

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: 2008-14

Initiated by

**BILL ENGLISH, DEPUTY LEADER OF THE
NATIONAL PARTY ON 12 JUNE 2008**

In relation to

Election advertisement

LABOUR PARTY

Subject

Labour Party pamphlet about the 2008 budget. The pamphlet has a promoter statement by Mike Smith, the financial agent for the Labour party.

Findings and Determination

No contravention of the Electoral Finance Act 2007 as the election advertisement contains the appropriate promoter statement.

This headnote does not form part of the decision.

Subject

Labour Party pamphlet about the 2008 budget. The pamphlet has a promoter statement by Mike Smith, the financial agent for the Labour party.

Issues raised

Bill English suggests:

- If the item is an election advertisement the promoter is the Labour Leader's Office, based on information in the news media stating that the Labour Party was not involved in the production of the pamphlet and that Mike Smith had said it was organised out of the office of the Labour Leader;
- Therefore the pamphlet needs to be authorised by Mike Smith but contain a promoter statement from the Labour Leader's office;
- If the Labour Leader's Office has spent more than \$12,000 on such advertising they ought to have listed as a third party.

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.

Section 63 of the Act requires any election advertisement published during the regulated period to contain a statement of the name and address of the promoter of the advertisement.

Section 65 applies both within the regulated period and at other times, but only to election advertisements that encourage voters to vote in favour of the subject of the advertisement. This section also requires such election advertisements to contain a statement of the name and address of the promoter of the advertisement.

Comments from Labour Party

A response was received from Mike Smith, General Secretary of the Labour Party on 26 June 2008. He says that he is the promoter of the advertisement and that he is entitled to promote it.

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 Mike Smith was the promoter of the advertisement, is entitled to promote an advertisement encouraging a vote for Labour, and used the correct promoter statement.

For the above reasons it is the view of the Electoral Commission the pamphlet does not contravene the Electoral Finance 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:

The following items have been received and are attached:

1. letter, 12 June 2008, from Hon Bill English
2. Copy of the pamphlet
3. letter, 26 June 2008, from Mike Smith