

Expert-Statement on Pass Egal Wahl by SOS Mitmensch

Dr. Kate McMillan

How voting rights in New Zealand work

“The electoral Act of New Zealand says that anybody who is a permanent resident has the right to vote after a one-year residence in New Zealand if they are over 18 years old and meet the other normal voting criteria. So the main question concerns the issue of who is a permanent resident. Therefore, we need to look at the immigration Act, where “permanent resident” is defined slightly different than in the electoral Act. There is a visa that is called a “permanent resident visa”, but you don't need that specific visa in order to count under the Electoral Act as being resident in the country. In conclusion it basically means, that anybody who's on a visa that doesn't require them to leave at a particular date can vote. We generally have very little distinction between permanent residents and citizens, but there are exceptions: for example, you must be a citizen to stand for parliament or to be an All-Black (member of the national rugby team).

Democratic participation high on New Zealand's political agenda

Around the world we can see that voting rights are increasingly endangered, for example in the United States. In contrast to this global trend New Zealand's voting laws are very liberal and there's been a further push to make voting as easy as possible. New Zealand has done a lot to try to increase its voting turnout: for example, people are able to enrol up until Election Day, we extended the option to vote early, there are voting booths all over the place, like at supermarkets, university campuses, churches or schools. In the past people voted on Election Day and had to go to their local Community Centre, but nowadays voting became much easier and a lot of people vote ahead.

How non-citizen-voting rights in New Zealand came about

New Zealand has a long history as a pioneer in relation to the inclusiveness of its democracy and was the first country who stopped denying women the right vote in 1891. But it's also important to understand the historical context in which New Zealand ended up being so liberal in relation to voting rights for immigrants. New Zealand was a British colony and was settled primarily by immigrants from the UK. Until the 1960s about 95% of the population were British immigrants or their ancestors were British immigrants, or they were indigenous Māori. It was only in 1948 that we got New Zealand citizenship, until then everybody in New Zealand had the status as a “British subject” – as well as people in Australia, Canada, South Africa and others. Even once we had citizenship, most people were still both a British subject and a New Zealand citizen. Our Electoral Law until the 1970s said that you need to be a British subject in order to vote. When the criteria for voting was debated in the 1970s, at the same time as Australia and Canada were replacing ‘British subject’ with citizenship of those countries as a criterion to vote, the suggestion was made that British subjecthood be replaced with New Zealand citizenship as a criterion for our franchise, there were strong concerns about the many British people who had never bothered to take our citizenship and who would then be excluded from the vote. In relation to these concerns, a select committee was set in and concluded that it was better not to change the voting criteria to New Zealand citizenship for the moment. So they essentially just took out the British subject criteria, left other criteria like the one year residency, the age limit and so forth as they were, and decided that it would be better to reconsider the issue in the future – which never happened. The issue was not debated much at the time as it went through as part of another and much more controversial voting rights reform about the representation of indigenous Māori. So New Zealand's inclusive voting laws were never debated vigorously at the time, and have never been seriously challenged since. When there were debates about our voting laws, for example in

1986 when a Royal Commission examined our electoral settings, their query was the other way round, i.e. about whether it was fair that you have to be a citizen in order to stand for Parliament when you don't have to be one to vote in national elections. So while the introduction of non-citizen voting rights was not motivated by an especially inclusive or liberal political culture, this culture still is an important aspect for its mostly unchallenged perpetuation.

How liberal voting rights effect the motivation for naturalization

The fact that it matters relatively little if you are a permanent resident or a New Zealand citizen might lead to low naturalisation rates in some groups, i.e. British people. On the other hand, if you say to people that, if you want to be able to vote and to be a real Austrian, you have to get citizenship, then people will be much more instrumental and transactional in the way that they see citizenship. One of my students, Pavithra Jayawardena, compared Sri Lankans who came to New Zealand with those who went to Australia, where naturalisation is harder and also much more important in order to get certain rights. One conclusion of her research was that, compared to New Zealand, immigrants in Australia more often get citizenship for what it gives them, but they more often don't love the country as much and seem to develop a more negative relationship with the country. So in New Zealand people who become citizens more often become citizens because it's their wish to demonstrate loyalty with this country. Furthermore, there are still quite some advantages which come with New Zealand citizenship, like the right to stand for elections or a strong passport which makes it very easy to travel. It has also been taken into account, that New Zealand's largest sources of immigrants are China and India, which do not allow dual citizenship. So, if New Zealand would require citizenship for voting, it would benefit those people whose countries allow dual citizenship. Many others would be disenfranchised by making them choose between voting rights in New Zealand and their original citizenship. Giving up their original citizenship can cause problems for immigrants making it more difficult for them to visit their old countries, for example, and to maintain links with family and other important connections.

Political integration

The fact that they have the right to vote fosters the political integration of immigrants, although this is quite hard to measure. On the other hand, it doesn't mean that all immigrants participate in elections – while they often feel good that they are able to vote, there are still quite low levels of voter turnout amongst some immigrant groups. For example we saw this with Chinese immigrants, particularly those who came from mainland China and therefore haven't developed the habit of voting, amongst whom participation was lower than amongst immigrants from some other places. While it is not possible to make a strong and general assessment of the effects of voting rights on political integration, it is certainly the case that the political parties are quite mobilized to try and gain the votes of immigrants. When most of your immigrant population is able to vote, it makes it much more difficult for anti-immigrant parties. Immigrants and their concerns cannot be ignored and more often they feel empowered to participate in political debates. There is for example a very strong Indian media in New Zealand and if they see something happening in politics which concerns their interests, they will feel empowered to make their voices heard.

New Zealand is no immigrant paradise

On the other hand, New Zealand is also not this immigrant paradise as which it sometimes may be seen from the outside. Like other countries we introduced various temporary visas, so people can come to work in i.e. horticulture, viticulture, in old people's homes or on construction sites, without being granted a permanent residency. So the proportion of people in the country who are living here for long periods of time but still not able to vote is actually

growing also in New Zealand. Anyway, in terms of the political parties it's fair to say, that we have a public political culture where it's unacceptable to say racist things. Candidates like those of Austria's far right parties would be very negatively viewed by the public, what's not to say it couldn't also happen here. New Zealand experienced very high levels of immigration and it's been very positive in lots of ways. But there is still plenty of profound and deep racism, i.e. experienced by many Māori as well as by Chinese or other Asian immigrants. But in public debates, i.e. in the media, racism is not tolerated and if someone of our parties would say something explicitly racist it would be considered as very inappropriate. At least for now. We are a very isolated country simply for geographic reasons and sometimes we do things differently and better, but sometimes just by luck.

Excluding non-citizens from voting is non-democratic

In conclusion the main arguments for non-citizen voting rights are quite simple. It is a good idea for all those who live permanently in a country and are subject to that country's laws to have a right to participate in the country's decision-making. This right might not be available immediately, but certainly within a few years of arriving. To permanently exclude immigrants from voting rights in their country of residence is non-democratic. There are different ways of facilitating immigrants' political participation. One way is through having a path to citizenship that allows permanent residents to transition from permanent residency to citizenship within a reasonable period of time. How long that period should be is a debate for citizens. Another way, and the way it is done in New Zealand, is to allow non-citizens who are permanently resident in the country to vote in national elections. New Zealand's experience is that so far there have been no problems with non-citizen voting, or at least no problems that could not equally happen with citizen voting."

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Pass Egal Wahl

The expert statement was written and published in course of the „Pass Egal Wahl“ campaign by the Austrian NGO „SOS Mitmensch“. The campaign is concerned with the 1,4 Million people of voting age, who are excluded from the right to vote – they live in Austria, but can't vote only because of their missing Austrian citizenship. Democracy thrives on participation, not exclusion, which is why SOS Mitmensch organizes the “Pass Egal Wahl” (what translates to „passport doesn't matter election). Further information: www.passegalwahl.at.