

Human Rights
Commission
Te Kāhui Tika Tangata

18 June 2010

Committee Secretariat
Electoral Legislation Committee
Parliament Buildings
Wellington

Dear Secretary

ELECTORAL (FINANCE REFORM AND ADVANCE VOTING) AMENDMENT BILL

I write in relation to the Electoral Amendment Bill which is currently before the Committee.

The Human Rights Commission (the Commission) appreciates having had the opportunity to comment on the various consultation documents that preceded the Bill. The process has been open and transparent and encouraged people to participate in the process.

There is only one outstanding matter which the Commission urges the Committee to consider further. It relates to the inclusion of a purpose statement. Throughout the consultation, the Commission reiterated the importance of the transparency of the election process. We were pleased, therefore, to note that the policy statement in the Explanatory Note specifically refers to the reforms being designed "to ensure greater certainty and transparency in the conduct of the electoral process and support public confidence in the outcome of parliamentary elections". However, the Commission's preference was for this to be included in a purpose statement in the Act itself. We strongly urge that the Committee gives further consideration to the inclusion of a purpose statement to clarify the purpose and aim of the legislation.

Apart from this, the Commission acknowledges that its concerns have been addressed in the following areas:

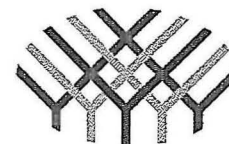
- introducing a definition of "election advertisement" which is clear and accessible, applies to both traditional and new media and includes specific exceptions. We are particularly pleased to see that the definition has been drafted in a way that applies not only to the direct promotion of a party or candidate but also material designed to influence how people vote on an issue. We also consider there is considerable merit in the Electoral Commission being able to provide an advisory opinion on whether a draft advertisement is an election advertisement for the purposes of the Electoral Act;
- the decision to adjust campaign expenditure to allow for inflation and to review the limits annually;
- the approach adopted to regulation of the campaign period and the steps taken to address the possibility of the period being less than three months in the event of an early or snap election.

Should there be any human rights issues raised by the Committee, we are available to comment and to provide additional advice.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rosslyn Noonan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rosslyn Noonan
Chief Commissioner
Te Amokapua



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