

PRACTICE BRIEFING

Keeping personal details on the electoral roll confidential

INTRODUCTION

Section 82 of the Electoral Act 1993 requires anyone who is qualified to be registered as an elector to register. Details of electors are compiled to create rolls for each electoral district. Section 106 requires the electoral rolls to show the names, residences and occupations of all enrolled electors and under section 110 copies of the rolls must be kept for inspection at the Office of the Registrar of Electors.

This Practice Briefing provides information for lawyers with clients who have genuine reasons for requiring their details to be kept off the electoral roll.

THE UNPUBLISHED ELECTORAL ROLL

Section 115 of the Electoral Act allows the Electoral Commission to direct that the name and particulars of a person not be published or available for inspection “where the Electoral Commission is satisfied, on the application of any person, that the publication of that person’s name would be prejudicial to the personal safety of that person or his or her family”.

Details of such a person are still recorded, but on what the Commission refers to as the “confidential unpublished roll”.

The unpublished roll is confidential and it can only be viewed by the Registrar of Electors for the electorate the person is enrolled in.

The unpublished roll consists of the enrolment forms of all electors who have satisfied the Chief Registrar of Electors that they need to keep their personal enrolment details confidential. Their enrolment details will not appear on the published roll.

HOW TO APPLY

It is necessary to fill in a special application form. This is available on the Electoral Commission website, at <https://vote.nz/enrol-to-vote/enrol-check-or-update/concerned-about-your-personal-safety/>. Application forms may also be obtained by calling 0800 36 76 56.

An applicant needs to provide the following information:

- » Name
- » Residential address
- » Date of birth
- » Contact telephone number

If a voter is not enrolled or needs to change their details, they also need to fill in a standard enrolment form.

The completed application form with supporting documents should be emailed to unpublished.roll@elections.org.nz

SUPPORTING INFORMATION

The application must also include supporting documentation or additional information. This may be:

- » Copy of a protection order that is in force under the Domestic Violence Act 1995.
- » Copy of a restraining order that is in force under the Harassment Act 1997.
- » Information from a Police Officer or Corrections officer explaining why the applicant's personal safety or that of their family could be prejudiced by publication of their name and address.
- » A letter from a barrister and solicitor, the applicant's employer, their social worker, their advocate, or someone of standing in the community supporting their application on the grounds and explaining why their work or personal circumstances place them or their family at risk.

DELIVERY OF APPLICATION

The application form must be signed by the applicant. If not emailed, it should be sent to:

Electoral Commission

PO Box 3220

Wellington 6140.

HOW LONG DOES SOMEONE STAY ON THE UNPUBLISHED ROLL?

Once approved, people stay on the unpublished roll until their circumstances change. They need to advise their Registrar of Electors if their situation changes and/or if they move house or change their name or occupation.

HOW DOES SOMEONE VOTE IF THEY ARE ON THE UNPUBLISHED ROLL?

Someone who is on the unpublished roll will need to cast a special vote in a general election – because their name will not appear on the printed roll used on polling day. These are available from the Returning Officer in their electorate ahead of election day or from any voting place on election day. For voting in local council and district health board elections, people on the unpublished roll need to apply to the local electoral officer at their local council to be issued with a special declaration vote.

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Information in the Practice Briefing series is provided by the Law Society as a service to the legal profession. This briefing is intended to provide guidance and information on best practices. Some of the information and requirements may change over time and should be checked before any action is taken.

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