

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: 2008-24

Initiated by

JAMES BELL ON 22 JULY 2008

In relation to

**Election advertisement
NEW ZEALAND FIRST
HUTT VALLEY CHAMBER OF COMMERCE**

Findings and Determination

Flyer inviting people to a meeting with Winston Peters. No contravention of the Electoral Finance Act 2007 as the flyer 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 flyer emailed by the Hutt Valley Chamber of Commerce inviting people to a session with Winston Peters. It says 'Hear Winston Peters give an update on New Zealand First in Election Year'. The flyer contains two New Zealand first logos, summarises Winston Peters' background as an MP, and indicates he is 'well known for his forthright views and can be relied on to deliver a lively and informative address'.

The name and street address for the Hutt Valley Chamber of Commerce are printed on the flyer.

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 the Hutt Valley Chamber of Commerce

The Chief Executive Officer of the Hutt Valley Chamber of Commerce commented that the event is one of a series to hear party leaders in election year, primarily for their members but they send the email also to other businesses on their mailing list. He added that neither the speaker nor their party benefits in any way except for having the opportunity to spread their message.

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 flyer is an invitation to attend and hear Winston Peters and, in the view of the Electoral Commission, falls clearly outside of what could reasonably be regarded as encouraging or persuading voters to vote in a particular manner. Therefore the flyer 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 Hutt Valley Chamber of Commerce flyer "Hear Winston Peters give an update on New Zealand First in election year" 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 23 July 2008 from James Bell, with flyer attached
2. Email 24 July 2008 to Hutt Valley Chamber of Commerce seeking information about the flyer, Chamber of Commerce response, and further response to their query