



Submission to the Justice Committee

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ABOUT THE RELIGIOUS SOCIETY OF FRIENDS (QUAKERS)

TE HĀHI TŪHAUWIRI

Quakers are a religious society. There are around 400 000 Quakers worldwide; about 1000 people identified as Quakers in the 2018 Aotearoa New Zealand census.

Quakerism has its roots in Christianity and many Quakers find the life and teachings of Jesus, as described in scripture, inspirational, and also believe that revelation of truth is ongoing. Quakers seek to experience God directly, within ourselves and in our relationships with others and the world around us: Quakerism is a way of life, rather than a set of beliefs. Quaker worship is based principally on silent listening to the spirit and the inspired ministry of all.

The Quaker vision over the centuries is of a world of justice, equality and peace. Quakers practise truth and integrity, simplicity and sustainability, and pursue paths leading to peace and equality.

SUMMARY

1. The Religious Society of Friends (Quakers) Te Hāhi Tūhauwiri wishes to comment on two specific items:
 - a. Subpart 2 Clause 10. To enable all prisoners aged 18 and above to vote
 - b. Subpart 1 Clause 4 (2). To retain voting registration until the end of day of voting.
2. Quakers have a long history of participation in and concern for penal systems.
3. We identify the basic principles concerning penal rights that Quakers have developed from experience, and contrast them with the Government's policy objective which is to emphasise that the exercise of civic rights depends on adherence to a set of civic responsibilities.
4. We also identify the principles arising from the Department of Corrections and Ministry of Justice documents.

5. We conclude that the values that predominate in Corrections, Justice and Human Rights documents are consistent with Quaker experience, but not with the government policy objective. We therefore support the Ministry's preferred option which is to remove all disqualifications on prisoners being able to vote.
6. In light of the values discussed above and the importance of access to voting for the integrity of the electoral system, we further request the deadline for voter registration remains election day.
7. Conclusion that
 - a. voting of imprisoned persons remain as they are today
 - b. registration remains available up to and including election day.
8. We would like to make an oral submission.

1. OVERVIEW

- a. The Religious Society of Friends (Quakers) Te Hāhi Tūhauwiri recognises the importance of the legislation and accepts it in general.
- b. However, we propose modification of two sections
 - i. Subpart 2 Clause 10, To enable all prisoners aged 18 and above to vote
 - ii. Subpart 1 Clause 4 (2) To remains as is (i.e. open to and including election day).

2. QUAKERS – Background

- a. Quakers commenced in mid-17th century with a common experience that people have direct relationship with the divine, and truth is discerned through a continuing process of learning and experience, as well as scripture.
- b. We had extensive direct experience of criminal justice systems through regimes of oppression of Quaker practice in England during the early years.
- c. We have had a continuing concern for prisoner welfare. Examples include Friend Elizabeth Fry organizing education and care for imprisoned women and children inspiring penal reform legislation. In what was originally a Quaker State, Pennsylvania, Friend William Penn worked for the reform of criminal justice, including abolishing the death penalty.
- d. In Aotearoa New Zealand, Quakers are active prison visitors, support restorative justice and rehabilitation.

THE BASIC PRINCIPLES and values concerning prisoners

- e. We submit that the basic values that spring from this experience and history are community, equity and human rights, based on the inherent value of each person. Such values are extensively validated by many other religions down the ages and have been found to be the basis of successful society.
 - f. The policy problem as stated in the Supplementary Analysis Report ¹ raises a range of issues, including personal responsibility and accountability, rights arising from adherence to civic responsibilities and criminal justice objectives such as deterrence, culpability and punishment.
 - g. We submit that depriving a prisoner of the right to vote will lead to further alienation, which has the effect of debilitating rather than rehabilitating. Instead, being able to vote is rehabilitative and so should be encouraged. An administration would be uplifting and show the Crown's integrity by effectively saying, "Though we are imprisoning you, we still respect your human dignity and potential for good. As we are a democracy, we want to hear your voice."
 - h. For this reason, the Government's priority of emphasising civic responsibility would be better served by encouraging rather removing prisoner right to vote.
3. OTHER VALUES that are expressed in principal documents within the Aotearoa New Zealand criminal justice system are:
- a. Corrections System Purpose and Principles²
 - i. Public Safety
 - ii. Rehabilitation of offenders and re-integration into society.
 - iii. Victims' interests
 - iv. Cultural Identity
 - v. Restorative justice
 - vi. Involvement of the family of offenders.

¹ [Supplementary Analysis Report – Implementing a ban on prisoner voting, and the voting rights of detained people p2.](#)

² [Purpose and Principles Guiding the Corrections System, Department of Corrections.](#)

- vii. Fair treatment of persons
- b. Ministry of Justice Strategy 2025-9³
 - i. Strengthen justice system
 - ii. Trust by population that rights are protected
 - iii. Rule of Law is supported
- c. Report of the Attorney General on the Bill of Rights Act 1990⁴
 - i. “I advise that the proposed disqualification of prisoners from registration and therefore voting appears inconsistent with the NZBORA.”⁵
 - ii. Further, the current proposal generates major inconsistencies.⁶
 - iii. It is necessary to recall that the New Zealand Supreme Court, and other common law apex courts, have emphasised the fundamentality of the right to vote as lying at the heart of the democratic system.⁷
 - iv. It is plain on the basis of prior Attorney-General reports to the House, New Zealand authority, comparative authority and international authority that the blanket disenfranchisement of prisoners of the sort proposed in the Bill cannot be justified.⁸

4. ASSESSMENT of the change in prisoner voting

- a. While we recognise that the Government’s policy objectives of emphasising that the exercise of civic rights depends on adherence to a set of civic responsibilities, by means of deterrence, culpability and punishment may be supported by significant sections of the society, but as with capital punishment, we question whether this is a good basis for the proposed change.

³ [Our Strategy 2025–2029, Ministry of Justice](#)

⁴ [Report of the ATTORNEY-GENERAL under the New Zealand Bill of Rights Act 1990 on the Electoral Matters Legislation Amendment Bill](#) [PCO 26217/7.2]

⁵ Ibid. Para 15

⁶ Ibid. Para 12-14

⁷ Ibid. Para 34

⁸ Ibid. Para 10 p3

We support the Ministry's preferred option which is to remove disqualifications on prisoners being able to vote.⁹

- b. This policy of inclusion will have both direct and indirect benefits of alignment with broad criminal justice objectives, fairness domestic and international human rights, democratic values and Treaty of Waitangi obligations.¹⁰
- c. As such, it will achieve the three objectives around trust in the legal system in affirming the centrality of the right to vote.

5. ADVANCING THE REGISTRATION DEADLINE Bill Subpart 1 Clause 4 (2).

- a. This move constitutes a radical shift by advancing the deadline for registration nearly 2 weeks before the current deadline of election day. It has been over 30 years since the deadline was well in advance of election day, so the public will be well accustomed to the current arrangement.
- b. The experience from past elections has demonstrated that significant sections of society have not responded to requests to enrol in advance of voting, and are thus likely to be excluded by this measure. Thus, possibly many tens of thousands of potential voters may be deprived of the chance to vote. Further the change is likely to impact most those already disempowered in other ways.¹¹
- c. According to the Ministry of Justice, the impact of the proposed change of advancing the registration deadline on reducing special votes is uncertain, thus it may not enhance election completion significantly. However, the impact of the change in democratic participation could be significant. For these reasons, this option is not preferred in the Ministry's Regulatory Impact Statement.¹²

⁹ [Supplementary Analysis Report – Implementing a ban on prisoner voting, and the voting rights of detained people](#) p3

¹⁰ Ibid. p4

¹¹ [Impact Summary: Enabling election day enrolment](#) p7.

¹² [Regulatory Impact Statement: Improving the timeliness of the official vote count](#) (p2,3)

- d. The Electoral Commission supports election day enrolment as one way to increase enfranchisement.¹³
- e. Given the values discussed above, the importance of access to voting, and the value of equity and community, we support the Ministry's conclusion, that day of registration be preserved.

6. CONCLUSION

- a. While the Bill has many apparently valuable initiatives in it, the two that we have selected for comment are based on inappropriate values, which marginalise the value of the people involved, and fail to support the key requirements for an effective election program.
- b. We therefore recommend that
 - i. Election registration and voting be available for all prisoners, and
 - ii. Registration remains available up to and including election day.

7. We would like to make an oral submission.

¹³ [Impact Summary: Enabling election day enrolment](#) p4