ADVERTISEMENT

THE ELECTORAL SUICIDE BILL

To the leaders of Labour, NZ First, the Greens and UnitedFuture: <u>you have been warned</u>.

If you pass the Electoral Finance Bill, the people of New Zealand will not forgive you. You will be committing electoral suicide.

Please think again before it's too late.

To the people of New Zealand: thank you for your support. Now here are some answers to questions you've asked me about this deliberately complex piece of legislation.

"What does the Electoral Finance bill do?"

In our view it clamps down like a steel trap on what you can say about political parties in election year.

It severely restricts your freedom of speech for one year in every three – *more than in any other democracy.*

But that's not the worst of it.

What's more sinister is that the government is censoring what the rest of us get to *hear* about political parties.

Groups that are not political parties will be banned from spending enough to send even one letter to every household in the country.

"How does it do this?"

The bill restricts what individuals or groups (now called "third parties") can spend telling us their views in election year.

Say you're one of these third parties. You want to speak out for or against one of the political parties. You think you can raise between $12,000 and $120,000.

Now, before you raise a cent, you'll have to register with the government. They'll subject you to a barrage of regulations.

If you spend a penny more than $120,000, you'll be breaking the law.

"Yeah, but surely this only affects the rich?"

No. In my view, it affects every New Zealander.

If you or your group want to spend more than $12,000, you'll need to go through an arduous registration process. You'll need to get your accounts audited, for one thing.

Lobby groups such as the Sensible Sentencing Trust and Family First have many thousands of members. Each gives $10 or more.

The minute they urge electors to vote one way or another, these groups will be caught by the Electoral Finance Act.

Once they've spent $120,000 – not even enough to send one letter to every home in New Zealand – they'll no longer be able to run any advertising.

Now you may not agree with what Family First, the Sensible Sentencing Trust and other groups such as Greenpeace, Chambers of Commerce, and trade unions say.

But it's a cornerstone of democracy that we defend their right to say it. Our parents and grandparents fought for that right.

"How does this $120,000 limit compare with what political parties can spend?"

Political parties are allowed to spend up to $2.4 million of their own money on campaigning.

But that's not the half of it. These parties also get millions more *taxpayer* dollars for promotional material, salaries, support staff and transport.

That's more than enough to drown out any private campaign.

That's why the Electoral Commission recommended that if there had to be a limit, it should be not $120,000, but *$240,000*.

When we ask Labour, NZ First, the Greens and UnitedFuture why they only went half way to the Electoral Commission's recommendation, they remain strangely silent.

"What else does the bill do?"

The bill says "third parties" (either individuals or groups) must disclose all donations over a certain amount.

It also forces political parties to be much more upfront about who donates money to them, and limits what they can receive as anonymous donations.

The bill will also make it much harder for a person who is not an MP to challenge someone who is.

MPs will have a lot more taxpayer money to campaign with than they had before, while non-MP candidates will be faced with a lot more restrictions.

"What does the bill not do?"

Thankfully, the bill no longer regulates virtually every form of private political activity.

Incredibly, the government first proposed that anyone who wanted to spend even $1 on a political issue in election year would first have to sign a statutory declaration before a Justice of the Peace.

This was the position as late as 19 November.

(Hard to believe, but true.)

The restrictions now apply from $12,000, not $1 and the definition of 'electoral advertising' has been narrowed.

"Where does the Human Rights Commission stand now?"

The Human Rights Commission has been very brave in standing up to its political masters.

In its 7 September submission, it said, "A human rights approach to democratic government requires genuine participation. Genuine participation, in turn, requires an informed electorate".

"By limiting freedom of expression and creating a complex regulatory framework in the way it does, the Electoral Finance Bill unduly limits the rights of all New Zealanders to participate in the electoral process."

It said the bill was inherently flawed and should be withdrawn. It was ignored.

On 18 October, Chief Commissioner Rosslyn Noonan reiterated to the Justice and Electoral Select committee: "The Commission's preference is, and remains, that the proposed legislation is withdrawn and redrafted to take into account the very substantial and indepth submissions of the over 600 submitters to the select committee".

She then said: "If the bill is not withdrawn, and rewritten, the Commission's view is that it is essential that any changes be subject to the widest possible public scrutiny to ensure the credibility and legitimacy of whatever electoral law reform emerges".

The Commission also said it would be essential that any restrictions on free speech should be limited to <u>three months</u> before an election.

That's still its position.

While welcoming the changes on 19 November, they restated their bottom line of a three month regulatory period and expressed "disappointment" that their call for a further round of public consultation had been ignored.

"How do Labour, The Greens, NZ First and UnitedFuture justify this?"

The supporters of this bill have argued that this law is needed to stop a campaign such as the one run by the Brethren at the last election.

Yet privately they acknowledge that loopholes mean it will not stop a Brethren-type campaign.

They keep saying that the Brethren campaign cost $1.2 million. So why cap expenditure at $120,000? Why not the $240,000 recommended by the Electoral Commission?

Why not let popular groups like the Sensible Sentencing Trust send a letter to every letterbox?

I've been trying to get the government to answer why they insist on up to eleven months, rather than three.

NO answer.

I've been trying to get the government to answer why they will not allow the second round of public consultation as recommended by the Human Rights Commission.

NO answer.

"Are there loopholes?"

Yes. NZ First MP Barbara Stewart made it quite clear what your options are in a dismissive email to a member of the public:

"If you wish to spend more than the cap allowed for a third party, then you are able to spend more when you register as a political party."

What breathtaking arrogance!

To communicate with your fellow countrymen, all you need to do is find 499 friends and start a political party. Piece of cake!

My question for NZ First is: Why should you have to go to all that trouble to be heard in a country that calls itself a democracy?

In a democracy we have one person, one vote. Before voting, we allow people to express their views. We don't suppress criticism. We don't tilt the playing field so opponents are unable to express their views.

Why am I leading this campaign? Why aren't the Greens?

I'm John Boscawen. I've run a month long campaign trying to create awareness of the Electoral Finance Bill, and the submission of the Human Rights Commission in particular.

Yes, I'm the wrong person. I'm a member of Act and used to be a party fundraiser.

However, this is not a party political issue. It goes to the heart of our democracy. It affects all New Zealanders.

No one else put their hand up to lead this protest, so I did. It would be much better led by Jeanette Fitzsimons, since it's about standing up for the Human Rights Commission.

But she was unavailable.

Not just unavailable, but very unsupportive. Acting purely out of self-interest, she and her fellow Green MPs have buddied up with the government, NZ First and UnitedFuture to *defy* the Human Rights Commission.

I expected to be personally attacked when I started. I went into it knowing that would happen. But this issue is too important to ignore.

I'd have done exactly the same if it was the National Party trying to pass this law.

Tell Clark, Peters, Dunne and Fitzsimons to support the Human Rights Commission!

If you want fair elections, or you don't want your party to commit electoral suicide, email the Labour, NZ First, Greens and UnitedFuture leaders right now.

Helen Clark: pm@ministers.govt.nz

Winston Peters: wpeters@ministers.govt.nz

Peter Dunne: pdunne@ministers.govt.nz

Jeanette Fitzsimons: jeanette.fitzsimons@parliament.govt.nz

Ask why they continue to defy our Human Rights Commission.

If they try to dodge the question, send them a second email. And a third.

Let them know the high cost of riding roughshod over your democratic rights.

Make their arrogance an election issue

Unless you demand your rights this morning, the bill will pass this afternoon in its current form, without you getting any more say.

In that case, I'm going to honour a promise I made to the select committee on 27 September.

I'm going to continue my campaign all the way to the election.

I'm going to need as much help as I can get. If you can help in any way at all, please contact me at either john@boscawen.co.nz or Box 42-267, Orakei, Auckland.

Financial contributions would also be welcome and can be made to the Freedom of Speech Trust, at the above address.

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