

Submission

Māori electoral option



5 August 2021

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The Board of TINZ includes a Māori caucus, led by Karen Coutts, who is governance lead on this submission.

1. The electoral process should be a means for Māori to exercise Tino Rangatiratanga.

- 1.1 Following a claim to the Waitangi Tribunal made in 1994 around changes to the relevant part of the Electoral Act, The Waitangi Tribunal found that:

“..the Crown is under a Treaty obligation actively to protect Māori citizenship rights and, in particular, existing Māori rights to political representation conferred under the Electoral Act 1993. This duty of protection arises from the Treaty generally and in particular from the provisions of article 3. The Tribunal further finds that the partnership relationship the Treaty envisages should be founded on reasonableness, mutual co-operation and trust.”¹

- 1.1 As noted by Assoc Prof. Maria Bargh, the Royal Commission on the Electoral System (1986) concluded their chapter on Māori representation by noting that the special constitutional standing of Māori, deriving from the Treaty of Waitangi, needed to be addressed to ensure that Māori rights were constitutionally recognised, including through a just and equitable share of political power.²

- 1.2 People will vote when they believe their vote will have impact, when they feel connected to the issues and representatives, and when they have relevant and simple access to voting. Recently there has been increasing interest in voting from Māori, including young Māori. In its report to the Justice Committee on the 2020 election, the Electoral Commission noted that the number of young voters aged between 18 and 24 increased by 18.8 percent, and the number of Māori voters grew by 15 percent compared to a 10 percent increase in non-Māori voters. The Electoral Commission supported this increase through providing greater options around voting venues, including on marae, and by extending the voting period.³

¹https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68338112/Maori%20Electoral%20Option%201994.pdf

² The Māori Electoral option. How can trends in roll choices be explained? http://journal.mai.ac.nz/sites/default/files/MAI_Jrnl_2020_V9_3_Bargh_FINAL.pdf

³ Justice Select Committee report https://www.parliament.nz/resource/en-NZ/SCR_109699/eb82e40f909df5fbd751eec20d9533f03a47227d

2. Māori should be able to choose at any time when they change between the Māori Electoral Roll and the General Electoral Roll.

- 2.1 There is no compelling reason why Māori should be restricted in their ability to express their roll preference. In this respect the current arrangement undermines their Tino Rangatiratanga. The Electoral Commission said it continues to see large numbers of Māori voters trying to change roll types outside of the Māori Electoral Option and finding it frustrating that the law does not allow this. In 2020, 24,000 Māori asked to change rolls – 59 per cent from the Māori to the general roll and 41 per cent from the general to the Māori roll – but weren't able to. In the 2017 election, 19,000 people requested to change rolls but could not.⁴
- 2.2 The Electoral Commission has recommended timing changes since 2011. In its report to the Justice Select Committee in the 2018 review of the 2017 Election it noted that the setting up the Māori Electoral Option at the same time as the general is not working. Instead if a limited period to opt is chosen then it should either be timed around general elections, or Māori should simply be allowed to change electoral roll at any time.⁵
- 2.3 TINZ favours the simpler option of enabling Māori to change electoral rolls at any time. Assoc Prof. Maria Bargh notes that changes between rolls should coincide with the election because that is when the Electoral Commission is investing in information and awareness campaigns. She says this makes it easier to be able to communicate the rules and regulations around the Māori electorates during that particular time."⁶

3. The census is also a critical element in determining electoral boundaries for Māori seats. Barriers to census participation by Māori were generated by Census 2018. Therefore any review should be aligned with an OAG audit on whether Stats NZ is taking pragmatic reviewable steps to ensure this element of enfranchisement is enhanced in the 2023 Census

- 3.1 The failures in the 2018 Census, that particularly affected the counting of Māori, highlight the risks of relying on an online census tool, in combination with a five yearly electoral option tool to set electoral boundaries for a population that tends to have both lower digital connectivity and generally lower levels of engagement in national elections.⁷

4. We support a broader review of the Māori Electoral option including consideration for Māori to switch between electoral rolls for both general and local government elections (and separately for each). We also agree that further research and community awareness raising is are needed.

- 4.1 Recent increasing appreciation of the value of Māori wards and their uptake around New Zealand indicate the direction of travel for local government, which for many Māori, has

⁴ <https://www.nzherald.co.nz/nz/some-maori-frustrated-they-cant-switch-electoral-rolls-until-2024/RUE6SF4M2QGZFT6HMWB6FOFKPM/>

⁵ Electoral Commission, 2018c, p. 32.

⁶ <https://www.rnz.co.nz/news/te-manu-korihi/421911/some-maori-frustrated-they-can-t-switch-electoral-rolls-until-2024>

⁷ https://population.org.nz/app/uploads/2019/02/NZPR-Vol-44_Kukutai-and-Cormack.pdf

equally powerful impact on their ability to participate in, and benefit from, community governance that reflects them.

- 4.2 The Government should also include the time period for establishing boundaries in a future review
 - 4.3 Assoc Professor Maria Bargh has recommended, in her excellent research, that:
 - 4.3.1 More awareness raising with Māori is needed to build knowledge and understanding about the significance of the Māori Electoral Option and its link to the number of Māori seats
 - 4.3.2 Much more research is needed on this complex topic, given its importance to Māori and New Zealand's constitutional arrangements.
 - 4.3.3 Equating the choice of electoral roll over a 4-month period with approval in itself of the Māori seats may be unhelpful. There are simply too many factors that could cause Māori to change or not change rolls during a 4-month period that can be completely unrelated to whether people support one electoral roll over another.
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