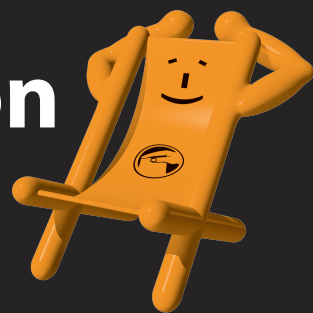


Party Secretary Handbook

2011 General Election and Referendum



February 2011

Dear Party Secretary

2011 General Election and Referendum on the voting system

The Electoral Commission is responsible for conducting parliamentary elections and referenda.

We have prepared this booklet for you as the secretary of a registered political party to provide you with information on the general election and referendum.

On 1 January 2011 new rules came into force for political party election advertising, expenditure and donations. Please study these requirements carefully before undertaking any advertising or accepting any donations for the party's campaign. There are serious consequences for non-compliance including prosecution for corrupt or illegal practice offences. There are rules in the Electoral Referendum Act 2010 that you need to be aware of if you want to advertise in relation to the referendum.

At the time of preparing the booklet, the Prime Minister has announced that the general election and referendum will be held on 26 November 2011. A detailed timetable of all key dates for the general election and referendum is set out in Appendix A and on www.elections.org.nz.

If you need any assistance, we are happy to help.

Yours sincerely



Robert Peden
Chief Electoral Officer

Electoral Commission
Level 9, 17 – 21 Whitmore Street, PO Box 3220, Wellington, New Zealand
Telephone: (04) 495 0030 Fax: (04) 495 0031
Email enquiries@elections.govt.nz
www.elections.org.nz
www.electionresults.govt.nz

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INTRODUCTION

This booklet is part of a series produced by the Electoral Commission.

The booklets are a general guide and reflect the Electoral Commission's interpretation of the law and how it intends to apply the law. The Electoral Commission welcomes the opportunity to discuss any areas that require clarification.

The booklets do not cover every aspect of electoral law and procedure. For further information, the party secretary should consult the Electoral Act 1993, the Electoral Regulations 1996, the Electoral Referendum Act 2010 or seek legal advice. The Electoral Commission is also happy to discuss any specific questions that you have.

Advice for candidates is available in the booklet *Candidate Handbook – 2011 General Election and Referendum*.

Other information is available

Other booklets that will be available for 2011 from the Electoral Commission or from www.elections.org.nz are:

Candidate Handbook – 2011 General Election and Referendum
Third Party Handbook – 2011 General Election and Referendum
Information for Scrutineers
Voting in the 2011 General Election – The Easy Way
Going to be overseas on Election Day?
Unable to Get to a Polling Place on Election Day?

Forms

All forms mentioned in this booklet are listed in Appendix H and will be provided to you by the Electoral Commission and can be downloaded from the elections website at www.elections.org.nz. You can deliver any form, notice or consent to the Electoral Commission by hand, post or fax (but not by e-mail).

Contact details for the Electoral Commission

Electoral Commission, P O Box 3220, Wellington
Level 9, 17 – 21 Whitmore Street, Wellington

Tel: 04 495 0030
Fax: 04 495 0031
Email: enquiries@elections.govt.nz
Websites: www.elections.org.nz
www.electionresults.govt.nz

PART 1: BROADCASTING ALLOCATION

1.1 Introduction

Both Part 6 of the Broadcasting Act 1989 and electoral laws govern how and when political parties, electorate candidates, and third party promoters can use radio and television advertising in election campaigns.

Registered parties may only use funds allocated by the Electoral Commission to advertise for the party vote, together with any free time allocated for party opening addresses and closing addresses.

Parties (registered and unregistered) not allocated funds may advertise through their electorate candidates' campaigns.

1.2 Allocation process

Registered parties can apply to the Electoral Commission for consideration for an allocation of funds to buy broadcast advertising, and for free time for opening and closing addresses provided by Television New Zealand and Radio New Zealand. There is no allocation for a by-election, nor directly to electorate candidates.

All parties who consider themselves eligible for an allocation must notify the Electoral Commission before 17 March 2011. A party is only eligible for the broadcasting allocation if:

- the party was registered on the Register of Political Parties on 20 October 2011 (the time of the dissolution of Parliament), and
- the party has given notice to the Electoral Commission that the party considers itself to be qualified for an allocation by 17 March 2011.

The law sets the criteria the Commission must consider in making an allocation. The final allocation is made after the dissolution of Parliament. Allocations may be varied later in certain circumstances.

A component party of an umbrella party may apply but cannot receive an allocation if the umbrella party does.

The process summarised below is set out in Part 6 of the Broadcasting Act 1989.

1.3 Allocation Timetable

The allocation timetable for the 2011 General Election is:

	2011	Broadcast allocation processes
NOTIFICATION	Mid Feb	The Electoral Commission, by Gazette notice, invites political parties that consider themselves eligible for an allocation to notify the Commission by 17 March. Information published on the Elections NZ website and advise parties.
	Late Feb	TVNZ and Radio NZ asked by the Commission how much free time will be provided for the parties' opening and closing addresses.
	TBA	Confirmation from the Minister of Justice of the amount available for the broadcast allocation. The amount will be the same as for the previous election unless Parliament changes it.
	17 March	5pm deadline for parties to notify eligibility to the Commission. Eligibility depends on giving this notice and on being registered when Parliament is dissolved on 20 October 2011.
CONSULTATION	18 March	Parties that have given notice of their eligibility are advised in writing of the total time available for addresses and funds available for advertising, and invited to make party submissions on how allocations should be made. A public hearing is held for parties that wish to speak in support of their written submissions.
	15 April	5pm deadline for receipt of written party submissions.
	28, 29 April	Oral submissions to the Commission by parties who wish to speak in support of their written submissions.
	Early May	Commission meeting decides proposed allocation.
	Mid May	TVNZ and Radio NZ invited to comment on proposed allocation.
ALLOCATION	Late May	Commission meeting to decide the allocation and the order of opening and closing addresses. The Commission decides how it will interpret the criteria outlined in the law and decides the allocation. It may impose conditions, such as a party may not spend from the allocation until the party is registered.
	1 June	Allocation decision published on website and advised to parties, Secretary for Justice, TVNZ and Radio NZ.
	After 20 October - Dissolution	Commission <u>may</u> vary allocation due to, for example, party failure to register.
	26 October - Writ Day	Parties may begin using their allocations provided they meet any conditions set. Parties place their advertising orders directly with broadcasters, which in turn invoice the parties.
	After 1 November - Nomination Day	Commission meeting to decide any final variation to allocation due to, for example, party failure to register or nominate a party list. Decision published on website and advised to parties, TVNZ and Radio NZ.

RETURNS	14 December	Returns in relation to broadcasting time due within 10 working days of the end of the month of the election. The returns include details of every advertisement broadcast on behalf of candidates and parties in the regulated period. These returns are made available for public inspection.
	1 March 2012	Party invoices re broadcasting allocation due with the Electoral Commission within 50 working days of the end of the month of the election. The Commission is prohibited from paying invoices received after this time.

1.4 Factors the Electoral Commission must consider

The law requires the Electoral Commission to consider the following factors in allocating time and money to an eligible political party at a general election:

- the number of persons who voted at the preceding general election for a party and its candidates;
- the number of persons who voted at any by-election held since the preceding general election for any candidate for the party;
- the number of members of Parliament who were members of a political party immediately before the expiration or dissolution of Parliament;
- any relationships that exist between one political party and another party;
- any other indications of public support for a political party such as the results of opinion polls and the number of persons who are members of the party;
- the need to provide a fair opportunity for each registered political party to convey its policies to the public by the broadcasting of election programmes on television.

The Electoral Commission decides the relative emphasis to be given to each of these factors after considering parties' submissions. It cannot consider other matters.

Parties may receive an allocation of time, or funds, or both.

1.5 Available time and money

Television New Zealand and Radio New Zealand are asked by the Electoral Commission to advise how much free time they will give for the broadcast of parties' campaign opening addresses and closing addresses. The total amount of time is up to each broadcaster, who can also propose conditions about when the addresses will be broadcast and suggest allocations to parties.

In 2008, each broadcaster offered a total of 72 minutes for opening addresses and 30 minutes for closing addresses.

The Minister of Justice advises the Commission of how much money is available for allocation, which has to be the same amount as for the previous election unless Parliament changes it.

The amount available in 2008 was \$3,211,875 (incl GST).

1.6 Broadcasting limited to allocation

It is illegal for a party to spend its own funds on buying radio or television time for party broadcast election advertising time whether or not it is eligible for or has received an allocation. A party is permitted to spend its own funds on production costs.

Election broadcast advertising by candidates is payable directly by the candidate's campaign fund, unless it is to be assigned to a party's allocation in which case the above provisions apply.

It is also an offence for anyone (including a broadcaster) to arrange for a party's election programme to be broadcast in contravention of part 6 of the Broadcasting Act 1989.

For further information on the advertising rules that apply to broadcasting election programmes see Part 4.

1.7 Broadcasting of referendum advertisements

The Electoral Referendum Act and the Broadcasting Act 1989 do not restrict the broadcasting of referendum advertisements. However, parties and candidates would need to carefully consider whether any broadcasting that they undertake about the referendum falls under the definition of 'election programme' for the purposes of the Broadcasting Act.

An 'election programme' is defined as "a programme that—

- (a) Encourages or persuades or appears to encourage or persuade voters to vote for a political party or the election of any person at an election; or
- (b) Encourages or persuades or appears to encourage or persuade voters not to vote for a political party or the election of any person at an election; or
- (c) Advocates support for a candidate or for a political party; or
- (d) Opposes a candidate or a political party; or
- (e) Notifies meetings held or to be held in connection with an election".

It includes "visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text."

The Electoral Commission advises that, except in situations where the party does not feature in the broadcast in any way, you should assume that a referendum advertisement promoted by a party will be an 'election programme'. If so, it can only be broadcast between 26 October 2011 (writ day) and 25 November 2011 (day before polling day), and will be subject to the rules for broadcast of election programmes, including the prohibition on spending your own money.

Please see Part 6 for further information on broadcasting of referendum advertisements. Appendix D provides a summary of the broadcasting rules applying to parties.

If you are not sure whether a referendum advertisement is an election programme, you can seek the view of the Electoral Commission.

PART 2: NOMINATING ELECTORATE AND LIST CANDIDATES

2.1 Introduction

There are two types of candidates under the MMP electoral system:

- electorate (or constituency) candidates who stand for election in electorates,
- list candidates who are named on party lists and may be elected by reason of the party vote.

A candidate can be both an electorate candidate and a list candidate.

2.2 Candidate eligibility

A candidate must:

- be enrolled as a voter (but may stand in an electorate though enrolled in another electorate),
- be a New Zealand citizen, and
- not be disqualified from enrolling.

The main grounds of disqualification for enrolment are:

- the person is a New Zealand citizen who is outside New Zealand and has not been in New Zealand within the last three years,
- the person is a permanent resident of New Zealand who is outside New Zealand and has not been in New Zealand within the last 12 months, or
- the person is sentenced to imprisonment.

There are exceptions to these rules. For example, in relation to public servants or members of the Defence Force who are on duty outside New Zealand, as well as members of their families.

There are other grounds of disqualification that affect a very small number of people. For more details see section 80 of the Electoral Act.

Bankruptcy is not a ground for disqualification.

If a candidate was born overseas, the party secretary will be asked to provide evidence that the candidate is a New Zealand citizen (such as a certificate of citizenship or a copy of a New Zealand passport).

2.3 Deadlines

The deadlines described in this part are set by law and the Electoral Commission has no power to extend them even for a few minutes. It is in your interest to submit nominations and the party list well before the deadline so that any problems can be sorted out in time. A summary of bulk nomination (and party list) deadlines is at Appendix B.

Nomination day is by law required to be in the period between 20 and 27 days before polling day. For the 2011 General Election nomination day is 1 November 2011.

2.4 State servants, board members of Crown entities and directors of Crown companies – implications of nomination

The Electoral Commission does not treat the nominations of state servants, board members of Crown entities and directors of Crown companies any differently from the nominations of other candidates.

However, section 52 of the Electoral Act contains special rules for any candidates who are state servants. The term 'state servant' is widely defined as: public servants; other persons employed under the State Sector Act (although members of staff of a tertiary education institution teaching students preparing for examinations may continue to work and be paid); members of the New Zealand Police; members of the NZ Defence Force (other than non-regular forces).

To avoid the possibility of real or perceived conflict of interest, the Electoral Act requires state servants who stand as candidates to take leave of absence from 1 November 2011 (nomination day) until 28 November 2011 (the first working day after election day).

An employer may require a state servant to take leave before nomination day if they believe the candidate's responsibilities as a state servant make this necessary. If elected, a state servant is deemed to have vacated their position.

Prospective candidates who are state servants are recommended to discuss their nomination with their employer and consult the guidelines issued by the State Services Commissioner (refer www.ssc.govt.nz).

Similarly, we suggest that board members of Crown entities should consult the State Services Commissioner and directors of Crown companies should consult the Crown Ownership Monitoring Unit.

2.5 Bulk nomination of electorate candidates

A registered political party can either:

- make a bulk nomination of its electorate candidates through the Electoral Commission, or
- require its electorate candidates to arrange their nominations with the Returning Officer for the electorate they are standing in by completing Nomination Form M40-Nom.

A party can use one method or the other, but not both. Most registered parties find the bulk nomination system preferable and also use the Electoral Commission's on-line system. The key to a smooth process is to stay in close touch with the Electoral Commission and wherever possible complete nominations well ahead of the legal deadline set out in this booklet.

(If you do not wish to use the bulk nomination system or you are an unregistered party, use Form M40-Nom for each candidate and refer to our booklet *Candidate Handbook – 2011 General Election and Referendum* for nomination procedures.)

A summary of bulk nomination (and party list) deadlines is at Appendix B.

Notifying intention

If your party decides to use the bulk nomination process, you need to formally tell the Electoral Commission.

If you have not already done so, please complete and return Form M41-Int to the Electoral Commission as soon as possible. The last legal date is 27 October 2011 (one working day after writ day). 'Writ day' is the day the Governor General instructs the Electoral Commission to arrange the conduct of the general election. If you change your mind, complete form M41-Int Wd.

Form M41-Int will also ask you to tell us whether you wish to use the Electoral Commission's on-line system. If so, we will give you a login ID and password together with a guide on usage approximately two weeks before writ day. You will be able to complete the bulk nomination schedule on-line, print it, sign the declaration form and deliver it, after writ day, by hand, post or fax to the Electoral Commission.

Completing a bulk nomination schedule

To complete the schedule, you must:

- complete Form M41-Sch which includes details of the candidates. The schedule records each candidate's electorate to be contested, their full names, the names to appear on the ballot paper if different to their full names, and the electorate that they are enrolled in.

- attach a completed consent form (Form M-Cons) for each candidate. The same form can be used by a candidate to consent to inclusion of their name in the bulk nomination schedule, on the party list, or both.
- include a deposit of \$300 (GST inclusive) for each candidate, with the schedule. The deposit for all candidates must be on one bank draft or bank cheque made out to 'Electoral Commission Trust Account'. For information on refund of deposits see Part 8 of this booklet.
- sign the statutory declaration in the schedule stating that you are satisfied that each candidate on the schedule is qualified to be a constituency candidate.
- lodge the completed schedule and deposit, directly with the Electoral Commission, no later than noon on 31 October 2011 (the day before nomination day).

While the deadline is noon on the day before nomination day, we recommend that you lodge the schedule and contact the Electoral Commission and arrange to come in as soon as possible after writ day. This ensures that any problems can be discussed and resolved before the deadline expires.

Rejection of bulk nomination schedule

A bulk nomination schedule will be rejected if:

- the Electoral Commission was not notified in time that the party would use the bulk nomination process,
- the schedule was not lodged by noon on the day before nomination day,
- the schedule does not contain the party secretary's declaration that candidates are qualified to stand, or
- the deposit for each candidate was not paid by noon on the day before nomination day.

Rejection of a candidate on a party list

A candidate will be rejected, and the order of preference amended, if:

- the candidate is nominated using a name that is neither their given name nor the name that they are commonly known by,
- the candidate is not qualified to be a candidate, or
- the candidate's consent to nomination is not submitted.

Amending a bulk nomination schedule

You have until noon on nomination day to correct defects or irregularities in a bulk nomination schedule, or any other document that you have lodged with the

schedule. This does not permit you to substitute or add new candidates to the schedule.

Withdrawing a bulk nomination schedule

You can withdraw a bulk nomination schedule and, if you wish, lodge another bulk nomination schedule but your new schedule must be lodged by noon on the day before nomination day. To withdraw a schedule complete Form M41-Sch Wd and sign the form in the presence of a Justice of the Peace or a solicitor.

If you are using our on-line system, you can make changes to your electronic schedule at any time prior to printing and submission of your schedule. It is only after that submission that you would need to use the withdrawal procedures.

Withdrawing a nomination

A candidate can withdraw their nomination from a bulk nomination schedule and you can nominate another. If the withdrawal is before your formal submission of the schedule, you simply substitute the new name, consent form etc. If the withdrawal is after you have formally submitted your schedule, you need to get the person withdrawing to complete Form M41-Cand Wd and sign the form in the presence of a Justice of the Peace or solicitor and send the nomination details of the replacement candidate, consent form etc. to the Electoral Commission. You have until noon on nomination day to do this.

2.6 Nominating list candidates

A summary of the deadlines for lodging your party list (and bulk nominations of electorate candidates) is at Appendix B.

Lodging the List

To lodge your party list, you must:

- complete Form M224-PL and Dec. This form sets out the candidates in order of preference and contains their name, address and phone number. You should liaise with list candidates about their details to be recorded on the list. You may use the on-line system to prepare the party list. When you are ready, you should print it, sign it and deliver it to the Electoral Commission by hand, post or fax. The form also includes a statutory declaration stating:
 - that you are satisfied that each candidate named on the list is qualified to be a candidate. A candidate must be enrolled as a voter, be a New Zealand citizen, and not be disqualified from enrolment. You should ask candidates not born in New Zealand to produce evidence of their New Zealand citizenship, such as a certificate of citizenship or a copy of their passport.

- whether the party has one or more component parties; and, if so, the name of the component parties
- provide a bank draft or bank cheque with a deposit of \$1,000 (GST inclusive) made out to 'Electoral Commission Trust Account'. For information on the refund of this deposit see Part 8 of this booklet.
- provide a completed consent form (M-Cons) for every candidate. Dual candidates can use one form to consent to being on a Bulk Nomination Schedule, on the Party List, or both.
- provide the completed form, deposit and consent forms to the Electoral Commission no later than noon on nomination day (there is no discretion to extend the deadline).

While the deadline for lodging the party list is noon on nomination day, we recommend that you lodge the list as soon as possible after writ day, ideally at the same time as you lodge your bulk nomination schedule. This ensures that any problems can be discussed and resolved before nomination day.

Rejection of List

A party list will be rejected if:

- the list and completed form were not lodged by noon on nomination day, or
- the deposit was not paid by noon on nomination day.

Withdrawing a List

You can make changes to your party list on the electronic system up until the time of formal submission to the Electoral Commission.

After submission, if you wish to withdraw the list, you need to complete Form M224-Wd. Note that both the withdrawal and the submission of a new list (if any) must be completed by noon on nomination day.

2.7 Notice of change in component parties

You must tell the Electoral Commission of any change in the component parties of the party occurring before polling day. Notification must be by statutory declaration (M224-Ch Dec) and made as soon as possible after it occurs.

2.8 Death or incapacity of a candidate

There are procedures in the Electoral Act that you must follow if a candidate dies or is incapacitated before nomination day, or between nomination day and the declaration of the official result.

Contact the Electoral Commission urgently if this happens.

You may apply to cancel the nomination of a candidate in a bulk nomination schedule or a party list who has become incapacitated. The application must be:

- on Form M40-Canc,
- be witnessed by a Justice of the Peace or a solicitor, and
- include a medical certificate relating to the candidate's condition.

2.9 Order on ballot paper

Electorate candidates are arranged alphabetically by surname on the right-hand side of the ballot paper with any registered logo to the right of the name (the electorate vote).

If the candidate's party is contesting the party vote, the name of the party is printed opposite the name of the candidate on the left-hand side of the ballot paper (the party vote).

If the candidate is an independent the space on the left-hand side of the ballot paper, opposite the candidate's name, is left empty.

Parties contesting the party vote, but not the electorate vote, are listed alphabetically on the left-hand side of the ballot paper, after the other parties.

2.10 Media and public queries on nominations

Completed nomination forms are available for public inspection at the Electoral Commission. When all nominations and all party lists have been processed after nomination day we will publish the information on www.elections.org.nz. We do not publish biographical information on parties or candidates or on their policies. Nor do we publish candidates' telephone numbers or e-mail addresses. It is common for the media to ask for the telephone numbers, in which case we will release them unless the party secretary or candidate tells us that they do not wish us to do so.

2.11 EasyVote pack for voters

About a week before polling day each enrolled voter will receive a personal information pack containing:

- an EasyVote card (or letter if enrolled late) to take to the polling place,
- details of the polling places and advance voting facilities,
- names of candidates for their electorate,

- party lists for those parties contesting the party vote,
- the contact details of the local Returning Officer,
- information about the referendum on our voting system.

It will be helpful if you encourage your supporters to use the EasyVote card when voting. The card will save them time.

PART 3: SCRUTINEERS

3.1 Introduction

Scrutineers are in most instances appointed by candidates. See our booklet *Candidate Handbook – 2011 General Election and Referendum*.

A separate booklet, *Information for Scrutineers*, is available from the Electoral Commission, the Returning Officer, or www.elections.org.nz.

Scrutineers need to be well briefed on their rights and obligations – in particular that they must not communicate with voters.

A candidate may not be appointed as a scrutineer.

3.2 Appointment by party secretaries

As party secretary you may appoint scrutineers to observe the conduct of the election in the following circumstances:

- where no electorate candidate is standing for your party in a particular electorate. (If there is an electorate candidate standing then the candidate appoints the scrutineers). The number of scrutineers for a party in a polling place at any one time must not exceed the number of issuing officers designated for the polling place. Scrutineers may only:
 - require an issuing officer to question a voter who the scrutineer suspects of impersonation or double voting,
 - communicate to party officials the names of persons who have voted in the polling place,
 - observe the preliminary count.
- where there is a recount of party votes in either a single electoral district or nationwide. Only one scrutineer per political party may be present unless the Judge permits more.
- during the allocation of party list seats by the Electoral Commission. Only one scrutineer per political party may be present unless the Electoral Commission allows more.

Scrutineers must not talk to voters or help with the count. For further information see our booklet *Information for Scrutineers*.

3.3 Appointment by electorate candidates

Electorate candidates may appoint scrutineers in the following situations:

- the issue of votes during polling day and the preliminary count in polling places on polling day after 7pm,

- the early count of advance votes in the Returning Officer's headquarters from 2pm on polling day,
- the checking of special vote declarations at the office of the Registrar of Electors,
- the scrutiny of the rolls at the Returning Officer's headquarters,
- the official count at the Returning Officer's headquarters, and
- any judicial recount of electorate votes.

3.4 Appointment by local branch of party

Local party organisations may, with the approval of the person in charge of a hospital or rest-home, appoint scrutineers to accompany an electoral official issuing "hospital votes" before and on polling day.

3.5 Written appointments

Scrutineer appointments must be in writing and be signed by the person making the appointment. Scrutineers should be provided with a copy of their written appointment to produce to electoral officials. The appointment form can be an original, fax, or photocopy. It must specify the polling place or other election process that the scrutineer has been appointed to observe.

3.6 Declarations by scrutineers

Before being allowed to serve as a scrutineer, all scrutineers must make a declaration that they will not compromise the secrecy of the poll. The declaration must be on Form E20-S Dec (obtainable from the Returning Officer) and must be made before a Returning Officer, Justice of the Peace, a solicitor, a polling place manager, or an issuing officer. Only Returning Officers, Justices of the Peace and solicitors can witness the declaration by scrutineers for the early count of the advance vote.

3.7 Referendum

The Electoral Referendum Act does not provide for separate scrutineers to be appointed to observe the referendum process in polling places. However, candidate and party scrutineers will be observing the issuing of referendum voting papers because the referendum voting paper will be issued to the voter at the same time as the Parliamentary paper. If scrutineers have any concerns about the referendum voting process they can raise them with the manager of the polling place.

Justices of the Peace will act as independent observers of the early count of advance referendum votes and the official count for the referendum conducted in

the Returning Officer's headquarters. Further information about the process for determining the referendum results can be found in Part 8.

PART 4: ELECTION CAMPAIGNING

4.1 Introduction

There are detailed rules in the Electoral Act 1993, the Electoral Referendum Act 2010 and the Broadcasting Act 1989 on what parties and candidates can and cannot do when campaigning. The key messages are:

- Election advertisements published at any time, in any medium, must contain a promoter statement.
- Special rules apply for broadcasting election programmes on radio and television.
- Other people cannot promote the candidate or party without their written authorisation.
- An election advertisement can be published at any time except on polling day.
- Campaigning on polling day is a criminal offence.

This part of the Handbook explains these rules in more detail.

Part 5 explains a party secretary's obligations concerning election expenses and donations.

Part 6 explains the referendum advertising and expense rules.

Part 7 outlines the restrictions on polling day for election and referendum campaign activities.

The advertising and expenditure rules that apply to candidates are set out in the booklet *Candidate Handbook – 2011 General Election and Referendum*.

4.2 All election advertising must contain a promoter statement

All election advertisements irrespective of when they are published must state the name and address of the person that has initiated or instigated them ('the promoter'). [See section 204F of the Electoral Act].

Failing to include a promoter statement is an offence and subject to a fine of up to \$40,000.

The requirement for a promoter statement applies to all forms of election advertising in any medium. If the election advertisement is published in a visual form, the promoter statement must be clearly displayed in the advertisement. If the election advertisement is published only in an audible form, the promoter statement must be no less audible than the other content of the advertisement.

The Electoral Commission advises parties to include a promoter statement on its party lapel badges as they may be considered to be an election advertisement. (See Part 7 for further information on party lapel badges.)

4.3 Election advertisements promoted by parties (and candidates)

Party advertisements promoted by the party need to include the party secretary's name and address.

The address can be the full street address of either the place where the party secretary usually lives or any other place where he or she can usually be contacted between the hours of 9am and 5pm on any working day. You do not always have to be physically at this address during these hours but it must be an address from where you can be contacted within a reasonable period of time. A Post Office box or website address is insufficient.

To avoid complaints, the following format for promoter statements is recommended:

'Promoted/authorised by [party secretary name], [party secretary's relevant full street address]'.

As well as promoting the party, the party may promote one or more of its electorate candidates with the written authorisation of each candidate, but the costs then have to be apportioned between the party's election expense return and the candidate's expense return. *[See sections 204G, 205EA and 206CC of the Electoral Act].*

If a party promotes an advertisement that is both a party and a candidate advertisement, only one promoter statement is required. In this case, the party is the promoter and the advertisement will only need to include the name and address of the party secretary.

Similarly, electorate candidates may promote the party vote with the party secretary's written authorisation and disclosure in the party's expense return. Party advertisements promoted by the party's electorate candidates will also need to be disclosed in the candidate's expense return. Candidates are advised to consult the party secretary on the amount to be included in their return of candidate expenses. *[See sections 204H, 205EA and 206CC of the Electoral Act].* Party advertisements promoted by a candidate must include the candidate's name and address in the promoter statement.

We advise candidates to stay in touch with the party secretary on advertising. This is because there can be boundary problems between advertising by candidates and advertising by the party with consequential effects on the expenditure limits and expenditure returns of the candidate and the party.

4.4 What is an election advertisement?

An election advertisement is an advertisement in any medium that may reasonably be regarded as encouraging or persuading voters to:

- vote or not to vote for a constituency candidate (whether or not the name of the candidate is stated),
- vote or not to vote for a party (whether or not the name of the party is stated),
- vote or not to vote for a type of candidate or party described by reference to views or positions that are, or are not, held or taken (whether or not the name of the candidate or party are stated).

[See section 3A of the Electoral Act].

The Electoral Act does not define ‘advertisement’ but because the definition of ‘election advertisement’ covers an advertisement ‘in any medium’, the Electoral Commission considers the term ‘advertisement’ should be interpreted broadly. For example, it is not limited to traditional forms of advertising such as newspapers, posters, billboards, leaflets and radio and TV broadcasting. The Electoral Commission’s view is that if an advertisement is open to an interpretation that it is an ‘election advertisement’, a promoter statement should be included.

The test is whether the advertisement can ‘reasonably’ be regarded as encouraging or persuading voters to vote or not to vote, for a party or candidate. This is an objective test. It is based on content and context regardless of whether the advertisement includes the name of a party or candidate, or whether the encouragement or persuasion to vote, or not to vote, is direct or indirect.

Election advertisements that may reasonably be regarded as encouraging or persuading voters to vote, or not to vote for a party (whether or not the name of the party is stated) are called party advertisements.

All requirements in respect of election advertisements apply to:

- election advertisements published in New Zealand even if the promoter is outside of New Zealand, and
- election advertisements published outside of New Zealand where the promoter is in New Zealand.

[See section 3F of the Electoral Act].

Publish means to bring to the notice of a person in any manner excluding addressing one or more persons face to face. *[See section 3D of the Electoral Act].*

4.5 What is not an election advertisement?

The legislation makes it clear that the following are not election advertisements:

- editorial content,
- personal political views online,
- a member of Parliament's contact details.

Editorial content

There is an exemption for the editorial content of a periodical, a radio, or television programme, or news media Internet site. The Electoral Act does not define 'editorial content' but the Electoral Commission's view is that it includes any part of the publication except advertising or advertorial. A periodical is a newspaper, magazine, or journal established for purposes unrelated to the election, that has been published at regular intervals and that is available to the public.

Personal political views online

There is an exemption for the publication of personal political views by an individual on the Internet or other electronic medium, provided the individual does not make or receive payment for publishing those views. This exemption does not extend to party blogs. Blog postings made on behalf of a party on a party site, or someone else's site, will fall outside the exemption because they are not 'the publication of...personal political views' by an individual.

Member of Parliament's contact details

There is also an exemption for the publication by members of Parliament of contact information. For the exemption to apply, contact information published within the regulated period must satisfy all of the following:

- be published by the member in the course of performing his or her duties as a member of Parliament,
- have been funded by the Parliamentary Service,
- have been routinely published in the same medium, no more often, and to no greater extent than, and in the same form and style as it was published before the regulated period, and
- not be combined or associated with an election advertisement.

The contact information must include all of the following:

- the member's name,

- the member's contact details, which can be a telephone number, physical or postal address, and/or email address, and
- the name of the electoral district that they represent or the fact that they are a list member.

The contact information may also include one or more of the following:

- a photo of the member,
- a party name,
- a party logo,
- the member's constituency clinic times,
- the website address for the member or the member's party.

To fit within the exemption the proposed publication cannot include anything other than 'contact information' as outlined above. This exemption is only available to current MP's.

4.6 Other parliamentary publicity

A member of Parliament representing a party contesting the election may need to seek advice from the Electoral Commission on whether other parliamentary publications or signage are election advertisements.

The advice of the Electoral Commission may also be taken into account by the Parliamentary Service when determining whether to meet the cost of advertising during the regulated period. For information about what publicity can be paid for using parliamentary funds, please refer to the Parliamentary Service Publicity Guidelines which are available from the Parliamentary Service.

Whether publicity is candidate or party advertising must be determined on a case by case basis by looking at an advertisement as a whole. At one end of the spectrum, advertising expressly seeking support for a candidate or party is covered by the definitions of candidate advertisement and party advertisement. At the other, advertising an MP's contact details is unlikely to be considered to be a party or candidate advertisement.

When considering a particular item of publicity, the following are some of the factors which indicate that it may be a party or candidate advertisement:

- references that directly or indirectly evaluate an MP and/or their party's effectiveness/success during the parliamentary term or previously, whether or not it includes references to any other party or candidate,
- references in the communication to the election itself,
- references either direct or indirect to an MP's and/or their party's policy platform for the election, or what they will do if elected or re-elected,
- references to a candidate who is not an existing MP, and

- formatting or branding of a communication in a manner similar to the party's own election campaign material.

The Electoral Act does not provide for apportionment of costs between publicity that contains election advertising and an MP's parliamentary publicity. If the effect of any part of an item of publicity can be reasonably regarded as encouraging or persuading voters to vote for a party, then the item as a whole will be regarded as a party advertisement, with the total costs being attributable as an election expense.

For example, an advertisement which contains both material that can reasonably be regarded as encouraging or persuading voters to vote for a party and factual information about an MP's contact details, is likely to be regarded as a party advertisement and the total costs of the advertisement attributed as an election expense.

Candidates and their parties would be well advised to ensure that advertising and publicity relating to their capacity as an MP, as distinct from election advertising and publicity, are kept separate. Care needs to be taken to ensure that election advertisements published at any time are appropriately authorised and contain the required promoter statement. Candidate election expenses can only be incurred by or with the authorisation of the candidate, and party election expenses can only be incurred by or with the authorisation of the party secretary.

4.7 Election advertisements promoted by third parties

Third parties (persons or groups other than candidates and parties, or persons involved in the administration of the affairs of a candidate or party) can promote party advertisements but certain rules apply, including:

- a promoter statement must be included on all third party election advertising so that the public can see who is responsible for the advertisement.
- where an election advertisement is promoted by a third party they will need to register as a promoter with the Electoral Commission if they spend more than \$12,000 on election advertisements during the period beginning 26 August 2011 and ending at the close of 25 November 2011 (the regulated period for the 2011 General Election and Referendum).
- advertisements promoting a party published by a third party must have the party secretary's written authorisation. An advertisement promoting the election of one or more candidates must be authorised by each of the candidates. Advertisements promoting both a candidate and a party must be authorised by both the party secretary and the candidate.
- the costs of any third party advertisements published during the regulated period that the party secretary has authorised will count towards the party's election expenses and will need to be disclosed in the party's

return of election expenses and donations (see Part 5) as well as counting towards the third party's election expenses.

For further information about the rules concerning advertising by third parties see the Electoral Commission's publication *Third Party Handbook – 2011 General Election and Referendum*.

4.8 Requesting an advisory opinion from the Electoral Commission

You can ask the Electoral Commission for advice on whether, in its opinion, an advertisement constitutes an 'election advertisement' under the law. The opinion of the Electoral Commission is not legally binding but reflects the Electoral Commission's interpretation of the law. A Court of law may reach a different view. You may wish to seek your own legal advice. The Commission's view is that relying in good faith on an advisory opinion is likely to be relevant to determining whether a person had acted wilfully or taken all reasonable steps to ensure an offence was not committed but that, of course, would be a matter for the Courts to determine.

To request an advisory opinion please complete form M41-Adv Op (available from www.elections.org.nz). You will also need to provide the Commission with a copy of the advertisement and any relevant background information such as the details of when and how it is to be published.

The Commission will treat the proposed advertisement, any supporting material and the advice given to the requestor as confidential until 16 December 2011 (the day after day for the return of the writ for the election). Advisory opinions will then be made available on request, subject to the Official Information Act 1982. This does not prohibit the requestor from releasing the advice at any time.

[See section 204I of the Electoral Act].

4.9 Party logos

If advertising includes a party logo, a promoter statement and authorisation from the party secretary may be required. This will depend on matters such as the context, size and relative prominence of the logo and whether in the circumstances the presence of the party logo means that the advertising can reasonably be regarded as encouraging or persuading voters to vote for the party. *[See section 3A of the Electoral Act].*

4.10 References to websites

If advertising contains a website reference, you need to consider whether the website contains material that could be election advertising. Depending on how the website is being used in the advertisement, the content of the website may be considered in determining whether the advertisement is a candidate advertisement, party advertisement, or both, for the purposes of the Act.

4.11 Radio and television advertising

There are separate rules applying to radio and television advertising as distinct from other forms of advertising. *[See Part 6 of the Broadcasting Act].*

Parties may broadcast on radio or television to advertise for the party vote, to attack another party or parties, or to promote or attack candidates. They may only do so within the period beginning with 26 October 2011 (writ day) and until 25 November 2011 (the day before polling day).

Parties may only use funds allocated by the Electoral Commission to buy election broadcasting time - they cannot use their own funds for this purpose. Parties can, however, use their own money to pay for production costs (which then become an election expense).

Parties can use their broadcasting allocation to promote an electorate candidate. Before they do so they must have the written authorisation of the candidate. Once authorised the cost of the broadcast or the portion of the broadcast that relates to the candidate will be an election expense for the candidate. The value of the broadcast will also be a donation by the party to the candidate.

The value of any free time allocated to parties for opening and closing addresses and the costs of broadcasting election programmes paid for out of the broadcasting money allocated by the Electoral Commission are specifically excluded from the definition of party election expense and do not need to be included in the party's return of election expenses.

All broadcasts of election advertisements must include a promoter statement (see para 4.2 above).

4.12 Press and other advertising

Expenditure on press advertising and other forms of promotion such as hoardings are election expenses.

4.13 Canvassing and surveys

The rules relating to the requirement for a promoter statement and election expenses apply to election advertisements that are 'published'. However, the definition of publish expressly excludes addressing one or more persons face to face. This means that face to face canvassing activities are exempt from the requirement for a promoter statement and do not need to be considered in terms of election expenses.

However telephone canvassing and surveys are subject to these rules. If their content falls within the definition of an election advertisement, they must include a promoter statement. If a telephone canvas or survey includes any material that may reasonably be regarded as encouraging or persuading voters to vote for

your party, or not to vote for another party, or both, then it is party advertising. The Electoral Commission is happy to review a proposed script or survey and provide a view on whether or not it is an election advertisement, candidate advertisement and/or party advertisement.

4.14 Broadcasting Standards Authority and Advertising Standards Authority

Election programmes on television and radio (which includes advertisements and opening and closing addresses) come within the jurisdiction of the Broadcasting Standards Authority (BSA). Election programmes must comply with the Election Programme Code which is available on the BSA website (www.bsa.govt.nz). Complaints are made directly to the BSA (online at www.bsa.govt.nz or PO Box 9213, Wellington). For advice on the Code contact the BSA (phone: 0800 366 996 or email: info@bsa.govt.nz).

The content of advertising in other media (including websites) comes within the jurisdiction of the Advertising Standards Authority (ASA). Advertising must comply with the ASA Codes of Practice. The codes are available on the ASA website (www.asa.co.nz). Complaints can be made to the Advertising Standards Complaints Board (phone: 04 472 7852 or email: asa@asa.co.nz).

4.15 Electoral signs

Local authorities are responsible for regulating when, where, and how signs, including election signs can be displayed. Parties and candidates should consult with their local authority about the rules in their area before putting up any election signs.

The Electoral Act allows for election signs up to three square metres in size to be put up in the two months before election day. This provision overrides any local authority rules about size and timing of the display of signs.

Any local authority rules about things like application procedures and the location and density of signs still apply. Larger signs may be put up if local authority rules allow. Signs may be put up earlier if local authority rules allow.

You must not pay an elector of a district for providing a place to exhibit a sign or hoarding in that district unless it is in the course of the elector's business.

It is an offence under the Electoral Act to display election signs on 26 November 2011 (election day). There is no other restriction in this Act on when electoral signs may be displayed.

You do not have to account for the cost of the framework used to support a hoarding as an election expense. (See Part 5 for more information on what are election expenses).

4.16 Treating

Treating is the provision of food, drink, and entertainment to persons with the intention of corruptly influencing their vote and is a criminal offence. (*Refer to section 217 of the Electoral Act for a full description.*)

The consequences of being found guilty of treating are:

- you are not eligible to register as an elector for 3 years, and
- you may be sentenced to two years in prison and a \$40,000 fine.

A successful candidate found guilty of treating will lose his or her seat in Parliament.

The Electoral Act states that the provision of a light supper after an election meeting does not constitute the offence of treating. The provision of a cup of tea or coffee and a light snack after a campaign meeting, therefore, is not treating.

Parties and candidates should be cautious about providing refreshments that do not clearly fall within the above exception to avoid complaints being made during the election campaign.

4.17 Advance voting

Advance voting for those who are unable to get to a polling place on polling day will be available from 9 November 2011 (17 days before polling day) until 25 November (the day before polling day). The prohibitions applying to electioneering on polling day do not apply during the advance voting period (for further information on restrictions on polling day see Part 7). However, parties and candidates are asked to exercise restraint in the vicinity of advance voting facilities to avoid complaints during and after the election campaign. (Locations will be published on www.elections.org.nz.)

4.18 Contact with public servants

Public servants serve the government of the day. In order to maintain the confidence of successive governments, they must act and be seen to act apolitically. Therefore, public servants, whether in national, regional or local offices, are not allowed to comment on:

- party political matters,
- the merits of policy, or
- alternatives to policy.

If you have questions on these issues, you should address them to Ministers.

You may get information from public servants under the Official Information Act.

You can get more detailed information on contact with public servants from the State Services Commission's website www.ssc.govt.nz.

PART 5: ELECTION EXPENSES AND DONATIONS

5.1 Introduction

Amendments to the Electoral Act 1993 on 1 January 2011 made a number of changes to the obligations and requirements on party secretaries.

The party secretary is responsible for the party's obligations in respect of election expenses and donations. Parties no longer need to appoint a financial agent for the purposes of party expenses and donations.

ELECTION EXPENSES

5.2 Expenditure limit

A registered party's election expenses during the regulated period in a general election must not exceed **\$1,032,000**** (including GST) plus **\$25,000** (including GST) per electorate contested by the party. It is a serious offence to spend more than this.

If a registered party does not contest the party vote its total election expenses cannot exceed **\$25,000** (including GST) for each electorate candidate nominated by the party.

The regulated period for the 2011 General Election will start on Friday 26 August 2011 and will end at the close of 25 November 2011 (the day before polling day).

The candidate election expenses regime does not apply to people who are list candidates only. Any spending by those candidates promoting the party is an election expense of the party and must be authorised by the party secretary.

These party limits are separate from the expense limits applying to electorate candidates.

5.3 Election Expenses

A party's election expenses are the costs of advertising in any medium that:

- may reasonably be regarded as either encouraging voters to vote for the party or discouraging voters from voting for another party, or both (whether or not the name of the party(s) are mentioned),
- is published, or continues to be published, during the regulated period, and

****** Figure to be adjusted for inflation by Order in Council from 1 July 2011.

- is promoted by the party secretary or any person (including a registered promoter) authorised by the party secretary.

[See section 206 of the Electoral Act].

Party election expenses include:

- the cost incurred in the preparation, design, composition, printing, postage and publication of the advertisement,
- the reasonable market value of any materials used for the advertisement, including materials provided to the party free of charge or below reasonable market value,
- the apportioned costs for advertisements that promote two or more parties, or a party and a candidate (see para 5.5 below for further information on apportioning),
- the entire advertising expenses of an advertisement that is both a party advertisement and a referendum advertisement (see para 5.7 below for further information on expenses for joint referendum and election ads).

[See section 3E of the Electoral Act].

The costs of food, hall hire, surveys or opinion polls, volunteer labour or replacing materials destroyed through no fault of the party are not election expenses.

The cost of any framework that supports a hoarding (other than a commercial framework) is no longer an expense. The value of any free time allocated to parties for opening and closing addresses and the costs of broadcasting election programmes paid for out of the broadcasting money allocated by the Electoral Commission is not an expense.

Surveys or opinion polls

The exclusion for surveys or opinion polls is not unlimited. If a survey goes beyond merely eliciting voters' views and can reasonably be regarded as encouraging or persuading voters to vote for a constituency candidate or political party then it will not be a survey or public opinion poll for the purposes of the Act. It will be an election advertisement and the costs associated with the survey are election expenses. The Electoral Commission is happy to review a proposed script or survey and provide a view on whether or not it is an election advertisement, candidate advertisement and/or party advertisement.

If it is a party advertisement undertaken by phone canvassers who provide their labour free of charge, the costs are exempt. Any other costs incurred (for example, line rental and costs of any calls) would be an expense. The costs of paying any canvassing company to undertake the canvassing would be an election expense.

Signage on vehicles

The costs of party advertisement signage on campaign cars and other forms of mobile party advertising are election expenses. However, election expenses do not include the running costs of any vehicle used to display an election advertisement if the use of the vehicle for that purpose is not the subject of a contract, arrangement or understanding for payment.

Websites

Election expenses in relation to party advertisements published on a website include the costs that you incur preparing, designing and publishing the advertisement including hosting fees. They do not include the costs of setting up and maintaining the hardware and software infrastructure of the website.

Other items

If a party distributes items such as t-shirts, bumper stickers and flags before 26 August 2011 (the start of the regulated period), you should assume that they will continue to be displayed during the regulated period and include the cost of these items as an election expense. *[See section 206CA of the Electoral Act].*

Re-used materials

Expenses cannot be apportioned between elections. If materials such as banners are purchased and then re-used in subsequent elections, at each subsequent election the party must account for the reasonable market value of the materials as an election expense. We advise parties to err on the side of caution when determining 'reasonable market value'. We suggest that a party either use the price that was originally paid for the item, or if this is not known, what the item would cost to purchase now based on two quotes.

5.4 Election expenses paid before or after the regulated period

Expenses paid for or incurred either before the regulated period or after 26 November 2011 (polling day) must be included in the return to the extent to which they relate to election advertisements published within the regulated period.

Where a party advertisement is published before and during the regulated period, the party secretary is responsible for apportioning the election expenses so that only a fair proportion of the expense is attributed to the regulated period.

5.5 Apportioning election expenses

It may be necessary for the party secretary to apportion election expenses if the total expenses of an election advertisement relate partly to the promotion of the party concerned and partly for another purpose.

Examples where apportionment is required are:

- an advertisement promotes both a party and a candidate,
- an advertisement promotes two or more parties,
- an advertisement promoting the party runs before and during the regulated period.

Apportionment is a factual exercise determined by the circumstances of each case. The Electoral Commission is happy to discuss any apportionment questions.

See Appendix E for a summary of how the costs of election advertisements are to be accounted for, and Appendix F for an example to illustrate the principles to be applied when apportioning.

5.6 Election expenses for advertisements promoted by third party

Expenses cannot be apportioned with third party promoters. If a party secretary authorises someone else to publish an advertisement encouraging people to vote for the party, the entire cost of the advertising will form part of the party's election expenses. The same costs will also need to be included as part of the third party's election expenses.

The party secretary will need to obtain further information from the third party about costs incurred.

The advertising and expenditure rules that apply to third parties are set out in the booklet *Third Party Handbook – 2011 General Election and Referendum*.

5.7 Expenses for joint election and referendum advertisements

Expenses cannot be apportioned between joint election and referendum advertisements.

If a party secretary promotes an advertisement that encourages people to vote for the party and supports a particular option in the referendum, the entire cost of that advertisement must be accounted for twice by the party: first as an election expense and second, as a referendum expense.

If the party authorises a third party to publish the same advertisement the entire cost of the advertisement will form part of the party's election expenses. The same costs will also need to be included as part of the third party's election expenses and referendum expenses. See Part 6 for further information on referendum advertising.

See Appendix E for a summary of how the costs of election advertisements are to be accounted for.

5.8 Paying election expenses

Invoices for election expenses must be sent to the party secretary within 20 working days of the declaration of the election of list candidates. The Electoral Commission expects that the deadline will fall on 2 February 2012 unless there are recounts.

The party secretary must pay any bill within 40 working days of the declaration. It is an offence not to do this. Sections 206F and 206G of the Electoral Act set out the procedure to follow if a bill is disputed. The Electoral Commission expects that the deadline will fall on 2 March 2012 unless there are recounts

5.9 Keeping records of election expenses

Party secretaries must take all reasonable steps to keep records of all party election expenses. Party secretaries must keep invoices and records for all election expenses of \$100 or more for three years after polling day.

5.10 Return of election expenses

After a general election the party secretary of every registered party must file a return with the Electoral Commission of party election expenses. *[See section 206I of the Electoral Act]*. Expenses incurred outside the regulated period may also need to be included (see para 5.4 above).

If there are no election expenses to report on, the party secretary must file a nil return and obtain an auditor's report.

The return must:

- be made on Form M30 – Party Exp,
- be accompanied by an auditor's report,
- be filed before within 50 working days after the day the Electoral Commission declares the election of list candidates. The Electoral Commission expects that the deadline will fall on 16 March 2012 unless there are recounts.

The return form (M30 – Party Exp) is available from the Electoral Commission or at www.elections.org.nz.

The form requires the party secretary to provide details of all party election expenses incurred, including expenses incurred by any person authorised by the party secretary.

The advertising expenses of unregistered promoters and registered promoters that the party secretary has authorised need to be included in the form.

Party secretaries who fail to meet these requirements are committing offences and may be referred to the Police.

The returns are open to public inspection and will be available on the Electoral Commission's website.

5.11 Auditor's report

All party election expense returns must be accompanied by an auditor's report. We suggest the party secretary familiarise themselves with section 206L of the Electoral Act which sets out the audit requirements.

While engaged by the party, the auditor is assessing and reporting as appropriate on whether the party's election expenses and associated record keeping have been within the law, and whether the auditor has received all necessary information to form an opinion.

Party secretaries are reminded that a party auditor cannot be a body corporate or someone closely connected to the running of a party, must be a chartered accountant, and properly appointed and notified to the Electoral Commission. *[See section 206K of the Electoral Act].*

The audit must be of the party's entire election expenses (not a sample) so that the auditor can form an opinion on the matters which are required to be covered in the audit report.

The Electoral Act gives auditors powers of access to party records and to require information and explanations from the party secretary.

The New Zealand Institute of Chartered Accountants and the Electoral Commission are jointly recommending the use of a representation letter in the final stages of the audit process. A copy of the letter is available on the Commission's website www.elections.org.nz.

The Electoral Commission does not accept any of the following as 'reasonable excuses' for not providing an audit report on a party's entire election expenses:

- cost or time involved in the audit or the servicing of it,
- alleged difficulty arising from the location of the relevant documentation,
- alleged autonomy of organisations within the party.

If a party secretary does not provide all the information required or fails, in the auditor's opinion, to keep proper records of party election expenses sufficient to earn an unqualified opinion then the auditor may give a qualified opinion, an adverse opinion, a disclaimer of opinion, or an 'except for' opinion in accordance

with the Institute of Chartered Accountants Auditing Standards No. 702 'The Audit report on an Attest Audit'.

If the audit report does not comply with the requirements of section 206L of the Electoral Act it may be rejected by the Electoral Commission and the party secretary would be required to obtain a new one.

DONATIONS

5.12 Party donations

A party donation is a donation of money, goods or services that is made to a party. *[See section 207 of the Electoral Act].*

Party donations and contributions to donations of more than \$15,000 (incl GST) are required to be declared in the party's return of donations. A series of donations, or contributions of more than \$1,500 to donations, made by one person that adds up to more than \$15,000 must also be declared.

A party donation includes:

- where a party is provided with goods or services that have a reasonable market value of more than \$1,500,
- where a party is provided with discounted goods or services and the reasonable market value of the goods or services is greater than \$1,500, the difference between the contract or agreed price and the reasonable market value of the goods or services is a donation,
- when a party sells over-valued goods or services, the difference between the price paid and the reasonable market value is a donation,
- where credit is provided to a party on more favourable terms than those prevailing at the same time for similar credit, the value of the favourable terms is a donation.

The following are **not** a party donation:

- volunteer labour,
- good or services provided free of charge to a party, or to any person on the party's behalf, that have a reasonable market value of \$1,500 or less, or
- a candidate donation that is included in a candidate's return of donations.

If a person or organisation gives or pays for goods or services that would otherwise be party election expenses, the reasonable market value of those items whatever their value should be recorded as an election expense. If the reasonable market value of the items exceed \$1,500 it should also be recorded as a donation.

5.13 Donations made up of contributions

A donation can be made up in part by funds contributed by more than one person (contributors), for example where there is a collection or whip-round for a party's campaign. *[See section 207 of the Electoral Act]*.

The total proceeds of collection or whip-round are treated as a donation under the Electoral Act. The person who collects the money will normally be the donor. The individuals who contribute to the collection are contributors for the purposes of the Act.

If a party donation, other than an anonymous donation, is made up of contributions, the transmitter or donor, must tell the party secretary:

- the name and address of the donor,
- that the donation is made up of contributions,
- the total amount of contributions of \$1,500 or less, and
- in the case of contributions greater than \$1,500: the total amount of those contributions, the name, address and contribution of each contributor and whether any of them are 'overseas persons' (see para 5.16 below).

If the party secretary knows, or has reasonable grounds to believe, that the donor has failed to supply information about contributions, the whole donation must be returned to the donor.

5.14 Raffles, cake stalls, and other fundraisers

Providing a party with free cakes or other goods or services to use for fundraising is not making a donation for the purposes of the Electoral Act if the value of the items given is worth \$1,500 or less. Purchasers of raffle tickets and cakes from a cake stall are not 'donors' as they are not making a donation to anyone. The total proceeds of a raffle or a cake stall for a party's campaign are treated as a donation. The person who runs the raffle or cake stall will normally be the donor.

If the total funds from the raffle or cake stall are over \$15,000, then the party's donation return must include the name and address of the person who ran the fundraiser and subsequently donated the proceeds, along with the total amount given and the date that the donation was received by the party secretary.

Whether the individuals who purchase a ticket or buy a cake are 'contributors' depends on whether they bought their ticket in the knowledge or expectation that some or all of the money paid would be included in a donation to the party. This will be a question of fact. It would need to be very clear to purchasers that it is a party fundraiser for the purchasers of tickets to be 'contributors'.

If the purchasers of raffle tickets are 'contributors', the organiser must tell the party secretary at the time of making the donation that the donation is funded from contributions. The donor must also disclose whether the donation is made up of contributions of more than \$1,500. If an individual pays more than \$1,500 for raffle tickets, their name and address would have to be disclosed in the party's donation return, along with the amount of their contribution. *[See section 207C of the Electoral Act].*

If a ticket is sold to a fundraising event, such as a dinner, or an item is auctioned at a fundraising auction, the difference between the price paid for the ticket and the reasonable market value of the ticket is a donation. Determining the reasonable market value for unique items may be difficult: for example, if you have speakers at the dinner or auction a one-off item. However, parties should not rely on the price paid at a fundraising auction as evidence of reasonable market value.

In the absence of an objective basis to value the donation component that the party secretary can defend, the Electoral Commission's advice would be to err on the side of caution and treat the entire difference between the ticket price or auction price and the reasonable market value of assessable goods or services such as food and beverages, as a donation.

5.15 Transmitted donations

A party donation can be made either directly by the donor to the party or indirectly by a transmitter who transmits a donation to the party on someone else's behalf, for example, via a lawyer's trust fund. Any person who receives a party donation on the party's behalf must, within 10 working days of receipt, either transmit it to the party secretary, or deposit the donation into a bank account nominated by the party secretary.

When transmitting a donation, the transmitter must tell the party secretary:

- that the donation is being transmitted on behalf of a donor,
- the name and address of the donor,
- whether the donation is made up of contributions,
- the total amount of contributions of \$1,500 or less, and
- in the case of contributions greater than \$1,500: the total amount of those contributions, the name, address and contribution of each contributor and whether any of them are 'overseas persons' (see para 5.16 below).

Where a transmitter does not disclose the name and address of the donor, the donation must be treated as an anonymous donation (see para 5.15 below).

A donation to an electorate committee is considered a transmitted donation with the electorate committee being the transmitter. If the donor does not specify to

the electorate committee whether the donation is to the party or the candidate, the presumption is that it is a donation to the party. The electorate committee must within 10 working days of receipt, either transmit it to the party secretary, or deposit the donation into a bank account nominated by the party secretary.

5.16 Anonymous donation

Parties are not allowed to retain anonymous donations exceeding \$1,500. An anonymous donation is a donation made in such a way that the party secretary who receives the donation does not know the identity of the donor and could not, in the circumstances, reasonably be expected to know the identity of the donor. *[See section 207 of the Electoral Act].*

If a party secretary receives an anonymous donation greater than \$1,500 he or she may retain \$1,500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the Electoral Commission for payment into a Crown bank account.

5.17 Overseas donations

Parties are not allowed to retain donations or contributions exceeding \$1,500 made by an overseas person. *[See section 207K of the Electoral Act].*

An overseas person is:

- an individual who resides outside New Zealand and is not a New Zealand citizen or registered elector,
- a body corporate incorporated outside New Zealand, or
- an unincorporated body that has its head office or principal place of business outside New Zealand.

If a party secretary receives a donation from an overseas person greater than \$1,500, he or she can retain \$1,500 of that donation. The balance of the donation must, within 20 working days of receipt, either be returned to the overseas person who made the donation, or if this is not possible, be paid to the Electoral Commission for payment into a Crown bank account.

If a party secretary receives any donation from a donor who is not an overseas person that includes a contribution from an overseas person greater than \$1,500, the party secretary must return the whole donation to the donor. If that is not possible, the party secretary must forward the whole donation to the Electoral Commission for payment into a Crown bank account.

5.18 Donations protected from disclosure

A donation protected from disclosure enables a person to make an anonymous donation of more than \$1,500 to a registered party without their identity being disclosed to either the public or the party.

The donation is made to the Electoral Commission. The Commission puts the donation together with others and pays it to the party, together with any interest earned without identifying the value of individual donations, or the number or names of donors involved.

The maximum amount that an individual or body can donate to any one party through this process is \$41,730** between two successive elections.

No party may receive more than \$278,200** from donations protected from disclosure between two successive elections.

If a donation or contribution takes an individual or party over the limit then the Electoral Commission will return the excess.

Payments are made weekly, during the period between 26 October 2011 (writ day) and 15 December 2011 (the return of the writ for a general election) and monthly at any other time.

The Electoral Commission must report the total amounts of protected disclosure donations received and amounts paid to a party secretary quarterly on the website and in its annual report.

5.19 Keeping records of donations

Party secretaries must take all reasonable steps to keep records of all party donations received (even donations of less than \$15,000). Records have to be retained for three years after polling day.

5.20 Return of party donations

Party secretaries of all registered parties are required to file an annual return of party donations with the Electoral Commission.

The return must be filed by 30 April each year for party donations received during the previous calendar year.

If there are no donations to report on, the party secretary must file a nil return and obtain an auditor's report.

** Figures to be adjusted for inflation by Order in Council from 1 July 2011.

The annual return must:

- be made on Form M-41 Party Don,
- be accompanied by an auditor's report,
- be filed with the Electoral Commission before 30 April each year.

To complete the return, the party secretary will need to be able to provide full details about all party donations or contributions of more than \$15,000. This includes a series of donations (or contributions exceeding \$1,500), made by, or on behalf of, the same person that when aggregated adds up to more than \$15,000.

Details of all anonymous donations and donations from overseas persons of more than \$1,500 also need to be provided.

The party secretary will also need to be able to provide details on the number and total amount of party donations received that are less than \$15,000.

Parties are also required to make immediate disclosure within 10 working days of receipt to the Electoral Commission where a donor gives more than \$30,000 to it in a 12 month period. Disclosure is made using Form M41-Party-\$30k.

Parties must have systems in place to track aggregated totals by donors for the purposes of the annual donations return, as well as immediate disclosure of donations exceeding \$30,000.

Donations to an electorate candidate disclosed in the candidate's post-election return are not included.

The returns are available on the internet and open to public inspection.

Refer to Appendix G for a summary of what information the party secretary needs to include in the return for the various types of donations.

Donations exceeding \$15,000

For donations of more than \$15,000, other than anonymous or overseas donations, the party secretary will need to provide the following details:

- the name and address of the donor,
- the amount of the donation, or in the case of aggregated donations, the total amount of the donations,
- the date that the donation was received, or in the case of aggregated donations, the date each donation was received, and
- whether the donation is made up of contributions of more than \$15,000, and if so:

- the name and address of each contributor,
- the amount of each contribution made by the contributor, and
- the date on which the donation to which the contribution forms part was made.

Donations exceeding \$30,000 that have been disclosed during the year under section 210C Electoral Act also need to be included.

Anonymous donations

For anonymous donations exceeding \$1,500, the party secretary will need to provide:

- the date the donation was received,
- the amount received, and
- the amount paid to the Electoral Commission and the date payment was made.

Donations from overseas persons

For donations by overseas persons exceeding \$1,500, the details required are:

- the name and address of the overseas person,
- the amount of the donation or, in the case of aggregated donations, the total amount of the donations,
- the date that the donation was received or, in the case of aggregated donations, the date each donation was received, and
- the amount returned to the overseas person or paid to the Electoral Commission, and the date that such return or payment was made.

Contributions from overseas persons

For contributions by overseas persons exceeding \$1,500 to any party donation the party secretary will need to provide:

- the name and address of the overseas person,
- the amount of the contribution,
- the date on which the related donation funded from the contribution was made, and
- the amount returned to the donor or paid to the Electoral Commission, and the date that such return or payment was made.

Protected disclosure donations

For protected disclosure donations paid to a party from the Electoral Commission, the party secretary must include:

- the date the payment was received,
- the amount of the payment,
- the amount of any interest included in the payment.

Donations below \$15,000

A new requirement under the Electoral Act is for details of donations below \$15,000 to be included in the party's donations return. The details of these donations are the number and total amount of:

- anonymous party donations of \$1,500 or less,
- overseas party donations of \$1,500 or less,
- party donations of more than \$1,500 up to and including \$5,000,
- party donations of more than \$5,000 up to and including \$15,000.

This new requirement does not apply to donations received before 1 January 2011 and are therefore not required to be included in the returns due 30 April 2011.

5.21 Auditor's report

All party donation returns must be accompanied by an auditor's report. We suggest the party secretary familiarise themselves with section 210A of the Electoral Act which sets out the audit requirements.

The audit requirements for donations return are similar to those for a party's election expenses. (For further information on the audit requirements see para 5.11 above).

PART 6: REFERENDUM ADVERTISING AND EXPENSES

6.1 Introduction

The Electoral Referendum Act 2010 sets out the rules for advertising in the 2011 Referendum. The key messages are:

- Referendum advertisements published from 1 January 2011 until 25 November 2011 must include a promoter statement.
- Parties broadcasting referendum advertisements need to consider the broadcasting rules.
- Parties publishing referendum advertisements will be 'promoters' under the Electoral Referendum Act.
- Promoters must register with the Electoral Commission if they spend, or intend to spend, over \$12,000 on referendum advertising in the regulated period.
- Registered promoters cannot spend more than \$300,000 on referendum advertising in the regulated period.
- Registered promoters who spend more than \$100,000 on referendum advertising in the regulated period must file an expense return.
- The full cost of advertisements that are both referendum and election advertisements are to be counted as both referendum expenses and election expenses.
- A referendum advertisement cannot be published on polling day.

This part of the Handbook explains these rules in more detail.

The referendum advertising and expenditure rules that apply to third party promoters are set out in the booklet *Third Party Handbook – 2011 General Election and Referendum*.

REFERENDUM ADVERTISING

6.2 All referendum advertisements must contain a promoter statement

All referendum advertisements published from 1 January 2011 until 25 November 2011 (the day before polling day) must state the name and address of the person that has initiated or instigated it ('the promoter'). [See section 42 of the *Electoral Referendum Act*].

Failing to include a promoter statement is an offence and subject to a fine of up to \$40,000.

The requirement for a promoter statement applies to all forms of referendum advertising in any medium. If the referendum advertisement is published in a visual form, the promoter statement must be clearly displayed in the advertisement. If the referendum advertisement is published only in an audible form, the promoter statement must be no less audible than the other content of the advertisement.

The Electoral Commission advises parties to include a promoter statement on its referendum lapel badges as they may be considered to be a referendum advertisement. See Part 7 for further information on lapel badges.

For a registered promoter, the name and address in the promoter statement must be the same as the name and address that appears on the register.

If the promoter is unregistered, and is an incorporated or unincorporated body, the promoter statement must also include the name of a member of the body who is the duly authorised representative of the promoter.

6.3 Referendum advertisements promoted by party

For referendum advertisements promoted by the party the promoter statement will usually be the party secretary's name and address. However, it could be the name and address of another person duly authorised to represent the party in relation to referendum advertising.

The address can be the full street address of either the place where the party secretary/authorised representative usually lives or any other place where he or she can usually be contacted between the hours of 9 am and 5pm on any working day. You do not always have to be physically at this address during these hours but it must be an address from where you can be contacted within a reasonable period of time. A Post Office box or website address is insufficient.

To avoid complaints, the following format for promoter statements is recommended:

'Promoted/authorised by [party secretary/authorised representative name], [party secretary/authorised representative's relevant full street address].

A party may promote the party vote in combination with a referendum advertisement but the full costs of the advertisement have to be counted as a party referendum expense and as a party election expense. [See section 206 of the Electoral Act and section 40 of the Electoral Referendum Act].

Similarly, a referendum advertisement the party promotes may also promote one or more of the party's electorate candidates with the written authorisation of each

candidate. The full costs of the advertisement would have to be counted as a party referendum expense as well as a candidate election expense.

6.4 What is a referendum advertisement?

A referendum advertisement is an advertisement in any medium that:

- is published in the period from 1 January 2011 until the close of 25 November 2011 (the day before polling day), and
- may reasonably be regarded as encouraging or persuading voters to vote, or not to vote, in a particular way in the referendum.

[See section 31 Electoral Referendum Act].

The Electoral Referendum Act does not define ‘advertisement’ but because the definition of ‘referendum advertisement’ covers an advertisement ‘in any medium’, the Electoral Commission considers the term ‘advertisement’ should be interpreted broadly. For example, it is not limited to traditional forms of advertising such as newspapers, posters, billboards, leaflets and radio and TV broadcasting. The Electoral Commission’s view is that if an advertisement is open to interpretation that it is a ‘referendum advertisement’, a promoter statement should be included.

The test is whether the advertisement can be ‘reasonably’ regarded as encouraging or persuading voters to vote, or not to vote, in a particular way in the referendum. This is an objective test. It is based on content and context regardless of whether the advertisement refers by name to a particular option in the referendum, or whether the encouragement or persuasion to vote, or not to vote, is direct or indirect.

The Electoral Commission is happy to discuss any questions that arise in respect of referendum advertisements.

All requirements in respect of referendum advertisements apply to:

- referendum advertisements published in New Zealand even if the promoter is outside of New Zealand, and
- referendum advertisements published outside of New Zealand where the promoter is in New Zealand.

[See section 3 of the Electoral Referendum Act].

Publish means to bring to the notice of a person in any manner excluding addressing one or more persons face to face. *[See section 33 of the Electoral Referendum Act].*

6.5 Joint referendum and election advertisements

A referendum advertisement promoted during the period beginning 26 August 2011 and ending at the close of 25 November 2011 (regulated period) for the general election, particularly by a party or candidate, may also fall under the definition of an election advertisement. The Electoral Commission advises that if a party promotes a referendum advertisement you should assume the advertisement will also be deemed a party advertisement unless the party does not feature in the referendum advertisement in any way. If the party does feature in the referendum advertisement, and the advertisement is considered to be a party advertisement, the party will need to include the cost of the advertisement as both an election expense and a referendum expense.

[See section 40 of the Electoral Referendum Act and section 206 of the Electoral Act].

6.6 What is not a referendum advertisement?

The legislation makes it clear that the following are not referendum advertisements:

- editorial content (see para 4.5 for further information),
- personal political views online (see para 4.5 for further information),
- statements that do not promote a particular option in Part A or B of the referendum voting paper.

6.7 Broadcasting

The Electoral Referendum Act and the Broadcasting Act do not restrict the broadcasting of referendum advertisements. However, parties and candidates would need to carefully consider whether any broadcasting that they undertake about the referendum falls under the definition of an 'election programme' for the purposes of the Broadcasting Act. For details of what an 'election programme' is see Part 1.

The Electoral Commission advises that, except in situations where the party does not feature in the broadcast in any way, you should assume that a referendum advertisement promoted by a party will be an 'election programme'. If so, it can only be broadcast starting on 26 October 2011 (writ day) until 25 November 2011 (day before polling day), and will be subject to the rules for broadcast of election programmes, including the prohibition on spending your own money.

Broadcast of joint election programme and referendum advertisement

A party can only use its broadcasting allocation of time and money to pay for broadcasting election programmes. If a party broadcasts a joint election and referendum advertisement it will be an 'election programme' for the purpose of

the Broadcasting Act and they can only use the broadcasting allocation to pay for its broadcasting. A party may use its own funds to pay for productions costs.

If broadcasting allocation money is used to fund a joint election and referendum broadcast, the entire cost of the broadcasting will be a referendum expense for the party. The value of any allocated free time to broadcast a joint election programme and referendum broadcast is not a referendum or election expense for the party.

Any money spent on production costs for a joint election programme and referendum advertisement must be included as both an election expense and a referendum expense for the party.

Election programmes can only be broadcast starting on 26 October 2011 (writ day) until 25 November 2011 (day before polling day).

Please see Part 1 for further information on broadcasting of referendum advertisements. Appendix D provides a summary of the broadcasting rules applying to parties.

Broadcasting of referendum advertisements only

A party cannot use its broadcasting allocation of time and money to pay for the broadcasting of a referendum advertisement where the party does not feature in any way as they can only spend their broadcasting allocation on election programmes.

A party may use its own funds to pay for the broadcasting of a referendum advertisement. Any money spent on broadcasting a referendum advertisement including production costs, must be included as a referendum expense for the party.

A party can broadcast a referendum advertisement at any time up to and including 25 November 2011 (day before polling day).

REFERENDUM EXPENSES

6.8 Registration

The Electoral Referendum Act requires individuals or organisations who spend, or intend to spend, more than **\$12,000** on referendum advertising during the regulated period to register as a registered promoter with the Electoral Commission.

The regulated period for the 2011 General Election will start on Friday 26 August 2011 and will end on the close of 25 November 2011 (the day before polling day).

The requirement to register applies to parties and candidates.

The form for registration is available from the Electoral Commission or from www.elections.govt.nz. Details of registered promoters for the General Election and Referendum will also be available on the Commission's website.

6.9 Expenditure limit

A registered promoter's referendum expenses during the regulated period must not exceed **\$300,000** (incl GST).

6.10 Referendum expenses

A promoter's referendum expenses are the costs of advertising in any medium that:

- may reasonably be regarded as encouraging or persuading voters to vote or not to vote in a particular way in the referendum,
- is published, or continues to be published, during the regulated period, and
- is promoted by the promoter, or any person authorised by the promoter.

Promoters' referendum expenses include:

- the cost incurred in the preparation, design, composition, printing, distribution, postage and publication of the referendum advertisement,
- the reasonable market value of any material used for the advertisement, including materials provided to the promoter free of charge or below reasonable market value,
- the entire advertising expenses of an advertisement that is both a referendum advertisement and an election advertisement (see para 6.12).

[See section 32 of the Electoral Referendum Act].

The costs of surveys or opinion polls, volunteer labour, any framework that supports a hoarding (other than a commercial framework), or replacing materials destroyed through no fault of the promoter are not referendum expenses.

Surveys and opinion polls

The exclusion for surveys and opinion polls is not unlimited. If a survey goes beyond merely eliciting voters' views and can reasonably be regarded as encouraging or persuading voters to vote or not to vote in a particular way in the referendum then it will not be a survey or public opinion poll for the purpose of the Electoral Referendum Act. It will be a referendum advertisement and the costs associated with the survey will be referendum expenses.

Signage on vehicles

The costs of referendum advertisement signage on campaign cars and other forms of mobile advertising are referendum expenses. However, referendum expenses do not include the running costs of any vehicle used to display a referendum advertisement if the use of the vehicle for that purpose is not the subject of a contract, arrangement or understanding for payment.

Other items

If a party distributes items such as t-shirts, bumper stickers and flags before 26 August 2011 (the start of the regulated period), the party secretary should assume that they will continue to be displayed during the regulated period and include the cost of these items as a referendum expense. *[See section 39 of the Electoral Referendum Act].*

6.11 Referendum expenses paid before or after the regulated period

Expenses paid for or incurred either before the regulated period or after polling day must be included in the return to the extent to which they relate to referendum advertisements published within the regulated period.

Where a referendum advertisement is published before and during the regulated period, the promoter is responsible for apportioning the advertising expenses so that only a fair proportion of the expense is attributed to the regulated period.

6.12 Expenses for joint referendum and election advertisements

Expenses cannot be apportioned between joint referendum and election advertisements.

If a party promotes an advertisement that encourages people to vote for the party and supports a particular option in the referendum, the entire cost of that advertisement must be accounted for twice by the party: first as an election expense and second as a referendum expense.

The Electoral Commission advises that party secretaries should assume that a referendum advertisement promoted by the party is also an election advertisement unless the party does not feature in the advertisement in any way.

See Appendix E for a summary of how the costs of election advertisements are to be accounted for.

6.13 Paying referendum expenses

Invoices for referendum expenses must be sent to the promoter within 20 working days of the Electoral Commission declaring the official results of the general

election. The Electoral Commission expects that the deadline will fall on 27 January 2012 unless there are recounts.

The promoter must pay any bill within 40 working days of the declaration. It is an offence not to do this. Sections 59 to 60 of the Electoral Referendum Act set out a procedure to follow if a bill is disputed. The Electoral Commission expects that the deadline will fall on 27 February 2012 unless there are recounts.

6.14 Keeping records of referendum expenses

If the party is promoting referendum advertisements, the party secretary must take all reasonable steps to keep records of the party's referendum expenses, including expenses incurred while they are not a registered promoter. All registered promoters must keep invoices and receipts for all referendum expenses of \$50 or more for three years after polling day.

6.15 Return of referendum expenses

Registered promoters who spend more than \$100,000 (incl GST) on referendum expenses during the regulated period must file a return with the Electoral Commission. The return must:

- be made on Form M-41 Prom Ref Exp,
- be filed before 26 March 2012 (within 70 working days after polling day for the general election).

The return form (M-41 Prom Ref Exp) is available from the Electoral Commission or at www.elections.govt.nz.

The form requires the promoter to provide details of all referendum expenses incurred, including expenses incurred by any person authorised by the promoter.

The referendum expenses of promoters of referendum advertisements that the promoter has authorised need to be included in the form.

The Electoral Commission may require a registered promoter to obtain an auditor's report if the Commission has reasonable grounds to believe that a return may contain any false or misleading information.

Promoters who fail to meet these requirements are committing offences and may be referred to the Police.

The returns are open to public inspection and will be available on the Electoral Commission's website.

6.16 Polling day activities

Referendum campaigning on polling day is prohibited and is a criminal offence. The full list of prohibited activities is set out in section 197 of the Electoral Act and effectively prohibits anything on 26 November 2012 (polling day) which can be said to interfere with or influence voters, including processions, speeches or public statements.

The prohibitions in section 197 of the Electoral Act apply with any necessary modification to referendum activities. *[See section 9 of the Electoral Referendum Act]*. For example, any activities (including advertising) that promote a particular option on the referendum are prohibited on polling day. There is an exception for party and referendum lapel badges. Party officials and supporters can wear both, a party lapel badge (or rosette) and a referendum lapel badge (or rosette).

For further information see Part 7.

PART 7: ELECTION DAY

7.1 Introduction

Any activities (including advertising) promoting the election of a candidate or party or promoting the non-election of a party or candidate are prohibited on polling day and are a criminal offence. The full list of prohibited activities is set out in section 197 of the Electoral Act and effectively prohibits anything on polling day which can be said to interfere with or influence voters, including processions, speeches or public statements.

The party secretary should be particularly careful to avoid any grounds for complaint. Apparent breaches of the law are reviewed by the Electoral Commission and, where appropriate, referred to the New Zealand Police. The Electoral Commission is happy to discuss any interpretation difficulties faced in respect of this prohibition.

7.2 Campaigning on polling day is a criminal offence

Before polling day (26 November 2011) the party secretary must remove or cover all the party's election advertising that can be seen from a public place. Returning Officers are authorised to remove or cover advertising and charge the costs to the people responsible.

Signs on vehicles, including bumper stickers, must be covered or removed on polling day. T-shirts and flags featuring party or candidate names, emblems, slogans or logos cannot be displayed on polling day. For this reason the distribution of party or candidate bumper stickers, t-shirts and flags is not recommended. Once distributed, you cannot be sure that they will not continue to be displayed on polling day. You could expose your supporters to the risk of inadvertently committing an offence.

A statement, party name, logo, slogan or emblem on party headquarters may remain on polling day if it does not refer specifically to the election campaign. This exception does not apply to a mobile headquarters.

Delivery of election material on polling day prohibited

You must not deliver election material through the post or directly to mailboxes on polling day. To avoid breaches, NZ Post will not accept mail for delivery after the Thursday in the week before polling day (i.e. Thursday 17 November 2011). To reduce the risk of postal delivery on election day, party secretaries should also ensure that any mail is clearly identifiable as being election related. If you, or your supporters, hand-deliver election material directly to mailboxes on the Friday before polling day, you can expect complaints by voters who think the material arrived on polling day. Those complaints will be reviewed by the Electoral Commission and where appropriate referred to the New Zealand Police.

Contacting voters

Your party may wish to offer voters assistance to get to the polling place. You are entitled to contact potential voters on polling day for that purpose. But party officials or supporters are not allowed to say or do anything which encourages potential voters to vote for the party or candidate.

If your supporters are contacting voters door-to-door or by phone the Electoral Commission recommends that you provide them with a script and advise them to adhere to it to ensure that they do not make any statements that breach the law.

The Electoral Commission is happy to provide you with its view on whether any script complies with the rules for election day.

Websites

Election material does not have to be removed from a website on polling day, so long as the material on the site is only made available to people who voluntarily access it. New material must not be posted on the website on polling day. Advertisements promoting the website must not be published on polling day. You will need to ensure that public message boards and comment areas on your website cannot be added to on election day.

Party lapel badges

Party supporters may wear party lapel badges in public on polling day. A party lapel badge is a badge or rosette designed to be worn on the lapel and bearing the party's name, emblem, slogan or logo. Do not display the lapel badge on vehicles or in other places on polling day. Do not show a candidate's name on the lapel badge.

The Electoral Commission advises parties to include a promoter statement on its party lapel badges as they may be considered to be an election advertisement. *[See section 3A of the Electoral Act].*

Because the regulated period ends at midnight on the day before polling day, the costs incurred in relation to party lapel badges or rosettes only worn on polling day are not an election expense. If a party lapel badge or rosette is worn at any time during the period beginning 26 August 2011 until 25 November 2011 (the regulated period), the costs incurred must be counted as an election expense. If a party cannot be sure that its supporters will not display party lapel badges or rosettes prior to polling day the Electoral Commission advises parties to include the expense in its expense return. The same issues apply to referendum lapel badges and rosettes.

Streamers, rosettes, ribbons etc

Streamers, rosettes (other than those designed to be worn on the lapel), ribbons and similar items in party colours may be displayed on polling day but only on people or vehicles and must not contain party names, emblems, slogans, logos, or a candidate's name.

Clothing promoting the party or candidate

Clothing (such as T-shirts) promoting the party or candidate must not be displayed on polling day.

Presence in Polling Places

Candidates and their supporters (except an authorised scrutineer) may only enter a polling place for the purpose of voting. After voting, they must leave. If a candidate wishes to be filmed or photographed voting, they must have the approval of the Returning Officer. Approval will be given on condition that:

- the filming or photographing does not disrupt the polling place, and
- no interviews are given in the polling place or in the area around it.

Parties and candidates are asked to exercise restraint in the vicinity of polling places to avoid complaints.

7.3 MP signage

It is an offence to exhibit any party name, emblem, slogan or logo on a vehicle on election day. MP sign-written vehicles that include a party name, emblem, slogan or logo should not be displayed on election day.

7.4 Imitation ballot papers

Do not print or distribute, on polling day or after midnight on the Tuesday before polling day, anything which imitates a ballot paper (or part of a ballot paper) to be used at the election and which contains any direction or matter likely to influence a voter. Do not print or distribute on polling day any card or paper showing the candidates or parties even if it is not an imitation of a ballot paper.

In the past the issue has arisen as to whether election advertising in newspapers offends the legislative provision against imitation ballot papers. Whilst each case depends on its facts the use in an advertisement of a tick against a party name or candidate name does not, of itself, offend the provision.

PART 8: GENERAL ELECTION AND REFERENDUM RESULTS

8.1 Preliminary results – election night

After the polling place closes at 7pm on polling day and all voters have left, the manager of every polling place will carry out the preliminary count of general election votes in the presence of scrutineers and polling place officials.

The ballot boxes are opened and the party votes and electorate votes are counted. The result is phoned in to the Returning Officer and it is then input into the Electoral Commission's National Election Results System. Results are displayed in real time on www.electionresults.govt.nz and at the same time are fed to television and radio media. The Electoral Commission's target is to have 50% of polling place results available by 10pm on election night and 100% of polling place results available by 11.30pm.

Referendum voting papers will not be counted in polling places on election night and referendum votes (other than advance votes) will not be part of the preliminary results released on election night. The referendum ballot boxes will be opened and checked for parliamentary papers, then sealed and returned to the Returning Officer to be counted during the Official Count.

Special votes cast in polling places are also not opened and must wait for the Official Count.

8.2 Advance votes

Advance voting for the general election and referendum will start on 9 November 2011. Advance votes (other than advance special votes) may be counted from 2:00pm onwards on polling day at the Returning Officer's headquarters if the Returning Officer can provide appropriate security.

The counts will be undertaken in separate secure areas. Officials and scrutineers in the secure area for the advance early count of general election votes must stay there until 7pm.

Scrutineers will not be appointed for the early count of advance referendum votes. A Justice of the Peace will observe the count.

The Electoral Commission's target is to have advance vote results for the General Election and Referendum available by 8.30pm.

8.3 Official results for General Election and Referendum

The official results are compiled in the Returning Officer's headquarters by following a logical and meticulous process which starts the day after polling day. Electoral rolls are scrutinised to identify voters who have voted more than once, and to compile a list of all people who have voted (the Master Roll). All parliamentary votes counted on election night are recounted and checked to ensure accuracy.

The Returning Officer checks the validity of all special vote declaration forms and the names of special voters against the electoral rolls and the list of late enrolments for the district. If the special voter is eligible to make a special vote and the voter's name is found the vote will be counted. The party and referendum votes of enrolled voters who voted on the wrong voting papers are also included in the count.

If a name cannot be found, the declaration form is forwarded to the Registrar of Electors to check the voting qualification of the special voter. If the Registrar can confirm that the voter is enrolled in the electorate, the vote will be counted.

The official results process starts on 27 November 2011 (the Sunday after polling day) but cannot be completed until after 6 December 2011 (the last legal day for receiving special votes from other electorates and Returning Officers overseas).

8.4 Declaration of official results

The Electoral Commission expects to publish the official results for the 2011 General Election and Referendum on 10 December 2011 (14 days after polling day) by notice in the *Gazette*. The results will also be available at www.electionresults.govt.nz.

8.5 Election of list candidates

The Electoral Commission determines which list candidates are elected using a statutory formula after the results of any electorate recounts have been declared and the writ has been returned to the Clerk of the House with the names of the successful electorate candidates endorsed on the back of the writ. The writ is the written notice from the Governor-General instructing the Electoral Commission to arrange for the conduct of a Parliamentary election.

The Electoral Commission publishes a notice in the *Gazette* to declare the election of list candidates.

The Electoral Commission expects to make this declaration on 15 December 2011 (19 days after polling day), subject to any recount applications. (See Part 9).

8.6 Return of deposits

If a party wins 0.5% of the total party vote or an electorate seat, the Electoral Commission will refund the \$1,000 deposit paid by the party secretary when lodging the party list. No refund can be made, however, until the party has filed its audited return of election expenses to the Electoral Commission.

If a candidate listed on the bulk nomination schedule wins 5% of the total electorate votes in the electorate concerned the \$300 deposit paid is refundable. No refund can be made until all candidates on the schedule have furnished their returns of election expenses and donations to the Electoral Commission.

PART 9: JUDICIAL RECOUNTS AND PETITIONS

9.1 Judicial recounts

Recount of party votes

After the declaration by the Electoral Commission of the official results, the party secretary may apply to a District Court Judge for a recount of party votes in a particular electorate. The application must be:

- made within three working days of the official result for the electorate being declared, and
- accompanied by a deposit of \$1,500 (GST inclusive).

The party secretary may apply to the Chief District Court Judge for a recount of party votes in every electorate. The application must be:

- made within three working days of the official results in all electoral districts being declared, and
- accompanied by a deposit of \$90,000 (GST inclusive).

Recount of electorate votes

Electorate candidates can apply to a District Court Judge for a recount of the electorate votes. The application must be:

- made within three working days of the declaration of the result, and
- accompanied by a deposit of \$1,000 (GST inclusive).

The Judge must start both electorate vote and any party vote recounts within three working days of receiving the application and inform the political parties when and where it will take place.

If the party or one of its candidates wishes to seek a recount, the Electoral Commission will provide information on the process to be followed.

9.2 Election petitions

The only way to challenge the allocation of party list seats or the election of an electorate candidate is by election petition.

To seek a review of the procedures and methods used to allocate list seats, the party must present an election petition to the Court of Appeal. The party must do

this within 28 days of the Electoral Commission declaring the election of list candidates.

A petition to challenge an electorate vote can be brought by an elector or a candidate for the electorate concerned. Again, it must be presented within 28 days of the Electoral Commission's declaration of the official results and is made to the High Court.

9.3 Referendum petitions

The only way to challenge the result of the referendum is by referendum petition. A petition may be brought by a group of 6 or more electors and is heard by three High Court Judges. It must be brought within 28 days of the Electoral Commission declaring the official results.

APPENDIX A: Election sequence – 2011 General Election and Referendum

Wednesday 2 February	Prime Minister announces dates for 2011 General Election and Referendum
Monday 30 May	Launch of enrolment campaign and voter referendum information campaign
Friday 26 August	Regulated period for election and referendum advertising expenses begins
Thursday 20 October	Dissolution of Parliament
Wednesday 26 October	Writ Day Governor General issues formal direction to the Electoral Commission to hold the election.
Wednesday 9 November	Advance and Overseas Voting starts
Friday 25 November	Advance Voting ends Last day to enrol for the election.
Friday 25 November Midnight	Regulated period ends All election and referendum advertising must end and signs must be taken down
Saturday 26 November	Election Day Polling places open from 9.00am to 7.00pm. Election Night Preliminary results released progressively from 7.00pm on www.electionresults.govt.nz .
Saturday 10 December	Official results for general election and referendum declared (including special declaration votes)

APPENDIX B: Timetable – bulk nominations of electorate candidates and party lists

Action	Desirable Timing	Legal Deadline	Form to be used
Notifying intention to lodge bulk nomination schedule/intention to use electronic system	As early as possible	Thursday 27 October	M41-Int
Lodging bulk nomination schedule with candidates' consent forms Lodging deposit of \$300 per candidate	As soon as possible from Thursday 27 Oct	Noon on Monday 30 October	M41-Sch M-Cons
Withdrawing a bulk nomination schedule	As early as possible	Noon on Tuesday 1 Nov	M41-Sch Wd
Candidate withdrawal from bulk nomination schedule	As soon as possible after submission of schedule	Noon on Tuesday 1 Nov	M41-Cand Wd
Cancellation of nomination on death or incapacity	Consult Electoral Commission urgently		M40-Canc (for incapacity)
Replacing a nomination if an earlier nomination is withdrawn or lapses	As soon as possible after submission of schedule	Noon on Tuesday 1 Nov	Letter giving details M-Cons
Lodging party list and deposit of \$1,000 Lodging consent to inclusion on party list	As soon as possible from Thursday 27 Oct	Noon on Tuesday 1 Nov	M224-PL and Dec M-Cons
Withdrawing party list	As soon as possible	Noon on Tues 1 Nov	M224-Wd
Lodging substitute list	As soon as possible	Noon on Tues 1 Nov	M224-PL and Dec M-Cons

APPENDIX C: Quick guide for political parties – common questions

The Quick Guide helps to answer the commonly asked questions during an election campaign and on polling day. It is not a comprehensive explanation of electoral and referendum law on campaigning. Readers should consult the text of the booklet, the electoral and referendum legislation and take their own legal advice when in doubt. The Electoral Commission is also willing to discuss any problems.

Election advertising

Topic	<i>Political parties can</i>	<i>Political parties can't</i>
Radio and television election advertising	Broadcast an election programme starting on writ day up to and including the day before polling day (26 October 2011 to 25 November 2011) using money or time allocated by the Electoral Commission. Promote the electorate vote with the permission of the candidate. The cost is treated as an election expense of the candidate, not the party, and is subject to the expense limits applying to candidates. For apportionment of expenditure relating to shared advertising (see paras 4.3 and 5.5 of the text).	Broadcast outside the period starting on writ day up to and including the day before polling day (26 October 2011 to 25 November 2011). Broadcast on polling day (26 November 2011). Use their own money to broadcast an election programme.
Election advertising (other than television and radio)	Promote the party vote. Promote the electorate vote (with the written authorisation of the candidate). Attack the policies of other candidates or parties. Display on polling day signs that do not refer to the election on party headquarters. Operate a website on polling day.	Publish without including the party secretary's name and street address. Publish on polling day. Display in view of a public place on polling day. Display on vehicles (including bumper stickers) in view of a public place on polling day. Display on polling day signs that refer to the election on party headquarters.

Topic	<i>Political parties can</i>	<i>Political parties can't</i>
		Put new material on the website on polling day. Advertise the website on polling day. Use systems on polling day that make the advertising available to persons who haven't voluntarily accessed the website.
Election expenses (promoting the party)	Spend up to \$1.032million, +\$25,000 (incl GST) for every electorate their candidates contest, on party advertising published during the regulated period (26 August 2011 to 25 November 2011).	Spend more than \$1.032million, +\$25,000 for every electorate contested, on party advertising published during the regulated.
Party lapel badges (a badge or rosette designed to be worn on the lapel) on polling day	Feature the party name, emblem, slogan or logo on party label badges. Have scrutineers, candidates, party officials or supporters wear them.	Display party lapel badges on vehicles or in other places. Feature a candidate's name on the lapel badge. Permit scrutineers, candidates, party officials or supporters to wear clothing promoting the candidate or party.
Streamers, rosettes (other than those designed to be worn on the lapel), ribbons and similar items on polling day	Display these in party colours. Have scrutineers, candidates, party officials and supporters wear them. Display them on vehicles.	Feature the party name, emblem, slogan or logo on the streamers etc. Display them on anything other than people or vehicles.

Referendum advertising

Topic	<i>Political parties can</i>	<i>Political parties can't</i>
Radio and television referendum advertising	Broadcast a referendum programme at any time before polling day (26 November 2011). However, parties would need to carefully consider whether any broadcasting about the referendum would fall under the definition of an election programme. If so, it can only be broadcast starting on 26 October (writ day) and subject to the rules for broadcast of election programmes. Broadcast a joint referendum and election programme subject to the rules for broadcast of election programmes.	Broadcast on polling day. Broadcast without including the name and address of the promoter of the advertisement.
Referendum advertising (other than television and radio)	Promote or attack a particular option. Publish a joint referendum and election advertisement subject to the rules for publication of election ads. Operate a website on polling day.	Publish without including the name and address of the promoter of the advertisement. Publish on polling day. Display in view of a public place on polling day. Display on vehicles (including bumper stickers) in view of a public place on polling day. Display on polling day signs that refer to the referendum on party headquarters. Put new material on the website on polling day. Advertise the website on polling day. Use systems on polling day that make the advertising available to persons who haven't voluntarily accessed the website.
Referendum expenses	Spend up to \$12,000 on referendum advertising during the regulated period (26 August 2011 to 25 November 2011). Spend up to \$300,000 on referendum advertising during the	Spend more than \$12,000 on referendum advertising during the regulated period without registering. Spend more than \$300,000 on referendum advertising during

Topic	<i>Political parties can</i>	<i>Political parties can't</i>
	regulated period, if they register with the Electoral Commission.	the regulated period.
Referendum lapel badges (a badge or rosette designed to be worn on the lapel) on polling day	Feature a referendum option, emblem, slogan or logo on referendum label badges. Have scrutineers, candidates, party officials or supporters wear them as well as a party lapel badge.	Display referendum lapel badges on vehicles or in other places. Permit scrutineers, candidates, party officials or supporters to wear clothing promoting a referendum option.
Streamers, rosettes (other than those designed to be worn on the lapel), ribbons and similar items on polling day	Display these in colours identified with a referendum option. Have scrutineers, candidates, party officials and supporters wear them. Display them on vehicles.	Feature a referendum option, emblem, slogan or logo on the streamers etc. Display them on anything other than people or vehicles.

APPENDIX D: Summary of election advertising rules for parties

Broadcast advertising using allocation of funds by Electoral Commission	When broadcasts allowed	Must be authorised by ¹	Party expense?	Electorate candidate expense?
Promoting party or attacking party or candidate	From writ day to day before polling day (26 October 2011 to 25 November 2011)	Party secretary	No – paid from Electoral Commission allocation	No – relates to party
Promoting electorate candidate only	From writ day to day before polling day	Both the party secretary and electorate candidate	No – paid from Electoral Commission allocation	Yes (and value is a donation by the party to the electorate candidate)
Promoting both electorate candidate and party	From writ day to day before polling day	Electorate candidate	No – paid from Electoral Commission allocation	Yes (for the cost of the portion of the ad relating to the electorate candidate) and value is a donation by the party to that candidate.
Broadcast advertising using private funding	When broadcasts allowed	Must be authorised by ¹	Party expense?	Electorate Candidate expense?
Promoting party, candidate and party, or attacking another party or candidate	Not allowed	Not applicable	Not applicable	Not applicable
Non-broadcast advertising	Period for which counted as election expense ²	Must be authorised by ¹	Party expense?	Electorate candidate expense?

Promoting party vote or attacking party or candidate	Regulated period (26 August to 25 November 2011)	Party secretary	Yes	No
Promoting electorate candidate	Regulated period	Electorate candidate	No	Yes
Promoting both electorate candidate and party vote	Regulated period	Both the party secretary and electorate candidate	Yes (for the cost of that portion of the ad relating to the party)	Yes (for the cost of that portion of the ad relating to the electorate candidate)

Summary: referendum advertising rules for parties

Referendum advertisements	Period for which counted as referendum expense	Must be authorised by ¹	Party referendum expense?	Electorate Candidate expense?
Broadcast referendum ad promoting an option or attacking an option. ³	Regulated period	Party secretary ³	Yes ³	No
Non-broadcast ad promoting an option or attacking an option	Regulated period	Party secretary ⁴	Yes	No
Referendum ad and election ad promoting a party or attacking another party or candidate or party	Regulated period	Party secretary	Yes - referendum and election	No
Referendum ad and election ad promoting electorate	Regulated period	Both the party secretary ⁴ and electorate candidate	Yes – referendum and election	Yes –referendum and election

candidate				
Referendum ad and election ad promoting party and electorate candidate	Regulated period	Both the party secretary and candidate	Yes – referendum and election	Yes – referendum and election

¹Authorisation must be in writing. In addition, the advertisement when broadcast or published must state the name and address of the person initiating or instigating the ad ('the promoter'). For an election or referendum ad promoted by a party this will usually be the party secretary. However, for a referendum ad it may be another person duly authorised to represent the party regarding referendum ads. A Post Office box or website address is insufficient. The address can be the full street address of either the place where the party secretary/authorised person usually lives or any other place where he or she can usually be contacted between the hours of 9am and 5pm on any working day.

²There are no restrictions on when non-broadcast advertisements can be published.

³However, parties would need to carefully consider whether any broadcasting about the referendum would fall under the definition of an election programme for the purposes of the Broadcasting Act and a party advertisement for the purposes of the Electoral Act. Except in situations where the party does not feature in the broadcast in any way, you should assume that it will be 'an election programme'. If so, it can only be broadcast from 26 October (writ day) and subject to the rules for broadcast of election programmes including the prohibition on spending your own money etc. If it is also a party advertisement for the purpose of the Electoral Act, election expenses exclude the broadcasting allocation, but include any production costs funded by the party. For the referendum expenses, all of the costs of broadcasting the advertisement including the broadcasting allocation will need to be counted.

⁴ The Electoral Commission advises that if a party promotes a referendum advertisement you should assume the advertisement will also be deemed to be a party advertisement unless the party does not feature in the referendum advertisement in any way.

APPENDIX E: Allocation of advertising expenses for advertisements promoted by party

Assumes: the cost of each ad is \$1000; the candidate has authorised any positive candidate ad; and that advertisements that promote more than one message are in equal proportions.

		Political party A election expense	Political party A referendum expense	Candidate Y election expense	Candidate Y referendum expense
A.	Vote Party A	\$1000	-	-	-
B.	Vote SM	\$1000 (unless the party does not feature in the ad in any way) ¹	\$1000	-	-
C.	Vote Party A Vote Candidate Y	\$500	-	\$500	-
D.	Vote Party A Vote MMP	\$1000	\$1000	-	-

		Political party A election expense	Political party A referendum expense	Candidate Y election expense	Candidate Y referendum expense
E.	Vote Party A	\$666	\$1000	\$666	-
	Vote FPP				
	Vote Candidate Y				

¹ The Electoral Commission advises that if a party promotes a referendum advertisement you should assume the advertisement will also be deemed to be a party advertisement unless the party does not feature in the referendum advertisement in any way. If the party does feature in the referendum advertisement, and therefore is considered to be an election advertisement, the party will need to include the cost of the advertisement as an election expense.

APPENDIX F: APPORTIONING ELECTION EXPENSES BETWEEN PARTY AND CANDIDATE

Advertising promoting an electorate candidate is an election expense of the candidate. Advertising promoting the party vote is an election expense of the party. These rules apply regardless of who pays the expenses.

Sometimes the dividing line is not clear and an apportionment may be necessary. A common example is an advertisement which calls for both the party vote and the election of a constituency candidate. The following example illustrates the principles to be applied, but we are happy to discuss particular problems.

Example

FACTS

- (1) Party X is contesting the party vote. Mrs Y is standing in an electorate as a candidate for Party X.
- (2) Party X and Mrs Y agree to arrange advertising to be displayed by billboard for 3 months during the regulated period.
- (3) The content of the advertising comprises two parts. The first part asks voters to give their party vote to Party X. The second part asks voters to give their electorate vote to Mrs Y. From a content perspective, the advertisement can be factually judged as relating 40% to the party vote and 60% to the electorate vote.
- (4) The total cost of the advertising is \$13,000. An analysis of the total cost based on invoices and other evidence reveals the following:

A. Costs relating to the candidate vote

- | | |
|--|---------|
| • Artwork and photography of the candidate | \$1,000 |
|--|---------|

B. Costs relating to the party vote

- | | |
|---|---------|
| • Artwork and photography of the party leader | \$2,000 |
|---|---------|

C. Joint costs

- | | |
|---|----------------|
| • General design, production, printing, material, assembly, transport | \$8,000 |
| • Site rentals paid for 3 months during the regulated period | <u>\$2,000</u> |

Total election expenses	\$13,000
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ALLOCATION OF COSTS

Some costs clearly relate to the candidate (A in the example). Other costs clearly relate to the party (B in the example). The joint costs (C in the example) require apportionment on a factual basis which in this example means 60% of those joint costs will be allocated to the candidate and 40% allocated to the party.

The expenses should therefore be returned as follows:

Candidate		Party	
A. Artwork and photography of the candidate	\$1,000	B. Artwork and photography of the party leader	\$2,000
C. Joint costs		C. Joint costs	
General design, production, printing, material, assembly, transport	\$4,800 (60%)	General design, production, printing, material, assembly, transport	\$3,200 (40%)
Site rentals for 3 months	\$1,200 (60%)	Site rentals for 3 months	\$800 (40%)
Candidate's return of expenses	\$7,000	Party's return of expenses	\$6,000

This result is not affected by the payment arrangements (if any) made between the candidate and the party. If each pays the share allocated to them no other issues arise. But if, for example, the party pays the whole \$13,000, the candidate would need to disclose in her return a donation of \$7,000 from the party.

APPENDIX G SUMMARY OF DISCLOSURE INFORMATION FOR PARTY DONATIONS

Donations

The disclosure requirements apply to aggregations of donations from the same donor.

Party donations exceeding \$15,000 must include donations exceeding \$30,000 that have been reported under section 210C.

	Party donations >\$15,000	Anonymous donations >\$1500	Overseas donations >\$1500	Protected disclosure donations
Name and address of donor	√	-	√	-
Amount of donation(s) / payment (incl total of donation if aggregated)	√	√	√	√
Date(s) donation / payment was received	√	√	√	√
Whether the donation is made up of contributions	√ (if from an overseas person and >\$1,500 PTO)	-	√	-
Amount returned to donor, or paid to Electoral Commission, and date	-	√	√	-
Amount of any interest	-	-	-	√

Contributions

The disclosure requirements apply to aggregations of contributions from the same contributor.

	Contributions >\$15,000	Overseas contributions >\$1500
Name and address of each contributor	√	√
Date(s) contribution was received	-	-
Amount of contribution (incl total amount of contributions if aggregated)	√	√
Date and amount of related donation	√	√
Amount returned to donor, or paid to Electoral Commission, and date	-	√

APPENDIX H: List of forms for party secretaries

BULK NOMINATION

M41-Int	Notice of Intention to lodge bulk nomination
M41-Int Wd	Withdrawal of Notice of Intention to lodge bulk nomination
M41-Sch*	Bulk Nomination Schedule
M41-Sch Wd	Withdrawal of Bulk Nomination Schedule
M41-Cand Wd	Withdrawal of nomination from Bulk Nomination Schedule

PARTY LISTS

M224-PL and Dec	Form of List to be submitted by Political Parties(including declaration that each candidate is qualified to stand)
M224-Wd	Notice of Withdrawal of Party List
M224-Ch Dec	Notice of Change to Party List Declaration (re component party)

BULK NOMINATION AND PARTY LIST

M-Cons	Candidate Consent to Inclusion of Name in Bulk Nomination Schedule, on the Party List, or both
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OTHER

M40-Nom	Candidate Nomination Form (non-bulk)
M40-Canc	Application to cancel a candidate nomination on grounds of incapacity
E20-S Dec*	Declaration of secrecy (by scrutineer)

CAMPAIGNING

M41-Party Exp	Party's Election Expenses
M41-Adv Op	Advisory Opinion Request Form
M41-Prom Reg	Registration of Promoter for the 2011 General Election and Referendum
M41-Cand Exp	Return of Electorate Candidates' Election Expenses and Donations

* Will be provided by Returning Officer to scrutineer.