

26 August 2022

[REDACTED]

By email to: [REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2022/29

Thank you for your Official Information Act (the Act) request, received 2 August 2022, which requested:

1. *How many cases have you forwarded to the New Zealand Police for investigation where you suspect there are breaches of the Electoral Act 1993? Could you please provide numbers for each of the past 5 years if possible.*
2. *With reference to the recently decided New Zealand First Foundation case, do you intend to take any further action against individuals (i.e., witnesses in the case) who admitted to donation splitting?*

The Electoral Commission has made the following referrals to the New Zealand Police for investigation of apparent breaches of the Electoral Act 1993 and Electoral Regulations 1996 between 2017 and 2022. For completeness, the table also includes referrals the Commission has made for apparent breaches of the Broadcasting Act 1989 and the Referendum Frameworks Act 2019:

| Electoral Event | Apparent Breach/Subject of Referral | Relevant Section |
|--------------------------------|--|------------------------|
| <i>2017 General Election</i> | Referral for bribery where an individual was alleged to be offering money to vote for party | Section 216 |
| | Referral of three persons/organisations for four incidents of publishing or distributing content online likely to influence voters on election day | Section 197 |
| | Referral of media organisation for the broadcast of an election programme on election day | Section 197 |
| | Referral of 37 instances of dual voting or personation | Section 215 |
| | Referral of three candidates for failure to file a candidate return of election expenses and donations | Section 209 |
| <i>2018 Not event specific</i> | Referral of party secretary for five instances of failure to file return of party donations exceeding \$30,000 within 10 working days | Sections 210C and 210D |
| <i>2020 Not event specific</i> | Referral to Police to investigate whether failure to transmit party donations and non-disclosure of party donations meant offences were committed | Part 6A |
| | Referral of two persons for making a false statement on enrolment applications | Section 118 |

| Electoral Event | Apparent Breach/Subject of Referral | Relevant Section |
|--|---|---|
| <i>2020 General Election and Referendums</i> | Referral of two persons who claimed on social media to have voted multiple times | Section 215 |
| | Referral for a failure to include a promoter statement on a referendum advertisement | Sections 52 and 75 Referendums Framework Act |
| | Referral for display of a referendum sign on election day | Sections 52 and 75 of Referendums Framework Act |
| | Referral for a false statement on a special vote declaration | Regulation 68 of Electoral Regulations |
| | Referral for email sent by candidate likely to influence voters on election day | Section 197 |
| | Referral of an organisation for three instances of delivery of election advertising on election day | Section 197 |
| | Referral of 48 instances of dual voting or personation | Section 215 |
| | Referral of 17 instances of failure to file a candidate return of election expenses and donations | Section 209 |
| | Referral for non-disclosure of candidate donations and election expenditure | Part 6A |
| | Two referrals for broadcasting election programmes outside of broadcast allocation | Part 6 of Broadcasting Act |
| | Referral for incorrect reporting of candidate election expenses, incorrect apportionment of expenses in a candidate and party return, and exceeding the candidate expenditure limit | Part 6A |
| <i>2021 Not event specific</i> | Referral of party secretary for failure to declare donations or aggregated donations exceeding \$30,000 within 10 working days | Sections 210C and 210D |
| <i>2022 Tauranga By-Election</i> | Three referrals for publishing or distributing content online likely to influence voters on election day | Section 197 |

The second part of your request does not relate to information held by the Electoral Commission and therefore cannot be provided under the Act. The Commission monitors electoral matters before the Courts.

Any decision made by the Commission to refer a matter to Police that has come to our attention is made on a case-by-case basis and the Commission is not able to provide public comment in advance of exercising this statutory decision-making power.

In the interests of transparency, we release responses to Official Information Act requests every three months. We will publish this response with your personal details redacted on www.elections.nz.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Temel', enclosed in a thin black rectangular border.

Kristina Temel
Manager, Legal and Policy