

Members present

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

Dated: 29 July 2008

Decision Number: 2008-13

Initiated by

AUDREY YOUNG, POLITICAL EDITOR, NEW ZEALAND HERALD ON 13 MAY 2008

In relation to

Election advertisement

NATIONAL PARTY

Subject

National Party van sign-written as being a mobile office. It is coloured blue, and (then) bore the slogan "working for you" and the National Party logo.

Findings and Determination

No contravention of the Electoral Finance Act 2007 as the appearance of the van 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 van sign-written as being a mobile office. It is coloured blue, and (then) bore the slogan "working for you" and the National logo.

Issues raised

Audrey Young says:

- the van is used by Wellington National MPs as a mobile office
- the van is paid by Parliamentary Services and therefore that office believes it is a proper funding for parliamentary purposes
- however the van with the slogan "working for you" is an election advertisement
- the Chief Electoral Office considers Trevor Mallard's red vehicle with the Labour logo to be an election advertisement.

Statutory provisions

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 way.

Comments from National Party

The financial agent of the National Party in a letter emailed on 14 July confirmed that the van is used as a mobile office by Wellington National MPs. He advised that the slogan "working for you" had been removed.

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 van (without the words "working for you") is signage that informs constituents that the van is an mobile electorate office. 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 van's appearance 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 appearance of the National Party van / mobile electorate office 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

1 August 2008

Exhibits

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

1. email, 13 May 2008, from Audrey Young
2. copy of photograph of the van
3. letter, 14 July 2008, from National Party financial agent providing comment