

# **Election Access Fund Bill**

Member's Bill

## **Explanatory note**

### **General policy statement**

Disabled people face major challenges in accessing and participating in elections and standing for political office.

Article 29 of the United Nations Convention on the Rights of Persons with Disabilities, which New Zealand has signed, confirms the right of disabled people to participation in political and public life including recognising the right "...to stand for elections, to effectively hold office and perform all public functions at all levels of government...". The purpose of this bill is to give effect to New Zealand's obligations under Article 29.

Currently there are many barriers to participation in elections. This makes it particularly difficult for disabled people to make informed decisions, stand for election, lobby political parties or get their issues onto the political agenda.

Unless hosted by a disability organisation, most candidate or political forums are not accessible for Deaf, hard of hearing or others with specific access needs. Yet disabled people have the right to know where political candidates or parties stand on a full range of issues.

A Deaf candidate standing for election currently has to find funding for their own access needs (such as NZSL interpreters) in order to participate in a candidate forum. This extra cost is a major barrier to standing for political office. Furthermore a disabled person wishing to get involved with a political party will often find that the party is not able to cover their access costs. For example, funding NZSL support to attend local branch remit discussions.

In order to remove barriers to political participation, this bill will establish an Election Access Fund, to be administered by the Electoral Commission. The Fund may be used by any disabled candidate to cover disability-related costs of standing in a general election. These costs could include, for example: NZSL interpreter support

for candidate forums, notetaker or transcribing costs, costs of translating material into braille, or travel costs to attend candidate forums. The Fund may also be used by any not-for-profit body running an election education event or producing an election publication to cover costs of making election education events and materials accessible. Finally, the Fund may be used by any registered political party to support the access needs of any of their members to allow them to participate internally within the party.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill comes into force 6 months after Royal assent.

## **Part 1**

### **Preliminary provisions**

*Clause 3* states the purpose of the Bill, which is to establish a fund to remove or reduce barriers for disabled people wishing to standing as a candidate in a general election or otherwise participating in a general election.

*Clause 4* contains the definitions.

*Clause 5* provides that the Bill binds the Crown.

## **Part 2**

### **Election Access Fund**

*Clause 6* establishes the Election Access Fund (the **Fund**).

*Clause 7* provides for the Electoral Commission to determine the criteria for eligibility for access to the Fund.

*Clause 8* provides that a payment from the Fund to a candidate or a party is not a donation for the purposes of the Electoral Act 1993.

*Clause 9* provides for a review of the Bill after 3 years.

*Clause 10* amends the Electoral Act 1993 to provide the administration of the Fund is a function of the Electoral Commission.

*Chlöe Swarbrick*

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### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Election Access Fund Act **2018**.

#### **2 Commencement**

This Act comes into force immediately after the expiry of the 6-month period that starts on the date of Royal assent. 5

## Part 1

### Preliminary provisions

#### 3 Purpose

The purpose of this Act is to establish a fund designed to remove or reduce barriers to standing as a candidate in a general election or otherwise participating in a general election faced by individuals as a consequence of their disability and which non-disabled individuals do not face. 5

#### 4 Interpretation

In this Act, unless the context otherwise requires,—

**candidate** has the same meaning as in section 3(1) of the Electoral Act 1993 10

**donation** has the same meaning as in section 207(1) of the Electoral Act 1993

**election education event** means an event held in relation to a general election which has the purpose of engaging and educating voters and which does not seek or discourage support for the election of a particular person, party, or people 15

**Electoral Commission** has the same meaning as in section 3(1) of the Electoral Act 1993

**entity** has the same meaning as in section 4(1) of the Charities Act 2005

**Fund** means the Fund established under **section 6** of this Act

**general election** has the same meaning as in section 3(1) of the Electoral Act 1993 20

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**party** has the same meaning as in section 3(1) of the Electoral Act 1993. 25

#### 5 Act binds the Crown

This Act binds the Crown.

## Part 2

### Election Access Fund

#### 6 Election Access Fund established 30

- (1) The Electoral Commission must establish a fund to facilitate the participation of persons with disabilities in general elections.
- (2) In each year, out of money appropriated by Parliament for the purpose, the fund must be paid a general grant.

- (3) The amount of the grant must be determined by the Minister, taking into account the amount of funding required to ensure that persons with disabilities have access to sufficient support to overcome disability-related barriers to participation in general elections.
- 7 Eligibility for funding for election access** 5
- (1) The Electoral Commission must, by notice in the *Gazette*, set out the basis on which a person listed in **subsection (3)** may be eligible for a payment out of the Fund.
- (2) The Electoral Commission must not issue a notice under **subsection (1)** without first consulting persons and organisations that the Commission considers appropriate, having regard to the purpose of the Fund. 10
- (3) A person may be eligible for a payment out of the Fund if they are—
- (a) a person with a disability who is standing as a candidate in, or seeking selection as a candidate in, a general election:
  - (b) a not-for-profit entity that is organising an election education event: 15
  - (c) a party.
- 8 Payment from Fund not a candidate or party donation**
- Any payment made from the Fund to a candidate or a party is not to be treated as a donation for the purposes of the Electoral Act 1993.
- 9 Evaluation** 20
- The Minister must, no later than 3 years after the commencement of this Act, review, or arrange for the review of, its operation and—
- (a) consider the impacts of funding on the participation of persons with disabilities in general elections; and
  - (b) assess whether any changes are needed, including any amendments to this Act, to improve the effectiveness of funding to increase the participation of persons with disabilities in general elections; and 25
  - (c) report the findings of the review to the House of Representatives as soon as practicable after the review is completed.
- 10 Amendment to Electoral Act 1993** 30
- (1) This section amends the Electoral Act 1993.
- (2) After section 5(c), insert:
- (ca) administer the fund established by **section 6** of the Election Access Fund Act **2018**.