

Electoral (Public Opinion Polls) Amendment Bill

Member's Bill

Explanatory note

During a general election period, considerable emphasis and publicity is given to polling of voters and the subsequent results. The material produced is frequently used by the media and others to publicise personal assertions and is often used in a manner designed to further influence voters in a particular direction. Material used or misused in this way to influence voters can and has created disadvantage for one party or individual over another in a manner not consistent with the principles of fairness or democracy.

This bill is intended to prohibit the publishing or re-publishing of poll results in the immediate 28 days prior to the conducting of a general election, thereby ensuring a fair and more balanced result. Infringement of this prohibition will result in a fine of \$5,000.

Clause by clause analysis

Clause 1 relates to the title.

Clause 2 provides that the Act comes into force on the day after the date on which it receives the Royal assent.

Clause 3 sets out the purpose of the bill.

Clause 4 inserts a new section 222A into the Electoral Act 1993 that provides for a 28-day period prior to a general election or a by-election during which it will be an offence to publish or comment publicly on the results of a public opinion poll conducted during that period in relation to the general election or by-election or to publish, re-publish or comment publicly on the results of a public opinion poll in relation to the general election or by-election where that poll is conducted prior to the start of the 28-day period. Infringement of

this prohibition is an offence punishable by a fine not exceeding \$5,000.

New section 222A(2) provides that, where the period between the issue of a writ for a general election or by-election and polling day is less than 28 days, the prohibition applies to that period as if it were a 28-day period.

New section 222A(3) provides a definition of **publish**.

Rt Hon Winston Peters

Electoral (Public Opinion Polls) Amendment Bill

Member's Bill

Contents

1	Title	<i>Prohibition on publishing public</i>
2	Commencement	<i>opinion polls</i>
3	Purpose	222A Prohibition on publishing
4	New heading and section 222A inserted	public opinion polls

The Parliament of New Zealand enacts as follows:

- 1 Title** 10
- (1) This Act is the Electoral (Public Opinion Polls) Amendment Act **2000**.
- (2) In this Act, the Electoral Act 1993¹ is called “the principal Act”.
- ¹ RS Vol 35 p 39
- 2 Commencement**
- This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Purpose** 15
- The purpose of this Act is to provide for a 28-day period prior to a general election or a by-election during which it will be an offence to publish the results of a public opinion poll conducted during that period in relation to a general election or a by-election, or to publish or re-publish the results of a public opinion poll in relation to the general election or by-election where that poll was conducted prior to the start of the 28-day period.

4 New heading and section 222A inserted

The principal Act is amended by inserting, after section 222, the following heading and section:

“Prohibition on publishing public opinion polls

- “222A **Prohibition on publishing public opinion polls** 5
- “(1) Every person commits an offence and is liable, on summary conviction, to a fine not exceeding \$5,000 who, at any time during a 28-day period prior to the date fixed for a general election or a by-election or, on polling day, up to the close of polling,— 10
- “(a) publishes, or causes to be published, the results of a public opinion poll conducted during that 28-day period in relation to that general election or by-election; or
- “(b) publishes or re-publishes, or causes to be published or re-published, the results of any public opinion poll conducted in relation to that general election or by-election where that poll was conducted prior to the commencement of the 28-day period. 15
- “(2) Where the period between the issue of a writ under section 126 or section 132 and polling day is less than 28 days, **subsection (1)** applies to that period as if it were a 28-day period. 20
- “(3) For the purposes of this section, **publish** means to make public by any means including, but not limited to, making the results known or commenting publicly on them— 25
- “(a) in any newspaper, book, or periodical:
- “(b) on radio or television:
- “(c) on the Internet in a form that is publicly accessible,— and **re-publish** has a corresponding meaning.”