Benjamin s 9(2)(a) [redacted]

From: EC Legal
Sent: Friday, 22 December 2023 2:02 pm
To: 'Holly Howard'
Subject: RE: Loan declaration

Thanks Holly
We will arrange for these to be published on elections.nz this afternoon.
Ngā mihi
Natalie s 9(2)(a) [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: Holly Howard
Sent: Friday, December 22, 2023 1:12 PM
To: L & P Enquiries
Subject: Re: Loan declaration

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.

Good afternoon,
Thank you for that. I have updated the documents attached here.

Kind regards
Holly Howard
NZ First Party Secretary
E s 9(2)(a) [redacted]@nzfirst.nz

On Fri, 22 Dec 2023 at 12:17, L & P Enquiries <legal@elections.govt.nz> wrote:

> Good afternoon Holly
>
> I can confirm receipt of the attached returns.
>
> With regards the loan from Mark and Jude Patterson, the repayment day is reported as 31 March 2023. We presume this is a typo with the year that needs to be corrected.
>
> For completeness can you also include the unpaid balance of the loan in each return. If no payments have been made this will be the total amount of the loan.
>
> Ngā mihi
>
> Natalie s 9(2)(a) [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: Holly Howard s 9(2)(a) [redacted]@nzfirst.nz>
Sent: Friday, December 22, 2023 11:50 AM
To: L & P Enquiries <legal@Elections.govt.nz>
Subject: Re: Loan declaration

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.

Good morning,

Please find the two loan declaration documents attached,

Kind regards

Holly Howard

NZ First Party Secretary

On Wed, 13 Dec 2023 at 17:51, L & P Enquiries <legal@elections.govt.nz> wrote:

Good afternoon Holly

Attached is the return form to report loans over $30,000. This form is also available in the Party Portal, along with the annual return form.

Ngā mihi

Natalie s 9(2)(a) [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: Holly Howard s 9(2)(a) [redacted]@nzfirst.nz>
Sent: Wednesday, December 13, 2023 1:44 PM
To: L & P Enquiries <legal@Elections.govt.nz>
Subject: Loan declaration

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.

Good afternoon,

Can you please send me the current version of the loan declaration document.

Thank you for your assistance,

Kind regards

Holly Howard
NZ First

Benjamin [redacted]

From:	Dean [redacted]
Sent:	Wednesday, 1 April 2026 10:07 am
To:	Benjamin [redacted]
Subject:	FW: NZ First Donations and Loan Return - follow up
Follow Up Flag:	Follow up
Flag Status:	Flagged

From: Dean [redacted]
Sent: Monday, 28 April 2025 1:04 pm
To: Holly Howard [redacted]nzfirst.nz>
Subject: RE: NZ First Donations and Loan Return - follow up

Kia ora Holly,

You need to report any unpaid loans as at 31 December 2024 that remains unpaid so it appears that you were correct to originally include these details.

I have pasted a screenshot of the relevant section of the Act below.

214C Annual return of party loans

(1) A party secretary must file with the Electoral Commission, for each year, a return of party loans s

(a) the details specified in subsection (2) in respect of—

(i) every loan entered into during the year that has a loan amount exceeding $15,000; ar

(ii) every loan entered into in any previous year that—

(A) has a loan amount exceeding $15,000; and

(B) at the close of 31 December of the year for which the return of party loans is f balance exceeding $15,000; and

(b) the details specified in subsection (3) in respect of every loan entered into during the year t not exceeding $15,000, but which exceeds $15,000 when aggregated with—

(i) the loan amounts of all other loans provided by the same lender during the year; or

(ii) the unpaid balances of any loans provided by the same lender during any previous y

(c) the details specified in subsection (4) in respect of all other loans entered into during the ye amounts of not less than $1,500 and not more than $15,000.

Please let me know if you need anything further.

Ngā mihi

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

From: Holly Howard s 9(2)(a) [redacted] @nzfirst.nz>
Sent: Monday, 28 April 2025 12:49 pm
To: Dean s 9(2)(a) [redacted] @elections.govt.nz>
Subject: Re: NZ First Donations and Loan Return - follow up

EXTERNAL EMAIL WARNING: Do not open any **attachments** or **links** until you are certain they are safe. Beware of **phishing** attacks, check the sender address. Always report emails you are not certain are safe.

Hi Dean,

Just a question about the loans, originally I had completed section H in full with the details of the pre-existing loan (declared in the previous year). My auditors told me to remove that as the section explicitly asks for details of loans 'entered into during the year'. The loan we have falls outside of the period.

Can you please clarify?

Kind regards

Holly Howard
NZ First Party Secretary

On Mon, 28 Apr 2025 at 10:19, Dean s 9(2)(a) [redacted] @elections.govt.nz> wrote:

> Kia ora Holly,
>
> Thank you for submitting your 2024 Party Donations and Loans Return. We have reviewed the return and would like to follow up on the following issues:
>
> - The return does not provide a split of monetary and non-monetary donations on the front page.

- Part H of the return includes $119,000 for an unpaid loan, but there are no other details and the front page of the return indicates nil loans to report.

- There is no audit report.

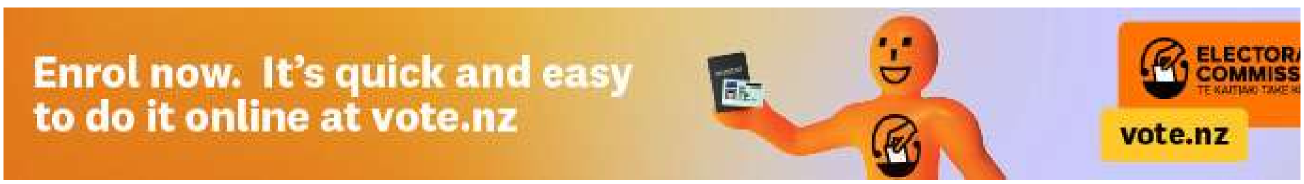
Also, just a reminder that New Zealand First's Section 71A declaration and accompanying information is also due by 30 April.

Please let me know if you have any questions or require any further clarification.

Ngā mihi

Dean [redacted] s 9(2)(a) | **Senior Advisor Legal** | **Electoral Commission** | Te Kaitiaki Take Kōwhiri

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



Donations

There are rules you must follow about recording and reporting donations made to the party. As party secretary, you are responsible for making sure the rules are followed and reportable donations are made public.

CLOSE ALL

What is a party donation?

A donation can be money, or the equivalent of money, or goods or services that is made to the party, or to any person or body of persons if there are reasonable grounds to believe that the donation is intended for the benefit of the party. It could be a cash donation or they could give you free things or pay for something.

If your party gets free goods or services with a reasonable market value over $1,500 from a New Zealand person, or $50 from an overseas person, their market value is a donation. More information about donations from overseas persons can be found here.

If your party gets a discount on goods or services from a New Zealand person with a reasonable market value over $1,500, the difference between the market value and the price your party pays is a donation. If your party gets a discount on goods or services with a reasonable market value over $50 from an overseas person, the difference between the market value and the price your party pays is a donation.

If your party sells over-valued goods or services (for example, at a fundraising auction), the difference between the reasonable market value and the price the buyer pays is a donation.

If your party gets credit on better terms than the normal terms for similar credit at the time, the value of the better terms is a donation.

If someone else pays an expense for your party, it counts as a donation

If someone else pays for something for the party, it counts as a donation. If the thing being paid for would otherwise be an election expense, it also counts towards your party's expense limit.

What isn't a party donation?

The following don't count as donations to your party:

- free labour
- goods or services your party gets for free from a New Zealand person that have a reasonable market value of $1,500 or less
- goods or services your party gets for free from an overseas person that have a reasonable market value of $50 or less
- a candidate donation that the candidate includes in their return of donations

When your party gets a donation, it's important you know whether it's meant for your party or one of your party's candidates. Ask the donor if you aren't sure, especially if they sent the donation through an electorate committee or transmitter.

Candidate donations

Sometimes you or your party's campaign will get a donation that's meant for one of your party's candidates. If the donation is for one of your party's candidates, you must send it to that candidate within 10 working days.

Give the candidate details about the donation

When you send the donation to the candidate, you must also tell them the following:

- that you're sending the donation on a donor's behalf
- the name and address of the donor
- whether contributions make up the donation

If contributions make up the donation you must follow the rules for contributions.

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

Fundraising

Your party can fundraise by selling goods or services. For example, your party's campaign could run a raffle, sell tickets to an event or dinner, or auction off items.

Supporters who give your party goods or services to sell can count as donors

For example, if your party gets free goods or services given for fundraising with a reasonable market value over $1,500 from a New Zealand person, or $50 from an overseas person, their market value is a donation.

Account for market value when selling tickets and auctioning items

If your party sells a ticket to an event or receives payment for an item at an auction, the difference between the reasonable market value of the ticket or item and the price the buyer pays is a donation.

For reporting purposes, you should record the name and address of any person that buys tickets or fundraising items exceeding $50 in value.

People who buy the goods or services can count as contributors

The individuals who buy goods or services count as contributors if they knew their money would go into a donation to your party. The person running the fundraiser must follow the rules for recording and reporting contributions.

Example

Person A wins two separate items at your fundraising auction. They pay $1,500 for each item, and each item has a reasonable market value of $500. Their contribution would be $1,000 for each item.

Don't rely on the price a buyer pays at a fundraising auction to work out the reasonable market value of an item. If you don't have an objective basis to work out the reasonable market value of a ticket or item, we suggest you err on the side of caution. Treat the entire difference between what the buyer pays and the reasonable market value of the item as a donation.

If the total your party gets at the auction is more than $5,000, you must report the following to us in your annual return*.

- the name and address of the person who ran the fundraiser
- the amount your party got and the fact that the donation is funded from contributions
- the date your party got the donation

Example

The party fundraising committee organises a fundraising dinner in election year with high profile politicians speaking for free. The cost of the venue, drinks and dinner is $100.00 per person. Tickets are sold at $250.00 per person. 150 tickets are sold at a total cost of $37,500. The dinner raises $22,500 profit for the party.

The chair of the fundraising committee is the donor and the donation is made up of contributions of less than $1,500.

Keeping records of party donations

It is important for your party to have good systems in place to record party donations. Party donations may come directly to you or might be received at a local level i.e. by an electorate committee. All donations for the party must be sent to the party secretary within 10 working days of receipt or be deposited into a bank account nominated by the party secretary.

Record the following details about donations as your party gets them:

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

Take all reasonable steps to keep records of all the donations your party gets.

You must track each donor's combined donations

Your party must have a system in place to track how much each donor donates over the course of a year.

BACK TO TOP ↑

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Loans

Home | Donations, loans & financial statements | Loans

edit

There are rules your party must follow when taking out loans. As party secretary, only you can enter a loan on your party's behalf.

CLOSE ALL

What is a party loan?

A party loan is a written or spoken agreement under which a lender lends or agrees to lend money to your party.

The loan amount is the money the lender lends under the loan. If a lender agrees to lend money in the future, such as a revolving credit facility, the loan amount is the maximum amount your party may owe at any one time.

A registered bank lending at a commercial interest rate is not a party loan

Money that a registered bank lends your party at a commercial interest rate is not a party loan. Credit cards and overdraft facilities with registered banks are not party loans.

Registered banks are banks registered with the Reserve Bank of New Zealand. Read the full list of registered banks on the Reserve Bank's website:

www.rbnz.govt.nz/regulation-and-supervision/banks/register

Party loans you don't approve or record are illegal contracts

A party loan is an illegal contract under the Contract and Commercial Law Act 2017 if any of the following apply:

- you didn't approve the party loan
- someone other than the party secretary entered the party loan
- you don't keep a proper record of the party loan.

What records of party loans have to be kept?

Take all reasonable steps to keep records of all the loans your party gets. You need to be able to track the total amounts individual lenders lend your party.

Record the following details about party loans as you enter them:

- the lender's name and address
- the loan amount
- the date you entered the loan
- the date you need to repay the loan by, or a statement saying there's no repayment date
- the interest rate or rates
- any guarantor's name and address
- the details of any security given for the loan.

Also keep a record of whether any loan lets the lender:

- reduce or end the loan amount or interest
- make any concession about repaying the loan
- both of the above.

If you enter a loan that's not in writing, you must keep a proper written record of the loan.

You must track each lender's combined loans

Your party must have a system in place to track how much each lender lends, so you can immediately tell us if someone goes over $30,000. Use principal amounts when working out if a series of loans adds up to more than $30,000.

Combine loans from the same lender

You need to combine loans from the same lender on your return. Use the principal sums of the loans when you combine them.

For loans from earlier years that have unpaid balances, use the amount your party owed as at 31 December in the year you're reporting on.

BACK TO TOP

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