

Local Elections 2016

**YOUR VOTE
YOUR COMMUNITY**



2016 Candidate Information Handbook

www.whakatane.govt.nz



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May 2016

Disclaimer: Every effort has been made to ensure that the information contained in this booklet is accurate and consistent with the Local Electoral Act 2001. Whakatāne 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.

This handbook outlines information which may be of interest to you as a candidate in the 2016 local government elections.

The triennial elections of elected members to the Whakatāne District Council are being conducted by postal vote concluding on Saturday 8 October 2016.

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 in section 5 of this handbook.

Relevant key dates for your diary are:

Nominations open	Friday 15 July 2016
Nominations close	noon, Friday 12 August 2016
Election signs able to be erected	Tuesday 16 August 2016
Delivery of voting documents	Friday 16 September 2016
Appointment of scrutineers	by noon, Friday 7 October 2016
Close of voting	noon, Saturday 8 October 2016
Progress and preliminary results available	as soon as practicable after close of voting, Saturday 8 October 2016
Removal of election signs	Tuesday 11 October 2016
Official declaration	Thursday 13 October 2016
Return of electoral donations & expenses form	by Friday 9 December 2016

Electoral Officer: Dale Ofsoske, Independent Election Services Ltd
 Level 3, Custom House, 50 Anzac Avenue, Auckland 1010
 PO Box 5135, Wellesley Street, Auckland 1141
 Phone - 0800 922 822
 Email - dale.ofsoske@electionservices.co.nz
 Website - www.electionservices.co.nz

Deputy Electoral Officer: Janie Storey, Whakatāne District Council
 Civic Centre, 14 Commerce Street, Whakatāne
 Private Bag 1002, Whakatāne 3158
 Phone - 07 306 0530 Fax - 07 307 0718
 Email - janie.storey@whakatane.govt.nz
 Website - www.whakatane.govt.nz

Elections will be held for:

- Mayor
- Councillors
- Community Board Members
- Bay of Plenty Regional Council Members
- Bay of Plenty District Health Board Members

The Whakatāne District Council area is divided into four wards and four community boards. These are:

Wards	Councillors	Resident electors	Community Boards and Subdivisions	Members	Resident electors
Rangitāiki	3	6,644	Rangitāiki	6	6,644
Whakatāne-Ōhope	5	13,220	Whakatāne-Ōhope	8	13,220
Tāneatua-Waimana	1	2,064	Tāneatua	6	2,064
Galatea-Murupara	1	1,699	Murupara	6	1,699
			Galatea-Waiohau Subdivision	2	574
			Murupara Subdivision	3	872
			Te Urewera Subdivision	1	253
	10	23,627		26	23,627

Number of electors as at 30 April 2016

NOTE: Following a representation arrangements review in 2015 (a review of boundaries, number of elected members, community boards etc), the number of community boards was reduced from five to four, with the former Whakatāne and Ōhope Beach Community Boards, which each had six members, now becoming the Whakatāne-Ōhope Community Board with 8 members.

The Bay of Plenty Regional Council is divided into four General constituencies and three Māori constituencies. These are:

Constituency	Members	Resident electors	
General			
Rotorua	2	33,850	
Western Bay of Plenty	2	31,457	
Tauranga	5	85,145	
Eastern Bay of Plenty	2	23,381	173,833
Māori			
Mauao	1	9,910	
Kohi	1	11,375	
Okurei	1	10,548	31,833
	14		205,666

Number of electors as at 30 April 2016

Note 1: The Eastern Bay of Plenty General Constituency covers the Whakatāne, Opotiki and Kawerau District Council area.

Note 2: The Kohi Māori Constituency covers the Whakatāne, Opotiki and Kawerau District Council area.

The Bay of Plenty District Health Board's 7 members are elected 'at large' from the Kawerau, Opotiki, Whakatāne and Western Bay of Plenty District Council areas, and from the Tauranga City Council area.



SATURDAY 8 OCTOBER 2016

Wednesday 2 March - Saturday 30 April 2016	Ratepayer roll enrolment confirmation forms sent [Reg 16, LER]
Wednesday 2 March - Wednesday 6 July 2016	Preparation of ratepayer roll [Reg 10, LER]
May 2016	National ratepayer roll qualifications and procedures campaign [Sec 39, LEA]
Monday 27 June 2016	ES enrolment update campaign commences
Wednesday 13 July 2016	Public notice of election, calling for nominations, rolls open for inspection [Sec 42, 52, 53, LEA]
Friday 15 July 2016	Nominations open / rolls open for inspection [Sec 42, LEA]
Friday 12 August 2016	Nominations close (12 noon) / rolls close [Sec 5, 55, LEA, Reg 21, LER]
Wednesday 17 August - Wednesday 24 August 2016	Public notice of candidate names [Sec 65, LEA]
by Monday 12 September 2016	Electoral officer certifies final electoral roll [Sec 51, LEA, Reg 23, LER]
Friday 16 September 2016	ES letter sent to unpublished roll electors
Friday 16 September - Wednesday 21 September 2016	Delivery of voting documents [Sec 5, LEA, Reg 51, LER]
Friday 16 September - Saturday 8 October 2016	Progressive roll scrutiny [Sec 83, LEA] Special voting period Early processing
by 12 noon, Friday 7 October 2016	Appointment of scrutineers (noon) [Sec 68, LEA]
Saturday 8 October 2016	Election day [Sec 10, LEA] Voting closes 12 noon - counting commences [Sec 84, LEA] Preliminary results (FPP) available as soon as practicable after close of voting [Sec 85, LEA]
after 12 noon, Saturday 8 October - Thursday 13 October 2016	Official count [Sec 84, LEA]
Saturday 15 October - Wednesday 19 October 2016	Declaration/public notice of results [Sec 86, LEA]
Mid-December 2016	Return of election expenses & donations form [Sec 112A, LEA]



// Dale Ofoske
Electoral Officer
Whakatāne District Council
November 2014

LEA = Local Electoral Act 2001
LER = Local Electoral Regulations 2001
ES = Enrolment Services, Electoral Commission
FPP = First Past the Post

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
 - (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.

All local government elections are required to be conducted under the following legislation:

Local Electoral Act 2001 (and amendments)

Local Electoral Regulations 2001 (and amendments)

Local Government Act 2002

Local Authorities (Members Interests) Act 1968

In addition, all district health board elections are subject to the following legislation:

New Zealand Public Health and Disability Act 2000

Crown Entities Act 2004

Full copies of the above legislation are available online at www.legislation.govt.nz

- Two electoral systems will be operating side by side for the 2016 elections. These are:
 - First Past the Post (FPP)
 - Single Transferable Voting (STV)
- Organisations using the FPP electoral system are:
 - Whakatāne District Council
 - Bay of Plenty Regional Council
- Organisations using the STV electoral system are:
 - Bay of Plenty District Health Board
- For information on understanding how the STV electoral system works, refer to the Department of Internal Affairs website (www.stv.govt.nz).
- A comprehensive explanation on the New Zealand method of counting STV votes is found in Schedule 1A, Local Electoral Regulations 2001.
- Briefly, the STV electoral system consists of the following:
 - voters receive a single (transferable) vote no matter whether there is one vacancy or several.
 - voters rank the candidates in order of preference. "1" next to the name of the candidate most preferred, "2" next to the name of the candidate next preferred and so on.
 - when votes are counted, all the first preferences are allocated first. To be elected, a candidate must reach a "quota" of votes, which is based on the number of vacancies and the number of valid votes.
 - a candidate who reaches the quota is elected. If there is more than one vacancy and a candidate gets more votes than the quota, a proportion of each vote for that candidate is transferred to the voter's second preference. If, as a result, another candidate gets more votes than the quota, a proportion is transferred to third preferences, and so on.
 - if insufficient candidates reach the quota after the first preferences are allocated and after any surplus votes are transferred, then the candidate who received the fewest votes is eliminated and each vote for that candidate is transferred to the voter's second preference. This process is repeated until enough candidates reach the quota to fill all the vacancies.

1. A candidate for a city/ district/ regional council must be:
 - a New Zealand citizen; and
 - a parliamentary elector (anywhere in New Zealand)
[Section 25, Local Electoral Act 2001]

2. Restrictions on a candidate for a city/ district/ regional council:
 - a candidate may seek nomination for mayor, council and community board but if elected to the council and a community board, the council position is filled and the community board position is vacated (with the next highest polling candidate elected).
 - a candidate seeking nomination to a community board where the community board is subdivided for electoral purposes, can only be nominated to one subdivision of that community board.
 - a candidate (or candidate's spouse) for mayor, council or community board cannot be a person concerned or interested in contracts over \$25,000 with the Whakatāne District Council [Section 3(1) Local Authorities (Members' Interests) Act 1968]. This restriction may be waived, and it recommended that advice from Audit New Zealand is sought.
 - an employee of the Whakatāne District Council who is elected as mayor or councillor must resign from his/her position as an employee of the Whakatāne District Council before taking up his/her position. An employee will need to alert his/her manager of the intention to stand for office prior to any nomination being lodged. An employee is not required to resign if elected to a community board.
[Section 41(5) Local Government Act 2002].

3. A candidate for a district health board must be:
 - a New Zealand citizen; and
 - a parliamentary elector (anywhere in New Zealand); and
 - not disqualified by clause 17, Schedule 2, New Zealand Public Health and Disability Act 2000 (see below).

4. Restrictions on a candidate for a district health board:
 - a person cannot be a candidate for more than one district health board. (If a person is nominated for more than one district health board, all nominations are void).
 - Clause 17, Schedule 2, New Zealand Public Health and Disability Act 2000 states:
"Certain persons disqualified from membership
 (1) None of the following persons may be elected or appointed as a member of a board, or appointed as a member of a board committee, of a District Health Board:
 (a) a person described in section 30(2)(a) to (f) of the Crown Entities Act 2004;

- (b) a person who has, since the date on which members of boards elected at the immediately preceding triennial general election came into office, been removed as a member of a board for any reason specified in clause 9(c) or (e) of Schedule 3;
 - (c) a person who has failed to declare a material conflict of interest before accepting nomination as candidate for an election of a District Health Board held in conjunction with the immediately preceding triennial general election.”
- (2) In addition to the grounds specified in subclause (1), a person may not be elected as a member of a board if that person is incapable of being elected as a member of a local authority because of section 25 of the Local Electoral Act 2001.
 - (3) However, subclause (1)(a) does not disqualify a person described in section 30(2)(f) of that Act who is elected (rather than appointed) to office as a member under any other Act.
- Section 30 (2) (a) to (f) of the Crown Entities Act 2004 states:
 - (2) The following persons are disqualified from being members:
 - (a) a person who is an undischarged bankrupt;
 - (b) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993;
 - (c) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988;
 - (d) a person in respect of whom a personal order has been made under that Act that reflects adversely on the person’s -
 - (i) competence to manage his or her own affairs in relation to his or her property; or
 - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare;
 - (e) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person;
 - (f) a Member of Parliament.

1. Key dates

- Nominations open on Friday 15 July 2016.
- Nominations close at noon, Friday 12 August 2016.
- A public notice calling for nominations will appear in the Whakatāne Beacon, Whakatāne News and the Daily Post on Wednesday 13 July 2016.

2. Availability of nomination papers

- Each nomination must be made on the appropriate official nomination paper. A separate nomination paper is required for each issue or position and these are available from 15 July 2016:
 - Administration Offices, Whakatāne District Council, Civic Centre, Commerce Street, Whakatāne
 - Murupara Service Centre & Library, Civic Square, Pine Drive, Murupara
 - telephoning 0800 922 822
 - accessing the Whakatāne District Council website (www.whakatane.govt.nz)
- Nomination papers for the Bay of Plenty Regional Council are also available from 15 July 2016 from:
 - Bay of Plenty Regional Council offices at:
 - 1125 Arawa Street, Rotorua
 - 87 First Avenue, Tauranga
 - 5 Quay Street, Whakatāne
 - by telephoning 0800 368 267
 - by accessing the Bay of Plenty Regional Council website (www.boprc.govt.nz)
- Nomination papers for the Bay of Plenty District Health Board are also available from 15 July 2016 from:
 - constituent territorial authority offices in the Bay of Plenty District Health Board district
 - by telephoning 0800 922 822
 - by accessing the Bay of Plenty District Health Board website (www.bopdhb.govt.nz)

3. 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-size 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). This information will be included with the voting document sent to each elector by the electoral officer.
- 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, the specifications (from the printer) are: 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 to be supplied as a file with 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 4, City Fitness Building, 203 Queen Street, Auckland 1010
 PO Box 7067, Wellesley Street, Auckland 1141
 Phone: (09) 9135290 Fax: (09) 9135291
 Email: info@pactranz.com
 Web: www.pactranz.com

- Candidates are required to submit with their candidate profile statement the following information:
 - (i) 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 (eg ward) the candidate is seeking election for; and
 - (ii) each position the candidate is seeking election for (eg mayor, council and community board).
- 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 -

- (a) if-
 - (i) in English or Maori or both, must not exceed 150 words in each of the languages used in the statement;
 - (ii) in a language other than English or Maori, 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
 - (b) must be provided to the electoral officer before noon on nomination day; and
 - (c) 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 policies and intentions if elected to office; and
 - (ca) 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
 - (cb) 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
 - (d) must comply with any prescribed requirement; and
 - (e) may include a recent photograph of the candidate alone.
- (3) If a candidate profile statement is submitted in Maori 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) 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.

4. District health board conflict of interest statements

- All district health board nominations must be accompanied by a statement completed by the candidate that discloses any conflicts of interest that the candidate has with the district health board at the time of nomination or any conflicts of interest the candidate believes are likely to arise in the future.

- The conflict of interest statement is required to be included with the voting document sent to each elector by the electoral officer.
- Clause 6, Schedule 2 of the New Zealand Public Health and Disability Act 2000 states the following:

Candidate to declare conflicts of interest

When a candidate gives the responsible electoral officer notice of the candidate's consent to being nominated as a candidate, the candidate must also give the electoral officer a statement completed by the candidate in good faith that –

- (a) discloses any conflicts of interest that the candidate has with the District Health Board as at the date of the candidate's notice of consent, or states that the candidate has no such conflicts of interest as at that date; and
- (b) discloses any such conflicts of interest that the candidate believes are likely to arise in future, or states that the candidate does not believe that any such conflicts of interest are likely to arise in the future.

5. Completion of nomination paper

- Each nomination paper must have the consent of the candidate and be nominated by two electors whose names appear on the electoral roll for the district or subdivision of the district (eg if a person wishes to stand for election to a specific ward, then that person must be nominated by two electors from the specific ward).
- If a candidate is unable to sign the nomination paper (eg 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 (eg 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 electoral office. Candidate details not identified as confidential (eg mobile phone number) are made available to the media, placed on websites etc.

6. Affiliation

- 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 should supply with their nomination paper an authority to adopt the affiliation for the organisation or group concerned (ie 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 election 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.

7. Return of nomination paper

- Completed nomination papers can be lodged at:

Administration Offices, Civic Centre, Commerce Street, Whakatāne,

or posted to:

The Electoral Office
 Whakatāne District Council
 C/-Independent Election Services Ltd
 PO Box 5135
 Wellesley Street
 Auckland 1141

in time to be received no later than noon, Friday 12 August 2016.

- All nomination material (nomination paper, candidate profile statement [if provided], nomination deposit) are 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 acknowledgement 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 (eg ward).
- 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) or greater than 25% of the final quota as determined at the last iteration (for STV elections).
- Payment of the nomination deposit can be made by cash, electronic transfer (eftpos, internet payment), bank cheque or personal cheque. Evidence of an internet payment will be required to be lodged with the nomination. Should a personal cheque be dishonored, the nomination becomes invalid as the deposit has not lawfully been made.

Electronic payments should be paid into the following bank account:

01 0102 0437238 00

Cheques should be made payable to:

Independent Election Services Ltd

- The lodgement of nomination papers and candidate profile statements 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.

8. Cancellation of Nomination

- A candidate is able to withdraw his/her nomination up until the close of nominations (noon, Friday 12 August 2016). After the close of nominations, a candidate is no longer able to withdraw his/her nomination. This is a requirement under section 69 of the Local Electoral Act 2001.
- However, should a candidate become incapacitated after the close of nominations but before the close of voting, application may be made for the cancellation of the nomination of a candidate.
- 'Incapacitated' means that a candidate, because he or she is 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.

- Election campaigning can commence anytime and may continue up to and including election day.
- Election signs are permitted on private property (with the owner's consent) between Tuesday 16 August 2016 and Tuesday 11 October 2016. Signs must be erected in a stable fashion, not being a hazard to public or traffic safety. Council policy on election hoardings is detailed in section 11 of this handbook.
- Election offences are detailed for your information in this handbook (section 19). Please refer to them for your own protection. No election material can contain any untrue statement defamatory of any candidate (eg under the Defamation Act 1992) and calculated to influence the vote of any elector. No election material may contain 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 his or her own voting document to the electoral officer. This also applies to resthomes and hospitals - voting documents should not be collected from elderly or infirm electors by candidates or their assistants.
- 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 he or she should vote. Candidates and their assistants should be mindful of this particularly if campaigning occurs in rest homes or hospitals.
- Election advertising, using any media, must identify:
 - (i) the true name of the person under whose authority they have been produced and
 - (ii) the physical address (not a PO Box) of the person under whose authority they have been produced (section 113, Local Electoral Act).
- 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 ¹.
- (2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if —
 - (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and
 - (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.

- (3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.
- (4) A Person may publish or cause to be published an advertisement of the kind described in subsection (1) if -
 - (a) The publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and
 - (b) the advertisement contains a statement setting out -
 - (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and
 - (ii) the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.
- (5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.
- (6) A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.

1. 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 his or her 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 (eg mayor and council) then the higher limit applies (not both combined).

- The population distribution for the Whakatāne District Council (population estimates as at 30 June 2015) is:

Ward	Population	Community Board	Population	
Rangitāiki	9,810	Rangitāiki	9,810	
Whakatāne-Ōhope	18,150	Whakatāne-Ōhope	18,150	
Tāneatua-Waimana	3,440	Tāneatua	3,440	
Galatea-Murupara	3,210	Murupara	3,210	
		<i>Galatea-Waiohau Subdivision</i>	<i>2</i>	<i>1000</i>
		<i>Murupara Subdivision</i>	<i>3</i>	<i>1,730</i>
		<i>Te Urewera Subdivision</i>	<i>1</i>	<i>480</i>
	34,610		34,610	

source: Statistics New Zealand

- The period for which campaign expenditure limits apply is three months before election day (ie 8 July 2016 to 8 October 2016). 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 are not an electoral expense and therefore should not be included in the Return of Electoral Donations and Expenses.

2. Electoral Donations

- New provisions relating to candidate donations were enacted in 2013.
- (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 expenses and donations. 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 his or her own campaign.
- If a person or organisation gives or pays for goods or services that would otherwise be candidate election expenses, the reasonable market value of those items, whatever their value, should be recorded as an election expense. If the reasonable market value of the items exceeds \$300 it should also be recorded as a donation.

(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 allowed 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, he or she 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.

3. Return of Electoral Donations and Expenses

- 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 (estimated to be by 9 December 2016). 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 documented with an invoice or a bill and a receipt.
- 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 7 years. During this period, the returns:
 - (i) will be placed on Council's website;
 - (ii) can be inspected by any person;
 - (iii) copies can be made available if requested.

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

- 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.

4. 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—
 - (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 1 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—

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 1 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—

- (a) the donor directly; or
- (b) 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 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 service 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.

103CA 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 1 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.

103CB Offence relating to contravention of section 103CA

A donor who fails to comply with section 103CA 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.

103D 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.
 - (c) whether **section 103CA** applies to the donation and, if so, all information disclosed by the donor under **subsections (2)** of that section.
- (2) Where a transmitter does not disclose, or is unable to disclose, the information required by **subsection (1)(b)**, then the donation must be treated as an anonymous donation.

103E Offence relating to contravention of section 103D

A transmitter who fails to comply with section 103D(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.

103F 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.

103G Offence relating to contravention of section 103F

A person who fails to comply with section 103F 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.

103H Anonymous donation may not exceed \$1,500

- (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 1 office, the candidate must—
- (a) designate 1 election campaign for election to 1 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.

103I Offence relating to contravention of section 103H

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

103J 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 Part -

applicable period before the close of polling day means the period beginning 3 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 his or her capacity as a member of the local authority 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 return 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 and that is provided to the candidate free of charge by that person.
- (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 3 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 section 11 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 2 or more candidates, any electoral expenses in respect of that electoral activity must be apportioned equitably in relation to each of those candidates.

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

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

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.
- (1A) 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.
- (2) The return of electoral donations and expenses must set out—
- (a) the details specified in **subsection (3)** in respect of every electoral donation (other than a donation of the kind referred to in **paragraph (b)**) 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
 - (ab) whether any donation is funded from contributions, and if so, and to the extent known or ascertainable from the information supplied under **section 103CA**, the details specified in **subsection (3A)** 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
 - (b) the details specified in **subsection (4)** in respect of every anonymous electoral donation received by the candidate that exceeds \$1,500; and
 - (c) details of the candidate's electoral expenses.
- (3) The details referred to in **subsection (2)(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.
- (3A) The details referred to in **subsection (2)(ab)** 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.
- (4) The details referred to in **subsection (2)(b)** 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 103H(1) or (2)** and the date that payment was made.
- (5) Every return filed under this section must be in the form prescribed in **Schedule 2**.
- (7) It is the duty of every electoral officer to ensure that this section is complied with.
- (8) 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 2 years, or a fine not exceeding \$10,000, if he or she filed the return knowing it to be false in any material particular; or
- (b) to a fine not exceeding \$5,000 in any other case, unless the candidate proves that—
 - (i) he or she had no intention to misstate or conceal the facts; and
 - (i) 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) The electoral officer must keep every return filed under **section 112A** in the electoral officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates (the **public inspection period**).
- (2) During the public inspection period the electoral officer must—
 - (a) publish, electronically or in any other manner the electoral officer considers appropriate, every return filed under **section 112A**; and
 - (b) make available for public inspection a copy of every return filed under **section 112A**; and
 - (c) provide to any person upon request a copy of 1 or more returns filed under **section 112A**, subject to the payment of any charges that may be made under the Local Government Official Information and Meetings Act 1987."

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 7 years after the date of the election to which it relates, and,— (the **public inspection period**).
- (2) During the public inspection period the electoral officer must—
 - (a) publish, electronically or in any other manner the electoral officer considers appropriate, every return filed under **section 112A**; and
 - (b) make available for public inspection a copy of every return filed under **section 112A**; and
 - (c) provide to any person upon request a copy of 1 or more returns filed under **section 112A**, subject to the payment of any charges that may be made under the Local Government Official Information and Meetings Act 1987.

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, 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.¹
- (2) A person may publish or cause or permit to be published an advertisement of the kind described in **subsection (1)** if—
 - (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and

- (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.
- (3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.
- (4) A person may publish or cause or permit to be published an advertisement of the kind described in **subsection (1)** if-
 - (a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and
 - (b) the advertisement contains a statement setting out-
 - (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and
 - (ii) the true name of the organisation or body 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 wilfully contravenes **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$1,000.

114 Use of public money

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

New election signs rules, Proposed Whakatāne District Plan (adopted 4 December 2015):

- 1 Candidates can put their signs up from 16th August, and must take them down by 11th October;
- 2 Election signs are to display the true name and physical address (place of residence or business) of the person authorising them;
- 3 Signs can be up to 3.0m² in area;
- 4 Signs shall be competently constructed and comply with the NZ Building Code where necessary;
- 5 Signs must only be located on private property:
 - i Landowner permission is required for all signs;
 - ii No signs are permitted on council roads, State Highways, council reserves or any other council property;
 - iii Council staff will remove signs from council roads and property. NZTA staff will remove signs from State Highways.
- 6 Signs must not obstruct driver visibility along the road, at intersections or driveways, or at a railway level crossing;
- 7 Signs must not be placed within 15m of a traffic safety or direction sign;
- 8 Signs located next to a state highway must have a minimum lettering height of 120mm where the speed limit is less than 70km/h, and 160mm where the speed limit is 70km/h or greater;
- 9 Signs must not be rotating, flashing, reflective or illuminated;
- 10 Signs must be maintained.

NOTE: Council staff will remove signs that are poorly maintained and which may present a danger to road users or the public generally

If further details are required, please contact the Planning Monitoring Officer of the Whakatāne District Council.

- A copy of the Preliminary Electoral Roll for the Whakatāne District Council is available for public inspection from Friday 15 July 2016 to Friday 12 August 2016 at:
 - Administration Offices, Civic Centre, Commerce Street, Whakatāne
 - Murupara Service Centre & Library, Civic Square, Pine Drive, Murupara
 - Edgecumbe Branch Library, 38 College Road, Edgecumbe
 - Ōhope Branch Library, Harbour Road, Ōhope
 - Whakatāne Library, 49 Kakahoroa Drive, Whakatāne
- Those eligible to vote are:
 - all residents enrolled on the Parliamentary Electoral Roll within the Whakatāne District Council area; and
 - all non-resident ratepayers enrolled on the Ratepayer Electoral Roll.
- 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 Whakatāne 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.
- Residents who pay rates on a property in another district or community board area, may be entitled to enrol on the Ratepayer Electoral Roll.
- Companies, businesses, trusts, corporations or societies which are ratepayers of a property in a local authority district or community board area, may also nominate an elector to vote on their behalf, provided any such elector resides outside the district or community board area where the property is situated.
- Partners, joint tenants and tenants in common who collectively pay rates on a property in a local authority district or community board area, may also nominate one of the group who is an elector to vote on their behalf, provided any such elector resides outside the district or community board area where the property is situated.
- The Preliminary Electoral Roll will be contained in one book (by ward/community board area), with the Residential Electoral Roll located in the front of each section and the Ratepayer Electoral Roll located in the rear of each section.
- Any alterations to the Residential Electoral Roll, should be made:
 - (i) by completing the appropriate form at any post shop; or
 - (ii) by telephoning 0800 ENROLNOW (0800 36 76 56); or

- (iii) by accessing the Enrolment Services, Electoral Commission website - www.elections.org.nz
- Any alterations to the non-resident Ratepayer Electoral Roll, should be made through the electoral office (telephone 0800 922 822).
 - Copies of the hardcopy Preliminary Electoral Roll may be purchased from the electoral office for \$50.00 (inc GST).
 - The Final Electoral Roll is produced once the Preliminary Electoral Roll closes on 12 August 2016. The Final Electoral Roll is the roll used for issuing voting documents. Copies of this roll will also be available for purchase.
 - Details appearing on the electoral roll are electors names (surname, then first names) listed alphabetically by ward/community board. The qualifying address of the elector is shown alongside. No postal addresses or occupations will be shown.
 - 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 Enrolment Services, 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 at the Enrolment Services, Electoral Commission. Contact person is Michael Calvelo on (04) 801 0710 or michael.calvelo@elections.org.nz.
 - 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, the electoral officer to provide 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, but a reasonable charge will be made for this (section 68 (6) Local Electoral Act 2001).

- 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 by NZ Post commencing Friday 16 September 2016. All electors should have received their voting documents by Wednesday 21 September 2016.
- 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.
- If hand delivered, completed voting documents can be lodged at:
 - Administration Offices, Whakatāne District Council, Civic Centre, Commerce Street, Whakatāne until noon, Saturday 8 October 2016.
 - Murupara Service Centre & Library, Civic Square, Pine Drive, Murupara until 4.30 pm Friday 7 October 2016
- When posting voting documents back, it is recommended these be posted by 5pm, Wednesday 5 October 2016 to guarantee delivery before the close of voting (noon, Saturday 8 October 2016).
- 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 the above mentioned Council offices, until the given times or by phoning 0800 922 822.
- 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 a legal requirement and a protection for electors against possible duplicate voting.
- If an elector requests a special vote and is not on the Parliamentary Roll (eg just turned 18 years of age), the person must enrol by Friday 7 October 2016 (the day before the close of voting). An application for registration as a Parliamentary elector may be obtained:
 - (i) from any post shop; or
 - (ii) telephoning 0800 ENROLNOW (0800 36 76 56); or
 - (iii) by accessing the Enrolment Services, Electoral Commission website - www.elections.org.nz.

After voting closes, special vote declarations are forwarded to Registrars of Electors for verification that the elector is eligible and has enrolled as a Parliamentary elector.

- Special votes cannot be collected by candidates or their assistants for distribution to electors.
- On election day, ordinary votes can be returned and special votes issued and returned from 9 am to noon at the above mentioned Council offices.

- 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:
 - 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 2016).
- 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.

- 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 an election 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 a scrutineer, the letter of appointment must be received by the electoral officer no later than noon Friday 7 October 2016 (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 his or her 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 electoral office (Level 3, Custom House, 50 Anzac Avenue, Auckland), during normal office hours between Monday 19 September 2016 and to noon, Saturday 8 October 2016.
- The preliminary count of votes will commence once voting closes at noon on Saturday 8 October 2016 at the electoral office.
- The official count of votes will be undertaken once the preliminary count is concluded and the official declaration will be made in the week beginning Monday 10 October 2016. The official count will also occur at the electoral office.
- 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 from within the secure area where the count will take place.

- The preliminary count will take place from noon Saturday, 8 October 2016 at the offices of Independent Election Services Ltd, Level 3, Custom House, 50 Anzac Avenue, Auckland.
- As soon as practicable following the close of voting, progress results will be made available. Such progress results are likely to reflect approximately 95% of the votes cast, and once all votes have been received from the Council offices, these will be included and form the preliminary results. Progress results however will not be available for the Bay of Plenty District Health Board as this election is conducted under the STV electoral system. These results will be available only when the preliminary results are made.
- Progress results will be available from approximately 2pm.
- Preliminary results will be available prior to midnight.
- Both progress and preliminary results will be available:
 - Administration Offices, Whakatāne District Council, Civic Centre, Commerce Street, Whakatāne;
 - by accessing Council's website (www.whakatane.govt.nz);
 - by telephoning the electoral office on 0800 922 822.
- Where email addresses have been provided, candidates will be emailed both the progress and preliminary results, once available.

- All members come into office for the Whakatāne District Council on the day after the day the candidate is declared to be elected (ie the day after the first public notice declaring the result is made).
[Section 115, Local Electoral Act 2001].
- All members leave office for the Whakatāne 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 2016).
[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 2017.
[Section 138A, 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) A 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]
- For district health boards, members come into office (and current members leave office) on 5 December 2016, the 58th day after polling day.
[clauses 14 & 15, Schedule 2, New Zealand Public Health and Disabilities Act 2000]

Relevant legislation relating to membership of community boards is found in the Local Electoral Act 2001.

- Appointed members to a community board must be appointed by council from the elected councillors representing the ward in which the community is situated (section 19F, Local Electoral Act 2001).
- A person elected as a councillor and a community board member within the same ward/community district, is deemed to be elected as a councillor and a community board member but is then deemed to have vacated the office as a community board member, and the next highest polling community board candidate is elected. (If there is no highest polling unsuccessful candidate, in this instance, an extraordinary vacancy occurs and a by-election is required) (sections 88A, 88B, Local Electoral Act 2001).
- If a person is elected as a councillor and a community board member (the community being in a different ward to the ward containing the community), that person is considered an elected member to both.
- In the Whakatāne District Council, six members are elected to the Tāneatua Community Board, the Rangitāiki Community Board and the Murupara Community Board and eight members are elected to the Whakatāne-Ōhope Community Board.
- For the Whakatāne District Council, Tāneatua, Rangitāiki and Murupara Community Boards also have one member appointed by Council and Whakatāne-Ōhope Community Board also has two members appointed by Council from councillors in the ward in which the community board is located.

Local Electoral Act 2001

(as amended by the Local Electoral Amendment Bill)

121 Illegal nomination, etc

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

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

122 Interfering with or influencing voters

Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who-

- (a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote;
 - (b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be an imitation of any voting document to be used at the election or poll that,-
 - (i) in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote;
 - (ii) in the case of a poll, includes a statement or indication as to how any person should vote;
 - (iii) in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes.
 - (c) prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.
- (2) Despite subsection (1)(b), it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed-
- (a) the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and
 - (b) nothing else.
- (3) Nothing in this section applies to-
- (a) any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or
 - (b) any candidate profile statement, published, displayed or distributed under the authority of this Act or regulations made under this Act.

123 Offences in respect of official documents

- (1) Every person commits an offence who-
- (a) intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll;
 - (b) intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll;

- (c) forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document;
- (d) supplies, without authority, a voting document to any person;
- (e) obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority;
- (f) intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.

(2) Every person who commits an offence against subsection (1) is liable on conviction on indictment,-

- (a) in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years;
- (b) in the case of any other person, to imprisonment for a term not exceeding 6 months.

124 Voting offences

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

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

125 Bribery

(1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,-

- (a) gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or
- (b) gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or
- (c) corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or
- (d) makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector; or
- (e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) obtains, or tries to obtain, the election of any person or the vote of any elector; or
- (f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election or poll; or
- (g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.

(2) An elector commits the offence of bribery if,-

- (a) before or during the voting period at the election or poll, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing, to refrain from voting;
- (b) after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

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

126 Treating

- (1) Every person commits the offence of treating who corruptly before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person
 - (a) for the purpose of influencing, that person or any other person to vote or refrain from voting; or

- (b) for the purpose of obtaining his or her election; or
 - (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
- (2) Every holder of a license under the Sale of Liquor Act 1989 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-
- (a) to any person, if the supply is demanded for 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 or indictment to imprisonment for a term not exceeding 2 years.

127 Undue influence

- (1) Every person commits the offence of undue influence-
- (a) who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person-
 - (i) in order to induce or compel that person to vote or refrain from voting;
 - (ii) on account of that person having voted or refrained from voting;
 - (b) who, by abduction, duress, or any fraudulent device or means,-
 - (i) impedes or prevents the free exercise of the vote of any elector;
 - (ii) compels, induces, or prevails upon any elector either to vote or to refrain from voting.
- (2) Every person who commits the offence of undue influence is liable on conviction on indictment to imprisonment for a term not exceeding 2 years.

128 Personation

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

129 Infringement of secrecy

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

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

130 Disclosing voting or state of election or poll

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

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

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

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) this Part; or

- (b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).
- (2) If this subsection applies, the electoral officer must—
 - (i) report the complaint or belief to the Police; and
 - (ii) 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 6 months of the date on which the return was required to be filed.
- (2) A prosecution under section 103I or 112D must be commenced—
 - (a) within 6 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.

MEMBER REMUNERATION

The Remuneration Authority is a statutory body that establishes remuneration for local government. The current remuneration scales are:

1. Remuneration for Members of the Whakatāne District Council (as at 1 July 2016):

	\$	
Mayor	108,035	per annum
Deputy Mayor	52,029 *	per annum
Committee Chairperson (2)	43,358 *	per annum
Councillor	28,905	per annum

* 2016 remuneration confirmed by the Remuneration Authority.

Murupara, and Tāneatua Community Boards:

	\$	
Member	3,793	per annum
Chairperson	7,585	per annum

Rangitāiki Community Board:

Member	4,920	per annum
Chairperson	9,840	per annum

Whakatāne-Ōhope Community Board

Member	5,433 *	per annum
Chairperson	10,865 *	per annum

* Whakatāne Community Board remuneration. Whakatāne-Ōhope Community Board remuneration still to be determined.

2. Remuneration for Members of the Bay of Plenty Regional Council (as at 1 July 2015):

	\$	
Chairperson	133,332	per annum
Deputy Chairperson/ Regional Transport Committee Chairperson	75,875	per annum
Committee Chairpersons	60,070 - 67,450	per annum
Councillor	54,800	per annum

3. Remuneration for Members of the Bay of Plenty District Health Board: (as at 1 July 2015)

	\$	
Chairperson	44,000	per annum
Deputy Chairperson	27,500	per annum
Member	22,000	per annum
Meeting Fees		
- Committee Meetings: Chair	312.50	per meeting
- Statutory Committee Member	250.00	per meeting

Councillors at Whakatane District Council are 'Officers' under the Health and Safety at Work Act 2015.

Under the legislation an officer is someone who holds a position which allows them to exercise significant influence over the whole of Council. At Whakatane District Council, elected members and the chief executive (and possibly others) are 'Officers'.

As a PBCU (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 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

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.

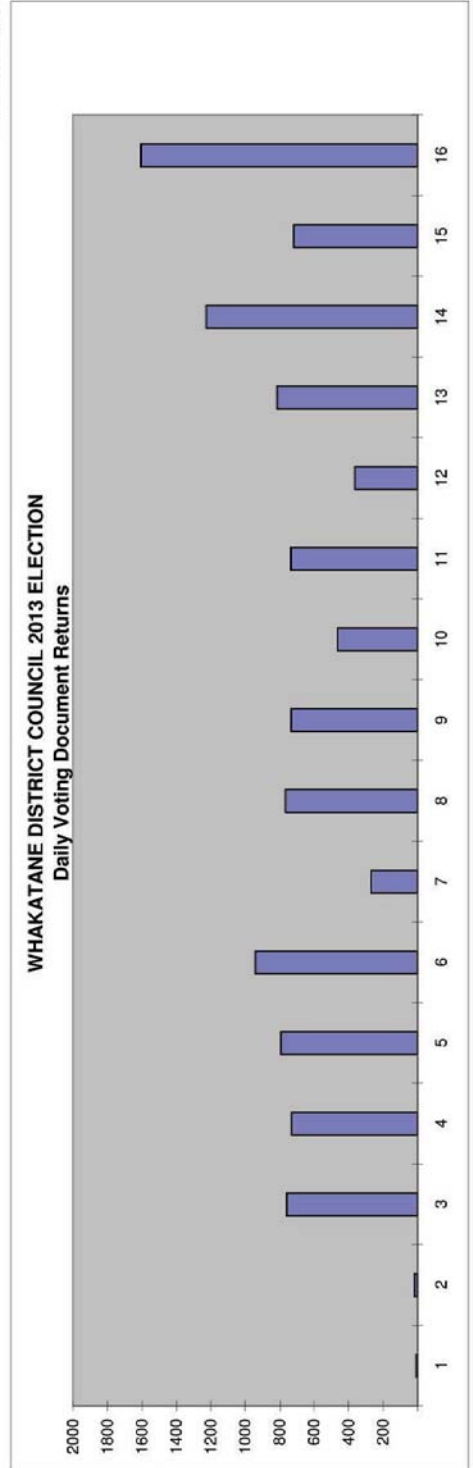
Elected members acting in their capacity as elected members (as distinguished from elected members acting in a governance role for another entity) are excluded from liability for the most serious offences under the new Act. However they may still be liable under some of the other requirements in the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



VOTING DOCUMENT RETURNS - 2013 ELECTIONS

CB(SUB)/ELECTORS	ELECTION DAY															
	23-Sep	24-Sep	25-Sep	26-Sep	27-Sep	30-Sep	1-Oct	2-Oct	3-Oct	4-Oct	7-Oct	8-Oct	9-Oct	10-Oct	11-Oct	12-Oct
MURUPARA (GALATEA-WAIOHAU) 591	0 0.0%	0 0.0%	3 0.5%	23 4.4%	29 9.3%	35 15.2%	11 17.1%	27 21.7%	18 24.7%	12 26.7%	15 29.3%	13 31.5%	13 33.7%	30 38.7%	24 42.8%	16 45.5%
MURUPARA (MURUPARA) 868	0 0.0%	0 0.0%	1 0.1%	13 1.5%	41 4.7%	63 7.3%	77 8.9%	113 13.0%	138 15.9%	160 18.4%	184 21.2%	202 23.3%	215 24.8%	232 26.7%	241 27.8%	270 31.1%
MURUPARA (TE UREWERA) 237	0 0.0%	0 0.0%	0 0.0%	4 1.7%	7 4.6%	5 6.8%	16 6.8%	25 10.5%	38 16.0%	41 17.3%	53 22.4%	55 23.2%	2 24.1%	1 24.5%	6 27.0%	4 28.7%
OHOPE 2261	1 0.0%	3 0.2%	116 5.3%	92 9.4%	102 13.9%	114 18.9%	29 20.2%	95 24.4%	104 29.0%	66 31.9%	109 36.8%	40 38.5%	97 42.8%	182 50.9%	97 55.2%	187 63.4%
RANGITAIKI 6307	4 0.1%	6 0.2%	272 4.5%	133 6.6%	186 9.5%	304 14.3%	57 15.3%	198 18.4%	167 21.0%	117 22.9%	205 26.1%	83 27.5%	235 31.2%	336 36.5%	216 39.9%	465 47.3%
TANEATUA 2018	1 0.0%	3 0.2%	4 0.2%	167 8.5%	64 11.6%	299 14.8%	334 16.6%	372 18.4%	439 21.8%	478 23.7%	526 26.1%	559 27.7%	613 30.4%	717 35.5%	765 37.9%	885 43.9%
WHAKATANE 10089	2 0.0%	6 0.1%	368 3.7%	299 6.7%	377 10.4%	399 14.4%	123 15.6%	363 19.2%	336 22.5%	205 24.6%	321 27.8%	176 29.5%	402 33.5%	557 39.0%	317 42.2%	784 49.9%
TOTAL 22371	8 0.0%	18 0.12%	760 3.40%	730 6.78%	793 3.54%	943 4.22%	269 1.20%	766 3.42%	732 3.27%	464 2.07%	734 3.28%	365 1.63%	816 3.65%	1227 5.48%	717 3.21%	1605 7.17%
DAILY % 2010 Returns	0.0%	0.0%	5.8%	9.3%	12.5%	16.2%	19.4%	24.3%	26.9%	29.1%	34.0%	34.1%	38.3%	41.7%	48.3%	56.5%

* Final. Including Special Votes





DECLARATION OF RESULT OF ELECTION for the Whakatane District Council 2013 elections

I hereby declare the results of the elections held on 12 October 2013 for the following offices:

MAYOR <i>(one vacancy)</i>	Votes Received		Votes Received
BONNE, Tony	4396	KARETAI, Mawera	610
DOWD, David	808	MARSHALL, Barry <i>(Independent)</i>	122
JARRETT, Scott	1697	WIREMU, Fiona	722
JUKES, Julie	2361		

Informal votes received: 33
Blank votes received: 196

I therefore declare Tony BONNE to be elected.

COUNCIL

Galatea-Murupara Ward *(one vacancy)*

CHRISTIE, Daryl	250	SILCOCK, Alison Ruth	347
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Informal votes received: 2
Blank votes received: 8

I therefore declare Alison Ruth SILCOCK to be elected.

Rangitaiki Ward *(three vacancies)*

JOHNSTON, George	1821	VAN BEEK, Gerard	1743
ORR, Russell <i>(Independent)</i>	1495	WRIGHT, Doug	1456

Informal votes received: 0
Blank votes received: 125

I therefore declare George JOHNSTON, Russell ORR and Gerard VAN BEEK to be elected.

Taneatua-Waimana Ward *(one vacancy)*

ILES, Andrew	505	MEIHANA-TAIT, Basil Tamiana	198
KALAN, Joshua	141		

Informal votes received: 1
Blank votes received: 39

I therefore declare Andrew ILES to be elected.

Whakatane-Ohope Ward *(five vacancies)*

DOWD, David	2547	OZGUR, Jahn <i>(Independent)</i>	1289
JARRETT, Scott	3918	PULLAR, John	2753
JUKES, Julie	3790	SHEAFF, Dave	2912
KARETAI, Mawera	1303	TURNER, Judy	4407
LANDER, Peter	2122	WIREMU, Fiona	1191
LARSEN, Christine <i>(Independent)</i>	1207		

Informal votes received: 22
Blank votes received: 83

I therefore declare Scott JARRETT, Julie JUKES, John PULLAR, Dave SHEAFF and Judy TURNER to be elected.

COMMUNITY BOARDS

Murupara Community Board

Galatea-Waiohau Subdivision *(two vacancies)*

BOYT, Charlotte	112	TE KURAPA, Jacob	144
MCCARTHY, Patrick	158		

Informal votes received: 0
Blank votes received: 13

I therefore declare Patrick MCCARTHY and Jacob TE KURAPA to be elected.

Rangitaiki Community Board *(six vacancies)*

BARR, Viv <i>(E.D.I.T)</i>	1941	HARVEY, Evan	1285
BOURK, Graeme	1478	PERESE, Donna	1021
BYRNE, Kris	1517	RICHARDS, Vicky	1754
DENNIS, Gavin	1530	RURI, Papanui	840

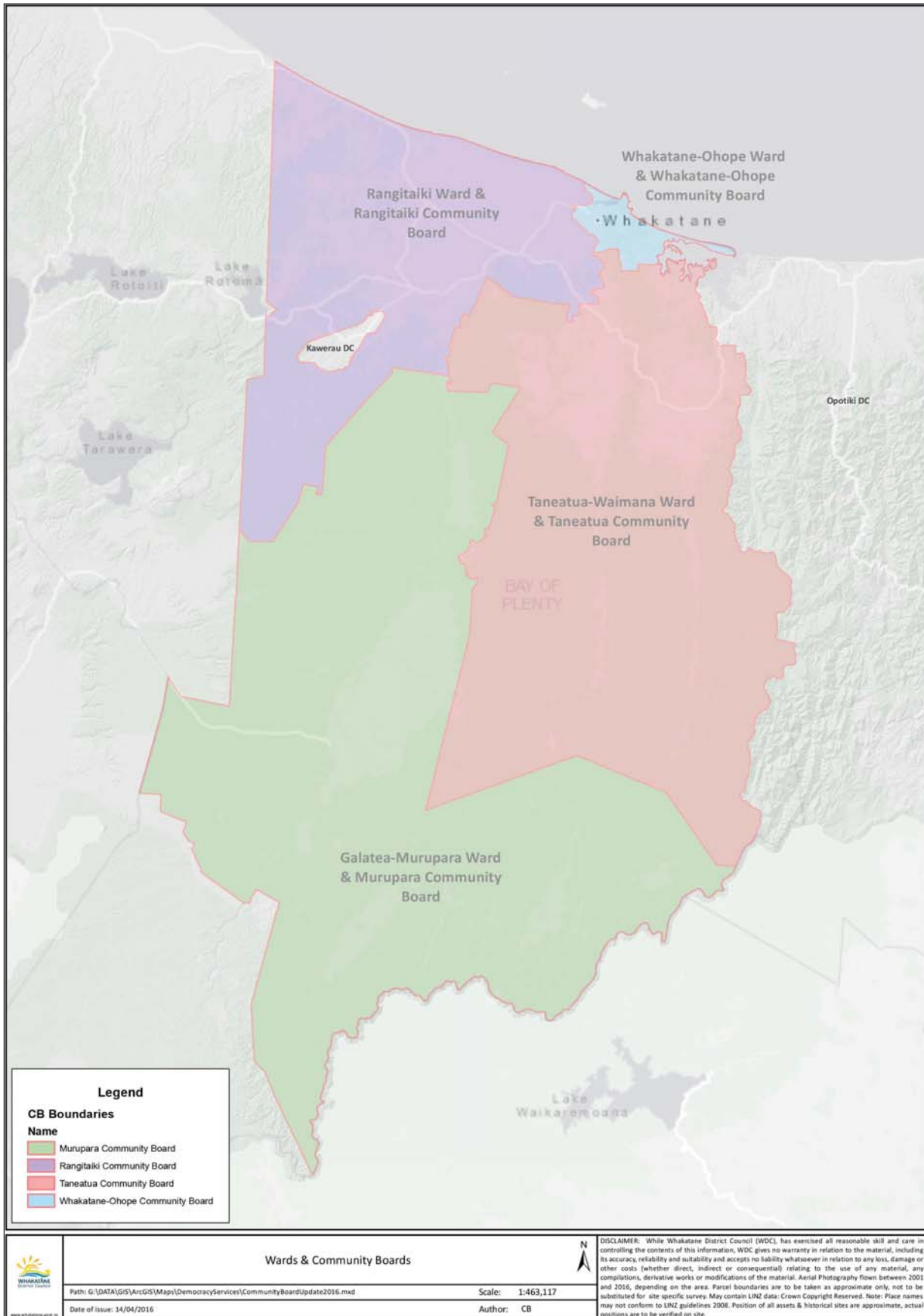
Informal votes received: 2
Blank votes received: 176

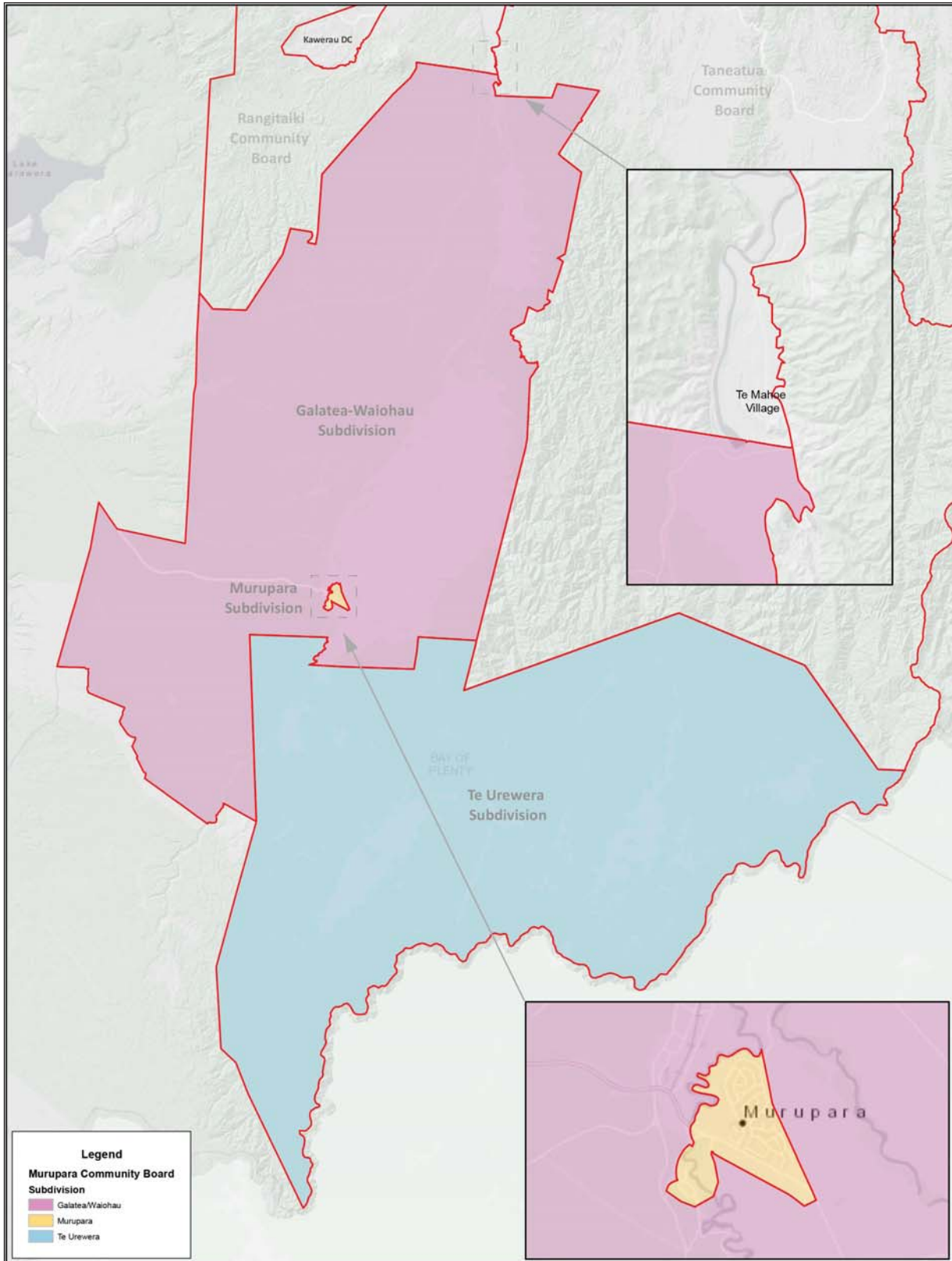
I therefore declare Viv BARR, Graeme BOURK, Kris BYRNE, Gavin DENNIS, Evan HARVEY and Vicky RICHARDS to be elected.



Taneatua Community Board *(six vacancies)*

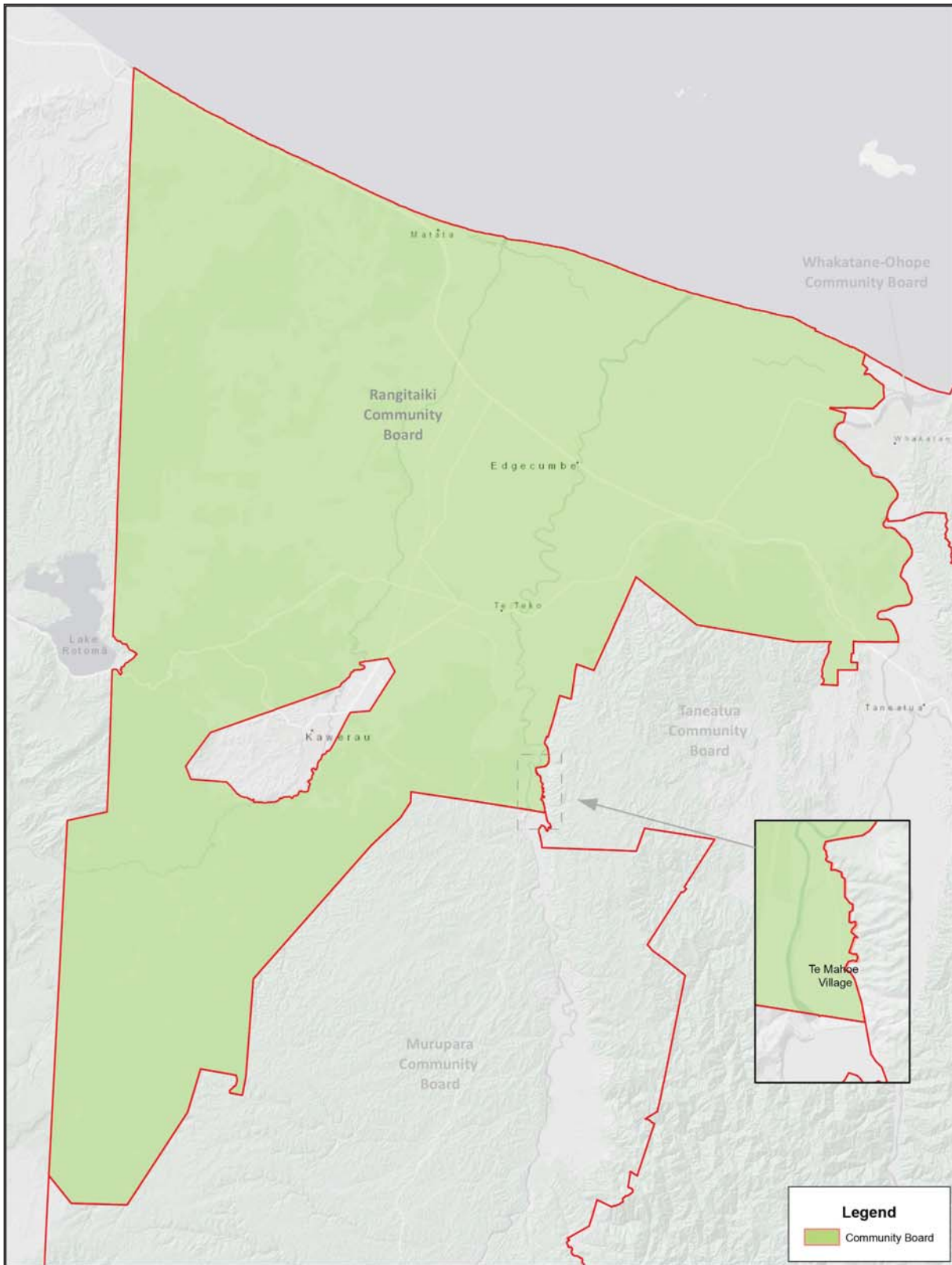
CHATER, Geoff	423	MEIHANA-TAIT, Basil Tamiana	450
KNOWLES, Les	527	RUITERMAN, Luke	581
KORA, Monty	354	YALDEN, Diane	569
KYLE, Dave	533		


Informal votes received: 0

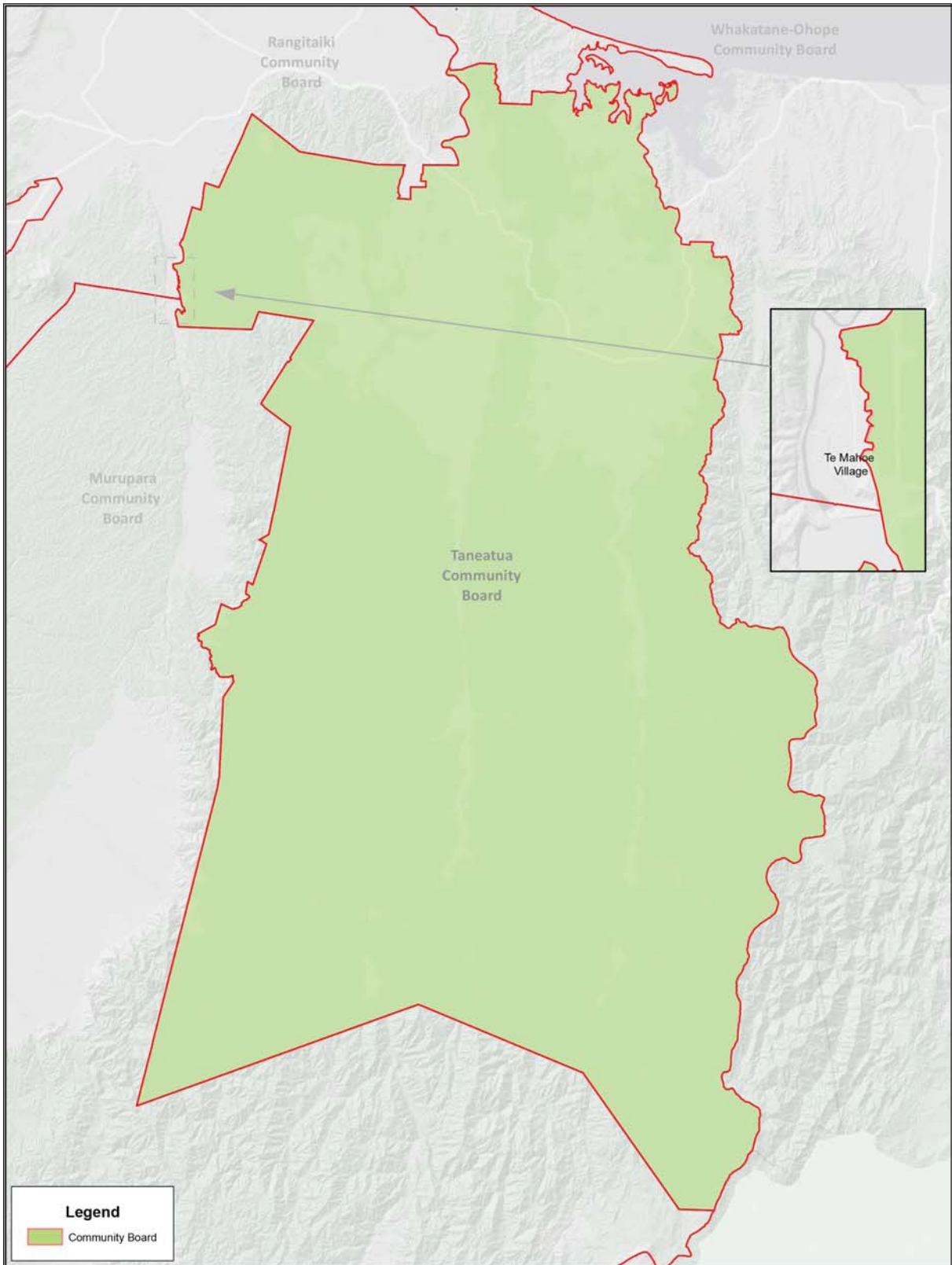






	Subdivisions of the Murupara Community Board			<small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small>	
	Path: G:\DATA\GIS\ArcGIS\Maps\DemocracyServices\CommunityBoardUpdate2016.mxd				Scale: 1:335,707
	Date of issue: 14/04/2016				Author: CB

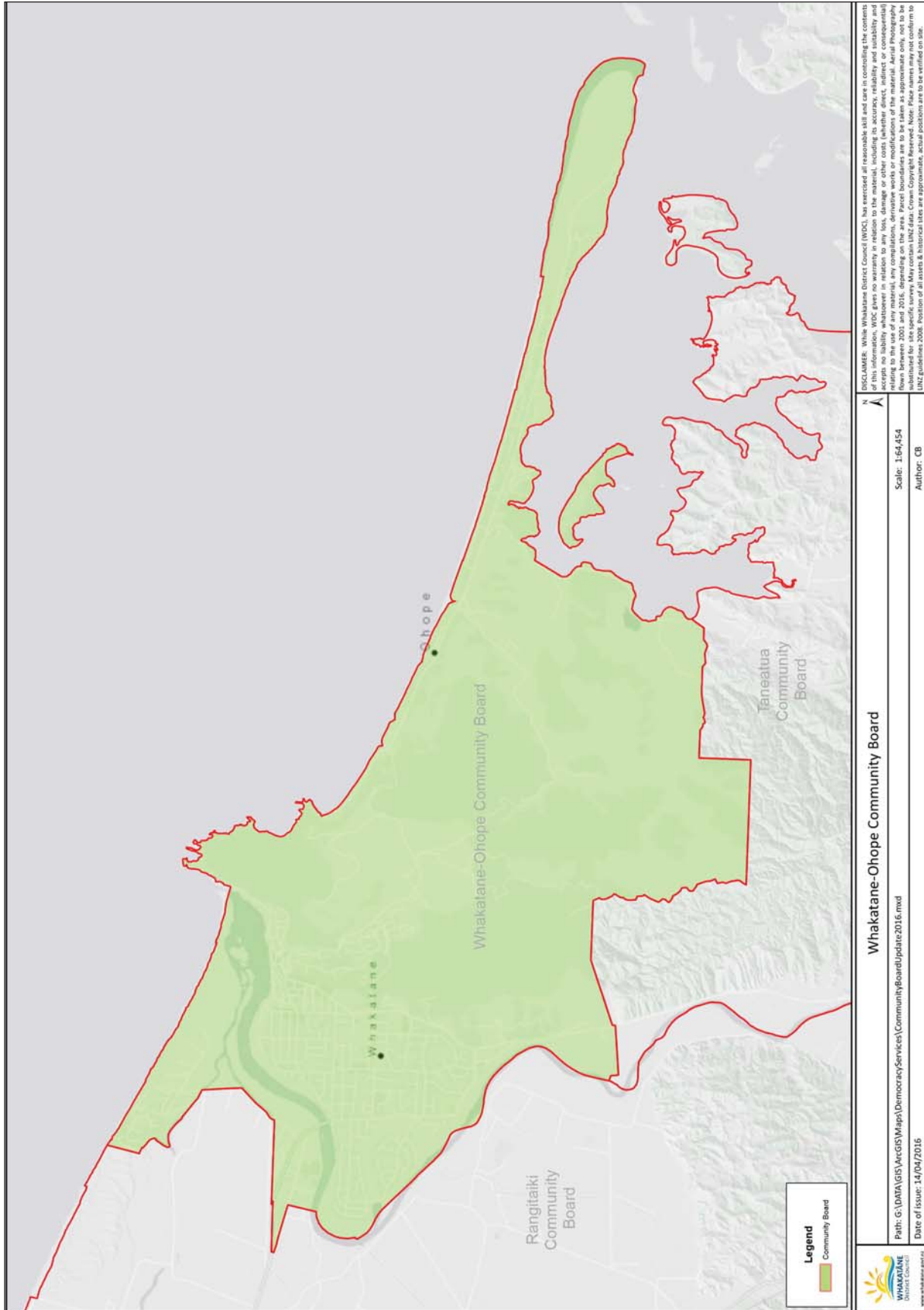


 <p>WHAKATĀNE District Council</p>	<p>Rangitaiki Community Board</p> <p>Path: G:\DATA\GIS\ArcGIS\Maps\DemocracyServices\CommunityBoardUpdate2016.mxd</p> <p>Date of Issue: 14/04/2016</p>	<p>Scale: 1:201,510</p> <p>Author: CB</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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Legend
 Community Board

	Taneatua Community Board			<small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2002 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small>
	<small>Path: G:\DATA\GIS\ArcGIS\Maps\Democracy\services\CommunityBoardUpdate2016.mxd</small> <small>Date of issue: 14/04/2016</small>	<small>Scale: 1:256,669</small> <small>Author: CB</small>		



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 Scale: 1:64,454
 Author: CB

Whakatane-Ohope Community Board

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 Date of Issue: 14/04/2016



Whakatāne District Council and Community Boards

1. Whakatāne District Council

The Whakatāne District Council comprises the Mayor and 10 Councillors who are elected members.

These elected members meet as the Whakatāne District Council but to assist in the efficient running of business, the Council generally appoints Committees and Sub Committees to conduct its business under delegation where it is empowered to do so. The Standing Committee Structure currently is:

Audit & Risk Committee	three Councillors
Hearings Committee	four Councillors
Policy Committee	all Councillors
Projects and Services Committee	all Councillors

The Mayor is a member of all committees except the Hearings Committee.

The committee structure and appointment of Chairpersons and Members is determined by the Council following the elections.

2. Community Boards

There are four Community Boards covering the Whakatāne District Council area, namely Rangitāiki Community Board, Murupara Community Board, Tāneatua Community Board and Whakatāne-Ōhope Beach Community Board.

Each Community Board is separate from the Council but can only operate in terms of the delegations granted to it by the Council. The Whakatāne District Council has granted a number of delegations to Community Boards concerning local services provided by the Council.

3. Legislation

The Local Government Act 2002 is the main legislation that grants powers, duties and functions to the Council and Community Boards.

There are other pieces of legislation that impact on the roles and duties of Elected Representatives in Whakatāne District, such as the Resource Management Act for the hearing of Resource Consents, the Local Authorities (Members' Interests) Act, which sets out rules governing such things as pecuniary interest and the Local Government Official Information and Meetings Act 1987 which gives everyone the ability to request access to official information from local authorities.

4. Post Election Processes

No Elected Member can act until they have given their statutory declaration at the inaugural meeting of the Council or Community Board as the case may be.

The declaration requires that each member declares:

"I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Whakatāne District [or for community boards, the name of the community eg the Rangitāiki Community] the powers, authorities, and duties vested in, or imposed upon, me as [Mayor or a member] of the Whakatāne District Council [or name of the community board] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act."

This declaration applies to the Mayor, Councillors, Community Board Members and Chairpersons of committees.

Once Members have been sworn in, a series of briefings, training and induction meetings are held to assist the new Elected Members in settling into their new duties as quickly and efficiently as possible.

This will include briefings on key projects and issues relevant to the annual plan process, which commences in November.

5. Appointment to Outside Organisations

Councillors and Community Board Members are appointed to a range of external organisations by longstanding arrangement with various organisations or where invitations are received from various bodies and organisations.

6. Management Structure

Staff are headed by the Chief Executive who is directly responsible to the Council.

The Council only employs the Chief Executive and all other staff are employed by the Chief Executive.

The key role of staff is to implement decisions of the Council, to provide advice to the Council, its Committees and Community Boards to ensure that all functions duties and powers are properly performed, and to ensure the effective, efficient and economic management of the activities of the Council and Community Boards are undertaken.

In Whakatāne District the Executive Team comprises the Chief Executive, four General Managers and the Manager Human Resources. Each General Manager has responsibility for reporting to Committees and managing various groups of the organisation.

7. Requirements and time commitment of Members.

Depending on the role, whether it be the Mayor, Deputy Mayor, Committee Chairperson, Councillor, Community Board Chairperson or Community Board Member, the time commitment can be significant.

The main requirements for elected members are to attend meetings, read reports, attend briefings, conduct site visits and respond to constituent enquiries.

Elected Members need to be aware of the impact that can occur on families as a result of being elected as a Mayor, Councillor or Community Board Member.

This can range from needing to take time off work to attend meetings, receiving telephone calls at various times of the day and night, or being asked to address issues when shopping at the supermarket, watching sport, attending church, or even walking the dog.

Some members of the community see Elected Representatives as being 24-hour, 7-days a week, full-time, fully-contactable people. This may often depend on an issue currently before the Council or a Community Board, but generally, most citizen contact with Elected Representatives is made at a reasonable time and in a reasonable manner.



TRIENNIAL ELECTION

8 October 2016

APPOINTMENT OF SCRUTINEER

The Electoral Officer
Whakatāne District Council
C/- Independent Election Services Ltd
PO Box 5135
Wellesley Street
Auckland 1141

Email info@electionservices.co.nz

I, a candidate for the office of

..... for the election being held on

Saturday 8 October 2016, 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 (ie by noon Friday 7 October 2016).

