



Submission to the Department of Internal Affairs on the Safer Online Services and Media Platforms consultation

1. Introduction

Thank you for the opportunity to share our feedback on the Safer Online Services and Media Platforms consultation.

Westland District Council (WDC) is a statutory entity based on the West Coast of the South Island of New Zealand.

Our vision statement is: *We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.*

The Westland District is approximately 450 km in length and one of the most sparsely populated parts of New Zealand, with an area of 1,186,272 hectares and a population of 8,640 people (2018 Census, Stats NZ). Approximately 33% of the population (2,960) lives in Hokitika. The remaining 66% live in small villages and rural areas such as Ross, Franz Josef and Haast. The district has a focus on the outdoors and outdoor recreation (87% of the land area is DOC land), which is a tourism drawcard, alongside dairy farming, mining and other enterprises.

Every three years WDC conducts an election to elect a Council of Elected Members. WDC's elections are managed externally by Electionz.com and internally by a deputy Electoral Officer.

We are a member of Taituarā – Local Government Professionals Aotearoa. We make our submission in support of the points made in their submission.

2. Local Elections, Campaigning and Social Media

Electoral officers deal with issues arising from the use of social media during an election process. The Local Electoral Act was created before the advent of social media and does not have tools for electoral officials to deal with these issues. Regulation of social media for local elections would be welcomed.

2.1. Electoral Officers

Electoral officers are largely independent of the Council and are responsible for ensuring that the election is run in accordance with the Local Electoral Act 2001 and the Local Electoral Regulations 2001. They oversee the campaign process to ensure that it is fair, maintain public confidence in the process, and offences are dealt with according to the legislation.

2.1.1. Social media issues during elections

Complaints received about social media campaign breaches typically fall into five categories:

- Use of Council resources for election or re-election purposes.
Councils must remain politically neutral. Any use of social media during the elections should be to promote the importance of voting, not candidate promotion. Taituarā guidance for candidates advises them to stay away from council social media pages.

Council staff can manage their social media according to their policies by deleting candidate posts, but 'likes' and 'shares' cannot be managed. Electoral officers would welcome recourse in instances where a candidate or member of the public unacceptably links, tags, shares or reposts council posts for electioneering purposes.

- Interfering with or influencing voters
The most common method seen on social media to interfere with or influence voters is an image with a tick beside a candidate's name or reproduction of a filled ballot paper.

Electoral officers can direct people to remove such messages. A social media regulatory body to support electoral officers' directions would be welcomed.

- Advocacy – are claims fact or opinion?

Paid advertisements are regulated by the Advertising Standards Authority (ASA) which includes paid social media advertising. There is no legal organisation with regulatory powers over social media. Electoral officers can request removal from the platform but the platform has no obligation or resourcing to regulate political advocacy issues.

We support Taituarā's submission that there be a regulatory extension of political advocacy claims to social media posts, particularly in the pre-election period when public interest is at its highest.

- Identity fraud and cloning of social media pages
Identity theft through cloning candidates pages or using a name that leads voters to an unofficial candidate page is done with malicious intent. These actions can adversely affect the democratic process and are taken very seriously. They are therefore reported to the police.

We support Taituarā's recommendation that a social media regulatory body have the powers to order the take-down of fake social media pages and posts.

- Use of social media to intimidate or harass officials
It is a sad reflection of the current state of the world that use of social media to intimidate or harass officials is on the rise. There was a marked increase seen during the 2022 elections, with high-profile electoral officers targeted in particular.

We support Taituarā's recommendation that there be a regulatory body that has the powers to remove posts which publish data on electoral officers or officials with the intent to intimidate or harass them.

3. Summary of Recommendations

Recommendation

We support the recommendations made by Taituarā that:

That there be a regulatory body to regulate social media during local elections to assist electoral officers with their regulation of:

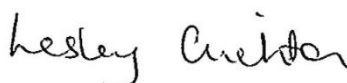
1. Campaigning using council resources
2. Interfering with or influencing voters
3. Advocacy advertising
4. Identity fraud and cloning of social media pages
5. Use of social media to intimidate or harass officials

Ngā mihi nui,



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