



**ELECTORAL  
COMMISSION**  
TE KAITIAKI TAKE KŌWHIRI

# Candidate Handbook

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General Election  
and Referendums  
2020



# Foreword

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*Alicia Wright, Chief Electoral Officer*

## Candidate rules for the 2020 General Election and Referendums

This handbook provides information you will need as a candidate in the 2020 General Election. You'll find out how to become a candidate, the rules for advertising, campaigning and expenses, and what you need to do after the election. You'll also find information about taking part in the referendums.

## COVID-19 and the 2020 General Election

This year's election will be different because of COVID-19. A range of measures will be in place to help keep people safe while they vote in the 2020 General Election and Referendums. Voting will start earlier and there will be more voting places to spread voting over a longer period and reduce congestion in voting places. There will be health measures in place at voting places to help keep voters and election workers safe. More postal voting capacity will be available for people who are unable to go to a voting place.

## 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*

*Tel: 04 495 0030*

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

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# What's new in this election?

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## Referendums

Referendums on the End of Life Choice Act 2019 and the Cannabis Legalisation and Control Bill will be held with the general election. There are advertising rules and spending limits for the referendums, similar to those for third parties at a general election. This handbook will help explain how the referendum rules apply to you.

## Advertising and campaigning

All advertisements relating to the election in any medium will need a promoter statement.

From 1 January 2020, parties and candidates can't keep overseas donations greater than \$50.

## Enrolling and voting

People can enrol to vote online using their driver licence, passport or RealMe verified identity.

Voters in New Zealand will be able to enrol on election day.

Prisoners sentenced to less than 3 years imprisonment will be eligible to vote.

## Counting votes and releasing results

Referendum votes will not be counted on election night — we'll count referendum votes after election day. We'll release preliminary results (ordinary referendum votes) for each referendum on Friday 30 October.

We'll process and count overseas votes in Wellington rather than in the electorates.

The period for declaring the official results and returning the writ has been extended. After we count special votes, we'll release the official results for the general election and referendums on Friday 6 November.

## Key dates for a candidate

This table shows the updated key dates you need to know as a candidate for the 17 October 2020 General Election.

Date	What happens
Monday 10 August	Nominations can be lodged from this date
Tuesday 18 August	The regulated period starts During the regulated period, any advertising you run to promote your candidacy or an option on the referendum counts towards your expense limits
Sunday 13 September	You can start broadcasting advertisements for your candidacy on TV and radio
Thursday 17 September	Noon is the deadline for party secretaries to get their bulk nomination schedules and party lists to us
Friday 18 September	Noon is the deadline for electorate candidates to get their individual nomination forms to us
Wednesday 30 September	Overseas voting starts
Saturday 3 October	Advance voting starts. You can't campaign within 10 metres of an advance voting place
Friday 16 October	The regulated period finishes You must take down all campaign signs before midnight
Saturday 17 October	Election day Voters can vote between 9am and 7pm. You can't campaign on election day
Friday 30 October	Preliminary referendum results will be released (ordinary votes)
Friday 6 November	We declare the official results for the general election and referendums We aim to release the results by 2pm
Thursday 12 November	If there are no judicial recounts, we return the writ showing elected electorate candidates and declare the elected list members of Parliament (MPs)
Wednesday 17 February 2021	The deadline for reporting your election and referendum expenses and donations to us

# Becoming a candidate

This section explains the rules for becoming an electorate candidate, a list candidate, or both. Find out who can be a candidate, the timing of nominations, how to be in a party secretary's bulk nomination, and how to get an individual nomination.

## You can be an electorate candidate, a list candidate or both

There are two types of candidate under the Mixed Member Proportional (MMP) electoral system:

- electorate candidates, who become members of Parliament (MPs) by winning electorate votes
- list candidates, who are on registered party lists and can become MPs through the party vote.

You can contest an electorate and be on a party list at the same election. You can only contest one electorate and be on one party list for each election.

## You must be a New Zealand citizen who is enrolled to vote

To be a candidate you must be both:

- enrolled to vote
- a New Zealand citizen.

### Send evidence of your citizenship 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 could be a certificate of citizenship or a copy of your New Zealand passport.

### 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 prison sentence of 3 years or more.

There are exceptions to these rules. For example, the 3 years rule 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.

### *Other grounds for disqualification only affect a few people*

There are other grounds of disqualification that affect a very small number of people. You can find out more on the New Zealand legislation website:

[www.legislation.govt.nz/act/public/1993/0087/latest/DLM308839.html](http://www.legislation.govt.nz/act/public/1993/0087/latest/DLM308839.html)

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

You can become a candidate if you're a state servant, board member of a Crown entity or director of a Crown company.

If you're a state servant, you must take leave starting on 18 September and ending on 19 October, the first working day after election day. Taking leave helps avoid the possibility of real or supposed conflicts of interest.

Your employer may need you to take leave before 18 September if they think your responsibilities as a state servant make this necessary.

If you're elected, you'll have to resign from your state sector role.

Before you seek a nomination, talk to your employer and check the State Services Commissioner's guidelines:

[www.ssc.govt.nz/](http://www.ssc.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.

### **You can use your legal or common name**

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 in 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.

## **There are two ways to become an electorate candidate**

You can become an electorate candidate through a bulk nomination by your party secretary or by an individual nomination to the Returning Officer.

A registered party can use either method, but not both. Independent candidates and candidates standing for unregistered parties may not use the bulk nomination method.

### **Your registered party can make a bulk nomination**

If you're representing a registered party, your party secretary can include you in a bulk nomination schedule with all the electorate candidates the party wants to nominate. Your party secretary then sends the bulk nomination schedule to us.

This is the simplest way for a registered party to nominate candidates, and most registered parties use it.

#### ***The deadline for bulk nominations is 17 September***

Your party secretary must get their bulk nominations to us by noon on 17 September.

### ***You can't make an individual nomination if your party is making a bulk nomination***

If your party is making a bulk nomination, that's the only way you can become an electorate candidate. We won't accept individual nominations for candidates representing the party.

#### ***Give your details to your party secretary***

Tell your party secretary:

- the electorate you'll contest
- your full name
- the name you want to appear on the ballot paper (up to 30 characters long)
- the electorate you're enrolled in.

#### ***Sign a consent form***

Ask your party secretary for a form to sign that gives your consent to be an electorate candidate. Your party secretary will include your consent form with the bulk nomination.

If you're on the party list and contesting an electorate, you can give your consent to both on one consent form.

#### ***Talk to your party secretary about the \$300 deposit***

Your party secretary must send us a deposit of \$300 for every candidate on their schedule.

### **You can make an individual nomination**

You can submit an individual nomination if you're:

- representing an unregistered political party
- contesting as an independent
- representing a registered party that is not making a bulk nomination.

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

Your nominators must complete their part of your individual nomination form and then you must make sure the form gets to the Returning Officer in the electorate.



Returning Officers' contact details are available on the [vote.nz](http://vote.nz) website.

### ***Returning Officers can receive nominations from 10 August***

Returning officers can start receiving nominations from 10 August. We'll call for nominations with newspaper advertisements and make more information available on our websites.

### ***The deadline for individual nominations is 18 September – nomination day***

The Returning Officer must get your individual nomination form by noon on 18 September – nomination day.

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

We recommend you get your nomination to the returning officer in person and as early as possible. This gives the Returning Officer time to check your nomination to make sure they can accept it. The Returning Officer can't extend the nomination deadline.

### ***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 we are satisfied that your 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 an unregistered party, you will need to give the Returning Officer proof that:

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

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.

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

You must include a deposit of \$300 with your individual nomination. The deposit can be paid by direct credit, in cash, a bank draft or a bank cheque. Make the bank draft or bank cheque out to 'Electoral Commission

Trust Account'.

We don't accept personal cheques.

### ***If you pay with direct credit***

Pay the direct credit 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. Don't pay with direct credit on nomination day.

### ***Talk to the Returning Officer if you might have trouble with your nomination***

Talk to the Returning Officer if you think you'll have trouble physically getting your nomination and the deposit to them.

## **Your party secretary can nominate you as a list candidate**

If you're a list candidate for a registered party, your party secretary will include your details in the party list and send the list to us.

### **The deadline for party lists is noon 17 September**

Your party secretary must get the party list to us by noon on 17 September.

### **Give your details to your party secretary**

Tell your party secretary your name, address and phone number to include on the party list.

### **Sign a consent form**

Ask your party secretary for a form to sign that gives your consent to be a list candidate. If you're on the party list and contesting an electorate, you can give your consent to both on one consent form.

## You can withdraw your nomination

If you want to withdraw your nomination, you must do it before noon on Friday 18 September.

Contact your party secretary as soon as possible if you were nominated through a bulk nomination, or you're a list candidate. You'll need to complete the withdrawal form.

If you were nominated through an individual nomination you must do all the following.

- Get a withdrawal form from your Returning Officer and complete it.
- Sign the form in the presence of a Justice of the Peace or solicitor.
- Return the signed form to the Returning Officer by noon on 18 September.

### Someone should contact us urgently if a candidate dies or is incapacitated

Someone involved in your campaign should contact us urgently if you die or are seriously incapacitated either:

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

## We'll brief you about your responsibilities

Your Returning Officer will brief you about how the election will work, the nomination process, and your responsibilities as a candidate.

You can attend the briefing yourself or send a representative.

Contact your Returning Officer for the date and time of the candidate briefing.

Returning Officers' contact details are available on our [vote.nz](http://vote.nz) website.

## We'll release some of your information to the public

Once we've processed all the nominations and party lists, we'll publish the names of all candidates on our website:

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

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

People who are enrolled to vote in the electorate can visit their Returning Officer and see the individual nomination forms for candidates in that electorate.

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

The media often ask us for candidates' contact details such as a telephone number or email. If the media asks for your contact details, we'll release them unless you or your party secretary has told us in advance not to release them.

For candidates on the unpublished roll we will not make address information available for inspection.

## Electorate candidates appear alphabetically on the ballot paper

The names of the electorate candidates appear alphabetically by surname on the right-hand side of the ballot paper. If you represent a party, your party's name 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.

If your party is contesting the party vote, we'll print the name of your party opposite your name on the left-hand side of the ballot paper.

If you're an independent, we'll leave the space opposite your name blank.

We list parties that are only contesting the party vote alphabetically on the left-hand side of the ballot paper, after the parties that are also contesting the electorate vote.

## You can appoint scrutineers

If you're an electorate candidate, you can appoint scrutineers.

Scrutineers oversee the conduct of the election.

You can appoint scrutineers to observe:

- the issuing of votes in voting places, including advance 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 recounts of electorate votes.

If you intend to appoint scrutineers to attend voting places to observe voting you or your party secretary should let us know the number of scrutineers and the voting places they will be attending in advance as the presence of scrutineers at voting places needs to be managed within the physical distancing requirements to keep everyone safe. Party secretaries were advised of draft voting place locations in mid-June. We may need to limit the number of scrutineers at some voting places during voting hours for safety reasons and then have scrutineers present for the preliminary count.

There are no scrutineers appointed for the referendum counts. These will be overseen by Justices of the Peace during the official count.

### ***We have a guide for appointing scrutineers***

You can download our scrutineer handbook from our [election.nz](http://election.nz) website. 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.

# Advertising and campaigning

If you're an electorate candidate, you can publish election and referendum advertisements. This section explains 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.

Different rules apply if you're a list candidate only. Advertising counts as an expense for your party, and you must get your party secretary's authorisation. Contact your party secretary for more information.

## What is an election advertisement?

An election advertisement is an advertisement that may reasonably be regarded as encouraging or persuading voters to vote or not vote for a:

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

Election advertisements about electorate candidates are called candidate advertisements, and election advertisements about parties are called party advertisements.

## What is a referendum advertisement?

A referendum advertisement is an advertisement that may reasonably be regarded as encouraging or persuading voters to vote or not vote in a particular way in the referendum.

### 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.

Similarly, it doesn't have to include a referendum option to be a referendum 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).

### Election and referendum advertisements can be in any medium

Referendum or election advertising can be in any medium, such as:

- newspapers
- magazines
- posters
- billboards
- leaflets
- TV and radio broadcasting
- online advertising.

Unpaid advertising can still be an election advertisement or referendum advertisement.

## There are exceptions to election and referendum advertisement rules

The following don't count as referendum advertisements or election advertisements:

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

### *Editorial content is any part of a publication except advertising or advertorials*

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

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 aren't advertising if they're unpaid*

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

This exemption doesn't cover:

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

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

The rules apply to referendum advertisements or 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 the person face to face.

### **Your advertisements must include a promoter statement**

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

Learn more about promoter statements on page 12.

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

If you're an electorate candidate, there's a limit to how much you can spend on election advertising during the regulated period.

There's another, separate limit to how much you can spend on referendum advertising for each referendum during the regulated period.

Learn more about spending limits on pages 12 and 13.

### **You can get an advisory opinion on whether your advertisement is an election advertisement a referendum advertisement, or both**

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

### ***Our advisory opinions are not legal advice***

Our opinions are our interpretation of the Electoral Act and Referendums Framework 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 advertisement.

### ***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.

Send us your request by email:

Email [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 election is over***

We'll treat your request and our advice as confidential until after 13 November 2020. 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.

## **You must declare who is promoting your advertisements**

All your election and referendum advertisements must include a promoter statement. This applies at all times, not just during the regulated period.

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

We recommend you word your promoter statements like this:

**Promoted or authorised by [your name],  
[your full street address].**

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 it. 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.

Learn more about how you should display your promoter statements in specific contexts on pages 16 and 17.

## **Advertisements related to an election or referendum also need a promoter statement**

You need a promoter statement in some types of advertisements about an election or referendum, even if they don't encourage or persuade voters to vote or not vote for a party or candidate or referendum option and won't count as an election or referendum expense.

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

This now applies to advertisements in all mediums, including:

- newspapers
- magazines
- posters
- billboards
- leaflets
- TV and radio broadcasts
- online advertising.

### **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.

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

If you're an electorate candidate, there's a limit to how much you can spend on election advertising and referendum advertising during the regulated period.

During the regulated period, any advertising you run to promote your candidacy or a referendum option count towards your expense limits.

The regulated period is from 18 August to 16 October.

Your candidate expense limit is \$28,200.

Unless you register as a referendum promoter, your referendum expense limit is \$13,600 per referendum. If you think you'll spend more than \$13,600 on referendum advertising, you need to register as a referendum promoter. Contact us for more information.

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

Candidate and referendum advertisement expenses count towards your limits if you publish the advertisement, or continue to publish it, during the regulated period.

If someone you approve promotes you as a candidate, this will also count toward your candidate expense limit.

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

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

Election and referendum expenses that count towards your limits 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.

Learn more about what counts as an expense in different advertising mediums on pages 16 to 19.

Candidate expenses don't include the cost of:

- your nomination deposit
- food
- hiring halls.

Candidate and referendum expenses don't include the cost of:

- 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.

### Stay in touch with your party secretary

If you're representing a registered party, stay in touch with your party secretary about advertising. The content of your advertisements may mean they count towards the spending limits of both you and your party.

### 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. You may also need to report your referendum expenses, but only if you spend over \$100,000 during the regulated period. Learn more about reporting your expenses on page 29.

Take all reasonable steps to keep records of all your election and referendum 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.

### **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 limits.

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

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

### **You must split expenses if you share an advertisement with a party or candidate**

You must split expenses if your election advertisement also promotes a registered party, another candidate, or both.

Learn more about sharing advertisements with parties and candidates on page 15.

### **Joint election and referendum advertisements count towards both your limits**

You can't split the cost of advertisements that are both election and referendum advertisements.

Learn more about joint election and referendum advertisements on page 15.

If someone else pays an expense for you, it still counts towards your limit

If someone gives you or pays for something that would otherwise be an expense, it counts towards your expense limit. The expense is the reasonable market value for the good or service you got.

If the reasonable market value is more than \$300, you should also record it as a donation. There are more strict requirements for donations from an overseas person, see page 27.

### **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 split 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.

### **Pay all advertising bills by Monday 25 January**

Make sure you get all the invoices for your election and referendum expenses by Monday 4 December (within 20 working days of us declaring the official election result).

You must pay all these invoices by Monday 25 January (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 or sections 69-70 of the Referendums Framework Act.

## **How the rules apply to your advertising, shared advertising and advertising by others that you approve**

Promoter statements, expenses and other election and referendum advertising rules can depend on who's promoting the advertisement, and who the advertisement is promoting.

### **Your candidate advertising**

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

Your address can be the full street address of either:

- the place where you usually live
- 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
- parliamentary or out-of-Parliament address.

Talk to your employer before putting your work



address on any election advertising. You can't use a post office box or website address.

### ***You can use your party logo without promoting your party***

You can use your party logo in your advertisements to identify yourself as a candidate for that party. If it looks like you're using the logo for any other purpose, you could be promoting your party.

You should consider:

- the context logo is in
- how prominent the logo is
- whether the logo encourages or persuades voters to vote for your party.

If you're promoting your party, you'll need written authorisation from your party secretary. You must also split the expenses with your party.

### ***How you refer to websites can affect who you're promoting***

If your advertising refers to a website, the content of the website may help decide who the advertisement is promoting.

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, and the website encourages them to vote for your party, you're promoting your party.

### **You can share advertisements with your party or another candidate**

You can share advertisements with your registered party, another candidate, or both. You'll need to get or give written permission and split the expenses.

### ***You can promote parties and candidates in your advertising***

As well as promoting yourself, your advertisements can promote your registered party, another candidate or

both. You must get prior written authorisation from the party secretary or candidate.

Your advertisements that promote you and your party only need one promoter statement. In this case you are the promoter and the advertisement will only need your name and address.

### ***Parties or candidates can promote you in their advertising***

Your registered party and other candidates can also promote your candidacy in their advertising. You must give the party or candidate your written authorisation first. The party or candidate must include their details in the promoter statement.

### ***You must split expenses if you share an advertisement with a party or candidate***

If an advertisement promotes you and your registered party, another candidate, or both, you must split the expenses with them based on coverage.

Talk to your party secretary if you're splitting costs with your party.

How you should split the expenses depends on the circumstances of each case. Contact us if you have any questions about splitting your expenses.

### **You can promote yourself and a referendum option**

If your advertisement is both a candidate advertisement and referendum advertisement, the full cost counts towards your candidate expense limit and your referendum expense limits. You can't split the cost of the advertisement.

### **Other people and organisations can promote you**

Third parties, people or groups other than candidates or registered parties, can promote your candidacy in their advertisements. They must include their name and address in the promoter statement.

The third party must have your prior written authorisation to promote you.

### ***The full cost of third party advertisements counts towards your expense limit***

You can't split expenses with third parties like you can with registered parties or other candidates.

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 the third party's expense limit.

Get the information you need about the cost of the advertising from the third party.

### **How the advertising and expenditure 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.

The whole website or account is a referendum advertisement if any part of it could be seen as encouraging or persuading voters to vote or not vote in a particular way for the referendum.

Even if you don't pay to promote your website or social media account, it can still count as an election or referendum 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 or referendum 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 or referendum 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 and referendum expenses for websites and social media include the costs of:

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

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 or referendum 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***

You must include a promoter statement on the advertisement itself. You can't rely on linking back to another page which contains a promoter statement.

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'.

***Expenses include the cost of creating and hosting the advertisement***

Expenses for placing an advertisement online include the costs of:

- preparation
- design
- publication
- hosting fees.

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

You can advertise your candidacy on TV or radio, but some separate rules apply.

These rules apply to a broadcast if a political party or candidate sets it up, and the broadcast does any of the following:

- encourages or persuades voters to vote, or not vote, for a party or candidate
- appears to encourage or persuade voters to vote, or not vote, for a party or candidate
- supports or opposes a party or candidate
- tells voters about meetings about an election.

***You can only broadcast advertisements from 13 September to 16 October***

You can only broadcast advertisements on television

or radio within the election period. The election period starts on 13 September and finishes at the end of 16 October, the day before election day.

The general rule is that referendum advertisements can be broadcast at any time, except for on election day. However, it is likely that broadcasting by a candidate about the referendum will also be an election programme and therefore can only be broadcast from Sunday 13 September to Friday 16 October. If you are unsure whether your advertisement is both a referendum and a candidate advertisement, you should ask for an advisory opinion. Learn more about asking for our opinion on pages 11 and 12.

***You can't share TV or radio advertisements with your party or another candidate***

In your TV and radio advertisements, you can't do any of the following:

- share an advertisement with another candidate or candidates.
- encourage voters to give their party vote to your party.
- attack the policies of other parties or candidates.

You can include information about your party and its policies, if you're doing it to promote your own candidacy.

For example, your radio and television advertisements can say:

'Tick Joe Bloggs, your Y Party candidate for Wellington Central.'

Your radio and television advertisements can't say:

'Tick Joe Bloggs, your Y Party candidate for Wellington Central, and give the Y Party your party vote.'

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

You must include a promoter statement in all your broadcast advertisements, whether they're election or referendum 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 limits.

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

You can place election or referendum 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 or referendum advertisement. It will fall under the exception for editorial content (see page 11).

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 or a referendum option. 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.

The Local Government New Zealand website can show you how to contact local councils:

[www.lgnz.co.nz/nzs-local-government/new-zealands-councils/](http://www.lgnz.co.nz/nzs-local-government/new-zealands-councils/)

In the 9 weeks before election day (from Saturday 15 August), 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.

The timing and size requirements for referendum signs may be different. You'll need to check with your council.

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

You can only pay someone to display an election or referendum sign if displaying signs is part of their business.

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

The cost of framing material that holds up signs, such as wooden framing, doesn't go towards your expense limits 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, goes towards your expense limits. 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**

The cost of paying campaign staff only counts towards your expense limits if they're directly involved in doing any of the following to an election or referendum advertisement:

- preparing
- designing
- composing
- printing
- posting
- publishing

The cost of labour you get for free from a volunteer doesn't count towards your expense limits. However, if a company donates its employees' services to your

election or referendum campaign, the employees' time counts towards your expense limits and as a donation to you.

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

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

#### ***Count items you give out before the regulated period as expenses***

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 or the referendum. 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 or referendum advertisements if they go beyond just getting voters' views. If they encourage or persuade voters to vote or not vote for a candidate, party, or referendum option, 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.

If your survey, opinion poll or telephone canvassing is an election or referendum advertisement, any costs will go towards your expense limits, such as the cost of:

- renting phone lines
- making phone calls
- paying a person or group carrying out the survey, opinion poll or telephone canvassing.

### ***Face-to-face canvassing doesn't count as election or referendum 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 be expense items if they promote you or your party.

### **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 or entertainment to intentionally influence their vote. It's a criminal offence to treat before, during or after an election.

If a court convicts you of treating, you could:

- go to prison
- be disqualified from voting for 3 years
- lose your seat in parliament, if you have one.

Before you give people food, drink 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're giving to. For example, giving out food at an annual party conference, where the

audience is mainly party members, is unlikely to be treating. Giving out food at a public meeting is riskier.

- how much political material you're giving with the food, drink or entertainment.

Providing a light supper, such as a cup of tea and a snack, after an election meeting isn't treating.

To avoid complaints, we suggest you be cautious and restrained when giving out food, drink 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.

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

You can buy lists of people who are enrolled to vote to use when polling and campaigning.

You can buy electronic or printed copies of the lists. We'll make printed lists available in the lead up to the 2020 General Election.

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

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

Phone 04 495 0030

## **There are limits on election and referendum campaigning once voting has started**

There are limits on what you can do once voting starts on Saturday 3 October.

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.

The rules apply equally to the referendum, referendum voting papers, activities by referendum proponents and references to referendum options.

Remove all your election and referendum advertising that's visible from a public place before election day (17 October). Returning Officers can remove or cover advertising that breaches the rules.

### **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.

Your badge can show a party's name, emblem, slogan or logo. It can't show your name or website. Include a promoter statement on your badge because it's likely to be an election advertisement.

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

### **Showing and wearing party colours**

You can display streamers, ribbons and similar items in party colours within 10 metres of advance voting places and on election day if both of the following are true:

- they are on people or vehicles.
- they don't show party or candidate names, emblems, slogans or logos.

You can also wear clothes in party colours if they don't show party or candidate names, emblems, slogans or logos.

### **Referendum lapel badge, or rosette and colours**

The same rules apply to the wearing of a referendum badge or rosette and colours associated with a referendum option.

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

You can't deliver election or referendum material through the post or directly to mailboxes on election day.

To avoid breaches, New Zealand Post stops accepting election and referendum material for delivery from Thursday 8 October. Clearly mark any election or referendum-related mail you send so New Zealand Post knows not to deliver it on election day.

Be careful about hand-delivering election and referendum material to mailboxes on Friday 16 October. If a voter doesn't check their mail until the next day, they may think it arrived on election day and complain.

We'll review all complaints and refer them to the New Zealand Police if necessary.

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

On election day, don't print or give out anything that mentions any candidates, parties, or the referendums.

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

It's illegal to imitate ballot papers from midnight on the Tuesday 13 October 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
- looks like part of a ballot paper
- lists candidates, parties, or referendum options.

### **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 and the referendum out of your script. That way there's no suggestion you're trying to

promote yourself, or how to vote in the referendum, 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 and referendum 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.

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 and referendum-related material.

Don't post anything that encourages voters to vote, or not vote, for candidates, parties or referendum options. We recommend you don't use profile pictures or frames that support a candidate, party or referendum option.

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

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

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

### ***Members of Parliament can keep signs on their offices***

If you're an MP, you can keep fixed signs on your out-of-Parliament office if they don't refer to the election or referendum.

## 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 or referendum advertisement.

### **Contact us about breaches of election or referendum 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, referendum advertising rules under the Referendums Framework Act, and election programmes under the Broadcasting Act.

Post or email your complaint to us:

**Electoral Commission**

**PO Box 3220**

**Wellington**

Email [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 ASA 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*

Election programmes on TV and radio, such as party and candidate advertisements, 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 and referendums 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 or referendum advertising**

The Advertising Standards Authority (ASA) oversees advertising in all media other than party or candidate election programme broadcasts on TV and radio.

Referendum and 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.

The Local Government New Zealand website can show you how to contact local councils:

[www.lgnz.co.nz/nzs-local-government/new-zealands-councils/](http://www.lgnz.co.nz/nzs-local-government/new-zealands-councils/)

# Donations

If you're an electorate candidate, this section explains the rules you must follow when getting donations, including anonymous and overseas donations, as well as how to report and disclose your donations.

If you're a list only candidate and you get donations for your party, you must send it to your party secretary. Learn more about sending donations to your party on page 25.

## A donation can be money, goods or services

A donation can be money, goods or services that you get for free to use in your campaign.

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. For further information about donations from overseas persons see pages 27 and 28.

If you get a discount on goods or services from a New Zealand person with a reasonable market value over \$300, the difference between the market value and the price you pay is a donation. If you get a discount on goods or services with a reasonable market value over \$50 from an overseas person, 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.

### There are exceptions to donation rules

The following don't count as donations:

- volunteer 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.

### Know whether donations are for you or your party

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.

If the donation is for your party, you must send it to your party secretary. Learn more about sending donations to your party on page 25.

### If someone else pays an expense for you, it may also count as a donation

If someone gives or pays for something that would otherwise be an election expense, it counts towards your expense limit. If the reasonable market value for the good or service you got is more than \$300, it also counts as a donation. The threshold is \$50 if the person giving or paying the expense is an overseas person.

## Keep a record of the donations you get

Record the following details about donations as you get them:

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

## You must report 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. You must also report a series of donations one person makes if they add up to more than \$1,500.

Learn more about reporting the donations you get on page 29.

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

## More than one person can contribute 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 the contributions

The donor must tell you that contributions make up the donation they're giving you, as well as their name and address.

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 address of that contributor
- how much that contributor contributed
- whether that contributor is an overseas person (see page 27)
- 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 address
- that none of the contributors are overseas persons
- that 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.

## Send donations for your party to your party secretary

Sometimes you or your campaign will get a donation that's meant for your party. You must either send the donation to your party secretary or deposit the money into a bank account nominated by the party secretary.

## Pass the donation on 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.

## Give your party secretary details about the donation

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 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. Read the rules for contributions above.

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

## 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

For example, 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 example, person A wins two separate items at your fundraising auction. They pay \$1,500 for each item, and each item has a reasonable market value of \$500. Their contribution would be \$1000 for each item.

Don't rely on the price a buyer pays at a fundraising 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 in value.

### How to report

If the total you get is more than \$1,500, you must report the following to us in your annual return:

- the name and address of the person who ran the fundraiser

- the amount your party got
- the date your party got the donation.

### 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 for your campaign and the person running the fundraiser must follow the rules for recording and reporting contributions.

Read the rules for contributions on page 25.

## 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. Read the rules for contributions on page 25.

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

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.

## 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 an 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 donation unless the reasonable market value of the goods or services exceeds \$1,500 for a party or \$300 for a candidate.

### **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.

# After the election

This section explains what happens after the election including reporting your expenses and donations, getting nomination deposits back, recounts and input into the parliamentary review of the election.

## Report your expenses and donations to us

If you're an electorate candidate, you must report your election expenses and donations to us.

### Send us your return by 17 February 2021

You must send us a return of your expenses and donations within 70 days of election day – by 17 February 2021.

Use the Return of Electorate Candidate Donations and Expenses form to make your return. You can get the form from us or your party secretary.

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

If you have no election expenses or donations 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 or donations.

## Send us your referendum expense return by 17 February 2021

If you spent over \$100,000 on referendum advertising in respect of either referendum, you must also report your referendum expenses.

You must send us a return of your referendum expenses within 70 working days of election day - by 17 February 2021.

Use the Return of Referendum Expenses form to make your return. You can contact us to get the form.

### The form will guide you through the returns process

The return form includes detailed advice about how to complete your return and send it to us.

### 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

If you're an electorate candidate, we may be able to pay your \$300 nomination deposit back to you.

### You must get at least 5 percent of the vote

We can only pay your deposit back if you got at least 5 percent of the votes cast for all candidates in the electorate you contested.

### 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 and donations. If your party nominated you through its bulk nomination schedule, we can only pay your deposit back once we have the returns of all the candidates on the schedule.

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

If you're an electorate candidate, you can apply for a recount of the vote or challenge a result in the electorate you contested.

Only party secretaries can apply for a recount of the party vote or challenge the election of list candidates.

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

You can apply to a District Court Judge for a recount of the electorate vote in the electorate you contested. 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 – by Wednesday 11 November. 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.

If the judge finds the official count was wrong, we'll change the final result.

### **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 – by Friday 4 December. Three High Court Judges will hear the petition. You can find out more in the Constituency Election Petition Rules 2008:

<http://www.legislation.govt.nz/regulation/public/2008/0383/latest/DLM1647201.html>

### **You can have your say on election law**

After the election, the Justice Select Committee will usually conduct an inquiry into the election. The inquiry will let you share your thoughts on election laws and administration with the select committee.

You can read more about the Committee on the Parliament website:

[www.parliament.nz/en/pb/sc/scl/justice/](http://www.parliament.nz/en/pb/sc/scl/justice/)



## Useful contacts for candidates

You may find these organisations useful to your campaign and to understanding your responsibilities as a candidate.

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>	<b>Electoral Commission</b>	<p>Helpline: 0800 36 76 56</p> <p>National office: 04 495 0030</p> <p>General enquiries: <a href="mailto:enquiries@elections.govt.nz">enquiries@elections.govt.nz</a></p> <p>Requests for resources: <a href="mailto:publications@elections.govt.nz">publications@elections.govt.nz</a></p> <p>Requests for roll data: <a href="mailto:data@elections.govt.nz">data@elections.govt.nz</a></p> <p>Requests for advisory opinions: <a href="mailto:advisory@elections.govt.nz">advisory@elections.govt.nz</a></p> <p>Electoral Commission websites: <a href="http://www.elections.nz">www.elections.nz</a> <a href="http://www.vote.nz">www.vote.nz</a></p>
Accessing legislation including the Electoral Act 1993	<b>Parliamentary Counsel Office</b>	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Administrative and support services to MPs and funding entitlements for MPs	<b>Parliamentary Service</b>	<p>Ph 04 817 9999</p> <p><a href="mailto:publicity@parliament.govt.nz">publicity@parliament.govt.nz</a></p>
How to contact local councils regarding, for example, signage rules	<b>Local Government New Zealand</b>	<p>A list of all councils, maps and websites are available at:</p> <p><a href="http://www.lgnz.co.nz/home/nzs-local-government/new-zealands-councils/">www.lgnz.co.nz/home/nzs-local-government/new-zealands-councils/</a></p>
Having your say on the law relating to parliamentary elections through the Inquiry into each election conducted by the select committee	<b>Justice Select Committee</b>	<p>Email: <a href="mailto:ju@parliament.govt.nz">ju@parliament.govt.nz</a></p> <p><a href="https://www.parliament.nz/en/pb/sc/scl/justice/">https://www.parliament.nz/en/pb/sc/scl/justice/</a></p>
Information and complaints regarding advertising	<b>Advertising Standards Authority</b>	<p>Ph 04 472 7852 Email: <a href="mailto:asa@asa.co.nz">asa@asa.co.nz</a></p> <p><a href="http://www.asa.co.nz">www.asa.co.nz</a></p>
Information and complaints regarding broadcasting	<b>Broadcasting Standards Authority</b>	<p>Ph 0800 366 996 Email: <a href="mailto:info@bsa.govt.nz">info@bsa.govt.nz</a></p> <p><a href="http://www.bsa.govt.nz">www.bsa.govt.nz</a></p>
Information and complaints regarding press	<b>Media Council</b>	<p>Ph 0800 969 357</p> <p>Email: <a href="mailto:info@mediacouncil.org.nz">info@mediacouncil.org.nz</a></p> <p><a href="https://www.mediacouncil.org.nz/">https://www.mediacouncil.org.nz/</a></p>
Information and resources on how to protect yourself online	<b>National Cyber Policy Office, Department of Prime Minister and Cabinet</b>	<a href="http://www.connectsmart.govt.nz">www.connectsmart.govt.nz</a>
Election year guidance: Information on state servants being candidates	<b>State Services Commission</b>	<p>Ph 04 495 6600</p> <p><a href="http://www.ssc.govt.nz">www.ssc.govt.nz</a></p>

Language translation services	New Zealand Translation Centre International Department of Internal Affairs	<a href="http://www.nztcinternational.com">www.nztcinternational.com</a> <a href="http://www.dia.govt.nz">www.dia.govt.nz</a>
Providing information in accessible formats for blind electors	Blind Low Vision NZ	Ph 0800 24 33 33 Email: <a href="mailto:GeneralEnquiries@blindlowvision.org.nz">GeneralEnquiries@blindlowvision.org.nz</a> <a href="http://www.blindfoundation.org.nz">www.blindfoundation.org.nz</a>
Deaf advocacy and sign language services	Deafradio Sign language Interpreters Association of New Zealand Deaf Aotearoa National Foundation for Deaf and Hard of Hearing	<a href="http://www.deafradio.co.nz">www.deafradio.co.nz</a> <a href="http://www.slianz.org.nz">www.slianz.org.nz</a> <a href="http://www.deaf.org.nz">www.deaf.org.nz</a> <a href="http://www.nfd.org.nz">www.nfd.org.nz</a>
Domain names	Domain Name Commission	Ph: 04 495 2334 Email: <a href="mailto:info@dnc.org.nz">info@dnc.org.nz</a> <a href="http://www.dnc.org.nz">www.dnc.org.nz</a>



