

11 October 2023

By email to: [REDACTED]

Dear [REDACTED]

### **OFFICIAL INFORMATION ACT REQUEST 2023/52**

On 21 September 2023 you made a request under the Official Information Act 1982 (the OIA) for the following information:

*I wish to know how to request the audit of an election and also the procedure to prevent ballot papers being destroyed after 6 months.*

For a limited time after a general election, certain people can apply to challenge official election results through recounts or election petitions.

Under section 180 and 181 of the Act, candidates and political parties have three working days after the official declaration of the results to apply to a District Court Judge for a recount of the vote. Electorate candidates can apply for a recount of the electorate vote, however only party secretaries can apply for a recount of the party vote.

An election petition is the only way to challenge the election or an electorate candidate or how party list seats were allocated. Election petitions must be brought before the High Court within 28 days of the official declaration of the results in accordance with sections 258 to 262 of the Act.

An election petition challenging the election of an electorate candidate can be brought by either a person eligible to vote in the electorate, or a candidate who contested the electorate vote. An election petition challenging the election of list candidates can only be brought by the secretary of a party that contested the party vote.

Under section 187 of the Electoral Act 1993 (the Act), after the official results, Returning Officers are required to provide ballot papers, rolls and other documents to the Clerk of the House of Representatives.

Under section 189 of the Act, the Clerk of the House of Representatives may not destroy the ballot papers if a court or the House of Representatives orders them to be opened, or if it may reasonably be expected to be required for the purposes of an investigation into, or a prosecution of, an offence against the Act.

We anticipate that after any investigation is complete, the relevant documentation would then be destroyed. As this is the responsibility of the Clerk of the House of Representatives, not the Electoral

Commission, you may contact them if you have any further questions: [Office of the Clerk - New Zealand Parliament \(www.parliament.nz\)](#).

In the interests of transparency, we release responses to Official Information Act requests every 3 months. We will publish this response with your personal details redacted.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at [www.ombudsman.parliament.nz](#) or by phoning 0800 802 602.

Yours sincerely



Kristina Temel  
Electoral Commission