

**Local
Government
Elections
2019**



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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 and regulations and the New Zealand Public Health and Disability Act 2000. The West Coast District Health Board 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.

Introduction

This booklet has been prepared as a guide to assist potential candidates and others interested in election issues with information specific to the West Coast District Health Board (WCDHB) election, and augments the general election information covered in the “District Health Board Elections 2019 – Information for candidates” booklet published by the Ministry of Health (MOH).

The MOH booklet can be viewed online at:

<https://www.health.govt.nz/new-zealand-health-system/key-health-sector-organisations-and-people/district-health-boards/dhb-elections>

Hard copies of the MOH booklet can be requested by emailing postal address details to dhbappointments@moh.govt.nz. No responsibility is taken for the accuracy of information in this booklet or candidates failure to comply with legislative requirements.

The Local Electoral Act 2001, and its 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. The New Zealand Public Health and Disability Act 2000 and the Crown Entities Act 2004 cover specific eligibility criteria for DHB elections. All candidates should familiarise themselves with those Acts and the information as set out in this document.

Copies of the legislation are available from the Government Bookshop, or they can be viewed on the internet at www.legislation.govt.nz

Electoral Officer

Anthony Morton

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Christchurch 8140

Phone: 0800 666 048

Email: wcdhb@electionz.com

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 WCDHB and is accountable to the Chief Executive (CE) of the District Health Board, but does not take direction from the CE, or elected or appointed members.

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 2001
- Local Government Act 2002
- Sale and Supply of Alcohol Act 2012
- NZ Public Health and Disability Act 2000
- Local Authorities (Members Interests) Act 1968

Specific duties of the EO as outlined in Section 15 of the Local Electoral Act 2001 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 WCDHB should be directed to Kay Jenkins, Board Secretary on (03) 364 4113 or kay.jenkins@cdhb.health.nz

Election Timetable

2019 Local Government Election Timetable	
From 1 July (Monday)	2019 nomination documents available
From 17 July (Wednesday)	Public notice of election – Hokitika Guardian, Greymouth Star and Westport News
19 July (Friday)	Nominations open , electoral roll open for inspection
16 August (Friday)	Nominations close at 12 noon, electoral roll closes
From 21 August (Wednesday)	Further public notice of election – Hokitika Guardian, Greymouth Star and Westport News
By 23 August (Friday)	EO receives final electoral roll data
16 September (Monday)	EO compiles and certifies final electoral roll
20 September (Friday)	Enrolment Services letter sent to electors on unpublished roll
20 September (Friday)	Delivery of ordinary voting documents starts Ordinary and special voting opens
20 September to 12 October	Voting period
11 October Friday	Last day for appointment of scrutineers–by 12 noon
12 October 2019 (Saturday)	Election Day –voting closes at 12 noon Progress results available as soon as practicable after close of voting
12 – 17 October	Official count – process special votes
17 October to 27 October (as soon as practicable)	Final results announced Public notice of official declaration of election result – Hokitika Guardian, Greymouth Star and Westport News (or as soon as practicable thereafter)
By 18 December (Wednesday)	Return of election expense declaration forms (55 days after date of declaration of results)

Governance & Meeting Information

Board members are responsible for the governance of the DHB. That means maintaining oversight of the DHB to ensure its management implements the strategic vision developed by the Board. Members must do this in a financially responsible way and in the best interests of the health of the whole population served by the DHB. Board members do not manage the DHB - that is the responsibility of the Chief Executive, who is appointed by the Board, and the staff who report to the Chief Executive. Other than appointing the Chief Executive, the Board plays no role in staff appointments.

Each DHB is also required to have three Advisory Committees:

- Community and Public Health Advisory Committee
- Disability Support Advisory Committee
- Hospital Advisory Committee

The West Coast DHB has combined its three Statutory Advisory Committees to reflect the whole-of-system approach to health services and to allow discussions to take place from a whole-of-system perspective.

The DHB may also establish other Committees (eg, Quality, Finance, Audit and Risk Committee). Members are appointed to these Board Committees from among the Board members and other Committee members may be co-opted from outside the Board.

Board meetings are generally held six weekly on a Friday and can be held at various venues around the District.

Advisory Committee meetings are currently also held six weekly on the same day.

In accordance with the New Zealand Public Health and Disability Act 2000, public notices detailing the date, time and venue of all meetings of the Board and Advisory Committee are published towards the end of each month in West Coast newspapers. Notice is also given on the West Coast DHB website.

Agendas are posted on the website two working days prior to each meeting.

Members' Remuneration

These fees are set by Cabinet direction and were last reviewed in July 2013. The fees paid to the West Coast DHB and its Statutory Advisory Committees are:

Board	Annual Salary
Chair	\$33,600
Deputy Chair	\$20,400
Member	\$16,320
Statutory Advisory Committees	Per Meeting
Chair (maximum \$3,120 p.a.)	\$312
Member (maximum \$2,500 p.a.)	\$250

Members are also covered for reasonable expenses, such as travel, associated with Board and Committee business.

Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 (the Act) came into force on 4 April 2016.

For board members, the most significant implication is the introduction of the role of officer and the requirement for officers to meet due diligence duties.

What is an officer and what do they need to do?

An officer is a person who holds a very senior leadership position, and has the ability to significantly influence the management of a business. For West Coast DHB this includes board members and the Chief Executive Officer.

Officers must ensure the business is meeting its health and safety responsibilities by exercising due diligence to ensure the business understands and manages its key risks. To do this officers must take reasonable steps to:

- Keep **up to date knowledge** of health and safety
- **Understand the operations** of the business
- **Ensure and check** that their business has **appropriate resources and processes** for health and safety.

Candidates should make themselves familiar with this new legislation which can be viewed at www.legislation.govt

All board members will be briefed on their legislative requirements as part of their induction process.

Electoral Rolls

Each territorial local authority (TLA) must compile a preliminary electoral roll during July 2019. Those electoral rolls will include residents entitled to vote for the Board of the DHB. Copies of the preliminary electoral roll for the election will be available for public inspection during normal office hours from Friday 19 July 2019 to 5pm Friday, 16 August 2019 at the main office of each TLA.

Every parliamentary elector, except those listed on the unpublished electoral roll, will be included in the TLA electoral roll covering the elector's residential address. Parliamentary electors listed on the unpublished roll are not included in TLA electoral rolls and must apply for a special vote if they wish to vote in the election. Enrolment Services (Electoral Commission) write to those listed on the unpublished rolls, informing them of the election and how to source special voting documents if required.

Any alterations to the electoral roll, should be made:

- by completing the appropriate form at any Post Shop or
- by telephoning 0800 ENROLNOW (0800 367656) or
- by accessing the Electoral Enrolment Centre website on www.elections.org.nz.

Hard copies of the preliminary electoral rolls covering the West Coast DHB area may be purchased from the EO. A separate fee for each roll will apply, based on the size of each roll.

The final electoral roll is produced once the preliminary electoral roll closes on 16 August 2019. The final electoral roll is the roll used for issuing voting papers. Copies of those rolls may be purchased as above.

Information contained on the electoral roll is not available from the Electoral Officer in an electronic form.

In limited circumstances, an electronic listing of resident electors is available from 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 direct from Electoral Services. The contact person is Ben Cline on (04) 806 3560.

WCDHB Area Map



Candidate Eligibility

A candidate for WCDHB 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 WCDHB elections:

- a. A candidate may not stand for more than one DHB.
- b. A candidate cannot nominate themselves for office.
- c. A candidate cannot be a person listed under S30(2) of the Crown Entities Act 2004; namely:
 - (a) a person who is an undischarged bankrupt;
 - (b) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Financial Markets Conduct Act 2013, or the Takeovers Act 1993;
 - (c) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988;
 - (d) a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's—
 - (i) competence to manage his or her own affairs in relation to his or her property; or
 - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare;
 - (e) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person;
 - (f) a member of Parliament;
 - (g) a person who is disqualified under another Act.
- d. An employee of WCDHB can stand for election as an DHB member providing they meet the above eligibility criteria. It is recommended that any WCDHB employee intending to stand for election discuss that intention with their manager prior to submitting a nomination so that ways to manage any potential conflicts of interest are discussed.

Notes:

- i. Any DHB candidate may also stand for other local authorities e.g. council, regional council, licensing trusts etc. providing they satisfy their eligibility requirements.
- 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 in the WCDHB area, but candidates are required to record on the nomination paper if they reside in the election area or not.
- iv. 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.

Evidence of NZ Citizenship

It is now a requirement of the nomination process that all candidates provide evidence of their NZ citizenship.

This is to be provided at the time of candidate nomination. Acceptable evidence includes a copy of NZ Passport, NZ birth certificate, or NZ citizenship documentation.

Nominations

Nominations open on **Friday 19 July 2019** and close at **12 noon on Friday 16 August 2019**.

Each candidate must be nominated on the official nomination paper available:

- By phoning the toll free number 0800 666 048 (during normal office hours)
- By downloading from the Board's web site www.wcdhb.health.nz
- By email request from wcdhb@electionz.com

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 WCDHB.

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.

Completed nomination forms will also be accepted by email 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.

Resident 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

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.

Affiliations

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

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.

Submitting the Nomination Documents

Nomination documents for the 2019 WCDHB triennial elections can be lodged by:

- delivery to the Deputy Electoral Officer, Hokitika i-SITE office, 36 Weld Street, Private Bag 704, Hokitika or
- can be emailed to deo@westlanddc.govt.nz.

Hokitika i-SITE's office hours for lodgement are: Mon – Fri 8.30 am to 5.00 pm, except on 16 August when 12 noon is the cut-off time for lodgement.

Note—All nomination documents must be submitted at the same time, i.e. nomination paper, evidence of NZ citizenship, candidate profile statement, candidate interest statement, photo, and nomination deposit or evidence thereof. A nomination will not be accepted if any components are missing.

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 WCDHB area. Formats of candidate profile statements (CPS) provided are also checked.

Should a nomination paper be lodged late in the nomination period, and/or 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. To avoid this, candidates should ensure their nomination forms are lodged in sufficient time to be checked and allow correction if necessary.

Candidate Details

Confirmed candidate details will be made available from the WCDHB website. The details will be updated on a regular basis throughout the nomination period and will include at least the candidate name and any affiliation claimed.

As soon as possible after nominations have closed a file of candidate contact details will be available for download from the DHB's website. Candidates may be contacted by journalists, advertisers, pollsters and other groups interested in election matters.

Nomination Deposit

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 in the WCDHB election. The deposit is also refunded if no election is required.

Payment of the nomination deposit can be made by cash, EFTPOS or online banking. However, should an 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 will be withdrawn.

Cheque payments of nomination deposits will not be accepted.

Details for the payment of the deposit by online banking are shown on page 2 of the nomination form. If paying by online banking, evidence of the transaction **must** be provided at the time the nomination documents are submitted, i.e. a print out of the transaction receipt. The nomination form also sets out the reference and code details required for each online payment.

Nomination forms, with the deposit and the candidate profile statement and photograph, can be sent to the Electoral Officer by mail or e-mail, but should the papers be received by the Electoral Officer or Deputy Electoral Officer after the close of nominations, the nomination is invalid.

It is the responsibility of the candidate to ensure all nomination documents are submitted together and that they are all complete. The lodgement of nomination documents should not be left to the last minute. Nominations close at 12 noon, Friday 16 August 2019.

Candidate Withdrawals

A candidate can withdraw their nomination by application to the Electoral Officer up to the close of nominations i.e. 12 noon, Friday 16 August 2019.

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

A medical certificate 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.

Candidate Profile Statements

The Local Electoral Act allows for candidate profile statements (CPS) of up to 150 words to be provided by each candidate with the completed nomination form. If an election is required these are then collated by the Electoral Officer and forwarded to electors in a booklet with the voting papers.

Candidate profile statements must be provided electronically via email or on a media device, in a MS Word document that has been spell checked. As the Electoral Officer 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.

If the nomination forms are being personally delivered, a hard copy of the typed profile must be provided at the same time. Hand written profiles will not be accepted.

Size and Format of Candidate Profile Statements

Candidate profile statements can be submitted in a range of languages, but there must be an English version available—refer to the table below for the word limits.

The format requirements for profiles are:

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 bullet points

The profiles will be loaded into software provided by the printer that will automatically apply the required font, type size, line spacings etc. If there is no profile statement or photo from a candidate, then “No Profile Statement and/or Photo provided.” text or similar will be printed in the profile book.

Any non-English candidate profile content must be supplied with 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 quote marks, etc.

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.

Candidate Photos

Candidates may also submit a recent (less than 6 months old) photograph for inclusion with the candidate profile statement in the booklet to accompany the voting papers. Photos should also be provided electronically, on a media device as an attachment to an email to the Electoral Officer.

If hard copy photographs are provided, then two copies of each photo should be provided with the candidate’s 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.

Examples of CPS's						
A	English					= 150 words
B	Māori					= 150 words
C	English	+	Māori			= 300 words
	(must be substantially consistent with each other)					
D	1 Other Language (Non English / Māori)	+	English Translation	OR	Māori Translation	= 150 words
E	2 Other Languages (Non English / Māori)	+	English Translation	OR	Māori Translation	= 150 words
F	3 + Other Languages (Non English / Māori)	+	English Translation	OR	Māori Translation	= 150 words

Format of Candidate Photos

Candidate photos are to be a head and shoulders shot only, with nothing else in the photo, i.e. no hats, sunglasses, pets, external objects or impediments, or other people. They should be in colour. 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.

Electronic copies of photos should be scanned as a jpeg at a minimum of 600 dpi.

Any queries regarding the format of photos and profiles are to be made to the EO.

Note: The onus is on the candidate to ensure that all nomination documents including the profile and photo are submitted to the Electoral Officer by 12 noon, Friday 16 August 2019.

Correctness of Profile Statements

The candidate is responsible for ensuring that the candidate profile statement and candidate interest statement contains correct grammar, spelling, punctuation, etc. The Electoral Officer may make corrections to the statements 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 applied.

The Electoral Officer is not required to verify or investigate any information included in a candidate profile statement or candidate interest 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.

If the profile statement, candidate interest statement or photo 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 up to three (3) 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 requested time frame, 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 suitable 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.

Candidate Interest Statements

While the choice to submit a candidate profile statement (CPS) is optional for candidates, any DHB candidate **must** submit a candidate interest statement (CIS). The CIS needs to disclose any conflicts of interest a candidate has with the DHB at the time of their nomination. Sample CIS wordings are listed in the MOH Information for Candidates booklet.

Campaigning, DHB Resources and Social Media

Election campaigning can commence anytime but should cease by the close of voting, i.e. 12 noon, Saturday 12 October 2019.

There are generally no rules around conduct of campaigning by candidates, although there are certain election offences, which are detailed in the Local Electoral Act 2001. 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 should not 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 official voting boxes located at council offices, libraries etc within the WCDHB area.

DHB Resources

Candidates are not permitted to use WCDHB resources for campaigning purposes. WCDHB resources includes but are not limited to WCDHB's logo and branding, website, facebook page, twitter account, any forms of social media, computers, email, mobile phones, faxes, stationery, photocopiers, printers, stamps, cars, meeting rooms and venues (except those available for public hire).

Election Advertising and Authorisation on Campaign Material

Election advertising, using any media, including social 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, adverts, billboards, flyers, vehicle signage, websites, Facebook pages etc, each advertising item must have a sentence at the bottom saying that it is authorised by the candidate or agent, i.e. "Authorised by Joe Citizen, 20 Main St, Tinseltown." This authorisation must be clearly visible on any campaigning material including signs and billboards

Please note: a physical address must be provided in any authorisation text, i.e. it cannot be a PO Box, Private Bag or a rural delivery number. There must be a reasonable expectation that anyone wishing to discuss the advertising can do so with the candidate or their agent at the address listed. The use of a DHB property address is not permitted in the authorisation address.

Advertising Standards Code for Campaign Material

Candidates are reminded to be socially responsible and truthful with the content of their campaign material. Campaign advertisements are subject to the Advertising Standards Authority (ASA) Code. Wherever facts are quoted, the Code is strict that the facts must be correct, however, where a person holds a broad view or opinion, the Code allows them to do so. The ASA settles disputes during elections within two to three days, and take complaints from Electoral Officers and the public. The usual penalty for breaches of the code is for the advertising to be removed.

N.B. The cost of framing to hold up an election sign is not an item of campaign expenditure.

Campaign Expenditure Limits

Candidates have campaign expenditure limits and are required to file an expenditure return with the Electoral Officer after the election (see next section). The campaign limits are based on the estimated 2018 populations of each constituency as sourced from the Department of Statistics.

Campaign expenditure is all expenses relating to the campaign from the period 3 months before election day, i.e. all expenditure from 12 July 2019 to 12 October 2019, plus an apportionment of any campaign expenditure incurred prior to 12 July 2019.

The campaign expenditure limit (inclusive of GST) for the WCDHB elections for 2019 is \$20,000 (inclusive of GST).

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 Officer within 55 days of the election result being declared, estimated to be no later than Wednesday 18 December 2019.

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 return and any supporting documents available on the WCDHB website for seven years.

A model election expenses return form is attached as Appendix 1. The relevant sections of the Local Electoral Act 2001 on election expenses is attached as Appendix 2.

Note:

- 1) Candidates are required to keep evidence of any election expenses for amounts exceeding \$200.
- 2) All candidates must submit a return of election expenses and donations form even if no expenses have been incurred or donations received.

Candidate Expenses

Sec 104 of the Local Electoral Act lists the following definition of electoral expenses, in relation to a candidate at an election,—

- (a) Means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and
- (b) includes expenses that are incurred by or on behalf of the candidate, before or after the applicable period before the close of polling day, in respect of any electoral activity; and
- (c) includes the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and
- (d) includes the cost of any printing or postage in respect of any electoral activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the candidate; but
- (e) does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used in good faith by the candidate as the candidate's personal means of transport; and
- (f) does not include expenses incurred by the candidate in preparing a candidate profile statement; and
- (g) does not include the labour of any person that is provided to the candidate free of charge by that person; and
- (h) does not include the cost of any framework (other than a commercial framework) that supports a hoarding on which an advertisement is displayed.

Note – the \$200 nomination deposit fee is not an electoral expense.

Definition of electoral donation

An electoral donation is a donation of money, goods or services that is made for use in a candidate's election campaign (section 103A LEA). Electoral donations and contributions to donations, of more than \$1500 incl. GST are required to be declared in the candidate's return of donations and expenses. A series of donations made by one person that adds up to more than \$1500 must also be declared. An electoral donation includes:

- where a candidate is provided with goods or services free of charge that have a reasonable market value greater than \$300
- where a candidate is provided with discounted goods or services and the reasonable market value of the goods or services is greater than \$300, the difference between the contract or agreed price and the reasonable market value of those goods and services is a donation
- where a candidate sells over-valued goods or services, the difference between the price paid and the reasonable market value is a donation, for example a fundraising auction or dinner.

The following are not candidate donations:

- volunteer labour
- goods or services provided free of charge to a candidate, or to any person on the candidate's behalf that have a reasonable market value of \$300 or less
- money provided by the candidate for his or her own campaign.

If a person or organisation gives or pays for goods or services that would otherwise be candidate election expenses, the reasonable market value of those items, whatever their value, should be recorded as an election expense. If the reasonable market value of the items exceeds \$300 it should also be recorded as a donation.

Donations made up of contributions

Donations to candidates can be made up of pooled funds contributed by more than one person (referred to in the Act 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 (section 103A LEA). The total proceeds of a collection are treated as a donation under the Act. The person who collects the money will normally be the donor. The individuals who contribute to the collection are contributors for the purposes of the Act. If an electoral donation, other than an anonymous donation, is made up of contributions, the transmitter or donor must tell the candidate:

- the name and address of the donor
- whether the donation is made up of contributions
- the total amount of individual contributions of \$1500 or less
- in the case of individual contributions greater than \$1500, the name, address, and contribution of each contributor.

If the candidate knows, or has reasonable grounds to believe, that the donor has failed to supply information about contributions, the whole donation must be returned to the donor.

Transmitted donations

A donation can be made either directly by the donor to the candidate or indirectly by a transmitter who transmits a donation to the candidate on someone else's behalf, for example via a lawyer's trust fund. Any person who receives a candidate donation on the candidate's behalf must transmit it to the candidate within 10 working days. When transmitting a donation, the transmitter must tell the candidate:

- that the donation is being transmitted on behalf of a donor
- the name and address of the donor
- whether the donation is made up of contributions
- the total amount of contributions of \$1500 or less
- in the case of contributions greater than \$1500, the name, address, and contribution of each contributor.

Where a transmitter does not disclose the name and address of the donor, the donation must be treated as an anonymous donation (see below).

Anonymous donations

Candidates are not permitted to retain anonymous donations exceeding \$1500. An anonymous donation is a donation 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 (section 103A LEA). If a candidate receives an anonymous donation greater than \$1500, he or she may retain \$1500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the electoral officer for payment into the general fund of the local authority.

Applicable period for donations

There is no provision within the Local Electoral Act 2001 or its regulations specifying a period for recording or declaring donations. On that basis, all qualifying donations contributed for use in a candidate's election campaign for the 2019 triennial local body elections should be recorded and included in the candidate's return of election expenses and donations.

WCDHB's Social Media Guidelines for Candidates

Candidates must comply with the following guidelines for web and social media use and presence related to campaigning.

Things to be aware of:

- During the lead up to elections, the current chairperson and board members may be used in social media posts where it is appropriate and is considered 'business as usual' to use them. This may be in images or quotes.
- Election advertising, using any media, including social 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 in your profile photo/bio, you must have a statement saying that all content/images on your social media channel are authorised by you or your agent. You must include a physical address in the authorisation statement (not a PO Box, private bag or rural number), and you must not use any address owned or operated by the WCDHB.
- The DHB's social media accounts (listed below), including but not limited to Facebook, Twitter, Instagram, LinkedIn and Neighbourly, are not permitted to be used as a communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. This also applies to all social media accounts owned by DHB-controlled organisations.

- The DHB's social media accounts are constantly monitored and any campaign related or electioneering content will be removed immediately.
- If WCDHB already follows your public social media accounts, please note you will be unfollowed 3 months prior to the election date. This protocol is in line with the Local Electoral Act 2001.
- Any social media post – positive or negative – made by any individual specifically relating to their own – or someone else's – nomination, intention to run for DHB, or election campaign, will be removed immediately.
- Candidates cannot reply to the DHB's social media posts or share with a comment encouraging people to like or follow their own social media accounts or any other electioneering tool. Any posts that do this will be removed immediately.
- Candidates must not link their own social media accounts (if they are used for campaigning purposes) to the DHB's social media accounts.
- Candidates cannot rate, review, check-in or tag the DHB's social media channels.
- The DHB's social media accounts will remain neutral. WCDHB will promote elections and the importance of voting but will not associate these posts with any candidates.

For the sake of clarity, WCDHB's web and social media channels are:

Election Signage

Election signs are hoardings, posters, signs advertising on vehicles etc that are used to display information relating to the election of candidates and/or choice of a political party and/or the promotion of issues relating to a referendum.

Each territorial local authority within the WCDHB area will have their own rules or by-laws covering election signage and candidates wishing to campaign via this medium should contact each relevant territorial local authority for their specific signage requirements directly. Additionally, the New Zealand Transport Agency (NZTA) will have separate signage requirements for advertising material placed on or adjacent State Highways. Generally, for safety reasons, election signage is not allowed on or alongside State Highways.

Note: The cost of framing to hold up an election sign is now not an item of campaign expenditure.

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 NZTA.

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.

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 and includes any remaining special votes. 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 several minutes 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 section).
- 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 2019** 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).
- 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 2019
 - 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

- Pursuant to Section 80 of the Act, the EO will 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, Saturday 12 October 2019.
- 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 2019.
- 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.

Voting and Processing of Votes

Order of Candidates on the Voting Papers

WCDHB has resolved pursuant to Section 31 of the Local Electoral Regulations 2001 that the names of the candidates will appear on the voting papers in random order.

This means that the candidate names will be listed in a different order on all voting papers. Barcodes will be printed beside each candidate name for counting purposes.

Special Voting

Special voting papers 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 voting papers will be available from Friday 20 September 2019 to 12 noon, Saturday 12 October 2019 at the main offices of the TLA's within the WCDHB area.

Special voting papers can also be posted directly out to applicants. The completed voting paper however, must be in the hands of the Electoral Officer or the Deputy Electoral Officer by noon on election day, i.e. 12 noon, Saturday 12 October 2019.

To be valid, 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 applicant 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 2019. 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.

After voting closes, special vote declarations are forwarded to the Electoral Enrolment Centre for verification that the elector is eligible and has enrolled as a parliamentary elector by the due date.

Special voting papers 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 the Local Electoral Act that returned voting papers will be processed during the voting period, before the close of voting.

All voting papers for TLA's within the WCDHB area are being processed by the board's election contractor, electionz.com Ltd. electionz.com will be processing approximately 600,000 voting papers for 42 councils at its processing centre 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 2019). 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 legal and secrecy requirements.

Candidate's scrutineers are not permitted to observe the early processing functions.

Election Results

The counting of votes takes place as soon as practicable after 12 noon on Saturday 12 October 2019. It is expected that a progress result will be released by the Electoral Officer by 9pm on Saturday. Candidates will be advised the progress result on election day by e-mail. The progress result will then be posted to the WCDHB website and made available to media.

The preliminary result will be released as soon as all ordinary voting papers have been received and processed at the processing centre. This is likely to be by 5pm Sunday 13 October.

The final election result will be released once all special voting papers have been checked and processed. That is likely to be by 5pm on Thursday 17 October 2019. Once available, the final election results will be released to the candidates by email and will be posted to the WCDHB website and made available to media. Public notification of the election result will be made in the regional newspapers as soon as possible after the final election result has been released. That is likely to be by Saturday 19 October 2019.

There are three types of results.

1. Progress Results

Not all ordinary votes have been counted yet, those votes received on the last morning will still be in transit to the Electoral Officer. Progress results are expected to be available on Saturday 12 October by 9pm as reconciliations and quality assurance checks are completed. Results could change.

2. Preliminary Results

All ordinary voting papers have been received and counted, but not all special votes. These will be announced later on Saturday evening or Sunday after we receive the last ordinary voting papers that were delivered to Council offices prior to the close of voting. Results could change.

3. Official Results

All ordinary and special votes have been counted. These will be released by Thursday 17 October, once special votes are confirmed. Results are final.

Recounts and Petitions for Inquiry

A recount can be requested by a candidate within 3 working days after the public declaration of the final election results. This sometimes happens when a result is very close, i.e. less than 5-10 votes, depending on the size of the election.

A candidate must make application to the District Court along with the payment of a \$750 deposit. This is usually lodged with the court by a solicitor, so legal advice may be required. The application usually states the reason why a recount should be granted by the Judge. In recent times it has been demonstrated that just because a result is close, that is not necessarily enough of a reason for a recount.

A Petition for Inquiry can be applied for by a candidate or a minimum of 10 electors, if in their opinion the election result is incorrect or may have been compromised. This also has to be made by application to a District Court Judge upon payment of a \$750 deposit within 21 days of the official result declaration. Legal advice should be sought by anyone contemplating a Petition for Inquiry.

Appendix 1

Return of Electoral Donations And Expenses

RETURN OF ELECTORAL DONATIONS AND EXPENSES

electionz.com
voting made easy



I

was a candidate for the following election(s) held on 12 October 2019 (*Election/Ward/Issue name*):

and make the following return of all electoral expenses incurred by me or on my behalf at the election and of all electoral donations made to me or to any person on my behalf.

Notes and Definitions of Donations and Expenses:

1. All candidates in elections held under the provisions of the Local Electoral Act 2001 must file a return of electoral donations and expenses. If no donations were received or expenses incurred, a Nil return must be made.
2. All candidates are required to keep proper records of donations received and expenses paid for election work. These do not have to be filed with this return but must be available to support enquiries about the return if required.
3. Donations can be monetary or physical goods or services supplied or a combination thereof.
4. Donations to a candidate of labour only or donations of goods and services that have a fair market value of \$300 or less do not have to be declared – see S103A of the LEA 2001.
5. Candidates must declare donations from each contributor that exceed \$1500 in value. Where a contributor has made donations in instalments that sum to more than \$1500 in value, each contributing donation needs to be listed in Section A2 and the aggregated sum shown.
6. If there is insufficient space provided in any section, attach a separate sheet with the additional detail.

Section A1: Candidate Donations (Anonymous)

List here details of any **anonymous** (*identity of donor is unknown to yourself or any officials engaged on your behalf*) donations that **exceed** \$1500:

Date Received	Amount	Description of Contribution	Date Paid to Electoral Officer	Amount Paid to Electoral Officer

Section A2: Candidate Donations (Other)

List here details of any other donations received that **exceed** \$1500:

Date Received	Name of Contributor	Address of Contributor	Description of Contribution	Amount

Section B: Candidate Expenses

List here details of any election expenses paid for (*inclusive of GST*):

Date Paid	Name of Party Paid	Description of Payment Made	Amount

Dated at (place) this day of 20

Candidate's Signature

Appendix 2

Electoral Expenses & Donations

The following sections of the Act cover requirement provisions for electoral donations, expenses and returns which all candidates should be aware of.

111 Maximum amount of electoral expenses

- 1) The total electoral expenses (inclusive of goods and services tax) of a candidate must not—
 - (a) exceed \$3,500 if any local government area over which the election is held has a population smaller than 5 000;
 - (b) exceed \$7,000 if any local government area over which the election is held has a population smaller than 10 000 and larger than 4 999;
 - (c) exceed \$14,000 if any local government area over which the election is held has a population smaller than 20 000 and larger than 9 999;
 - (d) exceed \$20,000 if any local government area over which the election is held has a population smaller than 40 000 and larger than 19 999;
 - (e) exceed \$30,000 if any local government area over which the election is held has a population smaller than 60 000 and larger than 39 999;
 - (f) exceed \$40,000 if any local government area over which the election is held has a population smaller than 80 000 and larger than 59 999;
 - (g) exceed \$50,000 if any local government area over which the election is held has a population smaller than 100 000 and larger than 79 999;
 - (h) exceed \$55,000 if any local government area over which the election is held has a population smaller than 150 000 and larger than 99 999;
 - (i) exceed \$60,000 if any local government area over which the election is held has a population smaller than 250 000 and larger than 149 999;
 - (j) exceed \$70,000 if any local government area over which the election is held has a population smaller than 1 000 000 and larger than 249 999;
 - (k) exceed the sum referred to in subsection (1A) if any local government area over which the election is held has a population of 1 000 000 or more.
- 1A) The sum is—
 - (a) \$100,000 plus the amount prescribed under section 139(1)(ha) for each elector; or
 - (b) \$100,000 plus 50 cents for each elector, if no amount is prescribed under section 139(1)(ha).
- 2) Despite subsection (1), if a candidate is a candidate for more than 1 election held at the same time, the total electoral expenses (inclusive of goods and services tax) 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.

112 Apportionment of electoral expenses

- 1) If any activity of the kind described in paragraphs (a) to (d) of the definition of the term electoral activity (as set out in section 104) is, in relation to a candidate at an election, carried on both before and within the applicable period before the close of polling day,—
 - (a) the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the candidate) must be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in the applicable period before the close of polling day; and
 - (b) the fair proportion of those expenses are electoral expenses.
- 2) If any election activity relates exclusively to campaigns for the election of 2 or more candidates, any electoral expenses in respect of that electoral activity must be apportioned equitably in relation to each of those candidates.

112AA Offence to pay electoral expenses in excess of relevant prescribed maximum

- 1) This section applies to any candidate or other person 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 relevant maximum amount prescribed by section 111.
- 2) The candidate or person commits an offence and is liable on conviction—
 - (a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding \$10,000, if he or she knew the payment was in excess of the relevant prescribed maximum amount; or
 - (b) to a fine not exceeding \$5,000 in any other case, unless he or she proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the relevant prescribed maximum amount.

112A Return of electoral donations and expenses

- 1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must file a return of electoral donations and expenses.
- 2) However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (election result day), the return must be filed within 76 days after election result day.
- 3) The return of electoral donations and expenses must set out—
 - (a) the details specified in subsection (4) in respect of every electoral donation (other than a donation of the kind referred to in paragraph (c)) received by the candidate 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; and

- (b) whether any donation is funded from contributions, and if so, and to the extent known or ascertainable from the information supplied under section 103D, the details specified in subsection (5) in respect of every contribution that, either on its own or when aggregated with other contributions by the same contributor to the donation, exceeds \$1,500 in sum or value; and
 - (c) the details specified in subsection (6) in respect of every anonymous electoral donation received by the candidate that exceeds \$1,500; and
 - (d) details of the candidate's electoral expenses.
- 4) The details referred to in subsection (3)(a) are—
- (a) the name of the donor; and
 - (b) the address of the donor; and
 - (c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
 - (d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
- 5) The details referred to in subsection (3)(b) are—
- (a) the name of the contributor; and
 - (b) the address of the contributor; and
 - (c) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions.
- 6) The details referred to in subsection (3)(c) are—
- (a) the date the donation was received; and
 - (b) the amount of the donation; and
 - (c) the amount paid to the Electoral Officer under section 103J(1) or (2) and the date that payment was made.
- 7) Every return filed under this section must be in the form prescribed in Schedule 2.
- 8) It is the duty of every Electoral Officer to ensure that this section is complied with.
- 9) In this section, file in relation to a return, means to send the return to the Electoral Officer responsible for the conduct of the election.

112B Nil return

If a candidate considers that there is no relevant information to disclose under section 112A, the candidate must file a nil return under that section.

112C Failure to file return of electoral donations and expenses

- 1) A candidate who fails, without reasonable excuse, to comply with section 112A commits an offence and is liable on conviction to—
 - (a) a fine not exceeding \$1,000; and
 - (b) if he or she has been elected to office, a further fine not exceeding \$400 for every day that he or she continues to hold office until the return is filed.

112D Filing a false return of electoral donations and expenses

- 1) A candidate who files a return under section 112A that is false in any material particular commits an offence and is liable on conviction—
 - (a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding \$10,000, if he or she filed the return knowing it to be false in any material particular; or
 - (b) to a fine not exceeding \$5,000 in any other case, unless the candidate proves that—
 - (i) he or she had no intention to misstate or conceal the facts; and
 - (ii) he or she took all reasonable steps in the circumstances to ensure the information in the return was accurate.

112E Obligation to retain records necessary to verify return

- 1) A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return under section 112A to be verified.
- 2) The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates.
- 3) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$5,000.

112F Return to be open for public inspection

- 1) The Electoral Officer must keep every return filed under section 112A in the Electoral Officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates (the public inspection period).
- 2) During the public inspection period the Electoral Officer must—
 - (a) publish, electronically or in any other manner the Electoral Officer considers appropriate, every return filed under section 112A; and
 - (b) make available for public inspection a copy of every return filed under section 112A; and

- (c) provide to any person upon request a copy of 1 or more returns filed under section 112A, subject to the payment of any charges that may be made under the Local Government Official Information and Meetings Act 1987.

113 Advertisements for candidates

- 1) No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.
- 2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
 - (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and
 - (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.
- 3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.
- 4) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
 - (a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and
 - (b) the advertisement contains a statement setting out—
 - (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and
 - (ii) the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.
- 5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.
- 6) A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.

138 Duty to take action in respect of offences

- 1) Subsection (2) applies if an Electoral Officer—
 - (a) receives a written complaint that an offence has been committed under—
 - (i) Part 5; or
 - (ii) Part 5A; or
 - (iii) this Part; or
 - (b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).
- 2) If this subsection applies, the Electoral Officer must—
 - (a) report the complaint or belief to the Police; and
 - (b) provide the Police with the details of any inquiries that he or she considers may be relevant.
- 3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.
- 4) Despite subsection (2), an Electoral Officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the Electoral Officer.

