

Party Secretary Handbook

—
General Election

2017

Foreword



Alicia Wright, Chief Electoral Officer

Democracy is only possible if people are prepared to put themselves forward for the chance to represent their community. This handbook is designed to provide you with everything you will want to know about your role and responsibilities as a party secretary of a registered political party, and what you will need to know to plan your campaign to comply with the rules. It also provides information about what happens during the election timetable.

It is part of a series produced by the Electoral Commission to help people understand how parliamentary elections work and what they need to do to comply with the election advertising rules. You can find the rest of the handbooks on our website: www.elections.govt.nz.

The handbook is a general guide based on our understanding of the law. If you are unsure about how the rules apply to a particular proposed programme or publication, please ask the Electoral Commission.

We are here to help.

Contact details:

*Electoral Commission, PO Box 3220, Wellington
Level 10, 34-42 Manners Street, Wellington*

Tel: 04 495 0030

Fax: 04 495 0031

Email: enquiries@elections.govt.nz

*Websites: www.elections.org.nz
www.electionresults.govt.nz*

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Overview

This handbook provides information you will need as a party secretary of a registered party for the 2017 general election and includes detailed information on the nomination process, the election campaigning rules, recording and reporting election expenses, donations and loans, and the election day rules.

What's new at this election?

There will be some changes to advance voting at the election. Campaign activity inside advance voting places and within 10 metres of the entrance to an advance voting place will be prohibited.* There will also be a slightly shorter advance voting period, starting 12 days before election day, but longer opening times and an advance voting service will also be available on the Sunday before election day. As the number of advance votes has grown the early count of advance votes may also start earlier at the Returning Officer's headquarters.* Party opening and closing addresses on television or radio will be replaced with additional broadcasting allocation monies and the allocation can also be used to publish content on the internet*. These changes are explained in more detail in the handbook and where relevant we have indicated where changes are subject to enactment of bills currently before Parliament [*].

Key dates for a party

23 June	Start of the regulated period	The three month period before election day where election expense limits apply for advertising published during this period
22 July	Electoral signs	Special rules allow signs up to 3 square metres to go up from this date subject to local authority rules about location
23 August	Writ day	Broadcast allocation can be used to advertise on television, radio and internet*
24 August	Nomination period begins	Individual candidate nominations can be lodged with the Returning Officer and bulk nominations of candidates and party lists can be lodged with the Electoral Commission
Noon 28 August	Noon on day before nomination day	Deadline for party secretaries to lodge bulk nomination of candidates and party lists
Noon 29 August	Nomination day	All candidates must have submitted their nomination by noon on this date
6 September	Overseas voting begins	
11 September	Advance voting begins	
22 September	Day before election day	End of regulated period. All campaign signage must be removed before midnight
23 September	Election day	Voters can vote between 9am and 7pm. No campaigning is allowed on election day
7 October	Official results	2pm target for release of official results
11 October	Judicial recount deadline	Three working days after the official count
12 October	Return of writ and declaration of list MPs	Date for the return of the writ showing successful electorate candidates and the declaration of list members (assuming no judicial recounts)
11 December	Broadcasting accounts due	Deadline for parties to submit invoices to the Commission for broadcasting allocation costs
21 February 2018	Party expenses return due	

PART 1: Nominating electorate and list candidates

This section explains the rules in the Electoral Act 1993 about when and how electorate and list candidates are nominated. The Electoral Commission will also run a training session for parties on the nomination system in August 2017.

Key messages:

The deadline for individual nominations is noon 29 August

The deadline for party list candidate and bulk nominations by registered party secretaries is noon 28 August

A nomination cannot be withdrawn after noon on nomination day (noon 29 August)

Types of candidates

There are two types of candidates under the MMP electoral system:

- electorate (or constituency) candidates who stand for election in electorates
- list candidates on party lists who may be elected through the party vote.

A candidate can be both an electorate and a list candidate.

Candidate eligibility

A candidate must:

- be enrolled as a voter (but may stand in an electorate though enrolled in another electorate)
- be a New Zealand citizen, and
- not be disqualified from enrolling.

The main grounds of disqualification for enrolment that could affect eligibility to be a candidate are:

- the person is a New Zealand citizen who is outside New Zealand and has not been in New Zealand within the last three years
- the person is in prison serving a prison sentence.

There are exceptions to these rules. For example, in relation to public servants or members of the Defence Force who are on duty outside New Zealand, as well as members of their families.

There are other grounds of disqualification that affect a very small number of people.

[For more details see section 80 of the Electoral Act]

Bankruptcy is not a ground for disqualification.

If a candidate was born overseas, the party secretary will be asked to provide evidence with the nomination paperwork that the candidate is a New Zealand citizen (such as a copy of a certificate of citizenship or a New Zealand passport).

Deadlines

The deadlines described in this part are set by law and the Electoral Commission has no power to extend them even for a few minutes. It is in your interest to submit nominations and the party list well before the deadline so that any problems can be sorted out in time.

A summary of bulk nomination and party list deadlines is provided at Appendix A.

Nomination of state servants, etc

The Commission does not treat the nominations of state servants, board members of Crown entities and directors of Crown companies any differently from the nominations of other candidates. However, section 52 of the Electoral Act contains special rules for some state servants who stand as candidates.

To avoid the possibility of real or perceived conflicts of interest, the Electoral Act requires such state servants who stand as candidates to take leave of absence from nomination day until the first working day after election day.

An employer may require these state servants to take leave before nomination day if they believe the candidate's responsibilities as a state servant make this necessary. If elected, a state servant is deemed to have vacated their position.

Prospective candidates who are state servants for the purposes of the Electoral Act are recommended to discuss their nomination with their employer and consult the guidelines issued by the State Services Commissioner (SSC) (refer www.ssc.govt.nz).

Nominations

A registered political party can either:

- make a bulk nomination of its electorate candidates through the Commission, or
- require its electorate candidates to arrange their nominations with the Returning Officer for the electorate they are standing in by completing the individual nomination form.

You can use one method or the other, but not both. Most registered parties find the bulk nomination system preferable and also use the Commission's online system. The key to a smooth process is to stay in close touch with the Commission and wherever possible complete nominations well ahead of the legal deadline.

If you do not wish to use the bulk nomination system or you are an unregistered party, use the individual nomination form for each candidate and refer to our handbook *Candidate Handbook – General Election 2017*.

Bulk nominations

Notifying intention

If your party decides to use the bulk nomination process, you need to formally tell the Commission by completing the Notice of Intention to complete a Bulk Nomination form. The last legal date to submit this form is one working day after writ day (24 August). If you change your mind, complete the Withdrawal of Notice of Intention to complete a Bulk Nomination form. The Notice of Intention form will also ask you whether you wish to use the Commission's online system. If so, we will give you a login ID and password

together with a user guide approximately two weeks before writ day. You will be able to complete the Bulk Nomination Schedule online, print it, sign the declaration form and deliver it, after writ day, by hand, post, fax or email to the Commission.

Lodging a bulk nomination schedule

To lodge the schedule, you must:

1. Complete the bulk nomination schedule which includes details of the candidates. The schedule records each candidate's electorate to be contested, their full names, the names to appear on the ballot paper if different to their full names, and the electorate that they are enrolled in.
2. Attach a completed consent form from each candidate. Dual candidates can use one form to consent to being on the bulk nomination schedule and the party list.
3. Include a deposit of \$300 (GST inclusive) for each candidate with the schedule. The deposit for all candidates must be paid either by one bank draft or bank cheque made out to 'Electoral Commission Trust Account', or by direct credit into the following account:
Electoral Commission Trust Account
BNZ
02 0506 0077208 00
If you pay by direct credit, you must include your party name as the reference and provide evidence of the deposit (including the time and date of the deposit) with your schedule. This could be either a copy of your receipt from the bank or a copy of your online transaction confirmation. You need to ensure that you allow sufficient time for your payment to be processed by your bank before the deadline. Do not use direct credit as a form of payment on the day before nomination day. (For information on the refund of this deposit see Part 8 of this handbook).
4. Sign the statutory declaration in the schedule stating that you are satisfied that each candidate on the schedule is qualified to be a constituency candidate.

5. Lodge the completed schedule and deposit or evidence of deposit, directly with the Commission, no later than noon on the day before nomination day (noon 28 August).

While the deadline is noon 28 August, we recommend that you contact the Commission and arrange to come in to lodge the schedule as soon as possible after writ day (23 August). This ensures that any problems can be discussed and resolved before the deadline expires.

Rejection of bulk nomination schedule

A bulk nomination schedule will be rejected if:

- the Commission was not notified in time that the party would use the bulk nomination process
- the schedule was not lodged by noon on the day before nomination day (noon 28 August)
- the schedule does not contain the party secretary's declaration that candidates are qualified to stand, or
- the deposit for each candidate was not paid by noon on the day before nomination day (noon 28 August).

Rejection of a constituency candidate or candidate on a party list

A candidate will be rejected, and the party list order of preference amended as necessary, if:

- the candidate is nominated using a name that is neither their given name nor the name that they are commonly known by
- the candidate is not qualified to be a candidate, or
- the candidate's consent to nomination is not submitted.

Amending a bulk nomination schedule

You have until noon on nomination day (29 August) to correct defects or irregularities in a bulk nomination schedule, or any other document that you have lodged with the schedule. This does not permit you to substitute or add new candidates to the schedule.

Withdrawing a bulk nomination schedule

You can withdraw a bulk nomination schedule and, if you wish, lodge another bulk nomination schedule but your new schedule must be lodged by noon on the day before nomination day (28 August).

To withdraw a schedule, complete the Withdrawal of Bulk Nomination Schedule form and sign the form in the presence of a Justice of the Peace or a solicitor.

If you are using our online system, you can make changes to your electronic schedule at any time prior to printing and submission of your schedule. It is only after that submission that you would need to use the withdrawal procedures.

Withdrawing a nomination

A candidate can withdraw their nomination from a bulk nomination schedule and you can nominate another. If the withdrawal is before your formal submission of the schedule, you simply substitute the new name, consent form etc. If the withdrawal is after you have formally submitted your schedule, you will need to get the person withdrawing to complete the Withdrawal of Nomination from Bulk Nomination form and sign the form in the presence of a Justice of the Peace or solicitor and send the nomination details of the replacement candidate, consent form etc. to the Commission. You have until noon on nomination day (29 August) to do this.

Nominating list candidates

The deadline for lodging your party list is noon 28 August 2017.

Lodging the List

To lodge your party list, you must:

1. Complete the party list and declaration form. This form sets out the candidates in order of preference and contains their name, address and phone number. You should liaise with list candidates about their details to be recorded on the list. You may use the online system to prepare the party list. When you are ready, you should print it, sign it and deliver it to the Commission by hand, post, fax or email.

The form also includes a statutory declaration stating:

- that you are satisfied that each candidate named on the list is qualified to be a candidate. A candidate must be enrolled as a voter, be a New Zealand citizen, and not be disqualified from enrolment. You should ask candidates not born in New Zealand to produce evidence of their New Zealand citizenship, such as a copy of their certificate of citizenship or New Zealand passport, and
 - whether the party has one or more component parties and, if so, the name of the component parties.
2. Provide a deposit of \$1,000 (GST inclusive). The deposit must be paid either by bank draft or bank cheque made out to 'Electoral Commission Trust Account', or direct credit into the following account:
- Electoral Commission Trust Account**
BNZ
02 0506 0077208 00
- If you pay by direct credit, you must include your party name as the reference and provide evidence of the deposit (including the time and date of the deposit) with your schedule. This could be either a copy of your receipt from the bank or a copy of your online transaction confirmation. You need to ensure that you allow sufficient time for your payment to be processed by your bank before the deadline. Do not use direct credit as a form of payment on nomination day. For information on the refund of this deposit see Part 8 of this handbook.
3. Provide a completed consent form from every candidate. Dual candidates can use one form to consent to being on both a Bulk Nomination Schedule and the party list.
4. Provide the completed party list form, deposit or evidence of deposit and consent forms to the Commission no later than noon on the day before nomination day (28 August). There is no discretion to extend the deadline.

While the deadline for lodging the party list is 28 August, we recommend that you lodge the list as soon as possible after writ day (23 August), ideally at the same time as you lodge your bulk nomination schedule.

This ensures that any problems can be discussed and resolved before nomination day.

Lodging one deposit for both the party list and bulk nomination is fine.

Rejection of List

A party list will be rejected if:

- the list and completed form were not lodged by noon on the day before nomination day (28 August), or
- the deposit was not paid by noon on the day before nomination day (28 August).

Withdrawing a List

You can make changes to your party list on the online system up until the time of formal submission to the Electoral Commission.

After submission, if you wish to withdraw the list, you need to complete the Withdrawal of Party List form. Note that both the withdrawal and the submission of a new list (if any) must be completed by noon on nomination day.

Notice of change in component parties

You must tell the Commission of any change in the component parties of the party occurring before election day. Notification must be by statutory declaration (Notice of Change of Party List Declaration) and made as soon as possible after it occurs.

Death or incapacity of a candidate

There are procedures in the Electoral Act that you must follow if a candidate dies or is incapacitated before nomination day, or between nomination day and the declaration of the official result. Contact the Commission urgently if this happens.

You may apply to cancel the nomination of a candidate in a bulk nomination schedule or a party list who has become incapacitated.

The application must be:

- on the Commission's form to cancel a candidate nomination on grounds of incapacity
- be witnessed by a Justice of the Peace or a solicitor, and
- include a medical certificate relating to the candidate's condition.

Order on ballot paper

Electorate candidates are arranged alphabetically by surname on the right-hand side of the ballot paper with any registered logo to the right of the name (the electorate vote).

If the candidate's party is contesting the party vote, the name of the party is printed opposite the name of the candidate on the left-hand side of the ballot paper (the party vote).

If the candidate is an independent, the space on the left-hand side of the ballot paper, opposite the candidate's name, is left blank.

Parties contesting the party vote, but not the electorate vote, are listed alphabetically on the left-hand side of the ballot paper, after the other parties standing candidates.

Release of candidate information

Individual nomination forms are available for public inspection by a registered elector of that district at the Returning Officer's headquarters. Bulk nomination schedules and consent forms can be inspected by a registered elector at the office of the Electoral Commission in Wellington.

When all nominations and all party lists have been processed after nomination day, we will publish the names of candidates on www.elections.org.nz. We do not publish biographical information on parties or candidates or on their policies. We do not publish candidates' telephone numbers or email addresses.

It is common for the media to ask for the telephone or email contact details for candidates, in which case we will release them unless you or the candidate tell us that they do not wish us to do so.

PART 2: Campaign rules

This section helps you understand the rules in the Electoral Act 1993 and the Broadcasting Act 1989 that apply to parties at a parliamentary election.

Key messages:

Election advertisements must contain a promoter statement.

Election advertisements (other than election programmes on television and radio) can be published at any time except on election day.

Election programmes can only be broadcast on radio and television from writ day (23 August) to the day before election day (22 September).

Other people can only promote a candidate or party with their written authorisation.

Campaigning on election day (23 September) is a criminal offence.

Promoter statements

All election advertisements irrespective of when they are published, must include the name and address of the person that has initiated or instigated them ('the promoter'). [See section 204F of the Electoral Act]

The form of words recommended by the Electoral Commission is:

*'[Promoted or Authorised] by [name],
[relevant full street address]'*

Failing to include a promoter statement is an offence and subject to a fine of up to \$40,000.

The requirement for a promoter statement applies to all forms of election advertising in any medium. If the election advertisement is published in a visual form, the promoter statement must be clearly displayed in the advertisement. If the election advertisement is published only in an audible form, the promoter statement must be no less audible than the other content of the advertisement.

Whether a promoter statement has been clearly displayed will need to be determined on a case by case basis taking into account the type of advertisement that is published.

In the Commission's view, this does not require that a person be able to read the promoter statement from where an election advertisement is intended to be viewed, for example on a billboard while driving. However, if a person inspects an election advertisement he or she should be able to read the promoter statement.

Where the website or webpage is an election advertisement, a promoter statement does not need to be included in each picture, article or entry on the site, provided the promoter statement is contained on the home page or the page that contains the election advertising.

The Commission advises parties to include a promoter statement on their party label badges as they may be considered to be an election advertisement (see Part 4 for further information on party label badges).

Party and candidate election advertisements

Party advertisements promoted by the party need to include a promoter statement that features the party secretary's name and address.

The address can be the full street address of either the place where the party secretary usually lives or any other place where he or she can usually be contacted between the hours of 9am and 5pm on any working day.

You do not always have to be physically at this address during these hours but it must be an address from where you can be contacted within a reasonable period of time. A Post Office box or website address is insufficient.

As well as promoting the party, the party may promote one or more of its electorate candidates with the written authorisation of each candidate, but the costs then have to be apportioned between the party's election expense return and the candidate's expense return.

[See sections 204G, 205EA and 206CC of the Electoral Act]

If a party promotes an advertisement that is both a party and a candidate advertisement, only one promoter statement is required. In this case, the party is the promoter and the advertisement will only need to include the name and address of the party secretary.

Similarly, electorate candidates may promote the party vote with the party secretary's written authorisation and disclosure in the party's expense return. Joint party and candidate advertisements promoted by the party's electorate candidates will also need to be disclosed in the candidate's expense return. Candidates are advised to consult the party secretary on the amount to be included in their return of candidate expenses.

[See sections 204H, 205EA and 206CC of the Electoral Act]

Party advertisements promoted by a candidate must include the candidate's name and address in the promoter statement.

We advise candidates to stay in touch with the party secretary about advertising. This is because there can be issues between advertising by candidates and advertising by the party with consequential effects on the expenditure limits and expense returns of the candidate and the party.

Third party election advertisements

Third parties (persons or groups other than candidates and parties, or persons involved in the administration of the affairs of a candidate or party) can promote party advertisements but certain rules apply, including:

- a promoter statement must be included on all third party election advertising so that the public can see who is responsible for the advertisement
- where an election advertisement is promoted by a third party they will need to register as a promoter with the Commission if they spend more than

\$12,600 on election advertisements during the regulated period for the general election (23 June to 22 September)

- advertisements promoting a party published by a third party must have the party secretary's written authorisation. An advertisement promoting the election of one or more candidates must be authorised by each of the candidates. Advertisements promoting both a candidate and a party must be authorised by both the party secretary and the candidate
- the costs of any third party advertisements published during the regulated period that the party secretary has authorised will count towards the party's election expenses and will need to be disclosed in the party's return of election expenses and donations (see Part 3) as well as counting towards the third party's election expenses.

For further information about the rules concerning advertising by third parties see the Commission's publication *Third Party Handbook – General Election 2017*.

What is an election advertisement?

An election advertisement is an advertisement in any medium that may reasonably be regarded as encouraging or persuading voters to:

- vote, or not to vote, for an electorate candidate (whether or not the name of the candidate is stated)
- vote, or not to vote, for a party (whether or not the name of the party is stated)
- vote, or not to vote, for a type of candidate or party described by reference to views or positions that are, or are not, held or taken (whether or not the name of the candidate or party are stated).

[See section 3A of the Electoral Act]

The Electoral Act does not define 'advertisement' but because the definition of 'election advertisement' covers an advertisement 'in any medium', the Commission considers the term 'advertisement' should be interpreted broadly. For example, it is not limited to traditional forms of advertising such as newspapers,

posters, billboards, leaflets and radio and television broadcasting. It includes online advertising and can be paid or unpaid. The test is whether the advertisement can ‘reasonably’ be regarded as encouraging or persuading voters to vote or not to vote, for a party or candidate or type of party or candidate.

This is an objective test to be determined considering the effect of the advertisement as a whole. The effect of the advertisement will depend not only on its content, but also on its style and apparent purpose, and factual context. To be an election advertisement, the advertisement need not include the name of a party or candidate, and the encouragement or persuasion to vote, or not to vote, can be direct or indirect.

The courts have said the assessment is to be made from the perspective of a reasonable observer, sensitive to the exceptionally high value of political speech in a democracy.

(The Electoral Commission v Watson and Anor 2016)

Election advertisements that may reasonably be regarded as encouraging or persuading voters to vote, or not to vote for a party (whether or not the name of the party is stated) are called party advertisements.

Election advertisements that may reasonably be regarded as encouraging or persuading voters to vote, or not to vote for an electorate candidate (whether or not the name of the candidate is stated) are called candidate advertisements.

All requirements in respect of election advertisements apply to:

- election advertisements published in New Zealand even if the promoter is outside of New Zealand, and
- election advertisements published outside of New Zealand where the promoter is in New Zealand.

[See section 3F of the Electoral Act]

Publish means to bring to the notice of a person in any manner, excluding addressing one or more persons face to face.

[See section 3D of the Electoral Act]

Election advertisement exemptions

The legislation makes it clear that the following are not election advertisements:

- editorial content
- personal political views online
- a member of Parliament’s contact details.

Editorial content

There is an exemption for the editorial content of a periodical, a radio or television programme, or news media internet site. The Electoral Act does not define ‘editorial content’ but the Commission’s view is that it includes any part of the publication except advertising or advertorial. It can include opinion and editorial pieces written by others and reader contributions that the editor has chosen to publish.

A periodical is a newspaper, magazine, or journal established for purposes unrelated to the election, that has been published at regular intervals and is available to the public.

Personal political views online

There is an exemption for the publication of personal political views by an individual on the internet or other electronic medium, provided the individual does not make or receive payment for publishing those views. Individuals expressing personal political views on social media such as Facebook and Twitter are covered by this exemption and will not need to include a promoter statement.

This exemption does not extend to political views expressed on behalf of a party because the exemption is restricted to the publication of personal views by an individual.

Where an election advertisement posted on Facebook, Twitter, or other social media site is ‘liked’, ‘shared’, ‘retweeted’ or ‘reblogged’ by another person, it is the Commission’s view that the individual content appearing elsewhere online will not require a promoter statement if it appears on those other pages as the expression of personal political views by an individual who does not make or receive payment in respect of the publication of those views.

MP contact details

There is also an exemption for the publication of contact information by MPs.

Further information for MPs is available in the Commission's publication *MP Handbook – General Election 2017*.

Requesting an advisory opinion from the Electoral Commission

We are very happy to provide guidance to parties. You can ask the Commission for advice on whether, in the Commission's opinion, an advertisement constitutes an 'election advertisement' under the law. The opinion of the Commission is not legally binding but reflects the Commission's interpretation of the law. A court of law may reach a different view and you may still wish to seek your own legal advice.

To request an advisory opinion, please provide a copy of the advertisement and any relevant background information about the context of the publication such as the details of when and how it is to be published and on what scale. Requests can be made by email to advisory@elections.govt.nz. We will respond as soon as we can. We have a maximum target turnaround of 5 working days.

The Commission will treat the proposed advertisement, any supporting material, and the advice given to the requestor as confidential until the day after the date for the return of the writ for the election (13 October).

Advisory opinions will then be available on request, subject to the Official Information Act 1982. This does not prohibit the requestor from releasing the advice at any time.

Party logos

If advertising includes a party logo, a promoter statement and authorisation from the party secretary may be required. This will depend on matters such as the context, size and relative prominence of the logo and whether in the circumstances the presence of the party logo means that the advertising can reasonably

be regarded as encouraging or persuading voters to vote for the party.

[See section 3A of the Electoral Act]

For example, the presence of your party logo in an MP or candidate publication does not in itself make the publication a party advertisement if the size and relative prominence of the logo is consistent with the purpose of identifying the MP or candidate as an MP or candidate for the party and could not be seen as going beyond that.

Radio and television advertising

Both Part 6 of the Broadcasting Act and the Electoral Act govern how and when parties can use radio and television advertising in election campaigns as distinct from other forms of advertising.

Parties may broadcast on radio or television to advertise for the party vote, to attack another party or parties, or to promote or attack candidates. They may only do so within the period beginning with writ day (23 August) until the day before election day (22 September).

Parties may only use funds allocated by the Commission to buy election broadcasting time - they cannot use their own funds for this purpose. Parties can, however, use their own money to pay for production costs (which then become an election expense).

Parties can use their broadcasting allocation to promote an electorate candidate. Before they do so they must have the written authorisation of the candidate. Once authorised, the cost of the broadcast or the portion of the broadcast that relates to the candidate will be an election expense for the candidate. The value of the broadcast will also be a donation by the party to the candidate.

A candidate election broadcast may only promote the candidate's own election. A candidate broadcast cannot feature more than one candidate. Although the party name and policies may be mentioned, an electorate candidate's advertisement must not encourage a party vote or promote the party list or attack other parties or candidates.

The costs of broadcasting election programmes paid for out of the broadcasting money allocated by the Commission are specifically excluded from the definition of party election expense and do not count towards the party's election expense limit.

All broadcasts of election advertisements must include a promoter statement.

Parties and candidates need to carefully consider whether any broadcasting that they undertake falls under the definition of 'election programme' for the purposes of the Broadcasting Act.

An 'election programme' is defined as "a programme that:

- (a) encourages or persuades, or appears to encourage or persuade, voters to vote for a party or the election of a constituency candidate; or
- (b) encourages or persuades, or appears to encourage or persuade, voters not to vote for a party or the election of a constituency candidate;

or

- (c) advocates support for a constituency candidate or for a party; or
- (d) opposes a constituency candidate or a political party; or
- (e) notifies meetings held or to be held in connection with an election."

It includes "visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text."

The courts have held that the broadcast election programme rules only apply to broadcasts for political parties and candidates, not, for example, ads initiated by third parties or programmes selected by the broadcasters, e.g. editorial content, news, comment, current affairs, entertainment, documentaries etc.

(The Electoral Commission v Watson & Anor 2016)

How can the broadcasting allocation be used? *

Type of advertising	Production costs	Placement costs	Timing	Election expenses
Radio and television advertising	Parties can use the broadcasting allocation, their own funds or a mixture of both for production costs.	Placement costs must be paid for out of the allocation. Parties cannot spend their own funds on placement.	Advertising promoting parties and candidates can only be broadcast during the election period.	Production and placement costs funded from the allocation are not party election expenses. If parties use their own funds for any production costs these will be an expense. If parties use the allocation to promote an electorate candidate, then the cost (or the portion of the advertisement relating to the candidate) is both a candidate expense and a donation by the party to the candidate.
Internet advertising	The broadcasting allocation can only be used for production costs if the advertisement is published during the election period or both before and during the election period.	The allocation can only fund placement costs during the election period. Parties can spend their own funds for placement costs before and during the election period.	Advertising promoting parties and candidates can be published at any time online – but use of the allocation for production and placement costs online is restricted as indicated.	Production and placement costs funded from the allocation are not party election expenses. If parties use their own funds for production and placement, and if published during the regulated period, these costs will be an election expense. If parties use the allocation to promote a candidate, the cost (or the portion of the ad relating to the candidate) is both a candidate expense and a donation by the party to the candidate.

Broadcasting allocation

Registered parties had to apply by 3 March 2017 to the Electoral Commission for consideration for an allocation of funds to spend on broadcast advertising. The allocation for the 2017 general election is \$3,605,000 (plus GST).

The table opposite illustrates how the broadcasting allocation can be used. Guidance on the reporting of allocation expenses by the party is provided in Part 3.

There is no allocation for a by-election, nor directly to electorate candidates.

It is illegal for a party to spend its own funds to buy radio or television time to promote the party.

A party can spend its own funds on production costs within their election expenditure limit. The allocation can also be used to produce internet advertisements that are published both before and during 'the election period' and to place or promote internet advertisements during the election period.

An election broadcast or internet advertisement promoting an electorate candidate may be funded from a party's broadcasting allocation or the candidate's own campaign funds (within the candidate's \$26,200 election expense limit).

Unregistered parties, and registered parties not allocated funds under Part 6 of the Broadcasting Act, may only use radio and television to promote their electorate candidates.

Press and other advertising

Advertising in forms other than radio or television can promote a party or their candidates or attack another party and their candidates.

Expenditure on press advertising and other forms of promotion such as signs are election expenses.

Canvassing and surveys

The rules relating to the requirement for a promoter statement and election expenses apply to election advertisements that are 'published'. However, the definition of publish expressly excludes addressing one

or more persons face to face.

This means that face to face canvassing activities are exempt from the requirement for a promoter statement and do not need to be considered in terms of election expenses.

Whether telephone canvassing or surveys are election advertisements depends on their content.

The Electoral Act includes an express exemption for surveys and opinion polls from the definition of election expenses, but this does not mean everything published in a survey format will automatically be exempt, which is often a source of confusion. The courts have found that if a survey goes beyond merely eliciting voter's views and can reasonably be regarded as encouraging or persuading voters to vote or not vote for an electorate candidate or political party (often referred to as push polling) then it will be an election advertisement.

If survey questions promote your party's policies or ask questions in a leading way and direct the answers, then the survey is likely to be an election advertisement and needs to comply with the election advertising rules.

We are happy to review a proposed script or survey and provide a view on whether or not it is an election advertisement, candidate advertisement and/or party advertisement.

Websites and social media

Where a website, including YouTube, Facebook, Twitter or other social media, is used by a candidate, party or third party to express party or third party political views, the exemption for personal political views does not apply.

To determine whether a website or social media page is an election advertisement, the Commission looks at the content of the site or page as a whole. A party website may be made up of several pages containing, for example, information about the party and its policies, how to join or donate to the party and candidate information. If a party website has content that can reasonably be regarded as encouraging

or persuading voters to vote for the party or its candidates the whole website will be an election advertisement.

The same approach is taken when considering social media. For example, whether or not a party's Facebook page is an election advertisement, the Commission looks at the Facebook page as a whole, including the content the party is responsible for publishing such as the party's posts and profile photos. Generally, where individuals post comments on a party's Facebook page the personal political views exemption is likely to apply to those posts.

Where the website or webpage is an election advertisement, a promoter statement does not need to be included in each picture, article or post on the site, provided the promoter statement is contained on the home page or the page that contains the election advertising.

On Facebook, Twitter, Instagram and YouTube we recommend you include the promoter statement in the 'About' or profile section for your account or channel.

Where you pay for an election advertisement to appear unsolicited on another person's webpage, for example, a promoted post or banner advertisement on Facebook or Twitter, a promoter statement must be included on the advertisement itself. You cannot rely on a link back to another page which contains a promoter statement.

If there are a limited number of pixels or characters to include a promoter statement on the advertisement it is acceptable to abbreviate the promoter statement, for example '*Promoted by Anthony Secretary, 111 Any Street, Auckland*' could be abbreviated to '*A Secretary, 111 Any St, AKLD*'.

References to websites

If advertising contains a website reference, depending on how the website is being used in the advertisement, the content of the website may be considered in determining whether the advertisement is a candidate advertisement, party advertisement, or both, for the purposes of the Electoral Act.

For example, if the statement:

'Go to www.standupforanimals.com to find out more' is included in a print advertisement, both the content of the print advertisement and the website content would be taken into account.

Listing a website is fine, but if you use words or graphics that encourage readers to visit a website, the content of both the publicity and the website will need to be considered.

An advertisement 'relating to an election'

Even if an advertisement does not come within the definition of an 'election advertisement', it must still contain a promoter statement if it is 'advertising relating to an election' that is published in any newspaper, periodical, poster or flyer or broadcast on radio or television.

[Section 221A of the Electoral Act]

For example, a poster promoted by a third party that encourages the public to vote or not to vote at the election or encourages people to enrol so they can vote in the election would not fulfil the definition of an election advertisement because there is no direct or indirect reference to a candidate or party or type of candidate or party. However, the advertisement will still need to have a promoter statement on it to comply with section 221A of the Electoral Act because it is 'election-related'.

Electoral signs

Local authorities are responsible for regulating when, where, and how election signs can be displayed. You should consult with local authorities about their rules before putting up any election signs.

As the rules may vary between each local authority, the Electoral Act allows election signs up to three square metres in size to be put up from Saturday 22 July for the general election. This provision overrides any more restrictive local authority rules about the size of signs and when they can go up, but it does not mean you can put your signs up from Saturday 22 July wherever you want to. Local authority rules about the location

and density of signs and any application procedures to put up electoral signs will still apply. Some local authorities may allow larger signs to be put up and for signs to be put up before 22 July.

Any queries or complaints about signs being up should be directed to the relevant local authority.

You must not pay an elector to display an electoral sign unless it is in the course of the elector's business.

It is an offence under the Electoral Act to display election signs on election day.

Treating

Treating is the giving or providing of food, drink, entertainment or provision to persons with the intention of corruptly influencing their vote and is a criminal offence.

[See section 217 of the Electoral Act for a full description]

Section 217 is broadly phrased as to the period during which it applies: it covers actions "before, during, or after an election".

The consequences of a conviction for treating are significant, including imprisonment, loss of a parliamentary seat or disqualification as a voter for three years.

Although the ambit is broad, the threshold for establishing treating is also high - a corrupt intention is required.

The courts have previously held that the offence of "treating" requires an intention on the part of the person treating to influence the votes of the persons treated.

The Electoral Act states that the provision of a light supper after an election meeting does not constitute the offence of treating. The provision of a cup of tea or coffee and a light snack after a campaign meeting, therefore is not treating.

There are very few court cases on the offence which makes it difficult to be definitive about what will constitute treating. However, in the Commission's view these are some of the factors that we believe are relevant considerations:

- the scale and commercial value of the food, drink, entertainment or other provision are relevant.

In our view this is key, treating requires a corrupt intent and a likelihood of influence - it does not apply to ordinary hospitality that is incidental to a political meeting

- the target audience of the provision – providing food, drink, and entertainment at an AGM, campaign launch or annual party conference where the primary audience is party members is unlikely to be treating, but providing food, drink and entertainment at a public meeting carries more risk, and
- the extent to which the provision is accompanied by other political material.

In the Commission's view, to avoid complaints it is prudent for parties and candidates and their supporters to act cautiously and with restraint in providing food, drink – especially alcohol and entertainment as part of their political activities.

Any person who is concerned that what they are proposing could constitute treating can seek the view of the Commission on particular proposals and the Commission will provide its view.

The opinion of the Commission is not legally binding. A court of law may reach a different view and parties who have concerns may still wish to seek their own legal advice.

Campaigning near advance voting places*

The restrictions that prevent electioneering on election day do not apply during the advance voting period. However, there are restrictions on campaigning inside, or within 10 metres, of an entrance to an advance voting place ("the buffer zone").

The full list of prohibited activities is set out in section 197A of the Electoral Act which effectively prohibits anything that can be said to interfere with or influence voters, including processions, speeches or public statements in a buffer zone.

Signs, clothing and other campaign material featuring party or candidate names, emblems, slogans or logos

cannot be displayed or handed out inside the advance voting place or anywhere within the buffer zone.

Returning Officers are authorised to remove or cover any advertising in breach of these rules and charge the costs to the people responsible for their display.

You, your supporters and scrutineers may wear a party lapel badge. A party lapel badge is a badge or rosette designed to be worn on the lapel and bearing the party's name, emblem, slogan or logo. Candidate names and party web addresses should not be included on a lapel badge.

Streamers, rosettes (other than those designed to be worn on the lapel), ribbons and similar items in party colours may be displayed in a buffer zones but only on people or vehicles and must not contain party names, emblems, slogans and logos or your name.

The rules about filming and photography in an advance voting place are the same as those on election day, see Part 4.

Complaints about election advertising

The rules in the Electoral Act and the Broadcasting Act impose procedural or timing requirements on publishers and broadcasters. The restriction on broadcasting election programmes outside the election period, and the requirement for all election advertising to contain a promoter statement are examples.

The legislation does not prescribe the substantive content of election advertisements, and election programmes, but publishers and broadcasters must comply with the relevant broadcasting standards or codes of practice.

Electoral Commission

The Electoral Commission is responsible for considering complaints about the breaches of election advertising rules and the election day rules under the Electoral Act and election programmes under Part 6 of the Broadcasting Act. The Commission has no prosecution or enforcement role. If the Commission believes an offence has been committed it must report the facts to the New Zealand Police.

For a limited number of Electoral Act offences the Commission does not have to report an offence if the offence is so inconsequential that there is no public interest in reporting those facts to the Police.

Complaints can be made in writing to enquiries@elections.govt.nz or by post to the Electoral Commission at PO Box 3220, Wellington.

Broadcasting Standards Authority

Election programmes on television and radio (which include party and candidate advertisements) come within the jurisdiction of the Broadcasting Standards Authority (BSA). Election programmes must comply with the Election Programme Code which is available on the BSA website.

Third party programmes about election matters must comply with the relevant broadcasting standards for radio, Free-to-Air TV or Pay TV.

Complaints about an election programme under the Election Programme Code must be made directly to the BSA:

Broadcasting Standards Authority
PO Box 9213, Wellington 6141

Level 2, 119 Ghuznee Street
Wellington 6011

Tel: 04 382 9508

Fax: 04 382 9543

Email: info@bsa.govt.nz

Website: www.bsa.govt.nz
(including online complaint form)

Complaints about election-related broadcasting by broadcasters and third parties under the broadcasting standards must be made to the broadcaster in the first instance. If a complainant is not satisfied with the outcome of their complaint to the broadcaster, they are entitled to refer their complaint to the BSA for review.

For advice on the codes contact the BSA (telephone 0800 366 996 or email info@bsa.govt.nz).

Advertising Standards Authority

The content of election advertising in all media other than election programmes on television and radio comes within the jurisdiction of the Advertising Standards Authority (ASA).

Advertising must comply with the ASA Codes of Practice.

The codes are available on the ASA website. See also the Advocacy Advertising Principles Guidance.

Complaints can be made directly to:

Advertising Standards Authority
PO Box 10 675, Wellington 6143

Ground Floor, 79 Boulcott Street, Wellington

Tel: 04 472 7852 or
0800 ADHELP (0800 234357)

Email: asa@asa.co.nz

Website: www.asa.co.nz

Press Council

The New Zealand Press Council is responsible for considering any complaints about the editorial content of a newspaper, magazine or periodical in circulation in New Zealand (including their websites) or digital sites, with news content, that have been accepted as a member of the Council.

Generally a person bringing a complaint against a publication must, unless exempted by the Executive Director of the Council, first lodge the complaint in writing with the editor of the publication.

If the complainant is not satisfied by the editor's response or receives no response from the editor within a period of 10 working days from the date on which the editor received the complaint, the complainant may then complain to the Press Council (online at www.presscouncil.org.nz or PO Box 10 879, The Terrace, Wellington, 6143).

Complaints must be made in writing, preferably using the online form. Further information about the complaints procedure, time limits for bringing complaints, and a list of members of the Press Council are available at www.presscouncil.org.nz.

PART 3: Election expenses, donations and loans

As party secretary, you are responsible for the party's obligations in respect of election expenses, donations and loans. This section explains how much a party can spend on election advertising, the types of donations a party can receive and the reporting of expenses, donations and loans.

Key messages:

Parties can start fundraising and campaigning at any time.

Spending limits only apply to advertising published in the regulated period (23 June to 22 September).

There is no overall limit on how much parties can receive by way of donations.

Party expense returns for the 2017 general election must be filed by 21 February 2018.

Election expenses

Expenditure limit

A registered party's election expenses during the regulated period for the 2017 general election (23 June to 22 September) must not exceed \$1,115,000 (including GST) plus \$26,200 (including GST) per electorate contested by the party.

If a registered party does not contest the party vote, its total election expenses cannot exceed \$26,200 (including GST) for each electorate candidate nominated by the party.

The candidate election expenses regime does not apply to people who are list candidates only. Any spending by those candidates promoting the party is an election expense of the party and must be authorised by the party secretary.

Party limits are separate from the expense limits applying to electorate candidates.

Election expenses

A party's election expenses are the costs of advertising in any medium that:

- may reasonably be regarded as either encouraging voters to vote for the party or discouraging voters from voting for another party, or both (whether or not the name of the party(s) are mentioned)
- is published, or continues to be published, during the regulated period, and
- is promoted by the party secretary or any person (including a registered promoter) authorised by the party secretary.

[See section 206 of the Electoral Act]

Party election expenses include:

- the cost incurred in the preparation, design, composition, printing, postage and publication of the advertisement
- the reasonable market value of any materials used for the advertisement, including materials provided to the party free of charge or below reasonable market value
- the apportioned costs for advertisements that promote two or more parties, or a party and a candidate.

[See section 3E of the Electoral Act]

The costs of food, hall hire, surveys or opinion polls, free labour or replacing materials destroyed through no fault of the party are not election expenses. Nomination and party list deposits are not election expenses.

The cost of any framework that supports a sign (other than a commercial framework) is not an expense.

The costs of broadcasting election programmes paid for out of the broadcasting allocation by the Commission are not election expenses.

Surveys or opinion polls

The exclusion for surveys or opinion polls is not unlimited. If a survey goes beyond merely eliciting voters' views and can reasonably be regarded as encouraging or persuading voters to vote for a constituency candidate or political party then it will not be a survey or public opinion poll for the purposes of the Electoral Act. It will be an election advertisement and the costs associated with the survey are election expenses.

If the survey is a party advertisement undertaken by phone canvassers who provide their labour free of charge, the costs are exempt. Any other costs incurred (for example, line rental and costs of any calls) would be an expense. The costs of paying any canvassing company to undertake the canvassing would be an election expense.

Vehicle signage

The costs of party advertisement signage on campaign cars and other forms of mobile party advertising are election expenses. However, election expenses do not include the running costs of any vehicle used to display an election advertisement if the use of the vehicle for that purpose is not the subject of a contract, arrangement or understanding for payment.

Websites

Election expenses in relation to party advertisements published on a website include the costs that you incur preparing, designing and publishing the advertisement including hosting fees. They do not include the costs of setting up and maintaining the hardware and software infrastructure of the website.

Items distributed for public display

If the party distributes items such as t-shirts, bumper stickers and flags before the start of the regulated period, you should assume that they will continue to be displayed during the regulated period and include

the cost of these items as an election expense.

[See section 206CA of the Electoral Act]

Care should be exercised with such items because you could be exposing your supporters to the risk of prosecution if they display the items on election day.

Items reused between elections

Expenses cannot be apportioned between elections. If materials such as banners are purchased and then reused in subsequent elections, at each subsequent election the party must account for the reasonable market value of the materials as an election expense.

We suggest that you either use the price that was originally paid for the item, or if this is not known, what the item would cost to purchase now based on two quotes.

Staff time

The cost of labour provided to you free of charge is not an election expense. The cost of paid campaign staff, for example a campaign manager, is also not an election expense unless the staff member is directly involved in the preparation, design, composition, printing, postage or publication of party advertising. An example where paying staff might be an expense is where the staff member is directly involved in preparing copy or artwork.

Election expenses paid before or after the regulated period

Expenses paid for or incurred either before the regulated period (23 June to 22 September) or after election day (23 September) must be included in the return to the extent to which they relate to election advertisements published within the regulated period.

Apportioning election expenses

Where a party advertisement is published before and during the regulated period, the party secretary is responsible for apportioning the election expenses so that only a fair proportion of the expense is attributed to the regulated period.

It will also be necessary for you to apportion election expenses if the total expenses of an election advertisement relate partly to the promotion of the party concerned and partly for:

- a candidate or candidates, and/or
- another party or parties.

Apportionment is a factual exercise determined by the circumstances of each case. We are happy to discuss any apportionment questions.

See Appendix C for a summary of how the costs of election advertisements are to be accounted for and an example to illustrate the principles to be applied when apportioning.

Election expenses for advertisements promoted by third party

Expenses cannot be apportioned with third party promoters. If a party secretary authorises someone else to publish an advertisement encouraging people to vote for the party, the entire cost of the advertising will form part of the party's election expenses. The same costs will also need to be included as part of the third party's election expenses.

The party secretary will need to obtain further information from the third party about costs incurred. The advertising and expenditure rules that apply to third parties are set out in the booklet *Third Party Handbook – General Election 2017*.

Paying election expenses

Invoices for election expenses must be sent to the party secretary within 20 working days of the declaration of the election of list candidates (by 10 November if there are no recounts).

The party secretary must pay any bill within 40 working days of the declaration (by 8 December if there are no recounts). It is an offence not to do this. Sections 206F and 206G of the Electoral Act set out the procedure to follow if a bill is disputed.

Keeping records of election expenses

Party secretaries must take all reasonable steps to keep records of all party election expenses. Party secretaries must keep invoices and records for all election expenses of \$100 or more for three years after election day.

Return of party expenses

After a general election, the party secretary of every registered party must file a return with the Commission of party election expenses published during the regulated period.

[See section 206I of the Electoral Act]

The return must:

- be made on the Commission's Return of Party Expenses form
- be accompanied by an auditor's report
- be filed within 90 working days of election day (by 21 February 2018).

The return form is available from the Commission.

The form requires you to provide details of all party election expenses incurred, including expenses incurred by any person authorised by the party secretary. The advertising expenses of unregistered promoters and registered promoters that the party secretary has authorised need to be included in the form.

If there are no election expenses to report on, the party secretary must file a nil return and obtain an auditor's report.

Expense returns are open to public inspection and are published on the Commission's website.

Broadcasting allocation expenses*

A change to the Electoral Act means that there will be a new requirement for the party secretary to file a return of the party's allocation expenses, which will be reported with the party election expenses.

The form requires the party secretary to provide details of the amount of the party's allocation and all

accounts sent by the party to the Commission under section 80B of the Broadcasting Act, including:

- the name and address of the supplier
- invoice date or dates
- production costs
- television placement costs
- radio placement costs, and
- internet placement costs

that relate to party advertising, candidate advertising or both.

For parties that do not receive a broadcasting allocation there is no requirement to complete the allocation expenses part of the return.

Auditor's report

All party election expense returns must be accompanied by an audit report as prescribed in the Electoral Act. We suggest you familiarise yourself with sections 206L and 206LA of the Electoral Act which set out what the audit report should contain.

While engaged by the party, the auditor is assessing and reporting as appropriate on whether the party's election expenses and associated record keeping have been within the law, and whether the auditor has received all necessary information to form an opinion.

You are reminded that a party auditor cannot be a body corporate or someone closely connected to the running of a party, must be a chartered accountant, and properly appointed and notified to the Commission.

[See section 206K of the Electoral Act]

The audit must be of the party's entire election expenses (not a sample) so that the auditor can form an opinion on the matters which are required to be covered in the audit report.

The Electoral Act gives auditors powers of access to party records and to require information and explanations from the party secretary.

Chartered Accountants Australia and New Zealand and the Electoral Commission jointly recommend the use of a representation letter in the final stages of the

audit process. A template letter is available from the Commission.

The Commission does not accept any of the following as 'reasonable excuses' for not providing an audit report on a party's entire election expenses:

- cost or time involved in the audit or the servicing of it
- alleged difficulty arising from the location of the relevant documentation
- alleged autonomy of organisations within the party.

If a party secretary does not provide all the information required or fails, in the auditor's opinion, to keep proper records of party election expenses sufficient to earn an unqualified opinion then the auditor may give a qualified opinion, an adverse opinion, or a disclaimer of opinion, in accordance with the applicable auditing and assurance standards issued by the New Zealand Auditing and Assurance Standards Board.

If the audit report does not comply with the requirements of sections 206L and 206LA of the Electoral Act it may be rejected by the Commission and the party secretary would be required to obtain a new one.

Donations

Party donations

A party donation is a donation of money, goods or services that is made to a party.

[See section 207 of the Electoral Act]

Party donations and contributions to donations of more than \$15,000 (including GST) are required to be declared in the party's annual return of donations. A series of donations, or contributions of more than \$1,500 to donations, made by one person that adds up to more than \$15,000 must also be declared.

A party donation includes:

- where a party is provided with goods or services free of charge that have a reasonable market value of more than \$1,500
- where a party is provided with discounted goods or services and the reasonable market value of the goods or services is greater than \$1,500, the difference between the contract or agreed price and the reasonable market value of the goods or services is a donation
- when a party sells over-valued goods or services, the difference between the price paid and the reasonable market value is a donation (for example a fundraising auction or dinner)
- where credit is provided to a party on more favourable terms than those prevailing at the same time for similar credit, the value of the favourable terms is a donation.

The following are not a party donation:

- volunteer labour
- goods or services provided free of charge to a party, or to any person on the party's behalf, that have a reasonable market value of \$1,500 or less, or
- a candidate donation that is included in a candidate's return of donations.

If a person or organisation gives or pays for goods or services that would otherwise be party election expenses, the reasonable market value of those items

whatever their value should be recorded as an election expense.

If the reasonable market value of the items exceed \$1,500 it should also be recorded as a donation.

A bequest to a party of money, or the equivalent of money, is a party donation. If the bequest exceeds \$15,000, for the name and address to be disclosed, include the executor's name for the estate of [name of deceased] and the executor's address. The date the donation was received will be the date the bequest was made by the executor to the party.

Donations made up of contributions

A donation can be made up in part by funds contributed by more than one person (contributors), for example where there is a collection or whip-round for a party's campaign.

[See section 207 of the Electoral Act]

The total proceeds of a collection or whip-round are treated as a donation under the Electoral Act. The person who collects the money will normally be the donor. The individuals who contribute to the collection are contributors for the purposes of the Electoral Act.

If a party donation, other than an anonymous donation, is made up of contributions, the transmitter or donor must tell the party secretary:

- the name and address of the donor
- that the donation is made up of contributions
- in the case of contributions made by any individual contributor that either on its own or when aggregated with other contributions made by the same contributor are greater than \$1,500:
 - the name and address of the contributor
 - the amount of the contribution (or the total amount of the aggregated contributions), and
 - whether the contributor is an 'overseas person', and
- the total amount of any other contributions.

If the party secretary knows, or has reasonable grounds to believe, that the donor has failed to supply

information about contributions, the whole donation must be returned to the donor.

Example:

If person A writes four cheques for \$500 to the party's campaign committee and persons B, C and D each give \$100, and the committee then makes a donation to the party, the party campaign committee organiser would need to disclose to the party secretary that the \$2,300 donation is funded from contributions including a contribution of \$2,000 from person A, and provide person A's name and address, and \$300 in total from other contributors <\$1,500.

Raffles, stalls and other fundraisers

A supporter providing a party with free cakes or other goods or services to use for fundraising is not making a donation for the purposes of the Electoral Act if the value of the items given is worth \$1,500 or less. Purchasers of raffle tickets and cakes from a cake stall are not 'donors' as they are not making a donation to anyone. The total proceeds of a raffle or a cake stall for a party's campaign are treated as a donation. The person who runs the raffle or cake stall will normally be the donor.

If the total funds from the raffle or cake stall are over \$15,000, then the party's donation return must include the name and address of the person who ran the fundraiser and subsequently donated the proceeds, along with the total amount given and the date that the donation was received by the party secretary.

Whether the individuals who purchase a ticket or buy a cake are 'contributors' depends on whether they bought their ticket or cake in the knowledge or expectation that some or all of the money paid would be included in a donation to the party. This will be a question of fact. It would need to be very clear to purchasers that it is a party fundraiser for the purchasers of tickets to be 'contributors'.

If the purchasers of raffle tickets are 'contributors', the organiser must tell the party secretary at the time of making the donation that the donation is funded from

contributions. The donor must also disclose whether the donation is made up of contributions of more than \$1,500. If an individual pays more than \$15,000 for raffle tickets, their name and address would have to be disclosed in the party's donation return, along with the amount of their contribution.

[See section 207C of the Electoral Act]

If a ticket is sold to a fundraising event, such as a dinner, or an item is auctioned at a fundraising auction, the difference between the price paid for the ticket or item and the reasonable market value of the ticket or item is a donation. Determining the reasonable market value for unique items may be difficult, for example, if you have speakers at the dinner or auction a one-off item. However, parties should not rely on the price paid at a fundraising auction as evidence of reasonable market value.

In the absence of an objective basis to value the donation component that the party secretary can defend, the Commission's advice would be to err on the side of caution and treat the entire difference between the ticket price or auction price and the reasonable market value of assessable goods or services such as food and beverages, as a donation.

Example:

If person A bids and wins two separate items at a party fundraising auction and pays \$1,500 for each item (ie. \$3,000 in total), both of which have a reasonable market value of \$500 (ie. \$1,000 in total) - the donor responsible for the fundraiser would need to disclose that the donation is funded from contributions and identify that person A has contributed \$2,000 to the donation and provide person A's name and address.

Transmitted donations

A party donation can be made either directly by the donor to the party or indirectly by a transmitter who transmits a donation to the party on someone else's behalf, for example, via a lawyer's trust fund.

Any person who receives a party donation on the party's behalf must, within 10 working days of receipt,

either transmit it to the party secretary, or deposit the donation into a bank account nominated by the party secretary.

When transmitting a donation, the transmitter must tell the party secretary:

- that the donation is being transmitted on behalf of a donor
- the name and address of the donor
- whether the donation is made up of contributions
- in the case of contributions made by any individual contributor that either on its own or when aggregated with other contributions made by the same contributor are greater than \$1,500:
 - the name and address of the contributor
 - the amount of the contribution (or the total amount of the aggregated contributions), and
 - whether the contributor is an 'overseas person', and
- the total amount of any other contributions.

Where a transmitter does not disclose the name and address of the donor, the donation must be treated as an anonymous donation.

A donation to an electorate committee is considered a transmitted donation with the electorate committee being the transmitter. If the donor does not specify to the electorate committee whether the donation is to the party or the candidate, the presumption is that it is a donation to the party. The electorate committee must within 10 working days of receipt, either transmit it to the party secretary, or deposit the donation into a bank account nominated by the party secretary.

Anonymous donations

Parties are not allowed to retain anonymous donations exceeding \$1,500. An anonymous donation is a donation made in such a way that the party secretary who receives the donation does not know the identity of the donor and could not, in the circumstances, reasonably be expected to know the identity of the donor.

[See section 207 of the Electoral Act]

If you receive an anonymous donation greater than \$1,500 you may retain \$1,500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the Electoral Commission for payment into a Crown bank account.

A donation from a trust must include the name and address of the settlor of the trust or the person at whose direction the donation was given.

Overseas donations

Parties are not allowed to retain donations or contributions exceeding \$1,500 made by an overseas person. *[See section 207K of the Electoral Act]*

An overseas person is:

- an individual who resides outside New Zealand and is not a New Zealand citizen or registered elector
- a body corporate incorporated outside New Zealand, or
- an unincorporated body that has its head office or principal place of business outside New Zealand.

If you receive a donation from an overseas person greater than \$1,500 (either on its own or when aggregated with all other donations from the overseas person) you can retain \$1,500 of that donation. The balance of the donation must, within 20 working days of receipt, either be returned to the overseas person who made the donation, or if this is not possible, be paid to the Commission for payment into a Crown bank account.

If you receive any donation from a donor who is not an overseas person that includes a contribution from an overseas person greater than \$1,500 (either on its own or when aggregated with all other contributions to the donation from the overseas person) you must return the whole donation to the donor. If that is not possible, the party secretary must forward the whole donation to the Commission for payment into a Crown bank account.

Donations protected from disclosure

A donation protected from disclosure enables a person to make an anonymous donation of more than \$1,500 to a registered party without their identity being disclosed to either the public or the party.

The donation is made to the Commission.

The Commission puts the donation together with others and pays it to the party, together with any interest earned without identifying the value of individual donations, or the number or names of donors involved.

The current maximum amount that an individual or body can donate to any one party through this process is \$44,628 between two successive elections.

No party may currently receive more than \$297,520 from donations protected from disclosure between two successive elections.

If a donation or contribution takes an individual or party over the limit then the Commission will return the excess.

Payments are made weekly, during the period between writ day and the return of the writ for a general election, and monthly at any other time.

The Commission must report the total amounts of protected disclosure donations received and amounts paid to a party secretary quarterly on our website and in our annual report.

Keeping records of donations

Party secretaries must take all reasonable steps to keep records of all party donations received (including donations of less than \$15,000). Records have to be retained for three years after returns are filed.

Annual return of party donations

Party secretaries of all registered parties are required to file an annual return of party donations with the Commission.

The return must be filed by 30 April each year for party donations received during the previous calendar year.

The annual return must:

- be made on the annual party return form, and
- be accompanied by an auditor's report.

If there are no donations to report on, the party secretary must file a nil return and obtain an auditor's report.

The information required for each category of donation is listed below.

Parties must have systems in place to track aggregated totals by donors for the purposes of the annual donations return, as well as immediate disclosure of donations exceeding \$30,000.

Donations to an electorate candidate disclosed in the candidate's post-election return are not included.

The returns are open to public inspection and are published on the Commission's website.

Donations exceeding \$15,000

For donations of more than \$15,000, other than anonymous or overseas donations, the party secretary will need to provide the following details:

- the name and address of the donor
- the amount of the donation, or in the case of aggregated donations, the total amount of the donations
- the date that the donation was received, or in the case of aggregated donations, the date each donation was received
- whether the donation is made up of contributions, and
- whether the donation is made up of any contributions of more than \$15,000 (either on its own or when aggregated with all other contributions from the contributor to the donation or to other donations during the year), and if so:
 - the name and address of each contributor
 - the amount of the contribution, or in the case of aggregated contributions, the total amount of aggregated contributions, made by the contributor, and

- the date on which the donation or each related donation funded from contributions was made.

Donations exceeding \$30,000 that have been disclosed during the year under section 210C of the Electoral Act also need to be included.

Anonymous donations

For anonymous donations exceeding \$1,500, the party secretary will need to provide:

- the date the donation was received
- the amount received, and
- the amount paid to the Commission and the date payment was made.

Donations from overseas persons

For donations by overseas persons exceeding \$1,500 (either on its own or aggregated with all other donations by the same overseas person during the year), the details required are:

- the name and address of the overseas person
- the amount of the donation or, in the case of aggregated donations, the total amount of the donations
- the date that the donation was received or, in the case of aggregated donations, the date each donation was received, and
- the amount returned to the overseas person or paid to the Commission, and the date that such return or payment was made.

Contributions from overseas persons

For contributions to any party donation by an overseas person exceeding \$1,500 (either on its own or aggregated with other contributions to the donation by the same overseas person) the party secretary will need to provide:

- the name and address of the overseas person
- the amount of the contribution, or in the case of aggregated contributions, the total amount of aggregated contributions

- the date on which the related donation funded from the contribution was made, and
- the amount returned to the donor or paid to the Commission, and the date that such return or payment was made.

Protected disclosure donations

For protected disclosure donations paid to a party from the Commission, the party secretary must include:

- the date the payment was received
- the amount of the payment
- the amount of any interest included in the payment.

Donations below \$15,000

The total number and total amount of donations below \$15,000 in the following bands must also be included in the party's donations return:

- anonymous party donations of \$1,500 or less,
- overseas party donations of \$1,500 or less
- party donations of more than \$1,500 up to and including \$5,000
- party donations of more than \$5,000 up to and including \$15,000.

Unlike the other donation disclosure requirements, aggregation is not required for the purposes of determining what donations to include and in which band.

Example:

If a donor gives the party \$150 a month, the donations should be treated as 12 separate donations of \$150, not one donation of \$1,800. The 12 donations are not required to be disclosed as they are each less than \$1,500.

Auditor's report

All party donation returns must be accompanied by an auditor's report. We suggest the party secretary familiarise themselves with section 210A of the Electoral Act which sets out the audit requirements.

The audit requirements for donations returns are similar to those for a party's election expenses.

Immediate disclosure of donations exceeding \$30,000

Parties are also required to make immediate disclosure within 10 working days of receipt to the Commission of every donation that:

- exceeds \$30,000, or
- when aggregated with all other donations by the same donor in the last 12 months, exceeds \$30,000

[See section 210C of the Electoral Act]

Disclosure is made using the Commission's return form for donations exceeding \$30,000.

Party secretaries must have systems in place to track aggregated donations by the same donor for the purposes of the annual donations return, as well as immediate disclosure of donations exceeding \$30,000.

To complete the return, the party secretary must provide the following details:

- the name and address of the donor
- the amount of the donation, and
- the date the donation was received.

If the donation includes a contribution exceeding \$30,000 from the same contributor, the party secretary must also disclose:

- the name and address of the contributor, and
- the amount of the contribution.

After a return is filed, aggregation for the purposes of future section 210C returns restarts at \$0 for the donor named in the return.

Party Loans

A party loan is defined as a written or oral agreement under which a lender lends money to a political party. *[See section 212 of the Electoral Act]*

Party loans of more than \$15,000 are required to be disclosed in the party's annual return of loans.

The loan amount is the amount of money lent by the lender under the loan or in the case of an agreement to lend money in the future (for example, a revolving credit facility) – the maximum amount that may be owed at any one time.

Money lent by a registered bank at a commercial interest rate is not a party loan. Credit cards and overdraft facilities with registered banks are excluded.

Registered banks are those registered with the Reserve Bank of New Zealand. The full list of registered banks can be found at: <http://www.rbnz.govt.nz/regulation-and-supervision/banks/register/>

Party secretaries are required to file an annual return by 30 April each year and must make immediate disclosure within 10 working days of any party loans exceeding \$30,000 from the same lender within a 12 month period.

Authority to enter into party loans

Only the party secretary can enter into a loan on behalf of the party.

If the party secretary enters into a loan that is not in writing, the party secretary must keep a proper written record of the loan.

If a loan is entered into by a party that does not have the authorisation of the party secretary, or is entered into by a person who is not the party secretary and/or the party secretary does not keep proper records of a non-written loan, the loan will be an illegal contract under the Illegal Contracts Act 1970.

Keeping records of loans

Party secretaries must take all reasonable steps to keep records of all party loans entered into (including loans of less than \$15,000). Records of each loan have

to be retained for three years after the annual return following the repayment of the loan.

Annual return of loans

Party secretaries of all registered parties are required to file an annual return of party loans with the Commission.

The return must be filed by 30 April each year for party loans received during the previous calendar year.

The annual return must be:

- made on the Annual Party Return form
- accompanied by an auditor's report.

If there are no loans to report the party secretary must file a nil return and obtain an auditor's report.

The returns are open to public inspection and are published on the Commission's website.

Disclosure of loans exceeding \$15,000

You must disclose in your annual return, every loan entered into:

- during the year that has a loan amount exceeding \$15,000, and
- in any previous year that has an unpaid balance as at 31 December exceeding \$15,000.

You must also disclose loans entered during the year of less than or equal to \$15,000, if the loan exceeds \$15,000 when aggregated with:

- all other loans entered into during the year by the same lender, or
- the unpaid balances as at 31 December of that year, on loans provided by the same lender in any previous years.

Loans exceeding \$30,000 that have been disclosed during the year under section 214F of the Electoral Act also need to be included.

To complete the return, the party secretary must provide the following details:

- the name and address of the lender
- the loan amount
- the date on which the loan was entered into

- the repayment date for the loan (or a statement that there is no repayment date)
- the interest rate, or rates
- the unpaid balance of the loan amount (if any)
- the name and address of any guarantor of the loan
- the details of any security given for the loan
- whether there is any term or arrangement in the loan that enables the lender to reduce or extinguish the loan amount or interest and/or grant any concession in respect of repayment, and
- where the loans from the same lender have been aggregated, the total of the aggregated loan amounts.

Disclosure of all other loans of between \$1,500 and \$15,000

In the annual return party secretaries must also disclose all other loans of \$1,500 or more up to and including \$15,000 entered into during the year.

To complete the return, the party secretary must provide the following:

- the number of loans, and
- the total of the aggregated loan amounts.

Aggregating multiple loans

When aggregating multiple loans within the year the principal sums are to be used.

For loans from previous years the amount outstanding as at 31 December is to be aggregated.

For disclosure of loans in bands \$1,500 to 15,000, only principal sums are to be aggregated.

Example:

Multiple loans

As at 30 April 2017 Party X has entered into the following loans:

- *Loan for \$15,500 from A made in the 2016 calendar year i.e. Jan to Dec 2016 – unpaid balance at 31 Dec is \$14,900*

- Loan for \$20,000 from B (a registered bank at commercial rates) made in the 2016 calendar year
- Loan for \$10,000 from C made in the 2016 calendar year
- Loan for \$14,000 from D made in the 2016 calendar year, balance of \$12,000 owing as at 31 Dec
- Loan for \$16,000 from D made in the 2015 calendar year, balance of \$5,000 owing
- Loan for \$20,000 from E made in the 2015 calendar year, balance of \$14,000 owing.

The loan from A needs to be disclosed because principal sums (\$15,500) are used to determine whether the loan exceeds the \$15,000 disclosure threshold.

The loan from B is not required to be disclosed because it is with a registered bank at commercial rates.

The details of the loan from C do not need to be disclosed because it is below the \$15,000 disclosure threshold. However, the amount will need to be included as part of the total sum of all other loans between \$1,500 and \$15,000.

The two loans from D need to be disclosed because multiple loans from the same lender need to be aggregated using the amount outstanding as at 31 Dec. The total unpaid balance of \$17,000 would be disclosed.

The loan from E is not required to be disclosed because the balance owing has fallen below the \$15,000 threshold.

Auditor's report

All annual party loan returns must be accompanied by an auditor's report. We suggest the party secretary familiarise themselves with section 214D of the Electoral Act which sets out the audit requirements.

The audit requirements for loans returns are similar to those for a party's election expenses.

Immediate disclosure of loans exceeding \$30,000

Parties are also required to make immediate disclosure within 10 working days of receipt to the Commission of every loan entered into that:

- has a loan amount exceeding \$30,000, or
- when aggregated with all other loan amounts provided by the same lender in the last 12 months, exceeds \$30,000.

[See section 214F of the Electoral Act]

Disclosure is made using the Commission's return form for loans exceeding \$30,000.

Party secretaries must have systems in place to track aggregated totals by lenders for the purposes of the annual loans return, as well as immediate disclosure of loans exceeding \$30,000.

To complete the return, the party secretary must provide the following details:

- the name of the lender
- the address of the lender
- the loan amount
- the date on which the loan was entered into
- the repayment date for the loan (or a statement that there is no repayment date)
- the unpaid balance of the loan amount (if any)
- the name and address of any guarantor of the loan
- the details of any security given for the loan, and
- whether there is any term or arrangement in the loan that enables the lender to reduce or extinguish the loan amount or interest and/or grant any concession in respect of repayment.

Aggregation for the purpose of a section 214F return is based only on principal loan amounts. After a return is filed, aggregation for the purposes of future section 214F returns restarts at \$0 for the lender named in the return.

PART 4: Election day

This section outlines the special rules that apply on election day before voting closes.

No campaigning on election day

Any activities (including advertising) promoting the election of a candidate or party or attacking a party or candidate are prohibited on election day (23 September) and are a criminal offence. The full list of prohibited activities is set out in section 197 of the Electoral Act which effectively prohibits anything on election day which can be said to interfere with or influence voters, including processions, speeches or public statements.

The party secretary should be particularly careful to avoid any grounds for complaint.

Before election day you must ensure all the party's election advertising that can be seen from a public place is removed or covered up. Returning Officers are authorised to remove or cover advertising and charge the costs to the people responsible.

Signs on vehicles, including bumper stickers, must be covered or removed. T-shirts and flags featuring party or candidate names, emblems, slogans or logos cannot be displayed on election day. For this reason, the distribution of party or candidate bumper stickers, t-shirts and flags is not recommended. Once distributed, you cannot be sure that they will not continue to be displayed on election day. You could expose your supporters to the risk of inadvertently committing an offence.

Party headquarters

A statement, party name, logo, slogan or emblem on party headquarters may remain on election day if it does not refer specifically to the election campaign.

This exception does not apply to a mobile headquarters.

Delivery of election material

You must not deliver election material through the post or directly to mailboxes on election day. To avoid breaches, New Zealand Post will not accept mail for delivery after Thursday 14 September (9 days before election day).

To reduce the risk of postal delivery on election day, party secretaries should also ensure that any mail is clearly identifiable as being election-related. If you, or your supporters, hand-deliver election material directly to mailboxes on the Friday before election day, you can expect complaints by voters who think the material arrived on election day.

All complaints will be reviewed by the Commission and where appropriate referred to the New Zealand Police.

Contacting voters

Your party may wish to offer voters assistance to get to the voting place. You are entitled to contact voters on election day for that purpose. However, party officials or supporters are not allowed to say or do anything which encourages them to vote for the party or candidates.

If your supporters are contacting voters door-to-door or by phone, the Commission recommends that you use a script and advise your supporters to adhere to it to ensure that they do not make any statements that breach the law.

The script should not include reference to a candidate's name to ensure that there can be no suggestion that the canvasser is attempting to raise the profile of the candidate on election day. A phone canvasser can introduce themselves as ringing on behalf of the party.

We are happy to provide you with a view on whether any script complies with the rules for election day.

Websites

Election material does not have to be removed from a website on election day, so long as the material on the site is only made available to people who voluntarily access it. New material must not be posted on the website on election day.

Advertisements promoting the website must not be published on election day. There is no express exemption for the expression of personal political views online by an individual on election day. You will need to ensure that public message boards and comment areas on your website cannot be added to on election day to ensure new election-related material is not posted on the website before 7pm. The measures you may need to put in place to ensure the rules are not breached will depend on the level of interactivity that is provided to others on the webpage or website.

The same rules apply to the use of social media, such as Facebook and Twitter. If you use social media, do not post messages on election day that could breach these rules. The Commission recommends parties temporarily deactivate their Facebook campaign page to avoid the risk of supporters committing an offence by sharing content or posting on your page.

For other forms of social media where people can post comments, the Commission recommends you change the settings, where possible, so that people cannot post messages on election day before 7pm that could breach the rules.

Posts on social media that are not connected in any way with the election can of course be posted on election day.

Party lapel badges

Party supporters may wear party lapel badges in public on election day.

A party lapel badge is a badge or rosette designed to be worn on the lapel and bearing the party's name, emblem, slogan or logo.



Do not display the lapel badge on vehicles or in other places on election day.

Do not include a candidate's name or website on the lapel badge.

The Commission advises parties to include a promoter statement on its party lapel badges as they may be considered to be an election advertisement.

Because the regulated period ends at midnight on the day before election day, the costs incurred in relation to party lapel badges or rosettes only worn on election day are not an election expense. If a party lapel badge or rosette is worn at any time during the regulated period, the costs incurred must be counted as an election expense. If a party cannot be sure that its supporters will not display party lapel badges or rosettes prior to election day, the Commission advises parties to include the expense in its expense return.

Streamers, rosettes, ribbons etc

Streamers, rosettes (other than those designed to be worn on the lapel), ribbons and similar items in party colours may be displayed on election day but only on people or vehicles and must not contain party names, emblems, slogans, logos, or a candidate's name.

Clothing promoting the party or candidate

Clothing (such as t-shirts) promoting the party or candidate must not be displayed on election day.

Presence in voting places

Candidates and their supporters (except an authorised scrutineer) may only enter a voting place for the purpose of voting. After voting, they must leave.

If a candidate wishes to be filmed or photographed voting, they must have the approval of the Returning Officer. Approval will be given on condition that:

- the filming or photography does not disrupt the voting place, and
- no interviews are given in the voting place or in the area around it.

Parties and candidates are asked to exercise restraint in the vicinity of voting places to avoid complaints.

MP signage

Fixed signage that does not relate specifically to the election may remain on display on an MP's out-of-Parliament office.

MP's sign-written vehicles that include a party name, emblem, slogan or logo should not be displayed on election day.

Imitation ballot papers

You must not print or distribute, on election day or after midnight on the Tuesday before election day (Tuesday 19 September) anything which imitates a ballot paper (or part of a ballot paper) to be used at the election and which contains any direction or matter likely to influence a voter. Do not print or distribute on election day any card or paper showing the candidates or parties even if it is not an imitation of a ballot paper.

PART 5: Enrolment

This section provides you with key enrolment dates for election year and outlines the resources and roll information that are available to parties for the election.

Deadline for enrolment

Anyone who is enrolled by the Friday before election day can vote in the general election. This includes a valid enrolment application postmarked or date stamped by the Electoral Commission as received before election day.

Enrolment update campaign

The update campaign for the 2017 General Election is planned to start on 26 June with a personalised letter sent to every enrolled elector at their current postal address on the roll to make sure they are correctly enrolled and ready to vote.

There will be follow up advertising telling people if they did not get an update pack they need to enrol or update their details.

Voters need to be enrolled by writ day (23 August) to be sent an EasyVote card. EasyVote cards are sent out to voters at the beginning of the advance voting period.

Encouraging enrolment

Parties play an important role in encouraging electors to enrol and take part in elections. We can provide you with user-friendly resources to use as part of your canvassing activities.

We produce a range of resources in different languages that include information about enrolling and voting.

Information about printing or ordering these resources is available on our website or by contacting the Commission. Go to www.elections.org.nz and click the “Resources & Learning” button, email: publications@elections.govt.nz or phone the Commission (04) 495 0030.

Parties, candidates and MPs can also contact their local Registrar of Electors to obtain lists of residential addresses where there are no registered electors.

Rolls and enrolment information

The Electoral Act provides that candidates, political parties and MPs can purchase electoral information in hard copy or electronic form for the purposes of their campaigns.

The printed rolls for the election will be available for purchase from 11 September 2017.

For information on the application process and prescribed fees, email data@elections.govt.nz or phone the Data Co-ordinator on (04) 495 0030.

Candidates

Party secretaries should ensure that all their candidates check and update their enrolment details if, for example, they have changed address.

Checking and updating enrolment details is easy. Candidates can go to our website www.elections.org.nz, click the “*enrol, check or update*” button and follow the instructions.

PART 6: Ways to vote

This section describes the different voting services available in New Zealand and from overseas during the advance voting period and on election day.

Resources available

Political parties play an important role in engaging with electors to encourage them to take part in elections. The Electoral Commission can provide user-friendly resources for parties to use as part of their canvassing activities.

We produce a range of resources in different languages that include information about the ways that voters can cast a vote, as well as print and video resources in accessible formats, Plain English, New Zealand Sign Language and for those with learning impairments. Information about printing or ordering these resources is available on our website or by contacting the Commission. Go to www.elections.org.nz and click the “Resources & Learning” button, e-mail: publications@elections.govt.nz, or phone the Commission (04) 495 0030.

EasyVote pack for voters

At the beginning of the advance voting period each enrolled voter will receive a personal information pack containing:

- an EasyVote card (or slip if enrolled late) to take to the voting place
- details of the voting places and advance voting places
- names of candidates for their electorate
- party lists for those parties contesting the party vote
- the contact details of the local Returning Officer.

It will be helpful if you encourage your supporters to use the EasyVote card or slip because it will save them time.

Ways to vote

A person who can be marked off the printed roll in a voting place will be issued with an ordinary ballot paper.

Anyone who cannot be found on the printed roll and individuals who cast their vote away from a voting place are required to cast a special vote. Special voting papers include a declaration form, which is completed and signed by the voter. There are a number of reasons why a person may not be found on the printed roll – for example, if the person has enrolled after writ day, is enrolled in a different electorate, is on the unpublished roll, or is not enrolled.

Voters who need help to read or mark their voting papers can be assisted by a friend, family member or electoral official in the voting place.

Advance voting

Advance voting starts on Monday 11 September.

A limited service for advance voters leaving New Zealand before advance voting starts will be available from the Returning Officer from 6 September.

Voters on the printed roll at the advance voting place do not have to make any written declaration to cast an advance vote.

If the voter is not enrolled he or she can complete an enrolment form either at the advance voting place or by enrolling online, at a PostShop or at the Registrar of Electors. Provided the voter’s application for enrolment is received by the Registrar of Electors or the Commission before election day their vote can be counted.

Advance voting services can also be provided in mobile facilities – for example, a caravan that moves from one location to another. Mobile services are most often used in large rural electorates where voting services need to be provided for widely dispersed populations.

Information about advance voting places and mobile voting services is available after nomination day at www.elections.org.nz.

Election day voting

Voters can vote at a voting place from 9am to 7pm on election day (23 September). The doors close at 7pm - anyone inside the voting place at 7pm is allowed to complete their vote.

Voters do not have to be enrolled in the electorate to vote at a voting place in the electorate. A voter enrolled in any electorate can vote at any voting place anywhere in the country. Voters are not able to enrol on election day.

Casting a special vote at a voting place or advance voting place

Voters will need to cast a special vote if they are:

- not on the printed roll used to issue ordinary votes at a voting place
- not enrolled by writ day, or
- on the unpublished roll.

At the advance voting place or voting place these voters will be given a declaration form to complete with their voting papers.

Hospitals and rest homes

Vote issuing teams visit hospitals and rest homes to issue votes to patients and residents in the 12 days before the election. Issuing teams are accompanied by a Justice of the Peace.

Voting places are located in large hospitals on election day for staff, visitors and mobile patients. Voting teams also visit large hospitals on election day.

Takeaway and postal voting

A voter who is unable to get to a voting place can arrange for special voting papers to be picked up or posted to them.

Applications should be made by the voter:

- in writing - voters generally complete the

application for special declaration voting papers contained in the *Unable to get to a voting place* leaflet, or

- by fax, email or telephone to the Returning Officer.

A family member or friend, party agent or any other person can be appointed to pick up takeaway voting papers for a voter. Special voting papers can be collected from voting places or from the Returning Officer's headquarters during opening hours in the voting period.

An application for special declaration voting papers made by post, fax or email should be sent to the Returning Officer's electorate headquarters. The Returning Officer's contact details for the general election are published on www.elections.org.nz.

Where the voter requests postal voting papers, the voter should factor in sufficient time for the voting papers to be received and returned.

Completed voting papers must be received by the Returning Officer or a voting place no later than 7pm on election day. Votes returned by post must be postmarked before election day and received by the Commission or a Returning Officer before noon on the Wednesday after election day (Wednesday 27 September).

A candidate may nominate people to be authorised by the Returning Officer as witnesses of special voting declarations to assist people who need to vote from home (authorised witnesses). See Part 7 for more information.

Dictation voting

A phone dictation voting service is available for blind and vision-impaired voters and voters who have a physical disability that prevents them from marking the voting paper independently and in secret. Voters have to register with the Commission to use the service by 5pm on Thursday 21 September. More information about this service is available at www.elections.org.nz in the run up to the general election.

Prisoner voting

During the 12 days before the election mobile voting teams will attend prisons and set up voting facilities for prisoners who are eligible to vote. Prisoners serving a sentence of imprisonment are not eligible, but voting services are provided for remand prisoners. Returning Officers liaise with local Probation Services to provide voting services for people on home detention and other community-based sentences.

Teams may also visit any police stations in the electorate shortly after midday on election day, to enable registered electors who are being held in police cells to vote.

Overseas voting

Overseas voters can obtain their voting papers by either:

- downloading them from the Commission's website
- applying to the Commission to have their voting papers posted to them, or
- voting in person at a designated overseas post.

Overseas voters can return their voting papers by:

- uploading their voting papers to a secure server on the Commission's website
- faxing their voting papers to the Commission
- posting their voting papers to the Commission, or
- posting or hand delivering their voting papers to the nearest designated overseas post.

Faxed overseas votes and votes returned using the overseas upload need to be received by the Commission before 7pm on election day. Postal votes need to be postmarked in another country before or on the second to last day before the election and received by the Commission or a Returning Officer before noon on the Tuesday 10 days after the election.

Information about voting at an overseas post is available at www.elections.org.nz in the run up to the general election.

PART 7: Scrutineers and special vote witnesses

This section explains which parts of the election scrutineers can be appointed to observe and the training of special vote witnesses

Appointment of scrutineers

Scrutineers are in most instances appointed by candidates. If there is no electorate candidate standing for a party in a district, the party secretary can appoint scrutineers for the district.

Before being allowed to serve as a scrutineer, all scrutineers must make a declaration that they will not compromise the secrecy of the poll. The declaration is provided in the *Scrutineer Handbook - General Election 2017* or is available from the Returning Officer and must be made before an electoral official, Justice of the Peace or solicitor.

Scrutineer appointments must be in writing and be signed by the person making the appointment. Scrutineers should be provided with a copy of their written appointment to produce to electoral officials. The appointment form can be an original, fax, or photocopy. It must specify the voting place or other election process that the scrutineer has been appointed to observe. The *Scrutineer Handbook* contains an optional appointment form that the candidate or party secretary can use for appointing scrutineers.

A candidate may not be appointed as a scrutineer.

Role of scrutineers

Candidates may appoint scrutineers to observe the conduct of the election in the following situations:

Voting places and advance voting places

Scrutineers may observe the issue of votes during election day and advance voting, and the preliminary count in voting places after 7pm. The number of scrutineers for a candidate in a voting place at any one time must not exceed the number of issuing officers designated for the voting place.

Scrutineers may:

- require an issuing officer to question a voter who the scrutineer suspects of impersonation or double voting
- communicate to party officials the names of persons who have voted in the voting place
- observe the preliminary count.

Scrutineers must not talk to voters or help with the count.

Scrutineers may use laptops/tablets, but only on strict conditions. Scrutineers will not be allowed to engage in any activity on these devices which would compromise the secrecy and integrity of the voting place.

Laptops or tablets can only be used to record name, page and line numbers. Commenting on social media or using video or their camera is not permitted.

If scrutineers have any concerns about the conduct of an election in a voting place they should raise them with the Voting Place Manager.

Early count of advance votes

One scrutineer per candidate can attend the early count of advance votes at the Returning Officer's headquarters which commences at any time from 9am on election day.

The Returning Officer will notify the candidates of the start time for the early count for the electorate. Scrutineers may not leave the secured counting area in the Returning Officer's headquarters before the poll closes at 7pm without the Returning Officer's permission.

Special vote declarations

Scrutineers may attend the office of the Registrar of Electors to observe the checking of special vote declarations against the electoral rolls, which starts from the Wednesday after election day. Only one scrutineer per candidate may attend at any given time.

Scrutiny of the rolls and the official count

One scrutineer per candidate may attend the scrutiny of the rolls and the official count at the Returning Officer's headquarters unless the Returning Officer allows more.

List seats

A party secretary can appoint a scrutineer to attend the allocation of party list seats by the Commission. The Commission will contact you to let you know what time this will be.

Judicial recount

Candidates may appoint a scrutineer to attend a judicial recount of electorate votes. The provision is for one scrutineer per candidate unless the Judge allows more.

Where there is a recount of party votes in either a single electorate or nationwide, the party secretary can appoint a scrutineer. Only one scrutineer per party may be present unless the Judge permits more.

Hospitals and rest homes

Local party organisations may, with the approval of the person in charge of a hospital or rest home, appoint scrutineers to accompany an electoral official issuing hospital votes on or before election day.

Special vote witnesses

Candidates may nominate people to be authorised by the Returning Officer as witnesses of special voting declarations. Appointments must be in writing and signed by the candidate. These people may then witness the declarations of voters who cannot get to a voting place on election day.

The Returning Officer will not approve special vote witnesses unless they have been trained to the Returning Officer's satisfaction. This is to avoid voters being disenfranchised by incorrect procedures. The Returning Officer will advise candidates of training times for special vote witnesses.

PART 8: General election results

This section explains when and how votes are counted and results released, as well as the processes for a recount or election petition.

Preliminary results – election night

After the voting places close at 7pm on election day and all voters have left, the manager of every voting place will carry out the preliminary count of votes in the presence of scrutineers and voting place officials.

The ballot boxes are opened and the party votes and electorate votes are counted. The result is phoned in to the Returning Officer and it is then input into the Electoral Commission's National Election Results System. Results are displayed in real time on www.electionresults.govt.nz and at the same time are fed to television and radio media. Our target is to have 50% of voting place results available by 10pm on election night and 100% of voting place results available by 11.30pm.

Special votes cast in voting places are not opened and must wait for the official count.

Advance votes

Advance voting for the general election will start on Monday 11 September. Advance votes (other than advance special votes) may be counted from 9am onwards on election day at the Returning Officer's headquarters if the Returning Officer can provide appropriate security. The start time may vary between electorates. The Returning officer will notify the candidates of the start time for the electorate.

The counts will be undertaken in separate secure areas. Officials and scrutineers in the secure area for the advance early count of votes must stay there until 7pm.

Our target is to have advance vote results available by 8.30pm.

Official results

The official results are compiled in the Returning Officer's headquarters by following a meticulous process which starts the day after election day. Electoral rolls are scanned and scrutinised to compile a list of all people who have voted (the master roll) and identify voters who have voted more than once. All votes counted on election night are recounted and checked to ensure accuracy.

The Returning Officer checks the validity of all special vote declaration forms and the names of special voters against the electoral rolls and the list of late enrolments for the district. If the special voter is eligible to make a special vote and the voter's name is found on the roll the vote will be counted. The party votes of enrolled voters who voted on the wrong voting papers are also included in the count.

If a name cannot be found, the declaration form is forwarded to the Registrar of Electors to check the voting qualification of the special voter. If the Registrar can confirm that the voter is enrolled in the electorate, the vote will be counted.

The official results process starts on the Sunday after election day (24 September) but cannot be completed until after the last legal day for receiving special votes from other electorates and Returning Officers overseas, which is 10 days after election day (Tuesday 3 October).

We expect to publish the official results for the general election 14 days after election day (7 October) by notice in the *Gazette*.

The results will also be available at www.electionresults.govt.nz.

Election of candidates

After the official results have been published (and any electorate recounts have been declared) the writ is returned to the Clerk of the House with the names of the successful electorate candidates endorsed on the back of the writ. The writ is the written notice from the Governor-General instructing the Commission to arrange for the conduct of a parliamentary election.

The Commission then determines which list candidates are elected using a statutory formula. The Commission publishes a notice in the *Gazette* to declare the election of list candidates. We expect to make this declaration on Thursday 12 October, subject to any recount applications.

Return of deposits

If a party wins 0.5% of the total party vote or an electorate seat, the Commission will refund the \$1,000 deposit paid by the party secretary when lodging the party list. No refund can be made, however, until the party has filed its audited return of election expenses to the Commission.

If a candidate listed on the bulk nomination schedule wins 5% of the total electorate votes in the electorate concerned the \$300 deposit paid is refundable. No refund can be made until all candidates on the schedule have furnished their returns of election expenses and donations to the Commission.

Judicial recounts

Recount of party votes

After the declaration by the Commission of the official results, the party secretary may apply to a District Court Judge for a recount of party votes in a particular electorate.

The application must be:

- made within three working days of the official result for the electorate being declared (by Wednesday 11 October), and
- accompanied by a deposit of \$1,500 (GST inclusive).

The party secretary may apply to the Chief District Court Judge for a recount of party votes in every electorate.

The application must be:

- made within three working days of the official results in all electoral districts being declared (by Wednesday 11 October), and
- accompanied by a deposit of \$90,000 (GST inclusive).

Electorate candidates can apply to a District Court Judge for a recount of the electorate votes.

The application must be:

- made within three working days of the declaration of the result (by Wednesday 11 October), and
- accompanied by a deposit of \$1,000 (inclusive of GST).

The Judge must start both electorate vote and any party vote recounts within three working days of receiving the application and inform the political parties when and where it will take place.

If the party or one of its candidates wishes to seek a recount, the Commission will provide information on the process to be followed.

Election petitions

The only way to challenge the allocation of party list seats or the election of an electorate candidate is by election petition.

To seek a review of the procedures and methods used to allocate list seats, the party must present an election petition to the Court of Appeal. The party must do this within 28 days of the Commission declaring the election of list candidates.

A petition to challenge the election of an electorate candidate can be brought by an elector or a candidate for the electorate concerned. It must be presented within 28 days of the Commission's declaration of the official results and is made to the High Court (by Monday 6 November).

APPENDIX A:

Nomination timetable for party secretaries

Action	Desirable Timing	Legal Deadline
Notifying intention to lodge bulk nomination schedule/intention to use electronic system	As early as possible	Thursday 24 August
Lodging bulk nomination schedule with candidates' consent forms Lodging deposit of \$300 per candidate	As soon as possible from the day after writ day	Noon on Monday 28 August
Withdrawing a bulk nomination schedule	As early as possible from the day after writ day	Noon on Tuesday 29 August
Candidate withdrawal from bulk nomination schedule	As soon as possible after submission of schedule	Noon on Tuesday 29 August
Cancellation of nomination on death or incapacity of candidate	Consult Electoral Commission urgently	
Replacing a nomination if an earlier nomination is withdrawn or lapses	As soon as possible after submission of schedule	Noon on Tuesday 29 August
Lodging party list and deposit of \$1,000 Lodging consent to inclusion on party list	As soon as possible from the day after writ day	Noon on Monday 28 August
Withdrawing party list	As soon as possible	Noon on Tuesday 29 August
Lodging substitute list	As soon as possible	Noon on Tuesday 29 August

APPENDIX B:

Summary of election advertising rules for parties

TV and radio advertising using broadcasting allocation	When broadcasts allowed	Must be authorised by ¹	Party expense?	Electorate candidate expense?
Promoting party or attacking party or candidate	Election period (23 August to 22 September)	Party secretary	Not an election expense An allocation expense included in party's return of allocation expenses	Not applicable
Promoting both party and electorate candidate	Election period (23 August to 22 September)	Both the party secretary and electorate candidate	Not an election expense An allocation expense included in party's return of allocation expenses	Yes (for the cost of the portion of the ad relating to the electorate candidate) and value is a donation by the party to that candidate.
Promoting electorate candidate only	Election period (23 August to 22 September)	Electorate candidate	Not an election expense An allocation expense included in party's return of allocation expenses	Yes (and value is a donation by the party to the electorate candidate)
TV and radio advertising using party's funds	When broadcasts allowed	Must be authorised by ¹	Party expense?	Electorate candidate expense?
Promoting party, candidate and party, or attacking another party or candidate	Not allowed	Not applicable	Not applicable	Not applicable
Promoting electoral candidate only	Election period (23 August to 22 September)	Electorate candidate	No	Yes (and value is a donation by the party to the electorate candidate)

Internet advertising using broadcasting allocation	When allowed	Must be authorised by ¹	Party expense?	Electorate candidate expense?
Production costs	At any time provided advertising published during election period (23 August to 22 September)	Advertising must be authorised by party secretary and/or electorate candidate if it features the candidate	Not an election expense An allocation expense included in party's return of allocation expenses	Not if it only relates to party. The costs will be a candidate election expense (and donation to the electorate candidate) to the extent the advertising promotes the candidate
Placement costs	Election period (23 August to 22 September)		Not an election expense An allocation expense included in party's return of allocation expenses	
Non-broadcast advertising using party's funds (including internet)	Period for which counted as election expense ²	Must be authorised by ¹	Party expense?	Electorate candidate expense?
Promoting party vote or attacking party or candidate	Regulated period (23 June to 22 September)	Party secretary	Party election expense	No
Promoting both party vote and electorate candidate	Regulated period (23 June to 22 September)	Both the party secretary and electorate candidate	Party election expense (for the cost of that portion of the ad relating to the party)	Yes (for the cost of that portion of the ad relating to the electorate candidate)
Promoting electorate candidate	Regulated period (23 June to 22 September)	Electorate candidate	No	Yes

¹ Information about the authorisation and promoter statement requirements is provided in Part 2 of this handbook.

² There are no restrictions on when non-broadcast advertisements using party's funds can be published, except that they cannot be published on election day.

APPENDIX C:

Apportioning election expenses between party and candidate

Advertising promoting an electorate candidate is an election expense of the candidate. Advertising promoting the party vote is an election expense of the party. These rules apply regardless of who pays the expenses.

Expenses must be apportioned where an advertisement promotes both the party vote and the election of a constituency candidate. Apportionment is calculated in proportion to the coverage provided to the party and candidate. The following example illustrates the principles to be applied, but we are happy to discuss particular problems.

Example

FACTS

- (1) Party X is contesting the party vote. Mrs Y is standing in an electorate as a candidate for Party X.
- (2) Party X and Mrs Y agree to arrange advertising to be displayed by billboard for 6 months from 23 March to 22 September 2017.
- (3) The content of the advertising comprises two parts. The first part asks voters to give their party vote to Party X. The second part asks voters to give their electorate vote to Mrs Y. From a content perspective, the advertisement can be factually judged as relating 40% to the party vote and 60% to the electorate vote.
- (4) The total cost of the advertising is \$15,000. An analysis of the total cost based on invoices and other evidence reveals the following:
 - A. Costs relating to the candidate vote
 - Artwork and photography of the candidate \$1,000
 - B. Costs relating to the party vote
 - Artwork and photography of the party leader \$2,000
 - C. Joint costs
 - General design, production, printing, material, assembly, transport \$8,000
 - Site rentals paid for 6 months \$4,000

Total election expenses **\$15,000**

Allocation of costs

Some costs clearly relate to the candidate (A in the example). Other costs clearly relate to the party (B in the example). The joint costs (C in the example) require apportionment on a factual basis which in this example means 60% of those joint costs will be allocated to the candidate and 40% allocated to the party. Because the billboard is displayed for six months (three months before and three months during the regulated period) the total candidate and party expenses require apportionment.

In this example 50% of the costs must be apportioned between the candidate and party returns.

The expenses should therefore be returned as follows:

Candidate		Party	
A. Artwork and photography of the candidate	\$1,000	B. Artwork and photography of the party leader	\$2,000
C. Joint costs General design, production, printing, material, assembly, transport	\$4,800 (60%)	C. Joint costs General design, production, printing, material, assembly, transport	\$3,200 (40%)
Site rentals for 6 months	\$2,400 (60%)	Site rentals for 3 months	\$1,600 (40%)
Total candidate's expenses	\$8,200	Total party's expenses	\$6,800

This result is not affected by the payment arrangements (if any) made between the candidate and the party.

If each pays the share allocated to them no other issues arise. But if, for example, the party pays the whole \$15,000, the candidate would need to disclose in Part 1 of their return a donation of \$8,200 from the party and in Part 2 of their return a candidate expense of \$4,100.

Total for inclusion in candidate's return of expenses	\$4,100	Total for inclusion in party's return of expenses	\$3,400
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APPENDIX D:

Useful contacts

For information on....	Agency	Contact
<p>Administration of enrolment and voting services. We produce a range of resources, in different languages, about enrolling and voting which can be ordered via our website or by email</p> <p>Purchase of printed rolls and electronic roll data</p> <p>Nominations, parliamentary elections, by-elections and list vacancies</p> <p>Advice about election rules including advisory opinions on whether material is an election advertisement</p> <p>Parliamentary electoral boundaries</p>	Electoral Commission	<p>Helpline: 0800 36 76 56</p> <p>National office: 04 495 0030</p> <p>General enquiries: enquiries@elections.govt.nz</p> <p>Requests for resources: publications@elections.govt.nz</p> <p>Requests for roll data: data@elections.govt.nz</p> <p>Requests for advisory opinions: advisory@elections.govt.nz</p> <p>Electoral Commission websites: www.elections.org.nz www.electionresults.govt.nz</p>
Accessing legislation including the Electoral Act 1993	Parliamentary Counsel Office	www.legislation.govt.nz
Administrative and support services to MPs and funding entitlements for MPs	Parliamentary Service	Ph 04 817 9999 publicity@parliament.govt.nz
How to contact local councils regarding, for example, signage rules	Local Government New Zealand	A list of all councils, maps and websites are available at: http://www.lgnz.co.nz/home/nzs-local-government/new-zealands-councils/
Having your say on the law relating to parliamentary elections through the Inquiry into each election conducted by the select committee	Justice and Electoral Select Committee	Justice.Electoral@parliament.govt.nz https://www.parliament.nz/en/pb/sc/scl/justice-and-electoral/
Information and complaints regarding advertising	Advertising Standards Authority	Ph 04 472 7852 Email: asa@asa.co.nz www.asa.co.nz
Information and complaints regarding broadcasting	Broadcasting Standards Authority	Ph 0800 366 996 Email: info@bsa.govt.nz www.bsa.govt.nz
Information and complaints regarding press	Press Council	www.presscouncil.org.nz
Information and resources on how to protect yourself online	National Cyber Policy Office, Department of Prime Minister and Cabinet	www.connectsmart.govt.nz
Election year guidance: Information on state servants being candidates	State Services Commission	www.ssc.govt.nz
Language translation services		www.nztinternational.com www.dia.govt.nz
Providing information in accessible formats for blind electors	Blind Foundation	Ph 0800 24 33 33 www.blindfoundation.org.nz
Deaf advocacy and sign language services		www.deafradio.co.nz www.slianz.org.nz www.deaf.org.nz www.nfd.org.nz

APPENDIX E:

List of forms for party secretaries

BULK NOMINATION

- Notice of Intention to Lodge Bulk Nomination
- Withdrawal of Notice of Intention to Lodge Bulk Nomination
- Bulk Nomination Schedule
- Withdrawal of Bulk Nomination Schedule
- Withdrawal of Nomination from Bulk Nomination Schedule

PARTY LISTS

- Form of List to be submitted by Political Parties (including declaration that each candidate is qualified to stand)
- Notice of Withdrawal of Party List
- Notice of Change to Party List Declaration (re component party)

BULK NOMINATION AND PARTY LIST

- Candidate Consent to Inclusion of Name in Bulk Nomination Schedule, on the Party List or both

OTHER

- Individual Candidate Nomination Form
- Application to cancel a candidate nomination on grounds of incapacity
- Declaration of Secrecy (by scrutineer)

CAMPAIGNING

- Return of Party Expenses
- Return of Electorate Candidate Donations and Expenses

LOANS AND DONATIONS

- Annual Party Return of Donations and Loans
- Return of Party Donations Exceeding \$30,000
- Return of** Party Loans Exceeding \$30,000