



**ELECTORAL
COMMISSION**
TE KAITIAKI TAKE KŌWHIRI

Media Handbook

General Election
and Referendums
2020

Foreword



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Media rules for the 2020 General Election and Referendums

If you're a publisher or broadcaster, you have some responsibilities when it comes to election and referendum advertisements. This handbook explains what you, political parties, candidates, and third parties can and can't do when campaigning in the 2020 General Election and Referendums.

COVID-19 and the 2020 General Election

This year's election will be different because of COVID-19. A range of measures will be in place to help keep people safe while they vote in the 2020 General Election and Referendums. Voting will start earlier and there will be more voting places to spread voting over a longer period and reduce congestion in voting places. There will be health measures in place at voting places to help keep voters and election workers safe. More postal voting capacity will be available for people who are unable to go to a voting place.

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

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What's new in this election?

Referendums

Referendums on the End of Life Choice Act 2019 and the Cannabis Legalisation and Control Bill will be held with the general election. There are advertising rules and spending limits for the referendums, similar to those for third parties at a general election. This handbook will help explain how the referendum rules apply.

Advertising and campaigning

All advertisements relating to the election in any medium will need a promoter statement.

From 1 January 2020, parties and candidates can't keep overseas donations greater than \$50.

Enrolling and voting

People can enrol to vote online using their driver licence, passport or RealMe verified identity.

Voters in New Zealand will be able to enrol on election day.

Prisoners sentenced to less than 3 years imprisonment will be eligible to vote.

Counting votes and releasing results

Referendum votes will not be counted on election night — we'll count referendum votes after election day. We'll release preliminary results (ordinary referendum votes) for each referendum on Friday 30 October.

We'll process and count overseas votes in Wellington rather than in the electorates.

The period for declaring the official results and returning the writ has been extended. After we count special votes, we'll release the official results for the general election and referendums on Friday 6 November.

Key dates for the media

This table shows the updated key dates for the 17 October 2020 General Election and Referendums.

Date	What happens
Friday 28 February	The deadline for parties to tell us that they're eligible for a broadcasting allocation
Friday 29 May	Initial broadcasting allocation decision published on elections.nz website
Monday 10 August	Nominations can be lodged from this date
Tuesday 18 August	The regulated period starts During the regulated period, party, candidate and third-party election advertisements count towards expense limits
Sunday 13 September	Writ day Parties can start using their broadcasting allocation to advertise on TV and radio. Candidate election programmes can also be broadcast.
Thursday 17 September	Noon is the deadline for parties to get their bulk nomination schedules and party lists to us
Friday 18 September	Noon is the deadline for electorate candidates to get their individual nomination forms to us, and for parties and candidates to withdraw nominations
Wednesday 30 September	Overseas voting starts
Saturday 3 October	Advance voting starts Nobody can campaign within 10 metres of an advance voting place
Friday 16 October	The regulated period finishes All campaign signs must come down before midnight
Saturday 17 October	Election day Voters can vote between 9am and 7pm. Nobody can campaign on election day
Friday 30 October	Preliminary referendum results will be released (ordinary votes)
Friday 6 November	We declare the official results for the general election and referendums We aim to release the results by 2pm
Thursday 12 November	If there are no judicial recounts, we return the writ showing elected electorate candidates and declare the list members of Parliament (MPs)
Monday 1 February 2021	The deadline for parties to send us their invoices for broadcasting allocation costs

Advertising and campaigning

This section explains the rules parties, candidates, and third parties must follow for election and referendum advertising.

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.

Remember – if you're publishing an election or referendum advertisement, it needs a promoter statement. If it promotes another party or candidate, it also needs their authorisation. Ask us for advice if you're not sure.

Some extra rules apply for advertising on TV and radio. Learn more about those rules on pages 11–14.

What are election and referendum advertisements?

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.

A referendum advertisement is an advertisement that may reasonably be regarded as encouraging or persuading voters to vote or not vote in a particular way in a referendum.

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.

Similarly, it doesn't have to include the referendum question to be a referendum 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 and referendum advertisements can be in any medium

Election and referendum advertisements can be in any medium, such as:

- newspapers
- magazines
- posters
- billboards
- leaflets
- TV and radio broadcasting
- online advertising.

Unpaid advertising can still be an election or referendum advertisement.

There are exceptions to election and referendum advertisement rules

The following don't count as election or referendum advertisements:

- Editorial content
- Personal political views online
- An MP's contact details

Editorial content is any part of a publication except advertising or advertorials

Editorial content in periodicals, radio or TV programmes, and on news media websites are not election or referendum 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 aren't advertising if they're unpaid

An individual publishing their personal political views on the internet or other electronic medium doesn't count as election or referendum 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. You can find out more about this exemption in our MP handbook

Election and referendum rules apply to advertisements published in New Zealand or overseas

The rules apply to referendum advertisements or 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.

Publish means to bring to a person's attention in any way, except for talking to the person face to face.

Linking to a website can make an advertisement election or referendum advertising

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

- an election or referendum 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.

You can get an advisory opinion on whether an advertisement is an election advertisement, a referendum advertisement or both

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

Our advisory opinions are not legal advice

Our opinions are our interpretation of the Electoral Act and Referendums Framework 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 by email:

Email 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.

Only publish an election or referendum advertisement if it has a promoter statement

All election and referendum 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 candidates 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 Registered Promoters.

If an unregistered third party promoter is an organisation, their promoter statements must also include both the:

- name of a member of the organisation who has the authority to represent it
- full street address of the organisation's main place of business.

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 and referendum 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 or referendum also need a promoter statement

Some types of advertisements about an election or referendum need a promoter statement, even if they don't encourage or persuade voters to vote or not vote for a party or candidate or referendum option and won't count as an election or referendum 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 now applies to advertisements in all mediums, including:

- newspapers
- magazines
- posters
- billboards
- leaflets
- TV and radio broadcasts
- online advertising.

It's an offence to publish an election or referendum 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.

Promoters need written authorisation to promote a candidate or party

Promoters must get 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.

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 wants to spend \$20,000 publishing a billboard during the regulated period that encourages voters to vote for Party A.



Before publishing the billboard, the third party must:

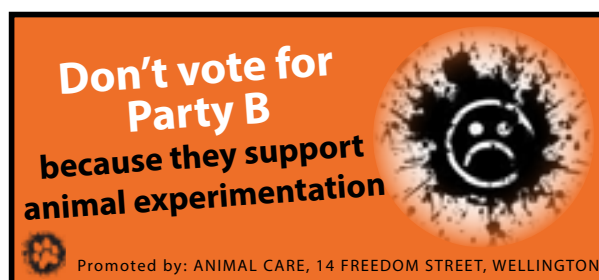
- register with us as a promoter
- get written authorisation from the secretary of Party A.

The billboard must include a promoter statement showing the name and address of the third party.

The \$20,000 cost of the billboard will count toward election expense limits of both Party A and the third party.

Third party billboard attacking a party

A third party wants to spend \$35,000 publishing a billboard during the regulated period that encourages voters not to vote for Party B.



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

The billboard must include a promoter statement showing the name and address of the third party.

The \$35,000 cost of the billboard will only count towards the third party's 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.

There are expense limits for election and referendum advertising

There are limits to how much parties, candidates and third parties can spend on election and referendum advertising during the regulated period.

The regulated period is from 18 August to 16 October.

The expense limits for election and referendum advertising are:

- \$28,200 for electorate candidate election expenses
- \$1,199,000 for a registered political party elections expenses, plus \$28,200 for each electorate the party contests
- For an unregistered promoter, the expense limit is \$13,600 for the general election and \$13,600 for each of the referendums. Any person that wants to spend more, must be a registered promoter. For example, if a group wants to spend \$10,000 on advertising for the cannabis referendum and \$10,000 on separate advertising for the end of life choice referendum, they don’t need to register.
- A registered promoter’s expense limits are \$338,000 for the general election and \$338,000 for each of the referendums.
- Parties and candidates can spend up to \$13,600 on each referendum, but need to register as a

referendum promoter to spend up to \$338,000 for each referendum.

These amounts include GST.

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

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 (from Saturday 15 August), 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.

The timing and size requirements for referendum signs may be different. Promoters need to check with local councils.

Promoters can only pay certain people to display election or referendum signs

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

Election broadcasting

Parties, candidates and third parties can promote election and referendum advertisements on TV or radio, but separate rules apply. Make sure an advertisement follows the relevant rules before you broadcast it.

Here's a summary of the rules:

- You can only broadcast election advertisements on TV or radio and from 13 September to midnight on 16 October (excluding 6am to noon on Sundays).
- It's unlawful to broadcast an election advertisement before 13 September 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 themselves on TV or radio during the election period, within their expense limit. Their broadcasts can only feature one candidate, can't promote a party and can't attack a party or candidate.
- Parties can use their allocation to promote candidates – candidate expense limits and donations rules apply.
- Parties can use their allocation for referendum advertisements but the total cost will be a referendum expense.
- We are advising parties and electorate candidates to assume that any referendum advertising they do is also a party or candidate advertisement
- Third parties can broadcast election and referendum advertisements at any time except on election day.

These rules apply to a broadcast 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 on Demand and Three Now.

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 Sunday 13 September to Friday 16 October

You can only broadcast election advertisements on television or radio within the election period. The election period starts on Sunday 13 September and finishes at the end of Friday 16 October, 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.

You can broadcast referendum advertisements at any time except election day

The general rule is that referendum advertisements can be broadcast at any time, except for on election day. However, our advice is that parties and electorate candidates are being advised to assume that any broadcasting about the referendum will also be an election programme and therefore can only be broadcast from Sunday 13 September to Friday 16 October.

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, whether they're election or referendum advertisements.

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 on pages 7 and 8.

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:

- support a party
- attack a party or candidate
- support an electorate candidate, 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.

Third party broadcast advertisements

Third parties can broadcast election advertisements on TV and radio. The only restriction third party broadcasting is that they can't broadcast election or referendum 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 (see page 8). 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 (see page 18).

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 and referendum 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 2020 General Election.

Parties can spend their allocation on election advertisements including referendum advertisements. Any costs a party pays with the broadcasting allocation don't count towards their election expense limit. However, if they advertise about the referendum, the entire cost of the advertisement will count as a referendum expense. Parties must send us a return of their broadcasting allocation expenses within 90 days of election day. If they spend more than \$100,000 on referendum expenses, they must also file a return of referendum expenses.

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 13 September — writ day to 16 October — the day before election day.
- placing or promoting internet advertisements from 13 September — writ day to 16 October — 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. In this case, the rules for third party broadcasting apply.

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 or referendum advertisement on TV and radio during the regulated period, the cost of that advertisement counts towards the third party's expense and referendum limits.

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.

The broadcasting standards for radio, free-to-air TV and pay TV will apply to those programmes. 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.

There are restrictions on election and referendum campaigning once voting has started

There are restrictions on what people can do once voting starts on Saturday 3 October.

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, referendum options, emblems, slogans or logos. The full lists of restricted activities are in sections 197 and 197A of the Electoral Act.

These rules also apply to the referendum, referendum voting papers, activities by referendum supporters and references to referendum options.

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 or referendum option
- you give all candidates, parties or referendum options 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
- commented on the likely outcome of a referendum.

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 and referendums are taking place
- note when results will be available
- mention party names, candidate names or referendum questions
- 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.

Also make sure you don't schedule programmes that would break election day rules to repeat on election day.

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 and referendum 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 and referendum-related material.

You can't deliver election or referendum material on election day

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

Be careful about hand-delivering election and referendum material to mailboxes on Friday 16 October. If a voter doesn't check their mail until the next day, they may think it arrived on election day and complain.

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

Election results and the process for challenge

On election night, preliminary election results will be released progressively from 7.00pm on www.electionresults.govt.nz.

Referendum votes will not be counted on election night.

Preliminary referendum results (ordinary votes) will be released on Friday 30 October.

Official results for the general election and referendum (including special declaration votes and overseas votes) will be declared on Friday 6 November (2pm target).

For a limited time after a general election, certain people can apply to challenge official election results through recounts or election petitions.

Our website has more information about how we count votes and release results, and the processes for recounts and election petitions:

elections.nz/elections-in-nz/what-happens-in-a-general-election/how-are-votes-counted

Complaints about election advertising

There are different agencies people can go to if they have concerns about an election or referendum advertisement.

Contact us about breaches of election or referendum 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, referendum advertising rules under the Referendums Framework Act, and election programmes under the Broadcasting Act.

Post or email a complaint to us:

Electoral Commission
PO Box 3220
Wellington
Email enquiries@elections.govt.nz

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

The Broadcasting Standards Authority, the ASA 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 or referendums must follow the relevant broadcasting standards for radio, free-to-air TV or pay TV.

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 or referendum advertising

The Advertising Standards Authority (ASA) oversees advertising in all media other than party or candidate election programme 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

This section summarises the rules for publishing and broadcasting election and referendum advertisements. Read the full rules for advertising and campaigning on pages 5 to 10, and election broadcasting on pages 11 to 14.

Candidate-initiated advertising

Advertisements that electorate candidates initiate need to include a promoter statement with the candidate's name and address. Learn more about promoter statements on pages 7 and 8.

Broadcast advertising

The table below summarises the rules for broadcasting candidates' election or referendum 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 13 September to 16 October	Electorate candidate
Promoting or attacking a referendum option	From 13 September to 16 October	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 18 August to 16 October	Party secretary
Promoting electorate candidate	Anytime except election day Counts as an election expense from 18 August to 16 October	Electorate candidate
Promoting both electorate candidate and party	Anytime except election day Counts as an election expense from 18 August to 16 October	Party secretary and electorate candidate
Promoting or attacking a referendum option	Anytime except election day Counts as both an election and referendum expense	Not applicable

Party-initiated advertising

Advertisements that parties initiate need to include a promoter statement with the party secretary's name and address. Learn more about promoter statements on pages 7 and 8.

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	From 13 September to 16 October	Party secretary
Promoting electorate candidate only	From 13 September to 16 October	Electorate candidate
Promoting both electorate candidate and party	From 13 September to 16 October	Party secretary and electorate candidate
Promoting or attacking a referendum option	From 13 September to 16 October	Party secretary

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	From 13 September to 16 October	Party secretary
Promoting electorate candidate	From 13 September to 16 October	Electorate candidate
Promoting both electorate candidate and party	From 13 September to 16 October	Both party secretary and electorate candidate
Promoting or attacking a referendum option	From 13 September to 16 October	Party secretary

The broadcasting allocation can also be use for production costs for internet advertising placed at any time as long as that advertising is also placed in the period 13 September to 16 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, candidate and party, or referendum option	Not allowed	Not applicable
Attacking party, candidate or referendum option	Not allowed	Not applicable

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 18 August to 16 October	Party secretary
Promoting electorate candidate	Anytime except election day Counts as an election expense from 18 August to 16 October	Electorate candidate
Promoting both electorate candidate and party	Anytime except election day Counts as an election expense from 18 August to 16 October	Party secretary and electorate candidate
Promoting or attacking a referendum option	Anytime except election day Counts as both an election and referendum expense from 18 August to 16 October	Party secretary

Third-party-initiated advertising

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

Advertisements that third parties initiate need to include a promoter statement with the third party's name and address. Learn more about promoter statements on pages 7 and 8.

Advertisement content	When advertising allowed	Needs authorisation from
Promoting a party	Anytime except election day Counts as an election expense from 18 August to 16 October	Party secretary
Promoting an electorate candidate	Anytime except election day Counts as an election expense from 18 August to 16 October	Electorate candidate
Promoting a party and an electorate candidate	Anytime except election day Counts as an election expense from 18 August to 16 October	Party secretary and electorate candidate
Attacking a party or candidate	Anytime except election day Counts as an election expense from 18 August to 16 October	Not applicable
Promoting or attacking a referendum option	Anytime except election day Counts as a referendum expense from 18 August to 16 October. If an ad is both an election and referendum advertisement, the full costs are double counted as both an election and referendum expense	Not applicable

Useful contacts

You may find these organisations useful to your campaign and to understanding your responsibilities.

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 electronic 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>	Electoral Commission	<p>Helpline: 0800 36 76 56</p> <p>National office: 04 495 0030</p> <p>General enquiries: enquiries@elections.govt.nz</p> <p>Requests for resources: publications@elections.govt.nz</p> <p>Requests for 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</p>
Accessing legislation including the Electoral Act 1993	Parliamentary Counsel Office	www.legislation.govt.nz
Administrative and support services to MPs and funding entitlements for MPs	Parliamentary Service	Ph 04 817 9999 publicity@parliament.govt.nz
How to contact local councils regarding, for example, signage rules	Local Government New Zealand	A list of all councils, maps and websites are available at: www.lgnz.co.nz/home/nzs-local-government/new-zealands-councils/
Having your say on the law relating to parliamentary elections through the Inquiry into each election conducted by the select committee	Justice Select Committee	Email: ju@parliament.govt.nz https://www.parliament.nz/en/pb/sc/scl/justice/
Information and complaints regarding advertising	Advertising Standards Authority	Ph 04 472 7852 Email: asa@asa.co.nz www.asa.co.nz
Information and complaints regarding broadcasting	Broadcasting Standards Authority	Ph 0800 366 996 Email: info@bsa.govt.nz www.bsa.govt.nz
Information and complaints regarding press	Media Council	Ph 0800 969 357 Email: info@mediacouncil.org.nz https://www.mediacouncil.org.nz/
Information and resources on how to protect yourself online	National Cyber Policy Office, Department of Prime Minister and Cabinet	www.connectsmart.govt.nz
Election year guidance: Information on state servants being candidates	State Services Commission	Ph 04 495 6600 www.ssc.govt.nz

Language translation services	New Zealand Translation Centre International Department of Internal Affairs	www.nztcinternational.com www.dia.govt.nz
Providing information in accessible formats for blind electors	Blind Low Vision NZ	Ph 0800 24 33 33 Email: GeneralEnquiries@blindlowvision.org.nz www.blindfoundation.org.nz
Deaf advocacy and sign language services	Deafradio Sign language Interpreters Association of New Zealand Deaf Aotearoa National Foundation for Deaf and Hard of Hearing	www.deafradio.co.nz www.slianz.org.nz www.deaf.org.nz www.nfd.org.nz
Domain names	Domain Name Commission	Ph: 04 495 2334 Email: info@dnc.org.nz www.dnc.org.nz

