

10 February 2023

By email to: [REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2023/01

On 10 December 2022 you made a request under the Official Information Act 1982 (the OIA) for the following information. I am responding on behalf of the Chief Electoral Officer:

I wish to make a complaint about the role of Big Tech in the US affecting New Zealand's election results due to my experience having recently run in two by-elections and my observations in the last general election. The role of NZ media appears to be affected by what has happened in the US and New Zealand's participation in the Five Eyes Spy Network. An attachment concerning the restrictive narrative is stated in the story and interview that Glenn Greenwald undertook with Lee Fang which is enclosed. I am not satisfied with the Electoral Commissions response on these issues. I believe you will need new legislation and/or better policing in order for New Zealand to retain its democracy.

Under the Official Information Act,

- 1. Will the registered Parties and their candidates with their ranking on the party list be provided to the registered voters in the mail as it was consistently done for each MMP election apart from the last one?*
- 2. What actions are you taking given the stories of the US government directing social media platforms and what are you aware of on these issues to date?*
- 3. Given the role of New Zealand's connection to the United States and other members of the Five Eyes Spy Networks along with other international arrangements NZ has, I am of the view that democracy is not operating through New Zealand media holding power to account given the US government involvement in affecting the narrative on many areas. Are you taking any action concerning my complaints with my alleged claims concerning search engines?*
- 4. What legal advice have you had on this issue with respect to social media complaints by Parties and individuals and/or legal actions that you have threatened or taken concerning social media companies and/or organisations?*
- 5. Complaints that have been made by individuals and Parties concerning General Elections and By-elections.*
- 6. How are you going to address the issues that are raised in this email. Have you already done or written reports on this? If so, please provide copies.*

I'm of the view that this undermines New Zealand's democracy with respect to having arrangements with the United States of America and the UK, especially given the involvement in trying to prolong the war in Ukraine by preventing them from doing a peace deal with Russia.

- 1. The extradition through the UK courts of Julian Assange who reported US alleged war crimes amongst other classified US material which other journalistic organisations also published. By supporting New Zealand's involvement of Five Eyes, I would venture to suggest you are also supporting the blowing up of the pipeline that President Biden mentioned before it was blown up in the sense of we have a way to take Russian gas from Germany.*
- 2. I'm of the view that New Zealand tax payer owned media and/or other media have appeared to be following the US Policy with respect to reducing the narrative through social media channels thereby affecting media coverage for anyone who has a different point of view on the Ukraine narrative amongst other stories that appear to have been suppressed in the US through social media intervention from the American Intelligence community citing their own facts for their own narrative.*
- 3. As the West has failed militarily through conventional means of the supplying and training of Ukrainian troops it is not a good insurance policy to rely on America which is only undisputedly strong in the Nuclear Weapons field (nuclear fallout will kill us all) as opposed to troops on the ground or lacking hypersonic missiles that China and Russia already possess.*
- 4. I'm of the view that New Zealand being a member of the Five Eyes Spy Network reduces my rights under the Bill of Rights Act. Also, preventing media from holding power to account.*

During the last General Election, the Party list and Candidate was not sent out to registered electors in the mail as previous MMP elections. I found that election undermining our democracy and want assurance that this will not happen again from the Chief Electoral Officer.

The Twitter Files: Bombshell Pentagon PsyOp Revealed, with Lee Fang | SYSTEM UPDATE with Glenn Greenwald

Glenn Greenwald: *As I indicated at the start of the show: One of the Nation's best and most doggered investigative journalists – Lee Fang, one of the hires I made at the Intercept of which I am proudest, used the so-called twitter files to publish a truly bomb-sell story. Uncovering the vast online psychological influence operations run by the Pentagon to shape global attitudes and opinions about foreign countries and US foreign policy. As well as Twitters hand-in-hand cooperation to support these deceitful propaganda operations. His report detailed the extent to which the US military has for years been setting up and operating fake news portals online personalities and memes to manipulate public opinion.*

How Twitter despite pledging to crack down on state back influence operations of other countries not only allowed these US operations to continue but granted them special privileges. On October 31st Lee along with the colleague published an equally vital story on the intense cooperation on the US security state and big tech using secret documents he obtained from homeland security he reported the invasive plans of DHS and other agencies to integrate themselves into big tech to further control the flow and information over the internet. As one of the few American journalists left in American media, practicing true adversarial investigative reporting and thrilled to have Lee tonight in our interview segment.

***Lee Fang** talks about his new sub stack that was to provide additional analysis and documentation to his reporting for readers to stay up to date with his reporting. "I kind of just do by the books, regular journalism. But the sub stack provides a different format I think gives a little more extended explanation. I can talk about how I do my work, how I do my analysis, how I observe politics and society.*

***Glenn Greenwald** wishes to revisit the reporting on homeland security's increasing relationship with big tech and specifically its intention to use that to better sense of the internet from its perspective. I think people have forgotten that story because of the latest revelations from the Twitter Files. So, tell us, remind us, what that story showed in and what its key revelations were.*

***Lee Fang:** That story took a look at the evolution of the department of homeland security which has really refashioned itself from focusing on global jihadism and threats from al-Qaida, security at airports and that type of thing. To looking more and more at supposed dangers from speech on social media and this is a focus that began in 2016 after the Russia hacking and Russian Facebook pages and meme pages on Twitter.. There was a huge reaction to that as you know as you've covered so much where Washington wants answers. We can't have a foreign meddling in elections – that's the greatest threat we face. So the department of homeland security as the war on terror was winding down was looking for a new focus for their multi-billion dollar budget and they started creating new divisions within the agency focused on the social media companies they started creating round tables information sharing meetings, weekly check-ins, they had a mission creep for their role where they see themselves as the guardians of democracy by putting themselves as the stewards of what we can say online and what's information and what's misinformation. There are a lot of alarming issues presented by this new agenda by the DHS, the biggest and most obvious one is how is the government going to tell us what is true and what is not on contentious political issues, we talked to a whistle blower who shared comments with us showing that the DHS are planners as it were who were setting the agenda for the next four years said that they hoped to expand the misinformation disinformation team to police supposed misinformation around racial justice, the origins of covid-19, the effectiveness of vaccines, the withdraw from Afghanistan. These are issues where we have a spirited public debate where the govt has no appropriate role in telling us what is true or whats not. Especially since I don't think anyone knows the true origins around covid or what is the*

Electoral Commission

Level 4, 34-42 Manners Street, PO Box 3220, Wellington 6140, New Zealand

Telephone +64 4 495 0030 Fax +64 4 495 0031

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correct answer around racial justice? These are inherently subjective politicised issues and why the government should be weighing in and telling us what's true and what's not true – what's misinformation and what's disinformation its clearly not appropriate. It's clearly an effort to censor our first amendment protected speech.

Glenn Greenwald: *I think it should be intuitively obvious why we don't want the government being the final arbiter of truth and false. Just in theory that should be obvious but if you want an example that should close the debate forever: for the first year of the covid pandemic people were actually banned from social media platforms for opining (hold and state as one's opinion) that it was debatable what the origins of covid actually were. A very consequential question obviously how this worldwide pandemic began. It turned out even the US government admitted about a year later that it is an open question and yet for a year it was declared a closed question to the point it couldn't be debated on the internet because the government said it shouldn't. But let me ask you about the argument that's made to justify these policies which is: they've kind of done it out in the open – Homeland Security which was only created in 2002 – this sprawling new bureaucracy has long identified what it claims are the greatest threats to the American homeland. As you said – typically its al-Qaeda or ISIS or foreign countries. During the Trump years they started explicitly saying look – the greatest threat to the American homeland does not come from outside our borders but from within. It comes from right wing extremism and white supremacist ideology especially people willing to take up violence in the name of that cause and so it's a legitimate function of us to protect the country by focusing our attention inward because that's where the real threat is – why isn't that a legitimate way for the US security state to see its role?*

Lee Fang: *Any of these terms, calling anyone a terrorist whether you're saying there is right wing white supremacists, nationalism, that type of thing or ISIS or Islamic Jihad, these are inherently political terms. It's very easy if you're a bureaucrat or politician in Washington to inflate the fear or danger of these groups to use them as a convenient boogey man for expanding your bureaucratic power. If you look at the numbers – these are threats that can quickly mobilise public opinion but you know we already live in a violent country – you know, something like 16,000 gun homicides per year. The number of actual foreign terror organisations or domestic right-wing or left wing terror groups is miniscule. It really is. My perspective as a utilitarian – the actual threat and danger is constantly over-hyped and used as a cudgel for these politicians and policy makers to demand more resources to demand more of an encroachment on civil liberties to call for greater surveillance to call for greater restrictions on our daily lives – whether that's airports or social media – they're constantly seeking to expand their role.*

Glenn Greenwald: *So lets turn to the story from yesterday that you were able to do with your access to the Twitter Files which obviously has a lot of relevance to the story you reported in late October we just discussed and before delving into the substance there has been a lot of attempts to denigrate this reporting by suggesting there's something nefarious about the relationship between Elon Musk and the reporters who have been reporting it that there's*

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conditions on what you can and can't say that he has paid you to say what he wanted. Is any of that true? Were there conditions imposed on the access that you had to this material on what you were allowed to report or couldn't?

Lee Fang: *No, no conditions, I signed nothing, agreed to nothing. I'm happy to have the opportunity to do some reporting on these files but you know, to be perfectly candid, I simply came to the Twitter offices last week and for three days without any editorial input - nobody told me what to look for or what I was doing. I came in and I made some requests to a Twitter Attorney who would go to another room and then try to fulfil those requests using some research tools on various documents that I asked for. Another Twitter engineer helped fulfil other requests because I also asked around certain tools that they use to manage peoples Twitter profiles. That's about it, they did not kind of pressure me or reach out in any way – there was obviously no money exchange, I never met Elon Musk but you know, this is an interesting opportunity so I ceased it. I hope to do more public interest focused reporting used in these documents. If there is something in those documents that helps us understand the world better, understand this company better, or public life – whether its social media or interactions with the government that can be elevated or illustrated with journalism – I'm happy to do it.*

Glenn Greenwald: *It used to be kind of uncontroversial that if you were a journalist and someone offered you an opportunity to get information that helped the world understand powerful actors or powerful decisions better you'd immediately say yes without regard to who that source is or what their motives are but that seems to have changed quite a bit in some sectors of journalism – did you want to say something about that?*

Lee Fang: *I should just say - I've reported on dozens and dozens of stories with unusual sources – I think there are alleged Qatari hackers that I obtained documents from – Algerian hackers of Russian sources – FBI, law enforcement, leakers, there are people with various motives. I get that Elon Musk is an unusual controversial source but I've done so many stories with other unusual sources – what matters is, is it a public interest story? Do the documents, does the story tell something that serves the public interest. Here that is clearly the case but you know of course people obsess over Elon Musk because he is a polarising figure I get that but it doesn't reflect the journalism.*

Glenn Greenwald: *You know in Watergate is the pinnacle of journalistic excellence – the main source that they call 'Deep Throat' turned out to be an FBI official bitter that he was passed over for the position of FBI Director by Nixon and his leaks were designed to get vengeance on Nixon for what he took as a personal affront. You're the 3rd journalist I've interviewed who has reported on these files ...*

[Continued on link provided]

Responses to items 1 to 6 from your OIA request are provided below.

Item 1

Prior to 2020, party lists have been distributed to enrolled voters via the EasyVote pack.

The key purpose of the EasyVote pack is to get the EasyVote card to voters as quickly as possible, so that voters can use it when voting. The EasyVote card makes voting easier by speeding up the vote issuing process and helping ensure that each voter gets correctly marked off the roll and given the correct ballot paper.

Party lists can't be confirmed until nominations close which is around two weeks before the start of advance voting. The time it takes to produce more than 3.5 million party lists and insert them into the EasyVote pack extends the timeframe for being able to send the pack out by approximately one week. This means that the majority of voters may not receive the pack until the end of the first week of voting, by which time many voters have already voted. In 2020 referendums information also had to be included in the EasyVote pack.

The decision was taken in 2020 not to include the party lists in the EasyVote pack. To ensure party list information was still available to voters in the 2020 general election, it was:

- displayed at all voting places and made available for voters to have their own copy upon request
- placed on the Electoral Commission's vote.nz website
- made available in hard copy via our 0800 telephone service or from Returning Officers, on request.

These options ensured that not only enrolled voters but those voters who are not enrolled, and who do not receive the EasyVote pack, are readily able to access this information.

Decisions on the contents of the EasyVote pack for the 2023 General Election are not finalised at this stage. We will update you when a final decision has been made.

Items 2 to 6

Items 2 to 6 relate to the role of New Zealand media, additional regulation of social media, and your view that new legislation and/or better policing is needed in order for New Zealand to retain its democracy. These requests do not relate to information held by the Electoral Commission and therefore cannot be provided under the Act.

2. *What actions are you taking given the stories of the US government directing social media platforms and what are you aware of on these issues to date?*

These matters fall outside the Electoral Commissions statutory remit and do not relate to information held by the Electoral Commission and therefore cannot be provided under the Act.

3. *Are you taking any action concerning my complaints with my alleged claims concerning search engines?*

No.

4. What legal advice have you had on this issue with respect to social media complaints by Parties and individuals and/or legal actions that you have threatened or taken concerning social media companies and/or organisations?

The Commission has not had legal advice on social media complaints by parties or legal action relating to search engines.

5. Complaints that have been made by individuals and Parties concerning General Elections and By-elections.

The Commission has not received any other complaints from individuals and parties relating to search engines.

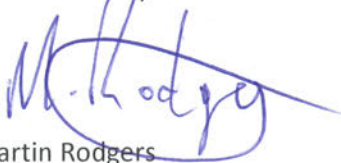
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In the interests of transparency, we release responses to Official Information Act requests every 3 months. We will publish this response with your personal details redacted.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Yours sincerely



Martin Rodgers

National Manager Voting Services