

Electoral (Lowering Voting Age for Local Elections and Polls) Legislation Bill

September 2023



New Zealand Council Of
Christian Social Services

Tirohanga Whānui | Overview

The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on the Electoral (Voting Age for Local Elections and Polls) Legislation Bill. We broadly support the kaupapa to reduce the voting age for local elections and polls, however we retain some concerns about the scope and impact of this legislation.

Our main points are:

Item One

We strongly believe that te Tiriti o Waitangi must be included in this bill.

Item Two

Exclusion of young people serving terms of imprisonment is unacceptable.

Item Three

Further review is required of the regulations for eligibility of young people with disabilities.

Taunakitanga | Recommendations

We raise the following points and recommendations for consideration:

Item One

The legislation as currently drafted makes no mention of te Tiriti o Waitangi. As the foundational document of our democracy, it is imperative that it be included in the process of both drafting and implementation of this bill. As Māori have been historically disenfranchised in our voting system, consideration must be given to rectifying the ongoing issues that have stemmed from this with Te Tiriti as the guide.

Recommendation:

We ask that te Tiriti o Waitangi be included in both the bill and the regulations implemented following its passing.

Item Two

As recommended by the [Independent Electoral Review Interim Report](https://electoralreview.govt.nz/assets/PDF/IER-Interim-Report.pdf)¹, those who are ineligible to vote due to a term of imprisonment are deprived of a basic right, just as those who are currently unable to vote due to the age restraints. The Electoral Review recommendation mentions that the current legislation has been found to contravene te Tiriti o Waitangi in the Waitangi Tribunal's

¹ <https://electoralreview.govt.nz/assets/PDF/IER-Interim-Report.pdf>

report [He Aha I Pērā Ai?](#)². This legislation provides a significant improvement to the status quo, however the ongoing disenfranchisement of many of those within our corrections facilities must be changed. This disenfranchisement disproportionately affects Māori, who as discussed above have already faced large hurdles to be afforded the right to vote.

Recommendation:

We recommend that all prisoners be given the right to vote, in order to bring Aotearoa in line with both the basic principles of human rights and the obligations of the Crown under te Tiriti o Waitangi.

Item Three

While there is relevant and logical reasoning to exclude individuals experiencing mental health conditions which are potentially harmful to themselves and others from voting, the definition of disorder within the current Electoral Act 1993 and the Mental Health Compulsory Assessment and Treatment Act 1992 (from which the criterion for exclusion is derived) is not fit for purpose. Mental disorders, while difficult to manage, in many cases do not remove the individual's ability to think critically and decide to vote. It may be best practise to subject an individual to compulsory treatment – however their condition does not make them incapable of critical thinking outside of those issues impacted by their condition. Decisions on the capacity to vote for individuals under the Mental Health Compulsory Assessment and Treatment Act should be made on an individual basis and dependent on their specific condition/capacity.

Recommendation:

We recommend individuals who would be ineligible to vote under s80(c)(iii) under current legislation be individually assessed for ability to understand the democratic process and their role in it, rather than being automatically ineligible.

Ko wai tātou | Who we are

NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.

Through this membership, NZCCSS represents over 250 organisations providing a range of social support services across Aotearoa. We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website www.nzccss.org.nz.

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²https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_160697181/He%20Aha%20i%20Pera%20Ai%20W.pdf