

# 2016 CANDIDATE INFORMATION HANDBOOK

Taranaki  
Regional Council





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June 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. The Taranaki Regional Council takes no responsibility for any errors or omissions. It is recommended that candidates obtain a full copy of the Act, which is available online at [www.legislation.govt.nz](http://www.legislation.govt.nz).

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 Taranaki Regional 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
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
Official declaration	Thursday 13 October 2016
Return of electoral donations & expenses form	by Friday 9 December 2016

#### Taranaki Regional Council

47 Cloten Road, Stratford  
 Private Bag 713, Stratford 4352  
 Phone - 06 765 7127 Fax - 06 765 5097  
 Website - [www.trc.govt.nz](http://www.trc.govt.nz)

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](mailto:dale.ofsoske@electionservices.co.nz)  
 Website - [www.electionservices.co.nz](http://www.electionservices.co.nz)

The Taranaki Regional Council is divided into four constituencies, these being:

Constituency	Members	Resident electors
New Plymouth	5	39,773
North Taranaki	2	17,205
South Taranaki	3	17,895
Stratford	1	6,320
	11	81,193

Number of electors as at 30 April 2016

Elections will also be held for elected members of the New Plymouth District Council, South Taranaki District Council and Stratford District Council, as well as members of the Taranaki District Health Board.

The election of Taranaki Regional Council members is undertaken by the electoral officers of the region's constituent territorial authorities - New Plymouth District Council, South Taranaki District Council and Stratford District Council.



### 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]
<b>Friday 15 July 2016</b>	<b>Nominations open / rolls open for inspection</b> [Sec 42, LEA]
<b>Friday 12 August 2016</b>	<b>Nominations close (12 noon) / rolls close</b> [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
<b>Friday 16 September - Wednesday 21 September 2016</b>	<b>Delivery of voting documents</b> [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]
<b>Saturday 8 October 2016</b>	<b>Election day</b> [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 donations & expenses form [Sec 112A, LEA]



// Dale Ofsoske  
Electoral Officer  
Taranaki Regional Council  
December 2015

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

Local Electoral Regulations 2001

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](http://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:

New Plymouth District Council

South Taranaki District Council

Stratford District Council

Taranaki Regional Council

- Organisations using the STV electoral system are:

Taranaki 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](http://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 the regional council but cannot also seek nomination for one of the constituent district councils ie a candidate may stand for the Taranaki Regional Council or a constituent district council, but not both.  
[Section 58 Local Electoral Act 2001].
  - a candidate (or candidate's spouse) cannot be a person concerned or interested in contracts over \$25,000 with the Taranaki Regional Council [Section 3(1) Local Authorities (Members' Interests) Act 1968]. This restriction may be waived, and it is recommended that advice from The Office of the Auditor-General is sought.
  - an employee of the Taranaki Regional Council who is elected as a member must resign from his/her position as an employee of the Taranaki Regional 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.  
[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 Taranaki Daily News and the Stratford Press on Wednesday 13 July 2016 and the Hawera Star on Thursday 14 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 from:
  - New Plymouth District Council's Civic Centre, 84 Liardet Street, New Plymouth
  - South Taranaki District Council's Administration Building, 105-111 Albion Street, Hawera
  - Stratford District Council's Administration Building, 61-63 Miranda Street, Stratford
  - by telephoning 0800 922 822
  - by accessing [www.trc.govt.nz](http://www.trc.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, as well as being placed on the council's website.
- 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 also 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 constituency) the candidate is seeking election for [Section 61(2)(ca) Local Electoral Act 2001]; and
  - (ii) each position the candidate is seeking election for (eg regional council and district health board) [Section 61(2)(cb) Local Electoral Act 2001].
- Section 61 of the Local Electoral Act 2001 states the following:
  - (1) Every candidate may, provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).
  - (2) A candidate profile statement -
    - (a) if-
      - (i) in English or Māori or both, must not exceed 150 words in each of the languages used in the statement;
      - (ii) in a language other than English or Māori, must not exceed 150 words, or the equivalent, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate); and
    - (b) must be provided to the electoral officer, together with the nomination paper and other things referred to in section 55(2)(f); 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 contact details), 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 requirements; and

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

#### 4. 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 constituency, then that person must be nominated by two electors from the specific constituency).
- 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.

## 5. 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.

## 6. Return of nomination paper

- Completed nomination papers can be lodged at the:
  - New Plymouth District Council's Civic Centre, 84 Liardet Street, New Plymouth
  - South Taranaki District Council's Administration Building, 105-111 Albion Street, Hawera
  - Stratford District Council's Administration Building, 61-63 Miranda Street, Stratford

or posted to:

The Electoral Officer  
Taranaki Regional 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 constituency).
- 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.

#### 7. 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 not able to withdraw his/her nomination.  
[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.

People interested in standing for election are invited to attend candidate information meetings held by each of the constituent territorial authorities, as follows:

Date	Time	Venue
Saturday 23 July 2016	9 - 11 am	South Taranaki District Council 105-111 Albion Street Hawera
Saturday 23 July 2016	12 - 2 pm	Stratford District Council Administration Building 61-63 Miranda Street Hawera
Saturday 23 July 2016	3 - 5 pm	New Plymouth District Council Council Chamber Civic Centre 84 Liardet Street New Plymouth

The candidate information meetings are for candidates considering standing for the regional council, the district health board or one of the district councils.

They are held to provide an opportunity for those members of the public who are considering standing for office to find out how the organisations are structured, the skills required, the roles and responsibilities of elected representatives, and matters pertaining to the elections (eligibility, nominations, timetable, induction process and remuneration).

- Election campaigning can commence anytime and may continue up to and including election day.
- As the display of election signs is subject to regulation by constituent territorial authorities under their policies and district plans, enquiries regarding the erection of such signs should be directed to the relevant constituent territorial authority. However, constituent territorial authority "Policies on Election Hoardings" are detailed for your information in this handbook (section 12). This information was current at the time of printing but should be checked with the relevant constituent territorial authority.
- 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 rest homes 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.
- (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 regional council and district health board) then the higher limit applies (not both combined).
- The population distribution for the Taranaki Regional Council (population estimates as at 30 June 2015) is:

Constituency	Population	Limit
New Plymouth	54,300	\$30,000
North Taranaki	24,700	\$20,000
South Taranaki	27,700	\$20,000
Stratford	9,070	\$7,000
	115,770	

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 donations and expenses. A series of donations made by one person that adds up to more than \$1,500 must also be declared.
- A candidate donation includes:
  - where a candidate is provided with goods or services free of charge that have a reasonable market value greater than \$300;
  - where a candidate is provided with discounted goods or services and the reasonable market value of the goods or services is greater than \$300, the difference between the contract or agreed price and the reasonable market value of those goods and services is a donation;
  - where a candidate sells over-valued goods or services the difference between the price paid and the reasonable market value is a donation, for example a fundraising auction or dinner.
- The following are not deemed a donation:
  - volunteer labour;
  - goods or services provided free of charge to a candidate, or to any person on the candidate's behalf that have a reasonable market value of \$300 or less; or
  - money provided by the candidate for 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) are 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—

- (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 and contributions include GST**

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

### **103C Donations to be transmitted to candidate**

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

### **103D Contributors to be identified**

- (1) This section applies to a donation (other than an anonymous donation) that is made up of, includes, or is wholly or partly funded from 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.

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

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

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

(1) When a transmitter transmits a donation to a candidate on behalf of the donor, the transmitter must disclose to the candidate—

- (a) the fact that the donation is transmitted on behalf of the donor; and
- (b) the name and address of the donor; and
- (c) whether **section 103D** applies to the donation and, if so, all information disclosed by the donor under subsection (2) of that section.

(2) Where a transmitter does not disclose, or is unable to disclose, the information required by **subsection (1)**, then the donation must be treated as an anonymous donation.

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

**103H Disclosure of identity of donor**

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

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

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

**103J Anonymous donation 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.

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

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

(2) A candidate who contravenes **section 103J(1) or (2)** commits an offence and is liable on conviction to a fine not exceeding \$5,000.

**103L Records of electoral donations**

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

(2) A candidate who fails, without reasonable excuse, to comply with **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$5,000.

## Subpart 2—Electoral expenses

### 104 Interpretation:

In this subpart and subpart 3,—

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

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

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

**population** means the population, as at the day that is 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.
- (2) However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (election result day), the return must be filed within 76 days after election result day.
- (3) The return of electoral donations and expenses must set out—
  - (a) the details specified in **subsection (4)** in respect of every electoral donation (other than a donation of the kind referred to in **paragraph (c)**) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value; and

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

**112B Nil return**

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

**112C Failure to file return of electoral donations and expenses**

A candidate who fails, without reasonable excuse, to comply with section 112A commits an offence and is liable on conviction to—

- (a) a fine not exceeding \$1,000; and
- (b) if he or she has been elected to office, a further fine not exceeding \$400 for every day that he or she continues to hold office until the return is filed.

**112D Filing a false return of electoral donations and expenses**

A candidate who files a return under **section 112A** that is false in any material particular commits an offence and is liable on conviction—

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

**112E Obligation to retain records necessary to verify return**

- (1) A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return under **section 112A** to be verified.
- (2) The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates.

- (3) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$5,000.

#### **112F Return 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 (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, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless **subsection (2)** or **subsection (4)** applies.
- (2) A person may publish or cause or permit to be published an advertisement of the kind described in **subsection (1)** if—
- (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and
  - (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.
- (3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.
- (4) A person may publish or cause or permit to be published an advertisement of the kind described in **subsection (1)** if—
- (a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and
  - (b) the advertisement contains a statement setting out—
    - (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and
    - (ii) the true name of the organisation or body 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 PLYMOUTH DISTRICT COUNCIL SIGNS POLICY



### Election Signs

There are some limitations on the erection and placement of election signage.

No election signage is permitted in or above public areas. This includes reserves, roads, footpaths, berms and state highways. Election signage cannot be fixed to utility poles or other structures on public land, including vehicles and trailers.

Infringement fines may apply for non-compliance.

Election signs are classified as Advertising Signs in the New Plymouth District Plan. The following requirements are set out in the District Plan.

#### **Duration of display** (note: different rules apply for Parliamentary General Elections.)

Maximum of 12 months display.

Must be removed within seven days of the election date (by Sunday 16 October 2016).

#### **Lettering size on signs**

In areas where speed limits are:

Less than 70kph 120mm or greater.

More than 70kph 160mm or greater.

#### **Proximity of signs**

In areas where speed limits are:

Less than 70kph No rules

More than 70kph Must be placed at least 0.6m X the posted speed limit away from each other

Must not restrict views for at least 180 metres

#### **Lighting/moving parts**

There are limitations on flashing, blinking and moving lights and mechanical movement of any part of the sign. Please contact the Council to find out the rules before erecting your sign.

#### **Building consent**

Usually required if the sign structure exceeds:

3 metres (in height); or

6m<sup>2</sup> (in area)

#### **Mounted signs on vehicles including trailers**

You cannot mount signs on vehicles (including trailers) and then leave them parked up on roads or public places unless the vehicle is being used primarily for transport purposes.

**What election signs must contain**

A statement of the person(s) who have approved the sign providing an address of their residence or business.

Where the sign provides an endorsement of a candidate, the sign must also state the name of an organisation or body endorsing the candidate the advertisement and the address of the place of business of that organisation or body.

The statement(s) must comply with the letterings sizes stated above.

**What election signs can't contain**

You cannot copy the form, colours, shape or messages of any official signs.

**Other matters**

Other District Plan rules may apply. Please contact the Council if you have queries not covered by the matters above.

## SOUTH TARANAKI DISTRICT COUNCIL SIGNS POLICY



### DISPLAYING ELECTION SIGNS

Local authorities are responsible for regulating when, where and how signs, including election signs can be displayed. Candidates and parties should consult with their local authority about the rules in their area before putting up any election signs.

#### Timing and Size

The Electoral Act 1993 allows for election signs up to three square metres in size to be put up in the two months before election day.

This provision overrides any more restrictive local authority rules about size and timing of the display of signs.

Any local authority rules about things like application procedures and the location and density of signs still apply.

Larger signs may be put up if local authority rules allow.

Signs may be put up earlier if local authority rules allow.

It is an offence under the Electoral Act to display election signs on election day. There is no other restriction in the Act on when electoral signs may be displayed.

### SOUTH TARANAKI DISTRICT COUNCIL: PUBLIC PLACES BYLAW

#### 23.4 Election Signs

23.4.1 No person may display an election sign on any land, including public places, without the written consent of the owner or occupier of that land.

#### 23.5 Breaches of this section

23.5.1 Council reserves the right to remove any sign or flag located in a public place which is in breach of this Baylaw, without notice to the owner of that sign or flag.

23.5.2 All costs involved in the removal, storage and return of property will be at the expense of the sign or flag owner.

Please note: All signs are to display the true name and physical address (place of residence or business) of the person authorising them. (See section 113 (2)(b) Local Electoral Act 2001).

It is recommended that any candidate wishing to place election signs on Council Land contact the Council directly on 0800 111 323 or 06 278 0555 to discuss.

## STRATFORD DISTRICT COUNCIL SIGNS POLICY



PLEASE NOTE: All signs etc are to display the true name and physical address (place of residence or business) of the person authorising them (section 113(2)(b) Local Electoral Act 2001).

### **Election Signs**

Election signs are treated as temporary signs, i.e. advertising one-off events that will be in place for no more than three months and be removed within 48 hours of the event (in the case of election signs this is reduced to the day before the event). In the Rural zone a maximum size of 3.0m<sup>2</sup> is permitted per sign per site. In the Business zone a maximum size of 4.0m<sup>2</sup> is permitted per sign per site.

In the Residential zone a maximum size of 1.0m<sup>2</sup> is permitted per sign per site. In the Rural/ Residential zone a maximum size of 2.0m<sup>2</sup> is permitted per sign per site.

Beyond the usual limitations re public danger and obstruction of traffic, driver view etc such signs on road reserve must:

- Be no closer than 50m to an intersection.
- Be separated from other signs by at least 100m.
- Not be placed on the roundabouts.
- Be as close to the kerbs as possible.

The only restrictions on temporary signs on private property are the size limitations referred to above.

Provided that the Stratford District Council District Plan rules and the Building Act are complied with, temporary signs for electioneering may be erected on private land throughout the district

### **Billboards**

The Stratford District does not have any public areas available for billboards of any description.

Any billboard proposed for any commercial property would require a resource consent, it should be noted that to date none have been either requested or granted.

- Electoral Rolls for the Taranaki Regional Council are produced by the three constituent territorial authorities (New Plymouth District, South Taranaki District and Stratford District) and may be obtained from the respective constituent territorial authority offices.

The Preliminary Electoral Rolls for the constituent territorial authorities are available for public inspection from Friday 15 July 2016 to Friday 12 August 2016 at:

- each constituent territorial authority office in the Taranaki region
- each constituent territorial authority library in the Taranaki region
- Those eligible to vote are:
  - all residents enrolled on the Parliamentary Electoral Roll within the region; and
  - all non-resident ratepayers enrolled on the respective constituent territorial authority 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 each constituent territorial authority 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 are not residents of a constituent territorial authority within the region but pay rates on a property in another constituent territorial authority may be entitled to enrol on a respective Ratepayer Electoral Roll for that local authority area.
- Companies, businesses, trusts, corporations or societies which are ratepayers of a property within the region may also nominate an elector to vote on their behalf, provided any such elector resides outside the region.
- Partners, joint tenants and tenants in common who collectively pay rates on a property within the region may also nominate one of the group who is an elector to vote on their behalf, provided any such elector resides outside the region.
- 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](http://www.elections.org.nz)

- Any alterations to the non-resident Ratepayer Electoral Roll, should be made through a constituent territorial authority electoral office (telephone 0800 922 822).
- Copies of a hardcopy constituent territorial authority Preliminary Electoral Roll may be purchased from the respective constituent territorial authority office.
- The Final Electoral Roll for each constituent territorial authority 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 from constituent territorial authorities.
- Costs of the electoral rolls will be:
  - New Plymouth District Council - \$75.00 including GST
  - South Taranaki District Council - \$50.00 including GST
  - Stratford District Council - \$35.00 including GST
- Details appearing on the electoral roll are electors names (surname, then first names) listed alphabetically. The qualifying address of the elector is shown alongside. No postal addresses or occupations are shown.
- 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 each constituent territorial authority electoral office.
- Candidates or candidate scrutineers may request, before the close of voting, a listing of names of persons from whom voting documents have been returned. Such a request can be supplied in either hardcopy or electronic copy, 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 respective constituent territorial authority's 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 hand deliver it.
- If hand delivered, completed voting documents can be lodged at a respective constituent territorial authority's electoral office:
  - New Plymouth District Council, Civic Centre, 84 Liardet Street, New Plymouth
  - South Taranaki District Council, Administration Building, 105-111 Albion Street, Hawera
  - Stratford District Council, Administration Building, 61-63 Miranda Street, Stratford
- 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 Friday 16 September 2016 to noon, Saturday 8 October 2016 at a respective constituent territorial authority electoral offices, or by phoning 0800 922 822.
- Special votes can be posted directly to electors. The completed voting document however, must be returned to the respective 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](http://www.elections.org.nz).

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

- Special votes cannot be collected by candidates or their assistants for distribution to electors.
- On election day, ordinary votes can be returned and special votes issued and returned from 9 am to noon at a respective constituent territorial authority office.

- 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 which an election is being conducted;
  - under 18 years old.
- Each scrutineer must be appointed by a candidate, such appointment to be in writing to the electoral officer. For a person to be appointed 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 on Thursday 13 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 sealed ballot boxes have been received from the respective constituent territorial authority offices, these will be included and form the preliminary results.
- Progress results however will not be available for the Taranaki 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:
  - by accessing Taranaki Regional Council's website ([www.trc.govt.nz](http://www.trc.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 Taranaki Regional 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 Taranaki Regional 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)

## Local Electoral Act 2001

**121 Illegal nomination, etc**

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

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

**122 Interfering with or influencing voters**

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

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

**123 Offences in respect of official documents**

(1) Every person commits an offence who-

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

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

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

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

#### **124 Voting offences**

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

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

#### **125 Bribery**

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

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

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

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

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

#### **126 Treating**

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

- (a) for the purpose of influencing, that person or any other person to vote or refrain from voting; or
- (b) for the purpose of obtaining his or her election; or

- (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
- (2) Every holder of a license under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-
  - (a) to any person, if the supply is demanded for one or more of the purposes specified in subsection (1); or
  - (b) to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.
- (3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.
- (4) Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.
- (5) Every person who commits the offence of treating is liable on conviction to imprisonment for a term not exceeding 2 years.

#### **127 Undue influence**

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

#### **128 Personation**

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

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

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

- (c) communicate at any time to any person any information obtained in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, as to-
  - (i) any candidate for whom, or the proposal for or against which the voter is about to vote or has voted; or
  - (ii) any number on a voting document marked or transmitted by the voter.
- (3) Every person present at the counting of votes must-
  - (a) maintain and assist in maintaining the secrecy of the voting; and
  - (b) must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom or proposal for or against which any vote is cast by a particular voter.
- (4) No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.
- (5) Every person commits an offence who contravenes or fails to comply with this section.
- (6) Every person who commits an offence against subsection (5) is liable on conviction to imprisonment for a term not exceeding 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 conviction to a fine-
  - (a) not exceeding \$5,000 for an electoral officer or deputy electoral officer;
  - (b) not exceeding \$2,000 for any other person.

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

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

General provisions

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

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

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

- (1) Subsection (2) applies if an electoral officer—
  - (a) receives a written complaint that an offence has been committed under—
    - (i) Part 5; or
    - (ii) 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 103K 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 scale for Members of the Taranaki Regional Council (as at 1 July 2016) is as follows:

Chairperson	\$ 96,425 *	per annum
Deputy Chairperson / Executive Committee Chairperson	57,350	per annum
Chairperson Policy and Planning Committee & Taranaki Solid Waste Management Committee	53,526	per annum
Chairperson (Consents and Regulatory Committee)	49,703	per annum
Committee Chairperson (Land Transport or Civil Defence Emergency Management Committee) or Yarrow Stadium Joint Committee	45,880	per annum
Councillor and appointee to the Taranaki Biodiversity Trust	43,968	per annum
Councillor	38,233	per annum

\* Chairperson Car: full private use.

### **Councillors at Taranaki Regional 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 Taranaki Regional 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.

**NEW PLYMOUTH DISTRICT COUNCIL****2013 Voter Turnout**

<b>Ward</b>	<b>No Electors on Roll</b>	<b>No Electors who voted</b>	<b>%</b>
New Plymouth City	38172	19466	51.00%
New Plymouth City (Kaitake)	1454	823	56.60%
North (Waitara)	5610	2610	46.52%
North (Clifton)	1718	992	57.74%
South-West (Kaitake)	1938	879	45.36%
South-West (Inglewood)	5735	2854	49.76%
Ratepayers on Roll	69	68	98.55%
Specials		247	
<b>TOTAL</b>	<b>54696</b>	<b>27939</b>	<b>51.08%</b>

**South Taranaki District Council  
Daily Voting Returns 2013**

	2013				2010			
Day 1	25	MON 23/9	0.14%	0.14%	0	MON 20/9	0.0%	0.0%
Day 2	1050	TUES 24/9	6.02%	6.16%	1,125	TUES 21/9	6.32%	6.32%
Day 3	925	WED 25/9	5.30%	11.46%	950	WED 22/9	5.34%	11.66%
Day 4	575	THUR 26/9	3.29%	14.75%	600	THUR 23/9	3.37%	15.03%
Day 5	475	FRI 27/9	2.72%	17.48%	750	FRI 24/9	4.21%	19.24%
Day 6	400	MON 30/9	2.29%	19.77%	550	MON 27/9	3.09%	22.33%
Day 7	750	TUES 1/10	4.30%	24.06%	800	TUES 28/9	4.49%	26.83%
Day 8	475	WED 2/10	2.72%	26.79%	450	WED 29/9	2.53%	29.35%
Day 9	275	THUR 3/10	1.58%	28.36%	250	THUR 30/9	1.40%	30.76%
Day 10	300	FRI 4/10	1.72%	30.08%	300	FRI 1/10	1.69%	32.44%
Day 11	275	MON 7/10	1.58%	31.66%	300	MON 4/10	1.69%	34.13%
Day 12	600	TUES 8/10	3.44%	35.09%	500	TUES 5/10	2.81%	36.94%
Day 13	525	WED 9/10	3.01%	38.10%	350	WED 6/10	1.97%	38.90%
Day 14	525	THUR 10/10	3.01%	41.11%	400	THUR 7/10	2.25%	41.15%
Day 15	175	FRI 11/10	1.00%	42.11%	225	FRI 8/10	1.26%	42.42%
Day 16	610	SAT 12/10	3.50%	45.61%	372	SAT 9/10	2.09%	44.51%
	23	Ratepayers	0.13%	45.74%	19	Ratepayers	0.11%	
	34	Specials	0.19%	45.93%	41	Specials	0.23%	
	8,017			45.93%	2,912			44.84%

**Stratford District Council  
Daily Voting Returns 2013**

	2013				2010				
Day 1	0	MON 23/9	0.0%	0.0%	0	MON 20/9	0.0%	0.0%	0.0%
Day 2	350	TUES 24/9	5.60%	5.60%	100	TUES 21/9	1.57%	1.57%	1.57%
Day 3	350	WED 25/9	5.60%	11.19%	100	WED 22/9	1.57%	1.57%	3.14%
Day 4	225	THUR 26/9	3.60%	14.79%	850	THUR 23/9	13.34%	13.34%	16.48%
Day 5	175	FRI 27/9	2.80%	17.59%	200	FRI 24/9	3.14%	3.14%	19.62%
Day 6	175	MON 30/9	2.80%	20.38%	125	MON 27/9	1.96%	1.96%	21.59%
Day 7	200	TUES 1/10	3.20%	23.58%	275	TUES 28/9	4.32%	4.32%	25.90%
Day 8	150	WED 2/10	2.40%	25.98%	75	WED 29/9	1.18%	1.18%	27.08%
Day 9	100	THUR 3/10	1.60%	27.58%	200	THUR 30/9	3.14%	3.14%	30.22%
Day 10	125	FRI 4/10	2.00%	29.58%	100	FRI 1/10	1.57%	1.57%	31.79%
Day 11	125	MON 7/10	2.00%	31.57%	50	MON 4/10	0.78%	0.78%	32.57%
Day 12	200	TUES 8/10	3.20%	34.77%	275	TUES 5/10	4.32%	4.32%	36.89%
Day 13	225	WED 9/10	3.60%	38.37%	100	WED 6/10	1.57%	1.57%	38.46%
Day 14	175	THUR 10/10	2.80%	41.17%	100	THUR 7/10	1.57%	1.57%	40.03%
Day 15	75	FRI 11/10	1.20%	42.37%	125	FRI 8/10	1.96%	1.96%	41.99%
Day 16	283	SAT 12/10	4.52%	46.89%	216	SAT 9/10	3.39%	3.39%	45.38%
	17	Ratepayers	0.27	47.16%	12	Ratepayers	0.19%	0.19%	45.57%
	18	Specials	0.29	47.45%	9	Specials	0.14%	0.14%	45.71%
	2,968			47.45%	2,912				45.71%

Election results for Taranaki Regional Council

**New Plymouth Constituency (5 vacancies)**

Tom Cloke, Peter Horton, Moira Irving, David Lloyd Lean and Craig Williamson are elected.

Candidate	Votes
Barrett, Nick	5,311
Cloke, Tom	10,337
Hendry, Rex	4,852
Horton, Peter	6,829
Irving, Moira	6,625
Lean, David Lloyd	11,830
Marsh, Barry	5,608
Roberts, Sarah	4,914
Tucker, Jim	5,777
Williamson, Craig	8,906

**South Taranaki Constituency (3 vacancies)**

Michael Joyce, David Nigel MacLeod and Neil Walker are elected.

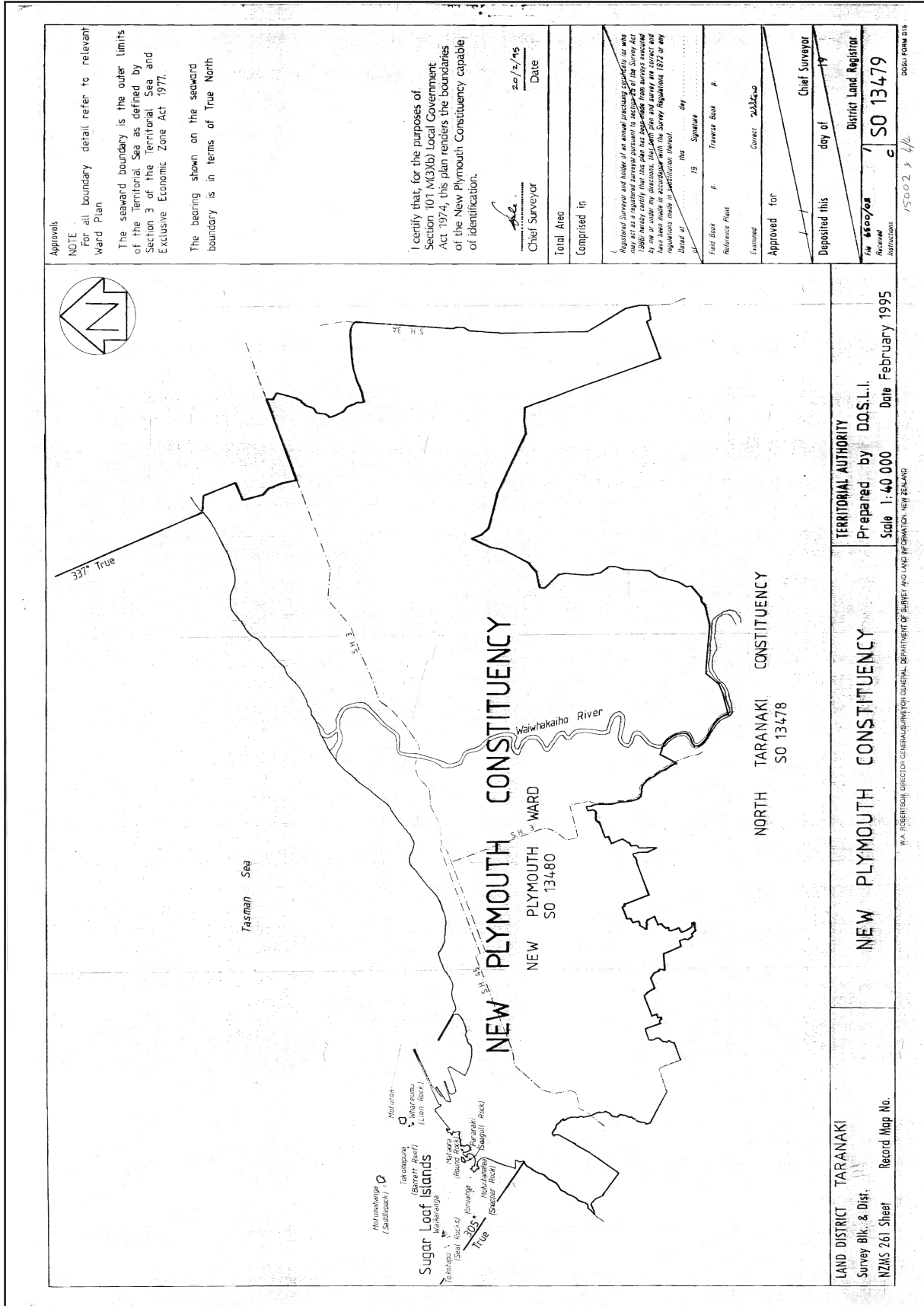
Joyce, Michael	4,317
MacLeod, David Nigel	4,778
Menzies, Joe	3,374
Murray, Alan	2,392
Walker, Neil	4,183

**North Taranaki Constituency (2 vacancies)**

Davey, Mike	Elected unopposed
Maxwell, Roger F H	Elected unopposed

**Stratford Constituency (1 vacancy)**

Jeffares, Brian	Elected unopposed
-----------------	-------------------



Approvals  
 NOTE  
 For all boundary detail refer to relevant Ward Plan  
 The seaward boundary is the outer limits of the Territorial Sea as defined by Section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977.  
 The bearing shown on the seaward boundary is in terms of True North

I certify that, for the purposes of Section 101 M(3)(b) Local Government Act 1974, this plan renders the boundaries of the New Plymouth Constituency capable of identification.

Chief Surveyor  
 Date 20/12/1995

Total Area  
 Comprised In

Registered Surveyor and holder of an annual practising certificate for who may act as a registered surveyor pursuant to sections 25 of the Survey Act 1980 hereby certify that this plan has been prepared in accordance with the provisions of the Survey Act 1980 and that no errors or omissions have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at this day  
 19 Signature  
 Field Book # Traverse Book #  
 Reference Plane  
 Examined Correct  
 Approved for

Deposited this day of  
 Chief Surveyor

District Land Registrar  
 SO 13479

TERRITORIAL AUTHORITY  
 Prepared by D.O.S.L.I.  
 Scale 1:40 000  
 Date February 1995

NORTH TARANAKI CONSTITUENCY  
 SO 13478  
 NEW PLYMOUTH CONSTITUENCY

LAND DISTRICT TARANAKI  
 Survey Blk. & Dist.  
 NZMS 261 Sheet  
 Record Map No.

15002 x 4/4  
 15002 x 4/4  
 DEPT FORM 014  
 W.A. ROBERTSON, DIRECTOR GENERAL/SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND

Approvals

NOTE  
For all boundary detail refer to relevant  
Ward Plans

The seaward boundary is the outer limits  
of the Territorial Sea as defined by  
Section 3 of the Territorial Sea and  
Exclusive Economic Zone Act 1977

The bearing shown on the seaward  
boundary is in terms of True North

I certify that, for the purposes of  
Section 101 M(3)(b) Local Government  
Act 1974, this plan renders the boundaries  
of the North Taranaki Constituency capable  
of identification.

Chief Surveyor  
Date 20/2/95

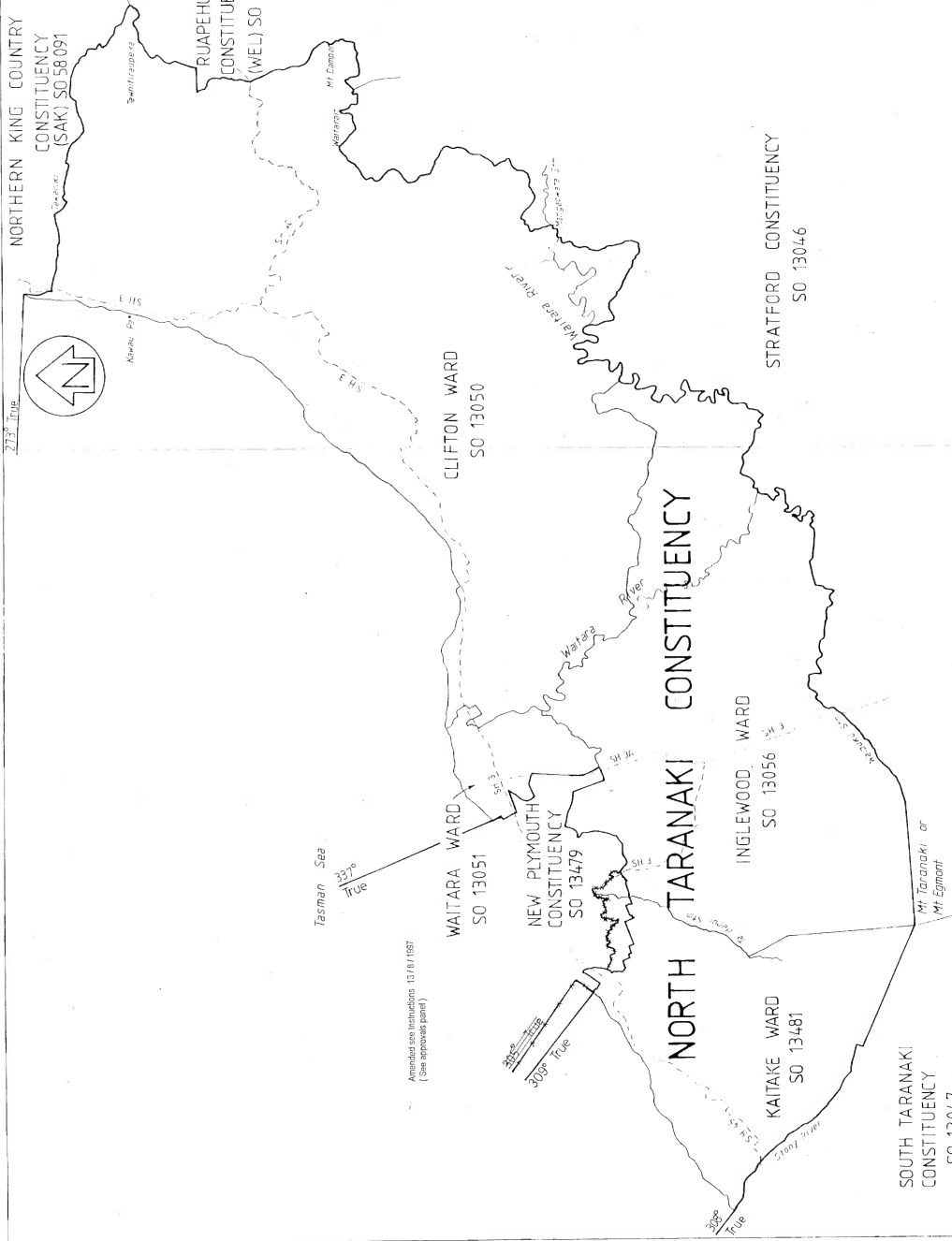
Total Area  
Comprised in

Registered Surveyor and holder of an annual practicing certificate in accordance with the provisions of the Survey Act 1988. The plan and survey are correct and have been made in accordance with the Survey Regulations 1987. In any registration made in accordance with the Survey Act 1988, the Surveyor shall certify that the survey was made in accordance with the Survey Regulations 1987.

Signature  
Date  
Reference Page  
Number

Approved  
Chief Surveyor  
day of  
1995

Received  
District Land Registrar  
SO 13478



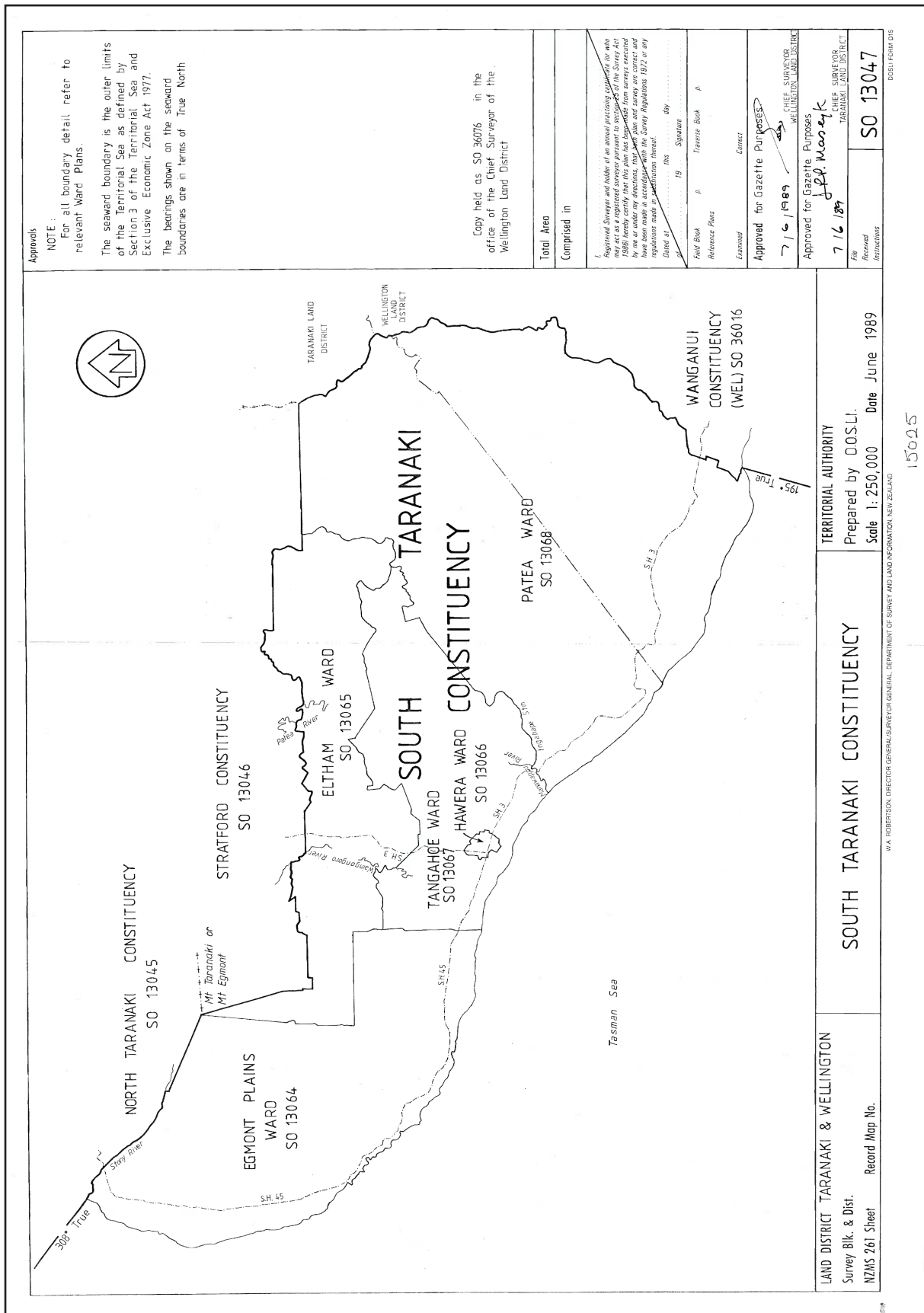
TERRITORIAL AUTHORITY  
Prepared by D.O.S.L.I.  
Scale 1: 200,000 Date February 1995

NORTH TARANAKI CONSTITUENCY

LAND DISTRICT TARANAKI  
Survey Blk. & Distr.  
NZMS 261 Sheet  
Record Map No.

15013/2





**Approvals**

**NOTE:**  
For all boundary detail refer to relevant Ward Plans.

The seaward boundary is the outer limits of the Territorial Sea as defined by Section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977.

The bearings shown on the seaward boundaries are in terms of True North

Copy held as SO 36076 in the office of the Chief Surveyor of the Wellington Land District

Total Area	
Comprised in	
<p><i>Registered Surveyor and holder of an annual practicing certificate or who may act as a registered surveyor pursuant to section 24 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed in accordance with the Survey Act 1980 and that all necessary regulations have been made in accordance with the Survey Regulations 1982 or any regulations made in substitution thereof.</i></p> <p>Dated at ..... this ..... day .....</p> <p>19..... Signature .....</p>	
Field Book	p. Taranaki Book p.
Reference Plans	
Examined	Correct
<p>Approved for Gazette Purposes</p> <p>7 16 / 1989</p> <p>Approved for Gazette Purposes</p> <p>7 16 / 1989</p> <p>CHIEF SURVEYOR WELLINGTON LAND DISTRICT</p> <p>CHIEF SURVEYOR TARANAKI LAND DISTRICT</p>	
File	SO 13047
Received	
Instructions	

TERRITORIAL AUTHORITY  
Prepared by D.O.S.L.I.  
Scale 1:250,000 Date June 1989

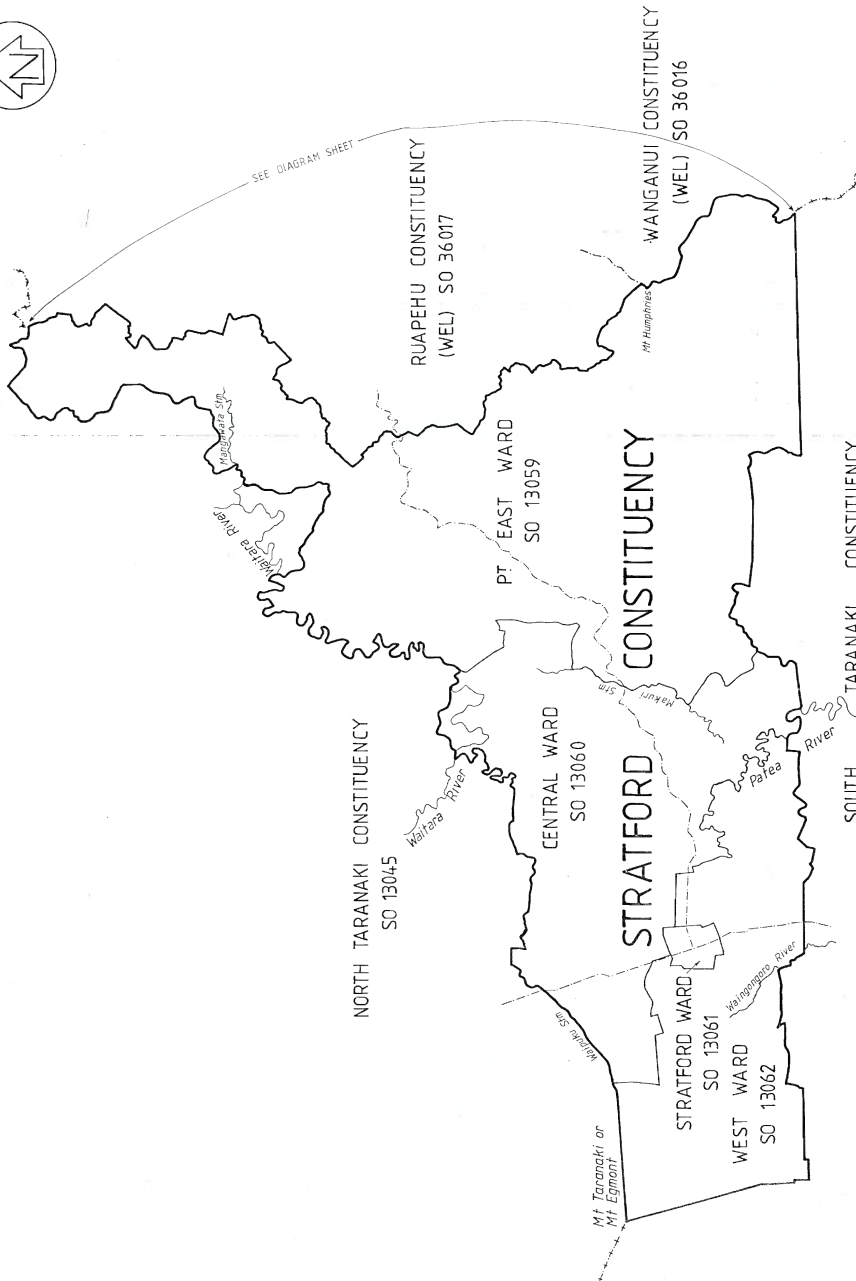
SOUTH TARANAKI CONSTITUENCY

LAND DISTRICT TARANAKI & WELLINGTON  
Survey Blk. & Dist.  
NZMS 261 Sheet Record Map No.

W.A. ROBERTSON, DIRECTOR GENERAL/SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND  
 15025  
 D.O.S.L.I. FORM 016

Approvals

NOTE:  
For all boundary detail refer to relevant Ward Plans.



Total Area

Comprised in

Registered Surveyor and holder of an annual practicing certificate or who may act as a registered surveyor pursuant to sections 10 of the Survey Act 1980 hereby certify that this plan has been prepared in accordance with the regulations made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at this day

19

Signature

Traverse Book p.

Reference Plus

Examined

Correct

Approved for Gazette's Purposes

7/6/89 J.R. Massey Chief Surveyor

Deposited this day of

19

District Land Registrar

SO 13046

File

Number

15024/1

Sheet 1 of 2

TERRITORIAL AUTHORITY  
Prepared by D.O.S.L.I.  
Scale 1: 200,000 Date June 1989

STRATFORD CONSTITUENCY

LAND DISTRICT TARANAKI  
Survey Blk. & Dist.  
NZMS 261 Sheet Record Map No.

W.A. ROBERTSON, DIRECTOR GENERAL/SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND

DOSLI: F284/18

### Pre-election Period Communications

The triennial local body election will be held by postal voting from the third week in September 2016, culminating in Election Day on 8 October 2016.

Councillors may be aware that all elected members are impacted by the three month "pre-election period" which comes into effect on 8 July 2016. This period is the subject of guidelines produced by the Office of the Auditor General (OAG) which are intended to ensure that conduct by Council staff is not perceived to support the election of a particular candidate.

This report summarises the relevant sections of these guidelines. Elected members are encouraged to be familiar with these, to ensure their own conduct during the pre-election period does not result in the guidelines being breached (or being perceived as having been breached).

### Principle 12

A local authority must not promote, nor be perceived to promote, the re-election prospects of a sitting member. Therefore, the use of Council resources for re-election purposes is unacceptable and possibly unlawful.

- Promoting the re-election prospects of a sitting member, directly or indirectly, wittingly or unwittingly, is not part of the proper role of a local authority.
- A Council would be directly promoting a member's re-election prospects if it allowed the member to use Council communications facilities (such as stationery, postage, internet, email, or telephones) explicitly for campaign purposes.
- Other uses of Council communications facilities during a pre-election period may also be unacceptable. For example, allowing members access to Council resources to communicate with constituents, even in their official capacities as members, could create a perception that the Council is helping sitting members to promote their re-election prospects over other candidates. For this reason, elected members should ensure that any reports during the pre-election period do not include statements which could be perceived as campaigning on either their own behalf or of other candidates.
- OAG recommends that mass communications facilities - such as Council-funded newsletters to constituents and Chairman's or members' columns in Council publications - be suspended during the pre-election period.

Promoting the re-election prospects of a sitting member could also raise issues under the Local Electoral Act 2001. For example:

- Local elections must be conducted in accordance with the principles set out in section 4 of the Local Electoral Act . The principles apply to any decision made by a Council under that Act or any other Act, subject only to the limits of practicality. A breach of the principles can give rise to an "irregularity" which could result in an election result being overturned. In this context the principles relate to public confidence in the election process, transparency, and fairness. The conduct (including decision-making, activities, and public statements) of all elected members and Council staff during the pre-election period is expected to uphold these principles.

- The publication, issue, or distribution of information, and the use of electronic communications (including web site and email communication), by a candidate are “electoral activities” to which the rules concerning disclosure of electoral expenses apply.

“Electoral expenses” include:

- 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
- The cost of any printing or postage in respect of any electoral activity.

A member’s use of Council resources for electoral purposes could therefore be an “electoral expense” which the member would have to declare – unless it could be shown that the communication also related to Council business and was made in the candidate’s capacity as a member.

### **Principle 13**

Communications by or about members, in their capacities as spokespersons for Council, during a pre-election period could result in the member achieving electoral advantage at ratepayers’ expense. The chief executive officer (or his delegate) should actively manage the risk in accordance with the relevant electoral law.

Curtailing all Council communications during a pre-election period is neither practicable nor (as far as mandatory communications, such as those required under the LGA, are concerned) possible. Routine Council business must continue. In particular:

- Some Councils publish their annual reports during the months leading up to an October election, which would include information (including photographs) about sitting members.
- Council leaders and spokespersons need to continue to communicate matters of Council business to the public.”

Further information about the election is available on Council’s website, including the Candidate Information handbook which provides further information about legal requirements of candidates. Staff have also been briefed on expected conduct during the pre-election period.



TRIENNIAL ELECTION

8 October 2016

APPOINTMENT OF SCRUTINEER

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

Email [info@electionservices.co.nz](mailto: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).**



I,  a candidate for,

at the election held on 8 October 2016, make the following declaration:

**RETURN OF ELECTORAL DONATIONS**

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

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

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

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

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

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

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

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

NAME and ADDRESS	DESCRIPTION (include goods or services)	DONATION	
		<i>Date</i>	<i>Value</i>
<i>Please turn page for Electoral Expenses and Declaration</i>			<b>Total</b>







