

18 July 2023

By email to: [REDACTED]

Tēnā koe [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2023/24

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

- 1. Please send me your detailed process of ensuring chain of custody of ballots once cast.*

The Commission has the following process in place to ensure the security of ballot papers once cast:

- During the voting period each ballot box is locked using a tamper-proof seal that is uniquely numbered.
- Before all ballot boxes are sealed, two staff members are required to verify each ballot box is empty.
- If a scrutineer is present, they will counter check the ballot boxes.
- The number from the seal is recorded on a log on the back of the ballot box. It is then initialled by the staff member(s) and scrutineer.
- Security checklists are completed by the voting place manager daily, this includes checking the number on the seals match the number recorded on the ballot box.
- When the electorate headquarters receives the ballot boxes these checks are carried out again. If there are any concerns the Electorate Manager is advised.
- At electorate headquarters, all voting material is kept locked in a secure area until the counting begins.
- They are also locked away for the period between the Early Count (election night) and the Official Count (approximately two weeks later).

- 2. Please advise what your ballot printing and handling (un filled in) policy is, and how you account for all legally printed ballots*

Printed ballot papers are accounted for at all times. We use our Election Management System (EMS) to provide the assurance that:

- all ballot papers have a clear chain of custody, and
- the last location of ballot papers is known at all times.

The Commission's processes for the printing and handling of uncompleted ballot papers includes:

- each ballot paper is printed with a unique sequential number
- ballots are collated together into pads for distribution and tracking purposes
- pads of ballot papers are transported directly from the printing company to each electorate headquarters
- when received by the electorate headquarters, each pad is scanned and recorded in EMS
- each ballot paper is individually checked by a Commission staff member for printing errors
- when each pad is transported to a voting place, its movement is tracked by scanning its exit from one location and arrival at its new location and recording this movement in EMS
- once a pad of ballots is used within a voting place, the number of used ballot papers is monitored using an electronic reconciliation application on mobile phones
- each day, staff enter in the number of ballot paper pads that are 'entirely used', 'entirely unused', or 'partly used' - this provides an exact number of votes issued each day in each voting place
- when votes are subsequently counted, we know the number of ballot papers expected in each ballot box
- there may be a small difference in the number of expected ballot papers in a box as voters may choose not to put their voting paper in the ballot box - these instances are rare, usually less than 10 ballot papers per voting place.

3. *Has the Commission taken any steps to ensure that ballots cannot be legally printed or duplicated? Please advise what these steps are. Examples include electronic watermarking, unique identifiers, special paper/characteristics*

As noted in our response to 2. above:

- each ballot paper is printed with a unique sequential number
- when received by the electorate headquarters, each ballot paper is individually checked by a Commission staff member, which includes verifying that each ballot paper has the correct unique sequential number
- each ballot paper that is issued has a unique issuing point number stamped onto it.

4. *Please advise what processes you have to ensure that fake ballots are not included in electoral boxes*

- As noted in our response to 2. above, ballot boxes are sealed with numbered seals during the voting period.
- The only entry point for votes is through the top slot. A cover is affixed to the ballot box to cover the top slot during transit and after voting hours.
- The reconciliation application noted above enables the Commission to identify any attempts at placing unauthorised ballot papers into ballot boxes.

- Each ballot paper has a unique identifying number, and issuing point stamp number, which can be used to distinguish between legitimate and illegitimate papers within ballot boxes.
5. *What is your process for recruiting election staff at voting centres. Advise who can apply for such jobs and what criteria or pre-selection requirements are in place*

Key aspects of the process for recruiting staff to perform roles at voting places include:

- all applicants apply through the Commission's online recruitment platform or via a paper application form, which is subsequently entered into our recruitment platform on the applicant's behalf
- we do not use recruitment agencies to employ voting place staff
- the Commission uses a merit-based selection process in keeping with the Human Rights Act
- applicants must have the right to legally work in New Zealand
- those appointed must be 16 years or older
- all applicants are interviewed
- applicants are asked whether they are involved in political activities, and those appointed must not be actively involved in furthering the interests of any candidate, political party or political issue
- following the interview, every applicant that the Commission would like to progress with is subject to the following pre-employment checks:
 - at least one referee check
 - a Criminal Record Check undertaken by the Ministry of Justice, and
 - a Serious Misconduct Check, where the applicant will be hired for more than one month and who has worked for any government agency / crown entity in the last three years.

6. *How do you handle special and out-of-area votes are secure?*

Key aspects of the process to handle Special Votes and Shared Electorate (out-of-area) Votes includes:

- When a voter undertakes a Special Vote, they are required to make a legal declaration that the information they are providing to the Electoral Commission is true.
- Special Votes are then largely handled in the same way as ordinary votes, with the one significant difference being that they are not counted on Election Night.
- During the period between Election Night and the Official Count, the Special Votes are processed by checking the declaration to ensure it is valid and the voter is qualified to vote. Allowed votes are then set aside to be counted during the Official Count.
- Special Votes taken outside of their home electorate are repatriated back to the voter's qualifying electorate. i.e a voter enrolled in the Invercargill electorate, but who votes in Napier may be required to undertake a Special Vote. Their Special Vote is returned to the Invercargill electorate to be processed.

- The electorate manager is responsible for ensuring that the voting paper is sent from Napier to Invercargill in time for the Official Count.

7. *At the 2020 election we had a person at an election centre talking to us about our political preferences and leanings. Is this legal? What steps are taken to ensure that such talk does not affect where our ballots are placed or how they are handled?*

- The Commission's voting place staff are instructed not to speak with voters about their voting intentions, including political preferences.
- People should only be inside a voting place for the purposes of the voting process. Voting place staff are able to ask people to leave a voting place once they have voted, or if they are not in the voting place for the purposes of voting.
- If a voter experiences any issues at a voting place, we encourage them to talk to the voting place staff, including the Voting Place Manager.

8. *Why is the Commission not advocating for photo id (e.g. Drivers licence)? We all know now that people voted in multiple locations, and we do not know (including the Commission) how many fake votes were cast in multiple locations and/or at multiple times.*

- The Electoral Commission is bound by the legislation that governs our electoral system, which does not require the use of photograph identification as part of the voting process.
- When this matter was reviewed by the parliamentary Justice and Electoral Select Committee, the Committee concluded that:

"Because there is no evidence of widespread fraud or personation, we do not consider it necessary to introduce additional identification requirements when voting. We also note that requiring photographic identification from voters might result in some voters being turned away from voting, impose additional costs on voters, and ultimately further reduce turnout"¹.

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



Martin Rodgers
Director Voting Services

¹ Inquiry into the 2014 general election, Report of the Justice and Electoral Committee, April 2016, p24,25.
Electoral Commission