

From: [REDACTED]
To: [Natalie \[REDACTED\]](#); [Police Compliance](#); [Kristina Temel](#); [Dean \[REDACTED\]](#)
Subject: Formal Complaint
Date: Wednesday, 11 October 2023 4:02:35 pm
Attachments: [Colour logo-01-6 copy-2 copy.jpg](#)
[PastedGraphic-2.tiff](#)

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Dear Electoral Commission

[REDACTED]

We would also like to raise charges through the Police against Te Pāti Māori.

[REDACTED]

[REDACTED] is aware of multiple complaints from members of the public raised with the Electoral Commission against Te Pāti Māori since advance voting opened. Is the EC scared of Māori or something as to why no action is being taken? This is undemocratic, especially when many others campaigning are also Māori.

Treating:

Multiple complaints have been raised about Te Pāti Māori treating voters at the polling booth located at the Manurewa Marae, where they clearly state that once voters have voted for 'Te Pāti Māori' they can walk a few metres to receive a free hangi, free ice cream, free donuts, free potae, and enjoy free Karaoke and a DJ. See this promotional post here: https://www.tiktok.com/@kalinapapalii436/video/7286255335092899090?_r=1&_t=8gIxTM4yQgK



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I expect a response from EC and the Police before the close of business today please to ensure that this type of illegal activity is shut down today, and I also expect Te Pāti Māori's activity to date to be heavily prosecuted. We would also like to see Takutai Trash Kemp disqualified from this election.

Inaction by EC and the Police in a strong and immediate manner will leave us with no choice but to take this matter public on [REDACTED] and [REDACTED] social media channels and also to mainstream media.

Kind Regards

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion so that we can ensure such a mistake does not occur in the future.

From: [Angel](#) [redacted]
To: [Martin](#) [redacted]
Cc: [Jeremy](#) [redacted]; [Tom](#) [redacted]; [Dean](#) [redacted]
Subject: RE: Formal Complaint
Date: Wednesday, 11 October 2023 9:54:39 pm
Attachments: [image002.png](#)
[image003.png](#)
[image004.jpg](#)

Kia Ora Martin

My comments below regarding two issues :

- Free Kai at the Manurewa Marae - My site contact at the Manurewa Marae, [redacted], confirmed that they are providing kai to anyone who comes to the voting place and this is not conditional on whether they have voted or not. Her reply was "We provide manaakitanga for anyone who comes to the marae whether they vote or not."

- [redacted]
[redacted]
[redacted]
[redacted]
[redacted]

[redacted]

[redacted]

[redacted]
[redacted]
[redacted]

[redacted]
[redacted]

[redacted]
[redacted]

Let me know if you need any other info from me.

Ngā mihi

Ange [redacted] | Electorate Manager – Manurewa & Tamaki Makaurau Electorates
Electoral Commission | Te Kaitiaki Take Kōwhiri
Phone [redacted] [vote.nz](https://www.elections.nz) | [elections.nz](https://www.elections.nz)



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

From: Martin [redacted] <[redacted]>
Sent: Wednesday, October 11, 2023 4:45 PM
To: Jeremy [redacted] <[redacted]>
Cc: Tom [redacted] <[redacted]>; Dean [redacted] <[redacted]>
Subject: FW: Formal Complaint

Kia ora Jeremy

FYI below and attached.

As discussed, could you please speak with Angel and confirm:

- Whether she received a reply from the marae around not associating access to kai with having voted – and acknowledgement that they would no longer do or promote this

- [REDACTED]

We look forward to hearing from you.

Martin

From: Dean [REDACTED] <[REDACTED]>
Sent: Wednesday, October 11, 2023 4:15 PM
To: Martin [REDACTED] <[REDACTED]>
Cc: Natalie [REDACTED] <[REDACTED]>; Kristina Temel <[REDACTED]>; Tom [REDACTED] <[REDACTED]>
Subject: FW: Formal Complaint

Kia ora Martin,

The Manurewa Marae treating complaint has now been escalated further by [REDACTED] (she has copied in the Police). Do you want to raise this with Karl?

Ngā mihi

Dean [REDACTED] | Senior Advisor Legal | Electoral Commission | Te Kaitiaki Take Kōwhiri
PO Box 3220 | Level 10, 34-42 Manners Street | Wellington
Phone [REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, October 11, 2023 4:02 PM
To: Natalie [REDACTED] <[REDACTED]>; Police Compliance <[REDACTED]>; Kristina Temel <[REDACTED]>; Dean [REDACTED] <[REDACTED]>
Subject: Formal Complaint

Electoral Commission Cyber Security Warning: This email originated from outside of the Commission. Please take extra care when clicking links or opening attachments. When in doubt, contact the IT Service Desk.

Dear Electoral Commission

[REDACTED]

We would also like to raise charges through the Police against Te Pāti Māori.

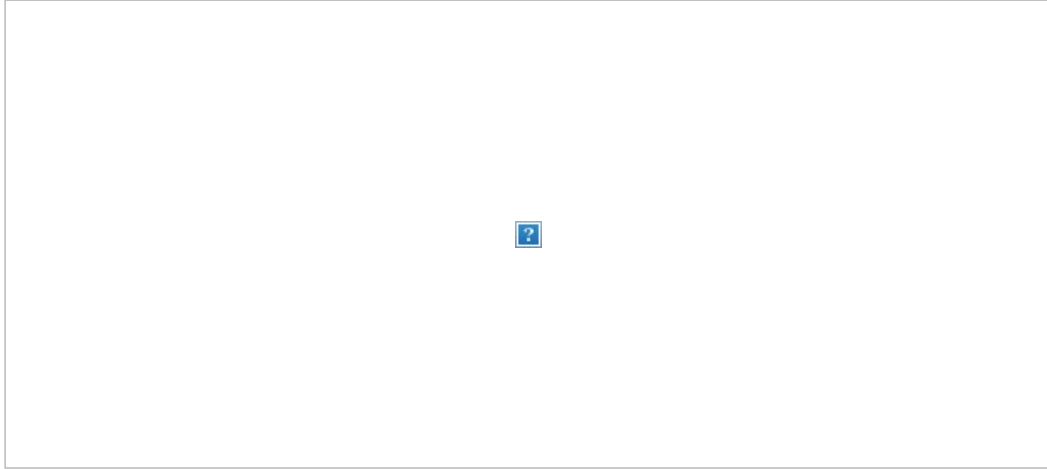
[REDACTED]

[REDACTED] is aware of multiple complaints from members of the public raised with the Electoral Commission against Te Pāti Māori since advance voting opened. Is the EC scared of Māori or something as to why no action is being taken? This is undemocratic, especially when many others campaigning are also Māori.

Treating:

Multiple complaints have been raised about Te Pāti Māori treating voters at the polling booth located at the Manurewa Marae, where they clearly state that once voters have voted for 'Te Pāti Māori' they can walk a few metres to receive a free hangi, free ice cream, free donuts, free potae, and enjoy free Karaoke and a DJ. See this promotional post

here: https://www.tiktok.com/@kalinapapalii436/video/7286255335092899090?_r=1&_t=8glxTM4yOgK



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I expect a response from EC and the Police before the close of business today please to ensure that this type of illegal activity is shut down today, and I also expect Te Pāti Māori's activity to date to be heavily prosecuted. We would also like to see Takutai Trash Kemp disqualified from this election.

Inaction by EC and the Police in a strong and immediate manner will leave us with no choice but to take this matter public on [REDACTED] and [REDACTED] social media channels and also to mainstream media.

Kind Regards

[REDACTED]



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From: [Dean \[REDACTED\]](#)
To: [REDACTED]; [Natalie \[REDACTED\]](#); [Police Compliance](#); [Kristina Temel](#)
Subject: RE: Formal Complaint
Date: Thursday, 12 October 2023 10:22:00 am
Attachments: [image001.png](#)
[image002.jpg](#)

Kia ora [REDACTED],

We have looked into the matters you have raised and have provided a response to each below.

Treating – Manurewa Marae

The Electoral Commission works to make voting accessible to all communities and to increasing participation within communities that have lower rates of engagement in the electoral process. In selecting voting places, it engages with people in different locations, particularly where voter turn out is low, to understand which potential venues will work for different communities. Following this, a formal assessment is done of each site to ensure it meets the Commission’s requirements.

The Manurewa Marae was identified as a potential venue that members of the surrounding community would readily vote in. It was noted that it had recently offered COVID-19 vaccinations, food support and opportunities to participate in the Census. In our discussions with the marae, it was 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 a schools or other community organisations to host activities around voting places on this basis.

On 3 October, we were first made aware that the Manurewa Marae was making an association, via a social media post, between voting at the marae and receiving a free hangi. The Electorate Manager contacted the marae management, on the same day, to make it clear that the hangi (or any other incentive) 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 are providing kai to anyone who comes to the voting place, and this is not conditional on whether they have voted or not.

On 9 October, the Commission received a complaint from [REDACTED] regarding a social media post by an individual which linked voting for Te Pati Māori to receiving kai at the Manurewa Marae. The Electorate Manager contacted the Marae again. The Marae confirmed again that they are providing kai to anyone who comes to the voting place, and this is not conditional on whether they have voted or not and not linked to voting for any particular party.

Based on the information we have gathered and the assurances from the Manurewa Marae, we will not be taking the matter further.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Ngā mihi

Dean [Redacted] | Senior Advisor Legal | Electoral Commission | Te Kaitiaki Take Kōwhiri
PO Box 3220 | Level 10, 34-42 Manners Street | Wellington
Phone [Redacted] |

From: [Karl Le Quesne](#)
To: [Dean \[REDACTED\]](#)
Cc: [Martin \[REDACTED\]](#); [Kristina Temel](#); [Natalie \[REDACTED\]](#)
Subject: RE: [REDACTED] Formal Complaint - response for review
Date: Thursday, 12 October 2023 10:17:30 am
Attachments: [image001.png](#)
[image002.jpg](#)

Thanks all.

I agree with the response drafted below.

Karl Le Quesne

From: Dean [REDACTED] <[REDACTED]>
Sent: Thursday, October 12, 2023 9:02 AM
To: Karl Le Quesne <[REDACTED]>
Cc: Martin [REDACTED] <[REDACTED]>; Kristina Temel <[REDACTED]>; Natalie [REDACTED] <[REDACTED]>
Subject: [REDACTED] Formal Complaint - response for review

Kia ora Karl,

As discussed yesterday, we have crafted a response to [REDACTED], [REDACTED] party secretary, complaints. Can you let us know if you are comfortable with the proposed response. We would copy in the election compliance Police email that [REDACTED] also sent the complaints to.

Ngā mihi
Dean

From: Angel [REDACTED]
To: L & P Enquiries
Subject: FW: Manurewa Marae - Free Kai
Date: Wednesday, 11 October 2023 5:49:35 pm
Attachments: [image001.png](#)
[image001.png](#)

Hi there

This is the reply from Manurewa Marae regarding the free kai.

Ngā mihi

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



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

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, October 11, 2023 3:11 PM
To: Angel [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Subject: Re: Manurewa Marae - Free Kai

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Kia Ora Angel,

We provide manaakitanga for anyone who comes to the marae whether they vote or not.

Aku mihi



Sent from my iPhone

On 11/10/2023, at 12:16 PM, Angel [REDACTED] <[REDACTED]> wrote:

Kia Ora [REDACTED]

Would you be able to confirm that the Marae is providing kai to anyone who comes to the voting place and not conditional on whether they have voted?

Just a follow-up from me so I can close the issue.

Ngā mihi

Angel [REDACTED] | Electorate Manager – Manurewa & Tamaki Makaurau Electorates
Electoral Commission | Te Kaitiaki Take Kōwhiri
Phone [REDACTED] [vote.nz](#) | [elections.nz](#)
<image001.png>
<https://www.elections.nz/jobs/>

From: Angel [REDACTED]
To: L & P Enquiries [REDACTED]
Cc: Jeremy [REDACTED]
Subject: FW: [Enquiry Subject] Election advertising enquiry from [REDACTED]
Date: Wednesday, 11 October 2023 5:03:36 pm
Attachments: Te-Pati-Maori.jpg
image001.png

Hi Dean

My site contact at the Manurewa Marae has confirmed that they are providing kai to anyone who comes to the voting place and this is not conditional on whether they have voted or not.

Ngā mihi

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



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

From: L & P Enquiries <[REDACTED]>
Sent: Tuesday, October 10, 2023 9:54 AM
To: Martin [REDACTED] <[REDACTED]>
Cc: Tom [REDACTED] <[REDACTED]>; Angel [REDACTED] <[REDACTED]>
Subject: FW: [Enquiry Subject] Election advertising enquiry from [REDACTED]

Kia ora all,

We have received the below complaint regarding a social post that is saying vote Te Pati Māori and then go and get a free hangi, coffee entertainment etc on the other part of the Manurewa Marae.

Can you please check that the Marae is providing kai to anyone who comes to vote and is not linking it with a voting – hopefully this is the case, and the social media post is just an individual online.

Ngā mihi

Dean [REDACTED] | **Senior Advisor Legal | Electoral Commission** | Te Kaitiaki Take Kōwhiri
PO Box 3220 | Level 10, 34-42 Manners Street | Wellington
Phone [REDACTED]

From: Support <[REDACTED]>
Sent: Tuesday, October 10, 2023 8:03 AM
To: L & P Enquiries <[REDACTED]>
Subject: [Enquiry Subject] Election advertising enquiry from [REDACTED]

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Hi Legal Team,

Here is an enquiry from [REDACTED] ([REDACTED]).

It was CC'd to:

From: [REDACTED]
Date: Mon, Oct 9, 2023 at 9:32 pm

Name: [REDACTED]

Email: [REDACTED]

From site: elections.nz

Subject: Election advertising

Type: Complaint

Message:

I would like to make a complaint about the Te Parti Maori offering treats to those voters who go to Manurewa Marae to cast their vote this week. There is also a Tik Tok advertisement promising hangi for those who vote, with a photo of Takutai Moana Natasha Kemp, the Te Parti Maori candidate for Tamaki Makaurau. Please see the evidence below. I look forward to hearing from you.

From: [REDACTED]
To: [Kristina Temel](#)
Cc: [Natalie \[REDACTED\]](#); [Dean \[REDACTED\]](#); [REDACTED]
Subject: Complaint: Manurewa marae
Date: Wednesday, 1 November 2023 10:42:48 am

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Kia ora Kristina,

I write to complain about activity that took place near the polling place at the Manurewa Marae during the advance vote period. Specifically, I am concerned that the actions of some marae staff were inappropriately partisan while hosting and promoting a non-partisan polling place, while other actions by those staff amount to treating, which is a corrupt practice under the Electoral Act. The possibility of treating is especially serious.

I understand the marae's staff are employed by Tarsh Kemp, who is both the CEO of the Manurewa marae and the Te Pāti Māori candidate for Tamaki Makaurau. Ms Kemp's two positions create a very difficult conflict of interest between her role hosting a non-partisan booth location on the one hand, and her role seeking votes in the election on the other. I don't think that conflict was appropriately managed.

I have seen evidence of inappropriate behaviour in several Facebook Live videos that were broadcast by the Manurewa Marae during the advance voting period. Those videos remain publicly available on [the marae's Facebook page](#), but if the links become inactive for some reason I have retained copies that I can send to the Commission.

I submit that the information outlined below shows:

- a clear and unsolvable conflict of interest by the Manurewa Marae hosting a polling place, at the same time as its CEO and staff electioneer for a particular candidate and party while promoting that polling place;
- a case of an advertisement being published without a promotor statement (contrary to s204F of the Electoral Act);
- cases of treating (contrary to s217 of the Electoral Act).

Evidence of inappropriate behaviour is contained in the following videos, among others:

[Facebook live 2 October, 10:35am](#)

Within the first 1:30 of this video, the marae:

- Shares non-incident footage of Tarsh Kemp's campaign vehicle, branded in Te Pāti Māori livery;
- Says the marae is holding an event that day that involves free hangi, free ice cream, free donuts, and free coffee among other things; and

Also invites people to vote at the marae's polling booth that day.

This promotional video is problematic because (1) it displays an election advertisement for Tarsh Kent and Te Pāti Māori without ever displaying an authorisation statement, (2) it includes partisan material while purportedly promoting a non-partisan polling booth the marae is hosting, and (3) it gives viewers the impression that if they vote in the election at the marae they'll be rewarded with free food and drink, which is treating.

More generally, we note that the marae appears to have held a series of community events featuring free goods and services that are specifically timed to coincide with the days when the polling place was open. Scanning the marae's Facebook page indicates no such pattern of events either before or after the voting period. This is further contextual evidence that the events and their associated free activities are designed to induce people to vote.

[Facebook live 2 October, 12:04pm](#)

This video further advertises the free items people can receive when they come and vote, which is treating.

In addition, at around 6:25 the host interviews the Te Pāti Māori candidate during a purportedly non-partisan video promoting voting in the election. Tarsh Kent must have known she had a deep conflict of interest between her role as the CEO of an organisation hosting a non-partisan polling booth, and her role as a candidate in that same election. Yet she allowed herself to be interviewed anyway. That's deeply inappropriate.

[Facebook live October 3, 11:11am](#)

At around 2:15, the host encourages people to vote for Te Pāti Māori while promoting a polling booth location. The conversation is:

Person 1: "Patai. Someone asked 'We should vote for who?'"

Person 2: "Whanau, it's all up to you. It's not our job to tell you who to vote for. But... there's only one party that will look after us Māori people. Anyway, it's not about who you vote for, whanau. It's just about having your say, and voting. Just don't vote for National or ACT."

Then, at around 2:55 in this video, a marae staff member describes exactly how getting free stuff at the marae is conditional on people having voted in the election. The conversation is:

Person 2: "Wow - look at this, whanau. Free activations, sir. What does that mean?"

Person 3: "With a free activation we have a voting station down at the pond. I believe you've already shown that. After that they'll be given a ticket to collect their hangi right here. And there's activation going on down here. You've got the donut waka. You've got the hot chocolate, hot coffee.

Person 2: "What else is here?"

Person 3: "You've got Lucy's ice cream. We've even got karaoke and performances, kapa haka apparently. And smoothies. Smoothies! Hidden

treasures!"

Under the ticketing system set up by the marae, people only receive the free things on offer at the marae if they provide a ticket that proves they voted in the election. This last video is, in my view, very clear evidence of treating on the part of the marae.

I submit that the actions of marae staff satisfy the requirements of s217(a) of the Electoral Act by those staff corruptly, during an election, providing food and drink for the purpose of corruptly influencing people to vote.

There are two instances of the word 'corruptly' in the offence. The first is in 217(2) related to the actions of the staff, and the second in subsection 217(2)(a) relating to the influence on the voter.

While 'corruptly' isn't defined within the Electoral Act, I believe using the general definitions of the word, the staff are acting corruptly by dishonestly by using their position to gain an advantage, and that it is clear from the 'ticketing system' that electors are being corruptly influenced to vote by the marae staff by being bribed with food and drink – which is advertised that they can only receive if they can prove they have voted.

I further believe that the exception in s217(5) cannot apply in this case.

Worse, this video and others also make it clear that the marae staff believe people should vote for Te Pāti Māori (in their view, the "one party that will look after us Māori people") and not for alternative parties (specifically National and Act), and implies people will be even more welcome to vote at the marae if they agree with that belief.

I also submit that s217(2)(b) has also been breached. I believe the elements of this are satisfied by:

- <!--[if !supportLists]-->• <!--[endif]-->the treating mechanism as outlined above;
- <!--[if !supportLists]-->• <!--[endif]-->the food, drink and entertainment being funded by the marae, of which Ms Kemp is the CEO (and therefore has financial authority of);
- <!--[if !supportLists]-->• <!--[endif]-->that the Ms Kemp and marae staff promoted Te Pāti Māori and Ms Kemp as its Tāmaki Makaurau candidate (even if not explicitly, via clear inference); and
- <!--[if !supportLists]-->• <!--[endif]-->that these actions were taken for the purpose of procuring Ms Kemp's election.

In [a later Facebook post](#), marae staff celebrate the "thousands who showed up to our 12 Activations", which indicates there was actual treating that took place.

Given this pattern of behaviour, it is likely that there are likely other instances of inappropriate and/or unlawful behaviour in the remaining Facebook live videos the marae posted during the advance vote period.

My submission is that the information outlined shows clear, and potentially criminal, breaches of the Electoral Act. Because these inducements to vote appear to have been paid for by the Manurewa marae, my belief is that the breaches was committed by whoever has overall authority over the marae's finances.

I therefore request that the Electoral Commission investigate these serious potential offences.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [Karl Le Quesne](#)
To: [REDACTED]
Cc: [Kristina Temel](#); [Natalie \[REDACTED\]](#); [Dean \[REDACTED\]](#)
Subject: RE: Further information, and a request, regarding Tamaki Makaurau
Date: Wednesday, 8 November 2023 2:50:34 pm
Attachments: [image001.jpg](#)
[image002.png](#)

Kia ora [REDACTED]

We will include this additional information into our inquiries into the matters you have raised.

Ngā mihi

Karl Le Quesne

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

You don't often get email from [REDACTED]. [Learn why this is important](#)

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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

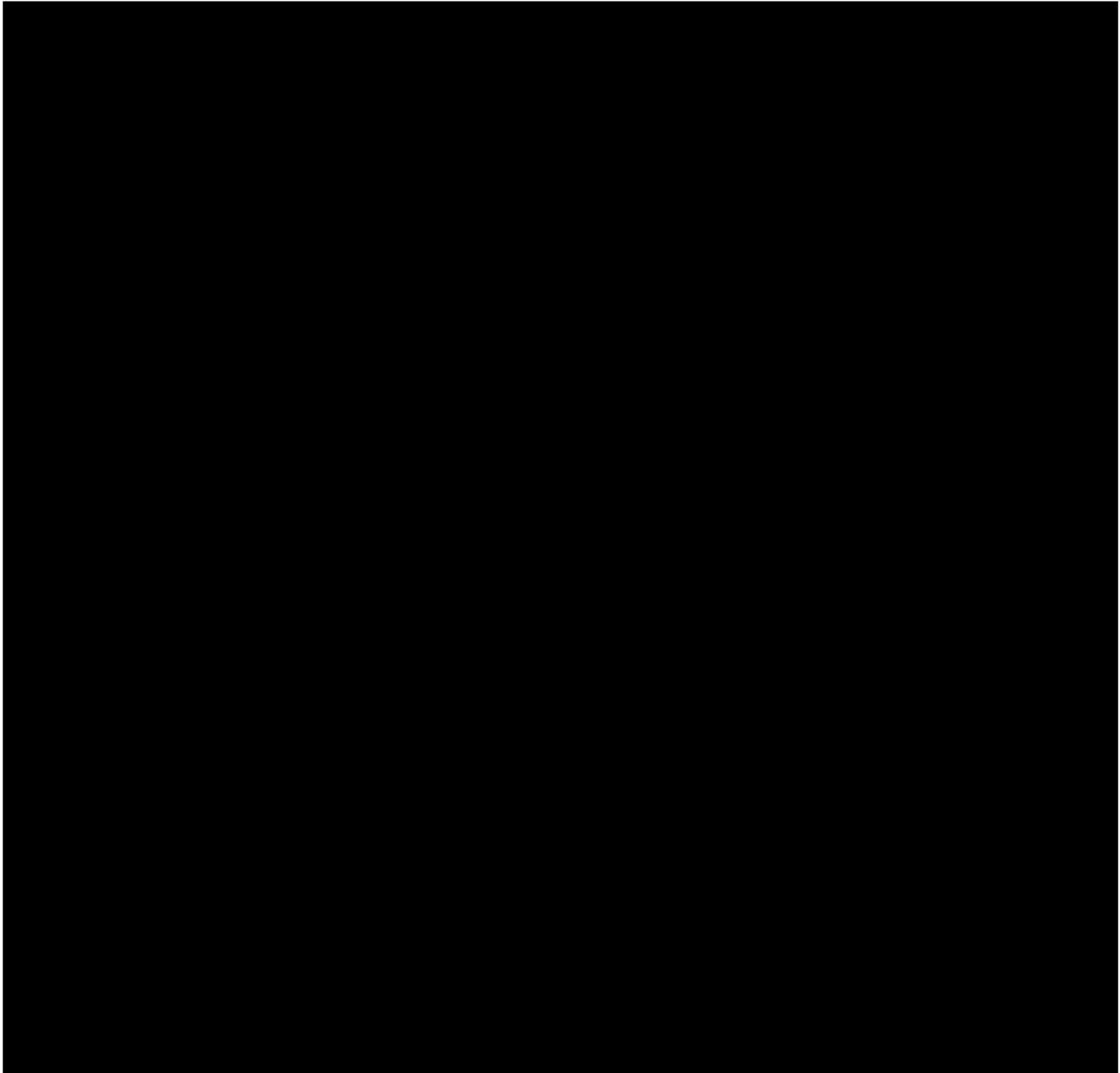
Facebook Live video the following morning - which I shared with the Commission previously - that outlined a ticketing system the marae used to provide free items specifically for people who cast a ballot at the polling booth located at the marae.

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 block]

- [Redacted list item]
- [Redacted list item]

- [Redacted list item]
- [Redacted list item]

- o [REDACTED]

[REDACTED]

Timing of Electoral Commission decisions

As you know, [REDACTED] faces a deadline of 1 December to file any electoral petition in relation to Tamaki Makaurau. It would be deeply unjust if that deadline were to pass without all parties knowing the Commission's decision on whether or not to forward these complaints to the police, as that decision may be relevant to any electoral petition.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [Martin \[REDACTED\]](#)
To: [Kristina Temel](#)
Cc: [Natalie \[REDACTED\]](#); [L & P Enquiries](#)
Subject: RE: Manurewa Marae: Draft response subj to Karl's review
Date: Thursday, 9 November 2023 3:28:53 pm

Kia ora

In response to the draft response - just a minor correction - *"The Electorate Manager contacted the marae contact person, on 4 October, to make it clear"*

As a follow up to Natalie's earlier query:

- There was no report of any untoward behaviour from Marae staff.
- The EM (Angel) was informed that they sometimes assisted in managing the queue (not sure whether that was good or bad).
- Any campaigning happened outside the gate of the Marae which is more than 50m away from the actual voting place (though it was at the Marae entrance so voters have no choice but to pass by them to get to the voting place).
- Marae staff (who the EM liaised with during the VP assessment stage) called her a couple of times to update her about what the voting place needed. She always advised them that we have a system in place i.e. for any issues, the communication and escalation process was VPM to Mobile Support to HQ.

Hope this helps.

Martin

9 November 2023

[REDACTED]
[REDACTED]
[REDACTED]

By email to: [REDACTED]

Kia ora [REDACTED]

MANUREWA MARAE

We have looked into the matters you have raised in your emails of 1 and 8 November 2023, including the videos, relating to Manurewa Marae.

The Electoral Commission works to make voting accessible to all communities and to increasing participation within communities that have lower rates of engagement in the electoral process. In selecting voting places, it engages with people in different locations, particularly where voter turnout is low, to understand which potential venues will work for different communities. Following this, a formal assessment is done of each site to ensure it meets the Commission's requirements.

The Manurewa Marae was identified along with other local marae including Papakura, Ruapōtaka, and Ōrākei Marae as a potential venue that members of the surrounding community would readily vote in. 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.

In our discussions with the marae, it was 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.

We were aware of the 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 herself. 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.

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 incentive) 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.

On 9 October, the Commission received a further complaint, that was also copied to Police, regarding a social media post by an individual which linked voting for Te Pāti Māori to receiving kai at the Manurewa Marae. The Electorate Manager contacted the marae again to check. The marae confirmed again that they were providing kai to anyone who came to the marae, and this was not conditional on whether they had voted or not and not linked to voting for any particular party.

Under [section 217](#) of the Electoral Act, anyone who gives or provides food, drink, entertainment or provision is liable for prosecution for the corrupt practice of treating, if done "for the purpose of corruptly" influencing that person to, generally put, alter their voting behaviour or procure the defendant's election.

Although the ambit is broad, the threshold for establishing treating is also high - a corrupt intention is required. The Courts have previously held that the offence of "treating" requires an intention on the part of the person treating to influence the votes of the persons treated.

In this case, it appears that the marae was offering kai and entertainment alongside a whole range of organised marae activities including whanau day, kapa haka day, health checks, employment expo, and the Electoral Commission's voting place.

It appears that food was being made generally available without reference to voting or voting for Te Pāti Māori or its candidate. Nor was it being accompanied by the giving out of campaign material.

Based on the information we have, we do not consider that this would meet the high test for treating and would not refer the matter to Police.

Ngā mihi



Karl Le Quesne
Chief Electoral Officer

From: [Martin](#)
To: [Dean](#)
Subject: FW: Complaint: Manurewa Marae
Date: Wednesday, 11 October 2023 5:00:45 pm
Attachments: [FW Social Media Post by Manurewa Marae.msg](#)
[image001.png](#)

FYI

From: Jeremy <>
Sent: Thursday, October 5, 2023 7:50 AM
To: Natalie <>; Martin <>
Subject: RE: Complaint: Manurewa Marae

Hi Natalie

We drafted and sent the attached reply to the Mnaurewa marae.

Will you send a note , , Manurewa electorate? Could you please send me a copy.

Thanks
Jeremy

From: Natalie <>
Sent: Wednesday, October 4, 2023 5:24 PM
To: Martin <>; Jeremy <>
Subject: RE: Complaint: Manurewa Marae

Just touching base to find out if you have heard back from the marae, so we can close the loop with .

Look forward to hearing from you.

Natalie

From: Kristina Temel
Sent: Wednesday, October 4, 2023 10:17 AM
To: Martin <>; Legal & Policy <>
Cc: Jeremy <>
Subject: RE: Complaint: Manurewa Marae

Yes the complaint has also come into us and we have shared with Hone, Karl, and Shane.

We agree with that advice Martin. We'll leave it to you to go back to the marae. Once that is done if you can let us know we can go back to and copy in the Electorate Manager.

Kristina

From: Martin <>
Sent: Wednesday, October 4, 2023 9:59 AM
To: Legal & Policy <>; Kristina Temel <>
Cc: Jeremy <>
Subject: FW: Complaint: Manurewa Marae
Importance: High

Kia ora anō

FYI below and attached.

My guidance to date has been that any 'give aways' of this nature cannot be tied to having voted – that is, the kai can

be available but should be available to everyone whether they have voted or not.

I believe this is what we should inform the marae to do and to change their messaging accordingly.

L&P, would you agree? Or is the marae entitled to do what they choose in this case?

Martin

From: Jeremy [REDACTED] <[REDACTED]>
Sent: Tuesday, October 3, 2023 8:20 PM
To: Martin [REDACTED] <[REDACTED]>
Subject: FW: Complaint: Manurewa Marae
Importance: High

Kia ora Martin

Are you comfortable with this approach of encouraging voters to come to the marae to vote?

I suppose it could be argued it's apolitical and the hangi is available to any voter no matter their political persuasion.

Nga mihi
Jeremy

From: Angel [REDACTED] <[REDACTED]>
Sent: Tuesday, October 3, 2023 5:34 PM
To: Jeremy [REDACTED] <[REDACTED]>
Cc: Georgia [REDACTED] <[REDACTED]>
Subject: FW: Complaint: Manurewa Marae
Importance: High

Hi Jeremy

I need your urgent advice on how to officially reply to this please.
I guess they are encouraging people to vote but not who to vote for (but others would see this as kind of implied).

Ngā mihi

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



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

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, October 3, 2023 5:03 PM
To: Angel [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>; Public Enquiries <Enquiries@Elections.govt.nz>
Subject: Complaint: Manurewa Marae

Electoral Commission Cyber Security Warning: This email originated from outside of the Commission. Please take extra care when clicking links or opening attachments. When in doubt, contact the IT Service Desk.

Kia ora Angel,

Please see attached. The Manurewa marae voting booth is offering the first 300 voters a free hangi - each day.

Can you please address this issue urgently and ensure that there is no treating taking place at this booth.

I would appreciate being kept updated on what action has been taken.

Note, this is our second complaint regarding this booth.

Kind regards,

A small black rectangular redaction box covering the name of the sender.A long black rectangular redaction box covering the contact information (phone number and email address) of the sender.

From: Angel [redacted]
To: Jeremy [redacted]
Cc: Georgia [redacted]
Subject: FW: Social Media Post by Manurewa Marae
Date: Wednesday, 4 October 2023 5:33:43 pm
Attachments: [image001.png](#)
[image002.png](#)

Hi Jeremy

Below is the message I sent to my contacts at the Manurewa Marae. My understanding is Legal/National Office will reply directly to [redacted] and I don't have to send my own response. Is this correct ?

Ngā mihi

Ange [redacted] | Electorate Manager – Manurewa & Tamaki Makaurau Electorates
Electoral Commission | Te Kaitiaki Take Kōwhiri
Phone [redacted] [vote.nz](https://www.vote.nz) | [elections.nz](https://www.elections.nz)

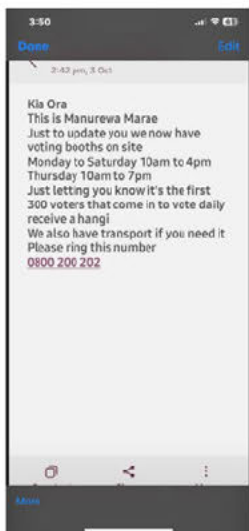


<https://www.elections.nz/jobs/>

From: Angel [redacted]
Sent: Wednesday, October 4, 2023 5:23 PM
To: [redacted] <[redacted]>
Cc: [redacted] <[redacted]>
Subject: Social Media Post by Manurewa Marae

Kia Ora [redacted]

We have received a complaint regarding a post on social media dated 3rd October 2023, which seemed to have originated from the Manurewa Marae.



We acknowledge that you are encouraging people to vote but it could be interpreted they can only receive a hangi conditional on voting. Our guidance is that the hangi (or any other incentive) cannot be tied to having voted but should be available to everyone whether they have voted or not.

Could you please amend your posts to reflect this perhaps indicating the hangi is available to the first 300 people coming along to the voting place?

Ngā mihi

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



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

From: [Natalie](#) [REDACTED]
To: [REDACTED]
Cc: [Angel](#) [REDACTED]; [REDACTED]
Bcc: [Jeremy](#) [REDACTED]
Subject: RE: Complaint: Manurewa Marae
Date: Thursday, 5 October 2023 11:19:00 am
Attachments: [image001.png](#)

Kia ora [REDACTED]

Thank you for your email.

Treating is giving or providing food, drink, entertainment or provision to any person with the intention of corruptly influencing their vote and is a criminal offence under section 217 of the Electoral Act 1993. Although the ambit is broad, the threshold for establishing treating is also high - a corrupt intention is required. The Courts have previously held that the offence of “treating” requires an intention on the part of the person treating to influence the votes of the persons treated. The question of intention is an inference of fact which the Court has to draw.

The post you have complained about appears to be encouraging people to vote, but could be interpreted that they will only receive a hangi conditional on voting. To avoid any perception this activity could amount to treating we have contacted the marae to advise the hangi should be available to everyone, whether or not they have voted.

Ngā mihi

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



From: [REDACTED] <[REDACTED]>
Sent: Tuesday, October 3, 2023 5:03 PM
To: Angel [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>; Public Enquiries <Enquiries@Elections.govt.nz>
Subject: Complaint: Manurewa Marae

Electoral Commission Cyber Security Warning: This email originated from outside of the Commission. Please take extra care when clicking links or opening attachments. When in doubt, contact the IT Service Desk.

Kia ora Angel,

Please see attached. The Manurewa marae voting booth is offering the first 300 voters a free hangi - each day.

Can you please address this issue urgently and ensure that there is no treating taking place at this booth.

I would appreciate being kept updated on what action has been taken.

Note, this is our second complaint regarding this booth.

Kind regards,



From: [Martin](#) [REDACTED]
To: [L & P Enquiries](#); [Karl Le Quesne](#); [Anusha Guler](#); [Media Enquiries](#)
Cc: [Kristina Temel](#)
Subject: RE: [Enquiry Subject] Voting enquiry from [REDACTED]
Date: Thursday, 9 November 2023 5:37:19 pm

I think this does impact on our response as this account is inconsistent with what we are hearing from our team. It may pay to see what else comes to us and work with the team tomorrow to reconcile the accounts of what happened. This said, I am conscious that Angel will be engaged with the recount, but Jeremy and Georgia will be available. Martin

From: L & P Enquiries <[REDACTED]>
Sent: Thursday, November 9, 2023 3:59 PM
To: Karl Le Quesne <[REDACTED]>; Anusha Guler <[REDACTED]>; Martin <[REDACTED]>; Media Enquiries <[REDACTED]>
Cc: Kristina Temel <[REDACTED]>
Subject: FW: [Enquiry Subject] Voting enquiry from [REDACTED]

We have just received this complaint from a voter at the Manurewa Marae and wanted to let you know straight away just in case this impacts on responding to [REDACTED].

I understand the Comms team has received a number of follow up enquiries this afternoon after the Herald story was published – looping you in on this as well.

Natalie

From: Support <[REDACTED]>
Sent: Thursday, November 9, 2023 3:03 PM
To: L & P Enquiries <[REDACTED]>
Subject: [Enquiry Subject] Voting enquiry from [REDACTED]

Electoral Commission Cyber Security Warning: This email originated from outside of the Commission. Please take extra care when clicking links or opening attachments. When in doubt, contact the IT Service Desk.

Hi Legal Team,

Here is an enquiry from [REDACTED] ([REDACTED]).

It was CC'd to:

From: [REDACTED]
Date: Thu, Nov 9, 2023 at 2:57 pm

Name: [REDACTED]

Email: [REDACTED]

From site: elections.nz

Subject: Voting

Type: Complaint

Message:

Kia ora, After reading the NZ Herald article today "Electoral Commission polling place decisions under fire amidst recount and voting irregularities at Manurewa Marae" I wish to add a complaint to this kāupapa. My wife and I chose to fulfil our democratic duty by voting (early) at Manurewa Marae, Manurewa. We arrived on Saturday 7th October mid-morning and were welcomed with music, free food, free Te Pāti Māori beanie's and a number of Te Pāti Māori flags and banners. We were then told once we voted, we would be given a ticket to then present and receive ONE free hot hangi. I thought to myself, is this bias or what! I did not feel it was pono to the neutral and unbiased environment which should exist at an authorised Polling Booth. While it was an early vote which meant there were many political banners still visible, my wife and I saw nothing but 'Māori Party' insignia around the Marae. I knew Kemp was the CEO of Manurewa Marae, and the candidate for Tāmaki Makaurau. This is not right. I would not normally make a complaint, but this is too important not to. Ngā mihi

From: [L & P Enquiries](#)
To: [REDACTED]
Subject: [Enquiry Subject] Voting enquiry from [REDACTED]
Date: Thursday, 23 November 2023 4:20:00 pm

Kia ora [REDACTED],

Thank you for your email of 9 November 2023.

We have looked into the matters you have raised relating to Manurewa Marae.

The Manurewa Marae was identified by the Electoral Commission along with other local marae including Papakura, Ruapōtaka, and Ōrākei Marae as a potential venue that members of the surrounding community would readily vote in. 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.

In our discussions with the marae, it was 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.

The marae was advertised as a voting place issuing votes for the Manurewa general electorate and the Tāmaki Makaurau Māori electorate and like all voting places, it also issued special votes for all general and Māori electorates across the country.

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.

Under the Electoral Act, during the advance voting period, election advertising and branding can be displayed as long as it is not within 10 metres of the entrance to the place where votes are actually being issued. The entrance to the marae and the area where kai and activities were being offered was separated from and much more than 10 metres away from the area designated as the voting place.

The Electoral Commission was responsible for appointing and training the voting place staff. We set clear expectations that they must work in a way that supports a free and fair election. We have a code of conduct that sets that out, including being politically neutral.

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.

On 9 October, the Commission received a further complaint, that was also copied to Police, regarding a social media post made not by the marae but by another individual which linked voting for Te Pāti Māori to receiving kai at the Manurewa Marae. The Electorate Manager contacted the marae again to check. The marae confirmed again that they were providing kai to anyone who came to the marae, and this was not conditional on whether they had voted or not and not linked to voting for any particular party.

Under [section 217](#) of the Electoral Act, anyone who gives or provides food, drink, entertainment or provision is liable for prosecution for the corrupt practice of treating, if done "for the purpose of corruptly" influencing that person to, generally put, alter their voting behaviour or procure the defendant's election.

Although the ambit is broad, the threshold for establishing treating is also high - a corrupt intention is required. The Courts have previously held that the offence of "treating" requires an intention on the part of the person treating to influence the votes of the persons treated.

In this case, it appears that the marae was publicly offering kai and entertainment alongside a whole range of organised marae activities including whanau day, kapa haka day, health checks, employment expo, and the Electoral Commission's voting place.

It appears that food was being made generally available without reference to voting or voting for Te Pāti Māori or its candidate. Small scale giveaways such as a beanie are not sufficient to meet the test for treating. There did not appear to be any overt campaigning associated with the manaakitanga.

Based on the information we have, we do not consider that this would meet the high test for treating and have not referred the matter to Police.

There have been complaints about the playing of the song 'Proud to be Māori/ 'You're Magic', composed by Matua Dave Para in 1984, on election day. In the Commission's view, this song and the message it is promoting are not exclusively campaign related. It is associated with a broader range of activities promoted at the marae, celebrating maori identity and achievements, and instilling a sense of pride into Māori communities. In our view, the playing of the song did not breach the election day rules.

Thank you for getting in touch with the Commission to raise your concerns with us.

Ngā mihi

Kristina Temel
Electoral Commission

Name: [REDACTED]

Email: [REDACTED]

From site: elections.nz

Subject: Voting

Type: Complaint

Message:

Kia ora, After reading the NZ Herald article today "Electoral Commission polling place decisions under fire amidst recount and voting irregularities at Manurewa Marae" I wish to add a complaint to this kāupapa. My wife and I chose to fulfil our democratic duty by voting (early) at Manurewa Marae, Manurewa. We arrived on Saturday 7th October mid-morning and were welcomed with music, free food, free Te Pāti Māori beanie's and a number of Te Pāti Māori flags and banners. We were then told once we voted, we would be given a ticket to then present and receive ONE free hot hangi. I thought to myself, is this bias or what! I did not feel it was pono to the neutral and unbiased environment which should exist at an authorised Polling Booth. While it was an early vote which meant there were many political banners still visible, my wife and I saw nothing but 'Māori Party' insignia around the Marae. I knew Kemp was the CEO of Manurewa Marae, and the candidate for Tāmaki Makaurau. This is not right. I would not normally make a complaint, but this is too important not to. Ngā mihi

From: [OIA Enquiries](#)
To: [REDACTED]
Subject: RE: Manurewa Marae voting booth. OIA Request
Date: Monday, 13 November 2023 3:35:40 pm
Attachments: [image001.png](#)

Kia ora [REDACTED]

We are acknowledging your Official Information Request, received on Saturday 11 November 2023, requesting:

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?

We will respond to your request as soon as reasonably practicable within the 20 working days.

Ngā mihi,

Electoral Commission | Te Kaitiaki Take Kōwhiri

PO Box 3220 | Level 10, 34-42 Manners Street | Wellington | [vote.nz](#) | [elections.nz](#)



From: [REDACTED] <[REDACTED]>
Sent: Saturday, November 11, 2023 2:11 PM
To: OIA Enquiries <oia@elections.govt.nz>
Subject: Manurewa Marae voting booth. OIA Request

You don't often get email from [REDACTED] [Learn why this is important](#)

Electoral Commission Cyber Security Warning: This email originated from outside of the Commission. Please take extra care when clicking links or opening attachments. When in doubt, contact the IT Service Desk.

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

1 December 2023

By email to: [REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2023/106

On Saturday 11 November 2023 you made a request under the Official Information Act 1982 (the OIA) for the following information:

- 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?*

We have provided answers to your questions below:

- 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?*

There is no evidence to indicate that Takutai Moana Kemp was at the Manurewa Marae at any time on election day.

- 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?*

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

In the interests of transparency, we release responses to Official Information Act requests every 3 months. We will publish this response with your personal details redacted.

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



Martin Rodgers
Director Voting Services

From: [L & P Enquiries](#)
To: [REDACTED]
Subject: RE: [Enquiry Subject] Parties and candidates enquiry from [REDACTED]
Date: Thursday, 23 November 2023 4:20:00 pm

Dear [REDACTED],

Thank you for your email of 21 November 2023.

We have looked into the matters you have raised relating to Manurewa Marae.

The Manurewa Marae was identified along with other local marae including Papakura, Ruapōtaka, and Ōrākei Marae as a potential venue that members of the surrounding community would readily vote in. 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.

In our discussions with the marae, it was 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.

The marae was advertised as a voting place issuing votes for the Manurewa general electorate and the Tāmaki Makaurau Māori electorate and like all voting places, it also issued special votes for all general and Māori electorates across the country.

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.

Under the Electoral Act, during the advance voting period, election advertising and branding can be displayed as long as it is not within 10 metres of the entrance to the place where votes are actually being issued. The entrance to the marae and the area where kai and activities were being offered was separated from and much more than 10 metres away from the area designated as the voting place.

The Electoral Commission was responsible for appointing and training the voting place staff. We set clear expectations that they must work in a way that supports a free and fair election. We have a code of conduct that sets that out, including being politically neutral.

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.

On 9 October, the Commission received a further complaint, that was also copied to Police, regarding a social media post made not by the marae but by another individual which linked voting for Te Pāti Māori to receiving kai at the Manurewa Marae. The Electorate Manager contacted the marae again to check. The marae confirmed again that they were providing kai to anyone who came to the marae, and this was not conditional on whether they had voted or not and not linked to voting for any particular party.

Under [section 217](#) of the Electoral Act, anyone who gives or provides food, drink, entertainment or provision is liable for prosecution for the corrupt practice of treating, if done "for the purpose of corruptly" influencing that person to, generally put, alter their voting behaviour or procure the defendant's election.

Although the ambit is broad, the threshold for establishing treating is also high - a corrupt intention is required. The Courts have previously held that the offence of "treating" requires an intention on the part of the person treating to influence the votes of the persons treated.

In this case, it appears that the marae was publicly offering kai and entertainment alongside a whole range of organised marae activities including whanau day, kapa haka day, health checks, employment expo, and the Electoral Commission's voting place.

It appears that food was being made generally available without reference to voting or voting for Te Pāti Māori or its candidate. Small scale giveaways such as a beanie are not sufficient to meet the test for treating. There did not appear to be any overt campaigning associated with the manaakitanga.

Based on the information we have, we do not consider that this would meet the high test for treating and have not referred the matter to Police.

There have been complaints about the playing of the song 'Proud to be Māori/ 'You're Magic', composed by Matua Dave Para in 1984, on election day. In the Commission's view, this song and the message it is promoting are not exclusively campaign related. It is associated with a broader range of activities promoted at the marae, celebrating maori identity and achievements, and instilling a sense of pride into Māori communities. In our view, the playing of the song did not breach the election day rules.

Thank you for getting in touch with the Commission to raise your concerns with us.

Ngā mihi

Kristina Temel
Electoral Commission

From: [REDACTED]

Date: Tue, Nov 21, 2023 at 1:40 pm

Name: [REDACTED]

Email: [REDACTED]

From site: vote.nz

Subject: Parties and candidates

Type: Complaint

Message:

Dear Sir/Madam Dodgy goings-on in connection with Te Pati Mokomai candidate in connection with pork barrel politicking at the Manurewa Marae. 1. Be CEO of marae. 2. Play Te Pati Mokomai campaign song. 3. Offer Kai to voters. 4. Win electorate. A clear breach of electoral rules. Not to mention the new taxpayer-funded roof on the main building and another building recently completed. The election bribery started two weeks before election day "Manurewa Marae .. it's all there on the 'Manurewa Marae' FB page .. 4 October ·

From: [L & P Enquiries](#)
To: [REDACTED]
Subject: Manurewa Marae
Date: Thursday, 23 November 2023 4:20:00 pm
Attachments: [image002.jpg](#)
[image003.png](#)

Kia ora [REDACTED],

Thank you for your email of 13 November 2023.

The Manurewa Marae was identified along with other local marae including Papakura, Ruapōtaka, and Ōrākei Marae as a potential venue that members of the surrounding community would readily vote in. 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.

The marae was advertised as a voting place issuing votes for the Manurewa general electorate and the Tāmaki Makaurau Māori electorate and like all voting places, it also issued special votes for all general and Māori electorates across the country.

We were aware of the 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 herself. 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.

The Electoral Commission was responsible for appointing and training the voting place staff. We set clear expectations that they must work in a way that supports a free and fair election. We have a code of conduct that sets that out, including being politically neutral.

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 incentive) 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.

On 9 October, we received your complaint, that was also copied to Police, regarding a social media post by an individual which linked voting for Te Pāti Māori to receiving kai at the Manurewa Marae. The Electorate Manager contacted the marae again to check. The marae confirmed again that they were providing kai to anyone who came to the marae, and this was not conditional on whether they had voted or not and not linked to voting for any particular party.

Under [section 217](#) of the Electoral Act, anyone who gives or provides food, drink, entertainment or provision is liable for prosecution for the corrupt practice of treating, if done "for the purpose of corruptly" influencing that person to, generally put, alter their voting behaviour or procure the defendant's election.

Although the ambit is broad, the threshold for establishing treating is also high - a corrupt intention is required. The Courts have previously held that the offence of "treating" requires an intention on the part of the person treating to influence the votes of the persons treated.

In this case, it appears that the marae was publicly offering kai and entertainment alongside a whole range of organised marae activities including whanau day, kapa haka day, health checks, employment expo, and the Electoral Commission's voting place.

It appears that food was being made generally available without reference to voting or voting for Te Pāti Māori or its candidate. Nor was it being accompanied by the giving out of campaign material. There did not appear to be any overt campaigning associated with the manaakitanga.

Based on the information we have, we do not consider that this would meet the high test for treating and would not refer the matter to Police.

Thank you for your further follow-up.

Ngā mihi

Kristina Temel
Electoral Commission

From: [REDACTED] <[REDACTED]>
Sent: Monday, November 13, 2023 6:30 PM
To: Dean [REDACTED] <[REDACTED]>
Cc: Karl [REDACTED] <[REDACTED]>; Kristina Temel <[REDACTED]>
Subject: Re: [Enquiry Subject] Election advertising enquiry from [REDACTED]

Electoral Commission Cyber Security Warning: This email originated from outside of the Commission. Please take extra care when clicking links or opening attachments. When in doubt, contact the IT Service Desk.

Hi Dean,

Thank you for getting back to me, I understand you have been very busy.

However, on behalf of the Management of [REDACTED];

- I don't understand how the choice of Manurewa Marae as a voting place for this election can be justified when the CEO of the Marae was to be a candidate for the Maori Party. Would [REDACTED] be able to do that? I think not.
- If the evidence submitted to the Commission does not constitute Treating, then what does?
- What is the point of having rules if threshold for breaching those rules is so high that they are rendered superfluous, and make a mockery of our democratic system.

There is ample proof that the Maori Party have used some unscrupulous methods to contest this election.

Therefore, we are depending on the Commission to uphold the integrity of our electoral system by conducting a vigorous investigation into their conduct.

Kind Regards

[REDACTED]
[REDACTED]
[REDACTED]



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From: Dean [REDACTED] <[REDACTED]>
Sent: Monday, 13 November 2023 12:28 pm
To: [REDACTED] <[REDACTED]>
Cc: Karl Le Quesne <[REDACTED]>; Kristina Temel <[REDACTED]>
Subject: RE: [Enquiry Subject] Election advertising enquiry from [REDACTED]

Kia ora [REDACTED],

Further to your telephone conversation with Karl today, I would like to apologise for not advising you of the outcome of your complaint – this was an administrative oversight by me. The email that should have sent to you is copied below.

Ngā mihi

Dean [REDACTED] | [Senior Advisor Legal](#) | [Electoral Commission](#) | Te Kaitiaki Take Kōwhiri

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

Phone [REDACTED] |



Treating – Manurewa Marae

The Electoral Commission works to make voting accessible to all communities and to increasing participation within communities that have lower rates of engagement in the electoral process. In selecting voting places, it engages with people in different locations, particularly where voter turnout is low, to understand which potential venues will work for different communities. Following this, a formal assessment is done of each site to ensure it meets the Commission's requirements.

The Manurewa Marae was identified as a potential venue that members of the surrounding community would readily vote in. It was noted that it had recently offered COVID-19 vaccinations, food support and opportunities to participate in the Census. In our discussions with the marae, it was 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 a schools or other community organisations to host activities around voting places on this basis.

On 3 October, we were first made aware that the Manurewa Marae was making an association, via a social media post, between voting at the marae and receiving a free hangi. The Electorate Manager contacted the marae management, on the same day, to make it clear that the hangi (or any other incentive) 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 are providing kai to anyone who comes to the voting place, and this is not conditional on whether they have voted or not.

On 9 October, the Commission received Vision New Zealand's complaint regarding a social media post by an individual which linked voting for Te Pati Māori to receiving kai at the Manurewa Marae. The Electorate Manager contacted the Marae again. The Marae confirmed again that they are providing kai to anyone who comes to the voting place, and this is not conditional on whether they have voted or not and not linked to voting for any particular party.

Based on the information we have gathered and the assurances from the Manurewa Marae, we will not be taking the matter further.

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, October 10, 2023 10:19 AM
To: L & P Enquiries <[REDACTED]>
Subject: RE: [Enquiry Subject] Election advertising enquiry from [REDACTED]

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Thanks Dean, we really appreciated that.

Cheers

[REDACTED]

Sent from my Galaxy

----- Original message -----

From: L & P Enquiries <[REDACTED]>
Date: 10/10/23 9:56 am (GMT+12:00)
To: [REDACTED] <[REDACTED]>
Subject: RE: [Enquiry Subject] Election advertising enquiry from [REDACTED]

Kia ora [REDACTED],

We are looking in the matter and will be liaising with our Voting Services Team and the Manurewa electorate manager.

Ngā mihi

Dean [REDACTED] | Senior Advisor Legal | Electoral Commission | Te Kaitiaki Take Kōwhiri

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

Phone [REDACTED] |

[REDACTED] ([REDACTED]).

It was CC'd to:

From: [REDACTED]

Date: Mon, Oct 9, 2023 at 9:32 pm

Name: [REDACTED]

Email: [REDACTED]

From site: elections.nz

Subject: Election advertising

Type: Complaint

Message:

I would like to make a complaint about the Te Parti Maori offering treats to those voters who go to Manurewa Marae to cast their vote this week. There is also a Tik Tok advertisement promising hangi for those who vote, with a photo of Takutai Moana Natasha Kemp, the Te Parti Maori candidate for Tamaki Makaurau. Please see the evidence below. I look forward to hearing from you.