



# 2013 Council Elections



Candidate Handbook

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# Election Timetable

2013 Local Government Election Timetable	
17 July (Wednesday)	Public Notice of Election – The Courier, Timaru Herald and Waimate Trader
19 July (Friday)	Nominations open, Electoral roll open for inspection
16 August (Friday)	Nominations close at 12 noon , Electoral roll closes
21 August (Wednesday)	Public Notice of Candidates – The Courier, Timaru Herald, Waimate Trader and <a href="http://www.waimatedc.govt.nz">www.waimatedc.govt.nz</a>
23 August (Friday)	EO receives final Electoral Roll data
By 16 September (Monday)	EO compiles and certifies final Electoral Roll
20 September (Friday)	Electoral Services letter sent to electors on Unpublished Roll
20 September (Friday)	<b>Delivery of ordinary voting documents starts</b> Ordinary and special voting opens
20 September to 12 October	<b>Voting Period</b>
11 October (Friday)	Last day for appointment of Scrutineers - by 12 noon Last day for enrolment as residential elector – by 4.30pm
12 October (Saturday)	<b>Election Day - Voting closes at 12 noon</b> Progress Results available as soon as practicable after close of voting
12 – 16 October	Official Count – process special votes
18 October (Friday)	<b>Final Results announced</b> <b>Public notice of official declaration of election result – The Courier, Timaru Herald, Waimate Trader and <a href="http://www.waimatedc.govt.nz">www.waimatedc.govt.nz</a></b> (or as soon as practicable thereafter)
12 December (Thursday)	Return of election expense declaration forms (55 days after date of Declaration of Results)

*Disclaimer: Every effort has been made to ensure that the information contained in this booklet is accurate and consistent with the Local Electoral Act 2001 and its amendments. Waimate District Council takes no responsibility for any errors or omissions. It is recommended that candidates obtain a full copy of the Act, which can be purchased from any Government Bookstore or viewed on-line at [www.legislation.govt.nz](http://www.legislation.govt.nz).*

# Introduction

This booklet outlines information which may be of interest to you as a candidate or elector to the 2013 local body elections. It has been prepared as a guide to assist possible candidates and others interested in election issues with general information on the election. It should be used as a guide only, and candidates or other persons requiring more detailed information should contact the Electoral Officer or Deputy Electoral Officer directly.

The Local Electoral Act 2001, its amendments and regulations, is the presiding legislation for local government elections. It covers all matters pertaining to the conduct of the elections including voting methods, voting systems, nomination requirements, electoral roll requirements, length of voting period and progressive processing period, candidate profiles, offences, and campaign expenditure limits. All candidates should familiarise themselves with the Act and the information as set out in this document.

No responsibility is taken for the accuracy of information in this pack or candidates failure to comply with legislative requirements.

Copies of the Local Electoral Act 2001 and its regulations are available from the Government Bookshop, or they can be viewed on the internet at [www.legislation.govt.nz](http://www.legislation.govt.nz).

## Electoral Officer Appointment

Waimate District Council has engaged *electionz.com* Ltd as the elections contractor for the 2013 Local Government Election. Anthony Morton, has been appointed Electoral Officer on behalf of *electionz.com* by the Council.

This means that *electionz.com* will be managing all matters pertaining to the election for Waimate District Council. *electionz.com* is based in Christchurch, from where most of the election administration will be carried out.

## About *electionz.com*

*electionz.com*, New Zealand's premier election company, provides public and private sector election services for council, producer boards, companies, associations, non-profit organisations, schools and universities.

For the 2013 local body elections *electionz.com* will be processing voting papers for thirty-eight councils, for both First Past the Post (FPP) and Single Transferable Voting (STV). The processing of the Waimate District Council's voting papers is being carried out in Christchurch.

*electionz.com* also provides Electoral Officer services on contract to private and public organisations, as well as internet voting, internet surveys, and telephone voting.

## Electoral Officer

Anthony Morton has extensive local government and Electoral Officer experience. He has worked in excess of 20 years for various South Island councils in Waimate, Oamaru and Southland before joining *electionz.com* in 2000. Since joining

*electionz.com* he has worked on more than 900 elections for many public and private organisations in NZ, including many private sector elections such as Fonterra Co-operative Group, Beef & Lamb New Zealand, TECT, WEL Energy Trust, Balance Agri-nutrients, Ravensdown, DairyNZ etc.

This year *electionz.com* is providing Electoral Officer services for twenty Councils and five District Health Boards.

The Deputy Electoral Officer (DEO) is Warwick Lampp, also from *electionz.com*.

Local election support will be provided by Michelle Heal. Michelle is the Rates Officer for Waimate District Council and has been appointed an Election Official. In particular, Michelle will coordinate the acceptance of nominations and issue of special votes.

## Role of Electoral Officer

The role of the Electoral Officer (EO) is to conduct the election in accordance with the legislation.

The EO has complete and final control over how the election is carried out. The EO is employed by Council and is accountable to the Chief Executive of the Council, but does not take direction from the CEO, the Mayor or councillors.

The EO is responsible for all staff, systems, resources, policies, procedures and actions to ensure that the democratic process is carried out with utmost integrity, security and fairness for all parties.

The conduct of local body elections is strictly regulated by legislation including:

- Local Electoral Act 2001
- Local Electoral Regulations 2003
- Local Government Act 2002
- Sale of Liquor Act 1989
- NZ Public Health and Disability Act 2000
- Local Authorities (Members Interests) Act 1968

Specific duties of the Electoral Officer as outlined in Section 15 of the Local Electoral Act are:

- The compilation and certification of electoral rolls
- The publication of any public notice relating to elections and polls
- Calling for and receiving nominations, candidate profile statements and deposits
- Issuing and receiving of ordinary and special votes
- Processing and counting of votes
- Declaration of results
- Receiving and dealing with returns of electoral expenses.

Queries regarding the actions or performance of the Electoral Officer for Waimate District Council should be directed to Tony Alden, Chief Executive, Waimate District Council on 03 689 0000.

## Election Principles

The Electoral Principles contained in section 4 of the LEA are outlined below. The principles must be taken into account in the conduct of any election or poll.

### “4 Principles

(1) *The principles that this Act is designed to implement are the following:*

- (a) *fair and effective representation for individuals and communities:*
- (b) *all qualified persons have a reasonable and equal opportunity to —*
  - (i) *cast an informed vote:*
  - (ii) *nominate 1 or more candidates:*
  - (iii) *accept nomination as a candidate:*
- (c) *public confidence in, and public understanding of, local electoral processes through—*

- (i) *the provision of a regular election cycle:*
- (ii) *the provision of elections that are managed independently from the elected body:*
- (iii) *protection of the freedom of choice of voters and the secrecy of the vote:*
- (iv) *the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:*
- (v) *the provision of impartial mechanisms for resolving disputed elections and polls.*

(2) *Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.”*

## Key Dates

Election Expenditure Monitoring Begins	12 July
Nominations Open	Friday 19 July
Nominations Close	12 noon, Friday 16 August
Delivery of Voting Papers	20 to 25 September
Voting Closes	12 noon, 12 October
Election Results announced	As soon as possible after 12 noon on 12 October
Official Declaration	Expected to be Friday 18 October
Return of Electoral Expense Declarations	No later than 11 December 2013

# Changes to the Legislation in 2013

The new legislation in 2013 streamlines the nomination process, improves the quality and availability of information about candidates, and tightens and increases transparency about campaign donations.

The key changes are:

- Nomination period now a week earlier
- Nominations documents **must** now all be submitted together
- Candidates **must** state if they are standing for any other elections
- Candidates **must** state if they reside in the election area or not
- Changes to candidate withdrawal process
- Candidate profiles can now be made publicly available earlier
- Candidate expenditure returns must be made available electronically by the EO
- Anonymous donations over \$1,500 are not permitted

## Nominations

- Nomination Period brought forward a week
  - Nominations open **Friday 19 July**
  - Nominations close at **noon Friday 16 August**
  - There is an extra week for EOs to compile voting papers and profiles – voter packs go out Friday 20 September
- All nomination documents must be submitted together
  - Nomination paper, profile statement, photo, \$200 deposit
  - Cannot put a nomination paper in first week, and leave profile/photo until last week
  - EOs will accept online banking of deposits, but evidence of the online transaction must be provided
  - Disclaimer on nomination paper for candidates to acknowledge that contact details will be public information
- Candidates **must** state if standing in any other elections in NZ
  - Mayor, Ward/At Large Council, Community Boards, Licensing Trusts, District Health Boards, other Councils, applies to standing anywhere in NZ
  - Details are now shown at top of the candidate profile statement, but are not included in the 150 words
  - Candidates must update earlier nomination form if not included
- Candidate **must** state if they reside in area of election or not
  - My principal place of residence is **WITHIN** / is **NOT WITHIN** the area
  - This is shown at the top of the profile statement, but is not included in the 150 words

## Candidate Withdrawals

A candidate cannot strategically or politically withdraw after nominations have closed.

This is now the same as for parliamentary elections, only death or incapacity are valid reasons for withdrawal. A medical certificate must be provided by the candidate or their agent, after which the \$200 deposit is refunded.

## Expenses and donations

Essentially these are now the same rules as for parliamentary elections, where there is no such thing as an “anonymous” donation if known who it has come from.

Someone cannot give a donation and ask for it to be anonymous. Anonymous means the candidate doesn’t know who it came from, cannot reasonably work it out. A third party who passes on a donation must disclose who the donor is.

A truly anonymous donation can’t be over \$1,500. If it is, the candidate can only keep \$1,500 of it, the balance over \$1,500 must be given to EO.

A donation made up of contributions (eg to a Trust) is treated as one donation, and cannot be over \$1,500.

It is an offence to circumvent \$1,500 limit, ie by deliberately splitting up a donation into smaller contributions

The EO must make expenditure returns and supporting documents available electronically, ie on the council website for 7 years.

***These items are explained in full later in the document.***

# Election Issues

Elections will be held in October for the following issues:

## Waimate District Council (WDC)

- (a) Election of Mayor of the Waimate District Council
- (b) Election of Councillors of the Waimate District Council as follows:
  - Pareora-Otaio-Makikihi Ward Two (2) members
  - Waimate Ward Four (4) members
  - Lower Waihao Ward One (1) member
  - Hakataramea-Waihaorunga Ward One (1) member

## South Canterbury District Health Board (SCDHB)

Election of seven (7) Members on the South Canterbury District Health Board.

The SCDHB election will also be conducted at the same time as the Council elections. There are seven members to be elected at large across the DHB area, which covers the Waimate, MacKenzie and Timaru District Council areas. There is a separate Candidate Handbook for the SCDHB available from the DHB Electoral Officer, Mark Low, phone: 03 687 7200 or markl@tdc.govt.nz

## Environment Canterbury (ECan)

Following the government review of Environment Canterbury in 2010, the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act was passed by government on March 30, 2010. This Act gave the government temporary powers to suspend local council elections in Canterbury and to appoint commissioners to replace councillors. As that legislation is still in place there will be no election of Members for Environment Canterbury (ECan) in 2013.

## Population Statistics

WDC Wards	Est Resident Population as at 30 June 2012
Pareora-Otaio-Makikihi	1,830
Waimate	4,000
Lower Waihao	970
Hakataramea-Waihaorunga	870
<b>Total</b>	<b>7,670</b>

These elections will all be conducted by postal voting.

# Electoral Staff

## Waimate District Council (WDC)

### Electoral Officer

Anthony Morton, electionz.com Ltd, PO Box 3138, CHRISTCHURCH.

Phone: 0508 440 022  
Fax: 03 377 1474  
Email: waimatedc@electionz.com

### Deputy Electoral Officer

Warwick Lampp, electionz.com Ltd, PO Box 3138, CHRISTCHURCH.

Phone: 0508 440 022  
Fax: 03 377 1474  
Email: waimatedc@electionz.com

### Electoral Official

Michelle Heal, Waimate District Council, PO Box 122, Waimate.

Phone: 03 689 0000  
Fax: 03 689 8075  
Email: michelle@waimatedc.govt.nz

## South Canterbury District Health Board (SCDHB)

### Electoral Officer

Mark Low, Timaru District Council, PO Box 522, Timaru.

Phone: 03 687 7200  
Fax: 03 687 7205  
Email: markl@tdc.govt.nz

# District Council Information

## Members' Remuneration

- Salaries for Members of Waimate District Council from 1 October 2013 as set by the Remuneration Authority are:
  - Mayor's salary \$59,750 p.a.
  - Base Councillor salary \$16,400 p.a.

A fund is set aside for positions of additional responsibility, to be recommended to the Remuneration Authority by the new council.

- Additional expenses identified in the Waimate District Council Councillor Remuneration and Expenses Policy 310, may also be claimed
- A copy of the policy can be obtained from the Council's website [www.waimatedc.govt.nz](http://www.waimatedc.govt.nz) under policies or from the Electoral Official on 03 689 0000

## Mayor & Councillors' Responsibilities

Many people ask us what sort of person you need to be or what is expected of an elected member. The following role description as identified by the Remuneration Authority in setting the elected members' remuneration is a guide for what is expected.

## Councillor – Base role description

### Collective duties of the council

- Representing the interests of the council
- Formulating the council's strategic direction and relative priorities through the Long Term Plan (LTP), which determines the services and activities to be undertaken by council over a ten-year period
- Determining the expenditure and funding requirements of council activities through the LTP and annual planning processes
- Overseeing, developing and/or approving all council policies, administrative, legal, financial and strategic, including formal regional, city and/or district planning matters within the council's geographical area of responsibility
- Monitoring the ongoing performance of council against its stated objectives and policies (including formal sign-off of the Annual Report)
- Ensuring prudent use of council resources
- Law-making (bylaws)
- Overseeing council compliance with any relevant Acts of Parliament
- Employing, setting performance requirements for, and monitoring the ongoing performance of the council's Chief Executive. (Under the Local Government Act 2002, the local authority employs the Chief Executive who, in turn, employs all other staff on its behalf – elected members of council have no responsibilities for, and cannot direct, any staff employed by the council other than the Chief Executive).

## Representation and advocacy

- Bringing the views of the community into council decision-making processes
- Being an advocate for community groups and individuals at council meetings
- Balancing the need to advocate for specific interests against the needs of the wider community
- Listening to the concerns of local residents and ratepayers on issues pertaining to the council
- Maintaining contact with community representatives and other local stakeholders
- Participating in any relevant consultative processes with the local community and/or other organisations.

## Governance

- Participating constructively and effectively in the good governance of the council as a whole
- Understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the council
- Understanding and respecting the differing roles of Mayor (or Chair for a regional council), Deputy Mayor, committee chairs/portfolio holders and councillors
- Recognising that the governance role does not extend to operational matters or to the management of any implementation
- Having a good understanding of the council processes set out in the Standing Orders that determine how council meetings are run
- Developing and maintaining a working knowledge of council services, management processes, powers, duties and constraints
- Participating in the setting and monitoring of council policies, budgets, strategies and service delivery through annual and long-term planning processes
- Ensuring familiarity with agendas and other council reports before council meetings
- Being familiar with and complying with the statutory requirements of an elected councillor
- Complying with the Code of Conduct adopted by the council
- Identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature

## Additional information

### Core Competencies

- Genuine interest, understanding (and passion) of/for the issues faced by Waimate District citizens
- Ability to relate to wide range of people at many levels and across many disciplines and cultures
- Ability to hear and understand the varying positions of others and consider these in decision making
- Ability to express ideas clearly

- Ability to understand, focus on and resolve complex issues through long term planning
- Ability to understand financial and reporting statements
- Understands the differing roles of governance and management
- Ability to think “district-wide” on issues to come to decision.
- Be results focused
- Knowledge of and commitment to the Local Government Act 2002

#### Experience and Background

- May have experience relevant to the challenges facing the district
- May have extensive community networks.
- Be familiar with the existing Waimate District Council’s Long Term Plan (LTP) or otherwise known as the Ten Year Plan

#### Personal Qualities

- Demonstrates integrity and ethical behaviour
- Is independent, inquisitive and innovative
- Has the ability to see all sides of an argument
- Is hard working and can work unsupervised
- Ability to develop and maintain positive working relationships with councillors and staff
- Committed to Waimate District
- Sense of humour
- Respect for others
- Flexible working hours, some evening and weekend work is required
- Actively demonstrate commitment to the Elected Members’ Code of Ethics

#### Members Interests

Prospective candidates should be aware of the requirements of the Local Authorities (Members’ Interests) Act 1968.

- Under Section 3 of the Act, elected members may not be concerned or interested in contracts made by the Council when payments made for the contracts entered into during a particular year exceed \$25,000 including GST. That amount may only be exceeded if the Council has either obtained the prior approval of the Audit Office or,

in special circumstances, obtained retrospective approval. When payments exceed \$25,000 or any other approved amount, the elected member concerned is automatically disqualified from office. He or she also commits an offence if they continue to act as a member

- Under Section 6 of the Act, elected members may not discuss or vote on any matter in which they have a pecuniary interest when it is being considered by the Council or a committee. Elected members failing to observe this prohibition commit an offence and can be prosecuted. Conviction leads to disqualification from office
- When a matter is raised at a meeting of the Council or a committee in which a member has a pecuniary interest, the member prohibited from voting or discussing the matter must declare the pecuniary interest. The fact of that disclosure and abstention from discussion and voting on it is also recorded in the minutes. While it is not necessary to withdraw from the meeting, it is good practice to do so

#### Inaugural Meeting

- The successful candidates will take office on the day after the Electoral Officer gives his official notification of the result of the election. However, no person is permitted to act as a member of the Council before making a declaration. This declaration will be made at the Inaugural Meeting, which is expected to be held in late October or early November 2013. Key dates are included in the candidate pack.
- The business to be conducted at that meeting will include:
  - The making and attesting of declarations required of the Mayor and Councillors. Traditionally, this has been a ceremonial occasion
  - A general explanation of the Local Government Official Information and Meetings Act 1987 and other laws affecting elected members
  - The fixing of the date and time of the first ordinary meeting of the Council, or the adoption of the schedule of ordinary meetings
  - If elected the declaration required to be made by the Mayor and Councillors is as follows:

#### Declaration by Mayor and Councillors

**I declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Waimate District Council, the powers, authorities, and duties vested in or imposed upon me as Mayor (or as a member) of the Waimate District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.**

# Electoral Systems

Two electoral systems will be operating side by side for the 2013 local government elections. These are:

- First Past the Post (FPP)
- Single Transferable Voting (STV)

Organisations using FPP in 2013 are:

- Waimate District Council

Organisations using STV in 2013 are:

- South Canterbury District Health Board

Briefly, the FPP electoral system consists of the following:

- Electors vote by indicating their preferred candidate(s) with a tick
- Voters must not tick more than the number of places to be filled
- The candidate that receives the most votes is declared the winner, regardless of the proportion of votes that candidate obtained

Briefly, the STV electoral system consists of the following:

- Voters receive a single (transferable) vote irrespective of the number of vacancies
- Voters rank the candidates in order of preference, by writing a "1" next to the name of their most preferred candidate, then a "2" next to the name of the next preferred candidate and so on
- Voters can rank as few or as many candidates as they wish
- To be elected, a candidate must reach a "quota" of votes, which is based on the number of vacancies and the number of valid votes
- When votes are counted, all the first preferences are allocated first
- A candidate who reaches the quota first is elected. If there is more than one vacancy, and a candidate gets more votes than the quota, a proportion of each vote for that candidate is transferred to the voter's second preference. If, as a result, another candidate gets more votes than the quota, a proportion is transferred to the third preferences, and so on
- If insufficient candidates reach the quota after the first preferences are allocated and any surplus votes are transferred, then the candidate who received the fewest votes is eliminated and each vote for that candidate is transferred to the voter's second preference. This process is repeated until enough candidates reach the quota to fill all the vacancies

More information on STV can be accessed from the Department of Internal Affairs website [www.stv.org.nz](http://www.stv.org.nz).

# Electoral Roll

The Preliminary electoral roll will be compiled during July 2013. Copies of the Preliminary electoral roll for the election will be available for public inspection from 8am Friday 19 July 2013 to 4.30pm Friday, 16 August 2013 at the following locations:

- Waimate District Council office and Waimate District Library, Local Government Centre, 125 Queen Street, Waimate.

Any alterations to the residential roll, should be made:

- by completing the appropriate form at any PostShop or
- by telephoning 0800 ENROLNOW (0800 367656) or
- by accessing the Enrolment Services website on [www.elections.org.nz](http://www.elections.org.nz)

A hard copy of the Preliminary electoral roll may be purchased from the Electoral Officer for \$30 per ward (ratepayer roll included) or \$75 per set plus GST.

The Final electoral roll is produced once the Preliminary electoral roll closes on 16 August 2013. The Final electoral roll is the roll used for issuing voting papers. Copies of this roll may be purchased as above.

Details appearing in the electoral roll are electors names (surname, then first names) listed alphabetically. The qualifying address, postal address, occupation, meshblock and entitlements for each are shown alongside.

Information contained on the electoral roll is not available from the Electoral Officer in an electronic form, but candidates or political parties may request an electronic listing of resident electors from the Electoral Services (provided the criteria of section 114 of the Electoral Act 1993 is met). An application form is required to be completed, and these are available upon request from Electoral Services. The contact person is Bob Chandler on (04) 801 0703.

# Candidate Eligibility

## A candidate for local authority elections must be:

1. Enrolled on a **parliamentary electoral roll** somewhere in New Zealand; and
2. A **New Zealand citizen** (either by birth or naturalisation ceremony). [Section 25, Local Electoral Act 2001]

## Restrictions on candidates for local authority elections:

- a. A candidate may not seek nomination for more than one ward of Council (Section 57A Local Electoral Act 2001)
  - b. A candidate may seek nomination for Mayor and/or a ward of Council, but: in the event that they are elected as mayor **and** a ward member then they must be treated as having vacated the ward office. (Section 88 Local Electoral Act 2001)
  - c. A candidate **cannot** be a person concerned or interested in contracts over \$25,000 with the territorial local authority (Section 3(1) Local Authorities (Members' Interests) Act 1968). This restriction is waived if prior approval from the Audit Office is obtained
  - d. An employee of a local authority who is elected as Mayor or Councillor **must resign** from his/her position as an employee of the local authority before taking up his/her position. (section 41 (5) Local Government Act 2002)
  - e. If a constable, authorised officer, or supervisor of the NZ Police desires to **become a candidate** (i.e. is not an existing member) for election as mayor or member of a local authority, he or she must:
    - Be placed on leave of absence from the NZ Police during his or her period of candidature and:
    - If elected as mayor or member of a local authority, must as soon as he or she is declared elected be treated as having vacated his or her position as a Police employee (Section 99, Policing Act 2008)
- N.B. The restrictions outlined in clause e. above do not apply if the constable, authorised officer, or supervisor of the NZ Police was an **existing** member of the local authority concerned at 1 October 2008 and has continued as an elected representative on an uninterrupted basis since (Section 115 Policing Act 2008).

## Notes:

- i. Candidates for Mayor may also stand for Council if they wish (and vice versa).
- ii. Candidates are required to record on the nomination paper if they are standing for election in any other elections in New Zealand.
- iii. Candidates need not necessarily be a resident or ratepayer of the ward in which they are seeking election, or for that matter, live within the Waimate District, but candidates are required to record on the nomination paper if they reside in the election area or not.
- iv. Evidence of NZ Citizenship **may** be requested at the time of candidate nomination. Acceptable evidence includes NZ Passport, NZ Birth Certificate, or NZ Citizenship documentation.
- v. Section 60 of the Local Electoral Act 2001 states:  
*If the Electoral Officer receives advice before the close of nominations that a candidate is, or has become, incapable under any Act of holding the office for which he or she is a candidate, that candidate's nomination must be treated in all respects as if it had not been made.*

For SCDHB candidate eligibility please refer to the separate Candidate Handbook for the SCDHB.

# Nominations

- Nominations open on **Friday 19 July 2013** and close at **12 noon on Friday 16 August 2013**.
- Each candidate must be nominated on the official nomination paper available during normal office hours from the following places:
  - By phoning toll free number 0508 440 022
  - Waimate District Council's office at 125 Queen St, Waimate.
  - Or by phoning the Waimate District Council on (03) 689 0000
  - Or from Council's web site [www.waimatedc.govt.nz](http://www.waimatedc.govt.nz)
- Individual candidates not part of a political party may wish to nominate their designation as "Independent" or leave as blank (if left blank, nothing will show alongside the name on the voting paper)
- A candidate requiring a specific party affiliation must have authority to adopt the affiliation from the party concerned (i.e. a party letterhead or letter of consent are acceptable). This is a safety measure to avoid any illegal adoption of party affiliations
- No party affiliation or other designation that is offensive in nature or likely to confuse or mislead electors will be accepted

## Completion of Nomination Paper

- Each nomination paper must have the consent of the candidate and be nominated by **two** electors whose names appear on the Electoral Roll for the district or ward (e.g. if a person wishes to stand for election to a ward, then that person must be nominated by two electors from the ward)
- A candidate **cannot** nominate himself/herself
- If a candidate is unable to sign the nomination paper (e.g. absent overseas), a letter of consent signed by the candidate is acceptable to attach to the nomination paper. An emailed nomination paper will also be accepted, provided the nomination deposit payment (or evidence thereof) is received in time

## Other Names

- If a candidate is commonly known in the community by a slightly different name (e.g. Edward Smith is commonly known as Ted Smith) and has been known by this name for at least the last six months (to the satisfaction of the Electoral Officer), the commonly known name may appear on the voting paper

## Titles

- Titles (i.e. Dr, JP, Sir, Dame etc) are **not** permitted next to the candidate's names on the voting paper or profile statement, but can be included as part of the candidate's 150 word profile text if desired

## Residency in Area

- A candidate must declare if they reside in the area of election or not. This is shown at the top of the profile statement but does not count as part of the 150 word profile

## Standing in Other Elections in New Zealand

- A candidate must declare if they are standing for any other elections in New Zealand at these triennial elections. This is shown at the top of the profile statement but does not count as part of the 150 word profile

## Affiliation

- The nomination paper provides for a party affiliation or other designation

## Submitting the Nomination Documents

- Nomination documents for the Waimate District Council candidates must be lodged with the Electoral Official, Michelle Heal at the Waimate District Council offices, 125 Queen Street, Waimate (PO Box 122, Waimate)

### Waimate District Council's office hours for lodgement are:

- Mon – Fri 8am to 4.30pm, except on 16 August when 12 noon is the cut-off time for lodgement
- All nomination documents must be submitted at the same time, ie nomination paper, candidate profile statement, photo, and nomination deposit. A nomination will not be accepted if any components are missing
- Nomination papers for the South Canterbury District Health Board candidates should be lodged at the Timaru District Council, 8 King George Place, Timaru
- Once lodged, nomination papers are checked to ensure the candidate is eligible (name appears on a Parliamentary Roll) and the nominators are two electors whose names appear on the Electoral Roll for the relevant ward and district as a whole
- Should a nomination paper be lodged late on the morning nominations close, and be incorrectly completed or ineligible nominators are provided, there may not be enough time to correct the situation and the nomination paper could be invalidated
- Once lodged, nomination papers are checked to ensure the candidate's name appears on a Parliamentary Roll and the nominators are two electors whose names appear on the Electoral Roll for the constituency or area for which the candidate is nominated. Formats of Candidate Profile Statements (CPS) provided are also checked

## Nomination Deposits

- Each nomination paper lodged, requires a deposit of **\$200** (including GST). If an election is required the deposit is refunded if the candidate polls greater than **25%** of the lowest successful candidate for each election issue. The deposit is also refunded if no election is required
- Payment of the nomination deposit can be made by cash, cheque, EFTPOS or online banking. Should a personal cheque or online banking transaction be dishonoured or declined, the nomination becomes invalid as the deposit has not lawfully been made. If this occurs after the close of nominations, then the nomination is invalid and the

# Candidate Withdrawals

candidate will be withdrawn

- Cheques are to be made payable to:  
**Waimate District Council**
- Details for the payment of the deposit by online banking are shown on page 2 of the Nomination Paper. If paying by online banking, evidence of the transaction **must** be provided at the time the nomination documents are submitted, ie a print out of the transaction receipt. The nomination paper also sets out the reference and code details required for each online payment
- Nomination papers, with the deposit and the candidate profile statement and photograph, can be sent to the Electoral Official by mail or e-mail, but should the papers be received by the Electoral Officer, Deputy Electoral Officer or Electoral Official after the close of nominations, the nomination is invalid
- Nomination documents can be scanned as pdfs and emailed to the Electoral Official, including evidence of the \$200 deposit if made by online banking. Photos are to be scanned as jpgs

**It is the responsibility of the candidate to ensure all nomination documents are submitted together and that they are all correct.**

**The lodgement of nomination documents should not be left to the last minute.**

**Nominations close at 12 noon, Friday 16th August 2013.**

Candidates cannot strategically or politically withdraw their nomination once nominations have closed. Candidates may only withdraw after the close of nominations for medical reasons, ie death or incapacity.

A medical certification must be provided for a withdrawal notice to be accepted by the Electoral Officer. An application can be made by a candidate or an agent on their behalf.

If the reason for withdrawing is valid, the \$200 deposit will be refunded.

# Candidate Profile Statements

The Local Electoral Act allows for candidate profile statements (CPS) to be provided by each candidate with the nomination paper. If an election is required these are then collated by the Electoral Officer and forwarded to electors in a booklet with the voting papers. Refer also to the notes listed in *Appendix 1*.

Candidate profile statements should be provided electronically via e-mail or on a CD, in a MS Word document that has been spell checked. As the Electoral Official could receive dozens of profiles, consistent format of delivery and content is required. (refer to guidelines below).

Candidate profile statements are governed by Sections 61 and 62 of the Act.

Profiles must not exceed 150 words and must be provided on CD, pen drive or hard copy format at the same time as the nomination documents, but should also be emailed to the Electoral Officer, at [waimatedc@electionz.com](mailto:waimatedc@electionz.com).

## Candidate Profiles

Candidates may also submit a photograph for inclusion with the candidate profile statement in the booklet to accompany the voting papers. Photos must also be provided on CD, pen drive or hard copy format at the same time as the profile statement (and nomination paper), but should also be emailed to the Electoral Official with the profile statement.

If hard copy photographs are provided, then two copies of each photo should be provided with the candidates name clearly printed on the rear of each photograph (Care needs to be taken when labelling hard copies of photos to ensure the photo image is not damaged in the process). Photos will not be returned to candidates.

**Note: The onus is on the candidate to ensure that all nomination documents including the profile and photo are submitted to the Electoral Official, Michelle Heal by 12 noon on Friday 16th August 2013.**

If the profile statement does not comply with the legislative requirements, the Electoral Officer will as soon as practicable, return the statement to the candidate and specify his/her concerns and the reasons therefore. The candidate will then have three calendar days to submit an amended candidate profile statement to the Electoral Officer.

A candidate is to be treated as having failed to provide a candidate profile statement, if the candidate:

- fails to submit an amended candidate profile statement within the three days, or
- submits an amended candidate profile statement that, in the opinion of the Electoral Officer, does not comply with the requirements

Where the Electoral Officer is not satisfied that the candidate profile statement complies and cannot reach agreement with the candidate within the period specified, but the candidate has submitted a photograph, the Electoral Officer will act as if the written part of the statement was never received but still publish the photograph in the candidate profile booklet to be included with the voting paper sent to each elector, as well as a message to the effect that a statement was not supplied.

## Correctness of Profile Statements

The candidate is responsible for ensuring that the candidate profile statement contains correct grammar, spelling, punctuation, etc. The Electoral Officer may make corrections to the statement without affecting content but accepts no responsibility to make any correction. The candidate should ensure the statement is correct when submitted and not expect any corrections to be so made.

The Electoral Officer is not required to verify or investigate any information included in a candidate profile statement. The Electoral Officer will take no responsibility for the accuracy of the content. A disclaimer concerning the accuracy of the information contained in the statements will be published in the profile statement booklet.

## Format of Candidate Profile Statements

The format requirements for profiles from the printer are as follows:

The English text must be plain text, in paragraphs, with no special formatting, i.e.

- No Bold, Italic, Underlining etc. features
- No Tabs
- No Quote marks
- No Accent marks (this restriction is in English text only)
- No Bullet points (please note)

The English text is automatically formatted into the profile book using,

- Font - Times New Roman
- Point Size - 9 point size, 11 Point line spacing

If there is no profile statement or photo from a candidate, then the following text or similar will be printed in the profile book.

“No Profile Statement and/or Photo provided.”

All typed “language images” supplied must have the following formatting:

- Font - Times New Roman (or Equivalent)
- Point Size - 9 point size, 11 Point line spacing
- No special formatting of text – e.g. No Bolding, No Italics, No Underlines, No Quotes, etc
- No Candidate Name - This is already printed in the Profile book.
- No Pictures

An “image of a non-text language” must have the following formatting:

- No Bolding
- No Italics
- No Underline
- No Pictures

# Campaigning

## Format of Candidate Photos

Candidate photos are to be a head and shoulders shot only, with nothing else in the photo, ie no hats, external objects or impediments, or other people. If necessary the EO will crop the photo accordingly but the onus is on the candidate to provide a photo of the candidate only that complies with this format.

Photos should be scanned and provided on pen drive or CD, and emailed to the Electoral Official. Photos are to be scanned as a jpeg at 600 dpi.

Any queries regarding the format of photos and profiles are to be made to the Electoral Officer or Deputy Electoral Officer.

## Translations

The following contact details are given for a translation company, for those candidates who are unable to prepare the translation image themselves or do not know of anyone to do this for them:

Pacific International Translations (NZ) Ltd

P O Box 8567, Symonds Street, Auckland

Phone: 09 9135290 Fax: 09 9135291

Email: info@pactrans.co.nz

The translation service will provide the translations in the above format to meet the requirements of the printer, the cost of which is to be met by the candidate.

Election campaigning can commence anytime but must cease by the close of voting day, ie 12 noon Saturday 12 October 2013.

Election offences are detailed for your information in this guide, see *Appendix 6*. Please refer to them for your own protection.

No election material can contain:

- any untrue statement defamatory of any candidate and calculated to influence the vote of any elector
- an imitation voting paper which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contains such direction or indication likely to influence the voter

Voting Papers are **not** permitted to be collected from electors by candidates or their assistants. Each elector is required by law to post or deliver his or her own voting paper to the Electoral Officer or an official voting box located at the Waimate District Council office.

## Election Advertising

Election advertising, using any media, must identify the person under whose authority they have been produced, as per Sections 113-115 of the Local Electoral Act 2001.

This means that for posters and adverts etc, each candidate must have a sentence at the bottom saying that it is authorised by the candidate, i.e. "This advertising has been authorised by Joe Bloggs, 20 Somewhere St, Sampletown." This authorisation must be shown on the front or back of any billboards.

Please note: a physical address must be provided on this authorisation, i.e it cannot be a PO Box.

The cost of framing and holding up an election sign is now not an item of campaign expenditure.

## Campaign Expenditure Limits

Candidates have campaign expenditure limits and are required to file an expenditure return to the Electoral Officer after the election.

Campaign expenditure is all expenses relating to the campaign from the period 3 months before election day, ie all expenditure from **12 July 2013 to 12 October 2013**.

If a candidate is standing for more than one position (e.g. Mayor and Council) then the higher limit applies (not both combined).

The Campaign expenditure levels for Waimate District are as follows:

### 1. Mayoralty

The total electoral expenses (inclusive of GST) of a mayoral candidate must not exceed **\$7,000** (inclusive of GST) if any local government area over which the election is held has a population smaller than 9,999 and larger than 4,999.

The population of Waimate District is estimated to be 7,670 (Dept of Statistics - 2012).

City-wide Issues	Est Resident Population as at 30 June 2012*	Expenditure Limit
Mayorality	7,670	\$7,000

## 2. Wards

The total electoral expenses (inclusive of GST) of a candidate must not exceed \$3,500 for any local government area with a population less than 4,999.

WDC Wards	Est Resident Population as at 30 June 2012*	Expenditure Limit
Pareora-Otaio-Makikihi	1,830	\$3,500
Waimate	4,000	\$3,500
Lower Waihao	970	\$3,500
Hakataramea-Waihaorunga	870	\$3,500

\* Source – Extract from Local Government Commission Determination 2010.

However, if a candidate is a candidate for more than one election held at the same time, (i.e. mayor and ward, or council at large), the total electoral expenses (inclusive of GST) of that candidate must not exceed the highest amount permitted under subsection (1) in respect of any one of the elections for which the person is a candidate, i.e. **\$7,000** for a mayoral, ward and at large candidate.

Local government area population	Expenditure limit
up to 4,999	\$3,500
5,000 – 9,999	\$7,000
10,000 – 19,999	\$14,000
20,000 – 39,999	\$20,000
40,000 – 59,999	\$30,000
60,000 – 79,999	\$40,000
80,000 – 99,999	\$50,000
100,000 – 149,999	\$55,000
150,000 – 249,999	\$60,000
250,000 or more	\$70,000

### Return of Electoral Expenses:

Each candidate is required to keep a record of all campaign election expenses, and must furnish a return to the Electoral Official within 55 days of the election, i.e. no later than Wednesday 11th December 2013. This should include receipts or invoices where possible, or any other relevant supporting

documentation.

The Return of Electoral Expenses and Electoral Donations form once returned becomes a public document and can be inspected by any person for a period of 7 years after receipt. The Electoral Officer is required to make the expenditure return and any supporting documents available on council's website.

An election expenses return form is attached as *Appendix 2*.

### Electoral Donations:

Significant changes have been made this year to the requirements regarding electoral donations.

The changes in the Act align the Local Electoral Act with current rules in the Electoral Act 1993 (for parliamentary elections). The changes include:

- A limit of \$1,500 on the size of an anonymous donation
- A requirement that any candidate receiving an anonymous donation of more than \$1,500 pay the amount over \$1,500 to the electoral officer (for payment into the council's general account)
- Requirements for the candidate to disclose in their return of electoral expenses and donation information about all donations above \$1,500 (included those aggregated donations)
- New definitions of "anonymous" and "donation"
- New obligation on a third party, who passes on a donation to a candidate on behalf of a donor, to disclose the identity of the donor to the candidate
- New obligation on a person administering the affairs of a candidate's campaign to disclose the identity of the donor of an anonymous donation of more than \$1,500 (if known) to the candidate
- New penalty provisions for non-compliance with the new requirements
- Improved public access to candidate returns of electoral donations and expenses.

Donations to candidates can be made up of pooled funds contributed by more than one person (referred to as donations funded from contributions). These types of donations include, for example, campaign donations made through a trust, or where there is a fundraising collection for a candidate's campaign.

Candidates must disclose, in their return of electoral donations and expenses, whether a donation is funded from contributions and the name and address of any individuals contributing amounts in excess of \$1,500. Anonymous donations made through contributions are limited to a maximum of \$1,500 per donation.

The Electoral Officer's role is to bring these matters to the attention of all candidates. It is not the role of the Electoral Officer to enforce these requirements.

## Vote.co.nz

Further information about the election portal [www.vote.co.nz](http://www.vote.co.nz) can be found on page 22.

This free website is available for candidates to use for campaigning purposes.

## Hoardings

Waimate District Council's Rules on Election Signs:

The Council's requirements relating to all signs, including election signs, are set out in the Council District Plan which is available on the council website [www.waimatedc.govt.nz](http://www.waimatedc.govt.nz).

Alternatively, candidates can contact Council's Planner, Mr Kevin Tiffen – ph 03 689 0000.

New Zealand Transport Agency has separate rules governing signs erected near SH 1 and SH 82.

## NZTA Guidelines for Managing Electioneering Signs on State Highways

The guideline objectives are to minimise the potential for road crashes arising from drivers being distracted by indiscriminate installation of electioneering signs and to ensure consistency of application of NZTA policy on such signs with minimal involvement by Transit.

### 1. On Rural State Highway Reserves [NZTA to Manage]

- 1.1 Signs should generally be located off state highway reserves. In exceptional circumstances only, signs may be erected within the State highway reserve with the **written approval of State Highway Managers**.
- 1.2 For the exceptional circumstance to apply, the applicant must be able to demonstrate that all other options have been exhausted and that there is no other appropriate safe location for the sign.
- 1.3 Signs must:
  - not be reflectorised;
  - be located generally giving consideration to visibility and traffic safety;
  - not be on or adjacent to motorways;
  - not be erected in a manner that will create distraction or danger to road users; and
  - not imitate any official traffic signs.
- 1.4 For safety reasons, vehicle mounted signs situated on state highway reserves are not permitted.
- 1.5 To minimise staff involvement, NZTA shall:
  - act quickly on inquiries from political parties and the public;
  - instruct network consultants to inspect all state highway's for compliance every 7 to 10 days;
  - phone/fax the parties/candidates where there is non compliance, requesting action/removal within 48 hours; and
  - instruct consultants to remove the signs if there is no action after 48 hours.
- 1.6 Where any sign is erected without NZTA approval

*in an obviously unsafe location it must be removed immediately and stored undamaged. The party must then be advised of the storage location for retrieval at a fee of \$50 to cover NZTA costs.*

2. **On Property Adjoining Rural State Highways and On Urban State Highway Reserves and Adjoining Property [local Authorities to Manage]** (Where urban areas relate to State highway's with speed limits of 70 km/h or less)
  - 2.1 NZTA shall refer all applicants/parties to the appropriate local authority.
  - 2.2 Although it is expected that local authorities will administer their own controls in terms of district plans, NZTA should make known its views that any signs should meet the NZTA policy requirements set out in paragraphs 1.3 and 1.4 above.
  - 2.3 Beyond appropriate liaison with local authorities to convey the above policy, NZTA shall have no other involvement with signs in these areas.

# Voting and Processing of Votes

## Order of Candidates on the Voting Papers

Waimate District Council has resolved that the names of the candidates will appear in alphabetical order on the voting papers.

## Special Voting

- Special Votes are available to electors:
  - whose names do not appear on the Final Electoral Roll, but who qualify as electors
  - who did not receive a voting paper previously posted to them
  - who spoil or damage a voting paper previously posted to them
- Special votes will be available from Friday 20 September 2013 to 12 noon, Saturday 12 October 2013 at the Waimate District Council's office, Queen St, Waimate
- Special Votes can be posted directly out to electors. The completed voting paper however, must be in the hands of the Electoral Officer or the Deputy Electoral Officer by noon on election day, ie 12 noon Saturday 12 October 2013
- Special Votes require the completion of a statutory declaration. This is a legal requirement and a protection for electors against possible duplicate voting
- If an elector requests a Special Vote and is not on the Parliamentary Roll (e.g. just turned 18 years of age), the person must enrol on the Parliamentary Roll by Friday 11 October 2013. An application for registration as a Parliamentary elector may be obtained:
  - from any Post Shop or
  - by telephoning 0800 ENROLNOW (0800 367656) or
  - by accessing the Electoral Enrolment Centre website on [www.elections.org.nz](http://www.elections.org.nz)
- After voting closes, Special Vote Declarations are forwarded to Registrars of Electors for verification that the elector is eligible and has enrolled as a Parliamentary elector
- Special Votes cannot be collected by candidates or their assistants for distribution to electors

## Early Processing of Returned Voting Papers

The Electoral Officer has decided pursuant to Section 79 of the Local Electoral Act that returned voting papers are able to be opened and processed during the voting period before the close of voting.

Voting papers for Waimate District Council are being processed by Council's election contractor, *electionz.com* Ltd. *electionz.com* will be processing approximately 600,000 voting papers for 38 councils at its processing centres in Tauranga, Wellington and Christchurch. Waimate District Council's voting papers will be processed in Christchurch.

The early processing of voting papers involves the following functions:

- opening of envelopes
- extracting of voting papers
- checking for informal or duplicate votes
- electronic capture of valid votes
- no tallying of votes is undertaken until after the close of voting (12 noon, Saturday 12 October 2013)

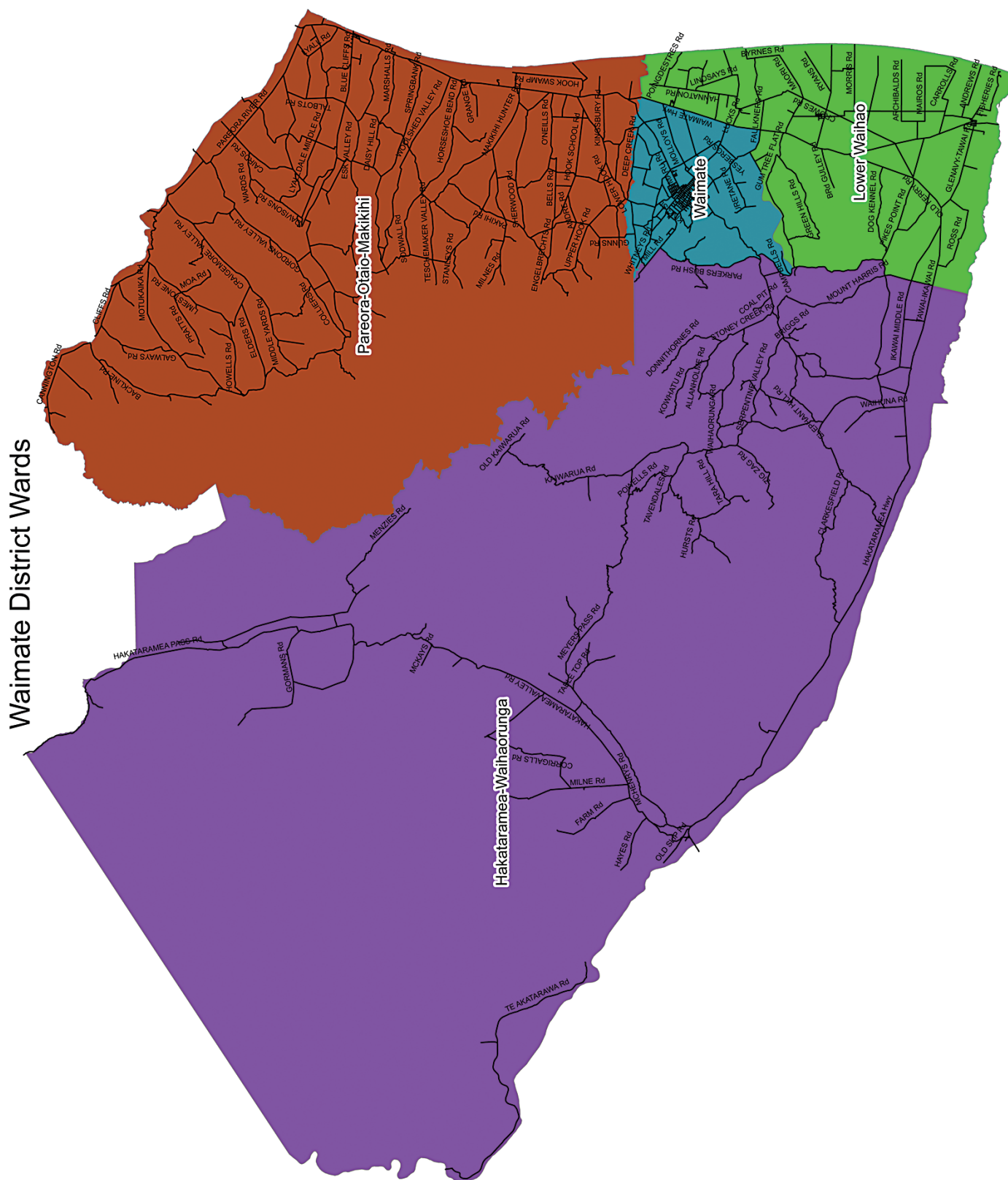
The early processing functions are undertaken with strict security measures. One or more Justices of the Peace observe all early processing functions, and sign a statement at the end of the processing that all functions were undertaken correctly and conformed with the strict legal and secrecy requirements.

Candidate's scrutineers are not permitted to observe the early processing functions (refer to *Appendix 4*).

## Election Results

- The counting of votes takes place as soon as practicable after 12 noon on Saturday 12 October 2013
- It is expected that a progress result will be released by the Electoral Officer by 2pm on Saturday afternoon. The preliminary result will be released as soon as all ordinary voting papers have been received and processed at the Christchurch processing centre. This is likely to be by noon Sunday 13 October, if not before
- Candidates will be advised the progress results on election day - either by e-mail or phone. Only two attempts to communicate the progress result to any candidate will be made. These will be made around the time that progress results are posted
- Results will be released to candidates and media via email and then posted to [www.waimatedc.govt.nz](http://www.waimatedc.govt.nz)

## Ward Map



# Appendix 1

## Candidate Profile Statements

### Local Authority Elections 2013

#### Right to Submit a Candidate Profile Statement (CPS)

- Every Candidate for election to a District, Regional Council and District Health Board may submit a CPS with their nomination (Section 61, Local Electoral Act). This is a permissive right – it is not mandatory to submit a CPS
- Where a Candidate is standing for two or more offices, e.g. Mayor and Councillor – he/she may submit a CPS for each office (Clause 26, Local Electoral Regulations)

#### Candidate Profile Statement Conditions

- Under Section 61(2)(a) and (3) of the Act and Clause 27 of the Regulations, a CPS
  - if in English or Maori or both, must not exceed 150 words in each of the languages used in the CPS. The information contained in each language must be substantially consistent with the information contained in the other language;
  - in any other language other than English or Maori, must not exceed 150 words, or their equivalent, if symbols are used rather than words. This includes any translation of those words into another language provided by the Candidate. Where a CPS is in a language other than English or Maori, then the Candidate must provide a CPS in English or Maori
- **Every CPS must be submitted with the Candidate's nomination form**

- The content of a CPS, under Section 61(2)(c), must be confined to information:
  - concerning the Candidate (including any affiliation made in the nomination paper or status as an independent);
  - on the Candidate's policies and intentions if elected
- A CPS **cannot** be used to comment on the policies, performance, etc of any other Candidate
- A candidate may include with their CPS a recent hard copy photograph of the Candidate alone which:
  - must be approximately 50mm by 40mm (passport size); and
  - has been taken within 12 months of the Candidate's date of nomination

Note: Soft (electronic) versions of the candidate photos may be submitted with the CPS. These should be either copied onto a CD., pen drive or emailed to the Electoral Officer, at [waimatedc@electionz.com](mailto:waimatedc@electionz.com).

Photos must be submitted at the same time as all nomination documents and by the close of nominations i.e. on or before 12 noon on 16th August 2013.

[Section 61(2)(c) and Clause 28].

(Refer to Pages 14-15 for the production specifications for the CPS and Candidate photograph).

### Examples of CPS's

A	English					= 150 Words
B	Maori					= 150 Words
C	English	+	Maori			= 300 Words
(must be substantially consistent with each other)						
D	1 Other Language (Non English / Maori)	+	English Translation	OR	Maori Translation	= 150 Words
E	2 Other Languages (Non English / Maori)	+	English Translation	OR	Maori Translation	= 150 Words
F	3 + Other Languages (Non English / Maori)	+	English Translation	OR	Maori Translation	= 150 Words

## Duties, Powers and Responsibilities of Electoral Officers in Respect of Candidate Profile Statements

- Where an Electoral Officer is not satisfied that a CPS complies with Section 61(2) and (3), he/she must, under Section 61(4), return the CPS to the Candidate specifying:
  - the concerns and reasons for them;
  - the period, which must not be less than three days from the date of the CPS's return, within which an amended CPS may be resubmitted
- A Candidate will be treated as having failed to provide a CPS if Section 61(4) applies and he/she:
  - fails to submit an amended CPS within the period specified by the Electoral Officer;
  - submits an amended CPS, which in the Electoral Officer's opinion, still fails to comply with Section 61(2) and (3)
- It is important to note that under Section 61(6), the Electoral Officer
  - is not required to verify or investigate any information in a CPS;
  - may include in or with any CPS a disclaimer concerning the accuracy of the information in the CPS;
  - is not liable in relation
    - to any statement in or omitted from a CPS; or
    - the work of a prudently selected translator; or
    - the exercise of the powers and functions conferred on the Electoral Officer under Section 61

## Distribution of Candidate Profile Statement

- Section 62 of the Act and Clause 29 of the Regulations requires the Electoral Officer to send to each elector with the voting documents, all CPS's that comply with Section 61, for each Candidate in the election for a local government area or subdivision. In addition, a local authority may display CPS's at its offices, or service centres, and publish them on its website as soon as they are ready after nominations have closed
- Any failure of an Electoral Officer to comply with Section 62 will not invalidate the election

# VOTE.CO.NZ

For candidates wanting to raise their profile beyond the official candidate profile and newspaper advertising Local Government Online (LGOL) runs a FREE portal [www.vote.co.nz](http://www.vote.co.nz) profiling candidates for local body elections.

By using [vote.co.nz](http://vote.co.nz) you are able to share more messaging than you can via other campaign activities. You can be sure all your constituents are aware you are standing in the election and it gives you an opportunity to explain to voters who you are and why they should vote for you.

Voters from across the country are able to easily establish which councils, boards, trusts and DHB they are eligible to vote for by simply typing in their address. Voters are then shown information on each candidate standing in their area and relevant information about the electoral area. The focus is on reaching those in the community that are eligible to vote and want to engage with you in the democratic process.

The web portal was first used in the 2010 elections, and has been further improved for this year's elections. At its peak during the 2010 local body elections the site had over 1.4 million visitors within 24 hours, which shows what a powerful tool it is for engaging with the wider community and potential voters.

Each candidate is given the opportunity to load the following information to be included on [www.vote.co.nz](http://www.vote.co.nz):

- Your official candidate statement
- Further candidate information
- List your top five election issues
- Links to your own website, blogs, social media accounts
- Videos between 30 and 120 seconds long
- The ability to answer questions submitted from voters – alongside other candidates
- The ability to load an acceptance speech that will publically available once the results have been announced

To receive a site logon or for more information about [www.vote.co.nz](http://www.vote.co.nz) simply email [vote@localgovt.co.nz](mailto:vote@localgovt.co.nz) with your full name and the details of the election(s) that you are standing for. You will be provided with a unique logon and password that you and / or your campaign team can use to access the site and promote your election campaign.

# Appendix 2



## RETURN OF ELECTORAL DONATIONS AND EXPENSES

(Under section 112A of the Local Electoral Act 2001)

Return to: The Electoral Officer, Waimate District Council, PO Box 122, Waimate.

I,

was a candidate for the following election(s) held on 12 October 2013:

### RETURN OF ELECTORAL DONATIONS

I make the following return of all electoral donations received by me that exceed \$1,500:

#### A: CANDIDATE DONATIONS

Donor's name:

Address:

Description of donation (*money, goods or services*) and whether it contains contributions:

Date received (*or date/s received if aggregated*):

Donation value \$ (*inc GST*) (*or total if aggregated*):

Donor's name:

Address:

Description of donation (*money, goods or services*) and whether it contains contributions:

Date received (*or date/s received if aggregated*):

Donation value \$ (*inc GST*) (*or total if aggregated*):

Donor's name:

Address:

Description of donation (*money, goods or services*) and whether it contains contributions:

Date received (*or date/s received if aggregated*):

Donation value \$ (*inc GST*) (*or total if aggregated*):

**NOTE - If there is insufficient space in any section, attach a separate sheet with the detail. See also additional notes attached.**

**If any of the above include a contribution from another person of more than \$1,500, please also complete the next section.**

Contributor's name:

Address:

Contributed to:

Date of donation:

Amount of each contribution \$ (*inc GST*):

Contributor's name:

Address:

Contributed to:

Date of donation:

Amount of each contribution \$ (*inc GST*):

**B: ANONYMOUS CANDIDATE DONATIONS OF MORE THAN \$1,500**

Date received:	<input type="text"/>	Date payment made:	<input type="text"/>
Donation Value \$ (money, goods or services, inc GST):	<input type="text"/>	Amount paid to the Electoral Officer:	<input type="text"/>
<hr/>			
Date received:	<input type="text"/>	Date payment made:	<input type="text"/>
Donation Value \$ (money, goods or services, inc GST):	<input type="text"/>	Amount paid to the Electoral Officer:	<input type="text"/>
<hr/>			
Date received:	<input type="text"/>	Date payment made:	<input type="text"/>
Donation Value \$ (money, goods or services, inc GST):	<input type="text"/>	Amount paid to the Electoral Officer:	<input type="text"/>

**RETURN OF ELECTORAL EXPENSES**

I, make the following return of all electoral expenses incurred by me:

*(Set out separately the name of every person or body of persons to whom any sum was paid, and a description of every expense and the reason for which it was paid. Sums paid for radio broadcasting, television broadcasting, newspaper advertising, posters, pamphlets etc must be set out separately and under separate headings.)*

NAME and ADDRESS (to whom any sum was paid)	DESCRIPTION OF EXPENSE	EXPENSES PAID
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
Total		<input type="text"/>

NOTE: Any shared election expenses should be equitably apportioned and included in the description of expenses above (refer section 112 of the Local Electoral Act 2001) If there is insufficient space in any section, attach a separate sheet with the detail.

**ADDITIONAL NOTES ON RETURN OF ELECTORAL DONATIONS**

For Electoral Donations, the Local Electoral Act requires candidates to set out the following details in respect of every electoral donation received (other than an anonymous electoral donation) that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value:

- the name of the donor:
- the address of the donor:
- the amount of the donation or, in the case of aggregated donations, the total amount of the donations:
- the date the donation was received or, in the case of aggregated donations, the date that each donation was received.

Set out the following details in respect of every anonymous electoral donation received that exceeds \$1,500:

- the date the donation was received:
- the amount of the donation:

- the specific election campaign to which the donation was designated:
- the amount paid to the electoral officer and the date the payment was made.

In the case of any electoral donation funded from contributions, set out the following details in respect of each contribution that, either on its own or when aggregated with other contributions made by the same contributor to the donation, exceeds \$1,500 in sum or value:

- the name of the contributor:
- the address of the contributor:
- the total amount of the contributor's contributions made in relation to the donation.

NOTE: Section 5 Local Electoral Act defines "anonymous" as "made in such a way that the candidate who receives the donation does not know the identity of the donor, and could not, in the circumstances, reasonably be expected to know the identity of the donor".

## Scrutineers

### Role of Scrutineers

- The Local Electoral Act 2001 (LEA) and the Local Electoral Regulations 2001 (LER) do not specify in detail the role of scrutineers. However, the general role of scrutineers is to oversee and observe certain election or poll procedures to ensure they are undertaken fairly and that votes are counted consistently and accurately.
- The election or poll procedures which scrutineers are statutorily permitted to oversee and observe are:
  - **Scrutineering of Roll** (Sections 81 and 83 LEA and Clause 55 LER). This involves comparing the rolls used at the election or poll upon which there is recorded the fact that an elector has voted. The objective is to establish any dual voting which is disallowed.
  - **Preliminary and Official Counts** (Section 84 LEA, and Clauses 59, 60 and 62 LER). The preliminary count involves the first count of votes immediately following close of voting. The outcome is the preliminary result announced on polling day. The official count follows the preliminary count. It can commence on polling day and due to special voting issues is usually completed on the Monday or Tuesday following polling day.

Note: With electronic processing, the Count processes are computerised tasks undertaken once required reconciliations have been completed. Both counts (Preliminary and Official) are likely to take less than a minute to complete.
  - **Recount** (Section 91 LEA). A recount takes place on the order of a District Court judge following an application from a candidate. When required, it involves a recount of the relevant voting documents.
- In observing the processes above, it is lawful for a scrutineer to pass on information to any person of the names of persons who have voted (Section 68 LEA). The passing on of any other information is not permitted – see offences later in this booklet.
- Given that the practice has been for all local authority elections to be conducted by postal voting and not by booth voting as per Parliamentary elections, scrutineers are less involved in the local elections process than for Parliamentary elections.
- Scrutineers are not entitled or empowered to interfere with the conduct of an election or poll or raise questions of procedure or law with electoral officials. If a scrutineer believes that electoral procedures are not being followed, he or she should draw the matter to the attention of the electoral officer.

### Appointment of Scrutineers

- For a local authority election a candidate may appoint one or more scrutineers (Section 66 LEA).
- In relation to a local authority poll, 10 or more electors, who are either in favour of or opposed to the proposal being polled, may appoint 1 or more scrutineers (Section 67 LEA).
- Every scrutineer appointed under Sections 66 or 67 of the Act must be appointed in writing (a model letter of appointment is contained in the back of this Part 1).
- An appointment as scrutineer is not valid unless a copy of the notice of appointment is delivered by the candidate or the 10 electors to the Electoral Officer. The Electoral Officer **must** receive this notice not less than **24 hours** before the close of the voting period. The deadline is **Friday, 11 October 2013** in the case of this year's local authority elections (Section 68(1) LEA). It is suggested that a scrutineer should always carry a copy of this notice when undertaking scrutineering duties.
- Section 68(3) of the Act contains three restrictions on who may be appointed a scrutineer. No person can be a scrutineer if they are:
  - a candidate in the elections; or
  - a member or employee of any local authority or community board for whom the election or poll is being held; or
  - under 18 years of age.

### Declaration

- No person appointed as a scrutineer can carry out scrutineering duties until he or she has completed a declaration (Section 14(2) LEA and Clause 91 LER).
- A copy of the declaration to be made by scrutineers can be found at the rear of this handbook. It is the model declaration contained in the Code of Good Practice Management for Local Authority Elections and Polls that also applies to electoral officers and other electoral officials.
- The key obligations for a scrutineer arising from the Declaration is that he or she:
  - will well and truly serve in the office of scrutineer; and
  - will not directly or indirectly disclose any fact coming to his or her knowledge at the election or poll that he or she is required by the Act not to disclose.
- A person appointed as a scrutineer must report to the Electoral Officer or Deputy Electoral Officer on the first day on which he or she is to undertake any scrutineering duty to complete the required declaration. Upon completing the declaration, the scrutineer will be given a 'scrutineer' nametag. This nametag must be returned to the Electoral Officer when the scrutineer leaves the premises where he or she is acting as a scrutineer.

## Information to be Supplied by Electoral Officer

- As soon as practicable following the appointment of a scrutineer, the electoral officer will advise that person of:
  - arrangements for the election or poll process that he or she has been appointed for
  - what restrictions apply to scrutineers; and
  - how that person is expected to conduct themselves.

## Arrangements for Roll Scrutiny, Preliminary and Official Counts and any Recount

- The Electoral Officer will advise the scrutineer:
  - where he or she should go, and at what time, to complete the required declaration before any scrutineering duties can be undertaken
  - when and where any planned briefing of candidates and scrutineers about election processes is to be held
  - when and where any planned briefing of Electoral Officials about the election or poll process is to be held
  - where the scrutiny of the roll will be conducted (address and office)
  - what days and time that the scrutiny of the roll will take place
  - that the preliminary count of voting documents will commence at 12 noon on Saturday, 12 October 2013
  - when and where the official count will commence and take place and on what days it will extend over if there are special votes to clear with the Registrar of Electors
  - on how the preliminary and official counts will be undertaken – manually or electronically
  - if a recount has been ordered by a District Court Judge, where and when that recount will take place
  - that no remuneration will be paid to any scrutineer by the local authority for the undertaking of scrutineering duties.

Candidates should note that all vote processing will be carried out in Christchurch and that if they wish to appoint scrutineers all costs thereof are to be met by the candidate.

## Restrictions on Scrutineers During Election and Poll Processes

- The Waimate District Council has resolved, pursuant to Section 79 of the Act, to process voting documents during the voting period. Scrutineers are prohibited under Section 81 of the Act from being present during the early processing of voting documents. Early processing of voting documents does not involve counting or totalling votes for any candidate for election or for or against any proposal in a poll. Counting of votes can only commence for the preliminary count after the close of voting i.e. after 12 noon on Saturday 12th October 2013.
- It is permissible for a candidate in the case of an election,

and for 10 electors in the case of a poll, to appoint more than one scrutineer. However, only one scrutineer for any candidate can be present at the same place to undertake scrutineering duties.

- It is permissible for scrutineers at any time to leave and return to the undertaking of the roll scrutiny, and after close of voting, the preliminary and official counts. Upon returning to the process, a scrutineer has no power or right to expect the electoral officer to go back for his or her benefit and repeat the activities in relation to voting documents that were dealt with in his or her absence. The same practice will apply if a scrutineer is late for the commencement of any of these processes.

## Conduct of Scrutineer

- The general role of scrutineers is to oversee and observe that particular procedures at an election or poll are undertaken fairly and that votes are counted fairly and reasonably. As the emphasis in relation to the role of scrutineers is on overseeing and observing, it is expected that scrutineers must not talk to Electoral Officials involved in the roll scrutiny, the preliminary or official counts or in any recount. If a scrutineer believes that electoral procedures are not being followed he or she should draw the matter to the attention of the Electoral Officer. It should not be raised with other Electoral Officials.
- A scrutineer must also not seek from the Electoral Officer and other Electoral Officials any progressive voting trends during the preliminary count.
- The scrutiny and the preliminary and official counts are critical processes to the outcome of an election or poll and demand a high level of concentration from electoral officials. Accordingly, it is incumbent upon scrutineers not to distract, annoy, linger close by or talk loudly to one another so as to disrupt or upset any Electoral Officials.
- In keeping with the needs of electoral staff, scrutineers are not allowed to use or have mobile phones switched on within the area where scrutiny of the roll, the preliminary or official count or a recount is being conducted.
- The LEA and LER are silent on the display of any party affiliation by scrutineers. The adopted policy will be what normally applies to scrutineers at Parliamentary elections. This provides for the following items, in party colours but without party name, emblem, slogan or logo, may be worn on the person or displayed in a vehicle:
  - streamers
  - ribbons
  - rosettes (but see also the special rule about party lapel badges below)
  - items of a similar nature.
- Party lapel badges may be worn anywhere on the person. A party lapel badge is any badge or rosette designed to be worn on the lapel and bearing a party name, emblem, slogan or logo. None of the above items may be displayed on bags or briefcases. Political parties will be asked to

supply the electoral officer with a sample of their rosette prior to the commencement of the polling period. In the case of this years local authority elections, the polling period commences on Friday, 20 September 2013.

- Scrutineers should also bring their own refreshments. The Electoral Officer will not provide meals and refreshments for scrutineers.

## Offences

- Scrutineers can be present at election and poll processes, which will expose them to returned voting documents and information about voting. While scrutineers are permitted to tell any person the names of persons who have voted, under the declaration a scrutineer must not directly or indirectly disclose any fact coming to his or her knowledge at the election or poll that he or she is required by the Act or Regulations not to disclose.
- Should a scrutineer break their declaration and disclose information which is prohibited then they are likely to have committed an offence under one or more of the following provisions of the LEA:
  - Section 123, Offences in respect of official documents
  - Section 129, Infringement of secrecy
  - Section 130, Disclosing voting or state of election or poll.
- These three sections are reprinted in full later. Scrutineers are advised to become familiar with them before they complete their declaration and undertake any scrutineering duties.

# Appendix 4

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## Appointment of Scrutineer



12 October 2013

The Electoral Officer  
Waimate District Council  
PO Box 122  
Waimate, 7960

I (*full name*):

being a candidate for the office of:

for the election being held on Saturday 12 October 2013 hereby appoint:

as my scrutineer.

Signature of candidate

Date

**NOTE: This letter must be returned to the Electoral Officer or Deputy Electoral Officer one day before election day (ie before 12 noon 11 October 2013)**

## Election Offences

### Local Electoral Act 2001

#### 121 *Illegal nomination, etc*

Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, who-

- (a) consents to being- nominated as a candidate for an elective office, knowing that he or she is incapable under any Act of holding that office; or
- (b) signs a nomination paper purporting to nominate as a candidate a person who is, to the knowledge of the person signing, incapable under any Act of holding that office; or
- (c) signs a nomination paper purporting to nominate another person as a candidate knowing that he or she is not qualified to vote at the election of the person named in the nomination paper as the candidate.

#### 122 *Interfering with or influencing voters*

- (1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who-
  - (a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote:
  - (b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be an imitation of any voting document to be used at the election or poll that,-
    - (i) in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote:
    - (ii) in the case of a poll, includes a statement or indication as to how any person should vote:
    - (iii) in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes:
  - (c) prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.
- (2) **Despite subsection (1)(b),** it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed-

- (a) the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and
- (b) nothing else.
- (3) Nothing in this section applies to-
  - (a) any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or
  - (b) any candidate profile statement, published, displayed or distributed under the authority of this Act or regulations made under this Act.

#### 123 *Offences in respect of official documents*

- (1) Every person commits an offence who-
  - (a) intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll:
  - (b) intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll:
  - (c) forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document:
  - (d) supplies, without authority, a voting document to any person:
  - (e) obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority:
  - (f) intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.
- (2) Every person who commits an offence against **subsection (1)** is liable on conviction on indictment,-
  - (a) in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years:
  - (b) in the case of any other person, to imprisonment for a term not exceeding 6 months.

#### 124 *Voting offences*

Every person commits an offence, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years, who-

- (a) votes or applies to vote more than once at the same election or poll; or
- (b) without authority removes, deletes, or otherwise interferes with any voting document, or other record of a vote that has been cast.

## 125 Bribery

- (1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,-
  - (a) gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or
  - (b) gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or
  - (c) corruptly does any act referred to in **paragraph (a) or paragraph (b)** on account of an elector having voted or refrained from voting; or
  - (d) makes any gift, loan, offer, promise, or agreement referred to in **paragraph (a) or paragraph (b)** for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector, or
  - (e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in **paragraph (a) or paragraph (b)** obtains, or tries to obtain, the election of any person or the vote of any elector; or
  - (f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election or poll; or
  - (g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.
- (2) An elector commits the offence of bribery if,-
  - (a) before or during the voting period at the election or poll, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to refrain from voting:-
  - (b) after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any

person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

- (3) Every person who commits bribery is liable on conviction on indictment to imprisonment for a term not exceeding 2 years.

## 126 Treating

- (1) Every person commits the offence of treating who corruptly before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person
  - (a) for the purpose of influencing, that person or any other person to vote or refrain from voting;- or
  - (b) for the purpose of obtaining his or her election; or
  - (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
- (2) Every holder of a licence under the Sale of Liquor Act 1989 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-
  - (a) to any person, if the supply is demanded for 1 or more of the purposes specified in **subsection (1)**; or
  - (b) to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.
- (3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.
- (4) **Despite subsections (1) to (3)**, the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.
- (5) Every person who commits the offence of treating is liable on conviction on indictment to imprisonment for a term not exceeding 2 years.

## 127 Undue influence

- (1) Every person commits the offence of undue influence-
  - (a) who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person-
    - (i) in order to induce or compel that person to vote or refrain from voting;
    - (ii) on account of that person having voted or refrained from voting;
  - (b) who, by abduction, duress, or any fraudulent

device or means,-

- (i) impedes or prevents the free exercise of the vote of any elector:
- (ii) compels, induces, or prevails upon any elector either to vote or to refrain from voting.

- (2) Every person who commits the offence of undue influence is liable on conviction on indictment to imprisonment for a term not exceeding 2 years.

#### **128 Personation**

- (1) Every person commits the offence of personation who, at any election or poll,-
  - (a) votes in the name of some other person (whether living or dead), or of a fictitious person:
  - (b) having voted, votes again at the same election or poll:
  - (c) having returned a voting document, applies for or returns another voting document with the intention of returning an additional valid voting document or invalidating a vote already cast at the same election or poll (whether or not any voting document he or she returns is valid).
- (2) Every person who commits the offence of personation is liable on conviction on indictment to imprisonment for a term not exceeding 2 years.

#### **129 Infringement of secrecy**

- (1) Every electoral officer, deputy electoral officer, and other electoral official-
  - (a) must maintain and assist in maintaining the secrecy of the voting; and
  - (b) must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.
- (2) No person, except as provided by this Act or regulations made under this Act, may-
  - (a) interfere with or attempt to interfere with a voter when marking or recording his or her vote, or
  - (b) attempt to obtain, in the building, or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, any information as to any candidate for whom or the proposal for or against which the voter is about to vote or has voted; or
  - (c) communicate at any time to any person any information obtained in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, as to-
    - (i) any candidate for whom or the proposal for or against which the voter is about to vote or has voted; or

- (ii) any number on a voting document marked, or transmitted by the voter.

- (3) Every person present at the counting of votes must-
  - (a) maintain and assist in maintaining the secrecy of the voting; and
  - (b) must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom, or proposal for or against which, any vote is cast by a particular voter.
- (4) No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.
- (5) Every person commits an offence who contravenes or fails to comply with this section.
- (6) Every person who commits an offence against **subsection (5)** is liable on summary conviction to imprisonment for a term not exceeding 6 months.

#### **130 Disclosing voting or state of election or poll**

- (1) Every electoral officer, deputy electoral officer, other electoral official, Justice of the Peace, or scrutineer commits an offence who-
  - (a) makes known for what candidate or candidates or for which proposal any particular voter has voted for or against, except as provided by this Act or regulations made under this Act; or
  - (b) before the close of voting, makes known the state of the election or poll or gives or pretends to give any information by which the state of the election or poll may be known.
- (2) **Subsection (1)(b)** does not prevent an electoral officer from disclosing the total number of voting documents so far returned at an election or poll at any time during the voting period.
- (3) A person who commits an offence against **subsection (1)** is liable on summary conviction to a fine-
  - (a) not exceeding \$5,000 for an electoral officer or deputy electoral officer:
  - (b) not exceeding \$2,000 for any other person.

#### **131 Penalty for electoral officer, deputy electoral officer, and other electoral officials**

Every electoral officer, deputy electoral officer, or other electoral official commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, who is guilty of any intentional or reckless act of commission or omission contrary to the provisions of this Act or regulations made under this Act in respect of any election or poll, and for which no other penalty is imposed by this Act or regulations made under this Act.

## Electoral Expenses

### 132 Payments in breach of section 105

- (1) Every person commits an offence who makes a payment in contravention of **section 105**.
- (2) Every person who commits an offence against **subsection (1)** is liable on summary conviction to a fine not exceeding \$5,000.

### 133 Failure to transmit return

- (1) Every candidate commits an offence who fails to transmit a return of electoral expenses in the prescribed form to the electoral officer within the prescribed period.
- (2) Every person who commits an offence against **subsection (1)** is liable on summary conviction to a fine not exceeding \$1,000, and, if he or she has been elected, to a further fine not exceeding \$400 for every day on which he or she continues to act until the return is transmitted.

### 134 False return

- (1) Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000.
- (2) Every candidate commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who transmits a return of electoral expenses that is false in any material particular unless the candidate proves –
  - (a) that he or she had no intention to mis-state or conceal the facts; and
  - (b) that he or she took all reasonable steps to ensure that the information was accurate.

### 135 Unauthorised expenditure

- (1) Every person commits an offence who publishes or broadcasts any material promoting the election of any candidate without the written authority of the candidate or the candidate's agent.
- (2) Every person who commits an offence against **subsection (1)** is liable on summary conviction to a fine not exceeding \$1,000.

### 136 Excessive expenditure

- (1) Every candidate or other person commits an offence who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the prescribed maximum amount,
- (2) knowing that the payment is in excess of the prescribed maximum amount, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000.

- (3) Every candidate or other person commits an offence who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the prescribed maximum amount, and is liable on summary conviction to a fine not exceeding \$5,000 unless the candidate or other person proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the prescribed maximum amount.

## General Provisions

### 137 Property may be stated as being in electoral officer

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, and instruments is to be treated as that of the electoral officer at that election or poll.

### 138 Duty to take action in respect of offences

- (1) If the electoral officer at any election or poll-
  - (a) receives a written complaint that an offence under this Part has been committed; or
  - (b) believes for any other reason that an offence under this the Part may have been committed,-the electoral officer must report that matter to the police together with the results of any enquiries made by the electoral officer that he or she considers appropriate.
- (2) **Subsection (1)** does not prevent any person from reporting an alleged offence to the police.





electionz.com Ltd, Level 1, 506 Wairakei Road, PO Box 39163, Christchurch 8545, New Zealand

**T** +64 3 377-3530 **F** +64 3 377-1474 **E** elections@electionz.com

For assistance phone the  
**Election Helpline 0508 440 022**

**Anthony Morton**  
**ELECTORAL OFFICER**  
**Waimate District Council**