

Members present

Hon Andrew McGechan (President)
Ms Belinda Clark – *ex officio* (Secretary for Justice)
Dr Helena Catt (Chief Executive)

Dated: 19 August 2008

Decision Number: 2008-21

Initiated by

HON BILL ENGLISH ON 24 APRIL 2008

In relation to

Election advertisement

LABOUR PARTY

Findings and Determination

Item appearing in the Chinese Express Weekly did not contain a promoter statement. No contravention of the Electoral Finance Act 2007 as the item is not an election advertisement within the meaning of section 5 of the Act.

This headnote does not form part of the decision.

Subject

Item appearing in the Chinese Express Weekly, with photographs of a number of Labour Party MPs and candidates. There was no promoter statement on the item.

The newspaper was published in February, prior to a general advisory being sent to party secretaries and published on the Elections New Zealand website on 11 April 2008.

Issues raised

The Electoral Commission obtained a translation in relation to the wording within the Labour Party item and also the surrounding editorial material. The surrounding editorial material is unrelated. The advertisement says "New Zealand Labour party wishes all the Chinese people good fortune in the year of Rat!

The Electoral Commission considered whether the item is an election advertisement within the meaning of the Electoral Finance Act 2007 and, if so, whether the provisions of the Act have been complied with.

Electoral Finance Act 2007

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.

Comments from the Labour Party

A response was received from Mike Smith, General Secretary of the Labour Party on 12 June 2008. He indicates that the advertisement was initiated by the newspaper and not the party.

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 item is not an election advertisement as it, an act of candidate information and cultural politeness, could not reasonably be regarded as encouraging or persuading voters to vote or not to vote in a particular fashion.

For the above reasons it is the view of the Electoral Commission that the Labour Party item in the Chinese Express Weekly 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 Commission Member
New Zealand Electoral Commission

26 August 2008

Exhibits

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

1. Email from Phil de Joux on behalf of Hon Bill English, raising the issue
2. Copy of item in Chinese Weekly Express
3. Copy of the translation
4. Letter from the financial agent for the Labour Party