

Terms of reference for the online voting working party

Purpose

The online voting working party (the working party) is appointed to consider and recommend:

- a) the feasibility of having online voting in local government elections by 2016;
- b) any other opportunities to provide for local electoral processes through the internet; and
- c) practical options for achieving online voting in the 2016 local authority elections, subject to a successful trial having been conducted before 2016.

The aim of this work will be to enable a trial of the voting method and then implementation of online voting at the 2016 elections, subject to due diligence and affordability considerations.

Context

Currently, New Zealanders can vote in local authority and district health board elections by postal vote or by casting a ballot in person.

Enabling online voting for local authority and district health board elections may be an opportunity to enhance and modernise the operation of local democracy and enhance the ease and overall experience of voting for New Zealanders.

Role & establishment

The Minister of Local Government has directed the Department of Internal Affairs (the Department) to establish a working party to “consider and recommend options for introducing online voting for local authority elections”.

The working party is appointed by the Department to fulfil this role.

The working party reports to the Chief Executive of the Department, through his representative the General Manager Policy.

Scope of work

The working party will look at:

- the opportunities and risks that online voting represents, including access;
- high level options for introducing online voting and the service design approaches that could be taken; and
- analysis of costs, benefits and risks of the options.

Options for online voting presented by the working party will need to be consistent with the principles of the Local Electoral Act 2001 (attached).

The following matters are out of scope:

- online voting for Parliamentary elections; and
- aspects of local elections not related to voting (e.g. matters relating to the use of the single transferrable voting method) or end-to-end online electoral service delivery.

Outcome

The working party will provide advice that will form the basis for implementing online voting as a modern, safe, secure, accessible and engaging method for conducting local authority elections.

Deliverables and process

The working party will have three main deliverables:

- 28 February 2014: the Chair will provide a progress report to the General Manager Policy;
- 11 April 2014: the working party will provide a draft report to the Department; and
- 28 April 2014: the working party will produce its final report to the Department.

The working party will report back to the Department no later than 30 April 2014.

In order to deliver these items, the working party will meet at least every 3 weeks, excluding 22 December 2013 – 31 January 2014.

If further time is required, the Chair will talk to the General Manager Policy to seek her agreement.

The report will need to consider and set out recommendations on a number of technological, practical, access, integrity, security and process matters as well as identifying opportunities to run a trial.

The working party may, during its considerations of these issues, identify new issues outside of the existing scope. Should the working party raise new matters outside of this scope, these will need to be taken to the Department for agreement.

The working party is expected to work collaboratively and cooperatively to produce an agreed position in its report.

In parallel with the work of the working party, the Department will be reviewing the legislative and regulatory impacts of online voting. This work will include engaging with population agencies (e.g. the Office of Disability Issues, Office of Ethnic Affairs) to ensure that online voting benefits as many New Zealanders as possible.

The Department will provide secretariat support to the working party and in consultation with the Chair, will prepare working papers for the working party as reference material.

The working party's report will be provided to the Minister of Local Government for consideration and used by the Department to inform the next steps.

Expectations

The working party is expected to work with the Department to:

- raise issues with the Department's local electoral programme internal governance group in the first instance;
- keep the Department informed of the work of the Working Party. The Department will expect "no surprises" in order to fulfil its duties as an adviser to the Minister of Local Government. It will be important to inform the Department as fully and as early as possible of any issues that may be contentious; and
- provide impartial, comprehensive and frank advice.

The Department also expects members to keep the work of the Working Party confidential until its report has been made public. The Department will be responsible for all public communications, interactions with the media, and the release of information related to the Working Party.

Working party members are expected to declare any actual or potential conflicts of interest as soon as they are aware of the conflict. Once declared, conflicts must be well managed by the Chair and the working party.

Proceedings

The Department will, after consulting with Local Government New Zealand & Society of Local Government Managers, invite members to join the working party.

The Department retains the ability to review membership to ensure that the working party maintains the skill and experience mix needed to complete its task and to operate in a collaborative and cooperative manner.

The Department may bring in subject matter experts in particular areas to provide advice to the working party on an as needs basis.

Confidentiality and External Advice

The working party is expected to undertake whatever external engagement is needed to complete its task. However, as stated above all communications and media contact will be handled by the Department

Members of the working party must not provide public comments or comment to the media in a way that can be seen to represent either the working party, the Department or the Minister of Local Government.

Communications will be provided for through the Department and the Chair.

Principles of the Local Electoral Act 2001

The principles of the Local Electoral Act are set out in section 4 of the Act and are set out below.

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Local Electoral Act 2001

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1 July 2013

4 Principles

- (1) The principles that this Act is designed to implement are the following:
 - (a) fair and effective representation for individuals and communities:
 - (b) all qualified persons have a reasonable and equal opportunity to—
 - (i) cast an informed vote:
 - (ii) nominate 1 or more candidates:
 - (iii) accept nomination as a candidate:
 - (c) public confidence in, and public understanding of, local electoral processes through—
 - (i) the provision of a regular election cycle:
 - (ii) the provision of elections that are managed independently from the elected body:
 - (iii) protection of the freedom of choice of voters and the secrecy of the vote:
 - (iv) the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:
 - (v) the provision of impartial mechanisms for resolving disputed elections and polls.
- (2) Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.
- (3) This section does not override any other provision in this Act or any other enactment.