February 2023

To Parliamentary Governance and Administration Select Committee

Please find attached DPA’s submission on Inquiry into the 2022 Local Elections

For any further inquiries, please contact:

Prudence Walker

Chief Executive

021 546 006

policy@dpa.org.nz

**Introducing Disabled Persons Assembly NZ**

**We work on systemic change for the equity of disabled people.**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/%24file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

* **Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.
* **Information and advice:** informing and advising on policies impacting on the lives of disabled people.
* **Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.
* **Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

## United Nations Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

* **Article 9 - Accessibility**
* **Article 29 – Participation in political and public life**

## New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[2]](#footnote-3) to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision. There are a number of Strategy outcomes particularly relevant to this submission, including:

* **Outcome 5 – Accessibility**
* **Outcome 8 – Leadership**

# The Submission

DPA is submitting on the experiences that disabled people experienced as voters at the 2022 local government elections.

According to the terms of reference, reasons behind the record low voter turnout at the 2022 elections are being sought by the committee.

After the elections concluded, we reached out to our membership to ask for feedback on the barriers that disabled people encountered when it came to voting in the elections. We outline some of their feedback in this submission.

We cover most of the areas that the committee is seeking feedback on in this submission, bar those around special voting and the voting age.

## Reasons for low voter turnout amongst disabled people

DPA shares the select committee’s concerns regarding the low turnout of voters at the 2022 local government elections. The fact that just 36 percent of eligible New Zealand voters did so is concerning, and we believe that this does raise issues around the low trust that so many of our fellow New Zealanders have in local democracy.

Following the vote, disabled people shared their views about the barriers they faced (and continue to face) in casting ballots at local elections. While there have been some positives to voting via post at local elections in the past, including that people, including disabled people, could vote at home and in their own time, the fact that the traditional postal service has been overtaken by new technology (i.e. email, text) has that is now more difficult for many people to cast postal ballots given that, for example, many postal outlets and boxes have been closed. These moves have impacted on many disabled and older people who have encountered greater difficulty in finding easily accessible and locatable post boxes and outlets to post their votes.

DPA notes though, that some local councils around the country recognised these increasing barriers, including, for example, the Dunedin, Auckland and Wellington City Councils who aimed to make their election processes more accessible for all voters in 2022.

We would like to acknowledge the efforts these councils went to achieve this. For example, setting up polling places at community facilities including libraries and supermarkets and the use of library buses and other means to create mobile voting booths. We note that the outcomes of doing so were mixed across these centres with Wellington and Dunedin recording slight increases in turnout while Auckland registered a decline. [[3]](#footnote-4)

However, both the Wellington City and Auckland Councils went the extra mile in terms of making their own election processes more accessible to their respective local disabled communities. This included, for example, the provision of some electoral information in accessible formats including Braille, New Zealand Sign Language, Easy Read, audio and large print by the WCC and the placement of candidate information on Blind and Low Vision’s Telephone Information Service by Auckland Council. In fact, one of our Wellington members believed that their city council ‘did a great job’ regarding this.

Nevertheless, the WCC and Auckland Councils were rare exceptions in what otherwise continued to be a largely inaccessible local election voting process for much of the disabled community throughout other regions of Aotearoa New Zealand. Almost universally, there were difficulties reported by disabled people in accessing vital electoral information as this could not be done at all (barring Wellington and Auckland) in any accessible formats whatsoever.

Communication and information inaccessibility also extended to electoral candidate information for voters and website information published by local authorities and to the ballot papers themselves. As a result, a considerable number of disabled voters were unable to access crucial information about candidates and electoral processes, thereby reducing their ability to cast an informed vote.

One of our members summed up why they found it difficult to vote as a disabled person and as to why they could not cast a ballot last year:

*“I didn’t vote this time around, as I couldn’t get to a place to post or drop off my voting papers independently.  If I could vote online, then I would have“*

Clearly there is a need for Government to make New Zealand’s local electoral laws and practises fully compliant with Article 29 (a) (i.) of the UNCRPD which stipulates that:

*States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:*

*a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:*

*i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use. [[4]](#footnote-5)*

**Removing the barriers to voting in local government elections**

DPA would like to see the Local Electoral Act 2001 completely overhauled and replaced with new, updated legislation. This law is nearly 25 years old and has largely failed to keep up with both technological and societal change.

Furthermore, it is also a piece of law which does not address the issues around the inaccessibility of the local electoral process for many people, including disabled people, and is [as noted above] non-compliant with the UNCRPD.

**Recommendation 1:** that the Local Electoral Act 2001 be replaced with new local electoral legislation which has as one of its key principles the removal of all barriers to electoral participation for disabled people and uphold the UNCRPD.

One of the frequently raised ideas to address falling voter turnout at local elections is the possible adoption of online voting. DPA notes that the October 2022 draft report of the Review into the Future of Local Government recommended that online voting be adopted for this reason.

DPA would cautiously welcome the adoption of online voting as a means of ensuring greater participation at future elections as this would particularly benefit disabled people who do have internet access but face barriers with postal voting.

However, while online voting would have advantages for some parts of the disabled community, there are also disadvantages given that a considerable number of disabled people face greater barriers to digital access than non-disabled people due to the significant digital divide that exists for many disabled people. Many disabled people will have reduced or no access to the internet and other digital technologies for a range of reasons including affordability and accessibility of devices and of the internet.

DPA believes that there is a need to ensure that there are multiple options for voting available for all voters, including disabled voters, who want to cast a ballot at local elections.

**Recommendation 2:** that local electoral legislation introduce a requirement to provide a range of options for casting a vote at all local government elections including

* digital voting,
* telephone dictation voting,
* braille and large print ballots (as used in parliamentary elections)
* onsite, in-person voting (eg at community centres and supermarkets)
* assisted voting.

**Recommendation 3:** that under the new local electoral legislation, all electoral information be made available in accessible formats including, Braille, Easy Read, New Zealand Sign Language, large print, and audio.

Regarding the future of postal voting, there is a need to retain a wide range of accessible options for casting ballots into the foreseeable future and this should include the retention of some form of postal voting, particularly for disabled and older people who may be reluctant to engage with technology as well as for outlying, isolated communities where digital access is still difficult.

**Recommendation 4:** that postal voting as an option be retained at local government elections.

## Accountability for and administration of local elections should sit with the Electoral Commission

DPA believes that many of the issues identified by disabled people in terms of their ability to access local elections could be rectified if responsibility sat with the Electoral Commission. The fact that councils currently have responsibility for the running of local elections has resulted in inconsistent access for disabled people across the country with many local councils showing minimal interest in making their electoral processes more accessible to disabled people in 2022.

Over the years, Disabled People’s Organisations (DPOs) including DPA, disabled people and other disability sector organisations have collaborated with the Electoral Commission to improve access to national parliamentary elections. These collaborations have resulted in accessibility improvements being made to enable more disabled people to participate in parliamentary elections through, for example, enabling telephone dictation voting, online voting (via downloadable ballots), the ability for people to pick up and deliver and then return ballots from people who cannot access a polling place, the provision of more accessible polling places and greater disability responsiveness training for electoral staff.

Therefore, given that the Electoral Commission has acquired increasing expertise in the area of making elections more accessible, it would make sense for the commission to administer all local elections to ensure consistency around all electoral processes (including accessibility) across the motu, on the proviso that this be done in a full collaborative partnership with local councils throughout Aotearoa.

Further, the Electoral Commission should have a legislative duty to improve the accessibility of all facets of the local electoral process, including for disabled people and other groups which experience barriers to local electoral participation.

In respect of electoral complaints processes, the Electoral Commission should have full responsibility for handling those and should ensure that all complaints processes and information are accessible to everyone, including to disabled voters and candidates.

**Recommendation 5:** that the Electoral Commission assumes full responsibility for the administration and conduct of local government elections in close collaboration with local authorities.

**Recommendation 6:** that the Electoral Commission should have a legislative duty to improve accessibility to all aspects of the local electoral process, including for disabled people and other population groups which experience barriers to electoral participation.

**Recommendation 7:** that the Electoral Commission should handle all complaints processes pertaining to the conduct of local elections and ensure that all complaints processes and information about them are accessible to everyone, including disabled voters and candidates.

# DPA’s Recommendations

DPA recommends in summary that:

**Recommendation 1:** that the Local Electoral Act 2001 be replaced with new local electoral legislation which has as one of its key principles the removal of all barriers to electoral participation for disabled people and be fully compliant with the UNCRPD.

**Recommendation 2:** that local electoral legislation introduce a requirement to provide a range of options for casting a vote at all local government elections including

* digital voting,
* telephone dictation voting,
* braille and large print ballots (as used in parliamentary elections)
* onsite, in-person voting (eg: at community centres and supermarkets)
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1. United Nations. (2006). *United Nations Convention on the Rights of People with Disabilities.* Retrieved from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [↑](#footnote-ref-2)
2. Office for Disability Issues. (2016). *New Zealand Disability Strategy.* Retrieved from: https://www.odi.govt.nz/nz-disability-strategy/ [↑](#footnote-ref-3)
3. [↑](#footnote-ref-4)
4. United Nations. (2006). *United Nations Convention on the Rights of People with Disabilities.* Retrieved from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [↑](#footnote-ref-5)