

Election 2023: Simpson Grierson's guidance #1

Political donors

New Zealand's electoral law regulates how political donations are made, how much donors can contribute and when a donor's identity may be made public. Ahead of the 2023 election, this flyer summarises the law on donations to parties and political candidates. 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.

I want to make a political donation – will I be publicly identified?

- Donors must disclose their identity to a party or candidate where they make a donation of more than \$1,500.
- If an individual donates over \$1,500 to a candidate or over \$15,000 to a party, the party is required to report the donor's name, address, and the value of the donation in their return to the Electoral Commission and the donor's identity may be made public.
- These thresholds may be triggered by a single donation or be made up of multiple donations.
- Donors can prevent disclosure of their identity to the public by making one or more 'anonymous donations' or 'donations protected from disclosure' (see below).
- There are a range of offences and penalties for breaches of the electoral rules under the Electoral Act.

Can I make an anonymous donation to a candidate or party?

- Yes, an anonymous donation can be made up to \$1,500. There is also no limit to how many anonymous donations a person can make.
- Anonymous means your identity is not discloseable to the party/candidate receiving the donation or to the public.
- To be lawfully anonymous, the donation must be made in a way that the party or candidate who receives it does not know – and could not reasonably be expected to know – your identity.

Can I donate more than \$1,500 without being publicly identified?

- Yes, provided you are not an overseas person. If you or your organisation want to make an anonymous donation to a party for more than \$1,500, you can make a 'donation protected from disclosure'. This does not apply to donations to candidates.
- Donations protected from disclosure must be made to the Electoral Commission, accompanied by a statement setting out which party the donation is for, the donors name and address, and confirmation that the donor is not an 'overseas person' (see the Overseas Donations flyer).
- The Electoral Commission will group the donation protected from disclosure with other such donations, and pay the money to the relevant party at regular intervals without identifying the donors.
- Parties can receive up to \$350,420 in donations protected from disclosure between two successive elections. Any donation exceeding this amount will be returned to the donor.
- It is illegal for donors to indicate or suggest to anyone that they intend to make a donation protected from disclosure or have made such a donation.

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