

11 March 2020

Utiku Potaka
Chairperson
Mōkai Pātea Waitangi Claims Trust
Taihape

By email: utiku.potaka@mokaipateaservices.org.nz

Re. Mōkai Pātea Waitangi Claims Trust mandate vote

Tēnā koe

As you know, on 29 July 2019, Ms Annette Sykes wrote to the Minister for Treaty of Waitangi Negotiations, the Minister for Māori Development and the Member for Te Tai Hauāuru on behalf of Ngāti Hinemanu me Ngāti Paki Heritage Trust (the Heritage Trust), which noted the Heritage Trust's issues with the Mōkai Pātea Waitangi Claims Trust's (MPWCT) mandate vote process related to the casting and counting of special votes.

On 16 October 2019, the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development responded to Ms Sykes noting that steps had already been taken to address some of those concerns and that officials would provide a detailed response on the mandate vote process once we had received and assessed further information requested from the MPWCT and Independent Election Services (IES). We have now taken the opportunity to consider this further information.

This response, in part, provides a response to issues raised in Ms Sykes' letter of 29 July 2019, but also other issues that have been raised in relation to the voting process. Ms Sykes has previously raised a number of issues on behalf of the Heritage Trust concerning the mandate vote process, namely:

- issues concerning the casting and counting of special votes;
- issues concerning the whakapapa validation committee; and
- distribution of voting packs.

Officials have considered the Heritage Trust's issues with MPWCT's mandate vote and conclude the voting process was robust and the resulting vote was consistent with the number of eligible votes cast. The reasons supporting this conclusion are set out below.

Special vote issues

The requirement to provide voter whakapapa information when casting a special vote was noted in the Crown's advertisement publicising the mandate vote, letters sent to Wai Claimants and submitters on the draft mandate strategy, Voting Packs, Special Vote Packs, the Special Vote Registration Form, MPWCT, Te Puni Kōkiri and Te Arawhiti websites, and at each mandate vote meeting.

The advertisement stated that if a member of the claimant community wished to vote but was not on MPWCT's register at the beginning of the vote period, or if they wished to vote but did not want to register with MPWCT, they would need to cast a special vote. Special Vote Packs were available at mandate voting

meetings, online, and upon request to IES. The packs included a Special Vote Registration Form that on its reverse side had a whakapapa page for voters to complete. The bottom of the page asked voters to 'show as much of your Mōkai Pātea whakapapa as possible' and to attach additional papers if required.

Those who attended mandate voting meetings were informed by the IES representative about the casting of a special vote, including an explanation of the purpose of the Special Vote Registration Form and the requirement to provide whakapapa information. From 4 July 2019, all emails from IES included a paragraph stating that the Registration Form needed to be completed in order to have any vote counted. MPWCT noted that this email was not to 'clarify' a voting process but was an additional measure to encourage voting, and was consistent with earlier messaging.

The Membership Committee verified voter whakapapa details. Those with verified whakapapa were entitled to have their vote counted, regardless of whether the voter was registered with MPWCT or not.

Ms Sykes' letter noted the Heritage Trust's concern that several of their members submitted whakapapa information on a form separate to the Special Vote Registration Form and they considered this was why their vote was disallowed. The Membership Committee advised they encountered no instances where whakapapa information was on a separate form to the Special Vote Registration Form. MPWCT and IES have assured us that if voters had not wished to fill in the Special Vote Registration Form and submitted their whakapapa in a different form, the Membership Committee would have still considered it.

On 20 July 2019, MPWCT and IES published the mandate vote results.

Votes in support	758 (80.13%)
Votes in opposition	183 (19.34%)
Blank votes	5
Total votes received	946
Total voting papers issued	2,370

Total special votes received	477 (68.63% return) 269 online 208 by post
Special votes counted	222 (46.54% of special votes)
Special votes disallowed	255 (53.45% of special votes)
Special votes disallowed due to whakapapa information not completed	196 (76.86%)

IES noted that the reasons why 255 special votes could not be counted included that:

- a. the voter was not on the original MPWCT database; [and]
- b. the voter had not submitted a Special Vote Registration Form;
- c. the voter's Special Vote Registration Form had not been verified; [or]
- d. attempts at casting multiple votes.

The majority of disallowed special votes were from voters who had not completed the Special Vote Registration Form whakapapa section or otherwise provided evidence of their whakapapa. Conversely, 222 special voters had provided this information and had their votes counted.

IES concluded that the total number of special votes issued was considered high, in relation to the number of voting documents issued. Under these circumstances, IES considered that the 196 disallowed votes, because the voter had not correctly completed their application for verification, was not unusual.

Whakapapa validation committee issues

On 12 July 2019, the Heritage Trust had asked if they could have a representative on the Membership Committee to ensure the integrity of potential Ngāti Hinemanu and Ngāti Paki special voters' whakapapa verification. The MPWCT declined noting their confidence in the expertise of the Membership Committee as it consisted of adult members with Mōkai Pātea whakapapa expertise and knowledge (inclusive of Ngāti Hinemanu and Ngāti Paki whakapapa knowledge).

We consider the approach taken by MPWCT to include at least one representative from each of the four Mōkai Pātea Iwi Rūnanga on the Membership Committee was appropriate. Consequently, MPWCT has assured the Crown that anyone with a valid whakapapa had their vote counted. It is not for the Crown to determine who is on the Membership Committee.

Ms Sykes raised the issue surrounding the 64 applications for verification and the 44 votes that were disallowed because the Membership Committee had not approved the application. On 26 August 2019, MPWCT responded to this issue, noting that '20 persons completed registration but did not vote'.

Distribution of voting packs

During the voting period the Heritage Trust requested that IES utilise their registration database to send Special Vote Packs to their eligible members. The Crown accepts IES' explanation that they declined the request because their contractual agreement was with the MPWCT, the voting period had already begun, and the issuing of separate Special Vote Packs would have been highly irregular and could create a negative perception around the integrity of the electoral process. Any new registrations or databases would have needed to come through the MPWCT to allow the cross checking of databases to avoid double ups and attempts at plural voting. We consider Ngāti Hinemamu me Ngāti Paki Heritage Trust members were not disadvantaged in the mandate vote due to the publicity around the vote and ability to cast a special vote.

Should you have further comment on these matters, please feel free to contact Verity.Smith@tearawhiti.govt.nz or by phone at 027 442 0045.

Nā māua noa, nā



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