

Members present

Hon Andrew McGechan (President)
Dr Helena Catt (Chief Executive)

Dated: 29 July 2008

Decision Number: 2008-16

Initiated by

COLLEEN NEILSON ON 10 JULY 2008

In relation to

Election advertisement

Subject

Phone call from an unknown person purporting to be conducting a survey and putting forward arguments for and against support for named political parties.

Findings and Determination

Insufficient information to enable proper consideration by the Commission, so will refer the matter to the police as they are able to investigate further. In addition, to send an advisory note to party and third party financial agents about phone push-polling and canvassing.

This headnote does not form part of the decision.

Subject

Phone call from an unknown person purporting to be conducting a survey and putting forward arguments for and against support for named political parties.

Issues raised

Given that the details are reported, with no means of verification, it would seem that if the matter were to be taken further then it would need to be handed on to the police who have the powers and resources to conduct investigations to establish the facts.

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 fashion.

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.

Section 70 requires the Commission to report to the Police any instance where it believes that an offence has been committed under Part 2 sub-part 6 of the Act unless the Commission:

considers that the offence is so inconsequential that there is no public interest in reporting those facts to the New Zealand Police.

Advice is that if the Commission is uncertain of whether an offence has been committed to err on the side of reporting the matter to the Police.

Electoral Commission's Determination

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

In the view of the Electoral Commission it possesses insufficient information to enable proper consideration by the Commission so it will refer the matter to the police as they are able to investigate further. In addition an advisory note will be sent to party and third party financial agents about phone push-polling and canvassing.

For the above reasons the matter will be referred to the police for investigation.

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. email, 10 July 2008, from Jo Jansen-Thomson, Chief Electoral Office, reporting on phone call with Colleen Neilson.