



**ELECTORAL
COMMISSION**
TE KAITIAKI TAKE KŌWHIRI

Publisher and Broadcaster Handbook Te Aratohu Kaipāpāho, Kaitā

**General Election 2023
Pōtitanga ā-Motu 2023**



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Foreword | Kupu Tātaki

The media play a vital role in the democratic process. You provide information about elections to voters and help parties, candidates, and others to communicate their election messages to voters to help them make their democratic choice. I hope you find this handbook useful when you are planning for the 2023 General Election.

This handbook is part of a series produced by the Electoral Commission to help people understand how elections work. It explains what political parties, candidates, and third parties can and cannot do when campaigning in the 2023 General Election, and the obligations for publishers and broadcasters, particularly around election advertising. It sits alongside the 2023 Media Kit that provides journalists with information to use in their daily coverage of the election campaign, including the election timetable, what's new at this election, useful statistics, and answers to frequently asked questions on enrolment, voting and the election rules.

You can find the rest of the handbooks on our website: www.elections.nz. If you are unsure about how the rules apply to a particular programme or publication, please ask the Electoral Commission. We are here to help.

Our websites have more information

We have a website with the rules for all participants, a website for voters and a website for election results.

www.elections.nz

www.vote.nz

www.electionresults.govt.nz

Contact details:

Electoral Commission, PO Box 3220, Wellington

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Karl Le Quesne, Chief Electoral Officer

Advertising and campaigning | Te whakatairanga me te whai pōti

This section helps you understand the rules parties, candidates and other advertisers must follow when advertising and your obligations as a publisher or broadcaster.

Key messages

Make sure each advertisement follows the relevant rules before you publish or broadcast it.

If you don't follow the rules as the publisher or broadcaster, you'll also be responsible for breaking the law.

If you're publishing an election advertisement, it needs a promoter statement.

If it promotes another party or candidate, it also needs their prior written authorisation.

Election advertisements on TV and radio can only be broadcast from writ day to the day before the election.

Parties can only pay for advertising on TV and radio from their broadcasting allocation administered by the Electoral Commission.

What is an election advertisement?

An election advertisement is an advertisement that may reasonably be regarded as encouraging or persuading voters to vote or not vote for a:

- candidate
- party
- type of candidate or party the advertisement describes by referencing views they do or don't hold.

Election advertisements about electorate candidates are called candidate advertisements, and election advertisements about parties are called party advertisements.

Whether an advertisement encourages or persuades voters depends on its effect as a whole

An advertisement doesn't have to include a candidate or party's name to be an election advertisement.

An advertisement's encouragement or persuasion can be direct or indirect. Whether an advertisement encourages or persuades voters depends on its:

- content
- style
- apparent purpose
- factual context
- effect as a whole.

We must assess whether something is an election advertisement from the perspective of a reasonable observer, recognising the importance and value of political speech in a democracy (*The Electoral Commission v Watson & Anor 2016*).

Election advertisements can be in any medium

Election advertising can be published in any medium. Publish means to bring to a person's attention in any way, except for talking to people face to face, such as newspapers, magazines, posters, billboards, leaflets, TV and radio and online advertising.

Unpaid advertising can still be an election advertisement.

There are exceptions to election advertisement rules

The following don't count as election advertisements:

- editorial content
- personal political views online
- an MP's contact details.

Editorial content

Editorial content in periodicals, radio or TV programmes, and on news media websites are not election advertisements.

Editorial content includes any part of the publication except advertising, advertorial or sponsored content. It can include opinion and editorial pieces that others write, and contributions from readers the editor has chosen to publish.

A periodical is a newspaper, magazine or journal that:

- was established for reasons unrelated to the election
- is published regularly
- is available to the public.

A periodical can be digital or printed.

Personal political views online

An individual publishing their personal political views on the internet or other electronic medium doesn't count as election advertising. This exemption covers people posting on social media such as Facebook and Twitter.

This exemption doesn't cover:

- any paid content
- anyone expressing the political views on behalf of a group, organisation or political party.

MP contact details

There's also an exemption for MPs publishing their contact information.

Election rules apply to advertisements published in New Zealand or overseas

The rules apply to election advertisements published either:

- in New Zealand, even if the promoter is outside New Zealand
- outside New Zealand, only if the promoter is in New Zealand.

Only publish an election advertisement if it has a promoter statement

All election advertisements must include a promoter statement. This applies at all times, not just during the regulated period.

A promoter statement shows the name and address of the person promoting the advertisement.

We recommend the following wording for promoter statements:

**Promoted or authorised by [promoter's name],
[promoter's full street address].**

What a promoter statement should include depends on who is promoting the advertisement

The name and address that needs to be in a promoter statement depends on whether the promoter is a party, a candidate or a third party.

Party advertisements

Advertisements that a party promotes need to include the party secretary's name and address.

If a party promotes an advertisement that's both a party and a candidate advertisement, it only needs one promoter statement. Since a party is the promoter, the promoter statement needs to include the party secretary's name and address.

Candidate advertisements

Advertisements that electorate candidates promote need to include the candidate's name and address.

The address can be the candidate's full street address of either:

- the place where they usually live
- any other place where usually someone can contact them between 9am and 5pm on any working day.

If a candidate promotes an advertisement that's both a candidate and a party advertisement, it only needs one promoter statement. Since a candidate is the promoter, the promoter statement needs to include the candidate's name and address.

Third party advertisements

Anyone who puts out advertising about a candidate, party or election issue, but isn't a candidate or party themselves, is a third party promoter. Third party promoters can be registered or unregistered.

Advertisements promoted by registered third party promoters need to include the name and address shown on the register of promoters.

If an unregistered third party promoter is an organisation, their promoter statements must also include the name of a member of the organisation who has the authority to represent it.

For example:

Promoted or authorised by [representative's full name], [promoter's name], [promoter's full street address].

If an unregistered third party promoter is an individual, they can use the full street address of either:

- the place where they usually live
- any other place where usually someone can contact them between 9am and 5pm on any working day.

Promoters can't use a post office box or website address in a promoter statement.

Promoter statements must be easy to see or hear

All election advertisements must clearly display their promoter statements.

In our view, this doesn't mean someone should be able to read the promoter statement from where you mean them to see the advertisement. For example, people don't need to be able to read the promoter statement on a billboard while they're driving past it. A person should be able to read the promoter statement if they stop to examine the billboard.

Whether an advertisement clearly displays a promoter statement depends on the advertisement and the context it's in.

If an advertisement is only in an audible form, the promoter statement must be as easy to hear as the rest of the advertisement.

Advertisements related to an election also need a promoter statement

Some types of advertisements about an election need a promoter statement, even if they don't encourage or persuade voters to vote or not vote for a party or candidate and won't count as an election expense.

For example, posters encouraging people to enrol to vote in the election need to include a promoter statement because the posters are related to an election.

This applies to advertisements in all mediums, including newspapers, magazines, posters, billboards, leaflets, TV and radio and online advertising.

It's an offence to publish an election advertisement without a promoter statement

You're committing an offence if you publish, or cause the publication of, an advertisement that doesn't have a promoter statement when it's meant to. As a publisher or broadcaster, you could be fined up to \$10,000.

Request an advisory opinion

You can ask us for our opinion on whether an advertisement counts as an election advertisement. We don't charge a fee for this.

Our advisory opinions are not legal advice

Our opinions are our interpretation of the Electoral Act. They're not legally binding or legal advice, and a court of law may reach a different opinion. You may want to get your own legal advice before you publish or broadcast an advertisement.

Send us your request by email

To request an advisory opinion, please send us a copy of the advertisement and tell us:

- who the advertisement is from
- how you'll publish it
- when you'll publish it
- how widely you'll publish it.

Send us your request to: advisory@elections.govt.nz

We'll send you an advisory opinion as soon as we can

Once we get your request, we'll respond with an advisory opinion as soon as we can. We'll aim to respond within 5 working days.

We'll keep your request confidential until the election is over

We'll treat your request and our advice as confidential until the relevant election cycle ends. After that, we'll make our opinions available if someone asks for them, subject to the Official Information Act.

You can publicly release the advice we give you at any time, if you want to.

Promoters need prior written authorisation to promote a candidate or party

Promoters must get prior written authorisation from a party secretary or candidate before they can promote that party or candidate in their advertising.

If an advertisement promotes more than one party or candidate, the promoter needs written authorisation from each party secretary or candidate.

Candidates don't need authorisation to promote themselves, and party secretaries don't need authorisation to promote their own party.

Ask promoters for copies of their written authorisation

We recommend that you ask promoters for copies of any written authorisations an advertisement needs before you publish or broadcast it.

It's an offence to publish an election advertisement without proper authorisation

You're committing an offence if you publish, or cause the publication of, an advertisement that doesn't have proper authorisation when it's meant to. As a publisher or broadcaster, you could be fined up to \$10,000.

There are expense limits for election advertising

There are limits to how much parties, candidates and third parties can spend on election advertising during the regulated period for the general election. The limits are adjusted on 1 July each year.

The regulated period is usually about three months before election day until midnight of the day before the election day. Exact dates are available on vote.nz after the election date is announced by the Prime Minister.

During this period, any advertising run to promote a candidate or party counts towards the candidate, party or third party's expense limits.

There are no limits on how much parties, candidates or third parties can spend on election advertising published before the regulated period.

Time limits for invoicing parties, candidates and third party promoters

There are time limits for parties, candidates and third parties to receive invoices for election expenses and for parties to receive broadcasting invoices. Make sure that you are aware of these time limits for invoicing them.

All invoices for election expenses must be sent to candidates and third party promoters within 20 working days of the official results (1 December 2023) and candidates and third party promoters must have paid the invoices within 40 working days of the official results (22 January 2024). It's an offence for them to be paid after this date without a Court Order.

All invoices for election expenses must be sent to parties within 20 working days of the declaration of election of list members (7 December subject to any recounts) and party secretaries must have paid the invoices within 40 working days of the declaration of election of list members (26 January 2024 subject to recounts). It's an offence for election expenses to be paid after this date without a Court Order.

Local councils are responsible for regulating election signs in their region

Local councils are responsible for regulating when, where and how election signs can be displayed.

In the 9 weeks before election day, promoters can have election signs that are up to 3 square metres in size. This applies everywhere in New Zealand, but promoters still need to follow the local council's application processes and rules about where they can put the signs up. Promoters should also talk to the local council if they want to have larger signs or put signs up earlier.

Promoters can only pay certain people to display election signs

Promoters can only pay someone to display an election sign if displaying signs is part of their business.

Examples of election advertising rules

The examples below show how election advertising rules apply in practice.

Third party billboard promoting a party

A third party (The Fruit Production Board) wants to spend \$20,000 publishing a billboard during the regulated period that encourages voters to vote for the Pear Party.



Before publishing the billboard, the third party (The Fruit Production Board) must:

- register with us as a promoter
- get written authorisation from the secretary of the Pear Party.

The billboard must include a promoter statement showing the name and address of the third party (The Fruit Production Board).

The \$20,000 cost of the billboard will count toward election expense limits of both the Pear Party and the third party (The Fruit Production Board).

Third party billboard attacking a party

A third party (The Custard Makers' Union) wants to spend \$35,000 publishing a billboard during the regulated period that encourages voters not to vote for The Apple Party.



Before publishing the billboard, the third party (The Custard Makers' Union) must register with us as a promoter. The third party (The Custard Makers' Union) doesn't need authorisation from any party.

The billboard must include a promoter statement showing the name and address of the third party (The Custard Makers' Union).

The \$35,000 cost of the billboard will only count towards the third party's (The Custard Makers' Union) election expense limit.

Third party flyer in a community newspaper

A third party prints a flyer and arranges for a publisher to distribute it with a community newspaper.

The flyer presents loaded questions and answers about a topical issue. It frames some answers in negative language with a cross, and others in positive language with a tick.

The flyer doesn't identify any party or candidate by name, but it uses messages and colours to clearly reflect the policy positions of a type of party.

The third party and the publisher should ask us for an advisory opinion.

If the flyer is an election advertisement or an advertisement relating to an election, it needs a promoter statement. If the flyer may reasonably be regarded as encouraging or persuading

electors to vote for a party, it may also need the party secretary's prior written authorisation.

The third party may also need to register with us as a promoter, depending on how much they spend on the flyer.

Advertorial announcing the launch of a new political party

The secretary of a newly registered political party pays a newspaper to publish an advertorial highlighting the names and qualifications of party members.

The text uses language that positively promotes the party, such as:

- 'We have the people to protect families and promote local businesses.'
- 'This party will help all parents who want the best for their children.'

The advertorial also includes a photo of the party leader handing an oversized cheque to a local community group as a donation to its childcare initiative. A billboard with the party's logo features prominently in the photo.

This advertorial is likely to be a party election advertisement. It should include a promoter statement including the name and address of the party secretary.

Advertising that refers to a website can make an advertisement election advertising

If advertising refers to a website, the content of the website may help decide whether the advertising is:

- an election advertisement
- a party advertisement, a candidate advertisement or both.

Listing a website is fine, but if the advertisement uses words or graphics to encourage readers to visit a website, consider the content of both the advertisement and the website.

For example, if a print advertisement encourages readers to visit a website, and the website encourages them to vote for a candidate, the print advertisement is an election advertisement.

Election broadcasting | Te whakatairanga mō te pōti nui ki te pouaka whakaata



This section explains the rules that apply to election broadcasting, your obligations as a broadcaster, and how the broadcasting allocation can be used.

Key messages

- Election advertisements can only be broadcast on TV or radio in the election period. The election period starts on writ day and finishes at the end of the day before election day.
- It's unlawful to broadcast an election advertisement before writ day or on election day.
- Registered political parties can only use money that we allocate to buy airtime for election advertisements – though they can spend their own money on production costs.
- You must offer the same rate card and terms to all parties and the same rate card and terms to all candidates – including any volume discounts and bonus allocations.
- Candidates can promote their candidacy on TV or radio during the election period, within their expense limit. Their broadcasts can only feature one candidate, can't promote the party vote and can't attack another party or candidate.
- Parties can use their allocation to promote themselves and their candidates or attack other parties and candidates – candidate expense limits and donations rules apply if a party promotes one or more of their candidates.
- Parties who don't get an allocation can't broadcast on TV or radio to promote the party vote or attack other parties.
- Third parties can broadcast election advertisements at any time except on election day.

These rules apply to TV and radio advertising by parties and candidates if it does any of the following:

- Encourages or persuades voters to vote, or not vote, for a party or candidate
- Appears to encourage or persuade voters to vote, or not vote, for a party or candidate
- Supports or opposes a party or candidate
- Tells voters about meetings about an election.

Broadcasting covers radio and television, including pay TV such as Sky, but not other on-demand online services such as TVNZ+ and ThreeNow.

You're a broadcaster if you broadcast programmes, such as if you're a station or network manager. You're not a broadcaster if you only supply transmission services, unless you have some control over what is broadcast.

You have responsibilities as a broadcaster

As a broadcaster, you're responsible for making sure any election advertisements you broadcast are legal and meet broadcasting standards.

If you break the rules for broadcasting election advertisements, you could be fined up to \$100,000. If you breach the broadcasting standards other sanctions may be imposed by the Broadcasting Standards Authority.

You can only broadcast election advertisements from parties and candidates from writ day to the day before the election

You can only broadcast election advertisements on TV or radio within the election period. The election period starts on writ day and finishes at the end of the day before election day.

You can broadcast election advertisements from third parties at any time except election day

If an advertisement's promoter is a third party, you can broadcast it at any time except on election day.

What a broadcast advertisement can include depends on who is promoting it

Different rules apply to the content of election advertisements on TV and radio, depending on whether the promoter is a party, a candidate or a third party.

All broadcast advertisements need a promoter statement

All broadcast advertisements must have a promoter statement.

If an advertisement is only in an audible form, the promoter statement must be as easy to hear as the rest of the advertisement.

Learn more about promoter statements in the advertising and campaigning section of this handbook.

Only registered parties with a broadcasting allocation can promote themselves with TV and radio advertisements

Registered parties with a broadcasting allocation can promote election advertisements on TV and radio that do one or more of the following:

- support a party
- attack one or more parties or candidates
- support one or more electorate candidates, with the candidate’s written authorisation.

Unregistered parties, and registered parties without a broadcasting allocation, can only use election advertisements on TV and radio to promote their electorate candidates.

Electorate candidates can’t share TV or radio advertisements with their party or another candidate

Electorate candidates can only promote election advertisements on TV and radio that:

- support the candidate’s own candidacy
- mention a party name and party policies.

A candidate’s election advertisements on TV and radio can’t:

- encourage the party vote or promote a party list
- attack other parties or their policies
- attack other candidates or their policies
- promote other candidates.

For example, a candidate's radio and TV advertisements can say:

'Tick Joe Bloggs, your Y Party candidate for Wellington Central.'

A candidate's radio and TV advertisements can’t say:

'Tick Joe Bloggs, your Y Party candidate for Wellington Central, and give the Y Party your party vote.'

Third party broadcast advertisements

Third parties can broadcast election advertisements on TV and radio. The only restriction on third party broadcasting is that they can’t broadcast election advertisements on election day.

If a third party’s advertisement promotes a political party or candidate, they need written authority from that party or candidate. The third party election expense limit applies during the regulated period.

The advertising standards still apply to any advertising by third parties. The Advertising Standards Authority administers those standards.

Third parties can promote non-partisan, community service station announcements such as free listings of candidate meetings, or advertisements encouraging people to enrol or vote. These broadcasts must include a promoter statement.

The broadcasting allocation and how it can be used

Registered parties, candidates and third parties have to follow certain rules about what they use to pay for election advertising on TV and radio.

We allocate some money to parties for broadcast and internet advertising

For each general election, we allocate funds to registered parties for them to spend on broadcast and internet advertising. We don’t allocate funds for by-elections, nor do we allocate funds directly to electorate candidates.

Parliament gave us \$4.146 million (including GST) to allocate for the 2023 General Election. We’ll issue the broadcasting allocation decision during May 2023, which shows how much each eligible party may receive and any conditions attached to their allocation, available on elections.nz. We may vary the allocation decision if a party does not register in time to receive their allocation or if a party does not lodge a party list for the election.

Parties can spend their allocation on election advertisements. Any costs a party pays with the broadcasting allocation don’t count towards their election expense limit.

Parties must send us a return of their broadcasting allocation expenses within 90 days of election day.

Registered parties can use their allocation for production costs as soon as the decision is issued.

Invoicing and payment deadlines

Parties do not receive money for their allocation. Instead, parties submit invoices from suppliers to the Commission and the Commission pays the invoices directly. Parties must have submitted their broadcasting invoices to the Commission by 50 days after the end of the month of the election (31 January 2024) for them to be able to be paid. Make sure you have provided all invoices to parties in time for them to meet this deadline.

Parties can only pay for broadcasting time with their broadcasting allocation

Registered parties can only buy time on TV or radio to promote themselves with funds they get from the broadcasting allocation. It’s illegal for parties to spend their own funds to buy time on TV or radio to promote themselves.

Parties can use their broadcasting allocation or their own money to pay production costs

Registered parties can use either their broadcasting allocation or their own funds to pay production costs for TV or radio advertisements. If a party uses its own funds, the production costs count towards that party’s expense limit.

Parties can use their broadcasting allocation to pay for internet advertising

Registered parties can also spend their broadcasting allocation on:

- the cost of producing internet advertisements that the party publishes, or continues to publish, from writ day to the day before the election
- placing or promoting internet advertisements from writ day to the day before election day.

Parties can use the broadcasting allocation to promote their candidates

Parties can use their broadcasting allocation to promote their candidates with broadcast or internet advertising. The cost of the advertisement, or the part of the advertisement relating to the candidate, is both a:

- candidate expense
- donation to the candidate from the party.

Parties without a broadcasting allocation can't promote themselves on TV or radio

Unregistered parties, and registered parties without a broadcasting allocation, can only use TV and radio to promote their electorate candidates.

Where there is a group of parties contesting the election together only the umbrella party will receive an allocation, but it can also be used to promote candidates standing for component parties.

Candidates can use their own funds to pay for broadcast advertising

Candidates can use their own money to pay for broadcasting time and production costs. These costs count towards the candidate's expense limit.

Third parties can use their own funds to pay for broadcast advertising

We don't give broadcasting allocations to third parties, but they can pay for advertising with their own money.

If a third party promotes an election advertisement on TV and radio during the regulated period, the cost of that advertisement counts towards the third party's expense limits.

If a third party is promoting a party or candidate in their broadcast advertising, they must have the party or candidate's prior written authorisation and the costs of the advertisement will also count towards the election expenses of the party or candidate.

You can start accepting bookings at any time

There's no restriction on when you can start accepting bookings for candidate and party election advertisements. When you accept a booking, you should clearly record whether it's for a party or an electorate candidate. You should also record the name of the party or candidate.

If a party makes a booking, you should check that it:

- is within the amount the party got in the broadcasting allocation
- meets any conditions of the broadcasting allocation.

You must offer consistent rate cards and terms

You must offer each party the same rate card and terms, including any volume discounts and bonus allocation. You must also offer each candidate the same rate card and terms, including any volume discounts and bonus allocation.

Your employees can keep presenting on air if they become candidates

If your employee becomes a candidate, they can legally keep presenting their programme on air during the election campaign.

However, your employee must take great care in how they talk about issues that might be relevant to the election. They will be the subject of careful public scrutiny.

You and your employee should use your own judgement. Take ethical, legal and employment considerations into account, as well as the broadcasting standards.

Rules for broadcasting election advertisements don't apply to news, comment or current affairs

The rules for broadcasting election advertisements don't apply to editorial content, third party comment or opinions about an election, such as:

- news
- comment
- current affairs
- entertainment
- documentaries.

These programmes must comply with the relevant obligations in the Code of Broadcasting Standards in New Zealand. The Broadcasting Standards Authority (BSA) administers those standards.

The Media Council Principles apply to the editorial content of newspapers, magazines and periodicals in circulation in New Zealand including their websites; the online content of TVNZ, Mediaworks, Māori Television, Sky Network Television, NZME Radio and Radio New Zealand; digital sites with news content, including blogs characterised by news commentary, that have been accepted as members of the Media Council. The Media Council administers those standards.

Rules once voting has started | Ngā ture mō te wā tuku pōti

There are restrictions on what people can do once voting starts.

It's a criminal offence to do anything that could be seen as encouraging or persuading voters:

- in an advance voting place
- within 10 metres of an advance voting place
- on election day.

This includes advertising, public statements, processions and speeches, as well as displaying candidate, party names, emblems, slogans or logos. The full lists of restricted activities are in sections 197 and 197A of the Electoral Act.

Don't publish or broadcast anything that could influence voters

On election day, you can't publish or broadcast anything that is likely to influence voters until after voting closes at 7pm.

If you publish a newspaper after 6pm on the day before election day, it counts as publishing it on election day.

You could still be seen as encouraging or persuading voters even if:

- your item is balanced (for example, it looks at the pros and cons of an issue that featured in the election campaign)
- you do not mention the name of a party or candidate
- you give all candidates or parties equal coverage.

For example, you would break election day rules if you ran an item that:

- showed a candidate at an election-related demonstration
- commented on a candidate's likelihood of winning an electorate seat
- commented on each party's likelihood of passing the 5 percent party vote threshold.



It's illegal to imitate ballot papers

It's illegal to imitate ballot papers from midnight on the Tuesday before election day to the end of election day. Don't publish or broadcast anything that's likely to influence voters and does any of the following:

- looks like a ballot paper
- looks like part of a ballot paper
- lists candidates or parties.

You can broadcast and publish news about an election

You can broadcast and publish news about an election if it's unlikely to be seen as encouraging or persuading voters. For example, your news item may:

- note that the election is taking place
- note when results will be available
- mention party names or candidate names
- have footage or pictures of party leaders casting their votes.

Take care with any item that features candidates or parties. If you have any doubts, delay publishing or broadcasting until voting closes at 7pm.

Make sure you check replay schedules and don't schedule programmes to repeat on election day that would break election day rules.

You can get permission to film and photograph at voting places

You can film and take photos for news coverage at a voting place, if you have permission from the Returning Officer.

Contact us before the voting period to get permission.

If the Returning Officer gives you permission, you must agree to not:

- disrupt the voting place with your filming or photography
- photograph or film voters completing their ballot papers
- conduct interviews in or near the voting place.

When you're near a voting place on election day or within 10 metres of an advance voting place, you can't say or do anything that could influence voters. Exercise restraint to avoid complaints.

Be careful what you post on websites and social media

On election day, it's illegal to post or share anything that's likely to influence voters. This includes photos of completed ballot papers. Posting personal political views on election day can also break the law.

You can keep existing election material on your website or social media page, so long as all the following apply:

- you published the material before election day.
- the material is only available to people who voluntarily access it.
- you don't publish advertisements promoting the page or site on election day.

We recommend you disable the public message boards and comment sections of your websites and social media on election day. This will stop users from posting new election-related material.

You can't deliver election material on election day

You can't deliver election material through the post or directly to mailboxes on election day.

Be careful about hand-delivering election material to mailboxes on the Friday before election day. If a voter doesn't check their mail until the next day, they may think it arrived on election day and complain.

Please make sure that you have clear instructions on this in place for all of your deliverers in the week of the election.

We'll review all complaints and refer them to the Police if necessary.

Complaints about election advertising | Te tuku amu ōkawa mō te whakatairanga pōti nui



There are different agencies people can go to if they have concerns about an election advertisement. electionresults.govt.nz

Contact us about breaches of election advertising rules

The Commission is responsible for ensuring that the rules regarding transparency of promoter statements, authorisation of advertising and electoral finance rules are being complied with. Anyone can complain to us about breaches of election advertising and the election day rules under the Electoral Act and election programmes under the Broadcasting Act.

Email or post a complaint to us:

Email enquiries@elections.govt.nz

Electoral Commission

PO Box 3220

Wellington

If we believe the person or group has committed an offence, we'll report the facts to the police. We can't enforce laws or prosecute offenders.

Sometimes, we may not report an offence if there's no public interest because it's so inconsequential.

The Broadcasting Standards Authority, the Advertising Standards Authority and the Media Council all have roles when it comes to considering whether the content of campaign advertising, broadcasts and media activity meets the relevant standards they administer.

Contact the Broadcasting Standards Authority about broadcasting

The Broadcasting Standards Authority (BSA) oversees broadcasting on TV and radio.

Election programmes must follow the Election Programmes Code

Election programmes on TV and radio, such as party and candidate advertisements, must follow the Election Programmes Code of Broadcasting Practice.

These complaints go directly to the BSA.

The BSA website has more information about the code and how to complain under it:

bsa.govt.nz/broadcasting-standards/election-code

Third party programmes must follow broadcasting standards

Third party programmes about elections must comply with the relevant obligations in the Code of Broadcasting Standards in New Zealand.

If a person thinks a programme has breached one of these standards, they have to complain to the broadcaster first. If the complaint can't be resolved, they can go to the BSA.

The BSA website has more information about the standards and how to complain:

bsa.govt.nz/complaints

Contact the Advertising Standards Authority about other election advertising

The Advertising Standards Authority (ASA) oversees advertising in all media other than party or candidate election programmes broadcasts on TV and radio.

Advertising must comply with the ASA Codes of Practice. The ASA website has more information about the codes and how to complain:

asa.co.nz/complaints

Contact the Media Council about editorial content

The New Zealand Media Council oversees its members, which include publications and news websites.

If anyone wants to complain about editorial content, they must go to the publisher first. If they can't resolve the complaint, the complainant can go to the Media Council.

The Media Council website has more information about its members and how to complain:

mediacouncil.org.nz

Contact local councils about election signs

If anyone has any questions or complaints about the placement of election signs, they can talk to the local council of the area the sign is in.

The Local Government New Zealand website has contact details for local councils:

lgnz.co.nz/nzs-local-government/new-zealands-councils

Quick guides for publishers and broadcasters | Puka whakarāpopoto mō ngā kaipāpāho me ngā kaiwhakaputa kōrero



This section summarises the rules for publishing and broadcasting election advertisements. electionresults.govt.nz

Candidate-initiated advertising

Advertisements that electorate candidates initiate need to include a promoter statement with the candidate's name and address.

Broadcast advertising

The table below summarises the rules for broadcasting candidates' election advertisements on TV and radio.

Advertisement content	When broadcasts allowed	Needs authorisation from
Promoting party, candidate and party, or attacking another party or candidate	Not allowed	Not applicable
Promoting electorate candidate only	From 10 September to 13 October Counts as an election expense	Electorate candidate

Non-broadcast advertising

The table below summarises the rules for candidates' election advertisements in other mediums, such as newspapers, billboards and online advertising.

Advertisement content	When advertising allowed	Needs authorisation from
Promoting party or attacking party or candidate	Anytime except election day Counts as an election expense from 14 July to 13 October	Party secretary must approve the advertising promoting the party

Promoting electorate candidate	Anytime except election day Counts as an election expense from 14 July to 13 October	Electorate candidate
Promoting both electorate candidate and party	Anytime except election day Counts as an election expense from 14 July to 13 October	Party secretary and electorate candidate

Party-initiated advertising

Advertisements that parties initiate need to include a promoter statement with the party secretary's name and address.

Advertising on TV and radio using the broadcasting allocation

The table below summarises the rules for broadcasting election advertisements that parties have paid for with the broadcasting allocation.

Advertisement content	When broadcasts allowed	Needs authorisation from
Promoting party or attacking party or candidate/s	From 10 September to 13 October	Party secretary must approve the advertising promoting the party
Promoting electorate candidate only	From 10 September to 13 October	Electorate candidate
Promoting both party and electorate candidate/s	From 10 September to 13 October	Party secretary and electorate candidate/s

Advertising on the internet using the broadcasting allocation

The table below summarises the rules for publishing internet election advertisements that parties have paid for with the broadcasting allocation.

Advertisement content	When advertising allowed*	Needs authorisation from
Promoting party or attacking party or candidate/s	From 10 September to 13 October	Party secretary must approve the advertising promoting the party
Promoting electorate candidate	From 10 September to 13 October	Electorate candidate
Promoting both party and electorate candidate/s	From 10 September to 13 October	Party secretary and electorate candidate/s

*Once funding is allocated, the broadcasting allocation can be used for production costs for internet advertising placed at any time as long as that advertising is also placed in the period 10 September to 13 October. The allocation can only be used for placement costs during the election period 10 September to 13 October.

Advertising on TV and radio using private funding

The table below summarises the rules for party initiated broadcasting election advertisements that parties have paid for with private funding.

Advertisement content	When broadcasts allowed	Needs authorisation from
Promoting party or electorate candidate and party	Not allowed	Not applicable
Attacking party or electorate candidate	Not allowed	Not applicable
Promoting electorate candidate	From 10 September to 13 October Counts as a candidate election expense	Candidate

Non-broadcast advertising using private funding

The table below summarises the rules for publishing non-broadcast election advertisements that parties have paid for with private funding.

Advertisement content	When advertising allowed	Needs authorisation from
Promoting party vote or attacking party or candidate	Anytime except election day Counts as an election expense from 14 July to 13 October	Party secretary must approve the advertising promoting the party
Promoting electorate candidate	Anytime except election day Counts as an election expense from 14 July to 13 October	Electorate candidate
Promoting both party and electorate candidate/s	Anytime except election day Counts as an election expense from 14 July to 13 October	Party secretary and electorate candidate/s

Third-party-initiated advertising

The table below summarises the rules for publishing third-party-initiated election advertisements in all mediums.

Advertisements that third parties initiate need to include a promoter statement with the third party's name and address. If the promoter is unregistered and a group, the promoter statement must also include the name of a member of the group who has authority to represent it.

Advertisement content	When advertising allowed	Needs authorisation from
Promoting a party	Anytime except election day Counts as an election expense from 14 July to 13 October	Party secretary

Promoting an electorate candidate	Anytime except election day Counts as an election expense from 14 July to 13 October	Electorate candidate
Promoting a party and electorate candidate/s	Anytime except election day Counts as an election expense from 14 July to 13 October	Party secretary and electorate candidate/s
Attacking a party or electorate candidate	Anytime except election day Counts as an election expense from 14 July to 13 October	Not applicable

Useful contacts | Taipitopito whakapāpā kaiwhakahaere

You may find these organisations useful to your campaign and to understanding your responsibilities as a publisher or broadcaster.

For information on ...	Agency & Contact
<p>Administration of enrolment and voting services. We produce a range of resources, in different languages, about enrolling and voting which can be ordered via our website or by email</p> <p>Purchase of printed rolls and roll data</p> <p>Nominations, parliamentary elections, by-elections and list vacancies</p> <p>Advice about election rules including advisory opinions on whether material is an election advertisement</p> <p>Parliamentary electoral boundaries</p>	<p>Electoral Commission Te Kaitiaki Take Kōwhiri</p> <hr/> <p>Helpline: 0800 36 76 56 National Office: 04 495 0030</p> <p>General enquiries or requests for resources: enquiries@elections.govt.nz</p> <p>Requests for rolls and roll data: data@elections.govt.nz</p> <p>Requests for advisory opinions: advisory@elections.govt.nz</p> <p>Electoral Commission websites: www.elections.nz www.vote.nz www.electionresults.govt.nz</p>
Accessing legislation including the Electoral Act 1993	<p>Parliamentary Counsel Office Te Tari Tohutohu Pāremata</p> <hr/> <p>www.legislation.govt.nz</p>
Administrative and support services to MPs and funding entitlements for MPs	<p>Parliamentary Service Pāremata Aotearoa</p> <hr/> <p>Ph 04 817 9999 publicity@parliament.govt.nz</p>

For information on ...	Agency & Contact
How to contact local councils regarding, for example, signage rules	Local Government New Zealand Te Kahui Kaunihera o Aotearoa <hr/> A list of all councils, maps and websites are available at: https://www.lgnz.co.nz/local-government-in-nz/new-zealands-councils/
Having your say on the law relating to parliamentary elections through the Inquiry into each general election	Justice Select Committee <hr/> ju@parliament.govt.nz www.parliament.nz/en/pb/sc/scl/justice/
Information and complaints regarding advertising	Advertising Standards Authority <hr/> www.asa.co.nz
Information and complaints regarding broadcasting	Broadcasting Standards Authority Te Mana Whanonga Kaipāho <hr/> www.bsa.govt.nz
Information and complaints regarding press	Media Council Te kaunihera ao pāpāho o Aotearoa <hr/> www.mediacouncil.org.nz
Information and resources on how to protect yourself online	CERT NZ <hr/> www.cert.govt.nz
Election year guidance: Information on state servants being candidates	Te Kawa Mataaho Public Service Commission <hr/> www.publicservice.govt.nz

For information on ...	Agency & Contact
Language translation services	Straker Translations <hr/> www.strakertranslations.com Te Tari Taiwhenua Department of Internal Affairs <hr/> www.dia.govt.nz
Providing information in accessible formats for blind electors	Blind Low Vision NZ <hr/> www.blindlowvision.org.nz
Deaf advocacy and sign language services	Deaf Aotearoa Tāngata Turi <hr/> www.deaf.org.nz Deafradio <hr/> www.deafradio.co.nz Sign Language Interpreters Assoc of NZ <hr/> www.slianz.org.nz National Foundation for Deaf <hr/> www.nfd.org.nz
Domain names	Domain Name Commission <hr/> www.dnc.org.nz
Online safety advice	Netsafe <hr/> www.netsafe.org.nz

Notes | Kupu tāpiri



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