



# Protocol on the management and response to election disruptions

July 2020

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## Introduction

1. A variety of hazards and threats, such as a natural disaster, adverse weather conditions, riot or disorder, or terrorist or a cyber incident, could cause a range of unforeseen or unavoidable disruptions<sup>1</sup> to the 2020 General Election and the referendums (the General Election process) at the local, regional and/or national levels.<sup>2</sup>
2. This protocol outlines the government approach for mitigating and managing hazards and threats that may cause unforeseen or unavoidable disruptions (hereafter referred to as “disruptive events”) that impact the 2020 General Election process. Specifically, it describes:
  - a. the approach the Electoral Commission will take to disruptive-event planning in the lead-up to, and over, the election period;
  - b. the range of mechanisms available to the Chief Electoral Officer to manage the impact any disruptive event may have on the electoral process;
  - c. how the Electoral Commission, the Chief Electoral Officer, and the National Security System will work together to enable all-of-government coordination if the integrity of the electoral process is threatened or disrupted at the national, regional or local levels; and
  - d. how government agencies will liaise and coordinate with the Chief Electoral Officer and the Electoral Commission, in the run up to, and during, the election period.
3. The setting for New Zealand’s General Election process has, of course, been impacted by the ongoing global COVID-19 pandemic. The Electoral Commission has been working directly with the Ministry of Health and other state sector agencies on an approach, separate to that outlined in this protocol, for managing the response to COVID-19 during the General Election process.

## The National Security System and mechanisms for the management of disruptive events

4. New Zealand’s National Security System has two primary functions – (a) strategic governance and (b) coordinated crisis response and recovery. The governance function focuses on the architecture that provides for the proactive and coordinated management of risks that threaten national security. The crisis response and recovery function focuses on coordinating efforts to mitigate the immediate impacts of an event or emergency that

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<sup>1</sup> The definition of “unforeseen and unavoidable disruptions” is provided in section 195 of the Electoral Act 1993.

<sup>2</sup> As per the other election protocols, the ‘General Election process’ refers to the pre-planning and delivery of the 2020 parliamentary election, as well as the two referendums being held with the 2020 election.

meet certain criteria, and to ensure that longer-term recovery needs are managed appropriately.

5. As with any national-level event with implications for national security, the safety and security of the 2020 General Election process is dependent on a range of government agencies working in a coordinated manner within the National Security System governance and response architecture to mitigate and manage hazards and threats which have the potential to disrupt the electoral process.
6. Within the National Security System, individual government agencies are responsible for developing plans specific for the hazards and threats they manage, and for acting as the 'Lead Agency'<sup>3</sup> (mandated through legislation or expertise) responsible for coordinating the all-of-government planning and response to any disruptive event created by that hazard or threat, with other agencies acting in 'support'.
7. The expectation for the 2020 General Election process is that all agencies and the existing national, regional and regional/local emergency management system and structures will continue to use existing 'business as usual' processes and procedures when planning for, and responding to, disruptive events.
8. In practice, this will mean that if a response is required to manage a disruptive event, and **either the event itself or the response** disrupts the 2020 General Election process, agencies must give due consideration to minimising any further disruption to the General Election. Agencies should account for this requirement in their planning, and when coordinating their response (whether or not it requires formal activation of the National Security System) and should seek to escalate any concerns through the standard National Security System escalation process (outlined in more detail below).
9. To note, several arrangements and mechanisms that exist at the local, regional and national level to ensure the effective management of disruptive events are relevant for managing risks (and possible responses) related to the 2020 General Election process:
  - Sections 195 to 195E of the Electoral Act 1993, which specifically sets out powers for responding to an unforeseen or unavoidable disruption that is likely to prevent voters voting at a polling place or pose a risk to the proper conduct of an election.
  - The [National Security System Handbook](#) describes the conditions in which the Government should activate the National Security System. This covers events that are nationally significant, or complex enough, to demand a coordinated strategic approach at the national level. The Handbook contains guidance about:
    - The role and function of the National Security System;
    - National Security System Governance Structures; and
    - The role of the National Security System in response in a response to a potential, emerging or actual event.

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<sup>3</sup> See Annex A for a list of Lead Agencies.

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- The Civil Defence Emergency Management Act 2002<sup>4</sup>, which creates the framework within which New Zealand can prepare for, respond to, and recover from local, regional and national emergencies. This includes:
  - [The National Civil Defence Emergency Management Plan](#), which -
    - provides a framework to which all other emergency management plans must align;
    - outlines arrangements for the coordination of emergency management activities during emergency; and
    - describes the roles and responsibilities of government agencies and Civil Defence Emergency Management Groups before, during and after emergencies.
- The COVID-19 Public Health Response Act 2020, which provides a legal framework for responding to COVID-19 over the next two years unless repealed earlier.

10. A variety of plans and guides that provide further detail for responses to specific events supplement these national security and emergency management arrangements.

### Governance arrangements for managing election disruptions

11. The Electoral Commission has established governance arrangements to support the delivery of the 2020 General Election process. Two key bodies under these arrangements will undertake specific tasks in the lead-up to, and over, the election period.
12. These governance bodies have been established in a manner consistent with the regular operation of the National Security System. The chairs of both bodies report into National Security System governance at appropriate levels (more details below).

### Senior Officials Committee for the 2020 General Election

13. The Senior Officials Committee will provide advice on planning (from an elections perspective) for responses to disruptive events that may impact the General Election process.
14. This Committee, chaired by the Chief Electoral Officer as Chief Executive of the Electoral Commission, includes representatives from the Ministry of Justice, Department of the Prime Minister and Cabinet (including the National Emergency Management Agency and Cabinet Office), Government Communications Security Bureau, New Zealand Security Intelligence Service, Department of Internal Affairs, Te Puni Kōkiri, Ministry of Foreign Affairs and Trade, Crown Law, and New Zealand Police. For the purposes of preparing for and responding to disruptive events, the Committee advises the Chief Electoral Officer,

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<sup>4</sup> The Civil Defence Emergency Management Act defines the functions and responsibilities of government departments, local government agencies, emergency services and lifeline utilities in planning and preparing for emergencies and for the response and recovery in the event of an emergency. The Civil Defence Emergency Management Act operates alongside a range of other legislation and the associated [National Civil Defence Emergency Management Plan Order 2015](#).

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who informs the National Security System Security and Intelligence Board, which meets monthly.

15. The Committee ensures the Commission and government agencies are clear on their individual and shared responsibilities for the management of, and response to, disruptive events. More specifically the Committee:
  - oversees risks that threaten to disrupt the 2020 General Election and referendums and provides guidance or direction as appropriate to the Risk and Security Working Group on the management of responses to these risks;
  - ensures effective planning, co-ordination and collaboration is occurring, including work directly considering the management of, and response to, of the full range of potential disruptive events; and
  - provides advice to the Chief Electoral Officer on issues to be raised to the SIB, the Hazard Risk Board, or separately with agency Chief Executives.

### The Risk and Security Working Group

16. This Working Group, chaired by the Deputy Chief Electoral Officer, includes representatives from agencies on the Senior Officials Committee and wider agency representatives to reflect the all hazards/all risks focus of the group. For the purposes of risk reduction and preparing for disruptive events, the Working Group reports into the Major Events Security Committee, a sub-committee of the Security and Intelligence Board.
17. The Deputy Chief Electoral Officer leads the development of an inter-agency all-hazards risk management approach through the Working Group. The Working Group assists in identifying external risks and threats to the election and possible mitigations. The Deputy Chief Electoral Officer seeks guidance from the Working Group for how to best work with Lead Agencies to ensure these risks are managed and mitigated. The risks, mitigations and management actions will be recorded in a risk profile that will be updated consistently and provided to the Senior Officials Committee monthly to inform forward planning.
18. The Working Group:
  - keeps the Senior Officials Committee, wider National Security System and other required agencies/entities informed of the risk profile and inter-agency preparedness for the election;
  - provides advice to support the Electoral Commission's development of contingency plans to enable coordinated responses to potential events, together with the lead agency responsible for that particular hazard/risk at local, regional and national levels; and
  - supports the Electoral Commission's scenario testing of these contingency plans to evaluate the level of readiness to respond to disruptive events and ability of the electoral process to recover.
19. The establishment of clear thresholds and decision points to identify at what point an event may threaten to disrupt the electoral process, and what steps to then take, is a core part of Electoral Commission's contingency planning. Through the Working Group, the

Electoral Commission will work with other government agencies to understand current thresholds, authorities, freedoms, limitations and constraints granted by legislation.<sup>5</sup>

**Information sharing**

- 20. The Electoral Commission and government agencies will proactively share information that could have a bearing on the successful conduct of the election. The primary channels for this sharing of information will be through the Senior Officials Committee and the Risk and Security Working Group. Senior Electoral Commission staff may also brief established National Security System governance bodies, including the Security and Intelligence Board, Hazard Risks Board and Major Events Security Committee.
- 21. With regard to potential disruptions, it is a general requirement that agencies share information they have with relevant lead agencies should information come to hand. Some examples of potential disruptions and who should be notified are provided below:

<b>Example</b>	<b>Agencies to notify</b>
An agency becomes aware of cases of illness that could be related to a pandemic	District Health Boards
An agency becomes aware of a suspected Foreign Interference or cyber security threat to the election	NZSIS and/or GCSB as relevant
An agency becomes aware of threats of violence by an individual or group against others turning out to vote	New Zealand Police

A further list of Lead Agencies for the purposes of information sharing is provided at Annex A.

- 22. Outside of these bodies, information can also be exchanged on a business-as-usual basis between the Electoral Commission and government agencies electronically on the SEEMAIL system up to the 'In Confidence' level, or at higher classification by manual means.

**The National Security System – escalation and activation for disruptive events**

- 23. The National Security System may be activated to support agencies to work together at the local, regional and national levels to ensure that any Government-led response to a disruptive event considers the need to preserve the integrity of the New Zealand electoral process as best it can.
- 24. To note, for emerging risks or a disruptive event occurring at either local or national level, which impact the 2020 General Election process:
  - ⇒ the responsibility for managing the response to the event in general, and its non-electoral impacts, falls to the Lead Agency responsible for the specific hazard/risk as per standard National Security System arrangements; and

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<sup>5</sup> Senior Officials Committee for GE 2020, Terms of Reference.

⇒ the key decision-making powers for maintaining the integrity and conduct of elections are vested in the Chief Electoral Officer (and are further outlined at paragraphs 39 - 68).

### Escalation

25. During the 2020 General Election process (as during business as usual), there is an expectation that Lead Agencies will escalate concerns about emerging risks/events with implications for national security into the National Security System architecture for appropriate consideration and possible activation. For the 2020 General Election process, the Chief Electoral Officer can also escalate concerns into the National Security System if necessary.
26. More specifically, before or during the election period, there may be disruptive events or responses that a Lead Agency or another organisation believes could potentially impact the 2020 General Election process. In the first instance, the Lead Agency should contact the Electoral Commission to discuss. Should this discussion result in identification that the situation warrants National Security System consideration based on its relationship to the electoral process, the Electoral Commission should contact the Deputy Chief Executive, DPMC National Security Group to discuss whether escalation is needed.
27. Similarly, if the Chief Electoral Officer believes a threat to the 2020 General Election process exists (or is emerging) that is beyond the capability/capacity of the Electoral Commission to manage - and which therefore requires an all-of-government system level response - she will contact the Deputy Chief Executive, DPMC National Security Group to discuss.<sup>6</sup> If warranted, the National Security System will be activated by the Chief Executive DPMC in their capacity as the Chair of the Officials' Committee for Domestic and External Security Coordination (ODESC – further outlined at paragraphs 33-36).

### Activation

28. The National Security System activates to provide for a coordinated and flexible response in which:
  - Risks are identified and managed,
  - The response is timely and appropriate,
  - National resources are applied effectively,
  - Adverse outcomes are minimised,
  - Multiple objectives are dealt with together, and
  - Agencies' activities are coordinated.
29. Lead agencies are well-versed in their responsibilities regarding escalation to the National Security System. During the 2020 General Election process, these agencies will be expected to follow their standard escalation processes if they consider that a hazard or threat is emerging that warrants National Security System consideration and possible

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<sup>6</sup> Should the Chief Electoral Officer not be available, the Deputy Chief Electoral Officer of the Electoral Commission will undertake this action, as the formal delegation holder.

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activation (further details about what could trigger an activation contained in the 2016 National Security System Handbook). This may include a conversation with the DPMC National Security System Duty Officer, Deputy Chief Executive, DPMC National Security Group, or the Chief Executive DPMC, depending on the nature of the presenting issue.

30. DPMC, in consultation with the lead agency, will establish what the most appropriate meeting mechanism should be, based on the nature of the emerging issue or event that has occurred. It is important to note that the system does not have to be formally activated for agencies to coordinate a response to an issue. In some cases, an Interagency Working Group will be sufficient to manage the issue within business-as-usual processes and the Electoral Commission will be involved as relevant. This can, but does not necessarily, escalate to an activation of the National Security System, which is considered to be activated when a Watch Group or an ODESC meeting is convened.

### *Watch Group*

31. A Watch Group of senior officials may be called by DPMC to monitor a potential, developing or actual crisis. Watch Groups are used to obtain situational clarity in what is often a chaotic environment and are responsible for ensuring that systems are in place to ensure effective management of complex issues. The Chair of the Watch Group reports on the Watch Group's assessments and advice to ODESC.
32. Should a Watch Group be called to monitor a potential, developing or actual crisis that may threaten the effective conduct of the electoral process, the Chair of the Watch Group (the Deputy Chief Executive DPMC National Security Group or their delegate) will invite the Chief Electoral Officer to designate appropriate senior staff to attend the Watch Group. If required, the attendance of one or more of Senior Officials Committee members may also be requested.

### *The Officials Committee for Domestic and External Security Coordination (ODESC)*

33. ODESC is the committee of Chief Executives, which is responsible for providing strategic direction and coordinating the all-of-government response during an actual (or emerging) security event. ODESC is chaired by the Chief Executive DPMC, who will invite Chief Executives to attend based on the nature of the response.
34. If an ODESC is convened, electoral matters will be considered alongside issues to do with the response itself. ODESC members will:
  - discuss the nature, scale and duration of the disruptive event and the planned response in relation to risks and implications to the election process;
  - ensure that relevant information is made available for the Chief Electoral Officer to consider prior to their taking decisions on election conduct as required under the Electoral Act;
  - seek advice from the Chief Electoral Officer on how she intends to manage election conduct following the disruptive event, within the bounds of the Electoral Act; and
  - seek assurance that in response to an event, officials will consider the need to minimise the threat of disruption to the election process itself.



35. Where a disruptive event is identified as likely to cause material disruption to the 2020 General Election process<sup>7</sup>, the Chief Electoral Officer will report into ODESC as both Chief Executive of the Electoral Commission, and due to the decision-making powers vested in the Chief Electoral Officer under sections 195A, 195B and 195D of the Electoral Act 1993 for maintaining the integrity and conduct of elections.
36. If there are other activations of the National Security System that appear to have the potential to impact the 2020 General Election process, DPMC will advise the Electoral Commission of the event.

#### Confirming briefing to the Prime Minister and Leader of the Opposition

37. Consulting with the Prime Minister and Leader of the Opposition is a requirement of the Chief Electoral Officer under the Electoral Act 1993 if polling day is adjourned for an initial period of no more than three days. Additionally, should the adjournment be extended by one or more subsequent periods of no more than seven days each, the Chief Electoral Officer must consult the Prime Minister, Leader of the Opposition, and any person or organisation that in the Chief Electoral Officer's opinion is able to give information about the scale and duration of the unforeseeable or unavoidable disruption.<sup>8</sup>
38. If a Watch Group or an ODESC takes place, the Chair will confirm with agencies the briefing arrangements for the Prime Minister, Minister of Justice, Leader of the Opposition and any other required persons as to the management of disruption to the electoral process, and the response to the disruptive event itself.

#### The role of the Chief Electoral Officer and Electoral Commission

39. The Electoral Commission is responsible for the operational delivery of the 2020 General Election process. The Chief Electoral Officer, as Chief Executive of the Electoral Commission, seeks to ensure the Commission acts independently in performing its statutory functions and duties.
40. The Electoral Commission must take all reasonable steps in its planning to ensure the safety and security of the public and staff while voting.
41. The Electoral Commission will ensure this responsibility is fulfilled through:
  - maintaining high-level oversight of all hazards and threats that may threaten to disrupt the General Election process and awareness of the mitigations and other management actions lead agencies may use to address these;

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<sup>7</sup> Section 195A of the Electoral Act 1993 could be triggered by disruptive events that require a more minor response by the Chief Electoral Officer, such as the need to adjourn a voting place for a very limited time i.e. keeping a voting place open for an additional 10 minutes after 7pm. The Chief Electoral Officer would not be obliged to notify ODESC in such a case of a very minor extension to polling on a small scale that would not delay the completion of the preliminary count. Notification would, however, be essential in case of a material disruptive event.

<sup>8</sup> Section 195A, Electoral Act 1993. This is the only election-specific statutory requirement. However, state sector agencies are bound to follow other consultation requirements under their guiding legislation.

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- ensuring that the security work stream conducted as part of the Commission's internal work programme for the 2020 General Election is resourced and empowered to address any risks or threats identified;
- promoting among permanent and temporary field staff a culture of security awareness;
- partnering effectively with government agencies to ensure a coordinated response should the ability to manage a disruption to the electoral process move beyond the capability and/or capacity of the Commission;
- ensuring that a high level of information sharing is maintained over the election period, as well as during the critical planning stage in the lead-up to the election; and
- developing a strategic approach to communications (across local, regional and national levels and, where appropriate, for offshore with the Ministry of Foreign Affairs and Trade), with pre-emptive material that can be immediately leveraged to respond to a disruptive event.

42. With regard the provisions of the Electoral Act for responding to electoral disruptions, the Chief Electoral Officer is empowered under the Act to respond to the disruptive event. Should the Chief Electoral Officer not be available, she may delegate these powers to the Deputy Chief Electoral Officer.<sup>9</sup>

### Local/ regional coordination, planning and response

43. Pre-planning requirements extend to the Commission's field staff. This includes Regional Managers across both the Commission's Enrolment and Community Engagement team and the Voting Services team, supported by Registrars of Electors in 17 offices around the country and 65 Returning Officers.
44. The Electoral Commission will ensure that business continuity and disaster recovery plans are developed for the election period that consider the requirements of field staff at the local/regional level. These plans will be reviewed to ensure that they align with the National Civil Defence Emergency Management Plan 2015 and other existing government agency (and other organisations) emergency management plans for their region.
45. Each Regional Manager must maintain key points of contact at the local and regional levels for:
- New Zealand Police
  - Civil Defence Emergency Management Groups
  - Fire and Emergency New Zealand
  - District Health Board
  - Ambulance
  - New Zealand Transport Authority

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<sup>9</sup> The Deputy Chief Electoral Officer is authorised to exercise all the Chief Electoral Officer's powers in her absence and holds a formal delegation.

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- and other local level officers as required, as well as key points of contact at the Electoral Commission National Office and National Emergency Management Agency level.
46. The Chief Electoral Officer requires Electoral Commission Regional Managers to notify both the relevant local authorities and the Electoral Commission National Office if they become aware of a disruptive event which they believe is threatening/may threaten the conduct of the electoral process.
47. In the case of an event that may/is threatening lives, welfare or property, Regional Managers (from both the Electoral Commission's Enrolment and Community Engagement and Voting Services staff) will liaise with local Civil Defence Emergency Management Managers and/or relevant lead agency points of contact to determine whether the event or response to the event may also disrupt the electoral process in their area. Regional Managers will then inform the Electoral Commission's National Office (at National Manager level) of the event.<sup>10</sup> If appropriate, the Electoral Commission will ensure that the appropriate national level authorities are aware of the situation.
48. In the case of an imminent threat to lives, welfare or property, any agency official will notify the New Zealand Police immediately through the 111 number.

### Disruptive events on polling day

49. Should a disruptive event impact polling day, the Chief Electoral Officer can exercise powers under sections 195A or 195B of the Electoral Act to adjourn voting at one or more polling places or provide alternative voting processes to manage the disruptive event.<sup>11</sup>
50. The alternative voting processes that the Chief Electoral Officer may adopt in order to manage a disruptive event can modify or adapt any requirements, processes or procedures under the Electoral Act. These could include (but are not limited to):
- revoking and amending a particular polling place (or places);<sup>12</sup>
  - extending and/or modifying the voting hours at polling places;
  - modifying any other requirements or procedures set out in the Act;
  - making voting by telephone dictation available to affected voters; or
  - extending to voters in New Zealand the procedure for the electronic issue of voting papers that is available to voters outside New Zealand.
51. In considering whether to exercise her powers under section 195A or 195B and in what form, the Electoral Act requires the Chief Electoral Officer to have regard to the following matters:

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<sup>10</sup> The Electoral Commission has a National Manager Voting Services and National Manager Enrolment and Community Engagement.

<sup>11</sup> The Chief Electoral Officer may modify or adapt any requirements, processes, or procedures specified by or prescribed under the Electoral Act 1993 if she considers that doing so is the most appropriate and efficient way to manage the disruptive event.

<sup>12</sup> The Electoral Commission, under section 155(5) of the Electoral Act 1993 can revoke, alter, or add to any polling places that have been appointed with no time limit, including on election day.

- a. the need to ensure the safety of voters and electoral officials; and
  - b. the need to ensure that the election process is free from corrupt or illegal practices; and
  - c. the need to ensure that the election process is concluded in a timely and expeditious manner.<sup>13</sup>
52. If the Chief Electoral Officer decides, based on the best available advice, that activating the emergency provisions is necessary, having had regard to these factors, she will exercise her powers under the Act.
53. If the disruptive event and area affected is localised, the Chief Electoral Officer will first assess alternate arrangements for voters rather than adjourn. This is due to the impact upon conduct of the election of any adjournment decision. Under the Act, if voting is adjourned in even a single polling place, the election of all Members of Parliament and, therefore, the formation of Government is delayed for the period of the adjournment.
54. When considering alternative voting process options:
- If voters can reasonably access another polling place, the Chief Electoral Officer may revoke the particular polling place(s) and continue with the conduct of the General Election process in the rest of the affected electorate and nationwide.
  - If the voters cannot get to another polling place, the Chief Electoral Officer will assess whether alternative processes such as dictation voting, or the electronic issue of voting papers is practicable.
55. Among these options, the Chief Electoral Officer will preferentially choose to revoke and amend a particular polling place(s) or extend and/or modify polling hours. While the Electoral Commission considers in pre-planning the practicality of the options of extending dictation voting and the electronic issue of voting papers, the limited scalability of these services constrains these options to localised areas with limited voting numbers.
56. If the disruptive event has or is likely to have wider effect, or the alternative voting process options are otherwise not practicable, the Chief Electoral Officer may adjourn voting in particular polling places and continue with voting elsewhere in the country.
57. The Chief Electoral Officer may choose to adjourn voting at a polling place for an initial period of no more than three days. Following this, voting at the polling place can be adjourned for one or multiple periods of no more than seven days each, for as long as the disruptive event prevents polling taking place.
58. A flow chart illustrating the Chief Electoral Officer's decision-making and notification processes is attached as Annex C.

#### Disruptive events at advance voting places or during the advance voting period

59. In the case of a material disruptive event at one or more advance voting places or such an event that meaningfully affects an advance polling place (e.g. a cyber incident that brought down the Electoral Commission's electronic systems, or an epidemic), the Chief Electoral Officer cannot adjourn advance voting. She is empowered, however, by the

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<sup>13</sup> Section 195C, Electoral Act 1993.

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Electoral Act 1993 to use the previously mentioned alternative voting processes if the disruptive event may reasonably be expected to continue until polling day.<sup>14</sup>

60. The Chief Electoral Officer would consider the same matters when exercising her discretion on disruptive events at advanced polling places as prescribed for disruptive events at polling places on election day. She must have regard to:
- a. the need to ensure the safety of voters and electoral officials; and
  - b. the need to ensure that the election process is free from corrupt or illegal practices; and
  - c. the need to ensure that the election process is concluded in a timely and expeditious manner.<sup>15</sup>
61. If the Chief Electoral Officer decides that exercising the emergency powers is necessary, having had regard to these factors, she will in the first instance look to amend voting places or modify voting at advance voting places. If this does not suitably address access for voters to advance voting places, the Chief Electoral will assess whether dictation voting, or the electronic issue of voting papers is practicable.

### Deferral of release of information about preliminary results

62. The Chief Electoral Officer must defer the release of the preliminary vote count where a disruptive event delays the close of voting, as required under the Electoral Act 1993.<sup>16</sup>
63. However, the Chief Electoral Officer may disclose the preliminary result information if she considers that the disclosure of the information will not unduly influence the overall result of the poll in an electoral district or the number of seats in Parliament that a party is entitled to be allocated.

### Public notification

64. The Chief Electoral Officer will be the key spokesperson to address conduct issues relating to the 2020 General Election process. In this role, the Chief Electoral Officer must inform members of the public of any adjournment or alternate arrangements that it has been decided will be set up as a result of the disruptive event, either during the advance voting period or on polling day.
65. Comment on the nature of the disruptive event and any of its other consequences will be reserved for the Lead Agency responding to the event, or for the event spokesperson as determined by the Lead Agency.
66. Because of the need for immediacy, public notification of changes to voting places would be by local radio or other media operating in areas impacted by the disruptive event(s). Depending on the circumstances, notices would also be put up in the impacted area(s)

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<sup>14</sup> Section 195B(1)(a), Electoral Act 1993.

<sup>15</sup> Section 195C, Electoral Act 1993.

<sup>16</sup> Section 195D, Electoral Act 1993. Note that this does apply to Special Votes not counted on election night, which includes overseas votes.


around any revoked voting places letting voters know where else they can go to vote. The Chief Electoral Officer would also notify all party secretaries.

### Continuity of Government

67. In the event of any voting place being adjourned on election day, the return of the writ is delayed by the same number of days. This means the formation of Government will be delayed for the same amount of time. Under the Electoral Act 1993, Members of Parliament cease to be members at the close of polling day.<sup>17</sup> Further, as any adjournment prevents the successful electorate candidate being declared elected, this would prevent the Electoral Commission declaring a final nationwide party result and allocating list seats.
68. The Executive can continue for a defined period following the election under current legislation. A Minister of the Crown or member of the Executive Council can continue to act in that capacity for 28 days after he or she ceases to be a member of Parliament.<sup>18</sup> In addition, a person who was not a member of Parliament but was a candidate for election, may be appointed a minister or member of the Executive Council for a period of up to forty days from the date of appointment (but must vacate office if they do not become an MP in that time).<sup>19</sup>



Brook Barrington  
**Chair of ODESC**



Alicia Wright  
**Chief Electoral Officer**



Andrew Kibblewhite  
**Secretary for Justice**

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<sup>17</sup> Section 54, Electoral Act 1993.

<sup>18</sup> Section 6(2)(b), Constitution Act 1986.

<sup>19</sup> Section 6(2)(a), Constitution Act 1986.

## Annex A: Lead agencies

These agencies are mandated (either explicitly through legislation or because of their specific expertise) to manage an emergency arising from the following hazards.

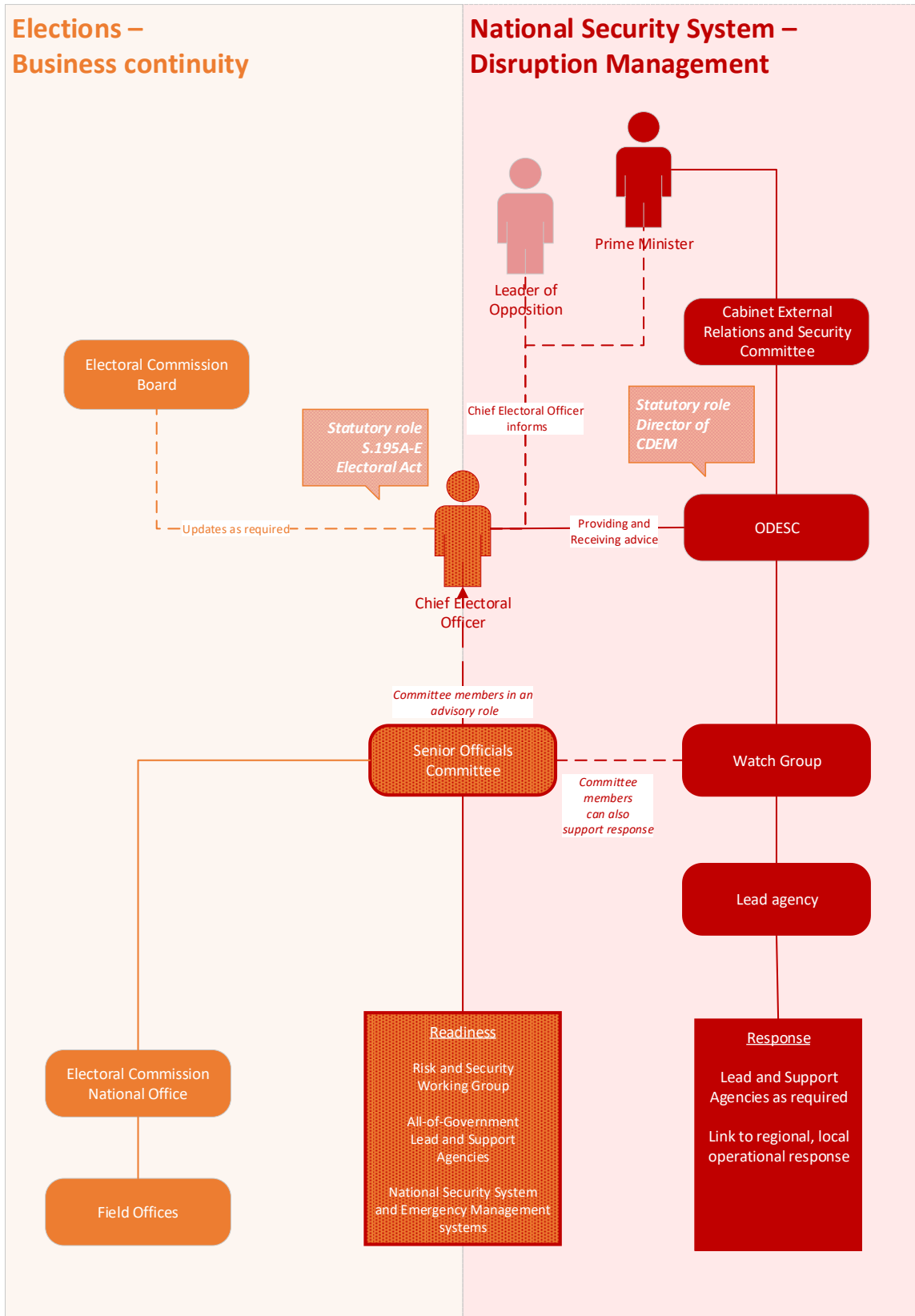
HAZARD	LEAD AGENCY AT NATIONAL LEVEL	LEAD AGENCY AT LOCAL/REGIONAL LEVEL	AUTHORITY TO MANAGE RESPONSE
Geological (earthquakes, volcanic hazards, landslides, tsunamis)	National Emergency Management Agency (NEMA)	Civil Defence Emergency Management Group	<ul style="list-style-type: none"> <li>Civil Defence Emergency Management Act 2002</li> </ul>
Meteorological (coastal hazards, coastal erosion, storm surges, large swells, floods, severe winds, snow)	National Emergency Management Agency (NEMA)	Civil Defence Emergency Management Group	<ul style="list-style-type: none"> <li>Civil Defence Emergency Management Act 2002</li> </ul>
Infrastructure failure	National Emergency Management Agency (NEMA)	Civil Defence Emergency Management Group	<ul style="list-style-type: none"> <li>Civil Defence Emergency Management Act 2002</li> </ul>
Drought (affecting rural sector)	Ministry for Primary Industries (MPI)	Ministry for Primary Industries (MPI)	<ul style="list-style-type: none"> <li>Government Policy</li> </ul>
Animal and plant pests and diseases (biosecurity)	Ministry for Primary Industries (MPI)	Ministry for Primary Industries (MPI)	<ul style="list-style-type: none"> <li>Biosecurity Act 1993</li> <li>Hazardous Substances and New Organisms Act 1996</li> </ul>
Food Safety	Ministry for Primary Industries (MPI)	Ministry for Primary Industries (MPI)	<ul style="list-style-type: none"> <li>Food Act 2014</li> </ul>
Infectious human disease (pandemic)	Ministry of Health	District Health Boards	<ul style="list-style-type: none"> <li>Epidemic Preparedness Act 2006</li> <li>Health Act 1956</li> <li>COVID-19 Public Health Response Act 2020</li> </ul>
Offshore humanitarian response	Ministry of Foreign Affairs and Trade	Ministry of Foreign Affairs and Trade	<ul style="list-style-type: none"> <li>Agency mandate and offshore network/expertise</li> </ul>
Wild Fire	Fire and Emergency New Zealand	Rural Fire Authority Department of Conservation (Conservation estate) New Zealand Defence Force	<ul style="list-style-type: none"> <li>Fire and Emergency New Zealand Act 2017</li> <li>Conservation Act 1987</li> <li>Defence Act 1990</li> </ul>

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Urban Fire	Fire and Emergency New Zealand	Fire and Emergency New Zealand	<ul style="list-style-type: none"> <li>• Fire and Emergency New Zealand Act 2017</li> </ul>
Hazardous substance incidents	Fire and Emergency New Zealand	Fire and Emergency New Zealand	<ul style="list-style-type: none"> <li>• Fire and Emergency New Zealand Act 2017</li> <li>• Hazardous Substances and New Organisms Act 1996</li> </ul>
Major Transport Incident	Ministry of Transport	New Zealand Police	<ul style="list-style-type: none"> <li>• Various</li> </ul>
Marine Oil Spill	Ministry of Transport	Regional Council	<ul style="list-style-type: none"> <li>• Maritime Transport Act 1994</li> </ul>
Radiation Incident	Ministry of Health	Fire and Emergency New Zealand	<ul style="list-style-type: none"> <li>• Radiation Safety Act 2016</li> <li>• Fire and Emergency New Zealand Act 2017</li> </ul>
Terrorism	New Zealand Police	New Zealand Police	<ul style="list-style-type: none"> <li>• Crimes Act 1961</li> <li>• International Terrorism (Emergency Powers) Act 1987</li> <li>• Terrorism Suppression Act 2002</li> </ul>
Espionage	New Zealand Security Intelligence Service	New Zealand Security Intelligence Service	<ul style="list-style-type: none"> <li>• Intelligence and Security Act 2017</li> <li>• Government Policy</li> </ul>
Major cyber incident	<p>Government Communications Security Bureau - operational lead</p> <p>Department of the Prime Minister and Cabinet (National Cyber Policy Office) - policy lead</p>	<p>Government Communications Security Bureau - operational lead</p> <p>Department of the Prime Minister and Cabinet (National Cyber Policy Office) - policy lead</p>	<ul style="list-style-type: none"> <li>• Intelligence and Security Act 2017</li> <li>• Government policy</li> </ul>



Annex B: Activated structure for responding to a disruption to the election



Annex C: Process for managing election disruption under section 195 of the Electoral Act 1993

