

## Members

Hon Andrew McGechan (President)  
Chief Judge Joe Williams (Maori Land Court)  
Ms Belinda Clark (Secretary for Justice)  
Dr Helena Catt (Chief Executive)

Dated: 12 June 2008

Decision Number: 2008-07

Initiated by

**AUDREY YOUNG, POLITICAL EDITOR,  
NEW ZEALAND HERALD**

In relation to

**Election advertisements  
THE NEW ZEALAND NATIONAL PARTY**

### **Findings and Determination**

National Party flyer entitled "Join the conversation" does not contain a promoter statement. No contravention of the Electoral Finance Act 2007 as the flyer is not an election advertisement within the meaning of section 5 of the Act.

**This headnote does not form part of the decision.**

### **Subject**

National Party flyer entitled "Join the conversation" referring to National Party policies and encouraging recipients to contact John Key, was allegedly handed to a member of the public from a National Party stall.

The flyer contains no promoter statement.

### **Issues raised**

The Electoral Commission considered whether the flyer is an election advertisement within the meaning of the Electoral Finance Act 2007 and, if so, whether any contravention of the Act has occurred.

### **Electoral Finance Act 2007**

Section 5 of the Act defines an election advertisement to be, in summary, any form of words and/or graphics that could reasonably be regarded as encouraging or persuading voters to vote or not to vote in a particular fashion.

Sections 63 and 65 of the Act require certain election advertisements to contain a statement of the name and address of the promoter of the advertisement. These sections also impose other requirements in relation to who may promote, or be authorised to promote, an election advertisement.

### **Comments from the New Zealand National Party**

The financial agent for the National Party provided written comments including that in the view of the Party the flyer is not election advertising as it does not talk about the election but talks about listening to people and developing policy, both of which are legitimate parliamentary activities.

## **Electoral Commission's Determination**

The Electoral Commission has considered the requirements of the Act along with the items listed as exhibits (below).

In the view of the Electoral Commission the overall character of the flyer is to communicate policy and solicit feedback in the process of policy formulation. It cannot therefore be regarded as an election advertisement because its overall character is not to encourage or persuade voters to vote, or not to vote, for one or more parties and/or candidates. As a result, it is the Commission's view that the flyer is not an election advertisement for the purposes of the Electoral Finance Act 2007 and therefore does not contravene the Act.

**For the above reasons it is the view of the Electoral Commission that the New Zealand National Party flyer "Join the conversation" does not contravene the Electoral Finance Act 2007 as it is not an election advertisement within the meaning of section 5 of the Act**

Signed for and on behalf of the Electoral Commission



Dr Helena Catt  
Chief Executive and Commissioner  
New Zealand Electoral Commission

27 June 2008

### **Exhibits**

The following items were received and considered by the Electoral Commission when it determined this matter:

- 1 Letter from Audrey Young, Political Editor, New Zealand Herald
- 2 National Party flyer "Join the conversation"
- 3 Email from the financial agent of the New Zealand National Party