

02 November 2023

By email to: [REDACTED]

Dear [REDACTED]

### **OFFICIAL INFORMATION ACT REQUEST 2023/68**

On Friday 13 October you made a request under the Official Information Act 1982 (the OIA) for the following information:

*Have you made any recommendations to anyone in relation to the criminal breaches of the Electoral Act 1993? If so to who and in accordance with the Official Information Act 1982 please supply me with copies*

When the Electoral Commission receives a complaint, it undertakes an investigation as to whether breach of the Act is constituted. If a likely breach is found, the issue is put before the Chief Electoral Officer, who uses the findings of the investigation to decide whether or not to refer the matter to the Police.

Once a breach has been referred to the Police, the Commission is no longer involved the matter. It is then for the Police to decide upon action to be taken. It is not the Commission's role to make further recommendations to the Police regarding breaches of the Act.

The Commission produces a report each general election, which is provided in accordance with section 8(1) of the Act. These are publicly available and report on the administration of an election.

You may wish to refer to the Report of the Electoral Commission on the 2020 General Election and Referendums, in particular *Part 6: Parties, candidates and compliance*, to see recommendations made by the Commission following the 2020 General Election and Referendums. The number and nature of issues referred to the Police during the 2020 election cycle is also reported in Part 6.

The 2020 Report can be found here: <https://elections.nz/assets/2020-general-election/Report-of-the-Electoral-Commission-on-the-2020-General-Election-and-referendums.pdf>

A 2023 Report will be available within six months after the return of the writ for the general election which is scheduled for 9 November 2023 subject to any judicial recounts. If you would like to raise your own recommendations, you may wish to make a submission in the post-election select committee review undertaken by the Justice Committee.

More information about the review and how to make a submission can be found here:

<https://www.parliament.nz/en/pb/sc/scl/justice/>

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

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at

[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by phoning 0800 802 602.

Yours sincerely



Kristina Temel  
Manager, Legal and Policy