

Further recommendations made to Government by the Justice Select Committee in its Inquiry into the 2016 Local Elections

Centralising the running of local and general elections

15. We recommend that the Government consider giving responsibility for running all aspects of local elections to the Electoral Commission.
16. As part of centralising the management of local elections, we recommend that the Government consider encouraging or requiring the same voting system to be used in all local elections.

DHB elections

17. We recommend that the Government ensure that, where practicable, DHB boundaries align with local authority boundaries.

Voting method (postal, booth, etc)

18. We recommend that the Government investigate what is the best voting method (or combination of methods), as an enduring solution for increasing turnout at local elections.
19. We recommend that the Government consider the need to regulate for security protections when vote collection boxes are put in public areas.
20. We recommend that the Government support a trial of advance booth voting at the next local elections in 2022.
21. We recommend that the Government require the administrator of local elections to ensure that local election information is provided in accessible formats.
22. We recommend that the Government develop a funding support model, similar to that proposed in the Election Access Fund Bill, for local elections.

Improving information about voting and elections

24. We recommend that the Government, as part of expanding the Electoral Commission's role in local elections, make the Electoral Commission responsible for leading and co-ordinating triennial, nationwide campaigns to encourage and support people standing for and voting in local elections.

Improving information about local election issues

25. We recommend that the Government strengthen legislation so that, when a local election candidate wishes to state on their candidate nomination form that they represent a non-registered political organisation or group, the election administrator may require the candidate to produce evidence that the organisation or group exists, and must reject any claimed affiliation unless there is clear evidence to show that the organisation or group exists.

Advertising and campaigning

26. We recommend that the Government align local election advertising rules with general election advertising rules, including the following:
 - include online electoral advertising in section 113 of the Local Electoral Act 2001

- align the definition of electoral advertising in the Local Electoral Act with that in the Electoral Act so that it covers all advertising that attempts to persuade people to vote or not to vote in a particular way
- ensure that spending limits in section 111 of the Local Electoral Act are indexed to change annually, in line with inflation
- introduce regulation of third party promoters in local elections for spending, registration, and declarations, based on similar principles to the framework in the Electoral Act
- align provisions requiring candidates to report political donations that they have received for an election (section 112A of the Local Electoral Act and section 209 of the Electoral Act), so as to align the timeframes and format of donations and campaign expenditure
- align local and general election provisions on anonymous, overseas, and corporate donations (see our recommendations in Chapter 3).

Disclosure regimes should be consistent

27. We recommend that the Government introduce requirements in legislation for elected members of local authorities to disclose financial and certain other interests that align with the requirements that apply to members of Parliament.

Updating local election processes

30. We recommend that the Government introduce amendments to the Local Electoral Act to require candidates to provide satisfactory evidence of New Zealand citizenship if required by the local electoral officer, and ensure that this requirement aligns with the Electoral Act.
31. We recommend that the Government make enrolment on the ratepayer electoral roll continuous, unless a ratepayer no longer wishes to remain enrolled or ceases to be eligible.
33. We recommend that the Government introduce legislation to require that, when a non-mayoral vacancy occurs within 12 months after a triennial local body election, the position be filled by the next highest polling candidate (or STV equivalent) at that election.

Probity in the 2016 local elections

34. Consistent with our broader recommendations for alignment with general elections and a greater role for the Electoral Commission, we recommend that the Government introduce amendments to the Local Electoral Act to provide better mechanisms for the investigation and resolution of complaints related to the conduct of local elections.

Foreign interference

35. We recommend that the Government ensure that the intelligence agencies proactively provide advice to all parliamentary candidates and their parties which is politically neutral, cost effective, and proportionate to a person's risk of foreign interference.
36. We recommend that the Government resource the Government Communications Security Bureau (GCSB) and the New Zealand Security Intelligence Service (NZSIS) appropriately to allow them to provide advice proactively to local election candidates, local body elected members, and local body officials in a way that is politically neutral, cost effective, and proportionate to the risk of foreign interference in the circumstances.

37. We recommend that the Government encourage local authorities engaging with foreign governments to actively seek out advice about foreign interference from the intelligence agencies.
38. We recommend that the Government encourage all candidates and parties in general and local elections to seek help to protect their online security.
39. We recommend that the Government adequately fund appropriate agencies to provide specialist advice and support against targeted cyber-attacks that cannot be avoided by best practice online.
40. We recommend that the Government retain manual or paper-based voting systems in local and general elections for the foreseeable future because of security concerns.
41. We recommend that the Government consider amendments to existing legislation to incorporate an offence, similar to that in section 482 of the Canada Elections Act 2000, that would prohibit hacking into computer systems owned by Parliament, local authorities, the Electoral Commission, election service providers, election officers, political parties, candidates, or members of Parliament with the aim of intending to affect the results of an election.
42. We recommend that the Government ensure that a contingency system is in place in case of a security breach of relevant computer systems that compromises the integrity of a local or general election.
43. We recommend that the Government consider the applicability of implementing recommendations relating to foreign interference via social media content from the UK House of Commons' Digital, Culture, Media and Sport Committee's report on *Disinformation and 'fake news'* and the Australian Joint Standing Committee on Electoral Matters' *Report on the conduct of the 2016 federal election and matters related thereto*. We recommend that the Government also consider the applicability to local government of the UK and Australian recommendations.
44. We recommend that the Government follow the Australian Government in prohibiting foreigners from advertising in social media to influence a New Zealand election outcome and that it provide appropriate constraints and legal obligations on social media platforms so that this can be enforced.
45. We recommend that the Government introduce amendments to the Electoral Act to require political party secretaries to be New Zealand residents.
46. We recommend that the Government introduce legislation to allow only persons or entities based in New Zealand to sponsor and promote electoral advertisements.
47. We recommend that the Government introduce legislation creating an offence for overseas persons placing election advertisements as well as organisations selling advertising space to knowingly accept impermissible foreign-funded election advertising.
48. We recommend that the Government examine how to prevent transmission through loopholes, for example, shell companies or trusts. We recommend that these issues be further explored and that the Government consult with political parties about how best to approach the problem.
49. We recommend that the Government consider one over-arching anti-collusion mechanism, including penalties, to replace those in the Electoral Act.
50. We recommend that the Government:
 - make it unlawful for third parties to use funds from a foreign entity for electoral activities
 - require registered third parties to declare where they get their donations from.
51. We recommend that the Government investigate whether the Australian Foreign Influence Transparency Scheme is applicable to New Zealand, taking into account the evidence of problems in this area relative to the costs of introducing such a regime.

52. We recommend that the Government:

- engage with international social media platforms to encourage them to adhere to our laws and customs regarding free speech
- explore regulatory tools that would assert New Zealand's strong tradition of free speech.

53. We recommend that the Government consider requiring all media organisations to have a majority of board members who live in New Zealand.

54. We recommend that the Government prohibit foreign governments or foreign state entities from owning or investing in media organisations in New Zealand.

55. We recommend that, as part of its review of media content regulation, the Government consider requiring all media companies to belong to an industry self-regulating body.