

# Election 2023: Simpson Grierson's guidance #3

## Overseas donors

New Zealand's electoral law permits overseas persons to make political donations in limited circumstances and for only small amounts. Ahead of Election 2023, this flyer sets out relevant aspects of the law as it applies to overseas donors. 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 am an overseas person, can I donate?

- Yes you can donate up to \$50.
- An 'overseas person' is defined in the Electoral Act as
  - an individual who resides outside NZ and is not a NZ citizen or registered elector;
  - a body corporate incorporated outside NZ; or
  - an unincorporated body that has its head office or principle place of business outside NZ.

### Can I donate anonymously?

- Yes, you can donate anonymously. However, if a party or candidate reasonably suspects an anonymous donor is an overseas person, they can only retain \$50 and must pay the remainder to the Electoral Commission.
- Overseas persons also cannot make donations 'protected from disclosure' through the Electoral Commission processes otherwise available to NZ citizens.

### Is there a limit to how much I can donate?

- An overseas person can donate no more than \$50 to a party for a particular campaign, or to a candidate. However, there is no limit on how many candidates you can donate to.
- If you decide to donate as a group, the contribution of each member cannot exceed \$50.

### Is there anything else I need to know about donating as an overseas person?

- If your donation is not anonymous, then political parties must submit an annual return to the Electoral Commission, which will provide the names of any overseas persons who donated to the party or candidates
- Party annual returns and candidate returns are also publicly available.

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