

House of Representatives

Supplementary Order Paper

Tuesday, 27 August 2019

Electoral Amendment Bill

Proposed amendment

Jami-Lee Ross, in Committee, to move the following amendment:

New clauses 17A to 17O

After *clause 17* (page 8, after line 30) insert:

17A Section 207C amended (Contributors to be identified)

- (1) In section 207C(1), delete “(other than an anonymous donation)”.
- (2) In section 207C(2)(b)(iii), replace “an overseas person” with “a permitted donor”.

17B Section 207G amended (Disclosure of identity of donor)

In section 207G(1) and (2), delete “exceeding \$1,500”.

17C Section 207I replaced (Anonymous donation may not exceed \$1,500)

Replace section 207I with:

207I Anonymous donations to be paid to Electoral Commission

- (1) If an anonymous candidate donation is received by a candidate, the candidate must, within 20 working days of receipt of the donation, pay to the Electoral Commission the amount of the donation, or its value.
- (2) If an anonymous party donation is received by a party secretary, the party secretary must, within 20 working days of receipt of the donation, pay to the Electoral Commission the amount of the donation, or its value.

- (3) All amounts received by the Electoral Commission under this section must be paid into a Crown Bank Account.

17D Section 207K replaced (Overseas donation or contribution may not exceed \$1,500)

Replace section 207K with:

207K Only donations from electors permitted

- (1) A donation may only be made by a person who is registered, or qualified to be registered, as an elector in New Zealand (a **permitted donor**).
- (2) If a candidate receives a donation from a person who is not a permitted donor, the candidate must, within 20 working days of receipt of the donation,—
- (a) return to the person the total amount donated by the person, or its value; or
 - (b) if this is not possible, pay the total amount donated by the person, or its value, to the Electoral Commission.
- (3) If a party secretary receives a donation from a person who is not a permitted donor, the party secretary must, within 20 working days of receipt of the donation,—
- (a) return to the person the total amount donated by the person, or its value; or
 - (b) if this is not possible, pay the total amount donated by the person, or its value, to the Electoral Commission.
- (4) If a candidate or party secretary receives, from a person who is a permitted donor (as defined in **subsection (1)**), a donation funded from contributions that includes any contribution made by or on behalf of a person who is not a permitted donor, the candidate or party secretary must, within 20 working days after notification of that fact under section 207C,—
- (a) give back to the person the amount of the donation, or its value; or
 - (b) if this is not possible, pay the amount of the donation, or its value, to the Electoral Commission.
- (5) All amounts received by the Electoral Commission under this section must be paid into a Crown Bank Account.

17E Section 207L amended (Offence relating to contravention of section 207K)

In section 207L(1) and (2), replace “section 207K(2) or (3)” with “**section 207K(2), (3), or (4)**”.

17F Section 207LA repealed (Offence relating to splitting party donation or contribution to party donation)

Repeal section 207LA.

17G Section 208A amended (Method of making donation protected from disclosure)

In section 208A, delete “in excess of \$1,500” wherever it appears.

17H Section 208D amended (Duties of Electoral Commission on receipt of donation)

(1) In section 208D(1), insert above paragraph (a):

(aa) the donor is not a permitted donor within the meaning of section 207K; or

(2) In section 208D(2), replace “subsection (1)(a)” with “**subsection (1)(aa)** or (a)”.

17I Section 209 amended (Return of candidate donations)

(1) In section 209(1)(a), replace “paragraphs (c) and (d)” with “paragraphs (c), **(ca)**, and **(cb)**”.

(2) In section 209(1)(c), delete “exceeding \$1,500”.

(3) After section 209(1)(c), insert:

(ca) the details specified in **subsection (4A)** in respect of every candidate donation received by him or her from a person who is not a permitted donor; and

(cb) the details specified in **subsection (4B)** in respect of every contribution to a candidate donation received by him or her from a person who is not a permitted donor; and

(4) Repeal section 209(1)(d) and (e).

(5) After section 209(4), insert:

(4A) The details referred to in **subsection (1)(ca)** are—

(a) the name of the person; and

(b) the address of the person; and

(c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and

(d) the date the donation was received or, in the case of aggregated donations, the date each donation was received; and

(e) the amount returned to the person or paid to the Electoral Commission under **section 207K(2)**, and the date of that return or payment, as the case may be.

(4B) The details referred to in **subsection (1)(cb)** are—

- (a) the name of the person; and
- (b) the address of the person; and
- (c) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and
- (d) the date on which the related donation funded from the contribution was made; and
- (e) the amount returned to the person or paid to the Electoral Commission under **section 207K(4)**, and the date of that return or payment, as the case may be.

(6) Repeal section 209(5) and (5A).

17J Section 210 amended (Annual return of party donations)

(1) In section 210(1)(c), delete “exceeding \$1,500”.

(2) After section 210(1)(c), insert:

- (ca) the details specified in **subsection (4A)** in respect of every party donation received by him or her from a person who is not a permitted donor; and
- (cb) the details specified in **subsection (4B)** in respect of every contribution to a party donation received by him or her from a person who is not a permitted donor; and

(3) Repeal section 210(1)(d) and (da).

(4) After section 210(4), insert:

(4A) The details referred to in **subsection (1)(ca)** are—

- (a) the name of the person; and
- (b) the address of the person; and
- (c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
- (d) the date the donation was received or, in the case of aggregated donations, the date each donation was received; and
- (e) the amount returned to the person or paid to the Electoral Commission under **section 207K(3)**, and the date of that return or payment, as the case may be.

(4B) The details referred to in **subsection (1)(cb)** are—

- (a) the name of the person; and
- (b) the address of the person; and
- (c) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and

- (d) the date on which the related donation funded from the contribution was made; and
- (e) the amount returned to the person or paid to the Electoral Commission under **section 207K(4)**, and the date of that return or payment, as the case may be.

(5) Repeal section 210(5) and (5A).

(6) Repeal section 210(6A)(a) and (b).

17K Section 210C amended (Return of party donation received from same donor exceeding \$30,000)

In section 210C(4), delete “(if known)” in each place.

17L Section 212 amended (Interpretation)

In section 212, insert in its appropriate alphabetical order:

permitted lender means a lender who is registered, or qualified to be registered, as an elector in New Zealand

17M New section 212A inserted

After section 212, insert:

212A Only loans from permitted lenders may be entered into on behalf of party

- (1) A party may only enter into a loan with a permitted lender.
- (2) A loan entered into in contravention of this section is an illegal contract for the purposes of subpart 5 of Part 2 of the Contract and Commercial Law Act 2017.

17N Section 214 amended (Offence to enter into unauthorised loan)

- (1) In section 214(a), replace “section 213” with “**section 212A** or 213”.
- (2) In section 214(b), replace “section 213” with “**section 212A** or 213”.

17O Section 214A amended (Offence to enter into arrangement to circumvent section 213, 214C, or 214F)

- (1) In the heading to section 214A, replace “**section 213, 214C, or 214F**” with “**section 212A, 213, 214C, or 214F**”.
- (2) In section 214A, replace “section 213 ”with “**section 212A** or 213”.

Explanatory note

This Supplementary Order Paper makes further amendments to the Electoral Amendment Bill to prevent anonymous, corporate, and overseas donations or loans.