

# Election 2023: Simpson Grierson's guidance #2

## Election advertising

New Zealand's electoral law regulates how money is spent on election advertising. Ahead of Election 2023, this flyer sets out relevant aspects of the law as it applies to election advertising by private citizens and entities during the 2023 election period. The content of this flyer is not intended as a substitute for specific professional advice on any matter and should not be relied upon for that purpose.

### Can I advertise this election?

- Yes, anyone can fund election advertisements, but there are spending limits during the 'regulated period' (14 Jul to 13 Oct 2023).
- Election advertisements are advertisements in any medium that may be reasonably regarded as encouraging or persuading voters to either vote or not vote for:
  - a specific party or a type of party based on views held by parties; or
  - a specific candidate or a type of candidate based on views held by candidates.
- Election advertisements do not include publication of personal political views on the internet, editorial content or other news media, or advertisements designed only to encourage voting generally (as opposed to a particular party, candidate, or view).
- Note, you **cannot**:
  - publish an advertisement encouraging voters to vote for a specific party or candidate unless that party or candidate has agreed in writing; and
  - publish an election advertisement on election day.

### Can I spend as much as I like on election advertising?

- No, you can only spend up to \$14,700 on election advertisements. Any more requires you to become a 'registered promotor', who can spend up to \$367,000.
- If you want to become a registered promoter, you must fulfil the following:
  - you must not be involved in the administration or affairs of a candidate or party's campaign; and
  - you must apply to the Electoral Commission in a prescribed form.
- You cannot register to be a promoter if you are an overseas person – meaning you would be limited to the \$14,700 cap as an 'unregistered' promoter.

### Is there anything my advertisement must have?

- Yes, your advertisement must include a 'promoter statement'.
- A promoter statement must include the name and address of the promoter of the election advertisement. Further:
  - details of a registered promoter must match those provided to the Electoral Commission; and
  - details of an unregistered promoter that is a body corporate or unincorporated must include the name of a member of that entity authorised to represent it.

### Is there anything else I should know about deciding to election advertise?

- Yes, if you are a registered promoter. If so, then be aware the Electoral Commission maintains a public register of all registered promoters.
- Otherwise, all promoters (registered or unregistered) are required to retain records, documents and accounts necessary to verify the expenses they incurred in election advertising.

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