

19 May 2008

**Initial decision of the Electoral Commission  
 on the allocation of time and money to political parties  
 for the broadcasting of election programmes.  
 2008 General Election.**

**Allocation decision**

| <b>Parties</b>   | <b>Monetary allocation (incl. GST)</b>  | <b>Opening address, minutes</b> | <b>Closing address, minutes</b> |
|--|---|---------------------------------|---------------------------------|
| <b>Total available</b>   | \$3,211,875   | 72                              | 30                              |
| Labour Party, National Party   | \$1,000,000   | 12                              | 6                               |
| Green Party, Māori Party, NZ First   | \$240,000   | 8                               | 3                               |
| The ACT Party, Progressive, UNITED FUTURE  | \$100,000   | 4                               | 3                               |
| Aotearoa Legalise Cannabis Party, Democrats for social credit, <i>Kotahitanga Te Manamotu Hake Tiriti o Waitangi</i> , Libertarianz*, <i>New World Order</i> , <i>New Zealand Liberals</i> , <i>Residents Action Movement</i> , <i>South Island Party</i> , Alliance, Family Party, <i>Workers Party of New Zealand</i><br>(those in <i>italics</i> were not registered as at 29 <sup>th</sup> April 2008)<br>* will not receive the monetary allocation | \$10,000, plus a production package for the opening address worth over \$7000 | 1                               | 0                               |

Nineteen parties gave notice that they consider they will qualify for a broadcasting allocation. Of these, six are not currently registered but will need to be registered by writ day in order to receive an allocation.

**Explanation**

In making the allocation the Electoral Commission must have regard to a series of criteria which cover results of the last election as well as consideration of more recent measures of parties' public support. It also requires that eligible parties be provided a fair opportunity to convey their policies to the public (details in appendix, on [www.elections.org.nz](http://www.elections.org.nz), Broadcasting Act s 75(2)).

This fairness criterion was the basis upon which the Electoral Commission decided to allocate a minimum to all eligible parties and also to subsidise from the allocation to the two largest parties to that to smaller parties. Thus, the allocation is not an exact

arithmetic reflection of share of votes, seats, membership or support in opinion polls. As in previous years parties were grouped into groups, within which each party receives the same level of funding and time.

The three key criteria which measure current support for a party (number of votes at the last election, number of MPs at the dissolution of Parliament, and other indications of support) were used collectively when determining the groups for each allocation band. As opinion poll results are becoming less reliable as an indication of the views of the whole population, they were given a lesser weighting than has been the case in previous allocation decisions.

Labour Party and National Party are clearly ahead of all other parties in terms of votes in 2005, MPs, and polling results. The Commission saw no reason to treat the two parties differently and neither party sought a differential in its submission.

Green Party, Māori Party and NZ First are broadly similar in their number of MPs and votes in 2005. Green Party is polling ahead of the other two in terms of the party vote but not sufficiently to differentiate it from the other two parties.

The ACT Party, Progressive and UNITED FUTURE are broadly similar in their poll ratings, votes in 2005, and numbers of MPs. Differences were seen as insufficient to differentiate between the three parties in terms of allocation.

The non-parliamentary parties are clearly distinct from the parliamentary parties in terms of votes in 2005, number of MPs, and polling success. There was insufficient information to differentiate between the parties in relation to the criteria specified in the Broadcasting Act 1989. The Libertarianz stated in its written submission, and reiterated in its oral submission, that it would not spend any money that was allocated to them. Consequently the Libertarianz will not receive a monetary allocation but it will receive the minute for an opening address and access to the production package.

The minimum amount allocated reflects the cost of a basic radio advertising campaign for a month. Each party that has been allocated one minute for an opening address also has access to a production package that has been organised with TVNZ. The package will provide production that would otherwise cost over \$7000 for each party. This package was first offered in 2005 to ensure both the accessibility of TV to these smaller parties, in consideration of the 'fairness of access' criteria and a basic standard of professional production. All those involved in 2005 found the production package to be useful so it is being repeated. Details of the production package will be sent to the political parties concerned.

The two largest parties share \$2,000,000. The remaining money, minus that allocated to the non-parliamentary parties (including the cost of the production package) was split between the second and third groups in a ratio close to 2:1 to reflect the difference in indications of support, votes and MPs for the two groups.

All eligible parties were allocated some time for opening addresses, reflecting the fairness criteria. However only parliamentary parties were allocated time for closing addresses as the shorter time made available precluded a wider allocation.

The order of opening addresses is Labour Party, National Party, Green Party, NZ First, Māori Party, The ACT Party, UNITED FUTURE, Progressive, Libertarianz, Aotearoa Legalise Cannabis Party, New World Order, The Alliance, South Island Party, Family Party, Residents Action Movement, New Zealand Liberals, Workers Party of New Zealand, Democrats for social credit, Kotahitanga Te Manamotu Hake Tiriti o Waitangi.

This order was determined by following the groups used for time allocation and using double random selection within each group, except that in line with past practice the main government party has the first opening address and the main opposition party has the first closing address.

The order for closing addresses is the reverse within each group: National Party, Labour Party, Māori Party, NZ First, Green Party, Progressive, UNITED FUTURE, The ACT Party.

### **Conditions**

Only registered parties may enter into contractual commitments to use money, time and any production package that has been allocated to them in this decision.

For the parties that are being offered the production package, acceptance or otherwise of the production package will not have any impact on the allocation of time and money to that party.

Broadcasters have also made conditions, details of which have been supplied to the parties.

### **Variation to the allocation**

In specified circumstances the Electoral Commission can vary the allocations made without further consultation. Such circumstances include a party: not accepting an allocation, having its registration cancelled, making a significant change in its relationships with other parties, or failing to nominate a party list.

### **Commissioners**

The Electoral Commission members for the broadcasting allocation process were:

Hon Andrew McGechan, President

Chief Judge Joe Williams, Chief Judge of the Māori Land Court

Ms Belinda Clark, Secretary for Justice

Dr Helena Catt, Chief Executive

The decision was unanimous.

(In the past there have been two political representatives on the Electoral Commission when it makes decisions on the broadcasting allocation. The Electoral Amendment Act 2007 removed these members.)

**Details of the allocation process, use of the allocation and process for payment of invoices can be found in the following appendix or on the Elections New Zealand website [www.elections.org.nz](http://www.elections.org.nz) under Electoral rules, parties.**

## **Appendix**

The following is based on extracts from the information on [www.elections.org.nz](http://www.elections.org.nz). This site contains more details on election broadcasting and the broadcasting allocation.

The number references at the end of some statements refer to the relevant sections of the Broadcasting Act 1989.

### **What was the process of allocation in 2008?**

1. The Electoral Commission invited political parties that consider themselves eligible for an allocation to give notice of this by 19<sup>th</sup> March 2008. Eligibility depends on giving this notice and on being registered when Parliament is dissolved or expires ahead of the election. (section 75(1))  
The invitation was placed in the New Zealand Gazette and in the main daily newspapers. In addition a letter with the invitation details was sent to the secretary of every registered political party and everyone who had made enquiries about registering a party in the preceding six months.
2. 19 parties replied to the notice saying that they considered that they were eligible for allocation.
3. Parties that had given the required notice were invited to make submissions on how the Electoral Commission should decide the allocations within the criteria outlined in the Broadcasting Act.
4. Television New Zealand and Radio New Zealand were asked by the Electoral Commission to tell it how much free time they will make available for broadcasting parties opening addresses and closing addresses. (sections 71, and 71A)
5. The Minister of Justice advised the Electoral Commission how much money would be available for allocation: \$2,855,000 (excl. GST).
6. Hearings were held for parties that wished to make oral submissions in support of their written ones. The hearings were on the 28<sup>th</sup> and 29<sup>th</sup> of April. At the time of the hearings copies of written submission were made available to the media and public. (sections 72, 75(2), and 76)
7. The Electoral Commission met on 29<sup>th</sup> April 2008 to consider the criteria and the submissions.
8. Television New Zealand and Radio New Zealand had the opportunity to comment on the proposed allocation of free time before this was finalised. (section 75A)
9. The Electoral Commission decided its provisional allocation of both time and money on 19 May. A letter was sent on 30<sup>th</sup> May to each political party that received an allocation and the allocation decision was announced to the media and made public on 2<sup>nd</sup> June. (sections 73 and 74A).
10. The Commission will meet immediately after nomination day to consider any adjustments necessary and will then notify parties, the media and the public of any changes made.

### **What factors does the Electoral Commission consider in allocating time and money to eligible parties?**

The law requires the Commission to consider the following factors in allocating time and money to an eligible political party at a general election:

- the number of persons who voted at the previous general election for that party and for candidates belonging to that political party; and
- the number of persons who voted for the party's candidate at any by-election held since the previous general election; and
- the number of members of Parliament who were members of that political party immediately before the dissolution or expiration of Parliament; and
- any relationships that exist between that political party and any other political party; and
- any other indications of public support for that political party such as the results of public opinion polls and the number of persons who are members of that political party; and
- the need to provide a fair opportunity for each eligible political party to convey its policies to the public by broadcasting election programmes on television.

The Electoral Commission decides the relative emphasis to be given to each of these factors after considering parties' submissions. (section 75(2))

### **Why and how could the Electoral Commission vary its allocation decisions?**

In specified circumstances the Commission can vary the allocations made without further consultation. These include a party: not accepting an allocation, having its registration cancelled, making a significant change in its relationships with other parties, or failing to nominate a party list. Only a cancellation of party registration or failure to nominate a party list can trigger a reallocation after a party has started to use an allocation. The Commission may decide not to make a reallocation if amounts involved are small or time is short. If a party loses allocation it has already spent then the Commission may require the party to repay the money spent. (section 76A)

### **What can a party's allocation of money be used for?**

Funds can be used by political parties for:

- buying advertising time on TV
- buying advertising time on radio
- production costs

Parties cannot use their own money to buy broadcasting time but can use their own money for production costs. (sections 70, 73, 74A, and 74B)

### **What about electorate candidates and parties that will not receive an allocation?**

Electorate candidates (whether for a registered party, unregistered party or independent) may run broadcast advertising from writ day until the day preceding polling day (but not on polling day itself), with the associated costs counting against the candidate's election expense limit of \$20,000 (inc GST).