



RETAINING INTEGRITY IN PANDEMIC ELECTIONS: THE CASE OF NEW ZEALAND'S 2020 GENERAL ELECTION

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A COMPLEX ENVIRONMENT IN THE LEAD UP TO THE 2020 GENERAL ELECTION

New Zealand* maintains a long-established democratic system in the South Pacific. It enjoys a reputation for integrity and is generally ranked among the top two countries in Transparency International's Corruption Perceptions Index (Transparency International 2021). The outbreak of Covid-19 and the consequent first postponement of an election since World War II failed to mar that status.

The 2020 general election was conducted by the New Zealand Electoral Commission (EC) on 17 October 2020. At that time, the pandemic had reached New Zealand but was still predominantly contained in Managed Isolation and Quarantine (MIQ) facilities. As a result of the timing and an extensive Covid-19 public information programme, the electorate was made aware and kept informed about the health-related risks imposed by the pandemic and the related personal protective equipment (PPE) and physical/social distancing protocols that would have to be adopted for the general election. At that time, the population was not experiencing a state of fatigue with the protocols, or the societal divisions over vaccination mandates that were affecting many other countries.

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* Aotearoa in Māori.

¹ See the public information campaign launched on the Unite Against Covid-19 website, <<https://covid19.govt.nz>>.

as higher alert levels were imposed (see Table 1). These measures, and the restrictions they imposed, had the potential to have a significant impact on the conduct of the 2020 general election, and to depress voter participation in particular.

Table 1. Four-tier alert level system

Alert level	Description	Restrictive measures applied nationally or regionally
1	PREPARE: Sporadic importation of Covid-19 cases and isolated community transmission	<p>No restrictions on personal movement or gatherings</p> <p>Face masks required on public transport and aircraft</p> <p>Businesses and service providers required to display scannable Covid-19 tracing QR codes and encouraged to maintain a record of movements (using QR code where applicable)</p>
2	REDUCE: Limited community Covid-19 transmission but active community clusters in more than one region	<p>Gatherings limited to 100 people</p> <p>Businesses and schools etc. open with additional health measures, including 2-metre physical distancing, use of PPE, and alternative/remote working and services encouraged</p> <p>Hospitality businesses required to keep patrons seated in groups and physically distanced, at least 1 metre between groups</p> <p>Face masks required by those in public-facing roles</p>
3	RESTRICT: Multiple cases of Covid-19 community transmission, and active clusters in more than one region	<p>Gatherings limited to 10 people</p> <p>Movements restricted to within region and for necessities as close to home as possible, with limited permissions for inter-regional travel</p> <p>Requirement to work and study from home, unless unable to do so and the business/facility can operate within specific restrictions</p> <p>No limit on contactless services, otherwise customer entry to premises limited to core services such as groceries, banking, petrol, pharmaceuticals</p> <p>Health services provided virtually where practicable</p> <p>Interactions limited to exclusive household 'bubbles', with the potential to add other isolated people or family members as long as the bubble remains entirely exclusive</p> <p>Face masks required whenever leaving home or going outside the 'bubble'</p>
4	LOCKDOWN: Sustained and intensive Covid-19 community transmission, with widespread outbreaks	<p>No gatherings permitted</p> <p>Travel limited for collection of necessities</p> <p>All businesses closed except for essential services</p> <p>Working from home, except for essential services</p> <p>Interactions limited to exclusive household bubbles (certain exceptions applied)</p>

ELECTION DATES AND COMPLEXITY

In addition to the ordinary operational and logistical challenges associated with the delivery of any nationwide poll, as the nation's largest public event, the 2020 general election was one of the most complex ever held for a variety of reasons.

In January 2020, Prime Minister Jacinda Ardern announced the general election date of 19 September 2020. As the pandemic environment fluctuated throughout the first half of the year, there was much speculation in the media and among commentators about the potential for a postponement, as well as the need for changes to entrenched legislative provisions if the 2020 general election was to be postponed beyond mid-December (Geddis 2020).

The catalyst for a four-week postponement was a Covid-19 outbreak that occurred in Auckland in August, which is host to 1.6 million people, approximately one-third of New Zealand's total population of 5 million. Auckland went back into Alert Level 3, while the rest of the country entered Alert Level 2. The dissolution of parliament was postponed,² and on 17 August—just days before the writ was due to be issued—the prime minister announced that the general election would be postponed until 17 October.

The increased risks associated with the pandemic and the late postponement added to other factors that were already contributing to the complexity of the 2020 general election:

- The delivery of two potentially highly emotive referendums held in conjunction with the 2022 general election to determine whether the End of Life Choice Act 2019 should come into force,³ and whether the non-medical 'recreational' use of cannabis should be legalized.⁴
- The delayed release of national census results had in turn delayed the constituency boundary review process, which meant that the electoral boundaries for the 2020 general election could not be confirmed until 17 April 2020.
- Substantive law changes implemented in March 2020 enabled voters to enrol on election day for the first time. This meant an adjustment to the field operations timetable to accommodate up to 200,000 electors who might enrol or update their address details on election day.
- Law changes to re-enfranchise prisoners serving sentences of less than three years were passed in June 2020 in the Electoral (Registration of Sentenced Prisoners) Amendment Act 2020.

² In New Zealand, parliament is dissolved ahead of a general election to mark the end of the current parliamentary term and clear the way for the upcoming election.

³ As the majority of voters supported the legislation in the referendum, the End of Life Choice Act 2019 came into force on 7 November 2021, legalizing assisted dying in New Zealand.

⁴ A yes vote of 48.4% and a no vote of 50.7% meant that the proposal to legalize the supply and recreational use of cannabis did not pass.

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IMPACTS ON CAMPAIGNING

Although it was anticipated that the alert level in Auckland would have reduced by 19 September, it was generally acknowledged that the ability of political parties and candidates to campaign would be severely affected by the Covid restrictions and shifting the election date would ease that impact. Meanwhile, some candidates from the older generation were challenged by a switch to digital campaigning (Trevett 2020).

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The change of election date meant that candidates and political parties needed to replan their campaigns, with the added complexity of the shifting sand of the regulated period—the period in which campaign expenditure is capped. Based on a 19 September election date, the regulated period had commenced on 19 June. The legislation did not contemplate a situation in which there were two separate announcements by the prime minister of two different election dates. After taking legal advice, the EC issued guidance that the regulated period had commenced on 18 August (Electoral Commission of New Zealand 2021).⁵

Candidates also had to urgently reschedule their election broadcast campaigns as it is unlawful to broadcast an election programme on television or radio until writ day,⁶ which was now postponed for four weeks.

COVID-19 PIVOT FOR THE TEMPORARY ELECTION WORKFORCE

A temporary election workforce of 23,520 staff was engaged and trained to supervise the 2020 general election. Generally, training involves a mix of in-person sessions and completion of a range of interactive e-learning modules. The EC had made preparations to conduct the election under Alert Level 2, so all the training involved the safety protocols for that level, including on the appropriate use of PPE. Just as training was about to commence, however, Auckland went into Alert Level 3 and training for the Auckland region had to be replanned.

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Following the change in the date of the general election, all the staff members recruited to the temporary election workforce had to reconfirm their availability for the new dates. The EC was also cognizant of heightened concerns for personal safety when voting or working at a polling place as community transmission spread.

Contingency planning for temporary election workforce re-engagement comprised:

- Contingency plans for conducting the election (or part of it) under Alert Level 3 based on pre-drafted instructions for Voting Place Managers about

⁵ See the 'Looking forward' section, where the EC recommends legislative change to clarify this situation for the future.

⁶ Broadcasting Act 1989, section 70.

the health and safety measures required, as well as an online training video that would be released if required.

- The EC, the Ministry of Justice (MOJ) and the Public Service Commission working together to recruit a state sector contingency workforce: 15 state sector agencies with regional coverage identified up to 5,000 personnel who they could arrange to release if called on by the EC, and be rapidly deployed around the country if worker availability was affected by Covid-19. These staff members were briefed on requirements and trained using the EC's e-learning system.

FINANCIAL IMPACTS

The 2020 general election and referendums cost the EC⁷ approximately NZD 113 million to administer. This includes the costs associated with running the election, such as printing and distributing ballot papers, setting up polling stations and processing votes, which was broken down as follows:

- NZD 99.9 million for the delivery of election services, such as voter services, candidate services and result management services; and
- NZD 12.9 million for delivery of the two referendums.

The election budget had to be supplemented by contingency funding of NZD 28.7 million for Covid-19-related costs (actual costs were 26.8 million), and an additional NZD 13.4 million to cover the impact of the change to the election date and timetable (actual costs 9.2 million). Other agencies also received additional pandemic-related allocations, including NZD 5 million for the contingency temporary election workforce.

VOTING METHODS EMPLOYED

The EC had based its electoral planning on a scenario in which the country was at Alert Level 2 at the time of the 2020 general election, with small outbreaks at Alert Level 3 but not a significant region such as Auckland. While there would be special considerations for those electors in high-risk groups and for those in MIQ facilities, central to the planning was to avoid any temptation to introduce new voting methods, but rather to enhance existing, trusted and well-tested voting modalities.

A major concern expressed by political parties was the possibility that the national postal system might be unable to cope adequately with the increased operational and logistical complexities of a general election conducted entirely

⁷ The information on the breakdown of the cost is available on the New Zealand Electoral Commission website, in its Annual Report 2021, <<https://elections.nz/assets/Annual-reports/electoral-commission-annual-report-2021.pdf>>, accessed 9 August 2023.

The EC made it clear that while some services, such as the vote upload and telephone dictation voting systems, could be expanded, those systems did not have the capacity to cater for all voters.

by post. Similarly, in response to some public suggestions, the EC made it clear that while some services, such as the vote upload and telephone dictation voting systems, could be expanded, those systems did not have the capacity to cater for all voters (Patterson 2020).

Fortunately, by the time advance voting commenced on 3 October 2020, most of the country had returned to Alert Level 1. Auckland was still at Alert Level 2 but was able to move to Alert Level 1 on 7 October. As a result, the additional capacity planned for some of the voting methods outlined below did not need to be fully employed.

SPECIAL MEASURES INTRODUCED FOR THE 2020 GENERAL ELECTION

It is useful to provide a comparison between the standard voting options ordinarily in place for general elections and the special measures that had to be introduced instead for the 2020 general election in response to the extraordinary situation imposed by the Covid-19 pandemic (see Tables 2 to 16).

It should be noted that in the New Zealand context:

- **Ordinary votes** are issued where the voter is on the electoral roll and is voting in-person in their constituency (or in a neighbouring constituency).
- **Special votes** are issued in all other circumstances, which must be accompanied by a witnessed declaration⁸ made by the voter or, for assisted voting, by the person assisting them. The declaration is sealed in an envelope compartment separate to the ballot paper compartment and is checked against the electoral roll during the count. The vote qualifies/is allowed if the voter is confirmed on the roll and all the declaration requirements are satisfied. If not, the vote is disqualified/disallowed.

⁸ The requirement for the declaration to be witnessed was temporarily relaxed for the 2020 general election in certain in-country circumstances, and the Electoral Amendment Regulations 2022 permanently removed the requirement for those voting in-country but outside of a voting place or facility/institution where it would not be reasonable to require the voter to have the declaration witnessed.

Table 2. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: In-person voting on election day

Method	Standard	Special measures for Covid-19
In-person voting on election day	<p>Voters may vote at any voting place in the country.</p> <p>Voters cast an ordinary vote if they are located on the electoral roll and are voting in the electorate they are enrolled for (or in a neighbouring electorate, see out-of-constituency voting below).</p> <p>In all other circumstances, voters are issued a special vote. A special vote is issued when the voter cannot be located on the electoral roll due to:</p> <ul style="list-style-type: none"> • voting out-of-constituency (see below) • voter enrolled after the writ is issued, when the electoral rolls are printed • voter is on the unpublished roll (generally for security reasons) • any other reason the voter cannot be located on the roll <p>The declaration accompanying the special vote may be witnessed by various members of the voting team.</p>	<p>No change to the eligibility to vote anywhere in the country, but voters were encouraged to 'vote early and vote local' to avoid election queues and to minimize the time spent in voting places. On average, it takes voters less than 5 minutes to complete an ordinary vote, whereas it takes around 10–15 minutes to complete a special vote.</p> <p>Voters were also encouraged to enrol early (preferably using the online enrolment portal) and prior to voting, to avoid spending time in a voting place completing their enrolment form and then completing a special vote.</p> <p>Among the special Covid-19 measures introduced were:</p> <ul style="list-style-type: none"> • physical distancing of voters, voting screens and voting queues (requiring larger premises and changes to layout) • contact tracing measures • PPE masks for voters were not mandated, but their use was encouraged • voters were encouraged to bring their own pen; otherwise, single-use pens were provided • scrutineers were positioned further away, and recorded turnout information by photograph <p>The number of election day voting places was increased from 2,378 in 2017 to 2,567 in 2020, advance voting places were increased by 1,000, with 34,000 more opening hours across the voting period than in 2017.</p>

Table 3. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: In-person voting—advance voting period

Method	Standard	Special measures for Covid-19
In-person voting: advance voting period	<p>Any voter may vote during the advance voting period, at any voting place (see above).</p> <p>There has been a steady increase in the number of voters voting during the advance voting period since the 2011 election when the requirement for there to be a special reason, such as being outside the constituency on election day, was removed.</p>	<p>No change to the eligibility to vote anywhere in the country but, as with election day above, voters were encouraged to enrol early and to 'vote early and vote local' (68% voted in advance, compared with 47% in 2017).</p> <p>Special Covid-19 measures introduced were the same as for in-person voting on election day (see above).</p> <p>Two additional days of advance voting were provided, and the number of advance voting places was increased from 485 for the 2017 general election to 1,522 for the 2020 general election.</p>

Table 4. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Mobile voting

Method	Standard	Special measures for Covid-19
Mobile voting	<p>Mobile voting teams visit various facilities (e.g. hospitals, health and aged care facilities or prisons, see below) during the advance voting period (see above) and issue an ordinary vote to voters on the roll for that electorate, or a special vote to voters who are outside their electorate.</p> <p>Members of the mobile voting team may witness the declaration, or may take a Justice of the Peace with them to act as witness.</p>	<p>The special Covid-19 measures introduced were the same as for in-person voting on election day (see above), including PPE and social distancing. Some facilities opted to not have mobile voting teams visit during Covid (see below).</p>

Table 5. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Postal voting

Method	Standard	Special measures for Covid-19
Postal voting	<p>Voters are eligible to apply for a postal vote if they satisfy the EC that it will not be practicable to vote in-person without causing serious hardship or inconvenience.</p> <p>A postal vote may be returned by post or by hand, by the voter or a person nominated by the voter.</p> <p>A declaration is required, which may be witnessed by another enrolled voter.</p>	<p>Temporary legislative change to remove the requirement for the declaration that must be made in-country to be witnessed.</p> <p>A significant increase in postal vote applications was anticipated (there was contingency planning for up to 380,000 votes), especially from voters in the high-risk group, so a new process was introduced whereby a voter could call a freephone number to apply for a postal vote.</p> <p>Due to decreased Covid-19 levels there were only 26,000 postal votes (compared with 8,400 in 2017).</p>

Table 6. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Takeaway votes

Method	Standard	Special measures for Covid-19
Takeaway votes	<p>Voting papers may be collected from the voting place, or returned by hand, if the voter satisfies the criteria for a postal vote (see above).</p> <p>Candidates can also be appointed to witness the special vote declaration.</p>	<p>Eligible voters were encouraged to apply for a postal vote to minimize takeaway vote foot-traffic in voting places.</p> <p>The provision that candidates must witness special vote declarations was temporarily removed, to avoid the Covid-19 risks associated with them visiting multiple homes.</p> <p>The EC also increased support for dropping off and collecting takeaway votes where voters could not rely on a friend or family member to collect/return voting papers.</p>

Table 7. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Telephone dictation voting

Method	Standard	Special measures for Covid-19
Telephone dictation voting	<p>Telephone dictation voting (TDV) is available for voters who satisfy the EC that it will not be practicable to vote in-person without causing serious hardship or inconvenience, due to having a visual impairment or other physical disability that prevents them from marking their voting papers without assistance.</p> <p>TDV is also available to some voters in extremely remote locations (see below), which was the original purpose of TDV.</p> <p>To maintain the secrecy of the vote, TDV is a two-step process:</p> <ul style="list-style-type: none"> • The voter telephones the TDV registration freephone line and registers to vote by TDV. Once identified and confirmed on the electoral roll, the voter dictates their declaration to the TDV team, they are issued a unique code and they provide a secret answer to one of a range of questions. Their special vote papers are packaged and identified only by the unique code and their secret answer to the selected question. • During the voting period, the voter telephones the TDV voting freephone line (a different TDV team member) and provides their unique code and answer to the question. The TDV voting team completes the special vote ballot paper on behalf of the voter, following the voter's instructions, then seals the ballot paper in a special vote envelope for processing by a count team. <p>Two team members attend all TDV voting telephone calls, to ensure accuracy and transparency.</p> <p>TDV numbers are generally very low: around 600–900 registrations.</p>	<p>There was no change to the eligibility criteria.</p> <p>A temporary legislative change extended the service to MIQ facilities (see below), which resulted in an additional 1,400 registrations for TDV.</p> <p>Of the total 2,342 registrations, 2,274 voted via TDV. (Others may have left an MIQ in the interim and voted by other means.)</p> <p>In 2020, before the election, a permanent legislative change was made to permit the EC to extend TDV (and remote voting options, see below) to in-country voters in response to significant civil events such as storms causing road closures, but pandemic was not anticipated under this change.¹</p>

¹ Electoral Amendment Regulations 2020.

Table 8. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Electronic voting

Method	Standard	Special measures for Covid-19
Electronic voting	<p>New Zealand does not have any form of electronic voting. The vote download and upload options, and use of email, outlined below for out-of-country and remote voting, involve the electronic transmission of manually completed voting papers.</p>	No change.

Table 9. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Out-of-constituency voting

Method	Standard	Special measures for Covid-19
Out-of-constituency voting	<p>Out-of-constituency voting is available in-person (see above), or via postal voting or a takeaway vote if the voter qualifies for a postal vote as above.</p> <p>For in-person voting, voting places hold the electoral roll for their own electorate and for neighbouring electorates. Where the voting place holds the roll for the electorate the voter is from, an ordinary vote can be issued. In all other cases, a special vote is issued.</p>	<p>No change, except for the Covid-19 measures introduced for in-person voting (and those pertaining to postal or takeaway votes).</p>

Table 10. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Out-of-country voting

Method	Standard	Special measures for Covid-19
Out-of-country voting	<p>Out-of-country voting is available to all voters who are on the electoral roll and have visited New Zealand during the last electoral cycle. (Citizens must have visited once during the previous 3 years, permanent residents must have visited once each year, and there are some exceptions for voters deployed abroad, such as diplomats and defence personnel.)</p> <p>All out-of-country votes are special votes.</p> <p>Out-of-country voting is a 'mix and match' service, where voters may obtain their voting papers through one method and return their voting papers via the same or a different method. Options available are:</p> <ul style="list-style-type: none"> • in-person voting at an overseas post (all diplomatic missions, and a few designated marine vessels and armed forces locations); • takeaway vote, collected from overseas post and returned there, or returned to the EC by other means; • postal voting, which is discouraged due to delays in international postal services; • vote download—on the EC secure website, voters enter their enrolment details and, if located on the electoral roll, can download and print their voting papers; • vote upload—once voters have manually completed their voting papers, they scan or photograph the documents and upload them to the EC's secure website; • return voting papers by facsimile transmission (removed from 1 October 2022);¹ • voting papers may only be returned via email by an electoral official (e.g. an Issuing Officer might be appointed on a remote vessel). <p>The declaration may be witnessed by another enrolled voter.</p>	<p>No change to voting options, but some changes for overseas posts: some were closed due to Covid-19, some were able to service voters by appointment only, others were only able to offer postal or takeaway votes (3,077 votes taken by overseas posts, compared to 18,653 in 2017).</p> <p>The witness exemption outlined above applied to in-country voters only. However, there was a general temporary law change to permit the virtual witnessing of such declarations, which also applied to declarations made out-of-country.²</p> <p>While no change was made to the vote upload option for the 2020 general election, as a result of the additional difficulties experienced by voters in locating and utilizing a printer during the Covid-19 pandemic (e.g. Internet cafes being closed), there was a subsequent legislative change to permit voters (and their witnesses) to mark and sign the voting papers electronically.³</p> <p>Vote upload was the most popular method of returning voting papers (94%, compared to 67% in 2017).</p>

¹ Electoral Amendment Regulations 2022.

² Epidemic Preparedness (Oaths and Declarations Act 1957) Immediate Modification Order 2020.

³ Electoral Amendment Regulations 2022.

Table 11. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Remote locations, in-country and out-of-country

Method	Standard	Special measures for Covid-19
Remote locations, in-country and out-of-country	<p>Where voters are in extremely remote locations—in New Zealand or elsewhere—their voting papers may be received by:</p> <ul style="list-style-type: none"> • Vote download—on the EC secure website, voters enter their enrolment details and, if located on the electoral roll, can download and print their voting papers. • Email, if they are unable to access the vote download service (for example, where there is insufficient Internet bandwidth). The papers still need to be printed out and completed manually. <p>Voting papers may be returned to the EC by:</p> <ul style="list-style-type: none"> • Vote upload—once voters have manually completed their voting papers, they scan or photograph the documents and upload them to the EC's secure website. <p>If none of the above options can reasonably be accessed by a voter, he or she can be offered the telephone dictation voting service (see above).</p>	<p>The EC utilized the temporary law change (see TDV above) that permitted virtual witnessing of declarations.</p> <p>A small group of voters who were not in a remote location, but due to the impacts of Covid-19 were unable to utilize the usual out-of-country options (see above) having made genuine attempts to do so, were deemed to be 'remote'. This was the first time the 'remote' provisions had been applied to service accessibility rather than to geographical remoteness.</p> <p>In 2020, before the election, a permanent legislative change was made to permit the EC to extend the remote voting options (and TDV, see above) to in-country voters in response to significant civil events such as storms causing road closures.¹</p>

¹ Electoral Amendment Regulations 2020.

Table 12. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Hospitals, health and aged care facilities

Method	Standard	Special measures for Covid-19
Hospitals, health and aged care facilities	<p>Mobile voting teams (see above) visit and issue an ordinary vote to voters on the roll for that electorate, or a special vote to voters who are outside their electorate or for any other reason are not located on the roll for the electorate.</p>	<p>Aged care facilities had the choice of mobile voting teams, or their staff assisting people with takeaway votes and EC providing a drop off and pick up service. Around half chose each option.</p> <p>It was not possible to go into hospitals, so the EC worked with hospital volunteer services to provide information for patients and their families to access postal or takeaway votes.</p>

Table 13. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Prisons and remand centres

Method	Standard	Special measures for Covid-19
Prisons and remand centres	<p>Prisoners sentenced to imprisonment for a period of less than 3 years and prisoners on remand are eligible to vote.</p> <p>Mobile voting teams (see above) visit and issue an ordinary vote to voters on the roll for that electorate, or a special vote to voters who are detained outside their electorate or for any other reason are not located on the roll for the electorate.</p>	Prisons opted for mobile voting teams to visit.

Table 14. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Home detention

Method	Standard	Special measures for Covid-19
Home detention	Eligible prisoners serving a sentence of home detention may apply for a postal vote or obtain a takeaway vote (see above).	No change except for the general temporary legislative change to remove the requirement for the special vote declaration to be witnessed.

Table 15. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Self-isolation: Covid-19

Method	Standard	Special measures for Covid-19
Self-isolation: Covid-19	N/A	Voters isolating at home were entitled to apply for a postal vote or to obtain a takeaway vote (see above).

Table 16. Comparison between standard voting options ordinarily in place and the special measures introduced for the 2020 general election: Managed Isolation and Quarantine (MIQ) facilities–Covid-19

Method	Standard	Special measures for Covid-19
Managed Isolation and Quarantine (MIQ) facilities: Covid-19	N/A	<p>A temporary legislative change permitted the TDV service (see above) to be extended to voters in MIQ facilities.¹</p> <p>All voters were handed a voting information pack on arrival, which provided information on enrolment and voting processes from MIQ facilities.</p> <p>All absent voting methods were considered by the group of agencies involved, and TDV was agreed to be the most suitable option as it did not require any electoral officials or voting materials to enter or exit MIQ facilities and, although most voters were likely to have mobile phones, all MIQ rooms were equipped with an in-room telephone that could be used to call the TDV freephone lines.</p> <p><i>Note:</i> Voters returning to New Zealand who were not already on the electoral roll could enrol using the standard online enrolment portal, which is mobile-phone friendly. (Uploading a scan or photo of a NZ driver's licence or NZ passport is an acceptable form of identity verification.) The EC provided some onsite smartphones to ensure that voters could access this option. Voters who had no current NZ identification needed to seek facility-staff assistance to print the enrolment form, which could then be emailed to the EC or uploaded to the enrolment portal.</p>

¹ Electoral Amendment Regulations (no. 4) 2020.

SIGNIFICANT ENHANCEMENTS OVER THE PAST DECADE

To support the changes needed to successfully conduct the 2020 general election during the Covid-19 pandemic, the EC relied on a range of operational and administrative enhancements made over the previous decade. These included:

- Removal of the requirement for a special reason to vote during the advance voting period, along with removal of the need for an advance vote to be a special vote, unless the voter is voting out-of-constituency or after rolls have been printed.
- Enhanced use of technology:
 - Introduction of an enrolment upload portal for voters to upload their completed enrolment forms, for both new enrolments and the updating of enrolment details.
 - Introduction of an online enrolment portal with the facility for voters to use their New Zealand driver's licence or passport as proof of identity.
 - Extension of the telephone dictation voting service to voters with visual or physical impairments.
 - Introduction of vote download and vote upload portals for out-of-country voters and those in extremely remote locations.
 - Enhancements that did not require legislative authority, such as: the development of an internal interactive e-learning system; introduction

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of electronic roll look-up for voters in the queue who do not bring their EasyVote card (a card issued by the EC with the voter's details printed on it, such as electoral roll page and line numbers) to reduce the time involved in issuing votes (voters must still be physically marked off the electoral roll when issued a vote); and new public websites.

- Relaxation of some legislative prescriptions and provision of greater discretion to the EC, especially in relation to minor operational procedures, so that electoral officials can perform a function or receive certain voting materials, and on where votes may be processed or counted; and authorization for the EC to prescribe standard forms.

INTERAGENCY COOPERATION

In August 2019, the EC established a Senior Officials Committee to provide interagency oversight of the election and ensure effective collaboration. Membership included representatives from the Department of the Prime Minister and Cabinet (DPMC), the National Emergency Management Agency, the Department of Internal Affairs, the EC, the MOJ, Te Puni Kōkiri (government's principal policy advisor on Māori well-being and development), the New Zealand Police, the Government Communications Security Bureau (GCSB) and National Cyber Security Centre, the New Zealand Security Intelligence Service (NZSIS) and, after Covid-19 entered New Zealand, the Ministry of Health (MOH) (Electoral Commission of New Zealand 2021).

The concept of the committee was not new and there is legislative authority for the EC to draw on wider state sector assistance.⁹ Nonetheless, the Covid-19 environment heightened the awareness of and commitment by officials, and the newcomer MOH.

The Committee provided a forum for facilitating cross-government problem-solving and cooperation, mobilizing additional resources from other agencies, identifying and managing risks and issues using cross-government expertise.

The committee provided a forum for facilitating cross-government problem-solving and cooperation, mobilizing additional resources from other agencies as required, identifying and managing risks and issues using cross-government expertise on issues related to physical security and cybersecurity and, significantly, ensuring that during the election the statutory roles and responsibilities of agencies were clearly defined and understood. To this end, a set of protocols that could be triggered if needed was developed by the EC together with the MOJ, the DPMC, the GCSB and the NZSIS. The protocols outlined the interagency relationships vis-à-vis the election process, the approach that would be taken to mitigate and manage occurrences that might disrupt the election, the roles of agencies in managing public communication and the management of foreign interference and cybersecurity threats. The first three protocols are available on the EC website (Electoral Commission of New Zealand n.d.a). The link to the fourth was available on the NZ Intelligence Community website for the duration of the election.

⁹ Electoral Act 1993, section 20D, State sector agencies to assist with administration of elections.

The MOH provided significant guidance to the EC on implementing adequate Covid-19 prevention measures in voting places. This was aided by the EC providing simulations of voting and counting processes for the MOH. The agencies also worked closely on developing pandemic-specific regulatory requirements for the election.¹⁰

Additionally, significant cooperation was required between a number of agencies to facilitate voting for those in MIQ at election time.

UNDETERRED VOTER PARTICIPATION

The two referendums, the new opportunity to enrol on election day, putting adequate health measures in place for the pandemic and the change in election date all posed communication challenges (Electoral Commission of New Zealand 2021). Communications was already a crowded space, with the government's Covid-19 campaign still predominant and the two referendums attracting campaigners both for and against.

A special Covid-19-related voter information campaign was run alongside the traditional voter education campaign, using well-known and trusted celebrities to make voters feel safe to go to a voting place or confident to access alternative voting modalities where applicable.

The EC reorganized its websites prior to the 2020 general election. One website ([vote.nz](https://www.vote.nz)) now provides a one-stop-shop for voters to enrol, update their details, learn about the election and referendums, find their nearest voting place and check the election results. There was also a dedicated Covid-19 page. The other ([elections.nz](https://www.elections.nz)) provides targeted resources for stakeholders such as political parties and candidates, the media, schools and researchers (Electoral Commission of New Zealand 2021).

Face-to-face engagement at community events and with harder to reach communities was restricted during the lockdowns, which affected both enrolment activities and more general voter engagement. The EC's community engagement teams switched to predominantly digital engagement by joining webinars, hosting presentations in multiple languages, giving school presentations when alert levels allowed, and working with district health boards, *whānau ora* (Māori health and social services) providers and migrant support groups to support them with providing information to their communities (Electoral Commission of New Zealand 2021).

Despite the challenges, there was a high level of voter participation and satisfaction with the election (Carter 2020). After the delivery of each general election, the EC commissions a survey of voters and non-voters. The survey for the 2020 general election revealed overall satisfaction with the conduct of

Despite the challenges, there was a high level of voter participation and satisfaction with the election.

¹⁰ Covid-19 Public Health Response (Election and Referendums) Order 2020.

the election at 95 per cent, up from 94 per cent in 2017 (Electoral Commission of New Zealand n.d.b), where 84 per cent of eligible voters indicated that the pandemic had not affected their intention or ability to vote and 15 per cent stated that it had made them more resolved to vote. Voter turnout was 82 per cent, up from 79 per cent in 2017 and the highest since 1999.

LOOKING FORWARD

In its report on the 2020 general election (Electoral Commission of New Zealand 2021), the EC made a range of recommendations that reflect lessons learned, including on retention of some of the temporary measures that had had to be introduced, and identifying fixes to some identified challenges.

Among the recommendations are:

- A review of the legislative framework to ensure that there is adequate resilience to emergencies, including consideration of voting methods, the grounds for casting a special vote, and the provisions for an adjournment and the impact on the election timetable.
- Legislative change to explicitly define how a change of election date affects the formula for calculating the regulated period.
- Extending the temporary measures passed for the pandemic to enable people in New Zealand to apply for a special vote by phone or using any other method approved by the Commission.
- Extending the temporary measures passed for the pandemic that provide that a special vote returned by post in an envelope that is not postmarked or date stamped is valid if it is received by a Returning Officer or an Issuing Officer on or before election day.
- Legislative change to allow as valid overseas voters' marks and signatures produced through physical action captured electronically, for example, using technologies such as signature pads, trackpads/touchpads or the mouse, light pens or similar devices.
- Legislative change to permit the special vote declaration for all special votes issued in a voting place (not just overseas votes) to be completed electronically in an approved electronic medium.
- Consideration of whether there should be legislative change to the overseas voting eligibility criteria to address situations where voters have been prevented from returning to New Zealand by circumstances beyond their control, such as a pandemic.

- Amendment of the eligibility criteria in regulation 53 to allow anyone in the existing categories to use remote voting services if they satisfy the Commission that, because of their remote location at any time in the lead-up to the close of voting, they will otherwise not have reasonable access to other voting services.

At the time of writing, some of these changes have already been legislated for.

The EC has also indicated that some non-regulatory changes will be carried forward. According to the EC, the changes implemented to scrutineer processes were appreciated by both the scrutineers and voting staff. In previous elections, voters have often queried why scrutineers are sitting so close to the issuing staff, so carrying this change forward should enhance voter confidence. The EC also considers that early formation of the Senior Officials Committee—including the fact that the operating framework, relationships and coordinated approach had already been established—was crucial to the effective response to the challenges of delivering an election in a pandemic environment. The EC has suggested that this approach should inform other major event delivery.

ACRONYMS AND ABBREVIATIONS

DPMC	Department of the Prime Minister and Cabinet
EC	Electoral Commission
GCSB	Government Communications Security Bureau
MIQ	Managed Isolation and Quarantine
MOH	Ministry of Health
MOJ	Ministry of Justice
NZSIS	New Zealand Security Intelligence Service
PPE	Personal protective equipment
TDV	Telephone dictation voting

REFERENCES

- Carter, C., 'Turnout the winner on day', *The Press*, 20 October 2020
- Electoral Commission of New Zealand, '2020 General election & referendums: 2020 election protocols', [n.d.a], <<https://elections.nz/democracy-in-nz/historical-events/2020-general-election-and-referendums/2020-election-protocols>>, accessed 12 April 2023
- , '2020 General election & referendums: Voter and non-voter satisfaction survey 2020', [n.d.b] <<https://elections.nz/democracy-in-nz/historical-events/2020-general-election-and-referendums/voter-and-non-voter-satisfaction-survey-2020>>, accessed 12 April 2023
- , 'Report of the Electoral Commission on the 2020 General Election and Referendums', 11 May 2021, <<https://elections.nz/assets/2020-general-election/Report-of-the-Electoral-Commission-on-the-2020-General-Election-and-referendums.pdf>>, accessed 12 April 2023
- Geddis, A., 'The NZ election is a big event: Could it be delayed in a Covid-19 world?', *The Spinoff*, 18 March 2020, <<https://thespinoff.co.nz/politics/18-03-2020/the-nz-election-is-a-big-event-could-it-be-delayed-in-a-covid-19-world>>, accessed 12 April 2023
- New Zealand Government, 'History of the Covid-19 Alert System', *Unite Against Covid-19*, Updated 29 June 2022, <<https://covid19.govt.nz/about-our-Covid-19-response/history-of-the-Covid-19-alert-system>>, accessed 12 April 2023
- Patterson, J., 'Warnings of election "disaster" if postal votes not properly handled', *Radio NZ News*, 21 August 2020, <<https://www.rnz.co.nz/news/political/424069/warnings-of-election-disaster-if-postal-votes-notproperly-handled>>, accessed 12 April 2023
- Transparency International, *Corruption Perceptions Index, 2021*, <<https://www.transparency.org/en/cpi/2021>>, accessed 12 April 2023
- Trevett, C., 'Parties reviewing election campaign tactics', *Otago Daily Times*, 20 March 2020

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Deidre Brooks established and managed the EC's International Business Unit until May 2022, when she retired from full-time work. An integral function of the International Business Unit is delivery of electoral assistance programmes to election management bodies in the Pacific, under the New Zealand Aid Programme.

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