

7 December 2020

Adam Nuttall

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Dear Adam

**OFFICIAL INFORMATION ACT REQUEST 2020/51**

Thank you for your request of 9 November 2020 under the Official Information Act 1982 (the Act) regarding documents relating to election management system/s and chain of custody of ballots. Specifically, you have asked for:

- 1) What if any election management system(s) were used for the New Zealand election in 2020?*
  - 1a) Please name the company(s) providing these services?*
  - 1b) Please describe the process to audit a sample of the vote count?*
  - 1c) Please describe all security certification and contractual obligations to protect the vote count?*
- 2) Please identify all participants in the chain of custody of a ballot from the vote being cast until the result is certified including electronic custody and access to the counted votes?*

Responses to your questions are set out below.

*1) What if any election management system(s) were used for the New Zealand election in 2020?*

Votes are counted manually, and the results are then written down on paper tallying forms. The results are then entered by electoral officials into our own in-house Election Management System (EMS), which is the main software used to assist the administration of the election. It generates the election results website at [www.electionresults.govt.nz](http://www.electionresults.govt.nz).

We designed and tested and managed its development, but EMS was developed by a third party (a NZ company called Catalyst) after a public procurement process in 2014. The system is owned by the Commission.

*1a) Please name the company(s) providing these services?*

The company is CATALYST.NET LIMITED, NZ Company Number 952897

*1b) Please describe the process to audit a sample of the vote count*

The Electoral Act 1993 provides for results to be challenged through recounts and petitions on certain grounds, but does not provide for auditing a sample of votes. Rather, votes counted on Election Day in the preliminary count are counted again in the official count. During the official count, certificates of results are signed by both the Returning Officer and an independent Justice of the Peace to declare that results are complete and final.

*1c) Please describe all security certification and contractual obligations to protect the vote count?*

Contractually, suppliers to the Commission must act in accordance with all applicable laws, regulations, rules and current professional codes of conduct or practice.

The Election Management System must meet and support the most current version of the following:

- (a) the Commission's Cyber Security Policy and associated procedures
- (b) the Commission's Privacy Policies and associated procedures
- (c) the New Zealand Information Security Manual (NZISM) ([www.gcsb.govt.nz](http://www.gcsb.govt.nz))
- (d) AS/NZS 27002 2006 Information Technology – Security Techniques – Code of Practice for Information Management ([www.standards.govt.nz](http://www.standards.govt.nz))

Our system undergoes a thorough Certification and Accreditation process to provide assurance that it complies with the above.

*2) Please identify all participants in the chain of custody of a ballot from the vote being cast until the result is certified including electronic custody and access to the counted votes*

Ordinary votes cast on election day are counted at the voting place where they are cast. Ordinary votes cast during advance voting are counted at electorate headquarters.

By law, special votes need to be returned to the home electorate Returning Officer for counting. As an exception, special votes may be moved by tracked courier after Election Day if they need to be returned to an electorate that is further away than practicable to be hand-delivered.

Ballot papers remain in the custody of electoral officials at the voting place and while in transit to secure storage at electorate headquarters. This is where the official count, including the count of special votes, takes place.

Candidates and parties can appoint scrutineers to observe every aspect of the voting process and the count.

Scrutineers watch the set-up of the voting place, the issue of votes, and observe that ballot boxes are secured. They watch as the ballot boxes are opened and votes are counted and reported. They can be present for the official count, the checking of special declaration votes and for any recount.

Independent Justices of the Peace are also present during the official count process.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your requests.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kristina Temel', written in a cursive style.

Kristina Temel  
Manager Legal & Policy  
Electoral Commission