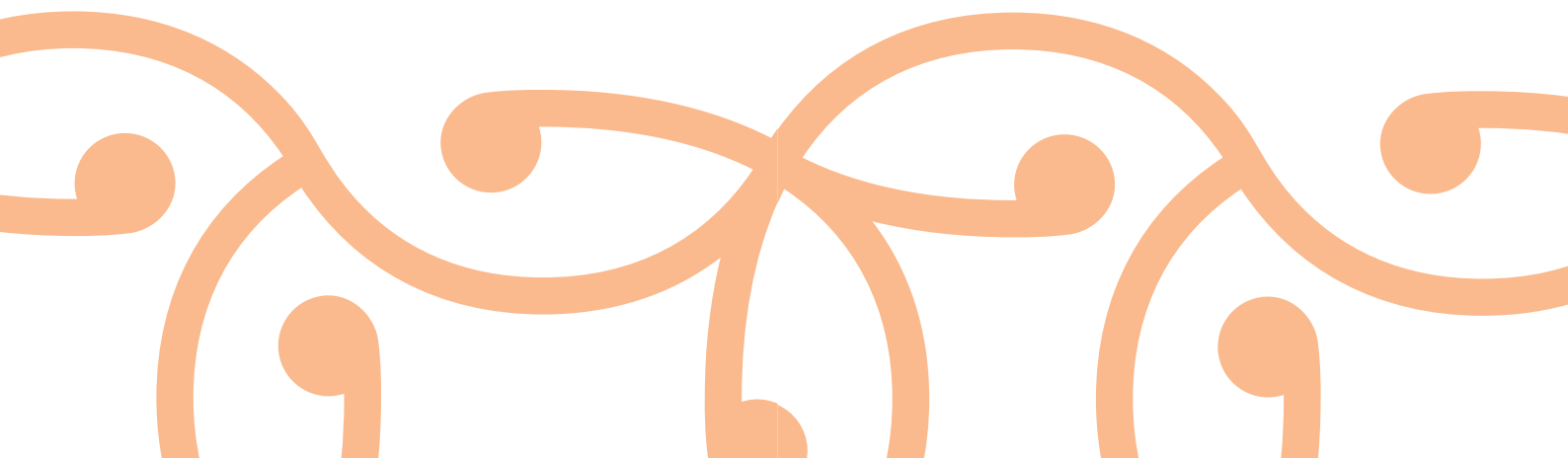


# Candidate Handbook By-elections

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He Pukapuka Aratohu  
Ngā Pōtitanga Pāerotanga  
Mā ngā Kaitono



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Electoral Commission  
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# Foreword | Ko te wāhinga kōrero

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## Candidate rules for a by-election

Thank you for your interest in standing as a candidate in the by-election. By being a candidate you are playing a vital role in the democratic process.

This handbook is designed to provide you with all the information you need, including how to become a candidate, the rules for advertising, campaigning and expenses, and what you need to do after the election. It also provides information about the by-election timetable.

If you are unsure about how the rules apply to a particular campaign activity, please ask the Electoral Commission. We are here to help.

## Our websites have more information

We have a website with the rules for all participants, a website for voters and a website for election results.

[www.elections.nz](http://www.elections.nz)

[www.vote.nz](http://www.vote.nz)

[www.electionresults.govt.nz](http://www.electionresults.govt.nz)

## Contact details:

Electoral Commission, PO Box 3220, Wellington

Level 4, 34-42 Manners Street, Wellington

Phone: 04 495 0030

Email: [enquiries@elections.govt.nz](mailto:enquiries@elections.govt.nz)



**Karl Le Quesne**, Chief Electoral Officer

# Key dates for a candidate at a by-election | Ko ngā rā matua mō te kaitono i te pōtitanga pāerotanga

The actual dates for a by-election are published on [www.vote.nz](http://www.vote.nz) when there is a vacancy in a seat of a member of Parliament representing an electorate.

<b>Notice of vacancy</b>	Notice of a vacancy is given by the Speaker of the House after a seat becomes vacant.
<b>Start of the regulated period</b> (day after notice of vacancy)	During the regulated period, any advertising you run to promote your candidacy counts towards your expense limit and must be reported in your return after the election.
<b>Candidate nominations open</b> (approx 3 weeks before nomination day)	We advertise when nominations open on <a href="http://www.vote.nz">www.vote.nz</a> and in the Candidate Hub on <a href="http://www.elections.nz">www.elections.nz</a> where you will also find the nomination form.
<b>Writ day</b> (21 days max after notice of vacancy and about 5 weeks before election day)	<p>The writ is the written notice from the Governor-General to conduct the by-election. It confirms the dates for nomination day, election day and the last date for the return of the writ. Nominations can be received before writ day but will not be accepted until the writ to conduct the election is issued.</p> <p>Voters enrolled by writ day will be sent an EasyVote pack and can cast an ordinary vote.</p> <p>You can start broadcasting advertising for your candidacy on TV and radio from writ day.</p>
<b>Nomination day</b> (at least 20 days before election day)	Noon on nomination day is the deadline for all candidates to get their nomination forms and deposits to us.

<b>Candidate briefing</b>	The Returning Officer will provide a briefing for candidates standing at the by-election.
<b>Overseas voting begins</b> (17 days before election day)	Overseas voters can download their voting papers from this date.
<b>Advance voting begins</b> (12 days before election day)	<p>You can't campaign within 10 metres of an advance voting place.</p> <p>You can't give away free food, drink or entertainment within 100 metres of the entrance to a voting place.</p>
<b>Day before election day</b>	End of regulated period. You must remove all campaign signage before midnight.
<b>Election day</b>	Voters can vote between 9am and 7pm. You can't campaign on election day.
<b>Official results</b>	Release of official results after the scrutiny of the rolls, processing of special votes and official count is complete.
<b>Return of the writ</b> (60 days max after writ day)	This is the date for the return of the writ showing the successful candidate.
<b>Deadline for election expenses invoices</b> (20 working days after official results)	All invoices for election expenses must be sent to you within 20 working days of the official results.
<b>Deadline for payment of election expenses</b> (40 working days after official results)	You must pay for your election expenses within 40 working days of the official results.
<b>Candidate returns due</b> (70 working days after election day)	The deadline for reporting your election expenses, donations and loans to us.



# PART 1: Becoming a candidate | WĀHANGA 1: Te tū hei kaitono

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**This section explains the rules for becoming a candidate at a by-election. Find out who can be a candidate, the timing of nominations and how to be nominated.**

## **Key messages**

**The deadline to become a candidate for a by-election is noon on nomination day.**

**You must be nominated by two registered electors enrolled in the electorate where the by-election is being held.**

**You have to pay a deposit of \$300 to stand as a candidate.**

## **Candidates at a by-election**

Only electorate candidates stand at a by-election.

There is only one vote allowed on the ballot paper at a by-election, for the preferred electorate candidate.

List MPs can stand as a candidate at a by-election.

## **Candidate eligibility**

To be a candidate you must be both:

- enrolled to vote
- a New Zealand citizen.

## **Checking your enrolment, enrolling or updating your details**

You can check your enrolment details, enrol or update your details online at [www.vote.nz](http://www.vote.nz).

If you've recently applied but not had your enrolment or update confirmed, give us a copy of your email acknowledging your application with your nomination.

Candidates on the unpublished roll can check or update details by calling 04 495 0030 and asking to speak to the unpublished roll team, or emailing [unpublished@elections.govt.nz](mailto:unpublished@elections.govt.nz).

You need to be enrolled by nomination day for your nomination to be accepted.

## There are two main grounds that disqualify you from enrolling

You can't enrol to vote if you're either:

- a New Zealand citizen who hasn't been in New Zealand within the last 3 years
- in prison serving a sentence of imprisonment.

There are exceptions to these rules. For example, the 3 years rule for overseas citizens doesn't apply if you're a public servant or member of the Defence Force who's on duty outside New Zealand, or a member of their family.

There are other grounds of disqualification that affect a very small number of people, see section 80 of the Electoral Act.

### Citizen evidence if you were born overseas

If you were born overseas, we need evidence that you're a New Zealand citizen with your nomination. This evidence can be a certificate of citizenship or a copy of your New Zealand passport.

If you were born after 1 January 2006, we may need to contact you to confirm your citizenship.

## There are special rules for some state servants who become candidates

You can become a candidate if you are a state servant for the purposes of section 52 of the Electoral Act.

If you're a state servant, you must take leave from nomination day until the first working day after election day. Taking leave helps avoid the possibility of real or perceived conflicts of interest.

Your employer may need you to take leave before nomination day if they think your responsibilities as a state servant make this necessary.

If you're elected, you'll have to resign from your role as a state servant.

Before you seek a nomination, talk to your employer and check Te Kawa Mataaho/Public Service Commission guidelines ([www.publicservice.govt.nz](http://www.publicservice.govt.nz)).

## You can contest any electorate

You can contest any electorate, even if it's not the one you're enrolled in. You can contest either a Māori or a general electorate no matter your race or ethnicity.

If more than one by-election is to be held on the same day, you can only contest one of those by-elections.



## Your name on the ballot paper

You can choose any of the following names to appear on the ballot paper:

- the name on your birth certificate
- the name an adoption order gave you
- a name you've adopted by deed poll
- a name you've commonly been known by for the last 12 months.

For example, a candidate commonly known as Mike Young can use this name rather than their full legal name Michael Young.

You can't use any titles or honorifics on the ballot paper.

## Order of candidates on ballot paper

Candidates are arranged alphabetically by surname on the ballot paper. If you represent a party, your party's name will appear under your name. If you are an independent candidate the word 'independent' will appear under your name. If your party is a registered party with a registered logo, the logo will appear to the right of your name.

## Your nomination

You must be nominated by two electors who are enrolled in the electorate you want to contest. You can't nominate yourself.

You must complete and sign Part 1 of the nomination form and your nominators must complete and sign Part 2 of the form. Please read the guidance on the back of the form.

Candidates on the unpublished roll are not required to provide residential address information on their form.

### Tell us whether you're representing a party

Tell us on the nomination form whether you're representing a party or are an independent.

If you're representing an unregistered party, you will need to provide proof that:

- the party exists, such as the party constitution
- you can represent the party, such as a letter from the party secretary.

If we are satisfied that your unregistered party's name is not indecent, offensive, excessively long, misleading or confusing, it will appear under your name on the ballot paper.

If you're representing a registered party and the party has a logo registered with us, the party logo will appear by your name on the ballot paper. Only registered parties can have a registered logo.

### **Get your nomination in as soon as possible**

We recommend you get your completed nomination to us as early as possible. This allows time to check your nomination to make sure it can be accepted. Lodge your nomination:

- by email to [nominations@elections.govt.nz](mailto:nominations@elections.govt.nz), or
- by appointment in person with the Returning Officer<sup>1</sup> if you are unable to lodge by email.

We can accept your nomination once the writ for the by-election has been issued by the Governor-General.

The deadline for nominations can't be extended.

Your nomination must be lodged:

- on the nomination form
- with evidence you have paid the deposit of \$300
- with citizenship evidence if you were born overseas
- with information about the party and your selection as a candidate if you are representing an unregistered party
- by noon on nomination day.

### **You must pay a deposit of \$300**

You must pay a deposit of \$300 with your nomination.

Your deposit can be paid by online banking into the following account with your name as a reference:

**Electoral Commission Trust Account**  
**BNZ**  
**02 0506 0077208 00**

Include evidence of the time and date you made the deposit with your nomination form. The evidence could be a copy of your receipt from the bank or a screenshot of your online transaction confirmation.

Make sure that you leave enough time for your bank to process your payment before the deadline.

If you are unable to pay the deposit by online banking, you can pay the deposit in cash.

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<sup>1</sup> The operational title we use for Returning Officer is Electorate Manager.

## Contact us if you have questions about your nomination

Contact us at [nominations@elections.govt.nz](mailto:nominations@elections.govt.nz) or ring 04 495 0030 if you have questions about lodging your nomination and the deposit.

## Withdrawing your nomination

If you want to withdraw your nomination you must do it before noon on nomination day.

You will need to:

- get a withdrawal form from us and complete it
- sign the form in the presence of a Justice of the Peace or solicitor
- return the signed form to us no later than noon on nomination day.

## Death or incapacity of a candidate

The campaign team or next of kin should contact us urgently if a candidate dies or is seriously incapacitated either:

- before nomination day
- between nomination day and the day we declare the official result.

## Release of candidate information

After nominations close we'll publish the names of all candidates and their parties (or independent) for the by-election on our website: [www.vote.nz](http://www.vote.nz).

We don't publish biographical information, policies, phone numbers or email addresses.

## Tell us if you don't want us to give your contact details to the media or others

The media often ask us for candidates' contact details such as a telephone number or email.

We may also get requests for candidate contact details from others for candidate related purposes e.g. to organise a meet the candidate evening. We'll release phone and email details for candidates on request for the purposes of your candidacy unless you have told us in advance not to release them.

## Candidate briefing

The Returning Officer will brief you about how the by-election will work and your responsibilities as a candidate.

The briefing will be online and you can attend the briefing yourself or send a representative.

The Returning Officer will let you know the date and time of the candidate briefing.

## Appointing scrutineers and special vote witnesses

You can appoint scrutineers, who oversee the conduct of the by-election.

You can appoint scrutineers to observe:

- the issuing of votes in voting places
- the preliminary count after 7pm on election night
- the early count of advance votes
- the checking of special vote declarations
- the scrutiny of the rolls and the official count
- any judicial recount for the by-election.

### We have a guide for appointing scrutineers

You can download our scrutineer handbook from [www.elections.nz](http://www.elections.nz) or ask your Returning Officer for copies. The handbook tells you how to appoint scrutineers, has the declaration of secrecy your scrutineers need to sign, and includes all the rules your scrutineers need to follow.

### Special vote witnesses

You can nominate people to witness the special vote declarations of voters who can't get to a voting place on election day.

You must nominate special vote witnesses in writing. Sign the written appointment and send it to your Returning Officer.

### The Returning Officer will train special vote witnesses

The Returning Officer will arrange training for the special vote witnesses and advise you when training will be. The Returning Officer will only approve and appoint special vote witnesses that have completed the training.

If your nominee doesn't follow the rules for witnessing special vote declarations, the Returning Officer can cancel their approval.

## Election Access Fund

The Election Access Fund Te Tomokanga — Pūtea Whakatapoko Pōtitanga supports disabled people to stand as candidates in parliamentary elections.

Information about the Fund, what the Fund can be used for and how to apply is available at [www.elections.nz](http://www.elections.nz).



# PART 2: Advertising and campaigning | WĀHANGA 2: Te whakatairanga me te whai pōti

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**This section helps you understand the rules you must follow when advertising and campaigning, including how much you can spend on advertising, restrictions on campaigning once voting has started and complaints about election advertising.**

## **Key messages**

**All election advertisements must contain a promoter statement.**

**There is a limit to how much can be spent on advertising promoting a candidate for a by-election in the regulated period.**

**Other people can only promote your candidacy with your written authorisation and any expenditure counts towards your spending limit.**

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

**Election advertisements on TV and radio can only be broadcast from writ day to the day before election day.**

**If someone else pays for candidate advertising it is a candidate expense and a candidate donation.**

### **What is an election advertisement?**

For the purposes of a by-election, an election advertisement is an advertisement that may reasonably be regarded as encouraging or persuading voters to vote, or not vote, for a:

- candidate
- type of candidate the advertisement describes by referencing views they do or don't hold.

### **Whether an advertisement encourages or persuades voters depends on its effect as a whole**

An election advertisement's encouragement or persuasion can be direct or indirect.

An advertisement doesn't have to include a candidate or party's name to be an election advertisement.

Whether an advertisement encourages or persuades voters depends on its:

- content
- style
- apparent purpose
- factual context
- effect as a whole.

We must assess whether something is an election advertisement from the perspective of a reasonable observer, recognising the importance and value of political speech in a democracy (*The Electoral Commission v Watson & Anor 2016*).

Matters such as size, frequency, scale, and proximity to the election are relevant.

### **Election advertisements can be in any medium**

Election advertising can be in any medium, such as newspapers, magazines, posters, billboards, leaflets, TV and radio and online advertising.

Unpaid advertising can still be an election advertisement.

### **Exceptions to election advertisement rules**

The following don't count as election advertisements:

- editorial content
- personal political views online
- an MP's contact information.

### **Editorial content**

Editorial content in periodicals, radio or TV programmes, and on news media websites are not election advertisements.

Editorial content includes any part of the publication except advertising, advertorials and sponsored content. It can include opinion and editorial pieces that others write, and contributions from readers the editor has chosen to publish.

For example, if a publisher asks you to write a column, whatever you write will be editorial content. But if the publisher offers you a column as part of an advertising package, it will not be editorial content and the election advertising rules apply if the column is an election advertisement.

A periodical is a newspaper, magazine, or journal that:

- was established for reasons unrelated to the election
- is published regularly
- is available to the public.

A periodical can be digital or printed.

### **Personal political views online**

An individual publishing their personal political views on the internet or another electronic medium doesn't count as election advertising. This exemption covers people posting on social media such as Facebook and X.

This exemption doesn't cover:

- any paid content
- anyone expressing the political views of a group, organisation or political party.

### **MP contact information**

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

More information for MPs is available in the Commission's **MP Handbook**.

## **Election rules apply to advertisements published in New Zealand or overseas**

The rules apply to election advertisements published either:

- in New Zealand, even if the promoter is outside New Zealand
- outside New Zealand, only if the promoter is in New Zealand.

Publish means to bring to a person's attention in any way, except for talking to people face to face.

### **Promoter statements and election advertisements**

All your election advertisements must include a promoter statement, even advertisements you publish before the regulated period.

A promoter statement shows the name and contact details of the person promoting the advertisement.



Advertisements that you promote need to include a promoter statement with your name and address.

We recommend you word your promoter statements like this:

**Promoted or authorised by [your name] [your contact details].**

Contact details can be either your

- address
- email address
- PO Box number
- phone number, or
- a link to a page on a website if it contains one or more of these other contact details.

If you use your address, it can be the full street address of either the place where you usually live or any other place where usually someone can contact you between 9am and 5pm on any working day. For example, you could use your campaign office, party headquarters address or parliamentary or out-of-Parliament address.

Talk to your employer before putting your work address on any election advertising.

### **Your promoter statements must be easy to see or hear**

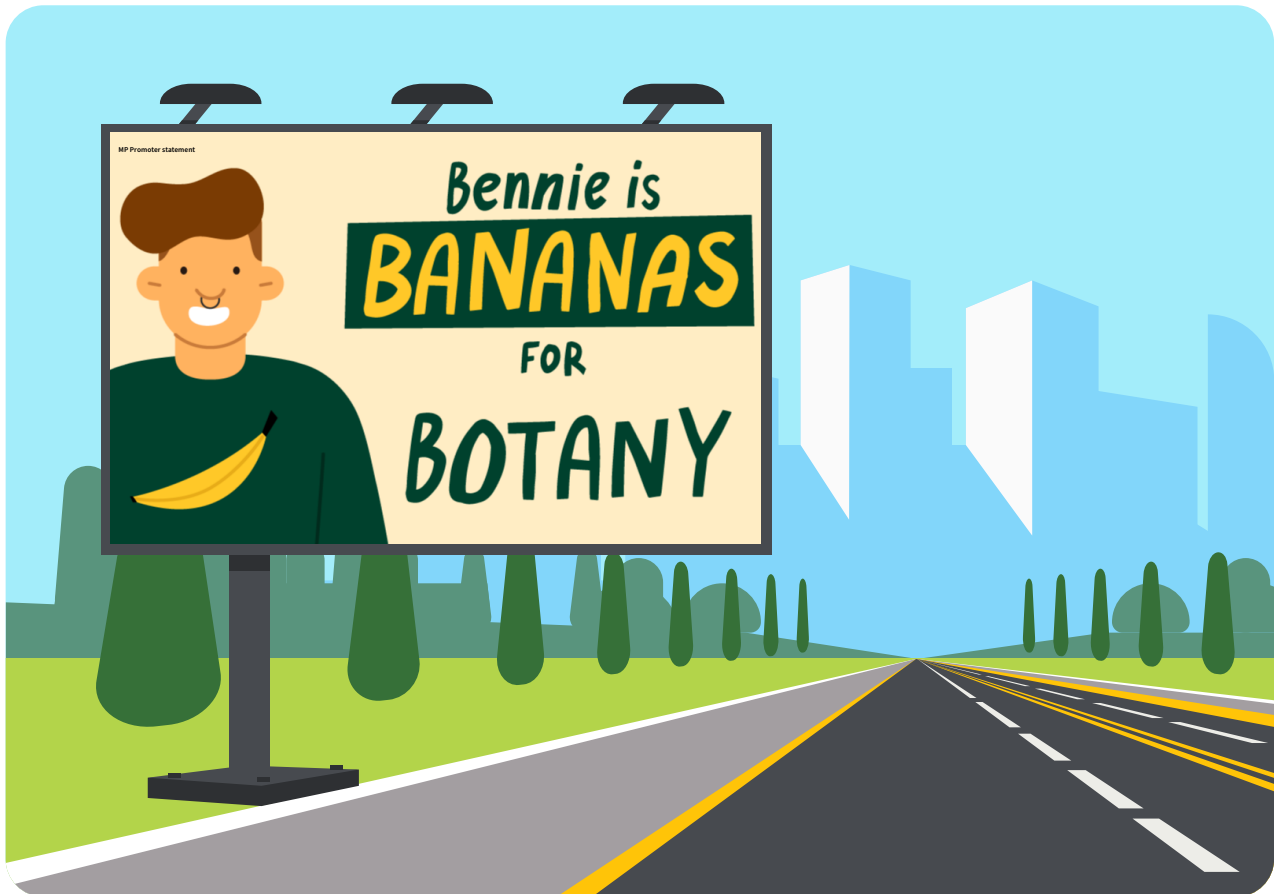
You must clearly display the promoter statement in your advertisements. In our view, this doesn't mean someone should be able to read the promoter statement from where you mean them to see the advertisement.

For example, people don't need to be able to read the promoter statement on a billboard while they're driving past. A person should be able to read the promoter statement if they stop to examine the billboard.

Whether you've clearly displayed a promoter statement depends on the advertisement and the context it's in. Making your promoter statement too small will likely generate complaints.

## TIPS

- Think about where the promoter statement is going to appear in advertising. Using a small font for an ad published online will be fine if it can be enlarged. If a person can't read a small promoter statement at the top of a large billboard you may need to put the promoter statement at the bottom of the advertisement or increase the font size.
- It's not just font size that can make it hard to see a promoter statement. Having a promoter statement in white font on a light background will be harder to see. Black font on a light background is the most accessible as it gives the best contrast.
- Make sure a promoter statement at the edge of an advert doesn't get cropped during the publication process.



Having a promoter statement that is difficult to read, such as at the top of a large billboard in very small font, will likely attract complaints.

Learn more about how you should display your promoter statements in specific contexts further on in this section.

## Advertisements related to an election also need a promoter statement

You will also need a promoter statement if you publish advertisements in any medium about the by-election even if they don't encourage or persuade voters to vote or not vote for a candidate. This type of advertisement won't count as an election expense.

For example, if you put up posters encouraging people to enrol or vote in the election, you need to include a promoter statement because it's election related.

### You could be fined if you don't include a promoter statement

Not including a promoter statement is an offence. If you don't use a promoter statement when you're meant to, you could be fined up to \$40,000.

## Request an advisory opinion

You can ask us for our opinion on whether your advertisement counts as an election advertisement or is election related. We don't charge a fee for this.

We strongly encourage you to get an advisory opinion for any radio scripts you intend to use because there are strict rules for election advertising on TV and radio.

### Our advisory opinions are not legal advice

Our opinions are our interpretation of the Electoral Act. They're not legally binding or legal advice. A court of law may reach a different opinion. You may want to get your own legal advice before you publish your advertising.

### Send us your request by email

To make a request please send us:

- a copy of the advertisement
- how you'll publish it
- when you'll publish it
- the scale you'll publish it on.

Email your request to: [advisory@elections.govt.nz](mailto:advisory@elections.govt.nz)

### We'll send you an advisory opinion as soon as we can

Once we get your request, we'll respond with an advisory opinion as soon as we can. We'll aim to respond within 5 working days.

### We'll keep your request confidential until the general election is over

We'll treat your request and our advice as confidential until after the writ is returned for the by-election. After that, we'll make our opinions available if someone asks for them, subject to the Official Information Act.

You can publicly release the advice we give you at any time, if you want to.

## **There's a limit to how much you can spend on advertising**

There's a limit of \$71,000 that can be spent on election advertising published during the regulated period for a by-election.

The regulated period is from the day after the notice of the vacancy is published until midnight of the day before the election day.

During the regulated period, any advertising you run or anyone you have approved runs to promote your candidacy counts towards your expense limit.

### **Advertising you run in the regulated period counts towards your expense limit**

Candidate advertising expenses count towards your limit if you publish the advertisement, or continue to publish it, during the regulated period.

Expenses you paid or incurred outside the regulated period still count towards your limit if they were for advertisements you published during the regulated period.

### **Expenses include the cost of creation and the value of materials**

Election expenses that count towards your limit include:

- the cost of preparing, designing, composing, printing, posting and publishing the advertisement
- the reasonable market value of any materials you use for the advertisement. This includes materials you get for free or below reasonable market value.

Candidate expenses don't include the costs of:

- your nomination deposit
- food
- hiring halls
- surveys or opinion polls
- free labour
- replacing materials destroyed through no fault of your own
- framework that holds up your advertisements (except for commercial frames)
- running any vehicle you use to display advertisements.

## **Keep a record of what you spend on advertising**

Keep a record of what you spend on advertising as you spend it.

You'll need to report your candidate expenses to us after the election. Learn more about reporting your expenses in Part 4.

Take all reasonable steps to keep records of all your election expenses. You must keep invoices and receipts for all election expenses of \$50 or more for 3 years after you've reported your expenses to us.

## **If someone else pays a candidate expense, it still counts towards your candidate limit**

If someone gives you goods or services or pays for something that would otherwise be election expenses, they count towards your candidate expense limit.

The payment is a monetary donation and the full amount should be disclosed as a donation. If you are given goods or service free or at a discount, that would otherwise be election expenses, the expense is the reasonable market value for the goods or services you got and if the reasonable market value is more than \$300 you should also record it as a candidate donation. There are more strict requirements for donations from an overseas person, see the donations and loans section.

## **Expenses for advertisements that continue into the regulated period count towards your limit**

If you publish an advertisement before the regulated period, the costs of continuing to publish it during the regulated period will go towards your expense limit.

You must apportion the expenses so you assign a fair proportion to the regulated period.

Contact us if you have any questions about apportioning your expenses.

## **Reusing items from previous elections counts towards your expense limit**

If you reuse something, such as a banner, from a previous election, its reasonable market value goes towards your expense limit. You can't apportion an expense over multiple elections.

We suggest you record the price you originally paid for the item. If you don't know the original price, record what the item would cost now, based on two quotes.

## **Deadline for paying advertising bills**

Make sure you get all the invoices for your election expenses within 20 working days of us declaring the official election result.

You must pay all these invoices within 40 working days of us declaring the official result. It's an offence to not pay your invoices on time.

If you're disputing a bill, you can follow the procedure in sections 205H and 205I of the Electoral Act.

## How the rules apply to advertising by others that you approve

You need to know how the election advertising rules apply to advertising by others that you approve for the by-election.

If you authorise someone else to publish advertising promoting you as a candidate, this will also count toward your candidate expense limit and count as a donation for your campaign. See Part 3 for more information about donations.

### Party advertising

Advertising undertaken by your party that promotes your candidacy will require your prior written authorisation. Your candidate advertisements promoted by your party must include the party secretary's name and contact details in the promoter statement. The full cost of the advertising will count towards your expense limit.

### Third party advertising

Third parties, people or groups other than candidates or registered parties can promote advertising for your candidacy but certain rules apply, including:

- the third party must have your prior written authorisation to promote you
- they must include their name and contact details in the promoter statement
- they may need to register as a promoter.

For more information about the rules for third parties see the Commission's

### Third Party Handbook.

If you authorise someone else to publish advertising encouraging people to vote for you, the full cost of that advertising will count towards your expense limit. The same costs will also count towards a third party's expense limit. Get the information you need about the cost of the advertising from the third party.

## How the rules apply to different types of advertising

The medium your advertisement is in can affect how promoter statements, expenses and other advertising rules apply.

### Your website or social media account

Your whole website or social media account is an election advertisement if any part of it encourages or persuades voters to vote or not vote for a party or candidate.

Even if you don't pay to promote your website or social media account, it can still count as an election advertisement.

The exemption for personal political views online usually applies to individuals posting comments on your website or social media pages.

### ***You need a promoter statement on your website or account***

On websites, put your promoter statement on the page that contains the election advertising. If you have many pages with election advertising, put your promoter statement on your homepage.

On social media accounts, include your promoter statement in your 'About' or profile section.

You don't need a promoter statement if you like or share an election advertisement that someone else published on social media.

### ***Setting up and looking after the hardware and software behind your website doesn't count towards your expense limit***

Election expenses for websites and social media include the costs of preparation, design, publication and hosting fees.

The costs of setting up and looking after the hardware and software of the website don't count towards your expense limits.

### ***You can make your website accessible***

We recommend you make your website as easy to access as possible.

For example, you could make sure your website meets the New Zealand Government Web Accessibility Standard:

[www.digital.govt.nz/standards-and-guidance/nz-government-web-standards/web-accessibility-standard-1-2](http://www.digital.govt.nz/standards-and-guidance/nz-government-web-standards/web-accessibility-standard-1-2)

This isn't compulsory, but it'll make your website easy to access for people:

- with low vision
- with reading, learning or intellectual disabilities
- using phones, tablets, screen readers or speech recognition software.

### **Your online advertisements**

You can pay for an election advertisement to appear unsolicited on another person's webpage.

For example, you can:

- place a banner advertisement on someone else's website
- promote a post on social media
- promote a web search result.

***You must include your promoter statement on the advertisement***

If you pay for a promoted post on social media, you must include a promoter statement on the advertisement itself.

You can shorten the promoter statement if you have a limited number of pixels or characters.

For example, you could shorten 'Promoted by Alice Candidate, 111 Any Street, Auckland' to 'A Candidate, 111 Any St, AKLD'.

**The rules if your advertising refers to websites**

If your advertising refers to a website, the content of the website may help decide whether the advertising is an election advertisement.

Listing a website is fine, but if you use words or graphics that encourage readers to visit a website, consider the content of both the advertisement and the website.

For example, if your print advertisement encourages readers to visit a website (e.g. Find me on Facebook at...) and the website or page encourages them to vote for you as a candidate, your print advert will be a candidate advertisement.

**Different rules apply if you advertise on TV and radio**

You can advertise your candidacy or a by-election meeting on TV or radio, but some separate rules apply.

You can include information about the party you represent and its policies, for the purpose of promoting your own election. However, you cannot attack the policies of other parties or candidates.

***You can only broadcast advertisements from writ day to the day before the by-election***

You can only broadcast advertisements on TV or radio within the election period. The election period starts on writ day and finishes at the end of the day before election day.

***You still need to include a promoter statement***

You must include a promoter statement in all your broadcast advertisements.

If you publish an advertisement only in an audible form, the promoter statement must be as easy to hear as the rest of the advertisement.



### ***Broadcast advertisements count as expenses***

The cost of a broadcast advertisement will count towards your expense limit.

### **You can place an advertisement in a publication**

You can place election advertisements in a publication, such as a newspaper, magazine, or journal. The publication can be electronic or printed.

### ***Editorial versus advertorial content***

If a publication, such as your local paper, asks you to write a column or opinion piece, it doesn't count as an election advertisement. It will fall under the exception for editorial content.

However, your column or piece will count as an advertisement if you pay a publication to run it, for example as part of an advertising package.

### ***Only the cost of the advertisement counts towards your expense limit***

Only the cost of the advertisement itself counts towards your expense limit. You don't need to account for the cost of the whole publication your advertisement is in.

### **You can put up signs, banners, posters**

You can put up signs, banners and posters to advertise your candidacy. Remember to always include your promoter statement.

### **Local councils are responsible for regulating election signs in their region**

Local councils are responsible for regulating when, where, and how you can display election signs. Talk to your local councils about their rules before you put up any election signs.

Contact details for local councils are available here:

[www.elections.nz/guidance-and-rules/advertising-and-campaigning/election-signs/](http://www.elections.nz/guidance-and-rules/advertising-and-campaigning/election-signs/)

In the 9 weeks before election day for a by-election you can have election signs that are up to 3 square metres in size. This applies wherever you are in New Zealand, but you'll still need to follow your local council's application processes and rules about where you can put them up. Talk to your council if you want to have larger signs or put signs up earlier.

### **You can only pay certain people to display election signs**

You can only pay someone to display an election sign if charging for the display of signs is part of their business. It is an offence to pay anyone else to display election signs on land or property.

### **The costs of framing for election signs generally do not count as expenses**

The cost of framing material that holds up signs, such as wooden framing, doesn't count towards your expense limit unless they are part of the cost of a commercial framework you've used.

### **Mobile advertising counts towards your expense limit**

The cost of mobile advertising, such as signage on campaign cars, counts towards your expense limit. The cost of running a vehicle with signs on it is not an expense unless you're paying to use the vehicle to display your advertisements.

### **You can pay your campaign staff to work on advertising**

Paid campaign staff time only counts towards your expense limit if they're directly involved in preparing, designing, composing, printing, posting and publishing election advertising.

The cost of labour you get for free doesn't count towards your expense limit.

### **You can give out items**

You can give out items to supporters to promote your candidacy, such as t-shirts, bumper stickers, lapel badges and flags.

If you give out any items before the regulated period starts, assume your supporters will keep displaying them during the regulated period and count the cost of the items towards your expense limit.

### **Your supporters can't display items on election day**

Take care when giving out items to promote your candidacy.

Your supporters could break the law if they display them either:

- within 10 metres of an advance voting place
- anywhere on election day.

### **You can survey, poll and canvass voters**

Your surveys, opinion polls or telephone canvassing are election advertisements if they go beyond just getting voters' views. If they encourage or persuade voters to vote or not vote for a candidate you'll need to follow advertising rules.

For example, if your survey asks leading questions that promote your candidacy or your party's policies, it's probably an election advertisement.

We can review your canvassing script or survey and give our view on whether it's an election advertisement.

### **Face-to-face canvassing doesn't count as election advertising**

Face-to-face canvassing doesn't count as advertising, so you don't need a promoter statement and the costs don't go towards your expense limit. However, the costs of any leaflets you hand out, for example, would count as election advertising if they promote you.

## Public meetings

You can hold or attend meetings with members of the public. Contact the organiser of an event if you have any questions about it. We don't organise candidate debates or 'meet the candidate' evenings.

### You can use schoolrooms for election meetings

You can hold election meetings in public schoolrooms. You'll only need to pay for:

- power
- cleaning
- repairing any damage.

These costs are not election expenses.

You must give the school's governing body 3 days' notice. Schools will provide rooms on a first come, first served basis.

## You can't treat people

Treating is giving people food, drink, other items or entertainment to intentionally influence their vote. It's a criminal offence to treat before, during or after a by-election. There are stricter rules around voting places, explained below.

If a court convicts you of treating, you could go to prison, be disqualified from voting for 3 years and lose your seat in Parliament if you have one.

Before you give people food, drink, other items or entertainment, consider:

- how much you're giving, and how much money it's worth. Ordinary hospitality that's part of a political meeting isn't treating.
- who you are giving it to. For example, giving out food at an electorate meeting, where those attending are party members is unlikely to be treating. Giving out food at a public meeting is riskier.
- how much political material you're giving at the same time.

Light refreshments, such as a cup of tea and a snack, that's part of a political meeting isn't treating. A sausage sizzle at a 'meet the candidate' event is also unlikely to be treating.

To avoid complaints, we suggest you be cautious and restrained when giving out food, drink, other items or entertainment as part of your campaign. Be especially cautious with giving out alcohol.

If you're concerned that something you're planning might be treating, you can ask us for our opinion.

## Take care when giving items to fundraisers

You may also be involved in fundraising in the run up to an election. For example, someone could invite you to contribute an item to a charity auction or provide a raffle prize.

Carefully consider what publicity there'll be about any item you give, especially if it's close to an election.

If it's a modest contribution with no election-related publicity, it's unlikely to be treating or attract complaints.

## You can get information about people who are enrolled to vote

You can buy electronic roll data or printed rolls to use when polling and campaigning. We'll make printed rolls available in the lead up to the by-election.

Contact our data coordinator to find out how much the data or rolls cost and how to apply.

Email [data@elections.govt.nz](mailto:data@elections.govt.nz)

Phone 04 495 0030

## Improper influence

While candidates can encourage people to enrol to vote, it is an offence to give money (or anything of pecuniary value) to a person in order to improperly influence them not to enrol, or switch or choose a particular roll type when enrolling and exercising the Māori Electoral Option. The offence carries a fine of up to \$40,000.

## There are limits on campaigning once voting has started

There are limits on what you can do once voting starts.

It's a criminal offence to do anything that can influence voters:

- in an advance voting place
- within 10 metres of an advance voting place
- on election day.

This includes advertising, public statements, processions, and speeches, as well as displaying candidate and party names, emblems, slogans or logos. Sections 197 and 197A of the Electoral Act have the full lists of restricted activities.

Remove all your election advertising that's visible from a public place before election day. The Returning Officer can remove or cover advertising that breaches the rules.

### **Providing free food, drink or entertainment around voting places**

A person can be fined up to \$10,000 for providing free food, drink (excluding water), and entertainment (including music) within 100 metres of the entrance of a voting place during voting hours. This rule does not apply to an entity that in its ordinary course of business provides free food, drink or entertainment.

### **You can wear a party lapel badge or rosette**

You can wear a party badge or rosette on your lapel at any time, including inside voting places and on election day.

The badge or rosette can show a party's name, emblem, slogan or logo. It can't show your name. Rosettes or badges produced by your party should include the party secretary's promoter statement because they are likely to be an election advertisement.

Don't display your lapel badge in other places such as on vehicles.

### **Wearing and displaying party colours**

You can wear clothes in party colours or display streamers, ribbons and similar items in party colours on vehicles within 10 metres of advance voting places and on election day.

Ensure these items don't show party or candidate names, emblems, slogans or logos.

### **You can't deliver election material on election day**

On election day you can't deliver election material through the post or directly to mailboxes. To avoid breaches, New Zealand Post stops accepting election material for delivery from the Thursday nine days before election day. Clearly mark any election-related mail you send so New Zealand Post knows not to deliver it on election day.

Be careful about hand-delivering election material to mailboxes on the Friday before election day. If a voter doesn't check their mail until the next day, they may think it arrived on election day and complain.

### **You can't hand out anything that mentions candidates or parties**

On election day, don't publish or give out anything that mentions any candidate or party.

### **It's illegal to imitate ballot papers**

It's illegal to imitate ballot papers from midnight on the Tuesday before the election to the end of election day.

Don't print or share anything that's likely to influence voters and does any of the following:

- looks like a ballot paper or part of a ballot paper
- lists candidates or parties.

## **Contacting voters on election day**

Your supporters can contact voters on election day to remind them to vote or offer to help them get to a voting place. They can't say or do anything to influence their vote.

We recommend your supporters read off a script so they don't say anything that breaks the law. Keep candidate names out of your script. That way there's no suggestion you're trying to promote yourself on election day in breach of the rules.

You can contact us to get our opinion on whether your script follows the rules for election day.

## **Be careful what you post on websites and social media**

On election day, it's illegal to post or share anything that's likely to influence voters. This includes photos of completed ballot papers. Posting your personal political views on election day can also break the law.

You can keep existing election material on your website or social media page, so long as all the following apply:

- you published the material before election day
- the material is only available to people who voluntarily access it
- you don't publish advertisements promoting the page or site on election day
- you don't repost the material on election day, even if the information was posted earlier.

We recommend you disable the public message boards and comment sections of your websites and social media on election day. This will stop users from posting new election-related material.

Don't post anything that encourages voters to vote, or not vote, for candidates standing at the by-election. We recommend you don't use profile pictures or frames that support a candidate or party.

## **Take down your signs and posters before election day**

Take down your election signs and posters before election day. This includes signs and graphics on vehicles, and bumper stickers.

If you have any election signs or posters within 10 metres of what will be an advance voting place, take them down before advance voting starts.

## ***MPs can keep signs on their offices***

If you're an MP you can keep fixed signs on your electorate and community offices if they don't refer to the by-election.

### **You can only enter a voting place to vote**

You may only enter a voting or advance voting place to vote. Once you've voted, you must leave.

When you're near a voting place on election day or within 10 metres of an advance voting place, do not say or do anything that could influence voters. Exercise restraint to avoid complaints.

### ***You can get permission to film and photograph***

You can have someone to film or photograph you voting if you have permission from the Returning Officer.

Contact us before the voting period to get permission.

If the Returning Officer gives you permission, you must agree to not:

- disrupt the voting place with your filming or photography
- photograph or film voters completing their ballot papers
- give or conduct interviews in or near the voting place.

## **Complaints about election advertising**

There are different agencies people can go to if they have concerns about an election advertisement.

### **Contact us about breaches of election advertising rules**

The Commission is responsible for ensuring that the rules regarding transparency of promoter statements, authorisation of advertising and electoral finance rules are being complied with. You can complain to us about breaches of election advertising and the election day rules under the Electoral Act, and election programmes under the Broadcasting Act.

Complaints can be made using our online form at [www.vote.nz](http://www.vote.nz) and [www.elections.nz](http://www.elections.nz) or by email to [enquiries@elections.govt.nz](mailto:enquiries@elections.govt.nz).

If we believe the person or group has committed an offence, we'll report the facts to the Police. We can't enforce laws or prosecute offenders.

The Broadcasting Standards Authority, the Advertising Standards Authority and the Media Council all have roles when it comes to considering whether the content of campaign advertising, broadcasts and media activity meets the relevant standards they administer.

### **Contact the Broadcasting Standards Authority about broadcasting**

The Broadcasting Standards Authority (BSA) oversees broadcasting on TV and radio.

### ***Election programmes must follow the Election Programmes Code***

Candidate advertisements on TV and radio must follow the Election Programmes Code of Broadcasting Practice.

The BSA website has more information about the code, and how to complain under it:

[www.bsa.govt.nz/broadcasting-standards/election-code/](http://www.bsa.govt.nz/broadcasting-standards/election-code/)

### ***Third-party programmes must follow broadcasting standards***

Third party programmes about elections must follow the relevant broadcasting standards for radio, free-to-air TV or pay TV.

If you think a programme has breached a standard, complain to the broadcaster first. If you can't resolve your complaint, you can go to the BSA.

The BSA website has more information about the standards and how to complain:

[www.bsa.govt.nz/complaints](http://www.bsa.govt.nz/complaints)

### **Contact the Advertising Standards Authority about other election advertising**

The Advertising Standards Authority (ASA) oversees advertising in all media other than candidate election advertisements broadcast on TV and radio.

Election advertising must comply with the ASA Codes of Practice. The ASA website has more information about the codes and how to complain:

[www.asa.co.nz/complaints](http://www.asa.co.nz/complaints)

### **Contact the Media Council about editorial content**

The New Zealand Media Council oversees its members, which include publications and news websites.

If you want to complain about editorial content, you must go to the publisher first. If you can't resolve your complaint, you can go to the Council.

The Media Council website has more information about its members, and how to complain:

[www.mediacouncil.org.nz](http://www.mediacouncil.org.nz)

### **Contact local councils about election signs**

If you have any questions or complaints about the placement of election signs, talk to the local council of the area the sign is in.

Contact details for local councils are available here:

[www.elections.nz/guidance-and-rules/advertising-and-campaigning/election-signs/](http://www.elections.nz/guidance-and-rules/advertising-and-campaigning/election-signs/)



# PART 3: Donations and loans

## | WĀHANGA 3: Ko ngā takoha me ngā pūtea taurewa

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**This section explains the rules you must follow when getting loans and donations, including anonymous and overseas donations, as well as how to record your donations and loans and what information must be publicly reported.**

## **Key messages**

**You can start fundraising for the by-election at any time.**

**There is no overall limit on how much you can receive by way of donations or borrow for your campaign.**

**You must keep a record of any money given to your campaign and donations in kind.**

**You must keep a record of any loans you enter into for your campaign (other than loans from banks at a commercial rate).**

### **A donation can be money, goods or services**

A donation can be money, or the equivalent of money, or goods or services that is given to you or someone on your behalf to use in your campaign. It could be a cash donation or they could give you free things or pay for something you get for free to use in your campaign, like the rent for your campaign office.

The donations rules apply to any donations given for your campaign, from the point you start fundraising or seeking donations. The rules are not limited to the regulated period. If someone gives you a donation shortly after the election to cover your campaign costs this will also need to be recorded as a donation.

If you get free goods or services with a reasonable market value over \$300 from a New Zealand person, or \$50 from an overseas person, their market value is a donation. Read on for further information about donations from overseas persons.

If you get a discount on goods or services from:

- a New Zealand person with a reasonable market value over \$300, or
- an overseas person with a reasonable market value over \$50

the difference between the market value and the price you pay is a donation.

If you sell over-valued goods or services (for example, at a fundraising auction), the difference between the reasonable market value and the price the buyer pays is a donation.

If you get credit on better terms than the normal terms for similar credit at the time, the value of the better terms is a donation.

For the purposes of the donations rules, the value of donations are inclusive of GST.

### **If someone else pays a campaign expense for you, it is a donation**

If someone pays a campaign expense for you, it is a donation. If what they pay for is for election advertising published during the regulated period it counts towards your expense limit as well.

### **There are exceptions to donation rules**

The following don't count as donations:

- free labour
- goods or services you get for free from a New Zealand person that have a reasonable market value of \$300 or less
- goods or services you get for free from an overseas person that have a reasonable market value of \$50 or less
- money you give to your own campaign.

## **Candidate or party donations**

When you get a donation, it's important you know whether it's meant for you or your party. Ask the donor if you aren't sure, especially if they sent the donation through an electorate committee or transmitter. You are responsible for keeping records of all donations you get for your campaign.

### **Send party donations within 10 working days**

If you get a donation for your party, you must send it to your party secretary or bank it into the bank account nominated by the party secretary within 10 working days.

When you send or notify the donation to your party secretary you must also tell them the following:

- that you're sending the donation on a donor's behalf
- the name and address of the donor
- whether the donation is made up of contributions from different people.

If contributions make up the donation and any contributor contributes more than \$1,500, you must follow the rules for contributions (see below).

If you don't know the donor's name and address, your party must treat the donation as anonymous.

## Keep a record of your donations

Record the following details about donations as you get them:

- the donor's name and street address
- the amount you got
- the date you got the donation
- whether they are an overseas person.

If you receive a donation from an unincorporated body you need to consider whether the donation is actually from individuals within it. If you think this is the case, record them as the donors.

If the donation is from an unincorporated body (for example, a trust or an electorate committee) you should also record the name of the individual at whose direction the donation was made.

## Reporting donations over \$1,500

You'll need to report all donations, and contributions to donations, of more than \$1,500 (including GST) to us after the election in your return of donations, expenses and loans. You must also report a series of donations one person makes if they add up to more than \$1,500.

Take all reasonable steps to keep records of all the donations you get, even if they're less than \$1,500. You need to be able to track the total amounts individual donors give you.

## Contributions to a donation

More than one person can contribute funds to a donation. For example, if there's a collection or whip-round for your campaign.

The total earnings of a collection or whip-round count as a donation. The person who collects the money will normally be the donor. The individuals who contribute to the collection are contributors.

### **The donor must give you details about contributions**

The donor must tell you if their donation is made up of contributions.

If any New Zealand person contributes more than \$1,500, or any overseas person contributes more than \$50 to the donation, the donor must also tell you the following:

- the name and street address of that contributor
- how much that contributor contributed
- whether that contributor is an overseas person
- the total amount of any other contributions.



For example, person A writes four cheques for \$500 to your campaign committee, and person B, person C and person D each give \$100 to the committee. If your campaign committee gives that money to you, it must tell you the following:

- that contributions make up the donation
- that person A contributed \$2,000
- person A's name and street address
- that none of the contributors are overseas persons
- the total amount of contributions that are \$1,500 or less is \$300.

### **You must return a donation if you don't get all the information**

If you know, or have reasonable grounds to believe, the donor hasn't given you this information, you must give the whole donation back to the donor.

### **Fundraising can count as getting donations**

You can fundraise by selling goods or services. For example, your campaign could run a raffle, sell tickets to an event or auction off items.

### **Supporters who give you goods or services to sell can count as donors**

If you get free goods or services given for fundraising with a reasonable market value over \$300 from a New Zealand person, or \$50 from an overseas person, their market value is a donation.

### **Account for market value when selling tickets to events and auctioning items**

If you sell a ticket to an event or receive payment for an item at an auction, the difference between the reasonable market value of the ticket or item and the price the buyer pays is a donation.

For reporting purposes, record the name and address of any person that buys tickets or fundraising items exceeding \$50 in value.

### **People who buy the goods or services can count as contributors**

The individuals who buy goods or services count as contributors if they knew their money would go into a donation to your campaign and the person running the fundraiser must follow the rules for recording and reporting contributions.

For example, person A wins two separate items at a fundraising auction run by the chair of your electorate committee. Person A pays \$1,500 for each item, and each item has a reasonable market value of \$500.

Ten other items are sold at the fundraiser to different people. The amount paid for each item is between \$100 and \$500 above market value totalling \$4,000 from the ten individuals.

If the chair of the electorate committee gives you the proceeds of the fundraiser as a donation, you need to record their name and address as the donor, and the total donation sum. In addition the donor needs to tell you the donation is made up of contributions.

As person A has contributed \$2,000 to the fundraiser you will need to record their name and address and the amount of their contributions and report this in your return. You also need to record the total amount of other contributions (\$4,000).

Remember you will also have to report the name and address of any person who has given items to the auction if the reasonable market value of those goods is over \$1,500 (or \$50 from an overseas person).

Don't rely on the price a buyer pays at a fundraising event or auction to work out the reasonable market value of an item. If you don't have an objective basis to work out the reasonable market value of a ticket or item, we suggest you err on the side of caution. Treat the entire difference between what the buyer pays and the reasonable market value of running the event or the item as a donation.

For reporting purposes, record the name and address of any person that buys tickets or fundraising items exceeding \$50 above reasonable market value.

### **Goods or services given for free can be a donation**

If you receive goods or services for free that have a reasonable market value of more than \$300 you need to count them as a donation and report them if the value of the donation is more than \$1,500. Be aware you cannot accept a donation of more than \$50 from an overseas person.

For example, your father-in-law loans you a car for 2 months in the run up to the election for campaign purposes. The reasonable market value of hiring the same make and model for this period is \$6,000. You need to record a donation from your father-in-law of \$6,000 in your candidate return.

### **Donations through an intermediary (a transmitter)**

A donor can send their donation to you through another person or organisation, such as a lawyer or trust fund.

### **The intermediary must pass the donation on within 10 working days**

If someone gets a donation meant for you, they must send it to you within 10 working days.

### **The intermediary must give you details about the donation**

When the intermediary sends you the donation, they must also tell you the following:

- that they're sending the donation to you on a donor's behalf
- the name and address of the donor
- whether contributions make up the donation.

If contributions make up the donation and any contributor contributes more than \$1,500, you must follow the rules for contributions.

If the intermediary doesn't know the donor's name and address, you must treat the donation as anonymous.

### **You can't keep anonymous donations of more than \$1,500**

Candidates are not allowed to accept anonymous donations of more than \$1,500. If you get an anonymous donation that's more than \$1,500, you can keep \$1,500 of it.

A donation is anonymous if there's no way you could know who sent it.

A donation from a trust is anonymous if it doesn't include the name and address of the settlor, or the person who approved the donation.

### **Send the rest of the anonymous donation to us**

You must send the rest of the money to us within 20 working days of getting the donation. We'll pay the donation to a Crown bank account.

### **You can't keep overseas donations of more than \$50**

Candidates are not allowed to accept donations or contributions over \$50 from an overseas person.

An overseas donor or contributor is any of the following:

- a person who lives outside New Zealand and isn't a New Zealand citizen or on the electoral roll
- a body corporate that's incorporated outside New Zealand
- an unincorporated body that has its head office or main place of business outside New Zealand.

## **What do I have to do?**

For all donations over \$50 (other than anonymous donations), you have an obligation to take all reasonable steps to check whether a donation is made by or on behalf of an overseas person or includes a contribution made by or on behalf of an overseas person.

You should keep records of all donations and the checks you have taken to ensure that they are not from an overseas person.

You will have a defence for any breach of this requirement if you can prove you took all reasonable steps, in the circumstances of the donation to ensure that:

- you did not accept or retain a donation or contribution from an overseas person exceeding \$50, or
- there were no reasonable grounds to suspect that the donation or contribution exceeding \$50 was made by or on behalf of an overseas person.

## **What are reasonable steps?**

You are ultimately responsible for determining what checks are reasonable to make in the circumstances of any donation.

However, there are a range of steps that we recommend you take to check the origin of donations:

- checking the name and address details of individual donors against the electoral roll
- checking whether a donor company is on the New Zealand Companies Register
- for any unincorporated body, ensuring that the unincorporated body is actually the donor and not individuals within it and seeking information or confirmation that its head office or principal place of business is in New Zealand
- ensuring that online donation forms require donors and any contributors to give their residential address and/or affirm the donation is not made by or on behalf of an overseas person
- for larger donations, you may also wish to seek copies of documents such as incorporation certificates, citizenship certificates, passports, trust deeds or written confirmation from donors themselves.

## **How long have I got to undertake checks?**

You must undertake these checks within 20 working days of receipt of the donation.

If you determine, or have reasonable cause to suspect, that a donation or contribution exceeding \$50 was made by an overseas person you can retain \$50 of it but must return the balance to the donor or, if this is not possible, pay it to the Electoral Commission.



### **What are reasonable grounds to suspect?**

Reasonable grounds to suspect would require something on the face of the donation, the details provided by the donor, or the circumstances in which the donation is given that indicate the donation may be from an overseas person.

For example, if you received an anonymous donation in foreign currency this would be reasonable grounds to suspect.

### **What about the donation of goods and services?**

The overseas donation restrictions also apply to:

- goods or services provided free of charge from an overseas person that have a reasonable market value exceeding \$50, and
- goods or services provided at a discount from an overseas person that have a reasonable market value exceeding \$50, where the difference between the agreed price and the reasonable market value exceeds \$50.

This is different to the rules that apply to donations of goods or services from a New Zealand person. For a New Zealand person, you don't have to treat free goods or services or the value of any discount received on goods or services as a candidate donation unless the reasonable market value of the goods or services exceeds \$300.

### **Return the rest of the donation**

If an overseas donor gives you more than \$50, you can keep \$50 of it. You must return the rest of the money to the donor within 20 working days of getting the donation. If you can't return it, you need to send it to the Electoral Commission. We'll pay the donation to a Crown bank account.

### **Return the whole donation if it includes more than \$50 from an overseas contributor**

If a donor from New Zealand gives you a donation that includes a contribution of more than \$50 from an overseas person, you must return the whole donation or send it to the Commission.

### **What is a candidate loan?**

A candidate loan is a written or spoken agreement under which a lender lends money to you for your campaign for election.

The loan amount is the money the lender lends under the loan. If a lender agrees to lend money in the future, such as a revolving credit facility, the loan amount is the maximum amount you may owe at any one time.

## **A registered bank lending at a commercial interest rate is not a candidate loan**

Money that a registered bank lends you at a commercial interest rate is not a candidate loan. Credit cards and overdraft facilities with registered banks are not candidate loans

Registered banks are banks registered with the Reserve Bank of New Zealand. Read the full list of registered banks on the Reserve Bank's website:

[www.rbnz.govt.nz/regulation-and-supervision/cross-sector-oversight/registers-of-entities-we-regulate/registered-banks-in-new-zealand](http://www.rbnz.govt.nz/regulation-and-supervision/cross-sector-oversight/registers-of-entities-we-regulate/registered-banks-in-new-zealand)

## **Candidate loans you don't approve or record are illegal contracts**

A candidate loan is an illegal contract under the Contract and Commercial Law Act 2017 if any of the following apply:

- you didn't approve the candidate loan
- someone other than you entered the candidate loan
- you don't keep a proper record of the candidate loan.

## **Keep a record of your loans**

Take all reasonable steps to keep records of all the loans you enter into for your campaign. You need to be able to track the total amounts individual lenders lend you.

Record the following details about candidate loans as you enter them:

- the lender's name and address
- the loan amount
- the date you entered the loan
- the date you need to repay the loan by, or a statement saying there's no repayment date
- the interest rate or rates
- any guarantor's name and address
- the details of any security given for the loan.

Also keep a record of whether any loan lets the lender reduce or end the loan amount or interest or make any concession about repaying the loan.

If you enter a loan that's not in writing, you must keep a proper written record of the loan.

## **You must track each lender's combined loans**

You must have a system in place to track how much each lender lends for your campaign.

You need to combine loans from the same lender on your return. Use the principal sums of the loans when you combine them.

# PART 4: Results, returns and recounts | WĀHANGA 4: Ko ngā otinga, ngā pārongo otinga me te tārua tatauranga

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**This section explains what happens after the by-election including reporting your expenses, donations and loans, getting nomination deposits back and recounts.**

## **Key messages**

**You must file your return of candidate expenses, donations and loans within 70 working days of the by-election.**

**All candidates must file a return even if no money was received or spent and no loans have been entered into.**

**If you want to ask for a recount you must file your application within 3 working days of the official results and pay the deposit.**

## **Results**

Results are published on [www.electionresults.govt.nz](http://www.electionresults.govt.nz).

Preliminary results are released on election night and the official results are released after the scrutiny, special vote processing and the official counts have been completed.

## **The make-up of Parliament after a by-election**

If the successful candidate at the by-election is a current list MP, their list seat will be filled, once they have given written notice to the Speaker, by the next person on the party's list.

If the by-election is won by a list MP from the same party whose candidate won the electorate at the general election then the proportionality is not changed.

However, if the list MP who wins the seat represents a different party then the proportionality changes. There is no recalculation of the number of list seats each party is entitled to at a by-election. The party of the successful candidate gains a seat at the expense of the party whose candidate won it at the general election and the resulting list vacancy is filled from the successful candidate's party list.

## **Report your expenses, donations and loans to us**

If you're a candidate for a by-election, you must report your election expenses, donations and loans to us.

You must send us a return of your expenses, donations and loans within 70 days of election day. It is an offence to fail to file a return. Candidates convicted for failure to file a return are put on the Corrupt Practice List which means you cannot enrol to vote or stand as a candidate for three years from the date of conviction.

Use the Return of Electorate Candidate Donations, Expenses and Loans form to make your return. You can get the form from the Candidate Hub on [elections.nz](https://elections.nz).

### **Send us a return even if you don't have any expenses, donations or loans**

If you have no election expenses, donations or loans to report on, you must still complete a return form and send it to us. The form will tell you how to show you have no expenses, donations or loans.

### **We'll release your return to the public**

We'll publish your return on our website. Members of the public can also visit us to view the return forms.

### **You may be able to get your nomination deposit back**

We can only pay your deposit back if you got at least 5 per cent of the votes cast for all candidates in the by-election.

### **You must send us your return before we can refund your deposit**

We can only pay your deposit back once we have your return of election expenses, donations and loans.

### **You can apply for a recount or challenge a result**

As a candidate at the by-election, you can apply for a recount of the vote or challenge the result.

### **Apply to a District Court Judge for a judicial recount**

After the declaration of the official results you can apply to a District Court Judge for a recount of the votes. A recount automatically happens if the official count leads to a tie.

You must apply within 3 working days of us declaring the official election results. Include a deposit of \$1,022.22 (including GST) with your application.

The judge must start the recount within 3 working days of getting your application. They'll tell the other candidates when and where the recount will take place.

## **Filing an election petition to challenge a result**

An election petition is the only way you can challenge the election of an electorate candidate.

You must file your petition before the High Court within 28 days of us declaring the official election results. Three High Court Judges will hear the petition. You can find out more in the Constituency Election Petition Rules 2008:

[www.legislation.govt.nz/regulation/public/2008/0383/latest/DLM1647201.html](http://www.legislation.govt.nz/regulation/public/2008/0383/latest/DLM1647201.html)

# Useful contacts | Ko ngā taipitopito whakapā whaitake

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 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> <p>The Election Access Fund</p>	<p>Electoral Commission Te Kaitiaki Take Kōwhiri</p> <hr/> <p>Helpline: 0800 36 76 56 National Office: 04 495 0030 General enquiries or requests for resources: <a href="mailto:enquiries@elections.govt.nz">enquiries@elections.govt.nz</a> Requests for rolls and roll data: <a href="mailto:data@elections.govt.nz">data@elections.govt.nz</a> Requests for advisory opinions: <a href="mailto:advisory@elections.govt.nz">advisory@elections.govt.nz</a> Electoral Commission websites: <a href="http://www.elections.nz">www.elections.nz</a> <a href="http://www.vote.nz">www.vote.nz</a> <a href="http://www.electionresults.govt.nz">www.electionresults.govt.nz</a></p> <p>Election Access Fund Te Tomokanga Pūtea Whakatapoko Pōtitanga</p> <hr/> <p>Email <a href="mailto:electionaccessfund@elections.govt.nz">electionaccessfund@elections.govt.nz</a> or call 0800 36 76 56.</p>
<p>Accessing legislation including the Electoral Act 1993</p>	<p>Parliamentary Counsel Office Te Tari Tohutohu Pāremata</p> <hr/> <p><a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a></p>

For information on ...	Agency & Contact
Administrative and support services to MPs and funding entitlements for MPs	Parliamentary Service Pāremata Aotearoa <hr/> Phone: 04 817 9999 <a href="mailto:publicity@parliament.govt.nz">publicity@parliament.govt.nz</a>
Having your say on the law relating to parliamentary elections through the Inquiry into each general election	Justice Select Committee <hr/> <a href="mailto:ju@parliament.govt.nz">ju@parliament.govt.nz</a> <a href="http://www.parliament.nz/en/pb/sc/scl/justice/">www.parliament.nz/en/pb/sc/scl/justice/</a>
Information and complaints regarding advertising	Advertising Standards Authority <hr/> <a href="http://www.asa.co.nz">www.asa.co.nz</a>
Information and complaints regarding broadcasting	Broadcasting Standards Authority Te Mana Whanonga Kaipāho <hr/> <a href="http://www.bsa.govt.nz">www.bsa.govt.nz</a>
Information and complaints regarding press	Media Council Te kaunihera ao pāpāho o Aotearoa <hr/> <a href="http://www.mediacouncil.org.nz">www.mediacouncil.org.nz</a>
Information and resources on how to protect yourself online	National Cyber Security Centre <hr/> <a href="http://www.ncsc.govt.nz">www.ncsc.govt.nz</a>
Election year guidance: Information on state servants being candidates	Te Kawa Mataaho Public Service Commission <hr/> <a href="http://www.publicservice.govt.nz">www.publicservice.govt.nz</a>



For information on ...	Agency & Contact
Language translation services	<p>Straker Translations</p> <hr/> <p><a href="http://www.strakertranslations.com">www.strakertranslations.com</a></p> <p>Te Tari Taiwhenua</p> <p>Department of Internal Affairs</p> <hr/> <p><a href="http://www.dia.govt.nz/translation-service">www.dia.govt.nz/translation-service</a></p>

# Notes | Ko te kupu āpiti

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**ELECTORAL  
COMMISSION**  
TE KAITIAKI TAKE KŌWHIRI