

## Application to list as a third party under the Electoral Finance Act 2007

**Please read this form carefully to decide whether you must apply for listing.**

If you do wish to apply for listing then please complete the form, take a copy for your own records, and post or deliver the original completed form to either:

- Electoral Commission, PO Box 3050, Wellington 6140, or
- Electoral Commission, Level 5, Featherston House,  
cnr Waring Taylor and Featherston Streets, Wellington

In summary, if you or your group are not standing for election, but plan on spending more than \$12,000 (inc GST) between 1 January 2008 and election day (no later than Saturday, 15 November 2008) on advertisements encouraging or persuading electors to vote, or not to vote, for a candidate(s), party(ies), or type of party or candidate then you must apply for listing as a third party. You may not spend more than \$120,000 (inc GST). The listing threshold is \$1,000 (inc GST) and the spending limit is \$4,000 if your campaign is concerned with an electorate candidate, rather than a party. This summarises provisions of the Electoral Finance Act 2007, particularly: Part 1 (Meaning of election advertisement, Appointments, Listing of Third Parties); Part 2 (General rules..., Third parties' election expenses). You should also review provisions relating to donations, liabilities, and penalties for offences. A registered political party applying to list as a third party must comply with section 15(4).

An application must be made by: the individual who wants to be a listed third party, a person authorised by the governing body of an incorporated or unincorporated body, or a representative of an unincorporated body who is, or appears to be, authorised to apply.

This application form is of three pages covering information about the party or applicant, appointment of a financial agent, and a statutory declaration by the applicant of: their authority to make the application, and the third party's eligibility to be listed by the Electoral Commission.

<b>Name of third party</b>	
<b>Name of applicant</b> (same as third party if an individual)	
<b>Applicant's email and / or phone contacts</b>	
<b>Third party's postal address</b>	
<b>Third party's street address</b> being either residential (individual), or registered address (incorporated body), or principal address of business (unincorporated body)	

For office use only – date and initial:

Received	
Acknowledged	
Checked	

Decided	
Notified	
Listed	

## Person to be appointed as the financial agent

<b>Name of third party</b>	
<b>Full name of financial agent</b>	
<b>Residential address</b>	
<b>Postal address</b>	
<b>Email address</b>	
<b>Phone numbers</b>	
<b>Electorate in which financial agent is enrolled to vote</b>	

Section 9 of the Electoral Finance Act 2007 specifies

**Persons eligible to be appointed as financial agent:**

A person is eligible to be appointed as a financial agent ... if the person

- (a) is a registered elector; and
- (b) is resident in New Zealand; and
- (c) has not been convicted of –
  - (i) a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961); or
  - (ii) a corrupt practice under this Act or the Electoral Act 1993; and
- (d) is not an undischarged bankrupt; and
- (e) is not ineligible to be a director of a company under section 151(2) of the Companies Act 1993.

(Legislation is available: online via [www.elections.org.nz](http://www.elections.org.nz) or at [www.legislation.govt.nz](http://www.legislation.govt.nz), or at some public libraries, or from Bennetts Bookshops ([www.bennetts.co.nz](http://www.bennetts.co.nz)) or Whitcoulls.)

## Financial agent's agreement to appointment

**I confirm that I:**

- **am eligible to be appointed as financial agent,**
- **consent to be appointed as the financial agent for the above named third party,**
- **and understand the roles and responsibilities of this financial agent as detailed in the Electoral Finance Act 2007.**

**Signed  
by financial agent**

**Date**

**Statutory declaration by applicant of eligibility for listing as a third party and of authority to make application under the Electoral Finance Act 2007**

Please insert...

full name of applicant	I, _____ of
street address of applicant	_____
name of third party	solemnly and sincerely declare that, to the best of my knowledge, that _____
<b>Applicant to sign before authorised person</b>	is eligible under sections 13 and 15 of the Electoral Finance Act 2007 to be listed as a third party, and that I have the authority to make this application. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.
locality	Declared at _____
n <sup>th</sup> , month, year	this _____ day of _____, 200 _____ before
<b>Authorised person to complete</b>	Justice of the Peace, Solicitor, or other person authorised to take a statutory declaration

*Section 13 of the Electoral Finance Act 2007 states:*

**Persons eligible to be third party**

- (1) A person is eligible to be listed as a third party if the person is –
- (a) a New Zealand citizen or ordinarily resident in New Zealand; or
  - (b) a body corporate that is not an overseas person with the meaning of the Overseas Investment Act 2005; or
  - (c) an unincorporated body of which the majority of its members are persons described in paragraph (a).
- (2) The following are ineligible to be a third party:
- (a) a party other than a non-contesting party;
  - (b) a [constituency] candidate;
  - (c) a [list candidate];
  - (d) the financial agent of a party or candidate
  - (e) each of the following persons or bodies:
    - (i) the chief executive (however described) of a department of State or Crown entity;
    - (ii) a department of State;
    - (iii) a Crown entity;
    - (iv) a State enterprise (within the meaning of section 2 of the State-Owned Enterprises Act 1986) or a Crown-owned company;
    - (v) any other instrument of the Crown;
    - (f) a person involved in the administration of –

- (i) the affairs of a party; or
  - (ii) the affairs of a candidate in relation to his or her election campaign.
- (3) For the purposes of this section a non-contesting party is a [registered political] party that-
- (a) is listed as a third party under section 19 (being a party that has submitted a non-contest declaration under section 16(4)); or
  - (b) has submitted a non-contest declaration under section 16(4) and is awaiting a decision on whether it is to be listed as a third party under section 19.

*Section 15(2) of the Electoral Finance Act 2007 states:*

**Application to be listed as third party**

- (2) An application under subsection (1) must be made,—
- (a) if the promoter is an individual, by that individual; or
  - (b) if the promoter is a body corporate, by a person who is duly authorised by the board or other governing body of the body corporate to make the application; or
  - (c) if the promoter is an unincorporated body, by the representative of the body who is, or appears to be, authorised by the body for the purpose.