



**Te Kāwanatanga o Aotearoa**  
New Zealand Government



**ELECTORAL  
COMMISSION**  
TE KAITIAKI TAKE KŌWHIRI

# **Protocol on communications related to the 2023 General Election process**

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**August 2023**

# Protocols on communications related to the 2023 General Election process

## Purpose

1. This protocol sets out the respective roles and responsibilities across the Electoral Commission and government agencies in relation to public communications for the 2023 General Election (the General Election process).<sup>1</sup> Collectively, the Electoral Commission and government agencies are committed to ensuring the integrity of the electoral system.
2. The protocol outlines:
  - which government agencies will communicate officially to the public to support public participation in the General Election process, and how they will do so;
  - the approach to responding to public enquiries during the General Election process;
  - how issues about the integrity of certain information – including the accuracy and transparency of that information and complaints about content - will be addressed; and
  - the approach to information sharing between agencies.

## Context

3. General elections are at the heart of our democracy. New Zealanders expect to be able to exercise their democratic right to vote and, in doing so, their freedom of expression.
4. A wealth of information – including much that promotes healthy debate – is made available in the public domain during election time. This includes contributions from members of the public, media, parties, candidates, and third parties.
5. Government recognises the challenges associated with the integrity of information during an election period<sup>2</sup>. A range of media channels and web-enabled platforms have impacted this information domain, both positively and negatively, by dramatically broadening public access to information and providing the ability to both legitimately share views and also interfere in electoral processes.
6. Both abroad and in New Zealand there is concern at the growing risk to democracy and the ongoing provision of public services from the spread of incorrect and/or inaccurate information, often referred to as ‘mis’ and ‘dis’ information.
  - **Misinformation** is information that is false or misleading but was not created or shared with the direct intention of causing harm or to achieve a broader aim.
  - **Disinformation** is false or modified information knowingly and deliberately shared to

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<sup>1</sup> As per the other election protocols, the ‘General Election process’ refers to the pre-planning and delivery of the 2023 parliamentary election

<sup>2</sup> Election period is from 27 September 2023 when Overseas and Dictation voting starts through to the declaration of official results.

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cause harm or achieve a broader aim.<sup>3</sup>

7. Government must not impinge on the lawful expression of ideas. Consistent with this, the Electoral Commission and a range of government agencies have pre-existing and defined roles to play in addressing integrity and transparency of information during the election period.

8. These agencies and their roles include:

Agency	Role	Mandate or guidance
<b>Electoral Commission</b>	<ul style="list-style-type: none"><li>Oversees rules around election advertising, which cover traditional channels as well as online mediums.</li><li>Communicates to the public about the delivery of the General Election, including:<ul style="list-style-type: none"><li>core communications around how the public can both enrol and vote</li><li>developing a communications strategy for the General Election process that is effective across local, regional and national levels.</li></ul></li></ul>	<ul style="list-style-type: none"><li><a href="#">Part 6AA of Electoral Act 1993</a> covers advertising rules.</li></ul>
<b>Department of the Prime Minister and Cabinet (DPMC) - Cabinet Office</b>	<ul style="list-style-type: none"><li>Responsible for providing general information about the matters Ministers, departments and other public sector agencies should consider in an election year.</li></ul>	<ul style="list-style-type: none"><li><a href="#">Cabinet Manual</a></li></ul>
<b>Te Kawa Mataaho Public Service Commission</b>	<ul style="list-style-type: none"><li>Sets out expectations of public servants and agencies in the lead up to, and in the period immediately after, an election.</li></ul>	<ul style="list-style-type: none"><li><a href="#">Public Service Act 2020</a></li><li><a href="#">He Aratohu A guide on integrity and conduct</a></li><li><a href="#">He Ārahitanga Pōtitanga Whānui 2023 General Election Guidance 2023</a></li></ul>

<sup>3</sup> See Department of the Prime Minister and the Cabinet, “Strengthening resilience to disinformation”, available at: <https://www.dPMC.govt.nz/our-programmes/national-security/strengthening-resilience-disinformation>.

## Communicating about the General Election process

### The Electoral Commission provides information about the General Election process

9. Most of the public sector's proactive communications with the public on the General Election process comes from the Electoral Commission. Through its public communications campaign, the Electoral Commission promotes enrolment and voting processes to support the delivery of successful elections.
10. The Electoral Commission's communications around election time are focused on making it simple and straightforward for people to enrol and vote, as well as improving general understanding of our electoral system.
11. The Electoral Commission will communicate with the public through multiple channels:
  - the [Vote NZ](#) website, which outlines core information on when, where, and how to both enrol and vote;
  - the [Elections NZ](#) website, which provides information about the electoral system and the Electoral Commission;
  - through a communications campaign that includes use of television, radio, and online campaign material; and
  - written material such as pamphlets, and EasyVote material<sup>4</sup>.
12. The Electoral Commission will follow best practice with regards to transparency and accuracy when communicating publicly on the General Election process. This includes ensuring all its communications have promoter statements to ensure the source is publicly attributed. This will enable the public to determine which communications are authentic and accurate from those that may not be.
13. Aotearoa New Zealand continues to experience high levels of trust in the electoral process, but a growing number of issues could reduce and/or destabilise that trust. In response, the Commission will proactively release information on its digital channels explaining the electoral process and measures in place to ensure integrity of the electoral system.
14. To ensure overseas voters receive information, the Electoral Commission will work in partnership with the Ministry of Foreign Affairs and Trade to ensure the communications campaign reaches these voters.

### The role of the Chief Electoral Officer

15. The Chief Electoral Officer, as Chief Executive of the Electoral Commission, is responsible for issuing public notifications or making media comments about the conduct of the General Election process.

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<sup>4</sup> Voters need to be enrolled by writ day to be sent an EasyVote card. EasyVote cards are sent out to voters at the beginning of the advance voting period to assist with making the voting process more efficient.

16. The Chief Electoral Officer will notify the public or make a media response himself, or he may delegate this responsibility to a member of his Senior Leadership Team. As a member of the Electoral Commission Board, the Chief Electoral Officer will also update the Board and involve it as appropriate.
17. Specific instances in which the Chief Electoral Officer will consider public notification include:
- if there is a disruptive event that has or could impact the conduct of the election<sup>5</sup>, or
  - should the Electoral Commission seek government agency support for delivery of the election.
18. These instances are further outlined in the respective protocols covering these issues.

## Responding to public enquiries and complaints regarding the General Election

### Public enquiries

19. The Electoral Commission and other government agencies receive a high volume of public enquiries over an election period.
20. The primary channels for public enquiries on the General Election process are:
- the [Vote NZ](#) and [Elections NZ](#) websites; and
  - the free 0800 service (0800 36 76 56).
21. The process for agencies handling enquiries relating to the conduct of the General Election is shown in [Annex A](#).

### Complaints

22. The Electoral Commission does not respond to matters relating to the content of information that fall outside what is considered content on the conduct of the General Election. The processes for dealing with public complaints concerning certain other issues that fall outside of the conduct of the General Election are set out in [Annex B](#).
23. A complaint could concern multiple factors, for example, there may be concerns that an advertisement is offensive and there may be concerns about content that relates to the conduct of the election. In such cases a response from the Electoral Commission will solely address the aspects of the advertisement that relate to conduct of the election.

## Issues with the integrity of information in the public domain

24. Integrity issues with some information about the General Election are likely to be of public concern. Most notably, there could be issues raised around the accuracy and/or transparency of information, or complaints about content. Some of this may consist of misinformation, created without the intention of causing harm, but the Electoral Commission and government agencies are also alert to the possibilities of individuals or groups knowingly sharing disinformation, whether domestically and/or internationally.

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<sup>5</sup> This is outlined in paragraphs 67 – 69 of the *Protocol on the management of election disruptions*.

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25. No single agency, including the Electoral Commission, is responsible for proactively monitoring information that is in the public domain about the General Election. Nevertheless, the Electoral Commission or other agencies may, in the course of their duties, become aware of information that engages an agency responsibility, including by such information being referred by the public in the form of a complaint or enquiry.

26. The following table sets out the types of specific issues that can be investigated and which agency is responsible.

<b>Example of issue</b>	<b>Agency responsibility</b>
Advertiser identity not clear	Electoral Commission
TV/Radio programme about election issues	Broadcasting Standards Authority
Location of party hoardings in local area	Local council
Social media sponsored post	Advertising Standards Authority
TV/Radio ad from candidate	Broadcasting Standards Authority
News website opinion piece on election outcome	NZ Media Council
Lobby group ad on election issue	Advertising Standards Authority
Expenditure limits on election advertising	Electoral Commission
Print story on political party policies	NZ Media Council
TV/Radio ad for political party	Broadcasting Standards Authority
Print/Outdoor/Digital ad from party or candidate	Advertising Standards Authority

## Principles for addressing misleading or inaccurate information through the election period

27. Heightened care is required by the Electoral Commission and government agencies throughout the election period in assessing and, if necessary, responding to misleading and/or inaccurate information about the conduct of the election. New Zealanders' freedom of expression – exhibited by the presence of political debate – is essential to a healthy democracy. However, New Zealanders have also told government that they are concerned about the effects of disinformation and misinformation<sup>6</sup>, and such information can be spread by new technologies in ways that undermine the integrity of our electoral process.
28. The Electoral Commission and government agencies, as politically neutral entities, will work together to minimise the risk of disruption to the conduct of the General Election from misleading or inaccurate information based on these principles:
- The availability to New Zealanders of information that is accurate, appropriately contextualised, and transparently attributed is essential to the health of our democracy.
  - The actions of the Electoral Commission and government agencies will not impinge on New Zealanders' legitimately exercising their freedom of expression during the election period.
  - Where the legitimacy of information about the conduct of the General Election is questioned, the Electoral Commission and government agencies will conduct thorough and timely investigation of this information, including to seek the identity and the intent of those sharing it, and any potential harms it could bring to New Zealanders and the election.

### Process for addressing misleading or inaccurate information

#### Information relating to the conduct of the election

29. If a member of the public or an official becomes aware of misleading or inaccurate information about the conduct of the General Election, they should report it to the Electoral Commission.
30. Inaccurate information about the conduct of the General Election includes information that, for example:
- reports that the election is no longer being held;
  - provides inaccuracies on the availability, opening hours, or location of certain voting places;
  - provides inaccurate information on the methods of voting in the election, including on marking ballots and submitting votes, and enrolling.
31. The Electoral Commission, informed by the expertise of other agencies, will decide whether

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<sup>6</sup> Further information on the Government's engagement with New Zealanders on this issue is available at: <https://www.dpmc.govt.nz/our-programmes/national-security/strengthening-resilience-disinformation>

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a response is required to address cases based on a range of criteria. These include but are not limited to:

- whether the item is a one-off information item;
- the intent of the information, and whether it appears to be intentionally misleading;
- the level of readership and/or predicted impact on the public of the information item(s);
- the extent of the inaccuracies in the information item(s); and
- the level of access to accurate information, either from the Electoral Commission or other sources, that addresses the conduct issues raised in the information item(s).

32. Against these criteria, the Electoral Commission is able to exercise judgment and take a range of actions depending on the seriousness of a case:

- **In a less serious case:** the Electoral Commission may decide that a direct response to the material is not required. In such circumstances, it may also determine that sharing of information with government agencies is not required.
- **For more serious cases:** the Electoral Commission will respond, either indirectly or directly to the item, to ensure that the correct information relating to the conduct of the election is highlighted to the public. Should more serious measures be required, the Electoral Commission will consider contacting the platform hosting the material to request a take-down of that material. The Electoral Commission will ensure government agencies are aware of the issue.

33. If the matter needs to be raised further, the Chief Electoral Officer will call a meeting of relevant Chief Executives to seek their advice on further action.

### Information about matters that are the responsibility of other agencies

34. If a member of the public or an official becomes aware of misleading or inaccurate information about matters that are the responsibility of other agencies but that could impact the election process and/or its outcomes, agencies will exercise their existing powers in assessing and, if deemed necessary, responding to this information.

35. Agencies will share this information with the Electoral Commission in the first instance through the Senior Officials Committee and the Risk and Security Working Group.

36. In line with provisions in the election disruptions protocol, the lead agency may brief relevant ODESC system bodies, including the Security and Intelligence Board, Hazard Risk Board, and Major Events Security Committee.

37. Outside of these bodies, information required to assess these cases will be shared on a business as usual basis between the Electoral Commission and government agencies. This will generally be done electronically on the SEEMAIL system up to the 'In Confidence' level. This sharing of information will be conducted with respect to agencies' pre-existing obligations around protecting privacy, and the personal details of any complainants.

38. In the event there is no clear lead agency, agencies will work together to determine the best approach to clarify the origin and seriousness of the material and the recommended response. Government must not impinge on the lawful expression of ideas and agencies may



have no mandate to address the misleading or inaccurate information.

## Process for assessing information that may endanger New Zealand's national security

39. Disinformation has the potential to intersect with significant national security threats such as terrorism and violent extremism, foreign interference (through state-sponsored disinformation campaigns and influence operations), and malicious cyber activity. The NZSIS and the GCSB have a role in assessing that potential link. This assessment will help inform the Electoral Commission and other agencies who may be involved in decision making.
40. If Electoral Commission staff or agency officials are referred information by a member of the public, or otherwise become aware of information that appears to constitute a threat to New Zealand's national security, they will refer it to the intelligence and security agencies.
41. Members of the public may directly refer information of national security concern to the NZSIS. This can be done through an online report form at [nzsis.govt.nz](https://nzsis.govt.nz) or by phone to 0800 SIS 224 (0800 747 224). Members of the public may also refer cyber incidents directly to the GCSB's [National Cyber Security Centre](#). Reporting through the websites is secure and confidential. These are existing communications channels that are open to the public at all times for a range of concerns that can also be used to report election-related national security concerns.
42. The NZSIS and the GCSB will act in accordance with their roles as set out in the Intelligence and Security Act 2017 and the *Principles and protocols for the GCSB and the NZSIS in relation to the 2023 General Election*. The agencies will generally avoid making any public comment on such information.
43. Anyone with information that suggests threats of violence, threats to human life, and/or threats to property, should contact New Zealand Police.

## Breaches of transparency or advertising rules

44. The Electoral Commission is responsible for ensuring that the rules regarding transparency of promoter statements, authorisation of advertising and electoral finance rules are being complied with. It has made detailed guidance on the requirements for [parties](#), [candidates](#) and [third parties](#) available on its website.
45. The Electoral Commission considers complaints about breaches of election advertising and the Election Day rules under the Electoral Act 1993, and election programmes under [Part 6 of the Broadcasting Act 1989](#).
46. Government agencies should refer any complaints about suspected breaches of election advertising rules and election programme rules to the Electoral Commission. Complainants should be advised to contact [enquiries@elections.govt.nz](mailto:enquiries@elections.govt.nz).
47. The Electoral Commission will further assess the information items in line with the process noted in Annex B.
48. If the Electoral Commission considers a person or group has committed an offence relating to transparency, advertising, or broadcasting, it may report the information it holds to the New Zealand Police.

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49. The New Zealand Police are responsible for investigating and taking enforcement action against any parties or individuals responsible for an offence. The Electoral Commission does not have a prosecution or enforcement role.
50. The New Zealand Police publication, *Elections and political matters – a guide for Police employees* provides guidance on enforcement and is available on the Police website.<sup>7</sup>

*Rebecca Kitteridge*

**Rebecca Kitteridge**

**Te Tumu Whakarae mō Te Tari o te Pirimia  
me te Komiti Matua**

**Chief Executive, Department of the Prime  
Minister and Cabinet**

**Chair of ODESC**

*McQuere*

**Karl Le Quesne**

**Pou Kaiawha  
Kaitiaki Take Kōwhiri**

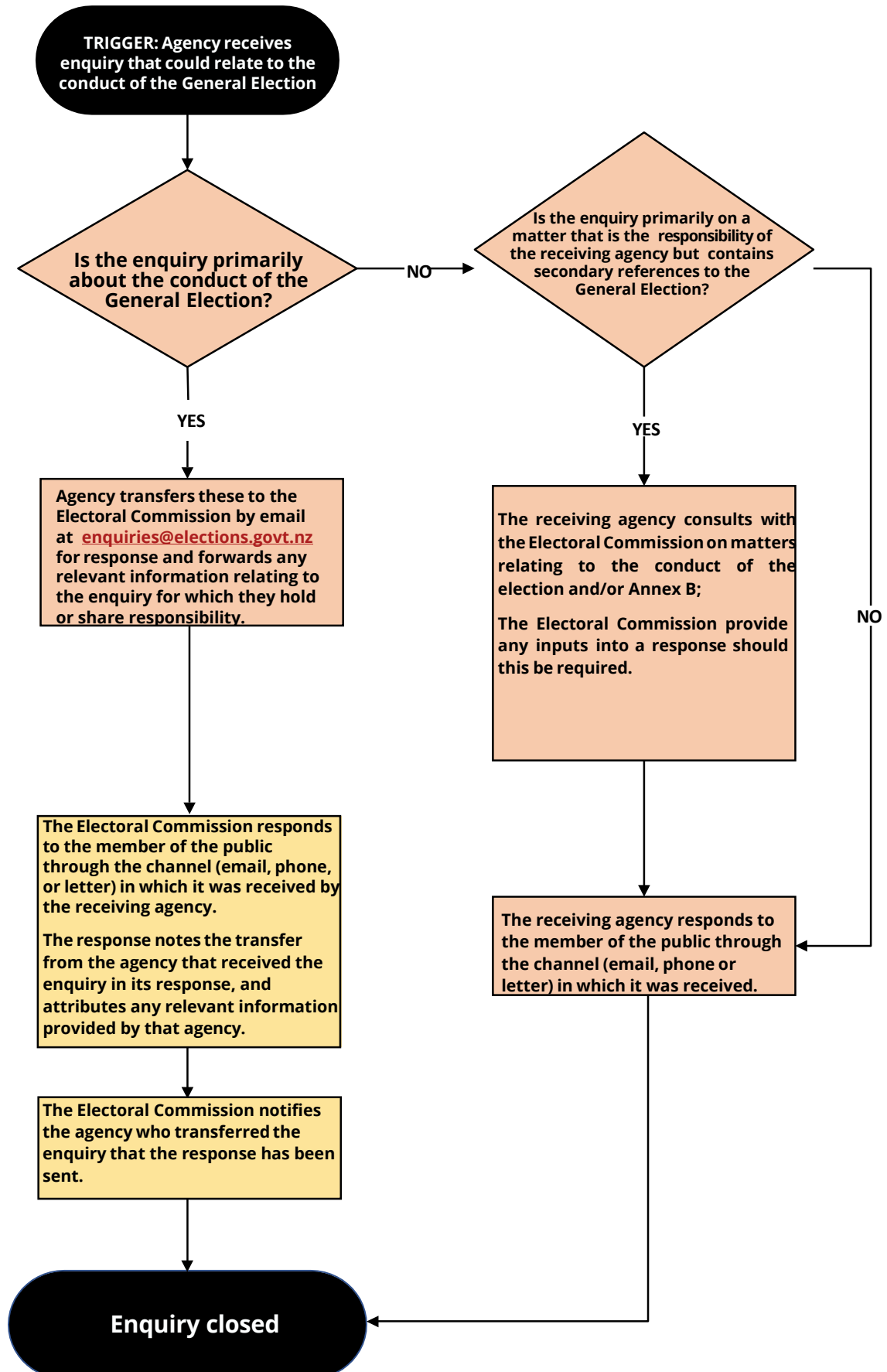
**Chief Electoral Officer  
Electoral Commission**

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<sup>7</sup> Available at: <http://www.police.govt.nz/about-us/publication/elections-and-political-matters-police-manual-chapter>.









## Annex A: Process for agencies handling enquiries relating to the conduct of the General Election










## Annex B: Complaint processes for the public regarding content

1. The Electoral Commission does not proactively respond to matters relating to the content of information outside what is considered content on the conduct of the General Election.
2. However, the Electoral Commission and other government agencies that receive complaints from members of the public concerning certain other issues that fall outside of the conduct of the General Election will direct people to the following organisations as appropriate:

Agency	Coverage	Contact details
<b>Broadcasting Standards Authority (BSA)</b> (Independent Crown Entity under the umbrella of Ministry of Culture and Heritage)	<p>For matters and complaints regarding broadcasting during the election, including content of election programmes (i.e. short promotional/campaign clips for parties or candidates, broadcast on television or radio), and party and candidate advertisements on television or radio.</p> <p>The BSA maintains an <a href="#">Election Programmes Code</a> that election programmes must follow. People can lodge formal complaints in line with this code. The broadcaster must follow any order the BSA issues.</p> <p>Third party programmes must also follow the broadcasting standards codebook. If a person thinks a programme has breached standards, they must complain to the broadcaster first. If the complaint can't be resolved, they can go to the BSA.</p>	<p> 0800 366 996</p> <p> <a href="mailto:info@bsa.govt.nz">info@bsa.govt.nz</a></p> <p> <a href="http://bsa.govt.nz">bsa.govt.nz</a></p>
<b>Advertising Standards Authority (ASA)</b>	<p>For information and complaints regarding paid advertisements from parties, candidates and advocacy groups and individuals in all media about the election.</p> <p>Advertising must comply with ASA Codes of Practice. The ASA website has more information about the codes and how to complain: <a href="http://asa.co.nz/complaints">asa.co.nz/complaints</a></p>	<p> 0800 234 357</p> <p> <a href="mailto:asa@asa.co.nz">asa@asa.co.nz</a></p> <p> <a href="http://asa.co.nz">asa.co.nz</a></p>

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<b>Media Council</b>	<p>Information and complaints regarding the press, including complaints about the editorial content of newspapers, their websites and news and current affairs content on websites of some broadcasters.</p> <p>If a person wishes to complain about editorial content, they must go to the publisher first. If the publisher cannot resolve the complaint, the matter can be taken to the Media Council.</p>	<p> 0800 969 3617</p> <p> <a href="mailto:info@mediacouncil.org.nz">info@mediacouncil.org.nz</a></p> <p> <a href="http://mediacouncil.org.nz">mediacouncil.org.nz</a></p>
<b>Local authorities</b>	<p>For questions or complaints about the placement of election signs, which are handled by the council in the area the sign is located.</p>	<p>Contact details for all councils:</p> <p><a href="http://lgz.co.nz/nzs-local-government/new-zealands-councils">lgz.co.nz/nzs-local-government/new-zealands-councils</a></p>
<b>Netsafe</b>	<p>Serious or repeated harmful digital communications, such as harassment, racist, sexist and religiously intolerant comments and other behaviour that breaches the <a href="#">Harmful Digital Communications Act 2015</a>.</p>	<p> 0508 NETSAFE (0508 638 723)</p> <p> Text 'Netsafe' to 4282</p> <p> <a href="mailto:help@netsafe.org.nz">help@netsafe.org.nz</a></p> <p> Online report form at <a href="http://netsafe.org.nz/report">netsafe.org.nz/report</a></p>