

**IN THE DISTRICT COURT
AT WELLINGTON**

**I TE KŌTI-Ā-ROHE
KI TE WHANGANUI-A-TARA**

**CIV-2020-085-000643
[2020] NZDC 23709**

IN THE MATTER OF THE ELECTORAL ACT 1993

IN THE MATTER OF AN APPLICATION BY DEBBIE
 NGAREWA-PACKER FOR A
 RECOUNT OF ELECTORATE
 VOTES IN THE TE TAI
 HAUĀURU DISTRICT

Date of Decision: 17 November 2020

**DECISION OF JUDGE K D KELLY
OUTCOME OF JUDICIAL RECOUNT OF
TE TAI HAUĀURU DISTRICT CANDIDATE VOTES**

Introduction

[1] Ms Debbie Ngarewa-Packer stood as the Maori Party Candidate in the Maori electorate of Te Tai Hauāuru in the General Election held on 17 October 2020.

[2] On 12 November 2020, pursuant to s 180(5)(a) of the Electoral Act 1993 (the Act), I directed a recount to be undertaken of the electorate votes for the Maori electorate of Te Tai Hauāuru.

[3] This recount took place at the Returning Officer's Headquarters at 478 Main Street, Palmerston North on 16 and 17 November 2020 in accordance with my earlier direction.

Process

[4] The recount was undertaken in my presence in the manner provided for in the case of the original count. The only persons present at the recount other than me were:

- (a) the Returning Officer Ms Judy Klue and her assistants and headquarters staff;
- (b) a scrutineer appointed by each of the Maori Party and Labour Party candidates;
- (c) Ms Alicia Wright (Chief Electoral Officer) and staff from the National Office of the Electoral Commission; and
- (d) counting staff.

[5] After short introductions and briefings, the ballots were removed from the sealed envelopes in which they were contained, each envelope representing a different polling station in the electorate. As the ballots were manually recounted and checked the results were recorded in worksheets with any adjustments noted by reference to the worksheets from the original count. These results were then entered into the electronic system and a results sheet produced.

[6] The worksheets were then reconciled. There were no differences in numbers between the official count and the recount that could not be explained on further inquiry. The results sheets for each lot of ballots was then duly signed off as correct by the Returning Officer and by me in the presence of the scrutineers. Each lot of ballots was then again sealed in an envelope, each seal being signed by the Returning Officer and by me.

[7] Where confirmation was required about whether a vote was informal or not, these were brought to me for determination in front of the scrutineers. There was, in reality, no real uncertainty over informal votes. The guidance incorporated in the

Electoral Commission's guidelines worked and informal votes were properly identified.

[8] That said, two trends seemed to emerge. The informal votes, in the main, fell into two categories: those where no votes were entered for any candidate, and those where votes were made for more than one candidate. Whether this is because the ballot paper indicated that each voter could make 'two ticks' is difficult to say. In a few cases, all candidates were struck out, or the ballot was left untouched.

[9] In other cases, which were rarer, a voter crossed out a vote for one candidate in preference for another. In these cases, the intent of the voter was clear and the ballot was not ruled to be informal.

[10] There were no issues raised by the scrutineers about decisions confirming ballots to be informal, or any other concerns more generally.

Result

[11] The recount has resulted in minor variations to the official declaration of results made on 6 November 2020. Accordingly, pursuant to s 180(10) of the Act, I order the Electoral Commission to give an amended declaration of the result of the poll.

[12] The overall outcome is as follows:

Candidates	Party	Official Result	Recount Result
APIATA, Noeline	Advance NZ	797	787
BAILEY-TAURUA, Korrallie	ONE Party	333	333
McKEE, Kiri	NZ Outdoors Party	316	317
MORGAN, Joshua	New Conservative	248	248
NGAREWA-PACKER, Debbie	Māori Party	11,112	11,107
RURAWHE, Adrian	Labour Party	12,147	12,160
Candidate Informals		709	704
TOTAL		25,662	25,656

[13] I am satisfied that the difference in total votes is explained by transcription or clerical errors in recording the original number of votes counted, and that all votes have been accounted for when processing the results sheets.

[14] In making this decision I wish to record the professionalism and skill exercised by all of the counters and staff of the Electoral Commission as well as the dedication of the scrutineers who gave up their time to carry out their important function. It has been a pleasure to see the machinery of democracy in action and recounts such as this speak highly of the integrity of the electoral system in New Zealand.

[15] No party has asked for costs. The application was justified in so far as minor difference have been identified. I order that the deposit of \$1,000 which the applicant was required to file, be returned to her.

Order

[16] Pursuant to s 180(10) of the Act, I order the Electoral Commission to give an amended declaration of the result of the poll.

K D Kelly

District Court Judge