

**From:** L & P Enquiries <legal@Elections.govt.nz>  
**Sent:** Friday, 21 July 2023 3:41 pm  
**To:** julian@stopcogov.kiwi  
**Subject:** Complaint about apparent breach of the Electoral Act - please respond by 5pm, 28 July

**Importance:** High

Dear Julian,

The Electoral Commission has received a complaint that a pamphlet authored by you, "[Stop Co-Governance – What it is, why it’s wrong, and why it must be stopped](#)", has been distributed on behalf of the group Stop Co-Governance to letterboxes in Palmerston North without a promoter statement in breach of election advertising rules.

The Commission is writing to seek further information from you and to advise that our preliminary view is that the pamphlet is an election advertisement as defined in section 3A(1)(a)(ii) of the Electoral Act 1993 (the Act), because it may reasonably be regarded as encouraging voters not to vote for the Labour Party or the Māori Party. Under the Act, an election advertisement is:

- (a) an advertisement in any medium that may reasonably be regarded as encouraging or persuading voters to do either or both of the following:
  - i. to vote, or not to vote, for a type of candidate described or indicated by reference to views or positions that are, or are not, held or taken (whether or not the name of the candidate is stated);
  - ii. to vote, or not to vote, for a type of party described or indicated by reference to views or positions that are, or are not, held or taken (whether or not the name of the party is stated).

Section 204F of the Act only allows an election advertisement to be published if the election advertisement clearly displays a promoter statement. A promoter statement must state the name and address of the promoter of the election advertisement and, for an election advertisement published by an unregistered third party promoter that is unincorporated (such as the group Stop Co-Governance), also clearly state the name of a member of the group who is an authorised representative of the group. For an election advertisement published in a visual form (such as a pamphlet), the promoter statement must be clearly displayed in the election advertisement.

An example of a promoter statement for an election advertisement published in a visual form by an unregistered third party promoter that complies with the Act is "Promoted or authorised by [representative’s full name], [group’s name], [group’s full street address]".

It is an illegal practice under section 204F(7) of the Act to wilfully contravene the promoter statement requirements. Section 204J of the Act requires the Electoral Commission to refer breaches of section 204F of the Act to the Police, unless the Commission considers that "the offence is so inconsequential that there is no public interest in reporting those facts to the Police".

To assist our consideration of these issues, we ask that you provide a written response to confirm the following by **5pm next Friday 28 July**:

- whether you initiated or instigated the brochure
- the total cost of the brochure
- the number of brochures you have printed and distributed and/or plan to distribute, and
- any other information you believe to be of relevance to the Commission’s consideration.

We also note that the regulated period for the 2023 General Election began on 14 July and ends on 13 October. During the regulated period, section 204D of the Act prohibits unregistered third party promoters from spending

more than \$15,700 on the promotion of election advertisements as set out in section 204B(1)(d). To spend more than this amount on election advertising during the regulated period, a promoter must be registered. For further information, you may wish to consult our Third Party Handbook and the form for registering as a promoter, which you can access on our website at: <https://elections.nz/guidance-and-rules/for-third-party-promoters/third-party-handbook-for-the-2023-general-election/>.

Kind regards,

**Kristina Temel** | Manager, Legal and Policy | **Electoral Commission** | Te Kaitiaki Take Kōwhiri

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