



**ELECTORAL  
COMMISSION**  
TE KAITIAKI TAKE KŌWHIRI

# Third Party Handbook

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General Election  
and Referendums  
2020



# Foreword

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*Alicia Wright, Chief Electoral Officer*

## Third party rules for the 2020 General Election and Referendums

This handbook provides information you'll need as a third party promoter in the 2020 General Election. You'll find out what a third party promoter is, how the rules for election and referendum advertising apply to you, what you can do once voting starts, and how to report your expenses to us.

## 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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**This year introduces some new rules for the general election. Two referendums will also run alongside the election.**

## 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

We won't hold a preliminary count of referendum votes on election night – we'll count referendum votes after election day. We'll release a preliminary result 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 third parties

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

Date	What happens
Tuesday 18 August	The regulated period starts During the regulated period, your election and referendum advertisements count towards your expense limits
Sunday 13 September	Writ day Candidates and parties can start broadcasting election advertisements on TV and radio
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 list members of Parliament (MPs)
Wednesday 17 February 2021	The deadline for reporting your election and referendum expenses to us

# What is a third party promoter?

**You're a third party promoter if you're not a candidate or party, but you put out advertising that could be seen as encouraging or persuading voters to vote or not vote for:**

- a candidate
- a party
- a type of candidate or party by referencing views they do or don't hold
- an option in a referendum.

A third party promoter can be an individual or a group.

You can be registered or unregistered, depending on how much money you spend on election or referendum advertising published during the regulated period (18 August to 16 October). Learn more about election and referendum advertising on page 9.

## You don't need to register if you spend \$13,600 or less

You can be an unregistered promoter if you spend no more than \$13,600 (including GST) on either election advertising or referendum advertising for each referendum published during the regulated period.

## You must register if you spend, or intend to spend more than \$13,600

You must register with us as a third party promoter if you spend, or intend to spend, over \$13,600 (including GST) on election or referendum advertising for each referendum during the regulated period.

## You must register separately for the general election and each referendum

There are separate registers and expense limits for the general election, the Cannabis referendum and the End of Life Choice referendum. You can register for one or more of these.

Learn more about how to register on page 7. Learn more about how joint election and referendum

advertisements count towards both your limits and how you should calculate expenses for joint election and referendum advertisements on page 13.

## Candidates and registered parties can't be third party promoters for the general election, but can register for the referendum

You can't be a third party promoter for the general election if you're any of the following:

- an electorate candidate
- a list candidate
- a registered party
- a person involved in running:
  - an electorate candidate's affairs for their election campaign
  - a registered party's affairs

## People involved in a candidate or party's affairs act under the authority of that candidate or party

If you're involved in running the affairs of an electorate candidate or registered party, you can only publish or distribute election advertising under the authority of that candidate or party. The candidate or party is the promoter of that advertisement.

Whether you're involved in a candidate or party's affairs is a question of fact. You must work it out based on the nature of your involvement in the candidate's campaign or party's affairs.

## If you're an 'overseas person', you can only be an unregistered promoter

You're an 'overseas person' if you're any of the

following:

- a person who lives outside New Zealand and isn't a New Zealand citizen or a registered elector
- 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

If you're an overseas person, you can't become a registered promoter and you can only spend up to \$13,600 (including GST) on election advertising and referendum advertising during the regulated period.

# Registering as a third party promoter

**You must register with us as a third party promoter if you spend, or intend to spend, over \$13,600 (including GST) on election advertising or referendum advertising during the regulated period (18 August to 16 October). This section explains how to register.**

## Registering is free and easy

Applying to register is free, easy and usually takes less than 2 working days.

There is one form for applying to register as a third party promoter. You can find it on our website:

<https://www.elections.nz/assets/2020-general-election/application-to-register-as-a-promoter-for-the-2020-general-election.pdf>

On the form, you show whether you're registering as a promoter for the election, the cannabis referendum, the end of life choice referendum, or any combination of these.

## You can apply as an individual

If you're an individual who wants to register as a promoter, you must apply yourself.

You must give us the full street address of either:

- the place where you usually live
- any other place where someone can usually contact you between 9am and 5pm on any working day.

You can't use a post office box or website address.

## You can apply on behalf of a group

If you're applying on a group's behalf, give us the full street address of either:

- the group's main place of business
- the group's head office.

You can't use a post office box or website address.

If the group is a company, your application must include evidence that shows the board of directors has

authorised you to apply on their behalf. For example, you could include a letter that one or more of the directors have signed.

If the group isn't a company, your application must include all the names of the people in that group who are in a position that's comparable to a director of a company. If you're applying for a trust, you need to include all the names of the trustees.

## Once we get your application

We'll write to you as soon as possible to tell you whether we've accepted or refused your application. If we accept your application, we'll tell you of your date of registration. If we refuse your application, we'll tell you why.

We won't register you as a promoter if your name or group's name is:

- indecent or offensive
- likely to cause confusion
- likely to mislead electors.

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

We'll put your registration details on the relevant public register of promoters. This lets the public see who's responsible for promoting advertising.

There will be separate registers for the general election, the Cannabis referendum and the End of Life Choice referendum.

The relevant register will include your name, street address, and date of registration. If you're a group, the register will also include:

- the name of the person who applied
- the name of the person in a position comparable to a director
- the names of any trustees.

We'll make the registers available for inspection at our offices and on our website:

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

We'll arrange promoters on the registers by their date of registration.

Tell us within 10 working days if your details change

If any of your details that appear in the register change, you must tell us in writing within 10 working days of the change.

## You can cancel your registration if you've spent \$13,600 or less on advertising

You can only cancel your registration if you've spent \$13,600 (including GST) or less on election or referendum advertising during the regulated period.

Cancel your registration by asking us in writing. We'll write back to confirm your cancellation.

We can also cancel your registration if you're no longer eligible for registration.

## Your registration will expire after election day

Your registration will automatically expire at the end of election day.

# Election and referendum advertising rules

This section explains the rules you must follow when advertising and campaigning, including promoter statements and when you need to get written authorisation.

## What are election and referendum advertisements?

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.

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 a referendum.

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

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 the referendum question to be a referendum advertisement.

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

Election and referendum advertisements 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 or referendum advertisement.

## There are exceptions to election and referendum advertisement rules

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

Editorial content includes any part of the publication except advertising, advertorials or 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 other 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 on behalf 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.

### **Linking to a website can make an advertisement election or referendum advertising**

If your publication refers to a website, the content of

the website may help decide whether the publication is:

- an election or referendum advertisement
- a party advertisement, a candidate advertisement or both.

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 a party, the print advertisement is an election advertisement.

### **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, and a court of law may reach a different opinion. You may want to get your own legal advice before you publish an advertisement.

#### ***Send us your request by email***

To request an advisory opinion, please send us a copy of your advertisement and tell us:

- how you'll publish it
- when you'll publish it
- how widely you'll publish it.

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 12 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 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].**

If you're registered, you need to include the name and address that is in the register of promoters.

If you're unregistered and a group, your promoter statements must also include the name of a member of the group who has the authority to represent it. For example:

**Promoted or authorised by [representative's full name], [group's name], [group's full street address].**

If you're an individual, you can use 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.

You can't use a post office box or website address.

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

You must clearly display your 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. However, a person should be able to read the promoter statement if they stop to examine the billboard.

Whether an advertisement clearly displays a promoter statement depends on the advertisement and the context it's in.

### **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 the posters are related to an election.

This now applies to advertisements in all mediums including:

- newspapers
- billboards
- leaflets
- posters
- TV and radio broadcasts
- online advertisements.

### **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 \$10,000 if you're unregistered, or \$40,000 if you're registered.

## You need written authority to promote a candidate or party

You must get written authorisation from a party secretary or candidate before you can promote that party or candidate in your advertising.

If your advertisement promotes more than one party or candidate, you need written authorisation from each party secretary or candidate.

## There are limits to how much you can spend on advertising

There are limits to how much you can spend on election advertising and referendum advertising during the regulated period.

The regulated period is from 18 August to 16 October.

During this period, any advertising you run to promote a candidate, party or referendum option count towards your expense limits.

If you're unregistered, your expense limit is \$13,600 (including GST) for the general election and \$13,600 (including GST) for each of the referendums. If you spend any more, you must register (see page 7). For example, if you want to spend \$10,000 on advertising for the cannabis referendum and \$10,000 on separate advertising for the end of life choice referendum, you don't need to register. If you are going to spend \$20,000 on joint advertising about the election and one or more referendum, you need to register as a promoter.

If you're registered, your expense limit is \$338,000 (including GST) for the general election and \$338,000 (including GST) for each of the referendums.

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

Election and referendum advertisement expenses count towards your limits 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 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 14–17.

Election expenses don't include the cost of food or hiring halls.

Election 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.

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

Keep a record of what you spend on advertising as you spend it. Whether you're registered or not, you must keep invoices and receipts for all your election expenses of \$50 or more for 3 years after election day.

### You must report your advertising expenses if you spent over \$100,000

If you spend over \$100,000 on election advertising expenses during the regulated period, you'll need to report those expenses to us after the election. You'll

also need to report your referendum advertising expenses if you spend over \$100,000 during the regulated period with respect to either referendum.

Learn more about reporting your advertising expenses on page 22.

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

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 can't split expenses with candidates or parties**

If your election advertisement promotes a candidate or registered party, the full cost of that advertisement counts towards both your expense limit and that candidate or party's expense limit.

### **Joint advertisements count towards both your limits**

You must count the full costs of any joint advertisement towards each expense threshold or limit, as appropriate. You can't split the cost of the advertisement.

A joint advertisement can be any of the following:

- a referendum advertisement that also meets the definition of an election advertisement
- a single referendum advertisement covering both referendums
- a single advertisement covering both referendums and the election
- an advertisement promoted by two or more referendum promoters

For example, if your advertisement costs \$20,000, covers the cannabis referendum and encourages

a vote for a particular party, it's a referendum and election advertisement. You must count the \$20,000 as both a referendum expense and an election expense.

If you join with one or more other referendum promoters to promote a referendum advertisement, you must each count the full costs towards your individual spending thresholds and limits.

### **If someone else pays an expense for you, it still counts towards your limits**

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

### **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 25 January**

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

You must pay all these invoices by 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 206Z and 206ZA of the Electoral Act or sections 69 and 70 of the Referendums Framework Act.

# Applying the rules to different types of advertising

## Your website or social media account

The exemption for personal political views online doesn't apply if you're using a website or social media to express political views on behalf of a group.

The 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
- a referendum advertisement if any part of it encourages or persuades voters to vote or not vote in a particular way in a 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 limits

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 Promoter, 111 Any Street, Auckland’ to ‘A Promoter, 111 Any St, AKLD’.

## You can broadcast advertisements on TV and radio

You can broadcast election and referendum advertisements at any time, except for election day.

### **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 election advertisement only in an audible form, the promoter statement must be as easy to hear as the rest of the advertisement.

### **You need the authority of the candidate or party you’re promoting**

If your broadcast advertisement promotes a candidate or party, you need prior written authorisation from that candidate or party secretary.

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 pages 9–10).

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 limits**

Only the cost of the advertisement itself counts towards your expense limits. 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 promote a candidate, party, or 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 election and referendum signs framing generally do not count as expenses

The cost of framing material that holds up signs, such as wooden framing, don'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 limits

The costs of mobile advertising, such as signage on campaign cars, go towards your expense limits. The cost of running a vehicle with signs on it isn't an expense unless you're paying to use the vehicle to display your advertisements.

## You can pay staff to work on advertising

The cost of paying campaign staff only count 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 costs of labour you get for free from a volunteer don'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.

## You can give out items

You can give out items that promote a candidate, party or referendum option, 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 people will keep displaying them during the regulated period and count the cost of the items towards your expense limits.

## People can't display the items you give out on election day

Take care when giving out items to promote a candidate, party or referendum option. People could break the law if they display them either:

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

## 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 someone of treating, they could:

- go to prison
- be disqualified from voting for 3 years
- lose their seat in parliament, if they 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 organisation's own annual conference, where the audience is mainly organisation 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 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 a candidate or 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 or referendum 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 limits. However, the costs of any leaflets you hand out, for example, would be expense items if they promote a candidate or party or referendum option.

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

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

It's a criminal offence to do anything that could be seen as encouraging or persuading 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, referendum options, emblems, slogans or logos. The full lists of restricted activities are in sections 197 and 197A of the Electoral Act.

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. Returning Officers can remove or cover advertising that breaches the rules.

## Party lapel badges or rosettes

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

The badge can show the party's name, emblem, slogan or logo. It can't show a candidate's name or website. A party lapel badge should be authorised by the party secretary and include a promoter statement.

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

## Party colours

Anyone 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.

Party supporters 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, parties, or the referendum

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

## You can contact voters on election day if it doesn't influence their vote

You can contact voters on election day to remind them to vote or offer to help them get to a voting place.

Don't say or do anything to influence their vote.

We recommend you read off a script so you don't say anything that breaks the law. Keep candidates, parties and the referendum out of your script. That way there's no suggestion you're trying to promote a candidate, party or referendum option 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.

## 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.

## 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 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.

## 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.

# Complaints about election and referendum 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.

Sometimes, we may not report an offence if there's no public interest because it's so inconsequential.

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 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 advertising

The Advertising Standards Authority (ASA) oversees advertising in all media other than TV and radio.

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 complain, 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 has contact details for local councils:

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

# After the election

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**This section explains when and how you must report your expenses if you spend \$100,000.**

## If you spent over \$100,000, you must report your advertising expenses to us

If you spent over \$100,000 on election advertising, you must report your election expenses to us.

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

You don't have to record or report any donations to your campaign.

## Send us your return within 70 working days of election day (17 February 2021)

You must send us any return of your expenses within 70 working days of election day (17 February 2021).

Use the Registered Promoter Expenses Return form to make your return. Contact us and ask for the form.

You can use the one form to report expenses for the general election and each of the referendums.

## 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 may need you to get an auditor's report

We may need you to get an auditor's report if we have reasonable grounds to believe that your return may contain any false or misleading information.

## It's an offence to not send us your return of expenses

If you fail to meet any of the requirements for your return of expenses, you're committing an offence. We may refer you to New Zealand Police.

## 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.

## Summary of advertising rules for third parties

The table below summarises the rules for third party election advertisements in all mediums.

Advertisement content	When allowed	Counts as election expense	Needs authorisation from	Third party expense?	Candidate or party expense?
<b>Promoting party</b>	Any time except election day	From 18 August to 16 October	Party secretary	Yes	Party expense
<b>Attacking party</b>	Any time except election day	From 18 August to 16 October	N/A	Yes	No
<b>Promoting candidate</b>	Any time except election day	From 18 August to 16 October	Candidate	Yes	Candidate expense
<b>Attacking candidate</b>	Any time except election day	From 18 August to 16 October	N/A	Yes	No
<b>Promoting candidate and party</b>	Any time except election day	From 18 August to 16 October	Candidate and party secretary	Yes	Candidate and party expense
<b>Promotes a party and a referendum option</b>	Any time except election day	From 18 August to 16 October	Party secretary	Yes. The cost will be both a referendum expense and an election expense for the third party	Party expense

## Useful contacts for third parties

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

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	<b>New Zealand Translation Centre International</b>  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	<b>Blind Low Vision NZ</b>	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	<b>Deafradio</b>  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	<b>Domain Name Commission</b>	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>





