General Election 2023: Independent review of counting errors

General Election 2023: Independent review of counting errors

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Auditor-General's overview

E ngā mana, e ngā reo, e ngā karangarangatanga maha o te motu, tēnā koutou.

In a democracy, it is essential that the public has trust and confidence in the integrity of the election process and the official results of elections. That trust and confidence rests in the public having assurance that votes are cast, counted, and reported accurately.

After the official results of the 2023 General Election were released, a journalist queried the Electoral Commission about an apparently anomalous result in one electorate. The Electoral Commission investigated and confirmed that there were errors in the official results. The Electoral Commission amended and reissued the official results. This did not change the candidate or party vote outcomes but did raise questions about how errors could have occurred in the counting and reporting of results.

After discussion with the Electoral Commission, I decided to review the Electoral Commission's quality assurance processes for counting votes. My review looked at how the errors happened and why quality assurance processes did not detect them. I also sought to understand the factors that contributed to the errors identified.

Running the election is a complex undertaking

Running a successful election is core to the Electoral Commission's role. It is a significant and complex undertaking. The election is challenging to manage – it is a large event, dispersed across New Zealand, and held over a period prescribed by legislation. It includes maintaining the general and Māori electoral rolls and enabling voting through a range of methods, including voting from overseas. The core Electoral Commission staff of about 170 (full-time equivalent) increases to about 22,000 during the election period. The Electoral Commission needs to procure a large volume of supplies and find voting places and electorate headquarters to accommodate election activities throughout the country. It also needs to set up storage, security, and logistics arrangements.

Although there are three years between scheduled elections, the particular day set as Election Day can vary. This makes it difficult to determine the length of time that election personnel and facilities will be needed. The scale and logistics of holding an election means that the Commission is either reviewing the previous election, planning for the next one, or running an election. The Electoral Commission also has to maintain readiness to run by-elections and to run a general election early if a snap election were called.

The Electoral Commission has limited flexibility with many aspects of the election because they are set by legislation. There have been changes to the Electoral Act 1993 but many of the processes for the vote count remain broadly similar to the provisions in the earlier 1956 Act. There are electronic processes for verifying voter information and collating information about votes, but the rest of the process is manual. The legislation prescribes manually counting paper ballots, manual data entry, manually checking results, and manually extracting votes that need to be removed from the count (if they are not valid).

The manual processes are vulnerable to mistakes that can occur when those processes, and the people doing them, are put under pressure. This is what happened in the 2023 General Election. Mistakes happened because some ballots were misplaced, which led to incorrect counting, and because some people made data entry errors or did not do the checks that were required. In one instance, a ballot box was not counted during the official count.

Although there was a relatively small number of errors, which did not affect the overall outcome, small errors can make a difference. There is room to strengthen the way that votes are counted and recorded, and how this process is assured in the election.

The quality assurance processes were ineffective and were not done properly

Because of the significance of public trust in an election outcome, I expected to see robust, comprehensive, and well monitored quality assurance processes.

The Electoral Commission had quality assurance processes in place to check the counting of votes and pick up problems, including "reasonableness checks". Unfortunately, these processes did not identify the errors that occurred.

Electorate quality assurance checks did not pick up the errors because, in some instances, those checks were either not done or not done with the rigour they required, for reasons that I describe below.

The National Office's quality assurance checks did not pick up these errors, again in part because the checks were not carried out with sufficient rigour due to the compressed time available.

My staff were told that some electorate managers placed undue reliance on the quality assurance checks being carried out at National Office, while National Office may have made assumptions about the rigour being applied by electorate managers in carrying out their reasonableness checks.

In my view, even if the quality assurance processes had been carried out, the processes themselves were not effective. Not all of the official count controls were well understood, not all controls were monitored, and there was nothing in place to provide evidence that the quality assurance checks had been done or done properly.

The National Office did not have fully documented standard operating procedures for the quality assurance steps that happen before finalising the official results. There was also no structured system for checking and providing assurance to the Electoral Commission Board that final checks were completed and queries either resolved or corrected before the results were announced.

Unexpected events put pressure on processes and people

There were several factors that we consider contributed to a situation where mistakes were more likely to occur and to go undetected. These factors all put significant strain on election workers, who were already working extremely long hours to complete the post-election processes. Tired people are more likely to make mistakes.

In 2023, more people than ever before (almost 454,000) enrolled in the two weeks before the election, including about 110,000 on election day. This was a 46% increase on the number of enrolments occurring in the two weeks before the last election. The Electoral Commission told us that the extent of the change in voter behaviour was significantly more than the Commission's modelling had anticipated and put pressure on the processes that followed. There were not enough staff to process the volume of election-day enrolments in the time allowed for this to be completed.

As a result of the increased late enrolments during the election period and the statutory fixed deadline for releasing results, the Electoral Commission was faced with events that it was under-resourced to respond to effectively or to recognise and address associated risks. The Commission kept to the statutory deadline in spite of those events.

In addition, about 600,000 special votes were cast, 100,000 more than in the 2020 General Election. The Electoral Commission has told us that special votes take up to 10 times longer to process than ordinary votes because they require more checking to identify whether the person is eligible to vote, and in what electorate. Enrolments and special votes need to be processed before the rest of the official count process can be completed so that all valid votes can be counted.

The death of a candidate triggered the need to prepare for a by-election in Port Waikato. Staff responsible for carrying out quality assurance checks on the official results were also preparing for the by-election. In my view, this further reduced the attention that National Office staff were able to give to the quality assurance checks on the official results.

As part of my review, my staff identified a further issue with the official count. The evening before the official result was due to be announced, the Electoral Commission instructed electorate staff to resolve any outstanding apparent dual votes based on the best information they had at that time and to extract apparent dual votes. This instruction was not universally implemented, meaning that some apparent dual votes were included in the official results.

The Electoral Commission was not aware that the instructions had not been followed, which meant that this issue was not considered as part of judicial recount processes. The Electoral Commission has subsequently reviewed all electorate results and confirmed that, even had the dual votes been extracted, this would not have changed the outcome in any electorate.

The cumulative delays in the official count shortened the time available to conduct final quality assurance checks that needed to happen before the election result could be announced. A final quality assurance process that would usually take two days was completed in a few hours, under extreme pressure, on the day the official result was announced. The final quality assurance process failed to detect and prevent the errors in the official results.

In the 2023 General Election, many of the electorate managers and senior management team at the Electoral Commission were new to the role and had not run an election before. Combined with gaps in process documentation, this made it hard for those involved to have a thorough understanding of end-to-end vote count processes and important interdependencies (and related risks) in the post-election period. In my view, this meant that the leadership team and Board may not have fully appreciated the consequences of delays in completing enrolment processes, and the pressures the delays would put on other post-election and quality assurance processes.

Other systemic factors may have contributed

During this review, my staff also observed other systemic factors that might have contributed to the errors.

My staff heard that electorate managers found it hard to find experienced people for important roles and had difficulty recruiting in rural electorates.

The complexity of a newly introduced recruitment management system contributed to delays in recruiting, inducting, and training staff.

The Electoral Commission told us that it initially received less funding than it requested, and, in its view, this led to it having to make difficult trade-off decisions. It is not for my Office to determine the appropriate levels of resourcing needed to run an election. However, budget certainty is a critical element of effective election planning.

Risk management

My staff were often told by electorate managers and some National Office managers that, with hindsight, they had not fully appreciated the intensity and complexity of the post-election period. They mistakenly saw their main goal as running election day successfully, rather than as producing the final official election results. We saw this reflected in the Electoral Commission's planning. It was mostly focused on the lead-up to election day, and more focused on external risks (such as disruption at voting places, threats to election workers, weather events, and cyberattacks) than on internal risks.

Although it was appropriate to focus on Election Day risks, the accuracy of the count and the effectiveness of the Electoral Commission's count processes and controls in the post-election period were not identified as an equally important risk to be managed. In my view, this was a significant gap in risk management and meant that appropriate steps were not taken to manage that risk.

A month before the election, the structured approach to risk management ceased and a General Election Delivery Taskforce was set up. The Taskforce focused on operational matters, such as the status of election activities at electorates, and acted as a point of escalation for issues and risks, including staffing issues and problems at voting places.

There was no formal risk analysis and, at this point, risk reporting to the Board was less structured. In my view, from this point on the Electoral Commission did not have enough oversight or understanding of emerging risks. When a post-election issue emerged (delays in processing enrolments), early opportunities were lost to identify, communicate, and mitigate the consequential effects of key milestones for enrolment and vote count processes not being met.

The Electoral Commission told my staff it is implementing a comprehensive risk management system. This includes documenting processes and controls and testing the design and operational effectiveness of these controls. I encourage the Electoral Commission to progress this and to emphasise a continuous improvement culture, where people are encouraged to report risks and errors and to suggest opportunities to improve processes.

Other comments

In this report, I make several recommendations aimed at strengthening election count processes.

The Electoral Commission needs to apply risk management disciplines more robustly throughout the whole election period and improve the focus on risks to the quality and accuracy of the results (both at the National Office and at electorate offices). I have also recommended that the Electoral Commission improve quality assurance checks, strengthen accountability for quality checks, and improve how ballot boxes are handled at electorates.

Despite the expectation of accuracy in the count, a vote count process based on paper ballots and manual counting and data entry is likely to result in errors. Improved assurance processes will help, but these too are not infallible when put under time and other pressures. Investments in systems and processes to improve accuracy are needed. Until then, our election processes will remain vulnerable to the kinds of human error that occurred in the 2023 General Election.

My findings should not be taken as a criticism of any individuals. The Electoral Commission staff we spoke to were committed to running an election with integrity, had worked long hours for extended periods, and were deeply disappointed that the errors occurred. The Commission has told my staff it is already working to fix the problems identified and is motivated to strengthen policies, systems, processes, and practices for the next election.

I thank the Electoral Commission staff who provided us with information about what happened in the election and helped us to understand election processes more generally. They have been generous with their time and assistance.

Nāku noa, nā

John Ryan
Controller and Auditor-General | Tumuaki o te Mana Arotake

1 May 2024

Our recommendations

As well as the comments and observations we make in this report, we specifically recommend that the Electoral Commission:

1. review all vote counting and quality assurance checks and controls to address gaps and vulnerabilities;

2. review and update standard operations manuals and instructions, to improve the clarity of information about quality control activities and why they are important and to clarify accountability and responsibility for carrying them out;

3. complete the end-to-end description of the election process and inter-dependencies of activities, and identify controls that support the election process;

4. review the personnel requirements for elections, the process for recruiting and training election workers, and planning for contingencies (such as staff unavailability, system outages, and fatigue);

5. review hardware requirements, to ensure that electorates have sufficient technology to complete tasks required of them;

6. review the information technology systems that support the election process to ensure that they remain fit for purpose for both electorate and National Office functions; and

7. enhance risk identification processes and continue to apply programme and project management disciplines (including managing risks) throughout the election period.

1 Introduction

1.1 In November 2023, after the General Election's official results were publicly released, a reporter queried the accuracy of party vote results at one voting place. Preliminary enquiries found errors at three voting places.[1] Subsequent investigations by the Electoral Commission identified errors in the candidate vote count in 15 electorates (in total, 17 voting places) and errors in the party vote count in six electorates (in total, eight voting places). Following the Electoral Commission's internal investigation, the election results were re-certified and re-announced.

1.2 The errors identified were due to miscounts, data entry errors, and, in one instance, a ballot box that was misplaced and not counted. The quality assurance processes and checks in the official result process did not prevent or detect the errors identified. None of the errors identified at the time changed any candidate or party outcomes.

1.3 After the official result, there were three electorates where the candidate results were close. There were judicial recounts for the results of the Nelson,[2] Tāmaki Makaurau,[3] and Mt Albert[4] electorates. Small discrepancies in the official count were noted, and different judgements were made in some informal vote assessments, but the judicial recount concluded they did not change the electorate outcome. The Electoral Commission told us that the nature and level of these changes is consistent with previous recounts, which provide an additional opportunity to mitigate the risks associated with largely manual processes.

1.4 In December 2023, the Electoral Commission asked us to review the effectiveness of its quality assurance checks for counting votes and to recommend any improvements needed. We decided to carry out an independent review and to publish our findings.

1.5 The Electoral Commission is required to report to the Minister of Justice on the operation of the 2023 General Election in May 2024. Our report is also intended to inform the Electoral Commission's review of the election.

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1 Knox, C (2023), "Election 2023: Electoral Commission reviewing voting results after Herald investigation led to discovery of three wrong counts", at nzherald.co.nz.

2 In Nelson there were four instances where a single ballot had been allocated to the wrong candidate in the official count, and the judge allowed a small number of votes that the Returning Officer had deemed informal and had not counted.

3 In Tāmaki Makaurau, there was a difference of eight in the vote count overall, including a slight decrease in the number of disallowed votes.

4 In Mount Albert, the judge found one vote discrepancy, which the judge attributed to human error.

What we looked at during this review

1.6   The terms of reference for our review were discussed with the Electoral Commission and are set out in the Appendix. Our work was limited to considering the systems and processes for counting the votes cast, to identify areas for improvement, and make recommendations for aspects of the process that could be strengthened. Our review was carried out under section 17 of the Public Audit Act 2001.

1.7   We reviewed documentation relevant to the errors to understand how and why the errors happened. We wanted to understand the controls in place and why they did not work to detect or prevent the errors.

1.8   We also looked at how the Electoral Commission responded when errors were brought to its attention and what its analysis found.

1.9   Our review also considered the governance arrangements for the election and how risks associated with the election were managed. We reviewed relevant policies and operating procedures appropriate to the scope of our review and considered whether these were followed. We reviewed the effectiveness of the Electoral Commission's risk management approach before and during the general election.

1.10   We interviewed the Chief Electoral Officer (who is also the Chief Executive of the Electoral Commission), the Acting Chairperson of the Electoral Commission Board, two regional managers, eight electorate managers (representing electorates where errors were identified), and Electoral Commission personnel past and present.

1.11   We had the opportunity to observe the Port Waikato By-election vote counting and quality assurance checks on the by-election day at the Port Waikato Electorate headquarters, and at National Office that night and in the days that followed. This gave us a first-hand opportunity to observe a more limited vote count process (more limited because only candidate votes were being counted).

1.12   Our work did not include a comprehensive review of the effectiveness of the programme management approach the Electoral Commission used to prepare for the 2023 General Election. We did not look at broader matters that were not, in our view, connected to the errors that occurred. We did not do extra work to investigate whether there were further errors that may have occurred. However, as a result of questions we asked, we identified other potential errors in the final results due to some apparent dual votes not being removed in keeping with instructions.

Structure of this report

1.13   In Part 2, we describe the role of the Electoral Commission, the 2023 General Election, and how it differed from previous elections.

1.14   In Part 3, we describe how votes are counted.

1.15   In Part 4, we describe the errors that were identified in the official results. We discuss the causes of the vote count errors and the broader factors that contributed to mistakes being made. We also identify areas for the Electoral Commission to strengthen its processes.

1.16   In Part 5, we describe and comment on the Electoral Commission's approach to risk management.

1.17   In Part 6, we describe steps the Electoral Commission told us it is taking to improve vote counting, quality assurance, and how results are finalised for the next election.

The Electoral Commission and the 2023 General Election

2

The Electoral Commission's role and functions

2.1 The Electoral Commission is an independent Crown entity established under section 4B of the Electoral Act 1993. The Electoral Commission operates independently in running elections but is accountable to the Minister of Justice for its performance. It is monitored by the Ministry of Justice.

2.2 The Electoral Commission was formed by merging the former Electoral Commission and Chief Electoral Office into a single Electoral Commission in 2010. Enrolment functions that were previously administered by the Electoral Enrolment Centre at NZ Post were transferred formally to the Electoral Commission in 2012, although NZ Post continued to process enrolments under a delegation from the Electoral Commission. This function was brought entirely in-house in 2016.

2.3 The Electoral Commission is governed by a board of three – the Chief Electoral Officer (who is also the Chief Executive of the Electoral Commission), an appointed Chairperson, and a Deputy Chairperson. Two Electoral Commission Board members were appointed in August 2019 and the current Chief Electoral Officer was appointed in 2022.

2.4 We note that the governance structure is small given the critically important role of the Electoral Commission. Because the Chief Electoral Officer is on the Board, there may be an unclear separation between governance and management. Although the recent Independent Electoral Review did not recommend changes to the structure of the Board, it suggested that the board size be increased from three to five.[5] This would require a change in legislation because membership of the board is set out in the Electoral Act 1993 (section 4D(1)).

2.5 In 2022, a structural change occurred and the present executive leadership team of seven was created, reporting directly to the Chief Executive. Five of the seven executive leadership team were relatively new and the 2023 General Election was the first election they had managed.

5 Independent Electoral Review (2023), *Final Report: Our Recommendations for a Fairer, Clearer, and More Accessible Electoral System*, pages 400-401, at justice.govt.nz.

2.6   The Electoral Commission is responsible for running general elections, by-elections, and referenda, as well as encouraging participation and confidence in the electoral process, promoting understanding about the electoral system, and providing policy advice on electoral matters.[6] The Electoral Commission also supports the work of the Representation Commission, which carries out the regular electorate boundary reviews that occur after each census.[7]

2.7   The Electoral Act contains detailed provisions about how the election should be run, including voting processes, checking the validity of votes, and declaring the official result.[8] Many of the processes are manual.

2.8   The Electoral Commission operates and plans within a three-year election cycle. The first year after a general election provides an opportunity for the Electoral Commission to review the past election and propose, define, and design operational changes for the next election. The second year involves preparing for the election, and the election takes place in the third year.

2.9   Running a successful general election is core to the Electoral Commission's role and is a significant and complex undertaking. The election is challenging to manage – it is a large event, dispersed across New Zealand, and held over a period prescribed by legislation. It includes maintaining the Māori and General electoral rolls (so that those who are able to vote can do so), running enrolment campaigns, and enabling voting through a range of methods, both across New Zealand and overseas. The core staff of about 170 (full-time equivalent) increases to about 22,000 during the election period. The Electoral Commission needs to procure a large volume of supplies and find voting places and electorate headquarters to accommodate electorate activities throughout the country, as well as setting up storage, security, and logistics arrangements.

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6   The Electoral Commission (2023), "Briefing to the incoming Minister", at elections.nz.

7   The Electoral Commission (2023), "Briefing to the incoming Minister", page 4, at elections.nz.

8   Electoral Act 1993, sections 175-179, at legislation.govt.nz.

2.10   Regional managers start work about 18 months before the estimated election date to prepare regional plans, establish electorate headquarters, and recruit and train election workers. Election workers are employed on a temporary basis during the election period. In 2023, the electorate managers and regional managers remained employed until early December, two months after the election.

2.11   The Electoral Commission's planning for the 2023 General Election was informed by its review of the 2020 General Election and previous elections.

2.12   The Electoral Commission's personnel and budget changes over the three-year election cycle. The Commission's functions and delivery models can also change when legislation is amended, such as changes made to enable election day enrolling and voting. There was also a legislative amendment made in 2022 to enable Māori electors to change which electoral roll they are on up until three months before the election.

Funding to prepare for, and run, an election

2.13   Running an election involves recruiting and training large numbers of personnel in a short period, leasing premises for voting places and electorate headquarters, and securing storage facilities. It also requires bespoke information technology infrastructure, security, supplies, logistics, and communications resources.

2.14   The Electoral Commission told us that it did not know how much funding it would have to administer the 2023 General Election until May 2022.

2.15   In the two years before the election, the Electoral Commission had a financial deficit and used reserves to fund operational activities. The Electoral Commission has said it does not have reserves left to do this now.

2.16   In Budget 2022, the Electoral Commission received $229 million in funding for the three-year election cycle for the 2023 General Election, to provide electoral services, to enable enrolment and voting on election day, and to increase capability. This multi-year appropriation gave some flexibility to the Commission to draw funds between the years of a single electoral cycle. Additional funding of $4.1 million was provided for the three by-elections that occurred during this cycle: Tauranga, Hamilton West, and Port Waikato.

2.17   The current multi-year appropriation for the Electoral Commission will end in mid-2024, and the funding available to run the next general election will be known after the May 2024 Budget. The Electoral Commission said in its Briefing to the Incoming Minister in 2023 that it will be providing further advice on the implications of cost pressures on its ability to run and maintain the integrity of elections.

2.18   The Government sets the funding available to the Electoral Commission to run elections. It is not for us to form a view on whether the Electoral Commission's funding is adequate. The Electoral Commission described to us the challenges it faced managing the election cycle within the available funding and funding structures. The Electoral Commission told us that in 2023 it faced budgetary pressure because of increased costs for personnel and property leasing (for both electorate headquarters and voting places), as well as increased paper, printing, and postage costs.

2.19   In non-election years, the Electoral Commission plans and implements improvements to systems and processes for future elections. The Electoral Commission told us that in 2023 it did not have enough funding to retain regional and electorate managers to review the previous election and inform future practices beyond early December.

2.20   We note that internationally there has been a trend towards establishing independent organisations to manage election processes. Typically, these organisations are not accountable to a government ministry or department and have budgetary independence.[9] For example, the New South Wales Electoral Commission is not subject to the Department of Premier and Cabinet Office financial management processes. Instead, a specialist integrity unit in the Treasury manages funding requests.[10] In British Columbia, a Legislative Assembly Committee recommends funding for the Chief Electoral Officer and other integrity agencies.[11]

9   Norris, P, Frank, RW, and Martinez, C (2014), *Advancing Electoral Integrity,* page 95.

10   Macdonald, A (2023), "NSW integrity agencies receive $228.6m Budget boost", at themandarin.com.au.

11   New South Wales Public Accountability Committee (2020), *Budget process for independent oversight bodies and the Parliament of New South Wales: First report*, paragraph 3.84, at parliament.nsw.govt.au.

2.21   We understand that Cabinet asked officials to provide further advice on sustainable funding models for the Electoral Commission in 2019, but the Electoral Commission told us that this did not occur due to the Covid-19 pandemic. A multi-year appropriation was put in place to help address funding timing challenges. The Electoral Commission has previously proposed a permanent legislative authority to provide funding independence and guard against a perception risk that funding levers could be used to compromise election stability by reducing funding.

The 2023 General Election

2.22   To be eligible to vote, a person needs to be 18 years of age or older, a New Zealand citizen or permanent resident, and have lived in New Zealand continuously for 12 months or more at some time in their life.[12]

2.23   The Electoral Act 1993 requires the Electoral Commission to carry out what is known as an "elector inquiry" to update the electoral rolls before the General Election.[13] The Electoral Commission mails out an enrolment update pack to all registered voters and carries out public awareness and community engagement campaigns encouraging people to register or to update their registration details. For the 2023 General Election, this happened between 31 July and 9 September 2023.

2.24   In November 2022, a law change enabled voters of Māori descent to change which electoral roll they were on (Māori or General) up until three months before the general election. This meant that the Electoral Commission had to change the enrolment system and carry out community engagement and a public information campaign on the law change. Previously, Māori electors could change which roll they were on only once every five or six years.

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12 For electoral purposes, a permanent resident is in New Zealand legally and not required to leave within a specific time. There are additional requirements for overseas voters and these requirements were temporarily changed for the 2020 General Election to recognise the impact the Covid-19 pandemic had on international mobility.

13 Electoral Act 1993, section 89D, at legislation.govt.nz.

2.25   On 10 September 2023, the Governor-General formally announced the election date and the last day for nominations of candidates, known as "Writ Day". The electoral rolls as at Writ Day are printed and distributed to each electorate to be used during the voting period. Writ Day is the formal start of the 60-day election period. The end of the election period is known as "the return of the Writ", which happens after the elections results are announced. See Figure 1 for a simplified timeline of the 2023 General Election.

Figure 1
Timeline of the 2023 General Election

Pre-election period	8 September	Dissolution of Parliament.
	10 September	Writ day (the Governor-General issues a formal direction to the Electoral Commission to hold the election).
		Electoral rolls close for printing. Voters who enrol after this date cast special votes.
	27 September	Overseas voting begins.
	2 October	Advance voting begins.
	13 October	Advance voting ends.
	14 October	Election day
		Voting places open from 9.00am to 7.00pm.
		Preliminary results released progressively from 7.00pm.
Post-election period	3 November	Official results declared.
	8 November	Deadline for applications for judicial recount.
	9 November	Last day for return of the Writ (subject to any recounts).
	21 December	Last day for Parliament to meet.

2.26   A general election has three phases – a pre-election period (when advance voting takes place), election day (the final day of voting, when the preliminary count of most ordinary votes takes place), and a post-election period (when the official count takes place).

2.27   The 2023 General Election was held on 14 October. The Electoral Commission set up 829 advance voting places, and 2334 voting places for election day. This was fewer voting places than in the 2020 General Election, but there had been a significant increase in voting places in 2020 to reduce the spread of Covid-19.

How the 2023 General Election differed from previous elections

2.28   Voter turnout in 2023 was slightly lower than in 2020 (2,858,869 - 78% of eligible voters, compared with 2,894,486 - 82% in 2020). There were 463,276 fewer advance ordinary votes and 17,346 fewer advance special votes cast than estimated.

2.29   Ordinary votes are votes cast by enrolled voters at a voting place in the electorate in which they live. Special votes are votes cast by voters who enrol after Writ Day, need to update their enrolment details, are on the unpublished roll, or are outside of their electorate (including people voting from overseas). Special votes must, by law, be transported back to the electorate they belong to and be validated before they can be counted. An exception is made for overseas and dictation votes, which are compiled at a centralised processing centre.

More people enrolled after Writ Day and voted later than they did in 2020

2.30   To increase voter participation and to reduce the number of disallowed votes, in 2019 the Electoral Act 1993 was amended to allow election-day enrolling and voting.[14] The 2023 General Election was only the second general election where people had been able to enrol and vote on election day.

2.31   When the change was proposed, the Ministry of Justice[15] told Cabinet that the change could increase operational pressures in the election period, increase the number of enrolments needing to be processed before rolls were closed for the official count, and reduce the time for processing enrolments before the official count – potentially delaying the official result.[16]

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14   The Treasury (2019), "Regulatory Impact Assessment: Enabling election day enrolment", at treasury.govt.nz.

15   The Ministry of Justice is the monitoring agency for the Electoral Commission and the lead agency for electoral policy issues.

16   The Treasury (2019), "Regulatory Impact Assessment: Enabling election day enrolment", at treasury.govt.nz.

The Ministry of Justice proposed:

- extending the period for the return of the Writ from 50 to 60 days;
- increasing election day resourcing by 2800 full-time equivalent staff, at a cost of an extra $13.4 million; and
- introducing an electronic roll that could be used to mark off electors when people presented to vote (offering efficiencies later in the vote counting process).

2.32   The change was implemented and the period for returning the writ was extended to 60 days. The Electoral Commission told us it had sought $158.6 million of funding over four years, including $13.422 million to support enrolment on the day, but received $75.6 million of funding over four years for operating costs, including supporting enrolment and voting on election day. Capital funding was not allocated to develop the functionality to mark electors off on an electronic roll.

2.33   The Electoral Commission told us that the significant change in voter behaviour was unexpected, with more people than estimated enrolling in the last two weeks leading up to election day and on election day. Even before the legislative change, there had been a trend since 2011 of people increasingly enrolling after Writ Day, but the 2023 numbers represented a 125% increase on the 2017 numbers for the same period.[17] Although people can continue to enrol up to and including on election day, they need to cast a special vote because their details were not on the electoral rolls by Writ Day. The extent of the change in voter behaviour was unanticipated and put pressure on people and systems because the demand had increased beyond initial projections.

2.34   In 2020, 310,471 people enrolled in the voting period, including about 80,000 on election day. In 2023, 453,940 people enrolled during the voting period, including about 110,000 on election day. This was a 46% increase on 2020 numbers of people enrolling in the voting period. The number was considerably higher than the Electoral Commission's projections (that 319,000 people would enrol in the election period), which the Commission had used to estimate the number of staff needed to process enrolments and count votes.

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17   The Electoral Commission (2018), "2017 General Election: Electoral Commission report on the 2017 General Election", at elections.nz.
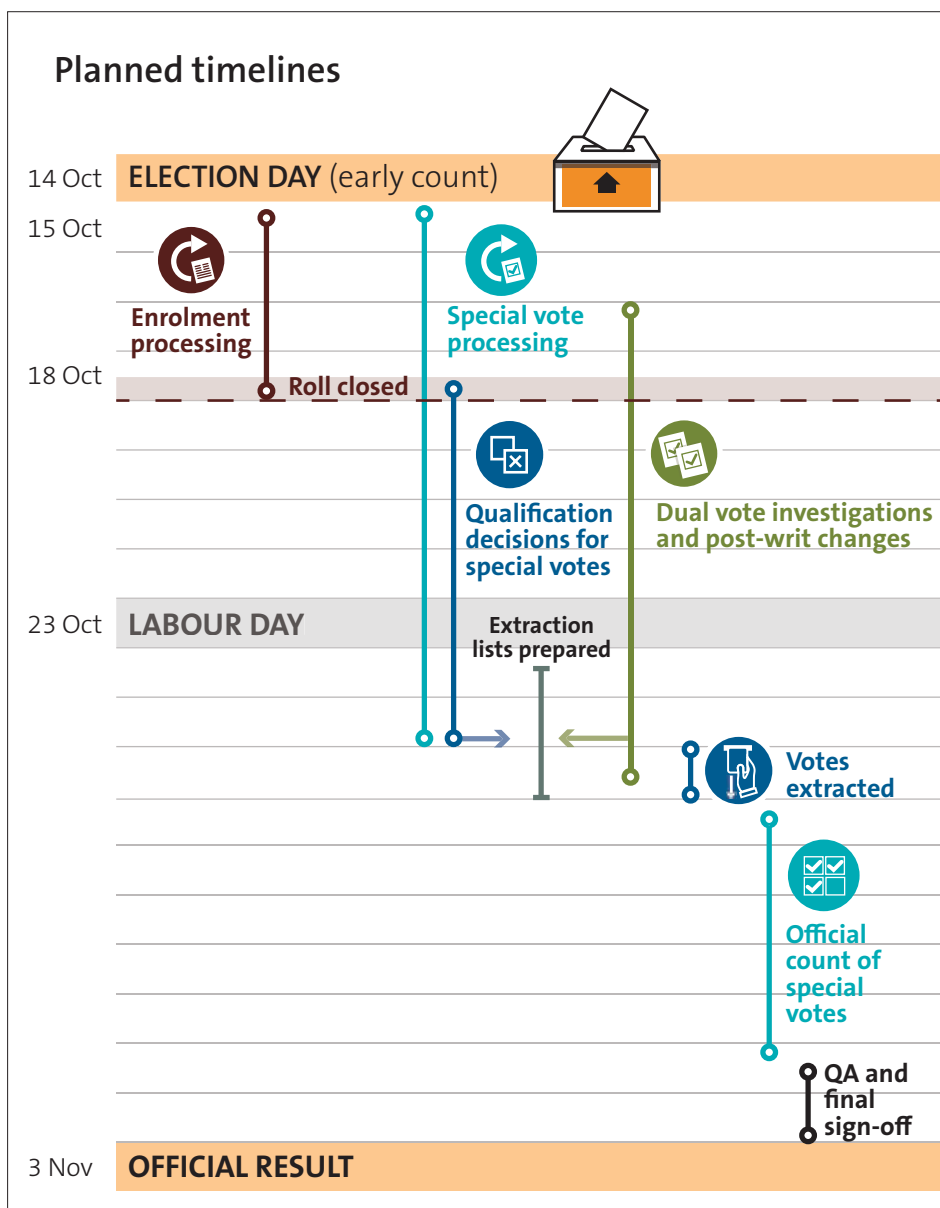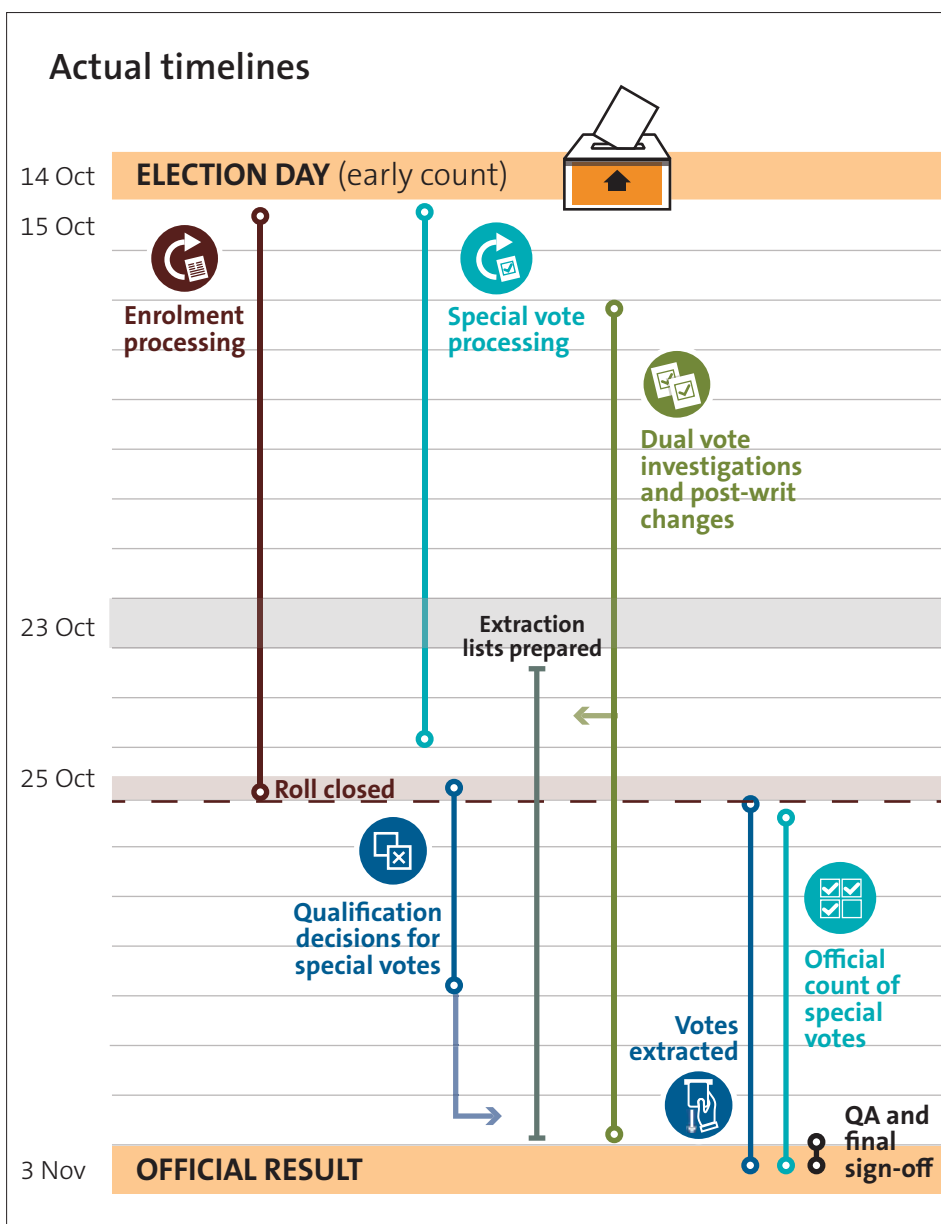
There were more special votes than expected

2.35   The number of special votes increased significantly compared with the 2020 General Election. There were 602,000 special votes cast in the 2023 General Election, 100,000 more than in 2020. Special votes require more intensive checks to ensure that voters are enrolled and eligible to vote in the electorate that they are casting a vote for. This increases the amount of time needed to process the vote through the count process. Special votes take about 10 times longer to issue and process than ordinary votes.

2.36   The Electoral Commission has a computer application that allows election workers to look up voters on an electronic version of the electoral rolls and make address changes within the same electorate. On election day, the application experienced two outages, meaning election workers could not look up voters or update voter address details on the electronic roll.[18] Staff at voting places were advised to revert to using their paper-based reference rolls until the application was fixed.

2.37   People we interviewed told us that the outages caused uncertainty at voting places and resulted in a higher-than-expected number of people being directed to cast special votes. This was because voters who otherwise could have updated their address within the same electorate, or voters who could not confirm they were enrolled or that their enrolment details were correct, were directed to complete a special vote. We have not been able to quantify the extent to which the outages contributed to more special votes.

2.38   The significant number of special votes put further pressure on the team responsible for processing enrolments and for checking whether voters were enrolled, eligible to vote, and in which electorate.

2.39   The delay in processing enrolments had a compounding effect on subsequent post-election vote count processes, including qualifying special votes (that is, checking that the special voter's enrolment eligibility meets the criteria to be counted), investigating potential dual votes, extracting votes that were not eligible to be counted, and carrying out quality assurance (QA) checks. We discuss this in more detail in paragraphs 4.50-4.74.

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18   The first outage lasted about three hours and the second, after 5pm, lasted half an hour.

2.40   Figure 2 shows the planned timelines for post-election period activities, compared with the actual timelines.

Figure 2
Planned and actual timelines for the official count for the 2023 General Election

Actual timelines

14 Oct	**ELECTION DAY** (early count)
15 Oct	**Enrolment processing**
	Special vote processing
	Dual vote investigations and post-writ changes
23 Oct	**Extraction lists prepared**
25 Oct	**Roll closed**
	Qualification decisions for special votes
	Votes extracted
	Official count of special votes
	QA and final sign-off
3 Nov	**OFFICIAL RESULT**

3

How votes are counted

3.1 The Electoral Commission is focused on making sure that the process for counting votes, and checking the results, means that the vote count is accurate. Small errors in the count, even if they have no effect on the overall results, can reduce public trust in the results and the public perception of the integrity of the election.

3.2 In this Part, we describe:

- how votes are counted on election day;
- the process for the official count of votes;
- the quality assurance checks built into the official count; and
- how judicial recounts are carried out.

3.3 The election day count, official count, and any judicial recounts are all opportunities for errors to be identified and corrected.

3.4 The count process is manual and devolved, with election night counts taking place at 2334 voting places and official counts taking place at 65 electorate headquarters for 72 electorates throughout the country.[19]

3.5 Overseas, dictation,[20] and remote votes are processed by a central processing team based in the Wellington region. Enrolment processing happens in three processing centres located in Auckland, Wellington, and Christchurch. The processes are overseen by staff in the National Office.

How votes are counted on election day

Advance votes are counted early on election day

3.6 Advance votes cast before election day are stored securely at electorate headquarters and voting places until they are counted from 9am onwards on election day. The counting is done in a designated area at electorate headquarters that is set up according to documented operating instructions. Candidates may appoint scrutineers (party supporters) to observe the early count.

3.7 Ballot papers are sorted and counted by tables of counters who follow documented count instructions. Ballot papers are counted by candidate first and then by party. This is the opposite to how the official count is conducted, when party votes are counted first then candidate votes. This use of two different counting orders acts as a form of control.

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19 Each electorate manager has a headquarters, and seven electorate managers have delegated responsibilities for both a Māori and a general electorate.

20 To enable people with visual or other learning and communication disabilities to exercise their democratic right to vote, people can dictate their vote and have that recorded and included in the count.

3.8   Count results are handwritten on pre-printed count sheets and entered in the election result recording system known as EMS (Election Management System) by a data entry operator at the electorate headquarters. The number of ballot papers counted is compared against the number of ballot papers issued. There is some tolerance for a discrepancy between the two numbers. For example, the maximum tolerance (for a ballot box with between 2401 and 2600 ballot papers) is 13.

3.9   If the difference between the ballot papers issued and the early count results for any ballot box falls within the tolerance, no further action is required. Where the difference exceeds the tolerance, the ballot papers must be recounted. If the difference remains outside of the tolerance, no further recounts are required. The discrepancy will be noted and looked at as part of the official count.

3.10   From 7pm, electorates start to enter advance vote results into EMS.

Counting election day votes

3.11   Ordinary votes cast on election day are counted at voting places, or at approved alternative locations for security reasons,[21] on election night (starting at 7pm). These count results are phoned in to electorate headquarters (usually between 7.30pm and 9.15pm) and entered into EMS on election night.

3.12   The count process for ordinary votes is similar to the count process for the early count of advance votes. The maximum allowed tolerance between the number of ballots issued and votes counted (for a ballot box with 901 ballot papers or more) is four. If the tolerance is exceeded, the ballot papers must be recounted. If the difference remains outside of the tolerance, no further recounts are required on the night. It will be looked at as part of the official count.

3.13   Each electorate headquarters is set up to receive and record the election day count results that are phoned in from voting places according to a documented script. The results are received by candidate first and then by party. The record of the phoned in results is then manually entered into EMS by a separate person.

3.14   Results that are announced on election day are the preliminary general election results. Ordinary votes (that are counted on election day and announced as the preliminary general election results) are stored securely at each electorate headquarters to await the official count.

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21 For example, a voting place in a public mall would not provide a secure setting in which to count votes, so votes
    would be transported to a secure location for counting.

How votes are counted during the official count

3.15 The errors that occurred during the 2023 General Election happened during the official count. The official count starts three days after election day and is meant to be completed one day (2 November 2023) before the official results are announced (3 November 2023).

3.16 Ballot boxes with fewer than six ordinary votes are counted for the first time during the official count. They are not counted in the preliminary count to safeguard voter anonymity.

3.17 The vote count process is summarised in Figure 3 and described below.

Processing and counting special votes

3.18 Special votes cast in voting places for other electorates are sent to the relevant electorate for processing and counting.[22]

3.19 The official count is the first time that special votes (and referendum votes, if applicable) are counted.

3.20 During the official count, a centralised processing team located in the Wellington region processes and counts overseas, dictation, and remote special votes[23] for all 72 electorates.

3.21 Some Māori electorate managers process special votes for their Māori electorate as well as for their general electorate. Māori and general electorate special votes are processed and counted separately.

Removing ineligible votes from the count

3.22 During the official count, ineligible votes are removed. Informal votes (where the voter's intention is unclear) that had been identified during the preliminary count are checked again.

3.23 Once the official count of ordinary votes is complete, ordinary votes might still need to be extracted or removed (because of a dual vote investigation or a post-writ change). A dual vote is when a voter appears to have voted more than once. If this is because someone has pretended to be someone else, the improper vote is removed. If it appears that a person was issued with more than one ballot, both votes will be removed. A post-writ change is when a voter's eligibility to vote in a specific electorate has changed since the electoral rolls were printed.

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22 Special votes are included in the official count if the vote was received on time and the special vote declaration was completed correctly (it was a valid special vote, and the voter is on an electoral roll by the time the rolls close even if they were not yet appropriately enrolled at the time they voted).

23 People who are in a remote location within New Zealand, like an offshore vessel, oil platform, or a remote island can cast a remote special vote.

If a voter with a post-writ change has voted in the wrong electorate, their candidate vote must be removed but their party vote is still counted.

Figure 3
Summary of how votes are processed, investigated and extracted if necessary, and counted

Processing

Enrolment processing

Special vote processing
Special votes are validated and qualified.

Qualification decisions for special votes

Dual vote investigations and post-writ changes

The qualification decisions and dual vote investigations identify the votes to be extracted (removed) from the ballots.

Extraction lists prepared

Votes extracted
Votes are removed by hand.

Official count of special votes
Once unqualified and dual votes have been removed, the final count can be made.

Final quality assurance check

Final sign-off

3.24 All vote extractions ideally take place on one day so that ballot boxes are not repeatedly opened and documentation does not need to be continuously amended.

3.25 Once all official counts and apparent dual vote investigations and post-writ change processes are complete, the electorate manager checks the results (described in more detail in paragraphs 3.33 to 3.38). The electorate manager and a Justice of the Peace then certify the results for the electorate.

3.26 Once all electorate results are in, the Chief Electoral Officer declares the official results of the election. This happened on Friday 3 November 2023.

How the official count is carried out

3.27 Ballot boxes are stored securely at the various electorate headquarters until the official count. The official count takes place in a designated area at each electorate headquarters that is set up according to documented operating instructions.

3.28 Ballot papers are sorted and counted by tables of counters who follow documented count instructions. One control during the official count is the order in which ballot papers are counted, which differs from the early count.

3.29 Another control is what is known as the "party split" approach to counting the candidate votes, which requires the candidate and party votes to fully balance. This approach aims to help mitigate the manual nature of the count and to give confidence that all votes are counted. There must be two consistent counts.

3.30 As with the election night count, count results are handwritten on pre-printed count sheets and entered in EMS by a data entry operator. EMS has built-in validation checks to ensure that the number of ballot papers used and the number of party votes entered are correct. One permitted exception is where the number of ballot papers used is greater than the number of party votes entered. This may indicate a ballot paper has not been returned, such as when a person has left the voting place with their ballot paper.[24]

3.31 Every electorate has an appointed Justice of the Peace. Justices of the Peace are not employees; they are independent observers of the count process and must be present to observe the count, to ensure that privacy rights are observed, and to ensure that the process is protected from undue influence. Candidates may appoint scrutineers (party supporters) to oversee the official count.

3.32 At the end of each day, the Justice of the Peace must certify the progress of the count with the electorate manager, post-election manager, and/or official count process leader.

24   There are reasonableness checks on this; see paragraph 3.40.

Quality assurance checks in the official count

3.33   The official count results that are entered into EMS are printed and attached to the handwritten count sheet and given to the official count process leader. They check that count results are entered correctly and that totals calculated by EMS agree with the manually calculated totals.

3.34   As counts are completed and recorded in EMS, electorate managers perform quality assurance checks (reasonableness checks). The reasonableness check includes reviewing that results have been entered against the correct voting place and stage of voting (such as advance voting, or votes cast on election day), results are reasonable (the spread of results is within an acceptable calculated range),[25] and whether the results balance (the number of candidate and party total votes are the same).

3.35   The reasonableness checks also include checking whether the variance between the election day and official counts exceeds the tolerance threshold (more than five votes), whether votes for any candidate or party appear to have been misplaced in the official count (for example, put in the wrong pile for counting), and whether votes for any candidate or party are changing consistently during the official count.

3.36   Electorate managers can use EMS reports to do these checks. Any results that appear incorrect must be investigated and corrected if necessary.

3.37   Official count results entered in EMS might need to be amended when a counting error is identified during reasonableness checking. Results might also need to be adjusted when a vote is extracted because of a post-writ change or a dual vote investigation. These changes are done at electorate headquarters.

3.38   When the official count process leader has confirmed that the voting place results are correct, the voting place results are finalised. Overall responsibility for the official results rests with each electorate returning officer (electorate manager). Electorate managers sign and approve the final voting place results certificates for their electorate, counter-signed by a Justice of the Peace.

3.39   As official results are entered in EMS, the National Support Team at the National Office carry out further reasonableness checks similar to those carried out by electorate managers.

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25   This includes, for example, consideration of the expected leading parties or candidates, the number of results entered so far, and the proportion of informal votes to total votes.

3.40 The purpose of these checks at the National Office is to identify any errors that might not have been picked up by electorate managers. The checks include:

- reviewing any apparent anomalies in the data and results balancing compared to Election Day;

- challenging the reasonableness of the number of unreturned ballot papers in proportion to the size of the count to ensure that votes have not been inappropriately omitted;

- checking reconciliations to ensure that all votes were accounted for;

- checking disallowed vote data; and

- checking progress with the results (for example, results entry, completion of special votes processing, dual votes, and post-writ activities).

3.41 Once all checks are complete and the National Office is satisfied that all amended official results are in order, electorate managers are instructed to re-print and re-sign voting place certificates. EMS is updated and the electorate manager and Justice of the Peace sign final results certificates for their electorate. Māori electorate managers also sign the final results certificate for their Māori electorate. This is the end of the official results process.

Judicial recounts after the results are announced

3.42 Once the official election results are certified and announced publicly, electoral candidates and political parties have three working days to apply to the court for a judicial recount of the votes.

3.43 The judicial recount is an additional opportunity to correct errors that could affect the outcome of the election (typically when margins between candidates and/or parties is small). A recount is the third opportunity to count ordinary votes and the second opportunity to count special votes.

3.44 Although a recount is similar to the official count, it provides additional safeguards against errors going undetected. It is conducted under the direction of a District Court Judge (someone who was not involved with the previous official count) with a team of electorate and National Office staff to support them.

3.45 There were three judicial recounts for the 2023 General Election, which resulted in small adjustments to official results. None of the recounts changed the overall election or electorate result.

The errors and why they happened

<div align="right">**4**</div>

4.1 As outlined in Part 1, the focus of our work was on why the errors identified by the Electoral Commission occurred and why they were not identified by the processes designed to detect those errors.

4.2 Although there are some electronic processes for verifying information about voters and votes, and for collating information about votes, the process relies heavily on paper ballots, manual counting of ballots, manual data entry of results, manual checking of results, completing dual vote investigations, and manual extraction of votes that need to be removed from the count.

4.3 In part, this is because of the prescriptive processes set out in the Electoral Act 1993, which reflects the less technologically advanced society of the time the legislation was passed and amended (in 1956 and 1993 respectively). An electoral system that relies on manual processes to such a degree is vulnerable to mistakes, especially when people are doing manual processes when tired and under significant time pressure.

4.4 During the 2023 General Election, official result processes were completed on the morning the official election results were announced. This was because of delays in closing the electoral rolls and completing vote extractions and final result processes. Work that would normally be spread across two days was instead done in one morning.

4.5 Organisational culture, processes, and management decisions can create conditions in which errors are more likely to happen, where people are more likely to take shortcuts or ignore safeguards, and where controls may not operate as intended. Our review looked at the immediate causes of mistakes and the factors that we consider contributed to the mistakes going undetected.

4.6 In this Part, we describe:

- the errors that occurred and the immediate reasons for them;
- how effective the quality assurance checks were and whether they were implemented;
- other events that put pressure on processes and people; and
- other more systemic factors that, in our view, might have contributed to the errors.

What were the errors?

4.7   The errors in the official results arose because of votes being misplaced, data entry errors, and one instance of a ballot box being misplaced and not counted. Our review and subsequent investigations also identified that a number of apparent dual votes had not been removed from counts in keeping with the instructions given by the National Office.

4.8   Candidate vote errors were identified in 15 electorates (at 17 voting places) and party vote errors were identified in six electorates (at eight voting places):

- A ballot box from the advance voting period was misplaced and not counted.
- Ballot papers were incorrectly sorted during the official count and consequently not correctly counted.
- Data entry errors resulted in votes being incorrectly allocated to candidates and parties.
- A data entry error was made when advance voting results and election day results were transposed, resulting in errors affecting candidate and party vote counts.
- A data entry error meant election day results were incorrectly entered as both advance voting and election day voting results, resulting in errors affecting candidate and party vote counts.
- A data entry error meant special votes cast during advance voting were incorrectly entered as special votes cast on election day, resulting in errors affecting candidate and party vote counts and reducing the total number of votes.
- A data entry error meant one more candidate special vote was entered than had been counted for the party vote, resulting in errors affecting candidate and party votes.

The process and instructions for managing ballot boxes were not followed

4.9   When this issue was first identified, media reports described the ballot box as having been "forgotten" or "left at the Commission's East Coast Office".[26] We explain here in more detail what we understand happened.

4.10   The Electoral Commission Operations Manual advises that if a voting place expects to have more than 2000 ordinary electorate votes, it will need more than one ballot box. Each ballot box represents a "phase".

4.11   When a ballot box is removed and stored securely at electorate headquarters, the number of ballot papers used is reconciled against the ballot papers counted.

26 McConnell, G (2023), "Electoral Commission says a ballot box was missed in official count", at stuff.co.nz.

4.12   The Electoral Commission told us that for one voting place, two ballot boxes were prepared - one for advance voting and one for election day. During advance voting, both ballot boxes were deployed to the voting place at the same time, instead of just the one prepared for advance voting. The two ballot boxes were removed to electorate headquarters at the end of advance voting, and a third ballot box was then prepared and provided for election day. This box was labelled with the same details as had been attached to one of the ballot boxes used during advance voting.

4.13   Ballot papers from the two ballot boxes used during advance voting were counted during the early count on election day. The third ballot box was counted in the voting place after voting had closed. Late on election night, the error was identified when EMS (the system used to record the results) could not accept three separate ballot box counts because it had been set up to accept the results of only two ballot boxes. Verbal instructions were given to merge the two physical ballot boxes used during advance voting with all ballot papers from the first two boxes put into one ballot box, and for all documentation to be redone so there would be only one set of documentation and one result recorded for the count of advance votes. The count results were merged in EMS, but the two ballot boxes (with ballot papers) and the paperwork were not. We were told that the error was difficult to identify because the ballot boxes were not properly labelled.

4.14   During the official count, only one of the two ballot boxes that should have been merged was counted, and this was not picked up by the checks that should have occurred in the electorate or at the National Office. The check to compare votes counted during the official count against the early count was not done and the discrepancy of 611 votes was not identified. When this error was later identified and the votes were re-counted, a variation of nine votes was identified, increasing the discrepancy to 620.

4.15   Our review found that electorates had different ways of managing how ballot boxes were moved between secure storage areas and count rooms. This depended on the storage space available or the preference of the electorate manager.

4.16   The movement of ballot boxes between electorate headquarters and voting places is recorded in the materials tracking module in EMS. Count results are recorded in EMS, matched to specific ballot box information, but this is not reconciled with the materials tracking module. Doing this would help increase the likelihood that all ballot boxes issued to voting places are accounted for in the count results.

Quality assurance checks for the count were not done properly

4.17   As outlined in Part 3, the Electoral Commission had quality assurance checks in place. However, the checks did not pick up all the errors in the results. From the work we have done, we consider this is for two reasons:

- the quality assurance checks were not done properly; and
- the quality assurance checks were not as effective as they should have been.

4.18   For some errors, the electorate manager did not carry out checks to confirm that data was entered into EMS correctly, or assumed that someone else had done it without evidence to support this assumption.

4.19   Similarly, we were told that quality assurance checks carried out at the National Office did not detect errors because either the checks were not carried out or were not performed as rigorously as they should have been.

4.20   We were told that it is possible that some electorate managers placed undue reliance on the quality assurance checks that would be carried out at the National Office, while some National Office staff might have made assumptions about the rigour applied by electorate managers in their reasonableness checks. This resulted in a layer of quality assurance checks not operating as intended.

Quality assurance checks were insufficient

4.21   We reviewed the official results processes and controls. Effective controls are well designed, operate consistently, and prevent significant risks materialising. They need to be reviewed regularly to ensure that they remain effective. When controls to detect or prevent errors are manual, there is always a risk of human error. Reducing or eliminating the risk of human error in the results process requires a range of strategies.

4.22   We expected to see clearly documented quality assurance processes that described the checks that needed to take place, the sequence in which these checks should occur, and a system for proving that they had been done.

4.23   Our review identified vulnerabilities in current processes and controls. These vulnerabilities include manual processes (physical vote counting and manual data entry), with mitigating manual controls that are not designed effectively (data checking does not require anyone to verify that the data has in fact been checked against source material). Quality assurance checks are not operating effectively and rely on human judgement, and reasonableness checks are not well understood.

Result-checking processes were not well understood or well documented

4.24   During our interviews with electorate managers, we were told that results instructions were not consistently followed, and that data entry checks and reasonableness checks were not always carried out. We were told that this was, in part, because people did not fully understand what they were expected to do.

4.25   In our view, some of the processes and controls for recording results and for checking that data was correct were ineffective during the post-election period.

4.26   We were told that EMS reports used for reasonableness checks did not make it easy to identify errors quickly because they are large, complex reports that are difficult to interpret.

4.27   There was no system for documenting and verifying that data entry checks or reasonableness checks had been carried out. This meant that electorate managers and National Office staff assumed that checks had been done, when sometimes they had not, or had not been done as consistently, thoroughly, or extensively as they should have been.

4.28   The Electoral Commission relied on the experience, skill, and diligence of key electorate staff, such as electorate managers and post-election managers. However, the variability in skill and experience of staff in those roles affected how well processes were understood and implemented. This is likely to have reduced the effectiveness of manual controls in the results process.

4.29   The Electoral Commission has relied on individuals with prior election experience for checking the incoming electorate results. Within the National Office, electronic scripts had been used during previous elections to address challenges with the volume and complexity of information coming out of EMS and help staff to interrogate the results data more easily. An employee who knew how to do this left after the 2020 election, and the process used to interrogate data was not documented. In the 2023 General Election, the Commission did not have staff with the capability to design and deliver these steps, and this additional checking was not done. This created a gap in the effectiveness of the National Office's quality assurance checks, which was not fully understood at the time, and which was exacerbated by the limited time to complete the checks manually. The Electoral Commission told us it will seek to address the gap in electronic data analysis by adapting reporting from EMS.

4.30   We looked to see whether there was a clear and structured escalation and resolution process for potential errors identified by quality assurance checks in the National Office. Our enquiries found there was no structured and clear process for

escalating matters and a lack of clarity about what sorts of problems should be escalated. There needed to be clarity about what was expected. Potential errors should be recorded and assigned, and how they have been resolved should be clearly documented. This would provide assurance to the Electoral Commission Board that matters affecting quality have been appropriately resolved. Reporting documented errors and resolution processes to the Board would have allowed a more systematic view on quality issues.

Key processes were not documented

4.31   A factor which contributed to the challenges experienced was that the Electoral Commission had not fully documented the quality assurance data checks that National Office staff were expected to perform. Without adequate documentation, it is difficult to see the end-to-end processes, identify controls to manage risks, identify inter-dependencies, or target assurance activities. When processes are not documented and experienced people are unavailable or stretched across several tasks at once, as occurred in the 2023 General Election, mistakes are more likely to be made and go undetected.

4.32   This is not the first time that this has been raised as a risk. A review of the 2020 General Election recommended that the Electoral Commission fully document these manual quality control processes. During our review, we identified a need for the Electoral Commission to complete the Voting Services' Process Manual to fully document the reasonableness checks (including data checks) that are supposed to be done by people in the National Office. The Commission has since said that this work has been completed.

There was no system to verify that checks had been done

4.33   The rigour and consistency applied to the physical count of ballot papers did not extend to the process of recording the official count results.

4.34   Some electorate managers told us that they signed off final result certificates for their electorates, indicating that reasonableness checks had been completed, without doing the checks or verifying that they had been done. This was inconsistent with guidance in the Electoral Commission Operations Manual. There was no checklist to record what had been done.

4.35   Similarly, there was no system at the National Office to record that reasonableness checks had been done.

4.36   The Electoral Commission's executive leadership team and the Board were given verbal assurance on 3 November that official result processes and quality assurance checks were complete. However, count errors had gone undetected at the electorate level and were not resolved by the National Office before official results were finalised.

Our recommendations for improving vote counting and checking processes

4.37   Processes need to be standardised with detailed but clear standard operating procedures. Process implementation and resulting error rates need to be monitored to ensure that processes are consistently followed and quality is not compromised. This means that errors can be detected early and promptly corrected.

4.38   In our view, the Electoral Commission needs more effective processes to ensure that tasks are completed as expected. It also needs more supporting guidance for tasks, especially those that are complex or rely on judgement. This would help ensure that tasks are well understood and that all necessary steps are taken, which in turn can reduce the likelihood of errors.

4.39   We consider it is important to continue to separate key activities such as data entry and data entry checking. Different count teams at voting places and electorate headquarters should also be maintained and "one-up reviews" for key tasks should continue. For example, an electorate manager should not both check that the data has been entered correctly and carry out quality assurance checks. Fresh eyes are more likely to pick up mistakes. This needs to be supported by accountability measures to provide evidence that tasks have been completed (either workflow approval or documented evidence). Double-entry of data, followed by a check (manual or automated) could also be considered to provide additional assurance.

Technology could be used to strengthen the vote counting process

4.40   For repetitive, high-volume tasks, data validation can improve quality and reliability by reducing or preventing errors, saving time, enhancing the user experience, and reducing fatigue.

4.41   There are likely many technology-enabled options to support or replace the manual counting of votes, but the risks associated with these options and the research to support the use of these technologies was beyond the scope of this review. The Electoral Commission could consider whether technology (with appropriate security controls) could provide additional robustness to the manual vote counting process. Using technology to automate repetitive or manual tasks

can help reduce the likelihood of errors caused by human oversight or fatigue. The technology could include, for example:

- scanning ballot papers received, replacing the need for a physical count. This would enable voting information to be recorded and votes to be totalled, reducing balancing and other data entry errors; and

- scanning count results into the electronic record system rather than manually entering them. This would not replace the physical count, but would replace the data entry process.

4.42   Technology like this can be useful when processes involve significant time constraints and large volumes of information or data. We recognise that this would have resourcing implications and that the Electoral Act 1993 would likely need to be amended to allow this.

4.43   When full automation is not possible, technology-enabled controls can support complex manual tasks (like quality assurance checks) and reduce errors. Examples of controls include having the right information accessible in the right format, systems that are user-friendly and easy to navigate, and/or built in data validation.

4.44   The Electoral Commission could also explore enhancing EMS to make it easier to identify more obvious errors, such as when duplicate results are entered for election day and advance voting. During the Port Waikato By-election, the Electoral Commission piloted a new, more user-friendly Electorate Detail Report to identify potential duplicate data entries.

Continuous improvement

4.45   In our view, as part of continuous improvement, the Electoral Commission needs to analyse errors, identify gaps or vulnerabilities in systems, processes, and controls, and prepare an improvement plan to address them before the next election.

4.46   In the Port Waikato By-election, the Electoral Commission trialled a new checklist to guide the electorate manager through the key checks that needed to be carried out. The Port Waikato electorate manager provided feedback that the checklist worked well.

4.47   Although the checklist worked well in the by-election, a by-election is typically much less complex than a general election. The Electoral Commission could consider how processes might be implemented more broadly in the next general election.

4.48   The Chief Electoral Officer told us that the Electoral Commission has now mapped key election processes. We recommend extending this to identify automated and manual controls that manage risks in the processes, and testing these for effectiveness.

Assurance

4.49   It is important to have a formal process to provide the executive leadership team and the Electoral Commission Board with assurance that all exceptions identified are either below the error tolerance or have been resolved. There was no such formal process during the official count process in the 2023 General Election.

Recommendation 1

We recommend that the Electoral Commission review all vote counting and quality assurance checks and controls to address gaps and vulnerabilities.

Enrolment and voting patterns and events put pressure on processes and people

4.50   Humans make mistakes. Enrolment and voting patterns and events in the 2023 General Election created extra workload and delays in processing enrolments and votes. This in turn put pressure on the time available to carry out post-election checks. In our view, these escalating pressures created a situation where mistakes were more likely to occur and to go undetected.

Special votes and enrolments during the voting period were higher than expected

4.51   As we describe in Part 2, in 2023 fewer people voted early and significantly more people chose to enrol and vote closer to election day. More people cast special votes than ever before, and special votes take significantly longer to process. This extra work exceeded the Electoral Commission's projections that had informed the number of staff it employed, meaning there was not enough staff to keep up with enrolment processing.

4.52   During the 2023 General Election, election workers used an electronic roll to look up voters to direct them to the appropriate ordinary vote or special vote queue and to update enrolment details for voters changing their address within the same electorate. The electronic roll had two outages on election day, and some election workers were uncertain about what to do. Although this might not have been a significant factor, we were told that when the outages happened some election workers directed people to the special vote queue. They were asked to cast a special vote when this might not have been necessary.

4.53   We were told that the increased number of special votes, combined with delays completing enrolment processing, resulted in late apparent dual votes that needed to be investigated. As we described in Part 3, special votes and dual vote investigations are time-consuming to sort, process, and count. The high number

of apparent dual votes being identified late put pressure on completing all post-election processes that are meant to follow the dual vote investigations. Instead, some had to happen concurrently rather than sequentially (see Figure 2). This also delayed clearing the apparent dual votes report, which we discuss in more detail in paragraphs 4.61 to 4.74. The official results should not be finalised until these processes have been completed and votes that are not eligible to be counted have been extracted.

4.54   Another factor contributing to quality assurance checks not being done properly in the post-election period arose due to mistakes made when reconciling ballots issued against ballots returned. The information submitted from voting places through the reconciliation application is worked out as a cumulative total. This information is provided in a report to the electorate headquarters, recording ballot papers issued for only that day. There was some inconsistency in what was reported from voting places. This meant that electorate headquarters staff spent more time trying to verify the accuracy of the reconciliation information to ensure that ballot paper totals were correct. We were told that in the post-election period, this became a key focus of the quality assurance checks undertaken, potentially reducing the time available to carry out quality assurance checks on the accuracy of other results.

Enrolment processing took longer than expected

4.55   About 143,000 more people enrolled or made changes to their enrolment details in the advance voting period and on election day in 2023 than in 2020 (a 46% increase). These enrolment activities also took place later in the voting period than in the previous election. The Electoral Commission overestimated the proportion of digital enrolments. Only 47% of enrolments were digital and 53% were paper enrolments, which take longer to process. The Commission had allocated five days after the election for processing enrolments and responding to queries about voter eligibility, but this took 11 days.

4.56   For the first time, enrolment processing took place in three centres instead of being spread across regional offices. The Electoral Commission had 22 permanent staff and 130 additional processing staff in Auckland, Wellington, and Christchurch. At peak, they processed about 20,000 enrolments a day. We were told that with hindsight, although processing teams might have been larger in these centres, there had been a loss of critical experience that would have been helpful with the volume of work that eventuated.

4.57   The Electoral Commission did redeploy 10 trained staff to help with enrolment processing. Although extra temporary staff were available to be called on to do enrolment processing, they were not considered suitably trained. When the delays

in enrolment processing became apparent, the enrolment team did not have capacity to train extra staff at short notice.

4.58 We were told that the enrolment team did not have good visibility of incoming enrolment volumes from voting places and electorates. We note that this data was recorded as part of the daily reconciliation process at voting places (for advance voting and on election day) and entered into EMS. This information could be viewed in a dashboard, but the Electoral Commission told us that the dashboard understated demand by about 6%.

4.59 Despite this information being available and a potentially useful indicator of incoming enrolment volumes, we were told that the enrolment team did not use it to understand and manage the flow of work. The enrolment team used the numbers from the enrolment forms scanned and digitally entered as these came into the processing system. The Electoral Commission told us that some electorates did not scan and upload enrolment forms in a timely way.

4.60 We question whether the Electoral Commission was quick enough to use the tools at its disposal to identify the increase in enrolments and special votes, and to deploy extra resources where they were needed. We were told that it was apparent to staff early on that enrolment volumes were high and that this would affect other processes. That knowledge does not appear to have been widely communicated or the implications understood.

A condensed timeframe to complete post-election processes

4.61 The increased volume of enrolments and the delay in closing the electoral rolls condensed the time available to complete all post-election processes into the third week of the post-election period.[27] Those post-election processes were supposed to happen in the second week, so the delay further limited the time needed to respond to any issues that arose when completing third week tasks, such as conducting reasonableness checks across all results and confirming, finalising, and publishing the results.

4.62 As a result, at 5.22pm on the day before the official results were announced, the Electoral Commission issued instructions to electorates to:

- make a decision about apparent dual votes based on the information held and extract any votes that could not be confirmed, as is required under section 176 of the Electoral Act, so that the final status of each voter's vote could be entered into the electronic system used to compile the master roll; and

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27 Post-election processes included scrutinising eligibility to vote, processing special votes, investigating apparent dual votes, extracting post-writ changes (such as ineligible voters, those eligible for party vote only), and completing the count of all ordinary and special votes.

- apply the qualification status of the special votes returned from the Registrars of Electors or enrolment team so that votes could be either included or excluded from the special vote count.

4.63   The latter instruction was needed as different parts of the Electoral Commission were working together to resolve clerical errors, and there was no further time to solve all remaining items.

4.64   Although there were working documents that recorded some of the queries and work completed within the Electoral Commission, there is no system to record or track how many special vote decisions were questioned by electorate managers or what changes were made after these discussions.

4.65   The instruction to resolve remaining apparent dual votes meant that decisions needed to be made based on the information available at the time. The Voting Services team at the Electoral Commission had a record of the apparent dual votes that were being resolved when the instruction was issued. Many apparent dual votes are found to be due to clerical errors, such as the same voter being accidentally marked off an electoral roll twice. Apparent dual vote investigations are complex and time-consuming to complete. In some electorates, due to the shortened timeframes, not all investigations could be completed before the deadline.

4.66   Section 176 of the Electoral Act requires any apparent dual vote to be removed, so the Electoral Commission's instructions to rely only on the information from the enrolment team and the master roll does not seem unreasonable in the circumstances.

4.67   However, the instructions were not completely followed, and the Electoral Commission was not aware of this at the time. Although Voting Services had a monitoring process, it did not identify that some apparent dual votes had not been extracted.

4.68   The Electoral Commission told us that electorate managers ran out of time to complete dual vote investigations and did not extract remaining apparent dual votes that had not been resolved by the deadline. Some electorate managers might have extracted dual votes that they had resolved but were unable to update the records after the deadline.

4.69   When official results were announced, there were 892 apparent dual votes on the apparent dual vote reports for all electorates that might not have been resolved and extracted in keeping with the instructions given. In electorates where the vote count margins were narrow, this could have affected the candidate result. Further

investigation by the Electoral Commission provided more certainty and reduced the numbers that might have affected the candidate result.[28]

4.70   The Electoral Commission told us that even if the instruction to remove the apparent dual votes had been followed completely, it would not have resulted in a different outcome in any electorates. The Commission has notified the Chief District Court Judge and the three judges who oversaw judicial recounts and provided a briefing. The judges acknowledged the information provided. They noted that there was nothing they could have done differently based on the information given to them at the time of the recount, that they no longer had a role to play, and that they have not asked the Commission to take further action. The Commission has also notified the Minister and the Secretary for Justice.

4.71   The shortened timeframe to complete dual vote investigations was unprecedented, and there was no standard operating procedure to check that the dual vote investigations had been resolved. This introduced a risk that could have undermined the integrity of the official results.

4.72   Several electorates and the team processing votes received from overseas completed vote extractions and data entry just before midnight on Thursday 2 November, the night before official count results were announced. The extraction process is manual, and involves election workers identifying ballots that are ineligible to be counted and physically removing them. This was done late at night under great time pressure.

4.73   This in turn put significant pressure on the remaining reasonableness checks[29] that needed to happen before the official count was finalised. A final quality assurance check that would usually be completed over two days had to be completed within hours. In our view, these factors contributed to election count processes and quality assurance checks failing to detect and prevent the errors in the official results.

4.74   We acknowledge that there are several prescriptive legislative requirements that dictate timing (return of the writ) and process for an election. In this instance, because there was a statutory deadline and fixed resources, the trade-off between cost, quality, and timeliness was made in favour of timeliness. The Electoral Commission needs early information to be able to make decisions on the types of trade-offs it may be facing, and to communicate this.

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28   The Electoral Commission has carried out further analysis which identified 321 apparent dual votes that could have affected candidate counts across all electorates. There was one electorate where there was a small margin between the leading and second candidate (even after judicial recount), and where the apparent dual votes report showed that up to 60 apparent dual votes might not have been removed. This was of particular concern to us. Subsequent analysis by the Commission has identified that, at most, 24 of these votes may have impacted the candidate vote.

29   We describe these in paragraphs 3.33-3.41 and 4.29.

Other systemic factors might have contributed to the errors

4.75   In the course of our work, we also observed some systemic factors that might have contributed to the errors made. We have outlined these and made some wider recommendations for the Electoral Commission to consider.

Guidance could be improved

4.76   There were manuals and other guidance for Electoral Commission staff and election workers to help them run the election and to count the votes. The Commission also had a comprehensive programme for training staff. However, aspects of the guidance and training could be improved.

4.77   As already noted, the National Office did not have its own processes for the vote count fully documented at the time of the election. The Electoral Commission told us that it has now revised and completed its Voting Services Process Manual. Keeping resources up to date and fit for purpose can help ensure that processes are well understood and followed consistently.

4.78   Detailed but clear operating manuals will reduce human error and ensure that individuals understand what they need to do, who they are accountable to, and what they are responsible for. This is particularly important for the Electoral Commission because turnover for electorate and National Office staff is high. There are large numbers of staff involved in the count, and they need to understand their roles and who is accountable for quality checks.

4.79   Role-specific election processes for election workers are documented in a suite of operational manuals and personal instructional manuals. The Electoral Commission might want to consider whether improvements could be made to the language and format of manuals that are used by a largely temporary workforce with considerable variation in educational and work backgrounds. Consolidating and making the materials available digitally for voting places and electorate headquarters might make it easier for people to locate the specific guidance they are looking for.

4.80   We consider there is benefit in continuously reinforcing why people are being asked to do certain tasks, through training, manuals, and briefings. In our view, they need to better understand the potential impact on the integrity of the count if tasks are not carried out.

4.81 The Electoral Commission told us that it needs to update its operational manuals to:

- ensure that the authority for certain tasks is clear and appropriate;

- explain the importance of quality assurance checks and how electorate managers should carry them out; and

- provide more guidance on data entry checking and troubleshooting (for example, to cover an eRoll outage).

Training on post-election processes needs to be reviewed

4.82 Training helps to ensure that people understand the election processes and what is expected of them in their role. We looked at the training that election workers were given. There was some variation in the training format and delivery.[30]

4.83 The Electoral Commission provided election worker training in a variety of ways, including in-person training and self-directed online learning. Training was staggered at different times for different cohorts of regional staff.

4.84 Electorate managers received their initial training in February 2023. We were told that a lot of information was provided in a short time, and feedback surveys were generally positive. One electorate manager commented that it would have been good to have more training on the key roles that they would need to recruit for and what specific skills would be needed.

4.85 Regional trainers helped train large numbers of short-term staff, including advance and election day voting place staff, count staff, and those involved in scrutiny processes. More comprehensive training was provided to logistics managers, recruitment and rostering managers, official count process leads, and post-election managers. Regional managers and regional advisors also provided on-the-job coaching.

4.86 Within electorates, training could be variable. One electorate manager told us that evening training sessions for election workers were carried out in electorates based in cities, but this was not feasible in remote rural electorates. We were also told that some people were not recruited in time for training sessions and only had access to online materials.

4.87 Electorate managers had three days' training on the post-election period in September 2023. This included online training, PowerPoint presentations, and practical exercises. Training is best delivered closest to the time when it will be needed. However, we were told by some electorate managers that the post-election training was too close to the election when they were focused on preparing for election day.

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30 The format and delivery varied depending on the features of that electorate - such as the time it would take to travel to attend training in a geographically spread-out electorate compared with an urban electorate, and when people were recruited.

4.88   People responsible for specific post-election processes completed the same online training, and in-person presentations, and practical exercises as the electorate managers. People processing special votes had a half-day's training and people responsible for counting ordinary votes were given less training – about three hours. All were given a manual to read, and started work a few days before the post-election period to prepare for their role.

4.89   Some electorate managers told us that, with hindsight, they did not feel as well prepared for the post-election period as they were for the pre-election period and election day, and that more training on post-election processes would have been beneficial. One electorate manager commented that on election day, "the penny dropped that the election goes beyond the election day." Another electorate manager commented to us that they would have liked more specific training on how to do reasonableness checks, how to manage count tallies, and how to prioritise post-election activities.

4.90   We consider that particular thought should be given to the adequacy of training on post-election processes. People in key roles need to be supported with sufficient, targeted, and timely training to ensure that they have the knowledge to fulfil their role. Key messages should be re-enforced, such as accuracy over speed. Other support mechanisms might need to be put in place, particularly for people who have not worked in elections previously.

Recommendation 2

We recommend that the Electoral Commission review and update standard operations manuals and instructions, to improve the clarity of information about quality control activities and why they are important and to clarify accountability and responsibility for carrying them out.

Recommendation 3

We recommend that the Electoral Commission complete the end-to-end description of the election process and inter-dependencies of activities, and identify controls that support the election process.

It was difficult to recruit election workers

4.91   The Electoral Commission recruited about 22,000 people to work during the election period. This is a significant undertaking. Traditionally, the Commission has relied on retirees and students, who have the flexibility to do temporary work. We heard from regional and electorate managers and staff in the National Office that it was difficult to recruit enough workers. We were told that the temporary nature of the work, the modest pay, and the timing of the election might have affected recruitment. Some electorates were harder to staff than others; South Auckland and lower North Island electorates had more vacancies than other electorates.

4.92   The Electoral Commission told us that it assessed recruitment needs by using dashboard reports from the recruitment system combined with feedback from electorate managers about how recruitment was progressing. The Commission said that where gaps were identified, it would deploy National Office staff to assist. However, we did not see a comprehensive enough process for senior managers or the Board to quickly identify staffing gaps or the actions taken to resolve them.

4.93   The Electoral Commission introduced an online recruitment system in late May 2023. The Commission told us that this system was initially used internally and was expanded to manage external recruitment for the election.

4.94   The online recruitment system did reduce some recruitment risks and manual steps, for example by allowing the Electoral Commission to easily do Ministry of Justice criminal record checks on all applicants. It was also used for other employment administrative tasks, as well as to enable access to training and other work systems (although there were some challenges with this).

4.95   Some users told us that the design of the online recruitment system was too complicated and time consuming. Some National Office managers, electorate managers, and regional managers that we spoke to told us that some potential applicants for the 2023 General Election found the registration of interest and subsequent application process confusing. We were told that this could have discouraged some people from applying and might have particularly disadvantaged older applicants, who can be less familiar with using online application processes.

4.96   The timeframe needed to attract candidates and complete the full recruitment process meant people were recruited later than originally planned, which delayed their access to the online training and learning materials.

4.97   The online recruitment system was integrated with some other Electoral Commission systems. Permissions depended on the access initially given to a person, depending on the role they were appointed to. The intention was to grant the access that the Electoral Commission anticipated that people would need across different information technology systems.

4.98   Some people worked in more than one role during the election period or were delegated duties that were not originally envisaged as part of the role they were initially hired for. This created challenges and delays in arranging access to the systems they needed to use for both training and work activities.

4.99   The integration of the recruitment system and other information technology systems did not anticipate subgroups of user needs, and extra steps were needed to provide the access that people needed. This meant that some staff were unable to access eLearning before face-to-face training, either due to the extra time to get through the online recruitment process or delays in gaining access.

4.100   The Electoral Commission's recruitment strategy for key roles has to be designed to employ the right people with the right skills to the right place at the right time. Regional managers told us that they had difficulty recruiting electorate managers with prior experience and recruiting appropriately experienced people to other critical roles, such as post-election managers and official count process leads. This was particularly so in rural electorates.

4.101   From what we understand about post-election processes, the work requires good attention to detail. Some electorate managers said that, with hindsight, they wished they had understood earlier the type of skills that would be called for when hiring post-election managers and official count process leads.

4.102   Thought should be given to the timing of recruitment for post-election managers and official count process leads. Electorate managers would benefit from receiving guidance about the skills required for these roles which differ from pre-election and election day work.

Recommendation 4

We recommend that the Electoral Commission review the personnel requirements for elections, the process for recruiting and training election workers, and planning for contingencies (such as staff unavailability, system outages, and fatigue).

People worked long hours

4.103   We were told that election staff were working long hours for extended periods
         in the lead-up to election day and in the post-election period. The Electoral
         Commission told us it had a Health Safety and Wellbeing Lead and had mitigation
         steps in place to support staff, including, for example, mandatory dinner breaks
         with food provided. Despite this, people still ended up working long hours. From
         election day, enrolment teams were working 12 to 14 hours seven days a week to
         process enrolments and do enrolment checks. One electorate manager reported
         that they had been working for 17 hours by the time they had to carry out their
         quality assurance checks, and that other people had been working 70-hour weeks
         for three months. Tired people are more likely to make mistakes.

4.104   We were told that National Office staff were also stretched during the official
         count period. Four staff were involved in completing quality assurance checks
         while also providing field support and preparing for the Port Waikato By-election.
         The need for the Port Waikato By-election shortly after the 2023 General Election
         meant the Electoral Commission had to plan the by-election and make changes to
         count systems and reports at a critical time in the election period. Not being able
         to separately resource and manage the by-election reduced the attention that
         staff were able to give to quality assurance checks.

4.105   Staff fatigue, particularly in the post-election period, is a significant operational
         risk that the Electoral Commission needs to manage carefully. Specific
         consideration should be given to rostering to ensure that staff responsible for
         final count and quality assurance checks are adequately rested. This might require
         building in additional resource and quality assurance for the post-election period.

4.106   It is important for the Electoral Commission to have contingency plans that
         enable electorates and the National Office to "scale up" quickly, cover absences or
         staff shortages, and manage fatigue over an extended election period.

4.107   In our view, the Electoral Commission needs to carefully review resourcing to
         ensure that enrolment and post-election work can be completed in a timely
         way and avoid pressure on the later processes that are safeguards to providing a
         correct official count.

There were challenges with information technology equipment and systems

4.108   We were also told about challenges accessing enough information technology hardware and systems to do the work efficiently and within timeframes.

4.109   In particular, several electorate managers said that there were not enough laptops for electorate headquarters staff. This caused delay and inefficiency, which in turn affected processing times for official count activities.

4.110   The complexity of the recruitment system and challenges in the induction process, particularly for staff working in more than one role, resulted in people sharing passwords to access the systems they needed to complete their work. People sharing passwords and requesting blanket access to multiple systems to work around permissions issues introduced other security risks.

4.111   Improvements could be made to information technology systems to better manage material handling, particularly ballot boxes. Currently, tracking ballot boxes is not integrated into EMS. Integrating these systems would be one way to ensure that all ballot boxes issued to voting places are tracked and counted.

4.112   It is vital that the Electoral Commission's systems are stable, robust, and secure. We have been told that two of the Commission's three systems that are critical to support running elections are at "end of life" and that it is difficult and expensive to maintain and make changes to them. We understand that work has been commissioned to better understand the remaining capability of these systems.

4.113   We encourage the Electoral Commission to consider its information technology as part of assessing organisational and election risks. As part of this, the Commission should consider potential security risks associated with how the various systems, including the online recruitment system, are configured.

Recommendation 5

We recommend that the Electoral Commission review hardware requirements, to ensure that electorates have sufficient technology to complete tasks required of them.

Recommendation 6

We recommend that the Electoral Commission review the information technology systems that support the election process to ensure that they remain fit for purpose for both electorate and National Office functions.

The Electoral Commission's approach to managing election risks

5

5.1 Our review looked at how the Electoral Commission considered and managed risks related to running the 2023 General Election. The Commission has a low tolerance for certain risks, including the risk of significant reputational damage, loss of trust in the system or the Commission by the public, political parties, or other key stakeholders, and an actual or perceived lack of integrity in its processes, systems, and behaviours.

5.2 Risk management is about identifying and treating risks so that the Electoral Commission can achieve its objectives. Assurance is about having confidence that risks are being managed as intended and residual risks are within the organisation's risk tolerance.

5.3 Risk treatments can include ways to manage or control risks by reducing their likelihood or impact, mitigating their impact, or avoiding the sources of risk. It can also include taking advantage of opportunities that may make a favourable outcome more likely.

5.4 The Electoral Commission has a Risk Management Policy (the Policy) and Risk Management Operational Framework to govern its risk management.

5.5 The Electoral Commission recognised weaknesses in risk management and assurance in its 2022 review and has recently invested in risk management and assurance to strengthen these functions.

Risk management before the election mostly focused on external risks

5.6 Our overall observation is that the Electoral Commission had a well-structured approach to managing external risks in the lead-up to the 2023 General Election. There was less emphasis on internal risks to the accuracy of the count.

5.7 In the lead-up to the election, the Electoral Commission was particularly focused on external risks, such as potential disruptions due to serious weather events, mis/disinformation, threats to health and safety, privacy risks, and external cyber security risks.

5.8 The Electoral Commission told us that they focused on some internal risks in the lead up to the election, including financial controls, health, safety, and well-being, the integrity of enrolment processing in relation to the Māori electoral option, and security preparedness, including insider threats. The Electoral Commission Board did site visits to electorates to understand field activities. However, there wasn't a focus on post-election internal controls.

5.9   In our view, the post-election internal risks did not receive enough attention, meaning that they were not well understood, were underestimated, or assurance was not available about whether internal controls could effectively reduce the risk to a tolerable level. It is unclear to us how the executive leadership team or the Board received assurance that risks affecting the accuracy of the count were well understood and would be well managed.

5.10   Legislative responsibility for electorate matters sits with electorate managers, and a lot of decisions are delegated to electorates. The Board received information on voting statistics and was informed of risks and statistics affecting electorates.

5.11   Getting ready for the election was managed separately from the Electoral Commission's usual operations. It was managed as a programme of work (the GE2023 Programme). We consider this is an appropriate way to manage an election, which is a significant event made up of inter-related activities, held every three years, that is different from day-to-day operations. Good programme management typically includes good risk management discipline.

5.12   A separate governance structure (the Programme Board) was established to oversee the successful running of the election and ensure that election integrity was maintained. The GE2023 Programme had five workstreams, each managed by a project manager. The Programme Board reported to the Electoral Commission Board, providing it with assurance about readiness for the election.

5.13   In May 2023, an external independent quality assurance (IQA) provider carried out a "health check" of the GE2023 Programme. A health check looks at how a programme is managed and governed to consider whether everything is in place for the programme team and governance to plan, deliver, guide, and control the programme.

5.14   The Electoral Commission received an overall delivery confidence of "likely" from the IQA. This meant that attention was required to ensure that risks did not materialise into issues that would threaten key milestones. The report contained 23 summary recommendations, categorised into 11 focus areas. The Board accepted the recommendations, prioritised them, and prepared action plans. Progress reports and evidence that recommendations had been completed was reported to the Programme Board monthly.

5.15   One high-priority recommendation was to conduct quarterly risk workshops with key programme/project stakeholders. Ongoing risk workshops involving a range of stakeholders is a useful way to identify risks or changes to identified risks.

5.16   This was not completed before the Programme Board was replaced by a General Election Delivery Taskforce (discussed below). Up until the Taskforce took over, risks were being managed, documented, and reported.

5.17   Voting Services (a workstream within the GE2023 Programme) was responsible for designing and delivering all voting services for the election, including field readiness and the post-election process design. We did not see evidence that internal (largely manual) controls that affect the accuracy of the official count were identified as a risk to be managed. This would have been challenging to do because, as we describe in Part 4, the Electoral Commission did not, at that stage, have a fully documented end-to-end process for the election. We consider that the effectiveness of controls within these processes was misunderstood or over-estimated.

5.18   The approach to managing risks in the lead-up to the election was structured, and included regular monitoring using a risk register and escalating risks to the Electoral Commission's Board when required. There were also recognised constraints to be managed. These were time, cost, resource, and legislative constraints affecting how the election needed to be run.

5.19   It is widely recognised that there are three constraints to managing any project that affect whether the project will deliver its full scope – time, cost, and quality. These are often competing constraints, and trading between them is usually possible. However, when trade-off options are limited, there is a heightened risk that the quality of the end product (in this case, the accuracy of the election results) may be adversely affected.

5.20   For the 2023 General Election, the scope was well defined (the election and its result) and there was limited ability to adjust time and cost (including the ability to increase resourcing). As a result, quality was more vulnerable and was the option that was, effectively, traded off.

5.21   Risk can be defined as the impact of uncertainty on objectives. The shift in voter behaviour to later enrolment, the high volume of enrolments, the compounding pressure on post-election processes, and the instruction to not continue investigating apparent dual votes inevitably brought uncertainty. We consider that this should have been identified as a serious risk with implications for reputational damage (as has happened) and should have been managed appropriately until the election results were announced.

The approach to managing risks changed before the election

5.22   From 10 September 2023, about a month before election day, the General Election Delivery Taskforce was set up specifically to manage running the election. This replaced the Programme Board. During the election, the Chief Electoral Officer and the Acting Chairperson of the Board received assurance from the Taskforce on the status of election activities across the country.

5.23   In our view, planning for and running the election, including the official count, should be regarded as a single programme made up of multiple projects. Maintaining the same programme management discipline throughout the entire period would have provided a continuous and consistent approach to identifying, assessing, managing, and reporting risks to the Board.

5.24   The Taskforce was large, with 16 staff members and five regional managers. The Chairperson of the Taskforce reported daily to the executive leadership team. The Chief Electoral Officer (a member of the executive leadership team) escalated issues to the Electoral Commission's Board, which he was also a member of.

5.25   The Taskforce took a less structured approach to reporting and managing risks and issues. It did not formally report on risks (previously monitored through risk registers) or track progress against expected election milestones. Updates at the taskforce meeting were provided verbally, and the situation report was a record of discussions held and actions taken or to be taken. The situation reports were available to the executive leadership team.

5.26   We were told that there was not a good understanding (including by the executive leadership team) of roles and responsibilities in the post-election period and the sequencing of tasks, including the effect of delays.

5.27   When the executive leadership team became aware of significant delays in processing enrolments in the post-election period, there was limited time and few options at that stage to address the issue. The executive leadership team and the Board were not receiving sufficient information about the post-election process to be able to make informed and timely decisions to manage the risks before they became issues.

5.28   We were also told that there was, at times, reluctance to raise and escalate risks, and a tendency to downplay the likelihood and/or impact of risks.

5.29   The Electoral Commission has low tolerance for risk of a "loss of trust in the system by the public, political parties, or other key stakeholders". With that in mind, we consider it needs to improve its risk management approach to ensure that there is an appropriate focus on post-election risks, and improve its processes for preventing and detecting errors.

5.30   Although we welcome the Electoral Commission's investment in its risk and assurance functions, we did not see a holistic assessment of all sources of risk to the integrity of the election, or complete documentation of the associated controls it would use to ensure that these risks were well managed. Without that, assurance to the Board will remain limited.

Recommendation 7

We recommend that the Electoral Commission enhance risk identification processes and continue to apply programme and project management disciplines (including managing risks) throughout the election period.

6 Comments from the Electoral Commission

6.1 The Electoral Commission is required to report to the Minister of Justice on the operation of the 2023 General Election in May 2024. Our report will be considered in the context of the Commission's review of the election.

6.2 The Electoral Commission is moving into its "planning: define and design" phase for the next general election. This will include making any process changes that it considers necessary. The Commission has been gathering and documenting feedback and lessons about various aspects of the election process. Continuous improvement is a feature of good practice in managing systems and processes. We encourage the Commission to continue this practice.

6.3 These reviews will help the Electoral Commission decide what further work and projects should be prioritised to prepare for the next election. We suggest the Commission prepare an improvement plan to progress these changes in a structured and monitored way.

6.4 The Electoral Commission has told us that it is planning to make several changes.

Statement from the Electoral Commision

The Commission is grateful for the Controller and Auditor General's comprehensive review of the errors in the 2023 general election results. The findings and recommendations are fully accepted.

While the errors were too small to impact on the final results, we deeply regret they occurred. There will always be errors in a predominantly manual process, but we acknowledge that the existing processes and controls did not operate effectively in all cases in 2023.

The large 46% increase in people enrolling during the voting period in 2023 over 2020 put huge pressure on our processes and people, directly contributing to these errors.

The Commission has had to make many difficult trade-offs over the years in election service levels, responding to new and significant risks and threats, and continually improving the resilience and integrity of key election processes. Going into 2023 mitigating risks of disruption from foreign and domestic activities and further catastrophic weather events was a focus. While these were external risks, important internal processes were reviewed and strengthened with these in mind. We will have to continue to make difficult decisions, but a focus on integrity will be a priority.

The Commission had already invested in 2023 in better capabilities to review and assure key election processes, which places it well to address the recommendations ahead of the 2026 general election. In addition, the Commission's Board has:

- *Comprehensively reviewed delivery of the 2023 election and particularly the post-election period, and will report to Parliament at the end of May this year*
- *Adopted an updated assurance policy and audit plan, setting clearer expectations for the management and reporting of controls activity*
- *Commissioned audits on post-election and enrolment processes to identify any further gaps or improvements needed to quality assurance controls*
- *Initiated a review of operating manuals and training to improve the implementation of quality assurance controls during delivery of elections*
- *Prioritised making improvements to post election processes to improve the integrity and timeliness of the official count*
- *Approved short term changes to strengthen the official count process for any by-election required before a full review of post-election processes is completed*

The Board of the Commission will closely monitor and report on the delivery of these and other improvements to ensure New Zealanders can continue to have trust in the delivery of elections.

Appendix
Terms of reference for our review

Review of quality assurance processes for Vote Count in 2023 General Election

The Electoral Commission asked me to undertake a review of quality assurance processes relating to the vote count in the 2023 General Election. I have agreed to undertake this work and will independently report my findings.

Background

Following the publication of the official results of the general election on 3 November 2023, the Electoral Commission became aware of issues relating to the counting of votes. Subsequent investigation found that three voting places had misallocated party votes to the wrong parties during data entry, another 15 voting places had similar errors for candidate votes, one electorate had special votes entered incorrectly, five voting places had correctly entered voting data, but for the wrong days, and one electorate had missed counting the votes in a ballot box during the official count.

Although none of these errors changed the overall (or electorate level) result, nor leading candidates, the Commission had expected its quality assurance processes to have identified and corrected those errors before the official count was completed. Amended official results were published on 9 November 2023.

Outline of the work

The Board of the Electoral Commission is seeking an independent review to assess the effectiveness of current quality assurance processes for counting votes and to recommend any improvements needed. We will do this by reviewing the quality assurance policies, processes and measures relating to the errors that have been identified when counting the vote.

The review will also consider any improvements that could be made to ensure the integrity of the vote count and make recommendations to improve the integrity of the counting process. As I have indicated, I intend to independently report on my findings but anticipate that the work will inform the Electoral Commission's report on the General Election to the Minister of Justice under section 8 of the Electoral Act 1993.

My review will:

- Consider the 22 errors that the Commission has already identified; and
- Examine:
  - why those errors occurred;
  - what quality assurance processes or controls relate to those errors;
  - whether the design of those processes or controls is effective;
  - whether the operation or implementation of those controls is effective; and
  - what the Commission did once those errors came to light; and
- make observations about improvements that could be made to those quality assurance processes and any other observations about improvement that arise from our work.

How we will carry out this work

We anticipate the work will include:

- reviewing the processes and manuals used by the Commission;
- considering any additional relevant documentation;
- interviewing Commission staff and those involved in the eight electorates where the errors occurred (which might involve travel to those electorates);
- assessing the results of that work and preparing a draft report;
- providing the Commission an opportunity to comment on the report and considering those comments; and
- publishing the report.

As discussed with you, we intend to publish our final report and anticipate that will also involve tabling in Parliament.

We will undertake the work under section 17 of the Public Audit Act 2001 which allows the Auditor-General, with the agreement of a public entity, to perform any services of a kind that it is reasonable and proper for an auditor to perform.

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