

31 March 2023

██████████
By email: ██████████

Dear ██████████

OFFICIAL INFORMATION ACT REQUEST 2023/07

On 18 March 2023 you made a request under the Official Information Act 1982 (the OIA) for the following information:

“All guidance/policies/documents/directives/memos/decision making criteria or similar created which relate to the Electoral Commission choosing whether or not to refer a breach of section 82 of the Electoral Act 1993 to the New Zealand Police for prosecution.

How many times the Electoral Commission has referred a breach of s 82 to the New Zealand Police for prosecution, and what the outcome of those cases was.

For the avoidance of doubt, the time period of this request is from 1993 to 2023.”

Regarding breaches and prosecutions, there have not been any referrals to Police of offences under section 82 of the Act in the time period given.

Note that under section 82(6) of the Act, a person who applies for registration as an elector is not liable to prosecution for their earlier failure to apply for registration. The Electoral Commission is not aware of any people who are knowingly and wilfully failing to enrol. Prosecution is expensive and does not proceed in any case once an application is lodged. The Commission believes that effort should be focused on encouraging enrolment and voting.

In light of this, the Electoral Commission does not have specific guidance or documents of the kind you have requested.

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



Ross McPherson
Director, Enrolment