

**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: 2008-22

Initiated by

**CASS O'CONNOR ON 5 JULY 2008**

In relation to

**Election advertisement  
NATIONAL PARTY**

**Findings and Determination**

Leaflet inviting people to a meeting with John Key does not contain a promoter statement. No contravention of the Electoral Finance Act 2007 as the leaflet is not an election advertisement within the meaning of section 5 of the Act

**This headnote does not form part of the decision.**

**Subject**

A leaflet in the Port Hills electorate inviting people to a meeting with John Key. It says 'Have a chat with John Key. Come along and meet the next Prime Minister'.

The leaflet does not have a promoter statement.

**Issues raised**

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 National Party**

The financial agent of the National Party commented that this item was 'the product and responsibility of the local electorate only'.

**Electoral Commission's Determination**

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

Whether any particular item is an election advertisement is a question of degree. The leaflet is an invitation to attend and meet with John Key and, in the view of the Electoral Commission, falls just outside of what could reasonably be regarded as encouraging or persuading voters to vote in a particular manner. Therefore the leaflet is not an election advertisement for the purposes of the Electoral Finance Act.

**For the above reasons it is the view of the Electoral Commission that the National Party leaflet "Have a chat with John Key" 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:

The following items have been received and are attached:

1. Letter 5 July 2008 from Cass O'Connor
2. Copy of the flyer "Have a chat with John Key"
3. Letter 22 July 2008 from the financial agent for the National Party