

**From:** Angel [redacted]  
**To:** [OIA Enquiries](#)  
**Cc:** Izak [redacted]; Kristina Temel  
**Subject:** RE: Manurewa Marae voting booth. OIA Request  
**Date:** Thursday, 23 November 2023 11:36:32 am  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)

Hi Ella

I'll send you my notes/feedback in the next day or two.

Ngā mihi

Angel [redacted] | Electorate Manager – Manurewa & Tamaki Makaurau Electorates  
Electoral Commission | Te Kaitiaki Take Kōwhiri  
Phone [redacted] [vote.nz](#) | [electionsnz](#)



<https://www.elections.nz/jobs/>

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**From:** OIA Enquiries <[ويا@elections.govt.nz](mailto:ويا@elections.govt.nz)>  
**Sent:** Thursday, November 23, 2023 10:38 AM  
**To:** Angel [redacted] <[redacted]>  
**Cc:** Izak [redacted] <[redacted]>; Kristina Temel <[redacted]>  
**Subject:** FW: Manurewa Marae voting booth. OIA Request

Kia ora Angel

We've received an Official Information Act request about Manuvera Marae. The request can be found below this email.

We hope you can assist us in answering question two. This includes any information within the scope of the request, particularly about the VPM, electoral officials, scrutineers, and if anyone else lingered within the buffer zone of this voting place. If you have any documentation or recollections, please drop them in this folder: [106 \[redacted\]](#), or send them back to this email address.

We will then prepare a response with the appropriate information to send back to the requestor.

This OIA is due **before COB 8/12/2023**.

Let me know if you have any further questions. Thanks for your help

Ngā mihi  
Ella

Ella [redacted] ([she/her](#)) | Advisor Legal | **Electoral Commission** | **Te Kaitiaki Take Kōwhiri**  
PO Box 3220 | Level 10, 34-42 Manners Street | Wellington | [vote.nz](#) | [elections.nz](#)



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**From:** [redacted] <[redacted]>  
**Sent:** Saturday, November 11, 2023 2:11 PM

To: OIA Enquiries <[oia@elections.govt.nz](mailto:oia@elections.govt.nz)>

Subject: Manurewa Marae voting booth. OIA Request

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## I request answers to the following questions under the OIA.

1. Was Takutai Moana Kemp at the Manurewa Marae at any time during Election day? If so, how long was she there and was she mixing and talking with people who had come there to cast their votes or partake in the free food and drinks?

2.

Were any te Party Maori officials employed or involved in any way in the running of this booth other than as an official scrutineers and if so who were they and what role did they play?

My name is [REDACTED]

Ph [REDACTED]

Regards [REDACTED]

Sent from [Mail](#) for Windows

**From:** [Angel \[REDACTED\]](#)  
**To:** [OIA Enquiries](#)  
**Cc:** [Izak \[REDACTED\]](#); [Kristina Temel](#)  
**Subject:** RE: Manurewa Marae voting booth. OIA Request  
**Date:** Thursday, 30 November 2023 10:49:26 am  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Hi Ella

See my notes below (I added in some extra information, so please edit out if not relevant).

#### Question 1

I saw Takutai Moana Kemp near the entrance to the voting place when I visited on 5<sup>th</sup> Oct at 11am to check on the team. She definitely was not there to vote and she stayed for a few minutes (I believe she left when she saw me). I personally did not see her interact with people who accepted the offer of food and drinks within the 10m buffer zone.

As for the other days, I did not receive any written or verbal reports from my voting place team nor from my mobile support on this matter.

There is another location within the Manurewa Marae premises where they offer food and drinks to the community. This was approximately 30m away from the voting place and too far away for my team to see whether Takutai Moana Kemp stayed/lingered at that spot. I believe the food was offered to everybody whether they have voted or not.

#### Question 2

There were no Te Pāti Māori officials employed or involved in any way in the running of the voting place.

Also, none of the voting team were actually staff from the marae. My team were people that volunteer there and have employment outside the marae. One other person, who only worked on election day, is on the Board of Trustees for the marae but also is employed outside of it.

Let me know if you need any othe information.

Ngā mihi

Ange [REDACTED] | Electorate Manager – Manurewa & Tamaki Makaurau Electorates  
Electoral Commission | Te Kaitiaki Take Kōwhiri  
Phone [REDACTED] [vote.nz](#) | [elections.nz](#)



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**From:** [Anusha Guler](#)  
**To:** [Shane](#)  
**Subject:** FW: Further information, and a request, regarding Tamaki Makaurau  
**Date:** Friday, 10 November 2023 10:43:30 am  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Ngā mihi

**Anusha Guler (she/her)**

**Deputy Chief Executive Operations | Electoral Commission | Te Kaitiaki Take Kōwhiri**

PO Box 3220 | Level 10, 34 – 42 Manners Street | Wellington | 6140

| Mobile [REDACTED] | Fax [REDACTED] | <http://www.elections.org.nz>



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**From:** Martin [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, November 8, 2023 6:04 PM  
**To:** Karl Le Quesne <[REDACTED]>; Kristina Temel <[REDACTED]>  
**Cc:** Natalie [REDACTED] <[REDACTED]>; Anusha Guler <[REDACTED]>  
**Subject:** RE: Further information, and a request, regarding Tamaki Makaurau

Kia ora koutou

Following the meeting with the team in Auckland, I can provide the following information:

1. How we came to select the marae as a Voting Place:

A contact [REDACTED] from the Manurewa Marae spoke to one of our Community Engagement staff at the beginning of the year to see if they could use the Marae as a voting place, this information was passed onto Erin (SE&P) and then a Teams meeting was scheduled to discuss. Erin and Georgia (VS) plus the Community Engagement member meet with [REDACTED], [REDACTED] and also Tarsh Takutai Kemp from the Manurewa Marae.

At a meeting in February, our community advocates in Auckland also recommended that we use Manurewa Marae along with other marae to improve services not only to Māori but to communities with low engagement. They recommended Papakura, Manurewa, Ruapotaka and Orakei Marae, which we all used during advance and election day voting. The community advocates are [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

The site was recommended because it had been recently used by government agencies to undertake activities such as COVID 19 vaccinations and to encourage participation in the Census. It is also used as a community hub by virtue of its medical service and food bank.

2. Who was employed to work at the voting place – were any staff from the marae itself.

The marae provided six names of people that could work at the voting place. Four were employed. None were actually staff from the marae – they were people that volunteer there and have employment outside the marae. One other person, who only worked on election day, is on the Board of Trustees for the marae but also is employed outside of it.

In total around 14 different people worked in the voting place over the election period.

3. Treating

As per previous correspondence, as soon as we became aware of the association being made between voting and receiving a free hangi, we informed them that access to hangi and any other free items / activities cannot be dependent on voting – and must be available to anyone. They replied and acknowledged this requirement. We are not aware of any further activity that saw free kai being provided only to people that voted.

4. Payments and funding

The electorate manager has followed up repeatedly requesting an invoice for the hire of the marae as a voting place. No reply has been received and so no payment has been made. I confirmed that the marae has not received any funding from SE&P in relation to the GE2023.

I hope this information is helpful. Please let me know if you would like anything further.

Martin

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**From:** Karl Le Quesne <[REDACTED]>  
**Sent:** Wednesday, November 8, 2023 2:55 PM  
**To:** Martin [REDACTED] <[REDACTED]>; Kristina Temel <[REDACTED]>  
**Cc:** Natalie [REDACTED] <[REDACTED]>  
**Subject:** FW: Further information, and a request, regarding Tamaki Makaurau

Hi Martin and Kristina

Some more information for this complaint.

Kristina, they are clear on needing a response while they consider an electoral petition.

Let's check in with Martin on how we expedite a response.

Karl

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, November 8, 2023 2:47 PM  
**To:** Karl Le Quesne <[REDACTED]>  
**Cc:** Kristina Temel <[REDACTED]>; Natalie [REDACTED] <[REDACTED]>  
Dean [REDACTED] <[REDACTED]>  
**Subject:** Further information, and a request, regarding Tamaki Makaurau

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Kia ora Karl,

I'm writing regarding the complaint I made on 1 November regarding treating at the Manurewa marae. I wish to provide further information to the Commission in its consideration of that complaint; bring your attention to an additional irregularity we'd like the Commission to consider; and make a request as to the timing of the Commission's decision on whether or not to pass these complaints to the police.

#### Additional information

1. I note some of the Manurewa marae's Facebook live videos appear to have been removed from their Facebook page as at today. I don't know why that might have happened. I understand the Commission may already have downloaded copies of those videos, but we also have copies if needed.

2. Some of the marae's Facebook content, however, has not been deleted as yet. I'd like to bring the Commission's attention to further evidence suggesting the purpose of Manurewa marae's activity was to treat voters:

[In a Facebook Live video on 13 October](#), the marae said:

- It was up to "Activation 11" in a programme of 12 activations (the last one to take place on 14 October, which included a free concert and 1,000 free hangi among other things at the marae)
  - In our view, the fact that this programme was titled as "activations" indicates clearly the purpose of the programme, namely to "activate" people who might not otherwise be active into voting, using the lure of free things to encourage them. Indeed, in this video the free offerings are collectively referred to as the

“activations” which even more clearly indicates their purpose. This is important because the marae’s intent is an important element of the treating offence.

- The number and timing of the activations also closely coincide with the period where voting was open with the election, which is a further indication of the programme’s intent.
- The advertising of “activation 12” on election day, which involves 1,000 free hangi and a free concert at a polling booth location, alongside an encouragement to vote at that polling booth, is also treating.

[In a Facebook post on 2 October](#), the marae says:

Come on down to the Marae apōpō (tomorrow) for our RANGATAHI ACTIVATION. A packed full day of Magic and greatness.

We have HIP HOP CLASSES, KARAOKE and much more. Our VOTING station is also open for our whānau over 18 who need to VOTE.

Happening tomorrow Tuesday 3 October from 10AM till 4PM at our Marae.

!!!!!! HANGI, COFFEE, ICE CREAM, HOT DONUTS AND HAIRCUTS.

Share with your whānau and come on down!!!

#ManurewaMarae #Rangatahi #Voting

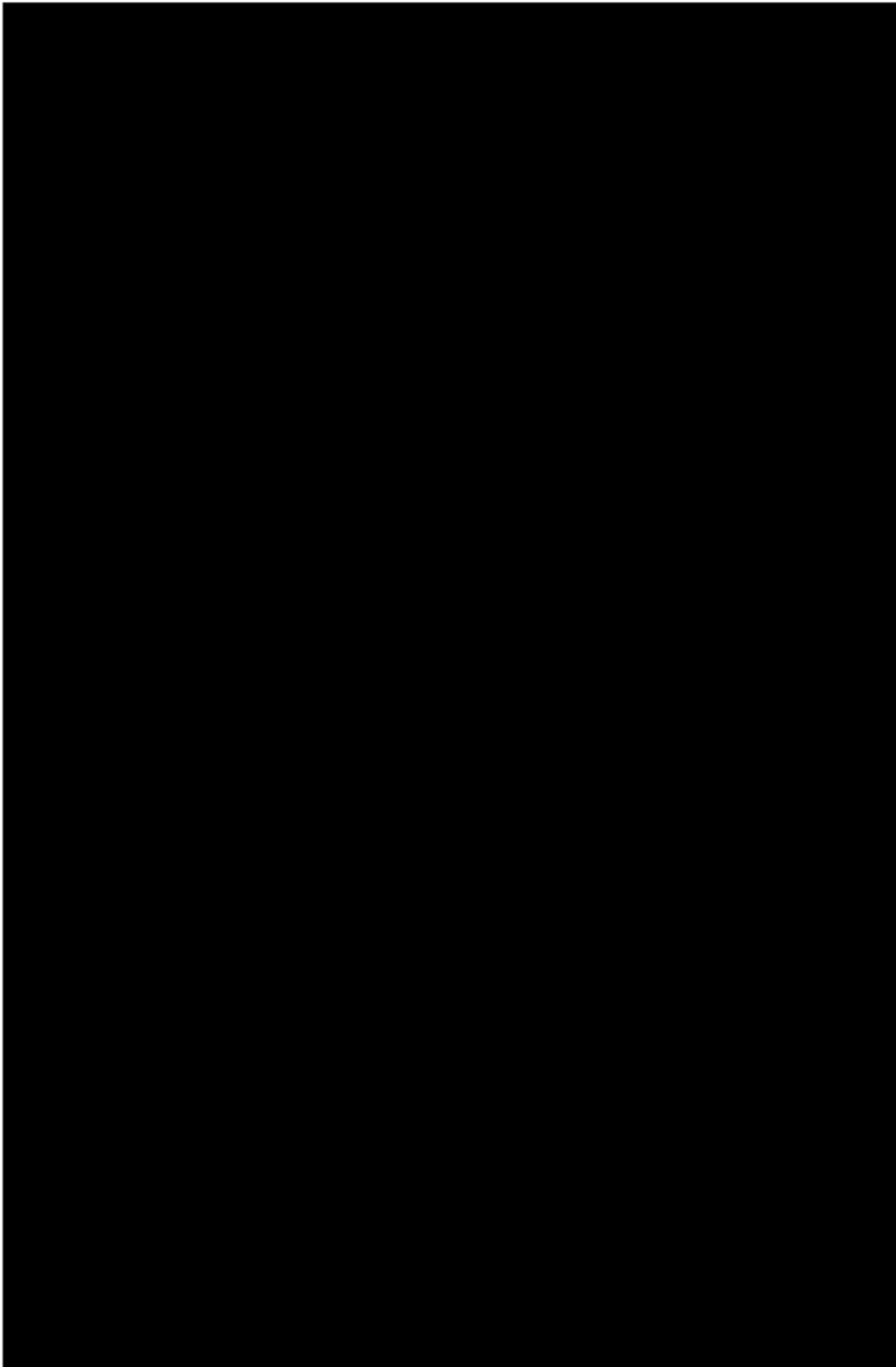
- This post shows that the hours when free things are available at the marae during the 3 October “Activation” are timed to precisely coincide with the hours when the polling booth at the marae was open. Further, the post contains a clear link between casting a ballot and obtaining free hip hop classes, karaoke, hangi, coffee, ice cream, donuts, and haircuts, which is treating.
  - This link between voting and freebies is, of course, made even more explicit in the Facebook Live video the following morning - which I shared with the Commission previously - that outlined a ticketing system the marae used to provide free items specifically for people who cast a ballot at the polling booth located at the marae.

3. Now that the final results have been declared, it is clear that the scale of the potential treating (which the marae itself says runs to thousands of people) is significant enough to affect the election result, where the final margin is four votes. This scale, relative to the margin in the election, makes it even more imperative that this treating is investigated by police.

[REDACTED]

[REDACTED]

[REDACTED]



[Redacted text line]

- [Redacted text line]
- [Redacted text line]

- [Redacted text line]

- o [REDACTED]
- o [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Our firm view is that it is the responsibility of state agencies, rather than other parties, to pursue potentially corrupt practices in elections, and we ask that the Commission address that responsibility in a timely fashion. We therefore request that the Commission expedite its decision on these matters, and release that decision well in advance of the legal deadline of 1 December for filing any electoral petitions. I also request an update on the Commission's intentions about when it will make a decision, so I can pass that information on to decision-makers within [REDACTED].

Best regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



**From:** [Izak \[REDACTED\]](#)  
**To:** [OIA Enquiries](#)  
**Cc:** [Tim \[REDACTED\]](#); [Kristina Temel](#)  
**Subject:** RE: Manurewa Marae voting booth. OIA Request  
**Date:** Thursday, 30 November 2023 12:43:36 pm  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Good afternoon

Here is our response to the request.

2. Were any te Party Maori officials employed or involved in any way in the running of this booth other than as an official scrutineers and if so who were they and what role did they play?

It is not possible to give a 100% definitive answer to this question. However, we ask all applicants who register their interest to work for the Commission if they have any affiliation with any political party and if there are any conflicts of interest that they need to declare. We also ask the same when doing reference checks. If anything is raised here, we will follow up to the point of getting legal advice if we should or could employ someone who answered positively to these questions. Based on these checks we can say that we did not employ anyone from Te Party Māori and that no one who worked at that booth other than Scrutineers were associated with any political party.

All RRM's have finished their employment of the Commission and we do not have a 100% accurate record of who specifically worked at which booth.

I trust this information would be sufficient to respond to the OIA. The only other way of trying to find out would be to have a list of the names of all te Party Māori officials to cross reference it to whom applied and were appointed to positions in the whole electorate. After this we may have to look at where individual employees may have been deployed. This would be a significant piece of work.

Please let me know if you need further information of details.

Kind regards,

Izak

**Izak [REDACTED]** | Manager People and Culture | **Electoral Commission** | Te Kaitiaki Take Kōwhiri  
PO Box 3220 | Level 4, 34 Manners Street | Wellington | 6140 | Mobile: [REDACTED] |

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**From:** OIA Enquiries <oia@elections.govt.nz>  
**Sent:** Thursday, November 30, 2023 11:57 AM  
**To:** Izak [REDACTED] <[REDACTED]>  
**Cc:** Tim [REDACTED] <[REDACTED]>; Kristina Temel <[REDACTED]>  
**Subject:** RE: Manurewa Marae voting booth. OIA Request  
**Importance:** High

Kia ora Izak

We have this OIA due next Friday, however a few of us are away and with Angel's last day tomorrow we are putting together a draft today with the hope to get it out as soon as we can.

Angel has helped us with most of the answer to question 2 but we were hoping you could please

provide general guidance about employing staff with party affiliations to incorporate in our answer to question 2?

Ngā mihi

Zara

Zara [REDACTED] | Advisor Legal

Electoral Commission – Te Kaitiaki Take Kōwhiri

PO Box 3220 | Level 10, 34-42 Manners Street, Wellington

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**From:** OIA Enquiries <[ويا@elections.govt.nz](mailto:ويا@elections.govt.nz)>

**Sent:** Wednesday, November 15, 2023 11:03 AM

**To:** Izak [REDACTED] <[REDACTED]>

**Cc:** Kristina Temel <[REDACTED]>

**Subject:** FW: Manurewa Marae voting booth. OIA Request

Kia ora Izak

We received the below OIA request on Saturday.

Could you please give us your official response to question 2. This will be **due before COB 8 December 2023**.

I have created an OIA folder and have a draft letter sitting within for you to drop your answer into:

[106 \[REDACTED\]](#)

Let me know if you have any questions.

Ngā mihi

Zara

Zara [REDACTED] | Advisor Legal

Electoral Commission – Te Kaitiaki Take Kōwhiri

PO Box 3220 | Level 10, 34-42 Manners Street, Wellington

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**From:** [REDACTED] <[REDACTED]>

**Sent:** Saturday, November 11, 2023 2:11 PM

**To:** OIA Enquiries <[ويا@elections.govt.nz](mailto:ويا@elections.govt.nz)>

**Subject:** Manurewa Marae voting booth. OIA Request

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## I request answers to the following questions under the OIA.

1. Was Takutai Moana Kemp at the Manurewa Marae at any time during Election day? If so, how long was she there and was she mixing and talking with people who had come there to cast their votes or partake in the free food and drinks?

2.

Were any te Party Maori officials employed or involved in any way in the running of this booth other than as an official scrutineers and if so who were they and what role did they play?

My name is [REDACTED]

Ph [REDACTED]

Regards [REDACTED]

Sent from [Mail](#) for Windows

Timeline for engagement with Manurewa Marae	
Date	Activity
23 Jan	Following a connection made at Auckland Funfest (12-15 Jan), internal email exchange between Erin ■ Georgia, and Crystal to discuss the opportunity to meet with Manurewa Marae.
27 Jan	<p>Online hui between Manurewa Marae and EC, a new date to meet set for 28 Feb.</p> <p>Notes provided by Erin ■■■■:</p> <p>Participants - Crystal, Erin, Georgia (Commission) ■■■■, Natasha Kemp (Manurewa).</p> <p>Crystal introduced Erin and Georgia to ■■■■. Erin and Georgia spoke about our objectives to better serve Māori during GE 2023 and our interest in partnering with Māori organisations to:</p> <ul style="list-style-type: none"> <li>• Secure property for voting places significant to Māori</li> <li>• Recruit Staff who could speak Te Reo and can work in a bilingual voting place.</li> <li>• Help with community engagement to increase participation and voter turnout.</li> <li>• ■■■■ spoke about the work they had done through COVID and the Census and how they were able to increase turnouts for these community events in Manurewa, he thought the Marae Committee would also be interest in partnering with the commission to provide the same support they did to the Ministry of Health and Stats NZ</li> </ul> <p>Next Steps -</p> <p>■■■■ would set up a follow up meeting to introduce us to the leadership team at Manurewa Marae</p>
2 Feb	Email exchange with ■■■■ sorting contact details and confirming 28 <sup>th</sup> Feb.
28 Feb	<p>Hui at Manurewa Marae.</p> <p>Notes provided by Georgia ■■■■:</p> <p>Participants - Erin, Georgia (Commission); ■■■■, ■■■■ (Manurewa).</p> <p>Meeting purpose -</p> <p>This meeting was arranged to follow on from the meeting that was had on January 27<sup>th</sup>. This was the first in person meeting to discuss a space to do Community Engagement as well as provide a voting place at the marae. This was discussed due to the reach that the marae has had in previous events for eg: Covid Response and Census.</p> <p>Proceedings -</p> <ul style="list-style-type: none"> <li>• A space for Community Engagement</li> <li>• A space for the full voting period (2<sup>nd</sup> October up and including the 14<sup>th</sup> October)</li> <li>• Manurewa Marae sharing your event calendar and EC sharing key dates and time-frames.</li> <li>• Possible opportunities for Manurewa Marae staff to work within the Community Engagement space as well as working within the voting place (Marae whare). Erin suggested 2 options for this and that is Manurewa Marae gets a contract and pays staff or staff work for the Electoral Commission</li> <li>• If the staff are interested, they can work in the voting place but they would need to be employed by the Electoral Commission as they will be hired as Electoral Officials (we advised this can be discussed in more detail at later stage)</li> <li>• The Electorate Manager will need to do a voting place assessment at the Marae to ensure this is safe and secure for not only staff and voters but also voting materials.</li> <li>• If the Manurewa Marae can share key messages around Māori Electoral Option (01<sup>ST</sup> April – 14<sup>TH</sup> July) and also enrolling to vote.</li> </ul> <p>Conclusion -</p> <p>■■■■ and ■■■■ were going to take these discussions to their leadership and come back to the Electoral Commission on next steps.</p>

28 Feb	<p>Stakeholder hui at EC Ellerslie Office:</p> <p><u>Notes provided by Georgia [REDACTED]:</u></p> <p>Participants – Erin [REDACTED], Georgia [REDACTED], Jeremy [REDACTED], Kim [REDACTED], Peter [REDACTED], and Angel [REDACTED] (Commission); [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] (community advocates).</p> <p>Meeting purpose –</p> <p>This meeting was arranged following training for our Electorate Managers in Wellington. A session was delivered by [REDACTED] to our Electorate Managers about how we will improve services to Māori Voters for GE2023. So Georgia organised a meeting with our Community Advocate. They have been working with us since 2018 when we started our first lot of hui. The purpose of our community advocates is to provide insights on behalf of whanau within Tamaki Makaurau. Since 2018 we have had discussions around voting experiences and how we at the Commission can change the narrative for whanau for future elections.</p> <p>Proceedings -</p> <ul style="list-style-type: none"> <li>- Opened with Karakia and Whanaungatanga for those that were new to the hui.</li> <li>- Showed the video that was made in Highbury around how we can improve services to Māori (video was also shown to Electorate Managers at training)</li> <li>- Talked about Locations, opening hours, and staffing for these voting places.</li> <li>- Suggestions were made from our community advocates about using Marae around Auckland, the ones that suggested were Papakura, Manurewa, Ruapotaka, Orakei, and Hoani Waititi Marae</li> <li>- Discussed how we can connect our Electorate Managers to our Community Advocates</li> <li>- Next Steps from this hui</li> </ul> <p>Conclusion -</p> <p>Community Advocates understood what we were trying to do at the Commission to improve services to Māori and that was finding voting places where Māori resonate with, ensuring they have Māori working within these voting places and ensuring that the opening hours were convenient to Māori.</p> <p>From this meeting, Georgia connected the different community advocates to the different Electorate Managers dependent on what part of Auckland they represent.</p> <p>Community advocates assisted with insights on where and also gave contacts of locations so electorates manager could make contact and arrange assessments for the different voting places.</p>
3 Mar	Email exchange sharing minutes from 28 Feb Manurewa Marae hui.
6 Mar	Further email exchange noting current priority on MEO campaign starting from April 1st. [REDACTED] copies Natasha Kemp into this exchange.
7-9 Mar	Email exchange to organise hui with Director Voting Services. Noted by Erin that meeting with Martin will help speed up the process and secure Marae funding. Hui agreed for 14 March
14 Mar	<p>Meeting at Manurewa Marae..</p> <p><u>Notes provided by Georgia [REDACTED]:</u></p> <p>Participants - Martin [REDACTED], Erin [REDACTED], Jeremy [REDACTED], Georgia [REDACTED], Kim [REDACTED] (Electoral Commission); Natasha Kemp, [REDACTED], [REDACTED], [REDACTED] (Manurewa marae).</p> <p>Meeting purpose -</p> <p>One of the Electoral Commission’s strategic goals for GE 2023 is to improve voting services to Māori. The Manurewa marae has a very strong community base and has successfully delivered programmes to local Māori communities for Covid vaccination programmes and food parcels. The meeting was arranged to discuss the possibility of utilizing the networks established by the Manurewa marae and setting up a voting place at the marae to improve Māori voter turnout.</p>

*Proceedings -*

*Informal discussions were held to assess this opportunity and any risk assessment of using the marae as a voting place. This would cover both advance voting and election day.*

*Topics included:*

- *Obtaining approval for Manurewa marae's executive*
- *Any conflict of interest between the marae's CEO (standing as a candidate for the Māori Party) and the Electoral Commission's operating guidelines*
- *The marae's perceived connection with the Māori Party*
- *The role of tikanga at a voting place*
- *Setting up a voting place, including employing marae staff, training, voting place assessment, training, and any payment of using the marae as a voting place*
- *Possible involvement of Te Pae Herenga o Tamaki marae and other marae around the country as voting places*

*Conclusion -*

*Following a useful and constructive discussion both parties agreed to discuss the issues further with their respective organisations and arrange a follow-up meeting within the coming weeks. Furthermore, there was some discussion of developing a MOU between the two parties to clearly delineate roles and responsibilities.*

17 May

VP assessment completed by EM.

Notes provided by Ange [REDACTED]:

*Participants – Angel [REDACTED] (Commission); [REDACTED] [REDACTED] (Manurewa Marae)*

*Meeting purpose -*

*The purpose of the meeting was to assess proposed voting space (wharekai) and explain operational requirements to Marae staff to ensure good voting service delivery to the community i.e. opening hours, preparation work (EC and marae) prior to voting period, security via Māori Wardens, secure storage of key voting materials and next steps.*

*Meeting Notes (taken from follow up email on 26 May) –*

1. *As discussed, below are our proposed dates and opening hours.*

<b>Days</b>	<b>Opening Hours</b>
<i>Mon 2<sup>nd</sup> to Fri 6<sup>th</sup> October</i>	<i>10:00am to 4:00pm</i>
<i>Sat 7<sup>th</sup> October</i>	<i>10:00am to 3:00pm</i>
<i>Sun 8<sup>th</sup> October</i>	<i>Closed</i>
<i>Mon 9<sup>th</sup> to Wed 11<sup>th</sup> October</i>	<i>10:00am to 4:00pm</i>
<i>Thurs 12<sup>th</sup> October</i>	<i>10:00am to 7:00pm</i>
<i>Fri 13<sup>th</sup> October</i>	<i>10:00am to 4:00pm</i>
<i>Election Day - 14<sup>th</sup> October</i>	<i>9:00am to 7:00pm</i>

2. *During **advance voting**, the Voting Team will be on site 30min before opening and closing times. The only exception will be Monday 2<sup>nd</sup> October when they will have to set-up for the first time. I will let the Voting Place Manager discuss the timing directly with you. For **election day**, the Voting Team will be on site until preliminary count is finished and the key materials are packed ready for transport to Electorate Headquarters. Finish time can be anywhere from 9:30pm until late.*

	<p>3. <i>It would be great if the Maori Wardens can provide security during late nights and on election day. Kindly send me details regarding arrangements and hourly rates so I can get approval from my Regional Manager.</i></p> <p>4. <i>There is a lockable room at the voting space that we can use for overnight storage of key voting materials. Only two people have keys to the room – [REDACTED] and [REDACTED].</i></p> <p>5. <i>The Voting Place Manager, once appointed, will discuss the details with you nearer to the date.</i></p> <p>6. <i>If you can recommend and send me the names of people who are interested to work at the marae (or at other locations), that will be great. There will be an interview for the manager and a short assessment for the other roles. If successful and they are available, they can also be employed for post-election activities at HQ.</i></p> <p>7. <i>Attached is our recruitment flyer to register interest to work and would appreciate if you can distribute it to your staff and their family/friends who might be interested (16+ can work with us). Recruitment for these roles will be available at the start of July.</i></p> <p><i>Conclusion - Another meeting will be scheduled nearer to the election period for a more detailed discussion and a follow-up by the Voting Place Manager once appointed.</i></p>
26 May	Follow up email with Manurewa re VP assessment, proposed opening hours, and request for information.
6 Jun	Response from marae copying in [REDACTED] and Tarsh Kemp
26 Jul	Marae informs EM of building work taking place and need to change VP location, offer of a different location on the grounds made by Natasha. EM responds wanting to come and check alternative venue.
31 Jul	[REDACTED] feedback on draft voting places received which includes concerns expressed re Manurewa Marae.
1 Aug	<p>Meeting at Marae to assess new location.</p> <p><u>Notes provided by Angel [REDACTED] :</u></p> <p><i>Participants – Angel [REDACTED] (Commission); [REDACTED] [REDACTED] (Manurewa)</i></p> <p><i>Meeting purpose - The original voting space (wharekai) became unavailable due to renovation works. An alternative space within the premises was proposed and for EC to check if suitable.</i></p> <p><i>Meeting Notes - The main purpose of the site visit was to assess if alternative space is suitable for voting in terms of size, layout, entrance/exit flow and alternatives if raining, parking and other physical site requirements. No other issues were discussed.</i></p> <p><i>Conclusion - Initial check found the space to be suitable for advance and election day voting. A meeting still had to be arranged with [REDACTED] [REDACTED] to discuss other important issues regarding the marae as a voting place.</i></p>
16 Aug	Response to [REDACTED] noting the rationale for using Manurewa.
22 Aug	Confirmation letter and Licence to Occupy sent to Marae, confirmation of receipt received.
23 Aug	Request from Natasha around revising opening hours

25 Aug	Reply from EM with rationale and options to consider. Revised documentation sent through with change to opening hours.
30 Aug	<p>Onsite meeting with [REDACTED] to go over details including recruitment, operations, security, costs etc. Meeting notes shared the following day:</p> <ul style="list-style-type: none"> <li>- Names to you regarding Kaimahi from the Marae ([REDACTED])</li> <li>- Send JD (Angel)</li> <li>- Send link for Kaimahi to apply (Angel)</li> <li>- Send names of security ([REDACTED])</li> <li>- Find a locked room in the Puna ([REDACTED])</li> <li>- 16th September is training day</li> </ul> <p><u>Additional notes provided by Angel [REDACTED]:</u></p> <p><i>Participants – Angel [REDACTED] (Commission); [REDACTED] [REDACTED] (Manurewa)</i></p> <p><i>Meeting purpose - To discuss and resolve all outstanding issues prior to the marae being used as an advance and election day voting place.</i></p> <p><i>Meeting Notes - The following action points were discussed:</i></p> <ol style="list-style-type: none"> <li>1. Voting space will be cleared and ready for set-up by our voting team prior to 2<sup>nd</sup> October. Entrance and exit options were assessed to make sure that the layout did not impede flow of voters.</li> <li>2. Opening hours were confirmed by Angel.</li> <li>3. [REDACTED] confirmed that Māori wardens can provide security services during the voting period and names will be provided beforehand.</li> <li>4. Recruitment was discussed – Angel will send job descriptions and link to online application for kaimahi to apply (Note: After the meeting, names of recommended candidates were provided by [REDACTED] via e-mail but only four were appointed due to availability. One was appointed as VPM for advance and election day and the three other applicants worked only on Saturday for advance voting and on election day.)</li> <li>5. Angel explained recruitment process and confirmed upcoming training dates.</li> <li>6. Angel explained and emphasized the need for political neutrality within and around the voting place. Logos, flags, clothing with details of political parties or candidates and any other promotional materials were not to be displayed near the voting place. [REDACTED] confirmed understanding and agreement to this requirement.</li> </ol> <p><i>Conclusion - Both agreed that all action notes or open issues will be followed-up via email messages. The next face-to-face contact with the marae will be through the voting team.</i></p>
31 Aug	Reminder email sent to complete 'Licence to Occupy' and 'Tax Invoice'. Copied to [REDACTED] of Manurewa.
13 Sept	Phone call and emails exchanged regarding recruitment
21 Sept	Further recruitment related emails.
3 Oct	Complaints raised by [REDACTED] regarding social media post
4 Oct	Enquiry with Marae who note they will "look into it".
11 Oct	Complaint received from [REDACTED], email to Marae who confirm that kai is provided to all people attending marae not just those who have voted.
1 Nov	Complaint received from [REDACTED]
8 Nov	Further concerns raised by [REDACTED]
9 Nov	Response to [REDACTED] from Commission.
	Receive complaint from member of the public.



Timeline for engagement with Te Pae Herenga O Tāmaki	
Date	Activity
17 Mar	Email from Natasha Kemp to EC following meeting at Manurewa an 14 March. Connects EC to [REDACTED] ([REDACTED]).
27 Mar	Follow up email sent from [REDACTED] ([REDACTED]) seeking to meet with EC regarding improving Māori turnout for the GE. Notes the marae involved in the collective.
3 Apr	<p>Hui between EC and TPH, Manurewa, and Waipareira. Minutes shared by [REDACTED] later that day:</p> <ul style="list-style-type: none"> <li>- Te Pae Herenga o Tāmaki Partners to be registered as Polling Booths for the October 2023 General Election. The eight organisations included in the presentations, plus we will have others to add for example, Hoani Waititi Marae, Te Kaha O Te Rangatahi.</li> <li>- Te Pae Herenga o Tāmaki Partners to also be registered as mobile Polling Booths for the October 2023 General Election. This is to allow our vehicles / tents etc to be set up at Parks, Community Centres, Kōhanga Reo, Kura Kaupapa Māori to improve access for Whānau.</li> <li>- All our Māori Partners to have their respective polling booths open for the two weeks leading into the Election (inclusive of Election Day).</li> <li>- The ability for our respective staff to pick up completed votes and deliver to approved Polling Booths to improve access for Whānau.</li> <li>- Funding and training for our respective staff to manage the polling booths.</li> <li>- Using your baseline digital information and dissemination through our social media networks.</li> </ul> <p>As discussed, Te Pae Herenga o Tāmaki Partners will:</p> <ul style="list-style-type: none"> <li>- Ensure there are at least 2 Te Reo Māori speakers at all our Polling Booths.</li> <li>- Run Rangatahi specific events to encourage young voters to register and vote.</li> <li>- Run Kuia and Kaumatua friendly events to encourage older voters to register and vote.</li> <li>- Use our various Te Pae Herenga o Tāmaki and Partners social media platforms to encourage Māori to register and vote.</li> </ul> <p><u>Additional notes provided by Georgia [REDACTED]:</u></p> <p><i>Participants - Erin [REDACTED], Georgia [REDACTED], Kate [REDACTED], Hone [REDACTED] (Commission); [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], Tarsh Takutai-Kemp, [REDACTED] (Te Pae Herenga).</i></p> <p><i>Meeting purpose -</i>  <i>One of the Electoral Commission's strategic goals for GE 2023 is to improve voting services to Māori. Initially we had discussions with the Manurewa Marae on the 14<sup>th</sup> March and from this meeting, discussions were had around working with Te Pae Herenga Collective as we could look at a bigger reach of Māori across Tamaki Makaurau.</i></p> <p><i>Proceedings -</i>  <i>This meeting began with Whanaungatanga, and then [REDACTED] [REDACTED] delivered a presentation giving an overview of the Collective, their Education Strategy and their Health Strategy. It covered their mahi on how they engaged with Māori Communities across Tāmaki (and Aotearoa) during the Covid-19 response.</i></p> <p><i>Conclusion -</i>  <i>Electoral Commission staff to take this information back to the leadership team to discuss next steps. Goe to follow up with organising site assessments with partners within the Collective alongside [REDACTED] (Te Pae Herenga Collective).</i></p>
4 Apr	Internal email discussing successful hui and noting potential for relationship.
6 Apr	Response from EC agreeing with all the above and suggesting next steps:

	<ol style="list-style-type: none"> <li>1. Site Inspections for fixed locations and an agreement of opening days and hours for advanced voting and Election Day</li> <li>2. Discuss and create a shared calendar for: <ol style="list-style-type: none"> <li>a. Mobile / Pop up units for advance voting</li> <li>b. Enrolment / Education opportunities leading up to GE 2023 e.g., Whanau days.</li> </ol> </li> <li>3. Recruitment plan for staff working in Voting Places</li> <li>4. Develop a training schedule for Takeaway votes and Voting staff.</li> <li>5. Organise a wananga two weeks after the Election to review the service provided to our community.</li> </ol>
12 Apr	Follow up email from EC seeking confirmation of site inspections.
23 Apr	Response from TPH proposing 14 sites
1 May	Acknowledgement email and additional contacts provided
4-8 May	Internal kōrero re suitability and risks of working with Collective. Agree to proceed.
12 May	Internal hui between VS and SEP to discuss risk management and planning. Agree that Directors will hold responsibility to progress MoU with the Collective
15 May	Internal approach to L&P regarding drafting an MoU
15 May	Email from ██████████ (██████████) re enrolment information
16 May	<p>Hui between EC and TPH to discuss progressing MoU. Agree to set up a wānanga between the parties to facilitate this.</p> <p>Notes Provided by Georgia ██████████:</p> <p>Participants- Erin ██████████, Georgia ██████████, Kate ██████████ (Commission); ██████████ ██████████, ██████████ ██████████</p> <p>Meeting purpose -  Emails were exchanged prior to this meeting and ██████████ confirmed that they will propose to use the following sites for Voting Places for this year's General Election:</p> <ol style="list-style-type: none"> <li>(1) <b>Te Rūnanga o Ngāti Whātua</b> - 1 &amp; 3-5 Rendall Place, Auckland.</li> <li>(2) <b>Te Puna Hauora o Te Raki Paewhenua</b> - 58 Akoranga Drive, Northcote, Auckland.</li> <li>(3) <b>Te Whānau o Waipareira</b> - Ground Floor, 6/8 Pioneer Street, Henderson, Auckland.</li> <li>(4) <b>Ruapotaka Marae</b> - 106 Line Road, Glen Innes, Auckland.</li> <li>(5) <b>Manukau Urban Māori Authority / Nga Whare Waatea Marae</b> - 31 Calthorp Close, Favona, Auckland.</li> <li>(6) <b>Manurewa Marae</b> - 81 Finlayson Avenue, Clendon Park, Manukau City.</li> <li>(7) <b>Papakura Marae</b> - 29 Hunua Road, Auckland.</li> <li>(8) <b>Huakina Development Trust</b> - 15/17 Roulston Street, Pukekohe.</li> <li>(9) <b>Hoani Waititi Marae</b> - 451 West Coast Road, Oratia, Auckland.</li> <li>(10) <b>Te Kaha O Te Rangatahi</b> - 2b Jellicoe Road, Manurewa, Auckland.</li> <li>(11) <b>Mobile Collection Van - Te Whānau o Waipareira</b> - West Auckland.</li> <li>(12) <b>Mobile Collection Van - Manurewa Marae</b> - South Auckland.</li> </ol> <p>Other Sites:</p> <ol style="list-style-type: none"> <li>(13) <b>Te Mahurehure Cultural Marae</b> - 65/73 Premier Avenue, Point Chevalier, Auckland.</li> <li>(14) <b>Orakei Marae</b> - 59B Kitemoana Street, Orakei, Auckland.</li> </ol> <p>██████████ are the ██████████ for Te Pae Herenga o Tāmaki partners. ██████████ is the ██████████. ██████████ is planning on sending information out to the partners in the coming week. She will coordinate site visits with the Partners and our team over the next few weeks.</p> <p>██████████ ██████████ supports the organisations with funding proposals. Both ██████████ and ██████████ will connect with the team regarding budgets and timing.</p> <p>Proceedings:</p>

	<p>A MOU that needs to be agreed and in place prior to operational aspects of setting up voting places. To develop a MOU to capture key goals and conditions relating to the relationship between EC and the Collective:</p> <ul style="list-style-type: none"> <li>- Identify a key contact person within the Collective – [REDACTED] / [REDACTED]</li> <li>- The EC to be represented by Martin [REDACTED] and Shane [REDACTED]</li> <li>- Ensure political neutrality</li> <li>- Ensure there are no incentives/inducements to encourage voter turnout</li> <li>- Ensure there are clear guidelines regarding political party regalia – to cover both advance voting and ED</li> <li>- Gain clarity about funding of sites to be used as VPs</li> <li>- Expand initiative to other sites in the North Island?</li> </ul> <p><u>Voting place management</u> Voting Services to take responsibilities for:</p> <ul style="list-style-type: none"> <li>- VP assessments of all agreed sites (Electorate Manager)</li> <li>- Recruitment - actively engage with marae personnel to recruit staff to work in the VP. To ensure political neutrality (Electorate Manager)</li> <li>- Appoint VP staff in conjunction with marae (Electorate Manager)</li> <li>- Training <ul style="list-style-type: none"> <li>o To be conducted at a designated marae for all sites identified within the Collective (Electorate Manager)</li> <li>o Training resources required from NO to support Te Reo initiatives</li> </ul> </li> </ul> <p>Erin advised the need for an MOU moving forward and the next step was to organise a Wānanga between Martin/Shane for the Electoral Commission and the same level leadership for Te Pae Herenga to discuss and agree on a MOU. Georgia also mentioned that some of the proposed sites that were on offer to use as Voting Places had already been agreed to use at a local level. These sites were Ruapotaka Marae, Manurewa Marae, Papakura Marae, Hoani Waititi Marae and Orakei Marae</p> <p>Conclusion - Erin to propose a date that will work for Te Pae Herenga Collective and the Electoral Commission to discuss MOU. Erin sent emails to Te Pae Herenga Collective.</p>
17-19 May	Further internal discussion regarding logistics, noted request from Karl to have MoU in place before confirming any voting places. MoU noted to ensure coverage for political neutrality.
23 May	Internal hui to progress MoU, aiming for June 1 to hold wānanga. Proposed date shared with Collective.
26 May	Email noting yet to hear back from Collective
22 June	Email from EC seeking to progress site usage kōrero. Provided a list of the proposed sites and progress on confirming each of them as a VP.
30 June	After multiple attempts at contact, suggestion is made to halt plans with Collective and instead progress kōrero with individual marae. Agree to proceed.
4 July	Paper from VS to Board noting relationship with the Collective and related mahi.
21 July	Response to 22 June email noting contact person had been away. Advises of the need to connect with remaining partner sites to progress the kōrero.
24 – 28 Jul	Internal emails discussing whether to re-visit original plans. Email notes the link between political party and Waipareira.
2 Aug	Email from Waipareira funding lead seeking to progress our partnered approach again.
4 Aug	Hui organised for 9 August with Collective. Advice from VS is that they are still interested in locking in further voting places, and they are comfortable for hui to proceed.
7 Aug	Internal emails show final agreement to not to proceed with Collective and instead work with individual marae, Collective will be informed at upcoming hui.
9 Aug	Follow up hui to decision on working with individual marae.
	Notes provided by Georgia [REDACTED]:

Participants – Erin [REDACTED], Georgia [REDACTED], Kate [REDACTED] (Commission); [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

*Meeting purpose -*

*Te Pae Herenga to progress with their business case and to come together to discuss the finer details around operationalising an approach led by Te Whānau o Waipareira and Te Pae Herenga Collective*

*Proceedings -*

*An assumption was made by the Collective that all voting places that were proposed were confirmed to use as voting places for this year's GE, Georgia confirmed that she had made numerous attempts with [REDACTED] to co-ordinate site visits to the proposed sites within the Collective and there was no reply from [REDACTED]. They advised that she had gone on Maternity leave.*

*Conclusion -*

*Georgia advised that all voting places needed to be assessed and confirmed by the 22<sup>nd</sup> of August latest and at this point would not progress further. [REDACTED] thought that voting places were confirmed as they were on the draft voting services information sent to political parties, but it was clarified that these were as placeholders only and couldn't be confirmed as we could not get the assessment completed due to not having any contact from Te Pae Herenga ([REDACTED]).*

## Treating analysis

Owing to the serious implications of finding persons liable for treating, as well as possible consequences for those who have accepted the 'treat', before deciding whether to refer either of these incidents to the Police the Electoral Commission must consider what the offence of treating requires and whether there is reasonable cause for a referral in any particular case.

Section 217 of the Electoral Act 1993 provides any person is guilty of a corrupt practice who commits the offence of treating.

Corrupt practices have been described as deliberate acts to influence an election outcome through wrongful means. They are deemed to pose a serious threat to an election's function as a means of determining the true preferences of the electors, and which thereby undermine the basic integrity of the electoral system.<sup>1</sup> Corrupt practices offences are punishable by up to two years imprisonment or a maximum fine of \$100,000 in the case of a constituency candidate, party secretary or registered promoter, or \$40,000 in any other case.<sup>2</sup>

Section 217 provides:

### **"Treating**

- (1) Every person is guilty of a corrupt practice who commits the offence of treating.
- (2) Every person commits the offence of treating who corruptly, by himself or herself or by any other person on his or her behalf, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person—
  - (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or
  - (b) for the purpose of procuring himself or herself to be elected; or
  - (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
- (3) Every person commits the offence of treating who, being the holder of a licence for the sale by retail of alcohol (within the meaning of section 5(1) of the Sale and Supply of Alcohol Act 2012), knowingly supplies any food, drink, entertainment, or provision—
  - (a) to any person where the supply thereof is demanded for the purpose of treating, or for any corrupt or illegal practice; or
  - (b) to any persons, whether electors or not, for the purpose of procuring the return of a candidate or candidates at an election, and without receiving payment for it at the time when it is supplied.

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<sup>1</sup> Andrew Geddis *Electoral Law in New Zealand: Practice and Policy* (2<sup>nd</sup> ed, LexisNexis, Wellington, 2014) at 118-119.

<sup>2</sup> Electoral Act 1993, s 224(1).

- (4) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.
- (5) Notwithstanding anything in this section, the provision of a light supper after any election meeting shall be deemed not to constitute the offence of treating.”

The offence of treating does not have to be undertaken personally for liability for treating to be attributed to a particular person. Instead a person can be found liable for the provision of food, drink or entertainment made by an agent on their behalf provided they had knowledge that this activity was being undertaken.<sup>3</sup>

The threshold for finding that the offence of treating has been committed is very high. This is because of the provision in s 217 that giving of any food, drink or entertainment must be done “corruptly”, and where the provision is made for the purpose of influencing a person to vote or refrain from voting, such influence must be found to be corrupt.<sup>4</sup>

There is no definition of “corruptly” provided in the Act. Instead, whether or not the intentions and influence of the person are corrupt is a question of fact the Court must determine based on all of the circumstances of the particular case.<sup>5</sup>

A corrupt intention is an intention on the part of the person treating to influence the votes of the persons treated.<sup>6</sup> In *Field v R*<sup>7</sup> the Supreme Court cited with approval the definition of “corruptly” stated by Willes J in the 1858 House of Lords decision in *Cooper v Slade*:<sup>8</sup>

I think the word ‘corruptly’ in this statute means not ‘dishonestly’, but in purposely doing an act which the law forbids as tending to corrupt voters, whether it be to give pecuniary inducement to vote, or a reward for having voted in a particular manner. Both the giver and the receiver in such a case may be said to act “corruptly”. The word “corruptly” seems to be used as a designation of the act of rewarding a man for having voted in a particular way as being corrupt, rather than as part of the definition of the offence. I agree with what was said by the learned Judge at the trial, that if the moving cause of giving the money is the voter having voted for the particular candidate, such gift is contrary to the statute, as being given by way of reward for the vote, and therefore corrupt.”

Under this definition a person will be acting corruptly if they are providing food, drink or entertainment to someone with the intention of influencing or rewarding the voting behaviour of that person.

Where the person giving or making the provision has more than one motive for offering the provision then a starting point is to determine the dominant motive, and whether it reflects a corrupt intention.<sup>9</sup> However, it is also possible that where there are multiple motives, if one, even if not dominant, is an

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<sup>3</sup> *Re Mitiaro Election Petition* [1979] 1 NZLR S1 at S8.

<sup>4</sup> *In re the Wairau Election Petition* (1912) 31 NZLR 321 at 326-327.

<sup>5</sup> *In re the Wairau Election Petition* (1912) 31 NZLR 321 at 326.

<sup>6</sup> *In re the Wairau Election Petition* (1912) 31 NZLR 321 at 326.

<sup>7</sup> *Field v R* [2012] 3 NZLR 1.

<sup>8</sup> *Cooper v Slade* (1858) 6 HL Cas 746, 10 ER 1488.

<sup>9</sup> *Re Mitiaro Election Petition* [1979] 1 NZLR S1 at S12.

ulterior motive, reflective of the necessary corrupt intention, the test for treating may still be made out.<sup>10</sup>

In *In re the Wairau Election Petition*<sup>11</sup> the Court set out certain factors which could be taken into consideration to determine whether the person making the provision had the necessary corrupt intention. These include:<sup>12</sup>

- 1.1 How open the actions of the person giving, providing or paying are. The more open and transparent such activities are the less likely the required corrupt intention will be present.
- 1.2 Whether people who are not voters were included in the invitation. The broader the range of people the provision is offered to the less likely a corrupt intention will be found.
- 1.3 Whether the persons receiving the food, drink, entertainment or other provision are deserving of it. Where there is an element of charity to the provision it may be harder to infer the required corrupt intention.
- 1.4 The proximity of the treating behaviour to an election. While it is possible for the offence of treating to occur at any time, not just during the election period, the closer the provision occurs to the election the more likely a corrupt intention may be found.
- 1.5 The number of times the 'treating' behaviour may have occurred.

Another factor relevant to whether treating has occurred is whether the recipients of the supposed treating were aware of any ulterior motive or obligation on how they must vote in exchange for those treats. In *The Wellington City Election Petition* the Court noted that if entertainment was provided to certain electors with a view to influencing voting, but there was no understanding or contract that the electors would vote in a certain way, those who provided the entertainment will not be guilty of treating.

In *re the Wairau Election Petition* the Court described a corrupt intention as an inference of fact which can be drawn if, based on all the circumstances, the reasonable and probable effect of the alleged treating would be to influence the result of the election, or to influence the votes of the individual voters.

<b>Factor</b>	<b>Does this point towards or away from treating</b>	<b>Application to information available re Manurewa Marae</b>
How open the actions of the person giving, providing or paying are.	The more open and transparent such activities are the less likely the required corrupt intention will be present.	The giving away of food and entertainment activities were openly advertised including on Facebook and available to the public at large. There was no attempt to conceal the fact. The invitation was to 'whanau' and to the community in general not just people who usually visit the marae. No attempts were being made to conceal that the food was being provided free


<sup>10</sup> *Re Mitiaro Election Petition* [1979] 1 NZLR S1 at S12.

<sup>11</sup> *In re the Wairau Election Petition* (1912) 31 NZLR 321.

<sup>12</sup> *In re the Wairau Election Petition* (1912) 31 NZLR 321 at 326.

<p>Whether people who are not voters were included in the invitation.</p>	<p>The broader the range of people the provision is offered to the less likely a corrupt intention will be found.</p>	<p>The offer was to the community – whanau – not just voters. On 3 October, we were first made aware of a social media post by the Manurewa Marae promoting a free hangi after people voted. The Electorate Manager contacted the marae contact person, on 4 October, to make it clear that the hangi (or any other food or entertainment) cannot be tied to having voted but should be available to everyone whether they have voted or not. They were asked to amend their posts to reflect this. We received confirmation from our contact at the marae that they were providing kai to anyone who came to the voting place, and this was not conditional on whether or not they had voted. When the Electoral Commission’s Acting Chair and Deputy Chief Executive Operations visited the marae on 5 October 2023, this is what they also observed. There seemed to be people of all ages present in the videos on the marae Facebook page and no suggestion that it was only open to people aged 18 and over or enrolled in the Tāmaki Makaurau electorate.</p>
<p>Whether the persons receiving the food, drink, entertainment or other provision are deserving of it.</p>	<p>Where there is an element of charity to the provision it may be harder to infer the required corrupt intention.</p>	<p>The purported purpose was manaakitanga and encouraging people to participate. It was noted that it had recently offered COVID-19 vaccinations and opportunities to participate in the Census. It is used by the Ministry of Social Development to promote employment opportunities. It is also used as a community hub by virtue of its medical services and food bank.</p> <p>Early discussions with the marae, mentioned that they might provide kai and or activities to create a family friendly environment around the voting place. We were clear that the opportunity to receive kai or participate in the activities must be available to anyone coming to the marae and cannot be dependent on people voting. It is not uncommon for schools or other community organisations to host activities around voting places on this basis.</p>
<p>The proximity of the treating behaviour to an election.</p>	<p>While it is possible for the offence of treating to occur at any time, not just during the election period, the closer the provision occurs to the election the more</p>	<p>The provision was during the voting period so proximity to the election is made out.</p> <p>Although the provision has been alleged to be just during the voting period, the foodbank is always in operation and there appear to be a range of other community initiatives offered by the Marae in partnership with others accompanied by kai that</p>



	likely a corrupt intention may be found.	<p>have taken place since the election including the free event at vector Whitewater Park 12 Nov with aquatic sport and water safety activities</p>  <p>Manurewa Marae was live. 11 November at 08:26 · 🌐</p> <p>✨FREE WHĀNAU EVENT, HAPPENING TOMORROW ✨</p> <p>Manurewa Marae are proud to have partnered with Vector Wero Whitewater Park, Global Water Safety and Drowning Prevention Rotary Club and Manurewa Local Board to present WERO AQUATIC EXTRAVAGANZA 2023.</p> <p>A day of Aquatic Extravaganza fun. Held at the VECTOR WERO WHITEWATER PARK, Tomorrow from 9AM - 4PM.</p> <p>It's a FREE, FREE, FREE day for the entire whānau to come a long and experience aquatic sport and water safety along with participating in rafting, kayaking, paddleboarding and much more.</p> <p>Manurewa Marae Hauora team will be there doing health checks and immunisations, with our Manaakitanga team (May's coffee, Ngāti Foody Caterers, The Donut Waka, Lucy's Ice Cream and Hidden Treasures) who will be there selling their yummy kai/īnu.</p> <p>So come down and join us for a day full of greatness. Share with your whānau, friends and colleagues and we look forward to seeing you at this amazing day of Aquatic fun.</p> <p><a href="#">#ManurewaMarae</a> <a href="#">#WERO</a> <a href="#">#Aquatic</a> <a href="#">#Manaakitanga101</a></p>
The number of times the 'treating' behaviour may have occurred.		The provision was being made throughout the voting period and the scale of the activity was reasonably large e.g. there was reference to 1000 hangis being delivered on one day.
Presence of candidates and party officials and whether they engaged with attendees in political discussions		There does not seem to be sufficient evidence of this. In one Facebook live the host did say in response to a question who should you vote for. He initially said that's up to you but then did unfortunately go on to say that there is only one party that will serve Māori (although he did not say which one) but did add you don't want to vote for those others national or Act. However this was in an online post rather than connected with receiving food or other provision. It was also during the advance voting period so not a breach of the election day rules. We were aware of a candidate's involvement at the marae. Prior to agreeing to use the venue we agreed that the candidate would not enter the voting place other than to vote. We were provided an alternative designated contact person that we made the arrangements with. We also ensured that the marae personnel were aware of the rules regarding election advertising. Electoral Commission staff made sure that the 10 metre advance voting place buffer zone and the election day rules were strictly being observed with respect to the voting place. There did not appear to be any overt campaigning associated with the manaakitanga. There did not seem to be a

		candidate or party presence at the events and they did not address the attendees.
Another relevant factor, mentioned in <i>The Wellington City Election Petition</i> case, is whether the recipients of the kai etc were aware, or believed that by virtue of receiving food or entertainment that they were then under an obligation to vote in a particular way (i.e. for the Te Pāti Māori candidate)	<i>Wellington</i> suggests if there has been no understanding or contract that the electors will vote in a certain way in return for what has been given then the provider of the entertainment cannot be found guilty of treating. <sup>13</sup>	There appears to be little evidence that attendees were being exposed to political messages and no evidence that those who received free food understood they were under any consequent obligation to vote in a particular way.

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<sup>13</sup> *The Wellington City Election Petition* (1897) 15 NZLR 454 at 454.