

# WAIROA DISTRICT COUNCIL

## 2022 CANDIDATE INFORMATION HANDBOOK

He pārongo puka aratohu mā te kaitono



## COVID-19

Council facilities/locations mentioned in this handbook are subject to any COVID-19 restrictions in place at the time.

Should any COVID-19 restrictions be in place, refer to the council's website - [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz).



Information contained in this handbook may be subject to change as a result of any COVID-19 restrictions.

Disclaimer: Every effort has been made to ensure that the information contained in this handbook is accurate and consistent with the Local Electoral Act 2001. Wairoa District Council takes no responsibility for any errors or omissions. It is recommended that candidates obtain a full copy of the Act, which is available online at [www.legislation.govt.nz](http://www.legislation.govt.nz)

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## Tiro whānui - Overview

This handbook provides information which may be of interest to you as a candidate in the 2022 local government elections.

More information specific to Wairoa District Council's current work programme and financial position is included in the council's pre-election report, available at [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz) in July 2022.

The triennial elections of elected members to Wairoa District Council are being conducted by postal vote concluding on Saturday 8 October 2022.

The elections will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Other legislative references are found on page 8 of this handbook.

### Key dates for candidates

Nominations open	Friday 15 July 2022
Candidate information briefing	6:00pm, Monday 18 July 2022
Nominations close	Noon, Friday 12 August 2022
Delivery of voting documents/voting opens	From Friday 16 September 2022
Appointment of scrutineers	By noon, Friday 7 October 2022
Close of voting	Noon, Saturday 8 October 2022
Progress results available	As soon as practicable after close of voting, Saturday 8 October 2022
Preliminary results available	By noon, Sunday 9 October 2022
Official declaration of results	Thursday 13 October 2022
Return of electoral donations & expenses form	By Friday 9 December 2022

### Contact us

Juanita Savage, Electoral Officer  
Wairoa District Council  
Coronation Square, Queen Street, Wairoa  
PO Box 54, Wairoa 4160  
Phone - 06 838 7309  
Email - [juanita@wairoadc.govt.nz](mailto:juanita@wairoadc.govt.nz)  
Website - [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)

Courtney Hayward, Deputy Electoral Officer  
Wairoa District Council  
PO Box 54, Wairoa 4160  
Phone - 06 838 7309  
Email - [courtney@wairoadc.govt.nz](mailto:courtney@wairoadc.govt.nz)



## Elections required

Elections will be held for:

- mayor
- councillors
- Hawke's Bay Regional Council members

No District Health Board elections will be held in 2022.

The Wairoa District Council area is divided into two wards, a district wide General ward and a district wide Māori ward.

Ward	Councillors	Resident electors
Wairoa General	3	3,231
Wairoa Māori	3	2,417
<b>TOTAL</b>	<b>6</b>	<b>5,648</b>

Number of electors as at 2 May 2022

Following a decision to establish Māori constituencies in 2021, the Hawke's Bay Regional Council undertook a representation arrangements review (review of constituencies, boundaries, number of elected members etc). The Hawke's Bay Regional Council now consists of five General constituencies and two Māori constituencies.

Constituency	Members	Resident electors within Wairoa District
<b>General</b>		
Tamatea-Central Hawke's Bay	1	-
Heretaunga-Hastings	3	-
Ahuriri-Napier	3	-
Ngaruroro	1	-
Wairoa	1	3,231
Total General members	9	
<b>Māori</b>		
Māui ki te Raki	1	
Māui ki te Tonga	1	2,417
Total Māori members	2	
<b>TOTAL</b>	<b>11</b>	

Number of electors as at 2 May 2022



## General

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Triennial elections for elected members of all local authorities throughout New Zealand are to be conducted, by postal vote, on Saturday 8 October 2022.

The elections will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001 and will be undertaken by Election Services, under contract to Wairoa District Council.

## Positions

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Elections will be required for the following Wairoa District Council positions:

- mayor (elected 'at large')
- councillors (6)
  - Wairoa General (3) *or*
  - Wairoa Māori (3)

In addition, elections will also be held for the following Hawke's Bay Regional Council positions:

- Wairoa General Constituency (1 member) *or*
- Māui ki te Raki Māori Constituency (1 member)

## Nominations

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Nominations for the above positions will open on **Friday 15 July 2022** and close at **noon** on **Friday 12 August 2022**.

Nomination papers will be available during this period from:

- Wairoa District Council offices, Coronation Square, Queen Street, Wairoa;
- by accessing [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)
- by telephoning the electoral office on 06 838 7309.

To be eligible to stand for election, a candidate **must** be:

- a New Zealand citizen (by birth or citizenship ceremony); **and**
- enrolled as a Parliamentary elector (anywhere in New Zealand); **and**
- nominated by two electors whose names appear on the electoral roll within the respective area that a candidate is standing for.

## Electoral roll

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All resident electors and non-resident ratepayer electors whose names appear on the electoral roll when it closes on Friday 12 August 2022 are eligible to vote in the election. The preliminary electoral roll will be available for public inspection from **Friday 15 July 2022 to Friday 12 August 2022** at the District office.

Resident Roll: All parliamentary electors, including those on the Māori Electoral Roll, are automatically enrolled on the Resident Roll, at the address where they live.

Any alterations to the Resident Roll (e.g. change of address details, including new postal addresses) should be made by:

- completing the appropriate form at any NZ Post agency;
- phoning 0800 ENROLNOW (0800 367 656);
- accessing the Electoral Commission website on [www.vote.nz](http://www.vote.nz)

Ratepayer Roll: If a person is on the parliamentary roll in one area and pays rates on a property in another area, this person may be eligible to be enrolled on the non-resident ratepayer roll. A firm, company, corporation or society paying rates on a property may nominate one of its members or officers as a ratepayer elector (provided the nominated person resides outside the area).

Ratepayer Roll enrolment forms are available:

- at the Wairoa District Council offices, Coronation Square, Queen Street, Wairoa;
- by telephoning the electoral office on 06 838 7309;
- by accessing [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)

## Electoral system

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The first past the post (FPP) electoral system will be used for all elections.

## Voting period

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Voting documents will be sent to all eligible electors, by post, from **Friday 16 September 2022**.

The voting period is three weeks (**Friday 16 September 2022 to noon Saturday 8 October 2022**). Electors may post their completed voting documents back to the electoral officer using the orange pre-paid envelope sent with their voting document. Polling places for the issuing of special voting documents and for the receiving of completed voting documents will be available from Friday 16 September 2022 to noon Saturday 8 October 2022 at council's offices.

To be counted, all completed voting documents must be in the hands of the electoral officer or an electoral official by **noon Saturday 8 October 2022**.

Progress results will be known early afternoon on Saturday 8 October 2022 and preliminary results will be known on Sunday morning, 9 October 2022. These will be accessible on council's website:

[www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)

## Contact us

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For further information regarding this election, please contact the electoral office:

Juanita Savage, Electoral Officer  
Wairoa District Council  
PO Box 54, Wairoa 4160  
Email: [juanita@wairoadc.govt.nz](mailto:juanita@wairoadc.govt.nz)  
Phone: **06 838 7309**



## Saturday 8 October 2022

Wednesday 2 March - Saturday 30 April 2022	Ratepayer roll enrolment confirmation forms sent [Reg 16, LER]
Wednesday 2 March - Wednesday 6 July 2022	Preparation of ratepayer roll [Reg 10, LER]
May 2022	National ratepayer roll qualifications and procedures campaign [Sec 39, LEA]
Friday 1 July 2022	Electoral Commission's enrolment update campaign commences
Wednesday 13 July 2022	Public notice of election, calling for nominations, rolls open for inspection [Sec 42, 52, 53, LEA]
<b>Friday 15 July 2022</b>	<b>Nominations open / roll open for inspection</b> [Sec 42, LEA]
<b>Friday 12 August 2022</b>	<b>Nominations close (12 noon) / roll closes</b> [Sec 5, 42, 55 LEA, Reg 21, LER]
Wednesday 17 August 2022	Public notice of day of election, candidates' names [Sec 65, LEA]
by Monday 12 September 2022	Electoral officer certifies final electoral roll [Sec 51, LEA, Reg 22, LER]
<b>Friday 16 September - Wednesday 21 September 2022</b>	<b>Delivery of voting documents</b> [Reg 51, LER]
Friday 16 September - Saturday 8 October 2022	Progressive roll scrutiny [Sec 83, LEA] Special voting period [Sec 5 LEA, Reg 35, LER] Early processing period [Sec 80, LEA]
by Friday 7 October 2022	Appointment of scrutineers (12 noon) [Sec 68, LEA]
<b>Saturday 8 October 2022</b>	<b>Election day</b> [Sec 10, LEA] Close of voting (12 noon) [Sec 84, LEA] Progress and preliminary results available as soon as practicable after close of voting [Sec 85, LEA]
Saturday 8 October (pm) - Thursday 13 October 2022	Official count [Sec 84, LEA]
Thursday 13 October - Wednesday 19 October 2022	Declaration of result/public notice of declaration [Sec 86, LEA]
by Friday 9 December 2022	Return of electoral donations & expenses form [Sec 112A, LEA]

LEA = Local Electoral Act 2001  
LER = Local Electoral Regulations 2001



## Key message

The electoral principles contained in section 4 of the Local Electoral Act 2001 are outlined below for candidate information. These principles must be taken into account in the conduct of any election or poll.

## Principles

- (1) The principles that this Act is designed to implement are the following:
  - a. fair and effective representation for individuals and communities
    - aa. representative and substantial electoral participation in local elections and polls.
    - 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.
- (3) This section does not override any other provision in this Act or any other enactment.



# Whakatureture pōti - Electoral legislation

## Key message

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All local government elections are required to be conducted strictly following legislation.

## Legislation to be followed

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- Local Electoral Act 2001;
- Local Electoral Regulations 2001;
- Local Government Act 2002;
- Local Authorities (Members' Interests) Act 1968.

Full copies of the above legislation are available online at [www.legislation.govt.nz](http://www.legislation.govt.nz)

# Pūnaha pōti - Electoral system

## Key message

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The electoral system to be used for the 2022 elections is First Past the Post (FPP).

Those local government organisations holding elections within the Wairoa District Council area using the FPP electoral system are:

- Wairoa District Council
- Hawke's Bay Regional Council.

## Understanding FPP

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When you vote in an FPP election, you tick the name of the candidates(s) you most prefer, up to the number of vacancies.

When the votes are counted, the candidates(s) with the most votes is/are elected.

If there is one vacancy, you can vote for one candidate.

If there are three vacancies, you can vote for up to three candidates.

## Key message

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A candidate for the Wairoa District Council must be:

- a New Zealand citizen; and
- a parliamentary elector (anywhere in New Zealand); [Section 25, Local Electoral Act 2001]
- nominated by two electors whose names appear on the electoral roll for the district.

## Candidate restrictions

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Restrictions on a candidate for the Wairoa District Council are:

- a candidate may seek nomination for mayor and council but if elected to both, the mayoral position is filled and the council position is vacated (with the next highest polling candidate elected).
- a candidate may seek nomination for mayor and council but cannot also seek nomination for the Hawke's Bay Regional Council i.e. a candidate may stand for Wairoa District Council or the Hawke's Bay Regional Council, but not both. [Section 58 Local Electoral Act 2001].

- a candidate for mayor or council (or candidate's spouse) cannot be a person concerned or interested in contracts over \$25,000 with the Wairoa District Council [Section 3(1) Local Authorities (Members' Interests) Act 1968]. This restriction may be waived, and it is recommended that advice from Audit New Zealand is sought.
- an employee of the Wairoa District Council who is elected as mayor or councillor must resign from their position as an employee of the Wairoa District Council before taking up their position. An employee will need to alert their manager of the intention to stand for office prior to any nomination being lodged. [Section 41(5) Local Government Act 2002].



## Key message

Nominations open on Friday 15 July 2022 and close at 12 noon, Friday 12 August 2022.

## Availability of nomination papers

A public notice calling for nominations will appear in the Hawke's Bay Today on Wednesday 13 July 2022.

Each nomination must be made on the appropriate official nomination paper. A separate nomination paper is required for each position and these are available from 15 July 2022 from:

- Wairoa District Council offices, Coronation Square, Queen Street, Wairoa;
- by telephoning 06 838 7309;
- by accessing [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)

Nomination papers for the Hawke's Bay Regional Council are available from 15 July 2022 from:

- Hawke's Bay Regional Council offices, 159 Dalton Street, Napier;
- territorial authority offices in the Hawke's Bay region;
- by telephoning 0800 108 838;
- by accessing [www.hbrc.govt.nz](http://www.hbrc.govt.nz)

## Candidate profile statement

Every candidate may provide the electoral officer with a candidate profile statement with their nomination. This statement must not exceed 150 words and can contain information about the candidate, their qualifications and skills applicable to the position for which they are standing and their policies/intentions if elected to office.

The candidate profile statement must be true and accurate and the electoral officer is not required to verify or investigate any information included in this statement.

The profile may include a recent passport-sized colour photograph.

The candidate profile statement and colour photo are required to be submitted in hardcopy, not electronically (except where information in another language is provided).

Candidate profile statements will be printed in plain text, without formatting i.e.:

- no bullet points;
- no bold or underlining;
- no italics;
- no quote marks.

These will be included with the voting document sent to each elector by the electoral officer, as well as being placed on the council's website.

Note that any spelling or grammatical errors will not be corrected, and candidates are therefore reminded to check their candidate profile statement prior to submitting their nomination.

The candidate profile statement may be in English or Māori or both (maximum 150 words in either language) or in any other language (not exceeding 150 words in total). Should all or part of a candidate profile statement be provided in a language other than English or Māori, it is required that this be provided in an electronic graphic file.



If submitting an electronic graphic file containing other languages, all translations must be supplied as a single image. If there is more than one language translated, then these are to be all supplied together in a single image.

The image file to be supplied must meet the following criteria:

- PNG format;
- black and white;
- 600 dpi;
- maximum file size 400kB;
- the image being 1300 pixels high and 2000 pixels wide.

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  
Level 26, HSBC Tower, 188 Quay Street, Auckland 1010.  
PO Box 7067, Wellesley Street, Auckland 1141  
Phone: 0508 872675  
Email: [info@pactranz.com](mailto:info@pactranz.com)  
Web: [www.pactranz.com](http://www.pactranz.com)

Candidates are also required to submit with their candidate profile statement the following information:

- whether or not the candidate's principal place of residence (where the candidate is registered as a parliamentary elector) is/is not in the area (district) the candidate is seeking election for [Section 61(2)(ca) Local Electoral Act 2001]; and
- each position the candidate is seeking election for (e.g. mayor and council) [Section 61(2)(cb) Local Electoral Act 2001].

Section 61 of the Local Electoral Act 2001 states the following:

- (1) Every candidate may, provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).
- (2) A candidate profile statement -
  - if -
    - in English or Māori or both, must not exceed 150 words in each of the languages used in the statement;
    - in a language other than English or Māori, must not exceed 150 words, or the equivalent, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate); and
  - must be provided to the electoral officer together with the nomination paper and other things referred to in section 55(2)(f); and
  - must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under section 55(4) to be affiliated, or his or her status as an independent candidate, and the candidate's contact details), and the candidate's policies and intentions if elected to office; and
  - must state whether or not the candidate's principal place of residence, being the address in respect of which the candidate is registered as a parliamentary elector, is in the local government area for which the candidate seeks election (for example, either "My principal place of residence is in the Lambton Ward" or "My principal place of residence is not in the Lambton Ward"); and
  - if the candidate is seeking election to any other positions in elections to which this Act applies (under section 7), must specify each position and state that the candidate is seeking to be elected to the positions; and
  - must comply with any prescribed requirements; and
  - may include a recent photograph of the candidate alone.
- (2A) The information required by subsection (2)(ca) and (cb) does not count for the purposes of the word limit under subsection (2)(a).
- (3) If a candidate profile statement is submitted in Māori and English, the information contained in each language must be substantially consistent with the information contained in the other language.
- (4) If the electoral officer is not satisfied that a candidate profile statement complies with subsection (2) or, if applicable, subsection (3), the electoral officer must, as soon as practicable, return the statement to the candidate and must—





- a. specify the concerns of the electoral officer and the reasons for those concerns; and
  - b. unless the candidate profile statement does not comply with subsection (2)(b), specify a period, which must not be less than 3 days from the date of return of the statement, during which the candidate may submit an amended candidate profile statement to the electoral officer.
- (5) A candidate is to be treated as having failed to provide a candidate profile statement, if subsection (4)(b) applies to the candidate and the candidate—
- a. fails to submit an amended candidate profile statement within the period specified in subsection (4)(b); or
  - b. submits an amended candidate profile statement that, in the opinion of the electoral officer, does not comply with subsection (2) or, if applicable, subsection (3).
- (6) An electoral officer -
- a. is not required to verify or investigate any information included in a candidate profile statement;
  - b. may include, in or with any candidate profile statement that is published, displayed, or distributed, any disclaimer concerning the accuracy of the information contained in the statement that the electoral officer considers appropriate;
  - c. is not liable in respect of -
    - i. any statement contained in or omitted from the candidate profile statement or the work of a translator prudently selected by the electoral officer; or
    - ii. the exercise of the powers and functions conferred on the electoral officer by this section.

## 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.

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.

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 document.

Once lodged, a nomination paper is available for public inspection at the Council Office. Candidate details not identified as confidential (e.g. mobile phone number) are made available to the media, placed on websites etc.



The nomination paper provides for a candidate to have an affiliation. An affiliation is described in section 57(3) of the Local Electoral Act 2001 as 'an endorsement by any organisation or group (whether incorporated or unincorporated).'

Individual candidates, not part of an organisation or group, may wish to nominate their affiliation as 'Independent' or leave as blank (if left blank, nothing will show alongside the name on the voting document).

A candidate claiming a specific affiliation must supply with their nomination paper an authority to adopt the affiliation for the organisation or group concerned (i.e. letter of consent to use the affiliation from the organisation or group). This is a safety measure to avoid any illegal adoption of affiliations.

Affiliations that will not be accepted are ones:

- that might cause offence or
- are likely to confuse or mislead electors or
- are elections slogans rather than the name of an organisation or group.

Should an affiliation be rejected for any of the above reasons, section 57(3) of the Local Electoral Act 2001 sets out a process for the electoral officer and candidate to follow. Should agreement not be reached, no affiliation will appear on voting documents.

Affiliations are not able to be 'pre-registered' with the electoral officer, before a nomination is lodged.

## Return of nomination paper

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Completed nomination papers can be lodged at:

Wairoa District Council,  
Coronation Square, Queen Street, Wairoa;

or posted to:

The Electoral Officer  
Wairoa District Council  
PO Box 54  
Wairoa 4160

**in time to be received no later than noon, Friday 12 August 2022.**

All nomination material:

- nomination paper;
- candidate profile statement [if provided];
- passport-size colour photo [if provided]
- nomination deposit;
- evidence of NZ citizenship;
- letter endorsing affiliation [if applicable];

is required to be lodged together.

[Section 55(2)(f) Local Electoral Act 2001].

A receipt will be issued to acknowledge that a nomination has been received. **This receipt does not constitute an acknowledgment that the nomination paper is in order.**

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 district or subdivision of the district (e.g. community board).

Each nomination paper lodged requires a deposit of \$200 (inclusive of GST). This is refunded if the candidate polls greater than 25% of the lowest



successful candidate (for FPP elections).

Payment of the nomination deposit can be made by electronic bank transfer, eftpos or cash. Evidence of an electronic bank transfer will be required to accompany the nomination.

Electronic bank payment details are:

Account name: Wairoa District Council  
Account number: 03 0785 0070470 000  
Particulars: your initials and surname  
Code: WDC  
Reference: Nomination

**Cheques are no longer accepted.**

The lodgement of nomination papers should not be left to the last minute. Should a nomination paper be lodged late on the morning nominations close, and be incorrectly completed or ineligible nominators are provided, there may be insufficient time to correct the situation and the nomination paper could be invalidated.

**Please do not leave lodging your nomination to the last minute.**

Nominations can be returned by mail, but should these be received by the electoral officer or electoral official after the close of nominations, the nomination is invalid.

## Cancellation of nomination

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A candidate is able to withdraw their nomination up until the close of nominations (noon, Friday 12 August 2022). After the close of nominations, a candidate is not able to withdraw their nomination. [Section 69, Local Electoral Act 2001].

However, should a candidate become incapacitated after the close of nominations but before the close of voting, an application may be made for the cancellation of the nomination of a candidate.

'Incapacitated' means that a candidate, because they are suffering from a serious illness or has sustained a serious injury, would be unlikely to be capable of performing the functions and duties of office if elected to office. [Section 69(7) Local Electoral Act 2001].

An application for the cancellation of the nomination of a candidate must be made to the electoral officer by submitting a prescribed form (available from the electoral office) together with a medical certificate.





### Key message

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People interested in standing for election are invited to attend a candidate information briefing to hear about the electoral process (the do's and don'ts), responsibilities and expectations if elected etc.

### Briefing date

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**Monday 18 July 2022, 6:00 pm**  
**War Memorial Hall (supper room)**  
**91 Queen Street, Wairoa.**

The candidate information briefing is being held to provide an opportunity for those members of the public who are considering standing for office to find out:

- how the organisation is structured
- the skills required, the role and responsibilities of elected representatives
- matters pertaining to the elections (eligibility, nominations, timetable, induction process and remuneration).

Registration to attend is not required.

## Key message

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Election campaigning can commence anytime and may continue up to and including election day. However there are certain constraints candidates need to be aware of.

Election signs are permitted on private property, provided landowner permission is given.

Election signs are not permitted on any public place owned or controlled by the council.

All election signs can only be displayed two months before election day (from 8 August 2022) and must be removed by midnight 7 October 2022.

All signs on public property must comply with council's policy on election signs which is detailed on page 27 of this handbook.

## Campaigning

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Election material cannot contain:

- any untrue statement defamatory of any candidate (e.g. under the Defamation Act 1992);
- an imitation voting document 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 documents should not be collected from electors by candidates or their assistants. Each elector should post or deliver their own voting document to the electoral officer. This also applies to rest homes and hospitals - voting documents should not be collected from elderly or infirm electors by candidates or their assistants.

## Use of council resources

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Candidates are not permitted to use council resources for campaigning purposes. Council resources include, but are not limited to, the council's logo, crest or branding, website, Facebook page, Twitter account, any other forms of social media, tablets, computers, ipads, email, mobile phones, faxes, stationery, photocopiers, printers, stamps, cars, meeting rooms and venues (except those available for public hire). This applies to either sitting members, council staff or other candidates in any context that could reasonably be construed as campaigning for elections.

## Social media

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Social media can be a useful tool for candidates for campaigning purposes and electioneering. Candidates should however be aware of any council social media guidelines for candidates and should comply with these at all times.

Council's social media channels are council resources and must remain politically neutral at all times. Council will promote elections and the importance of voting but will not associate these posts with any candidates.

Council social media accounts will not follow any candidates. This may result in your account being unfollowed.

Council's social media accounts 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 council-controlled organisations.

Candidates should not post on council's social media channels, nor should they comment on, share or otherwise use council social media channels for electioneering. You may not rate, review, check-in or tag the council's social media channels in your own posts or comments.



Council's social media accounts are constantly monitored, and any campaign related or electioneering content, (including posts related to nominations and candidacy), will be removed immediately.

Candidates should be aware that election advertising, using any media, including on social media, must identify the true name of the person under whose authority they have been produced and the contact details of the person under whose authority they have been produced [Section 113, Local Electoral Act 2001]. This may be details of the candidate or their agent, and may be included on a profile picture, or within the bio section of a page.

For example: 'All content/images contained on this social media page/advertisement are authorised by [name], [contact details]'.

## Offences

Candidates should be aware that it is an offence (carrying a fine of up to \$5,000, if convicted) to interfere in any way with an elector with the intention of influencing or advising that elector as to how they should vote. Candidates and their assistants should be mindful of this particularly if campaigning occurs in rest homes or hospitals.

Election offences are detailed for your information on page 35 of this handbook. Please refer to them for your own protection.

## Election advertising

Election advertising, using any media, must show an authorisation statement. This statement must include:

- the true name of the person under whose authority they have been produced; and
- the contact details of the person whose authority they have been produced. [Section 113, Local Electoral Act].

This includes election advertising on signs, in newspapers, on flyers and posters, on a vehicle and on election websites.

Relevant criteria as contained in the Local Electoral Act 2001 are:

### 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 and contact details of the person or person for whom or at whose direction it is published.\*
- (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 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 and contact details of the person or persons for whom or at whose direction it is published; 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 willfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.
- (7) In this section, contact details means 1 or more of the following:
  - a. a residential or business address;
  - b. an email address;
  - c. a post office box number;
  - d. a phone number;
  - e. a link to a page on an Internet site, if the page contains 1 or more of the contact details specified in paragraphs (a) to (d).\*

\* Sections 113 (2)(b), (4)(b)(i) and (7) were amended by the Local Electoral (Advertising) Amendment Act 2022. Different types of contact details are now permissible in electoral advertising (previously only physical address).



## Key message

Candidates need to be aware to keep a record of all donations received and expenses incurred in their election campaign. Election expenditure limits will apply, these depending on the population size of the area of the election the candidate is standing for.

Every candidate must, by law, complete an Electoral Donations and Expenses Return declaring all donations and expenses and forwarded to the electoral office by Friday 9 December 2022.

## Electoral expenses

Candidates should be aware that candidate campaign expenditure limits are applicable. This means a limit has been placed on how much a candidate may spend on their campaign, and this includes donations and joint campaigning. The maximum amount spent must not exceed the limits set out below where the election covers a population range as detailed:

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 -1,000,000	\$70,000
1,000,000 or more	\$100,000*

\* Plus 50 cents for each elector

[NOTE: Expenditure limits are inclusive of GST].

Electoral expenses are defined as relating to electoral activity which can comprise advertising, broadcasting or communicating material to the public (electronically or otherwise). These electoral expenses are generally funded by the candidate and are not reimbursable from the organisation the candidate is standing for.

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

The population distribution for Wairoa District Council (population estimates as at 24 November 2021) is:

Ward	Population
Wairoa General	4,737
Wairoa Māori	4,400
	9,137

source: Statistics New Zealand as at 30 June 2021

Therefore the estimated expenditure limit for all candidates, including the mayor, is \$7,000 (including GST), based on 9,137 population (as at 30 June 2021).

The period for which campaign expenditure limits apply is three months before election day (i.e. 8 July 2022 to 8 October 2022). However legislation further specifies that all expenses incurred before the three month period for campaign expenditure and used during the three month period, must be fairly apportioned and included in the Return of Electoral Donations and Expenses.

Where an electoral expense relates to more than one candidate, an equitable apportionment between candidates is required.

Nomination deposits, voluntary labour and election sign framework are not electoral expenses and therefore should not be included in the Return of Electoral Donations and Expenses.



## Electoral donations

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### a. Candidate donations

A candidate donation is a donation of money, goods or services that is made for use in the candidate's campaign.

Candidate donations, and contributions to donations, of more than \$1,500 (inc GST) are required to be declared in the candidate return of donations and expenses. A series of donations made by one person that adds up to more than \$1,500 must also be declared.

A candidate 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 deemed a donation:

- 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; or
- money provided by the candidate for their 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.

### b. Donations made up of contributions

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.

The total proceeds of a collection are treated as a donation. The person who collects the money will normally be the donor. The individuals who contribute to the collection are contributors.

If a candidate 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 \$1,500 or less; and
- in the case of individual contributions greater than \$1,500, 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.



c. 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 \$1,500 or less; and
- in the case of contributions greater than \$1,500, 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.

d. Anonymous donations

Candidates are not permitted to retain anonymous donations exceeding \$1,500. 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.

If a candidate receives an anonymous donation greater than \$1,500, they may retain \$1,500 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.

## Return of Electoral Donations and Expenses

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A Return of Electoral Donations and Expenses form (a copy of this is located at the rear of this handbook) is required to be supplied to the electoral officer within 55 days after the official declaration (by 9 December 2022). This can be supplied to the electoral officer within 76 days after the official declaration if a candidate is overseas when successful candidates are declared elected.

The Return of Electoral Donations and Expenses must set out —

- the details of every electoral donation 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
- the details in respect of every anonymous electoral donation received by the candidate that exceeds \$1,500; and
- details of the candidate's electoral expenses.

The details of every electoral donation are -

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

The details of every anonymous donation exceeding \$1,500 are —

- the date the donation was received; and
- the amount of the donation; and
- the amount paid to the electoral officer and the date the payment was made.

With respect to electoral expenses, the return must set out separately the name and description of every person or body of persons to whom or which any sum was paid, and the reason for which it was paid. Sums paid in excess of \$200 (GST inclusive) must be vouched by an invoice or a bill and a receipt.

Candidates are advised to retain all invoices and receipts relating to electoral expenses should these be required in the event of a challenge. They should not be submitted with the return.

Once the Return of Electoral Donations and Expenses forms have been received by the electoral officer they become public documents and are to be kept for a public inspection period of seven years. During this period, the returns:

- are placed on council's website;
- can be inspected by any person;
- copies can be made available if requested.

This is a requirement under section 112F of the Local Electoral Act 2001.

## Relevant legislation

Relevant definitions as contained in the Local Electoral Act 2001 are:

### Subpart 1—Electoral donations

#### 103A Interpretation:

In this subpart and subpart 3, unless the context otherwise requires,—

**anonymous**, in relation to an electoral donation, means a donation that is made in such a way that the candidate who receives the donation—

- a. does not know the identity of the donor; and
- b. could not, in the circumstances, reasonably be expected to know the identity of the donor

**contribution** means any thing (being money or the equivalent of money or goods or services or a combination of those things) that makes up a donation or is included in a donation or has been used to wholly or partly fund a donation, and that—

- a. was given; and
  - i. to the donor; or
  - ii. to a person who was required or expected to pass on all or any of its amount or value to the donor, whether directly or indirectly (for example, through one or more intermediaries, trustees, or nominees); and
- b. would have been a donation if it had been given directly to the candidate; and
- c. was given in the knowledge or expectation (whether by reference to a trust, an agreement, or an understanding) that it would be wholly or partly applied to make up, or to be included in, or to fund, a donation

**contributor** means a person who makes a contribution and who immediately before making the contribution—

- a. beneficially holds any money, or the equivalent of money, or any goods that make up the contribution or are included in the contribution; or
- b. provides any services that make up the contribution or are included in the contribution or pays for those services out of money that the person beneficially holds

**donation funded from contributions** means a donation that is made up of, includes, or is wholly or partly funded from one or more contributions

**donor** means a person who makes an electoral donation

**electoral donation** or **donation** means a donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things) that is made to a candidate, or to any person on the candidate's behalf, for use in the candidate's campaign for election and—

- a. includes,—
  - i. where goods or services are provided to a candidate, or to any person on the candidate's behalf, under a contract or an arrangement at a value that is less than their reasonable market value, the latter being a value that exceeds \$300, the amount of the difference between the former value and the reasonable market value of those goods or services; and
  - ii. where goods or services are provided by a candidate under a contract or an arrangement at a value that is more than their reasonable market value, the amount of the difference between that value and the reasonable market value of those goods or services; and
- b. excludes—
  - i. the labour of any person that is provided to a candidate free of charge by that person; and





- ii. 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

**receive**, in relation to a donation, means to get a donation that has been given or sent by—

- c. the donor directly; or
- d. the donor indirectly, via a transmitter

**transmitter** means a person to whom a donor gives or sends a donation for transmittal to a candidate.

### 103B Donations and contributions include GST

All references to the amount or value of a donation or contribution are inclusive of any goods and services tax incurred by the donor or contributor in respect of the goods or services donated or contributed.

### 103C Donations to be transmitted to candidate

Every person, other than a candidate, to whom an electoral donation is given or sent must, within 10 working days after receiving the donation, transmit the donation to the candidate.

### 103D Contributors to be identified

- (1) This section applies to a donation (other than an anonymous donation) that is made up of, includes, or is wholly or partly funded from one or more contributions.
- (2) If this section applies to a donation, the donor must, at the time of making the donation, disclose—
  - a. the fact that the donation is funded from contributions; and
  - b. the following information about any 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:
    - i. the name of the contributor; and
    - ii. the address of the contributor; and
    - iii. the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and
  - c. the total of all of the amounts disclosed under paragraph (b)(iii) in relation to the donation; and
  - d. the total of all of the other contributions made in relation to the donation.
- (3) A candidate must give back to the donor the entire amount of the donation, or its entire value, if the candidate knows, or has reasonable grounds to believe, that the donor has failed to comply with subsection (2) in any respect.

- (4) For the purpose of section 112A, any amount given back by a candidate under subsection (3) is taken not to have been received by the candidate.

### 103E Offence relating to contravention of section 103D

A donor who fails to comply with section 103D with the intention of concealing the identity of any or all of the contributors commits an offence and is liable on conviction to a fine not exceeding \$5,000.

### 103F Identity of donor to be disclosed by transmitter, if known

- (1) When a transmitter transmits a donation to a candidate on behalf of the donor, the transmitter must disclose to the candidate—
  - a. the fact that the donation is transmitted on behalf of the donor; and
  - b. the name and address of the donor; and
  - c. whether section 103D applies to the donation and, if so, all information disclosed by the donor under subsection (2) of that section.
- (2) Where a transmitter does not disclose, or is unable to disclose, the information required by subsection (1), then the donation must be treated as an anonymous donation.

### 103G Offence relating to contravention of section 103F

A transmitter who fails to comply with section 103F(1) with the intention of concealing the identity of the donor or any or all of the contributors commits an offence and is liable on conviction to a fine not exceeding \$5,000.

### 103H Disclosure of identity of donor

If any person involved in the administration of the affairs of a candidate in relation to his or her election campaign knows the identity of the donor of an anonymous donation exceeding \$1,500, the person must disclose the identity of the donor to the candidate.

### 103I Offence relating to contravention of section 103H

A person who fails to comply with section 103H with the intention of concealing the identity of the donor commits an offence and is liable on conviction to a fine not exceeding \$5,000.

### 103J Anonymous donation

- (1) If an anonymous donation exceeding \$1,500 is received by a candidate in relation to an election campaign, the candidate must, within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less \$1,500.

- (2) If an anonymous donation exceeding \$1,500 is received by a candidate who is seeking election to more than one office, the candidate must—
- a. designate one election campaign for election to one office for which the donation will be used; and
  - b. within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less \$1,500.
- (3) An electoral officer who receives an amount under subsection (1) or (2) must, within 20 working days of receiving that amount,—
- a. issue a receipt to the candidate; and
  - b. pay the amount into the general fund of the local authority that appointed the electoral officer.

#### 103K Offence relating to contravention of section 103J

- (1) A person who enters into an agreement, arrangement, or understanding with any other person that has the effect of circumventing section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$5,000.
- (2) A candidate who contravenes section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$5,000.

#### 103L Records of electoral donations

- (1) A candidate must keep proper records of all donations received by him or her.
- (2) 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.

### Subpart 2—Electoral expenses

#### 104 Interpretation:

In this subpart and subpart 3,—

**applicable period before the close of polling day**, means the period beginning three months before the close of polling day and ending with the close of polling day

**electoral activity**, in relation to a candidate at an election, means an activity—

- a. that is carried out by the candidate or with the candidate's authority; and
- b. that relates to the candidate solely in the candidate's capacity as a candidate and not to the candidate—

- i. in their capacity as a member of the local authority or local board or community board, or as the holder of any other office; or
  - ii. in any other capacity; and
- c. that comprises –
- i. advertising of any kind; or
  - ii. radio or television broadcasting; or
  - iii. publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; or
  - iv. any electronic communication to the public, including (without limitation) the establishment or operation of a website or other method of communication to the public using the Internet; and
- d. that relates exclusively to the campaign for the election of the candidate; and
- e. that takes place within the applicable period before the close of polling day.

**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.



**population** means the population, as at the day that is three months before the close of polling day, of a local government area as specified in a certificate issued in respect of that area by the Government Statistician.

#### 105 Periods for claiming and paying expenses

- (1) No claim against a candidate, or against any agent of a candidate, in respect of any electoral expenses is recoverable unless it is sent to the candidate within 30 days after the day on which the successful candidates are declared to be elected.
- (2) All electoral expenses incurred by or on behalf of a candidate must be paid within 60 days after the day on which the successful candidates are declared to be elected.
- (3) A person who makes a payment in breach of this section commits an offence and is liable on conviction to a fine not exceeding \$5,000.

#### 106 Procedure if claim disputed

- (1) If a candidate, in the case of a claim for electoral expenses sent in to him or her within the time allowed by this Act, disputes it, or fails to pay it within 60 days,—
  - a. the claim is a disputed claim; and
  - b. the claimant may, if he or she thinks fit, within a further 30 days, bring an action for the disputed claim in any court of competent jurisdiction.
- (2) Any sum paid by the candidate to satisfy the judgment or order of the court in any action referred to in subsection (1) is to be treated as paid within the time allowed by this Act.

#### 107 Leave to pay claim after time limited

- (1) A District Court may, on the application of the claimant or the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any electoral expenses, even though it is sent in after the time allowed by this Act, if the court considers it in the interests of justice to grant that leave.
- (2) Any sum specified in the order granting that leave may be paid by the candidate and, when paid, is to be treated as paid within the time allowed by this Act.

#### 108 Payments to be vouched by bill

Every payment made in respect of any electoral expenses must, except when it is less than \$200 (inclusive of goods and services tax), be vouched by—

- a. a bill stating the particulars; and
- b. a receipt.

#### 111 Maximum amount of electoral expenses (refer to page 18 in this handbook)

#### 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 two 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 two 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.

#### Subpart 3—Return of electoral donations and expenses

#### 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**

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**

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 two 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 of electoral donations and expenses 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 seven 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 one 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.

## Part 5A—Electoral advertising

### 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 one candidate, the candidates or an agent acting for all of those candidates; and
  - b. the advertisement contains a statement setting out the true name and contact details of the person or person for whom or at whose direction it is published.\*
- (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 and contact details of the person or persons for whom or at whose direction it is published; and\*
  - ii. the true name of the organisation or body who 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 willfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.
- (7) In this section, contact details means 1 or more of the following:
  - a. a residential or business address:
  - b. an email address:
  - c. a post office box number:
  - d. a phone number:
  - e. a link to a page on an Internet site, if the page contains 1 or more of the contact details specified in paragraphs (a) to (d).\*

\* Sections 113 (2)(b), (4)(b)(i) and (7) were amended by the Local Electoral (Advertising) Amendment Act 2022. Different types of contact details are now permissible in electoral advertising (previously only physical address).

### 114 Use of public money

Sections 111 and 112 do not validate any use of public money that would otherwise be unlawful.



## Key message

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Council has a policy around election signs and candidates should familiarise themselves with this. Election signs are permitted two months before election day (from 8 August 2022) but must be removed by midnight 7 October 2022.

## Temporary signs

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Wairoa District Council has adopted the following policy for temporary signs related to central government and local body elections:

- no signs will be permitted on council property including roads (including road reserve), streets, street furniture, bus shelterse, public toilets and parks & reserves;
- all signs are to be located on private property with the consent of the property owner;
- the period of display of election hoardings shall be restricted to two (2) months prior to any election;
- all such signs must be removed before the election day;
- signs shall not exceed 3.0m<sup>2</sup> in area and shall not be more than 4.0m in height;
- signs shall be securely braced to carry wind loads for 60 days;
- signs/hoardings must be removed if they are considered by council to be unsafe or constitute a traffic hazard, such as blocking lines of sight on an intersection.

## Key message

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The preliminary electoral roll, containing both resident and non-resident ratepayer electors, will be available for public inspection from 15 July 2022 to 12 August 2022. All registered electors (as at 12 August 2022) whose name is on the final electoral roll will be issued voting packs.

## Resident electors

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Persons are qualified to be enrolled on the Parliamentary electoral roll if they:

- are a New Zealand citizen or a permanent resident of New Zealand; and
- are 18 years of age or over; and
- have at some time resided continuously in New Zealand for one year or longer; and
- are not disqualified under the Electoral Act 1993.

Residents of the Wairoa District Council area are enrolled automatically on the residential electoral roll if they are registered as Parliamentary electors. Therefore, there is no need to enrol separately for these elections.

## Non-resident ratepayer electors

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Residents who pay rates on a property in another local authority area may be entitled to enrol on the ratepayer electoral roll for that local authority area.

Companies, businesses, trusts, corporations or societies which are ratepayers of a property in a local authority district may also nominate an elector to vote on their behalf, provided any such elector resides outside the district where the property is situated.

Partners, joint tenants and tenants in common who collectively pay rates on a property in a local authority district may also nominate one of the group who is an elector to vote on their behalf, provided any such elector resides outside the area where the property is situated.

## Preliminary electoral roll

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A copy of the preliminary electoral roll for the Wairoa District Council will be available for public inspection from Friday 15 July 2022 to Friday 12 August 2022 at:

- Wairoa District Council offices, Coronation Square, Queen Street, Wairoa;
- Wairoa Centennial Library, Marine Parade, Wairoa.

Those eligible to vote are:

- all residents enrolled on the Parliamentary electoral roll within the Wairoa District Council area; and
- all non-resident ratepayers enrolled on the ratepayer electoral roll.

The preliminary electoral roll will be contained in one book, with the residential roll located at the front and the ratepayer roll located at the rear.

Details appearing on the preliminary electoral roll are electors names (surname, then first names) listed alphabetically. The qualifying address of the elector is shown alongside. No postal addresses or occupations are shown.



Any alterations to the residential electoral roll should be made:

- by completing the appropriate form at any NZ Post agency; or
- by telephoning 0800 ENROLNOW (0800 36 76 56); or
- by accessing the Electoral Commission website - [www.vote.nz](http://www.vote.nz)

Any alterations to the non-resident ratepayer electoral roll should be made through the electoral office (telephone 06 838 7309).

Copies of the hardcopy preliminary electoral roll may be purchased from the electoral office for \$35.00 (inc GST).

## Final electoral roll

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The final electoral roll is produced once the preliminary electoral roll closes on 12 August 2022. The final electoral roll contains the details used for issuing voting documents. Copies of this roll will also be available for purchase.

## Roll data requests

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Information contained on the electoral roll is not available from the electoral office in an electronic form, but candidates or political parties may request an electronic listing of resident electors from the Electoral Commission (provided the criteria of section 114 of the Electoral Act 1993 are met). An application form is required to be completed, and these are available upon request from the Electoral Commission.

Note however that elector details for the area a candidate is standing for only will be provided, and this data is unable to be passed on to any third-party and must be used for election purposes.

With regard to a listing of non-resident ratepayer electors, a candidate may purchase mailing labels and/or postal address lists from the electoral office.

Candidates or candidate scrutineers may request, **before the close of voting**, a listing of names of persons from whom voting documents have been returned. Such a request can be supplied in either hardcopy or electronic copy, and a reasonable charge will be made for this. [Section 68 (6) Local Electoral Act 2001].

## Key message

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The three-week voting period is Friday 16 September to noon Saturday 8 October 2022. Voting packs are posted to electors from Friday 16 September 2022. Special votes are available to those who have not received an ordinary vote during the voting period.

## Postal voting

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The election is being conducted by postal vote. Voting documents are posted to all electors whose names appear on the final electoral roll with delivery commencing Friday 16 September 2022. All electors should have received their voting documents by Wednesday 21 September 2022.

Each elector, after receiving their voting document, should complete it, seal it in the return, postage paid envelope, and post or deliver it to the electoral officer.

Completed voting documents can also be lodged at:

- Wairoa District Council offices, Coronation Square, Queen Street, Wairoa.

When posting voting documents back, it is recommended these be posted by 5pm, Tuesday 4 October 2022 to guarantee delivery before the close of voting (noon, Saturday 8 October 2022).

There is currently no online voting option for these elections.

## Special votes

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Special votes are available to electors:

- whose names do not appear on the final electoral roll, but who qualify as electors;
- who do not receive a voting document previously posted to them;
- who spoil or damage a voting document previously posted to them.

Special votes are available from Friday 16 September 2022 to noon, Saturday 8 October 2022 from:

- Wairoa District Council offices, Coronation Square, Queen Street, Wairoa;
- by telephoning the electoral office on 06 838 7309.

Special votes can be posted directly to electors. The completed voting document however, must be returned to the electoral officer by noon on election day.

Special votes require the completion of a statutory declaration. This is sent with the special vote and will require another elector to witness it. A declaration 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 electoral roll (e.g. just turned 18 years of age), the person must enrol by Friday 7 October 2022 (the day before the close of voting). An application for registration as a Parliamentary elector may be obtained:

- from any NZ Post agency; or
- telephoning 0800 ENROLNOW (0800 36 76 56); or
- by accessing the Electoral Commission website - [www.vote.nz](http://www.vote.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.

## Election day

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On election day, ordinary votes can be returned, and special votes issued and returned, from 9 am to noon at the Wairoa District Council offices, Coronation Square, Queen Street, Wairoa.



# Te hātepe moata mō te hokinga o ngā tūhinga pōti - Early processing of returned voting documents

## Key message

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During the voting period, returned voting documents are able to be opened and processed, but not counted.

## Processing of votes

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Returned voting documents are able to be opened and processed during all or part of the voting period prior to the close of voting.

The early processing of voting documents involves the following functions:

- roll scrutiny (marking people off the roll);
- opening of envelopes;
- extracting of voting documents;
- checking for informal or duplicate votes;
- electronic capture of all valid votes (twice).

No tallying of votes is undertaken until after the close of voting (noon, Saturday 8 October 2022).

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 requirements.

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





## Key message

Candidates are able to appoint scrutineers to observe certain functions. Appointment of scrutineers must be made by noon, Friday 7 October 2022.

## Appointment of scrutineers

Candidates may appoint scrutineers to oversee various functions of the election.

These functions are:

- the scrutiny of the roll;
- the preliminary count (after the close of voting);
- the official count.

Each candidate may appoint one or more scrutineers for each of the above functions, but only one scrutineer for each candidate may be present at any one time.

A scrutineer cannot be:

- a candidate;
- a member or employee of any local authority or community board for which an election is being conducted;
- under 18 years old.

Each scrutineer must be appointed by a candidate, such appointment to be in writing to the electoral officer. For a person to be appointed as a scrutineer, the letter of appointment must be received by the electoral officer no later than noon Friday 7 October 2022 [Section 68, Local Electoral Act 2001].

A standard letter for the appointment of a scrutineer is located at the end of this handbook.

Each appointed scrutineer must report initially to the electoral officer or deputy electoral officer, where a declaration pledging not to disclose any information coming to their knowledge, will need to be signed and a name tag issued. When departing the premises, scrutineers are to return their name tag to the electoral officer or deputy electoral officer.

Any scrutineer may leave or re-enter the place where election functions are being conducted, but it is an offence (and liable for a fine) to:

- make known for what candidate any voter has voted;
- make known the state of the election, or give or pretend to give any information by which the state of the election may be known, before the close of voting.

The scrutiny of the roll will be undertaken at the offices of Independent Election Services Ltd (Level 2, 198 Federal Street, Auckland), during normal office hours between Monday 19 September 2022 and to noon, Saturday 8 October 2022.

The preliminary count of votes will commence once voting closes at noon on Saturday 8 October 2022 at the offices of Independent Election Services Ltd.

The official count of votes will be undertaken once the preliminary count is concluded and the final result will be known on Thursday 13 October 2022. The official count will also occur at the offices of Independent Election Services Ltd.

The role of scrutineers is to ensure that election procedures are undertaken correctly and that the count of votes is done fairly and reasonably.

Mobile phones are prohibited within the secure area where the count will take place.

## Key message

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Election results will be released on three occasions:

Progress results around 2pm on election day, Saturday 8 October 2022.

Preliminary results on Sunday morning, 9 October 2022.

Final results on Thursday afternoon, 13 October 2022.

## Progress results

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The counting of votes will commence from noon Saturday, 8 October 2022 at the offices of Independent Election Services Ltd, Level 2, 198 Federal Street, Auckland.

As soon as practicable following the close of voting, progress results will be made available, these are likely to reflect approximately 92% of the votes cast.

Progress results will be available at approximately 2pm on election day.

## Preliminary results

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Preliminary results will be available once all votes that are hand-delivered on election morning have been received and processed. This is expected to be on Sunday morning 9 October 2022.

Both progress and preliminary results will be available:

- by accessing council's website [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)
- by telephoning the electoral office on 06 838 7309.

## Final results

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Once all special votes have been validated by the Electoral Commission, a final result is able to be announced. This is expected late afternoon on Thursday 13 October 2022.

## Release of results

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Where email addresses have been provided, candidates will be emailed both the progress and preliminary results, once available.

All results will also be placed on council's website: [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)



## Key message

All members leave office and come into office on the day after the declaration of results is publicly notified.

## Term of membership

All members come into office for the Wairoa District Council on the day after the day the candidate is declared to be elected (i.e. the day after the first public notice declaring the result is made).

[Section 115, Local Electoral Act 2001].

All members leave office for the Wairoa District Council when the members elected at the next election come into office. [Section 116, Local Electoral Act 2001].

If at the close of nominations, the number of candidates is less than the number of vacancies, the unfilled vacancies become extraordinary vacancies and are treated as occurring on polling day (8 October 2022). [Section 64, Local Electoral Act 2001].

Any such extraordinary vacancy is required to be filled by an election, which cannot occur any earlier than 17 February 2023. [Section 138, Local Electoral Act 2001]

A member is disqualified from holding office in a local authority under the following provisions:

### "Disqualification of members

- (1) A person's office as a member of a local authority is vacated if the person, while holding office as a member of the local authority, -
  - a. ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993; or
  - b. is convicted of an offence punishable by a term of imprisonment of 2 years or more.
- (2) If subclause (1)(b) applies: -
  - a. the disqualification does not take effect -
    - i. until the expiration of the time for appealing against the conviction or decision; or
    - ii. if there is an appeal against the conviction or decision, until the appeal is determined; and
  - b. the person is deemed to have been granted leave of absence until the expiration of that time, and is not capable of acting as a member during that time.
- (3) person may not do an act as a member while disqualified under subclause (1) or while on leave of absence under subclause (2)"  
[Clause 1, Schedule 7, Local Government Act 2002]

## Local Electoral Act 2001

### 121 Illegal nomination, etc

Every person commits an offence, and is liable on 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 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 -

- 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 six months.

#### 124 Voting offences

Every person commits an offence, and is liable on conviction 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 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 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 license under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-

- a. to any person, if the supply is demanded for one 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 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 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 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 conviction to imprisonment for a term not exceeding six 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 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 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.

### 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, appliances, 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) 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
    - ii. this Part; or
  - c. 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.

#### 138AA Time limit for prosecutions

- (1) A prosecution under section 112C must be commenced within six months of the date on which the return was required to be filed.
- (2) A prosecution under section 103K or 112D must be commenced—
  - a. within six months of the date on which the prosecutor is satisfied that there is sufficient evidence to warrant the commencement of the proceedings; but
  - b. not later than 3 years after the offence was committed.

# Taiutu - Remuneration

## Key message

Elected members are entitled to be paid for the work undertaken. This remuneration is generally by way of a base salary and allowances for such things as mileage etc.

## Member remuneration

A remuneration pool is set by the Remuneration Authority. The newly elected council will decide how to apply the pool of funding.

Based on current information basis – base remuneration for members of Wairoa District Council (as at 1 July 2022) will likely be as follows:

Position	\$PA
Mayor	\$101,000
Deputy mayor	\$44,119
Councillor (5)	\$40,499



## Key message

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All elected members of Wairoa District Council are required to comply with the duties and obligations of the Health and Safety at Work Act 2015.

## Health and Safety at Work Act 2015

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Under the legislation an officer is someone who holds a position which allows them to exercise significant influence over the whole of council. At Wairoa District Council, elected members and the chief executive (and possibly others) are 'Officers'. The boards of council-controlled organisations and their chief executives are also officers.

As a PCBU (persons conducting a business or undertaking), council holds the primary duty to ensure people's safety. An officer's responsibility is to exercise due diligence to ensure that council complies with its duties and obligations under the Health and Safety at Work Act – similar to the responsibility councillors and local boards have to exercise due diligence over council's financial matters.

An officer's duty is important because leadership contributes to council's safety culture, and elected members need to have an understanding of what is required to manage council's risks.

Officers can rely on information provided to them by staff and experts so long as that reliance is reasonable. However, elected members and the chief executive must test and assess the advice provided to them to ensure they are confident their decisions have sufficiently considered health and safety factors. Officers must demonstrate that they have carefully considered health and safety.

There are six key aspects of officer due diligence. The legislation requires officers take reasonable steps to:

- (1) Acquire and keep up to date with health and safety knowledge and health and safety matters for council.
- (2) Understand council's operations and the associated hazards and risks.
- (3) Ensure council has appropriate resourcing and processes to eliminate or minimise risks to health and safety.
- (4) Ensure council has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information.
- (5) Ensure council has, and implements, processes for complying with any duty or obligation.
- (6) Verify the provision and use of resources and processes through reviews and audits.

## Liability

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Whilst officers do not have the same primary duty as the PCBU to directly ensure health and safety they must exercise due diligence to ensure that the PCBU is meeting its duties.

Elected members acting in their capacity as elected members (as distinguished from elected members acting in a governance role for another entity) are excluded from liability for the most serious offences under the new Act. However they may still be liable under some of the other requirements in the legislation – for example in some circumstances WorkSafe NZ could still serve an improvement notice on them.

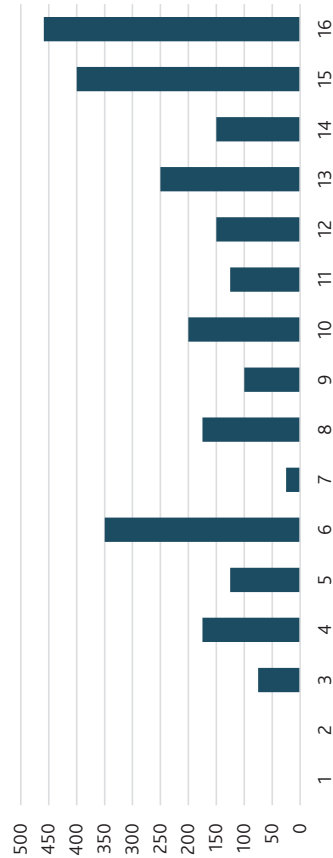
Further information can be found at:  
<https://worksafe.govt.nz/managing-health-and-safety/businesses/guidance-for-business-leaders/>



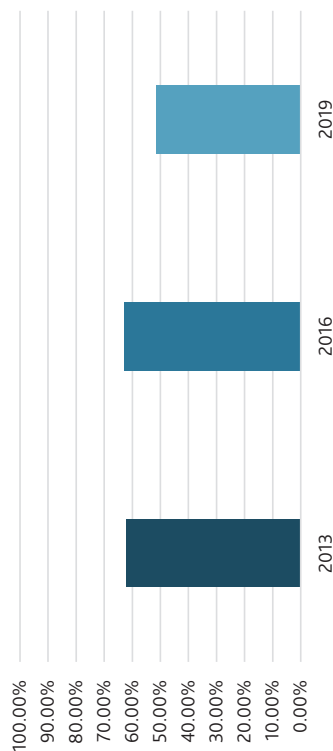
## Voting document returns - 2019 Elections

Ward/Electors	23 Sept	24 Sept	25 Sept	26 Sept	27 Sept	30 Sept	1 Oct	2 Oct	3 Oct	4 Oct	7 Oct	8 Oct	9 Oct	10 Oct	11 Oct	12 Oct
Wairoa General	0	0	50	100	75	225	0	100	50	125	100	125	150	150	250	266
<b>3157</b>	0	0	<b>50</b>	<b>150</b>	<b>225</b>	<b>450</b>	<b>450</b>	<b>550</b>	<b>600</b>	<b>725</b>	<b>825</b>	<b>950</b>	<b>1100</b>	<b>1250</b>	<b>1500</b>	<b>1766</b>
Returns %	0.0%	0.0%	1.6%	4.8%	7.1%	14.3%	14.3%	17.4%	19.0%	23.0%	26.1%	30.1%	34.8%	39.6%	47.5%	55.9%
Wairoa Māori	0	0	25	75	50	125	25	75	50	75	25	25	100	0	150	193
<b>2208</b>	0	0	<b>25</b>	<b>100</b>	<b>150</b>	<b>275</b>	<b>300</b>	<b>375</b>	<b>425</b>	<b>500</b>	<b>525</b>	<b>550</b>	<b>650</b>	<b>650</b>	<b>800</b>	<b>993</b>
Returns %	0.0%	0.0%	1.1%	4.5%	6.8%	12.5%	13.6%	17.0%	19.2%	22.6%	23.8%	24.9%	29.4%	29.4%	36.2%	45.0%
TOTAL	0	0	75	175	125	350	25	175	100	200	125	150	250	150	400	459
<b>5365</b>	0	0	<b>75</b>	<b>250</b>	<b>375</b>	<b>725</b>	<b>750</b>	<b>925</b>	<b>1025</b>	<b>1225</b>	<b>1350</b>	<b>1500</b>	<b>1750</b>	<b>1900</b>	<b>2300</b>	<b>2759</b>
Returns %	0.0%	0.0%	1.40%	4.66%	6.99%	13.51%	13.98%	17.24%	19.11%	22.83%	25.16%	27.96%	32.62%	35.41%	42.87%	51.43%
2013 Returns	0.0%	0.0%	0.9%	9.1%	14.0%	21.0%	21.1%	24.8%	33.3%	36.6%	41.8%	43.2%	47.2%	54.1%	56.7%	62.0%
2016 Returns	0.0%	0.0%	5.9%	14.1%	17.3%	22.3%	25.0%	30.0%	34.1%	37.3%	41.4%	43.2%	46.8%	52.3%	54.5%	63.0%

### Wairoa District Council 2019 Election Daily voting document returns



### Wairoa District Council 2019 Election Total Document % Returns





# Ko ngā tukunga iho 2019 - 2019 election results

Notice is given of the official result of the elections held on 12 October 2019 for Mayor and Councillors of the Wairoa District Council (as required by Section 86 of the Local Electoral Act 2001).

I confirm that the official result was determined after the scrutiny of the roll was completed, the validity of all special votes was determined and all valid votes were counted.

## Mayoralty, at large (One (1) Mayor to be elected)

Candidate	Affiliation	Votes
LITTLE, Craig		1,973
TAKUTA-MOSES, Jennifer		179
WINITANA, Waipatu		521
INFORMAL		4
BLANK		65

I therefore declare Craig LITTLE to be elected.

## General Ward Councillors (Three (3) Councillors to be elected)

Candidate	Affiliation	Votes
EAGLESOME-KAREKARE, Denise		1190
EVANS, Dave	Independent	651
FLOOD, Hine Beth		867
HARKER, Jeremy	Independent	1137
OLSEN, Murray		365
WINITANA, Waipatu		454
INFORMAL		2
BLANK		24

I therefore declare Denise EAGLESOME-KAREKARE, Hine Beth FLOOD and Jeremy HARKER to be elected.

## Māori Ward Councillors (Three (3) Councillors to be elected)

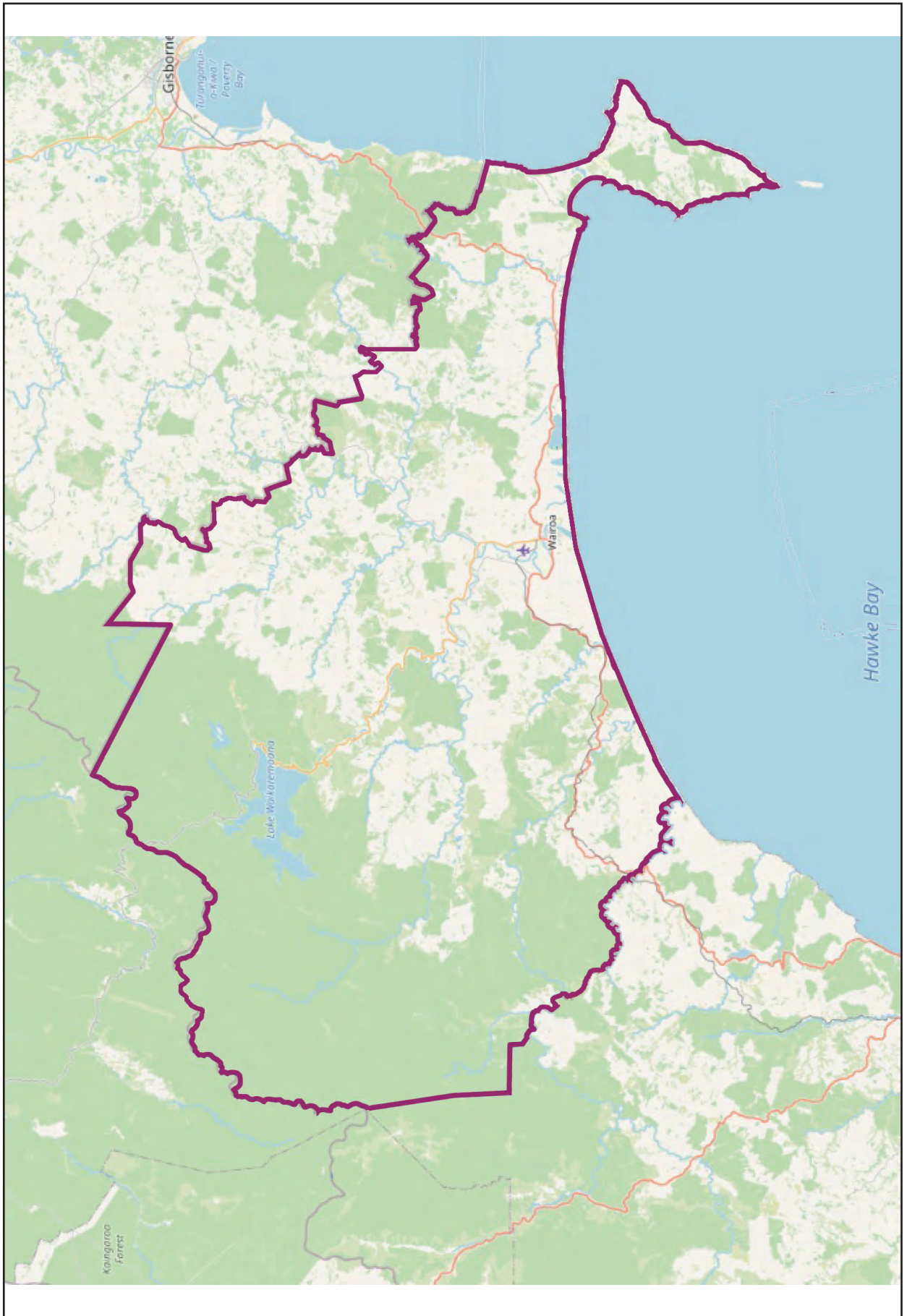
Candidate	Affiliation	Votes
BEATTIE, Kuini		112
GOLDSACK, Danika		344
GRANT, Carol		155
KAIMOANA, Melissa		518
PANERE, Kurawari		192
TAKUTA-MOSES, Jennifer		139
TAYLOR, Wayne		137
TIPOKI-LAWTON, Hinenui		278
TUMATAROA-CLARKE, Chaans		661
INFORMAL		2
BLANK		14

I therefore declare Danika GOLDSACK, Melissa KAIMOANA and Chaans TUMATAROA-CLARKE to be elected.

The voter return percentage was 51.43% including special votes.

Dated at Wairoa this 18th day of October 2019.

**Kitea Tipuna**  
**Electoral Officer**  
**Wairoa District Council**



## Territorial authorities

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Elected members, acting as the council, are responsible for governance, including:

- the development and adoption of council policy;
- monitoring the performance of the council against its stated objectives and policies;
- prudent stewardship of council resources; and
- employment of the chief executive.

Elected members are also responsible for representing the interests of the residents and ratepayers of the district.

Unless otherwise provided in the Local Government Act 2002 or in the council's standing orders, the council can only act by majority decisions at meetings. Any individual member (including the mayor) has no authority to act on behalf of the council unless provided for by statute or the council has expressly delegated such authority.

Elected members are expected to attend the meetings of the council, as well as the committees and subcommittees, working parties, and external organisations to which they are appointed. An elected member, unable to attend a meeting, should advise the chair or chief executive as soon as possible.

Each council must adopt a code of conduct for its members. Each elected member must comply with the code of conduct.

## The mayor

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The mayor is elected by the district as a whole and, as one of the elected members, shares the same responsibilities as other members of the council. The mayor also has the following roles:

- presiding at council meetings including ensuring the orderly conduct of business during meetings (as determined by standing orders);
- advocating on behalf of the community involving the promotion of the community and representation of its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the council;
- spokesperson for the council;
- ceremonial head of the council;
- providing leadership and feedback to other elected members on teamwork and chairing of committees;
- fulfilling the responsibilities of a Justice of the Peace (while the mayor holds office).

## The deputy mayor

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The deputy mayor is now appointed by the mayor [section 41A, Local Government Act 2002].

The deputy mayor exercises the same roles as other elected members, and if the mayor is absent or incapacitated, the deputy mayor must perform all of the responsibilities and duties, and may exercise the powers, of the mayor (as summarised above).

The deputy mayor may be removed from office by resolution of the council.

## Committee chairpersons

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The mayor also has the power to create one or more committees (this includes subcommittees) of the council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council.

Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees. Chairpersons may be removed from office by resolution of council. Council may also appoint deputy chairpersons of committees, who shall fulfil the functions of the chair when the chairperson is absent.

## Regional councils

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Elected members govern the region by participating in legally constituted meetings of the council and committees. The members thus collectively exercise the powers, duties, authorities and responsibilities vested in the council by the Local Government Act and other Acts. Individual members do not have any specific authority to act or make decisions as individuals.

Actions of councillors are covered by an adopted code of conduct.

The council appoints a chairperson and deputy chairperson at its first meeting.



## Key message

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The Local Authorities (Members' Interest) Act 1968 fulfils two underlying purposes:

- it prevents members from using their position to obtain preferential treatment from the authority of which they are a member in contracting situations; and
- it ensures that members are not affected by personal financial motives when they participate in authority matters.

## Rule against bias

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There is a rule of law, known as the rule against bias, which says that "no one may be judge of their own cause". The object of this rule is to ensure that people who exercise power from positions of authority, carry out their duties free from bias. The Act is a statutory application of this rule to particular circumstances, i.e. pecuniary interests, and:

- controls the making of contracts between members and their authority; and
- prevents members from participating in authority matters in which they have a pecuniary interest.

## Disqualification

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A member is disqualified from office who is "concerned or interested" in contracts with their authority under which the total payments made, or to be made, by or on behalf of the authority exceed \$25,000 in any financial year. The \$25,000 limit is GST inclusive. This restriction is waived if prior approval is obtained from the Office of the Controller and Auditor-General.

Disqualification means that a person cannot:

- be elected or appointed to:
  - i. the authority; and/or
  - ii. any committee of the authority; or
- hold office as a member of the authority or any committee.

It is also an offence under the Act for a person to act as a member of an authority, or a committee of the authority, while disqualified. A disqualification lasts until the next general election or opportunity for appointment to the authority.

The restriction on contracting applies to the member, not the authority. The Act does not affect the authority's power to enter into contracts. The fact that a contract has been let does not invalidate the contract.



## General information about the local authority

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Candidates can obtain from the council offices, Coronation Square, 97-103 Queen Street, Wairoa, the following information:

- the results of the 2019 local authority elections
- the daily mail returns from the 2019 local authority elections
- the most recent Annual Plan and Annual Report
- the Long Term Plan
- the most recent council agenda
- the council's committee and managerial structure
- the council's Code of Conduct.

## When members come into office

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For local authority elections:

- a member comes into office on the day after the day on which the member is declared to be elected (i.e. the day after the first public notice declaring the result is made [Section 115 LEA];
- if at close of nominations, the number of candidates is less than the number of vacancies, the unfilled vacancies become extraordinary vacancies and are required to be filled by an election which cannot occur any earlier than 17 February 2023 [section 138A LEA];
- if a person is appointed to fill an extraordinary vacancy, they come into office on the day of their appointment.

It is important to note, however, that no person is capable of acting as a member of any local authority until they has, at a meeting of the local authority, made a declaration as required by the Local Government Act 2002. This is done at the first meeting after the local authority elections. This meeting is called by the council's chief executive as soon as practicable after the results of the election are known.

## When members leave office

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For local authority members (including community board members):

- in the ordinary course of events, the term of office ends and members leave office:
  - a. in the case of an election, when members elected at the next election come into office, and
  - b. in the case of an appointment, when the member's successor comes into office;
  - c. in the event of a member's resignation, on the date on which the member's resignation is received by the chief executive of the local authority concerned;
  - d. for a member appointed or elected to fill an extraordinary vacancy, at the end of the unexpired portion of their predecessor's term;
- if a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election [Section 116(2) LEA].







## TRIENNIAL ELECTION

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8 October 2022

### APPOINTMENT OF SCRUTINEER

The Electoral Officer  
Wairoa District Council  
PO Box 54  
Wairoa 4160

Email: [juanita@wairoadc.govt.nz](mailto:juanita@wairoadc.govt.nz)

I \_\_\_\_\_, a candidate for the office of  
\_\_\_\_\_, for the election being on  
Saturday 8 October 2022, hereby appoint \_\_\_\_\_  
as my scrutineer.

\_\_\_\_\_  
Signature of candidate

\_\_\_\_\_  
Date

NOTE: This letter must be returned to the electoral officer or deputy electoral officer no later than 24 hours before the close of voting (i.e. by noon Friday 7 October 2022).





# RETURN OF ELECTORAL DONATIONS AND EXPENSES

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

I,  a candidate for

at the election held on 8 October 2022, make the following declaration:

### PART A: RETURN OF ELECTORAL DONATIONS (inclusive of GST)

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

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.

**NB: Section 103A Local Electoral Act 2001 defines "donation" as money or the equivalent of money or of goods or services or of a combination of those things used in the candidate's election campaign over \$300 in value. It excludes labour and goods and services that are provided free of charge reasonably valued at \$300 or less.**

NAME and ADDRESS of DONOR	DESCRIPTION (include goods or services)*	DONATION	
		<i>Date received</i>	<i>Amount</i>
* set out here if the donation is funded from contributions			<b>Total</b>

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 (see top of page);
- the amount paid to the electoral officer and the date the payment was made.

**NB: Section 103A Local Electoral Act 2001 defines "anonymous" as 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.**

ANONYMOUS DONATION		DESCRIPTION (include goods or services)	PAID TO ELECTORAL OFFICER	
<i>Date received</i>	<i>Amount</i>		<i>Date paid</i>	<i>Amount</i>
<i>Please turn page for more Electoral donations, Electoral Expenses and Declaration</i>			<b>Total</b>	



In the case of any **electoral donation funded from contributions**, set out the following details in respect of each contribution that, either on it's 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.

**NB: Section 103A Local Electoral Act 2001 defines "contributions" as money or goods or services that have been given to a donor to fund, be applied to, or included in an electoral donation (for example, contributions to trust funds or a fundraising collection).**

NAME and ADDRESS of CONTRIBUTOR	DESCRIPTION (include goods or services)*	DONATION <i>Date received</i>	CONTRIBUTION <i>Amount</i>
* set out here the electoral donation this contribution applies to.		Total	

**PART B: RETURN OF ELECTORAL EXPENSES** (inclusive of GST)

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

Set out the following details in respect of every electoral expense incurred by or on behalf of the candidate at the election in respect of any electoral activity:

- the name and description of every person or body of persons to whom any sum was paid;
- the reason that sum 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 DESCRIPTION	REASON for EXPENSES	EXPENSES PAID
Total		

Dated at  this  day of  2022.

Signature







