel restrictions by extending the eligibility criteria by three years (a full three-year electoral cycle). As travel restrictions were implemented on 20 March 2020, the new eligibility period for the 2023 Election would be extended to re-entry from 20 March 2017 for citizens (6 years and 6 months) and 20 March 2019 for permanent residents (4 years and 6 months).¹⁵
- 55. This will enfranchise approximately 460,300 citizens and a number of permanent residents.
- 56. This option is set out in the table below.

Option four table: Based on a scenario of a September 2023 General Election



Advantages

- 57. This approach mitigates the risk of disenfranchisement caused by Covid-19 travel restrictions on people who have left New Zealand since 2017. This option, unlike the previous options, extends the criteria to consider the period before the 2020 General Election when Covid-19 travel restrictions may have prevented overseas voters from being eligible to participate in the 2020 General Election.

Disadvantages

¹⁵ This is based on a theoretical scenario that the General Election is held on 23 September 2023.

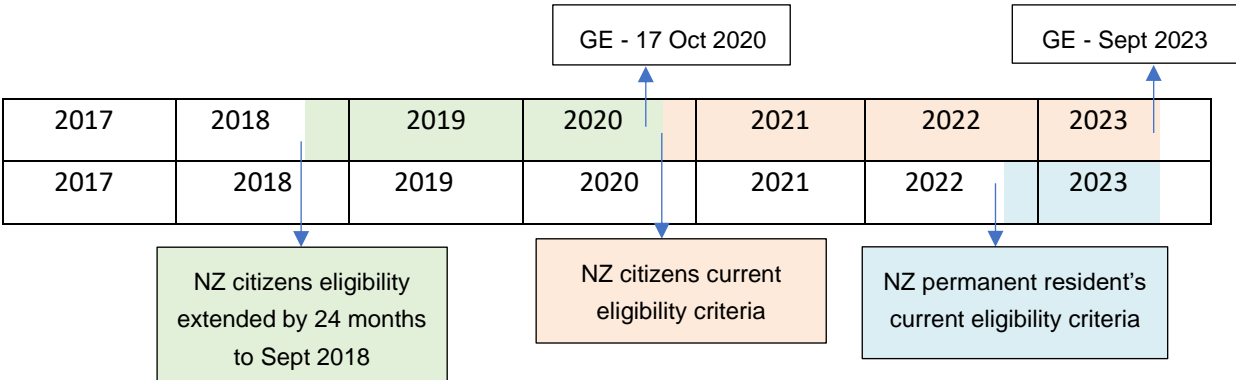
- 58. This approach is a calculated extension to the eligibility criteria based on a date rather than years as outlined in the current eligibility criteria and will be more complex to administer.
- 59. Like options two and three, this will not enable people to vote in the 2023 General Election if they left New Zealand before 2017. This option will allow an unknown number of citizens to become eligible who had no intention of returning to New Zealand within those timeframes, even if they could have.

Option five – Calculate a new timeframe based on the period of disruptions caused by Covid-19 travel restrictions

Description

- 60. This option is based on a calculation that recognises the period of disruptions to determine new eligibility criteria.
- 61. For example, if travel restrictions are not re-imposed before the 2023 General Election, the new eligibility criteria:
 - 61.1. will be the current three-year eligibility period for citizens plus the amount of time restrictions have been in place. As restrictions have been in place for 24 months, 24 months would be added to the current eligibility timeframe for citizens; and
 - 61.2. remains at 12 months for permanent residents, because the current eligibility criteria for this group is not being impacted by travel restrictions, as these eased in March 2022.¹⁶
- 62. This option is set out in the table below.

Option five table: Based on a scenario of the 2023 General Election being held in September



Advantages

- 63. This approach is more targeted towards the amount of time travel restrictions have been in place.

Disadvantages

- 64. This option requires calculating periods of disruption that are continuously changing, and there is no certainty around when the 2023 General Election will be held. This

¹⁶ However, if restrictions were re-enacted within the 12 months to the General Election this calculation would apply for a new permanent resident eligibility criteria.

option would be difficult to prescribe in legislation and complex to administer and communicate to overseas voters.

65. Like options two, three and four this option will not provide for people who may want to vote in the 2023 General Election but left New Zealand before 2017. This option will allow an unknown number of citizens to become eligible who had no intention of returning to New Zealand within those timeframes, even if they could have.

Options not considered

66. Because of the quarantine free travel bubble with Australia (April 2021 - July 2021), we briefly assessed different rules depending on the restrictions in place in different countries (both New Zealand's restrictions and the other countries). However, due to the changing nature of international travel restrictions we considered that it was more appropriate to consider broader options.

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

67. Option one is the status quo. We have not included this option in the table.

	Option Two – Broad extension for both	Option three – Broad extension just for citizens	Option four – Extension to include 3 years prior to Covid restrictions	Option five – Calculated extension based on disruptions
Voter Enfranchisement	++ Will enfranchise approx. 427,100 citizens and a number of permanent residents	+ Will enfranchise approx. 427,100 citizens	++ Will enfranchise approx. 460,300 citizens and a number of permanent residents	+ Will enfranchise an unknown number of citizens and permanent residents
Administrative simplicity	0 No change to processes	0 No change to processes	- Increased uncertainty around criteria	-- Greater increased uncertainty around criteria
Clear and transparent	0 Easy for voters to understand	0 Easy for voters to understand	0 Easy for voters to understand	- More difficult for voters to understand
Treaty of Waitangi	+ Positive impact on Māori	+ Positive impact on Māori	+ Positive impact on Māori	+ Positive impact on Māori

Key:

++ much better than doing nothing/the status quo/counterfactual, + better than doing nothing/the status quo/counterfactual, 0 about the same as doing nothing/the status quo/counterfactual, - worse than doing nothing/the status quo/counterfactual, -- much worse than doing nothing/the status quo/counterfactual

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

68. Option two is our preferred option as it best meets the assessment criteria and is the best response to the problems identified in section one.

What are the marginal costs and benefits of the option?

Affected groups (identify)	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium, or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option compared to taking no action			
Regulated groups - overseas voters	This will have no additional costs for overseas voters.	No monetised cost	High
Regulator - Commission	One off cost over two years to implement the changes ahead of the 2023 General Election and to revert to the current eligibility rules after the election	IT system changes: \$80,800 Enrolment collateral printing and distribution: \$156,439 Communications & Education: \$181,800 Contingency: \$63,000	Medium While we have data on the maximum number of citizens who could be eligible to vote, we do not know how many will vote. We have no data on permanent residents
Total monetised costs		\$482,000	
Non-monetised costs		NA	
Additional benefits of the preferred option compared to taking no action			
Regulated group - Overseas voters	Approximately 427,100 citizens and an unknown number of permanent residents will now be eligible to vote in the 2023 General Election	High People at risk of being disenfranchised will be eligible to vote	Medium We have estimates on the maximum number of citizens who may be impacted but this number will fluctuate depending upon who returns. We do not know how many permanent residents will be impacted.
Non-monetised benefits		High	Medium

Section 3: Delivering an option

How will the new arrangements be implemented?

69. Any change to overseas voter eligibility criteria will require legislative change to the Act. The Electoral Amendment Bill will be used as a vehicle to progress this proposal.
70. The implementation of these changes will be undertaken by the Commission.

How will the new arrangements be monitored, evaluated, and reviewed?

71. The Commission reports on the number of overseas voters who participate in general elections. Post the 2023 General Election, voting numbers should provide an indication of the impact this temporary measure had on overseas voting numbers compared to standard overseas voter turnout under the standard eligibility criteria.
72. Aspects of the electoral system are regularly reviewed. The 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's review. The Government's Response to the Justice Committee's recommendations is tabled in the House. Electoral Amendment Bills are used to improve and modernise aspects of the administration of the system between elections.
73. These reviews post the 2023 General Election could consider this temporary amendment and the effectiveness and issues that may have occurred around overseas voters. This will provide valuable insight to contribute to the ongoing issue that has been frequently raised around permanent changes to the overseas eligibility criteria.
74. The Independent Review of Electoral Law will also be an opportunity to evaluate the impacts of this temporary amendment if it considers overseas voting eligibility criteria as part of their review.