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# **Candidate Information Booklet**

## **November 2017**

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**SEDDON WARD BY-ELECTION**  
**SATURDAY 17 FEBRUARY 2018**





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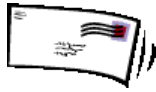
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# 1 Introduction

This booklet outlines information which may be of interest to you as a candidate.



The only issue to be decided is for the vacancy on the Seddon ward

The election is being conducted by postal vote with election day being Saturday 17th February 2018.



The conduct of local body elections is regulated by legislation, namely:

- Local Electoral Act 2001 (LEA)
- Local Electoral Regulations 2001 (LER)
- Local Government Act 2002
- New Zealand Public Health and Disability Act 2000 (for DHB elections)
- Crown Entities Act 2004 (for DHB elections)
- Sale of Liquor Act 1989 (for licensing trust elections)
- The Development West Coast Deed of Trust



Relevant key dates for your diary are:

- |                                 |  |
|---------------------------------|--|
| • Nominations Open              | Friday 24 November 2017                      |
| • Nominations Close             | Noon, Friday 22 December 2017                |
| • Delivery of Voting Papers     | Friday 26 to Wednesday 31 January 2018       |
| • Appointment of Scrutineer(s)  | by noon Friday 16 February 2018              |
| • Close of Voting               | Noon, Saturday 17 February 2018              |
| • Preliminary Results Available | As soon as practicable after close of voting |
| • Official Declaration          | About Monday 19 February 2018                |
| • Return of Expenses form       | About Monday 15 April 2018                   |



For further information or additional copies of this booklet, please phone 788 9111.



Candidates requiring more information should contact:

### For electoral enquiries

John Rodger (JR), Electoral Officer or Jennifer Collins Deputy Electoral Officer  
Brougham House  
8 Brougham Street  
PO Box 21  
Westport

phone: 788 9613 (JR) 788 9608 (JC)  
fax: 788 8041  
email: [jayar@bdc.govt.nz](mailto:jayar@bdc.govt.nz) or [jennyc@bdc.govt.nz](mailto:jennyc@bdc.govt.nz)

### For other enquiries re Council

Communications Officer  
Buller District Council  
P O Box 21  
Westport

phone: 788 9683  
fax: 788 8041  
email: [kelly@bdc.govt.nz](mailto:kelly@bdc.govt.nz)



## 2 Electoral Officer

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The Electoral Officer is appointed by the local authority. However, once appointed, the electoral officer (as well as the deputy electoral officer and other electoral officials) is not subject to the direction of the local authority in exercising his or her powers and carrying out the duties under the LEA & LER.

The general duties of the electoral officer are:

- The compilation and certification of the electoral rolls
- The publication of any public notice in relation to elections and polls
- Receiving nominations, candidate profile statements and deposits required to be paid and checking legal requirements are met
- Issuing and receiving ordinary and special voting documents and other official documents
- The processing and counting of votes
- The declaration of results
- Investigating and reporting alleged electoral offences to the Police
- Completing all necessary post-election and poll tasks, including necessary reports and statistics.

At triennial general elections, the territorial authority electoral officer is responsible for compiling and certifying electoral rolls, and the issuing and receiving of voting documents for all elections in the area (ie including for regional council, district health board, licensing trust (if applicable), and, in the West Coast region, Development West Coast elections). Other responsibilities such as the processing and counting of votes may also be delegated between TA electoral officers.



### 3 Election timetable key dates

Date (2017-18)	Activity
<b>24 November 2017</b>	<b>Candidate nominations open and roll opens for public inspection</b>
24 November to 22 December (noon)	Receipt of candidate nominations
<b>22 December 2017 at noon</b>	<b>Candidate nominations close</b>
22 December 2017	Roll closes (with close of mail, usually 4.00pm)
About 27 December 2017	Public notice of candidates' names
26-31 January 2018	Voting documents delivered
26 January to 17 February 2018	Progressive roll scrutiny, special voting
<b>17 February 2018 midday</b>	<b>Election Day – voting closes</b>
17 February 2018 from about 2pm	Preliminary results
About 19 February 2018	Declaration of results
28 February 2018	Council monthly meeting - elected member swearing-in ceremony
About 15 April 2018	Final day to lodge Return of Donations and Expenses



## **4 Candidate qualifications**

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**1. “Every parliamentary elector is qualified to be a candidate at every election to be held under this Act if that person is a New Zealand citizen.” *Sec 25(1) LE Act 2001***

2. A candidate need not be an elector of the local authority for which he or she is standing. Any New Zealand citizen who is enrolled as a parliamentary elector may be elected to any territorial authority.

A candidate cannot be a person concerned or interested in contracts over \$25,000 with the territorial local authority (Section 3(1) Local Authorities (Members' Interests) Act 1968). This restriction is waived if prior approval from the Audit Office is obtained.

**Note that there are some exclusions to being a candidate in some of the issues, or being a candidate in more than one issue.**

**For instance, no person can stand for the Buller District Council (whether it be for Mayor, Council, or Community Board) and for the West Coast Regional Council.**

**If in doubt, prospective candidates should contact the Electoral Officer.**



# 5 Nominations

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## 1. Key Dates

- **Nominations open on Friday 24 November 2017**
- **Nominations close at noon, Friday 22 December 2017**
- Public notices calling for nominations will appear in the local newspapers in the week of the opening of nominations

## 2. Availability of Nomination Papers

Each nomination must be made on the appropriate official nomination paper, which will be available from 24 November 2017 at the Buller District Council's main office in Brougham Street, Westport.

## 3. Candidate Profile Statement (Sec 61, Local Electoral Act)

- Every candidate may provide the Electoral Officer with a candidate profile statement prior to the close of nominations, and **must be supplied when depositing the nomination paper**. This is a statement of **up to 150 words** containing information about the candidate and his/her policies and intentions if elected to office. The profile may include **a recent passport size photograph**. 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 candidate profile statement is required to be included with the voting paper sent to each elector by the Electoral Officer.
- The candidate profile statement may be in English or Maori, (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, it is required that this be provided in an electronic graphic file.

*Specifications (from printer): All translations must be supplied as a single image. If there is more than 1 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:*

1. *EPS Bit map*
2. *Black and white*
3. *600 dpi*
4. *1 mm white space included around the head and left hand side of the image*
5. *The image being 55 mm high and 85 mm 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, 203 Queen Street, City Fitness Building, Auckland 1010  
P O Box 8567, Symonds Street, Auckland 1150  
Phone: 0508 872 675 Fax: 09 913 5291  
Email: [info@pactrans.co.nz](mailto:info@pactrans.co.nz)



• **Section 61 of the Local Electoral Act 2001 provides:**

- (1) *Every candidate may, provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).*
- (2) *A candidate profile statement,-*
  - (a) *if-*
    - (i) *in English or Maori or both, must not exceed 150 words in each of the languages used in the statement:*
    - (ii) *in a language other than English or Maori, must not exceed 150 words, or the equivalent,, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate); and*
  - (b) *must be provided to the electoral officer, 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 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 the 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 subsections (2)(ca) and (2)(cb) does not count for the purposes of the word limit under subsection (2)(a).*
- (3) *If a candidate profile statement is submitted in Maori and English, the information contained in each language must be substantially consistent with the information contained in the other language.*
- (4) *If the electoral officer is not satisfied that a candidate profile statement complies with subsection (2), or, if applicable, subsection (3), the electoral officer must, as soon as practicable, return the statement to the candidate and must –*
  - (a) *specify the concerns of the electoral officer and the reasons for those concerns; and*
  - (b) *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) 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, and are eligible to vote in, the particular issue for which the candidate is nominated.
- 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 paper.

#### 5. **Affiliation**

- The nomination paper provides for a candidate to claim an affiliation with an organisation or group. Individual candidates not part of an organisation or group may elect to be identified as "Independent" or leave as blank (if left blank, nothing will show alongside the name on the voting paper).
- A candidate requiring a specific affiliation should have authority to adopt the affiliation from the organisation or group concerned (ie letter from group confirming its consent to use affiliation). This is a safety measure to avoid any illegal adoption of affiliations.
- No affiliation that might cause offence or is likely to confuse or mislead electors will be accepted.

The relevant extracts from sections 55 and 57 of the Local Electoral Act are set out below:

#### **55 Nomination of candidates**

(4) *A nomination under subsection (1) must state---*

- (a) *the name under which the candidate is seeking election;*
- (b) *any organisation or group with which the candidate claims to be affiliated for the purposes of identifying that affiliation in the voting documents at the election;*
- (c) *whether or not a candidate who does not claim any affiliation referred to in paragraph (b) wishes to be identified in the voting documents at the election as an independent candidate.*

#### **57 Affiliation of Candidate**

(1) *If an electoral officer is in any doubt about a candidate's eligibility to claim an affiliation, the electoral officer may require the candidate to produce evidence sufficient to satisfy the electoral officer of the candidate's eligibility to claim that affiliation.*

(2) *If an electoral officer considers that the candidate is not eligible to claim an affiliation or that the affiliation claimed might cause offence to a reasonable person or is likely to cause confusion to or mislead electors,---*

- (a) *the electoral officer must, after consultation with the candidate, allow the affiliation that the electoral officer and the candidate agree on to appear on voting documents in place of the affiliation specified in the notice of nomination; or*
- (b) *if the consultation referred to in paragraph (a) does not result in agreement or is not reasonably practicable to undertake, the electoral officer must not allow any affiliation in respect of that candidate to appear on voting documents.*

(3) *In this section, an affiliation is an endorsement by any organisation or group (whether incorporated or unincorporated).*

## 6. Return of Nomination Paper

- Nomination papers and all accompanying documentation and the deposit (if required) **must** be lodged with the Electoral Officer at the Council office, which is located at 8 Brougham Street, Westport, or posted to:

Electoral Officer  
Buller District Council  
PO Box 21  
Westport 7866

### **Nominations must be lodged no later than 12 noon, Friday 22 December 2017**

- Once lodged, the nomination paper is checked to ensure the candidate is eligible (name appears on a parliamentary roll) and the nominators are two electors whose names appear on the electoral roll and are eligible to vote in the particular issue.
- Each nomination paper lodged requires an accompanying deposit of \$200 (including GST). This is refunded if the candidate polls greater than 25% of the lowest polling successful candidate, and makes the necessary Return of Elections Expenses (see Section 6, page 12).

**Please note that there is no deposit required for the issue of the Development West Coast.**

- **The lodgement of nomination papers should not be left to the last minute.** Should a nomination paper be lodged late on the day nominations close, and be incorrectly completed or ineligible nominators 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**

- Payment of the nomination deposit can be made by cash, EFTPOS, bank cheque or personal cheque. Should a personal cheque be used and subsequently dishonoured, the nomination becomes invalid as the deposit has not lawfully been made.
- Cheques should be made payable to Buller District Council.
- The nomination paper, with the deposit (if required), and any accompanying Candidate Profile Statement. can be mailed, but should it be received after the close of nominations, the nomination is invalid.



# 6 Campaigning and Limits on Campaign Expenditure

## Campaigning

- Election campaigning can commence any time and can continue up to and including election day.
- Election offences are set out in this section (with regard to electoral donations, electoral expenses, and the return of electoral donations and expenses), section 7, Page 18 (with regard to advertising), and section 12 (with regard to other offences) of this booklet. **Please refer to them for your own protection. In particular, note that no election material may contain an imitation voting paper which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contains such direction or indication likely to influence the voter.**
- Voting Papers are **not** permitted to be collected from electors by candidates or their assistants. Each elector is required to post or deliver his or her own voting paper to the Electoral Officer.

## Limits on Campaign Expenditure

Candidates should be aware that campaign expenditure limits have now been established by legislation. 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 by the Local Electoral Act 2001.

These limits are based on the population for the particular area, constituency, or ward. Thus the maximums for each issue are

Election	Population (2015 estimate)*	Maximum candidate expenditure
Mayor	10,350	\$14,000
<b>Buller District Council-Seddon ward</b>	<b>1,850</b>	<b>\$3,500</b>
Buller District Council-Inangahua ward	2,100	\$3,500
Buller District Council-Westport ward	6,400	\$7,000
West Coast Regional Council-Buller	10,350	\$14,000
Development West Coast Trust-Buller	10,350	\$14,000
West Coast Area Health Board	32,700	\$20,000

\*Statistics NZ

**A Return of Electoral Expenses and Electoral Donations form is required to be supplied to the Electoral Officer within 55 days after the official declaration of the result of the election. Copies of the form will be forwarded to candidates as soon after the declaration of the result. If applicable, the election deposit will not be refunded until the return is made.**

**The Return of Electoral Expenses and Electoral Donations form once returned becomes a public document and can be inspected by any person for a period of 7 years after receipt.**

**Campaign expenditure limits cover a period of three months before election day, ie 17 November 2017 to 17 February 2018.**

Set out on pages 13-15 are the relevant provisions of Part 5 of LEA governing “Electoral donations and expenses”, and these are given in three subparts, viz

- Subpart 1 – Electoral donations
- Subpart 2 – Electoral expenses
- Subpart 3 – Return of electoral donations and expenses.

## **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.

### **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.

#### **109 [Repealed]**



## **110 [Repealed]**

## **111 Maximum amount of electoral expenses**

*Refer to page 12 in this booklet*

## **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.



## 7 Advertising by or on behalf of Candidates

It is imperative that all election advertising (using any media) must identify the person under whose authority it has been produced.

The publication of any advertisements (in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard or card, or broadcast over radio or television) for candidates requires the written authorisation of the candidate or the candidate's agent.

The advertisement must contain a statement setting out the true name of the person or persons for whom, or at whose direction, it is published and the street address (not a PO Box) of his or her residence or business. This applies during the candidate's entire campaign. (See *Section 113 of the LEA on page 15*)

There is also the reminder that in terms of Council's by-law (NZS 9201: Part 2: 1999, Model General Bylaws, Part 2 – Public Places),

*“except without prior permission of Council or an authorised officer, a person shall not on any public place ... (h) distribute any printed or written material advertising any product, service or entertainment.”*

For more information, or to apply for permission, please contact the Customer First team at Council's Westport office.

Section 113 of the Local Electoral Act provides that no-one, other than an organisation representing residents or ratepayers of the district, may publish or permit to be broadcast any advertisements for a candidate at an election without the written authorisation of the candidate or the candidate's agent.

Furthermore, no person or organisation may publish or permit to be broadcast any advertisement for a candidate at an election without including a statement setting out the name and address of the person or organisation that directed its publication. The intention of this provision is to allow the public to be aware from whom candidate advertising originates and make their own judgement about the credibility of the information and views expressed.

Section 113(5) makes it clear that this provision does not restrict the publication of any news or comments relating to an election in any media.

The full provisions of Section 113 are set out below.

### Part 5A – Electoral advertising

#### 113 Advertisements for candidates

- (1) No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.
- (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 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.*



## 8A Council Requirements for Election Hoardings

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A Local Body Election Hoarding is a sign designed to encourage or persuade voters to vote for (a) particular candidate/s in a local body election and which is larger than 1.5m<sup>2</sup> but no larger than 3m<sup>2</sup>.

Prior to erecting any hoarding/s the candidate must make an application to Council on the *Application for Election Hoardings* form and pay the \$200 fee. Application forms are available from Council offices and can be downloaded from Council's website, [www.bullerdc.govt.nz](http://www.bullerdc.govt.nz).

Hoardings must not be erected until the candidate has received written confirmation from Council that his/her hoardings have been approved.

The following requirements must be met for Local Body Election Hoardings:

- Each candidate is restricted to a maximum of 12 hoardings in the Buller District, with a maximum of four hoardings per ward (Seddon, Westport, Inangahua)
- The location of every hoarding is subject to landowner, occupier and Council approval
- No hoarding shall be erected as to restrict or obstruct the visibility of traffic entering or exiting from any adjacent property
- Any hoarding that will be visible from the state highway must have the written approval of the New Zealand Transport Agency (NZTA) before approval will be given by Council and must also comply with NZTA's requirements for electioneering signs adjacent to state highways. **See below for contact\***

All hoardings must be removed at least one day prior to the election.

### **\*Hoarding and/or signs located on or adjacent to state highways**

Where any individual candidate or party organisers wish to erect signs on or adjacent to any State Highway, then contact should be made with:

Opus International Consultants  
PO Box 264  
Westport 7866

phone: 03 789 7699  
facsimile: 03 789 7541



## 8B Council Requirements for Election Signs

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A Local Body Election Sign is a sign designed to encourage or persuade voters to vote for (a) particular candidate/s in a local body election and which does not exceed 1.5m<sup>2</sup> in area.

Local Body Election Signs are permitted in Buller provided they meet ALL of the following standards:

- The period of display must not exceed one month and all signs must be removed at least one day prior to the election
- If freestanding, the sign does not exceed 2m in height (including any structure). Sign supports must be made of frangible material
- There is no more than one sign per site
- If the sign is aerial or inflatable the period of display must not exceed two weeks and the sign must not be placed adjacent to a road with a speed limit of 70km/h or greater

If the sign is to be erected on land adjacent to any public road, state highway or railway the sign must also comply with the following:

- The sign must not conflict with the conspicuity of, nor be capable of being confused with, official signs or traffic signals
- The message on the sign must be clear, concise and easy to read
- The sign must be located so that it does not obstruct:
  - a road user's visibility along the road, or view of any road sign, intersection, corner, private entrance, road marking, pedestrian crossing or traffic signal
  - and a road user's or train driver's visibility along the railway at a level crossing, or view of railway signals, or a train driver's visibility around a curve in the railway
- The sign must be at right angles to the road/railway and be located to avoid vehicle headlight reflection onto road users/the railway
- The sign must present an unrestricted view to motorists for a minimum distance of 180m where the posted speed limit is 70km/h or greater
- No element of the sign can be reflective, illuminated, intermittent, flashing, animated or tri-vision
- Where the sign is adjacent to a public road where the posted speed limit is 70km/h or greater, or a state highway, it must
  - have a minimum lettering height of 120mm where the posted speed limit is less than 70km/h, and 160mm where the posted speed limit is 70km/h or greater; and
  - if freestanding, have a maximum of six words and/or symbols with a maximum of 40 characters
- Any sign that will be visible from the state highway must also comply with the New Zealand Transport Agency's requirements for electioneering signs adjacent to state highways (**See Page 21 for contact\***).
- There is no formal application process for Local Body Election Signs. Candidates are encouraged to discuss their plans with Council staff, prior to erecting any signs, to ensure that all standards are met.



## 9 Electoral Rolls

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- The preliminary electoral roll for the Buller District will be available for public inspection from Friday 24 November 2017 at the Council's office, Brougham Street, Westport, the Sue Thomson Memorial Library, Palmerston Street, Westport, and at the Reefton Service Centre, Broadway, Reefton.
- Any alterations to the residential roll should be made:
  - (i) by completing the appropriate form at any Post Shop; or
  - (ii) by telephone 0800 ENROLNOW (0800 36 76 56); or
  - (iii) by accessing the Electoral Enrolment Centre website on [www.elections.org.nz](http://www.elections.org.nz).
- Any alterations to the ratepayer roll should be made through the Electoral Officer (phone 788 9111).
- Copies of the preliminary electoral roll may be purchased from the Electoral Officer for \$50 (incl GST).
- The final electoral roll is produced once the preliminary electoral roll closes on 22 December 2017. The final electoral roll is the roll used for issuing voting papers. Copies of this roll will also be available for purchase.
- Details appearing in the electoral rolls are electors' names (surname, then first names) listed alphabetically. The qualifying address of the elector is shown alongside. To comply with privacy provisions, no postal addresses or occupations will be made available.

### **SUPPLY OF ELECTORAL ROLL DATA IN ELECTRONIC FORM**

Information contained on the Electoral Rolls is not available from the Electoral Officer in an electronic form, but candidates or political parties may request an electronic listing of resident electors from the Electoral Enrolment Centre (provided the criterion of section 114 of the Electoral Act 1993 is met).

An application form is required to be completed, and these are available upon request at the Electoral Enrolment Centre, phone (04) 801-0700 or fax (04) 801-0709.



## 10 Special Voting

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- Special votes are available to electors:
  - whose names do not appear on the final electoral roll, but who qualify as electors
  - who have not received a voting paper previously posted to them
  - who spoil or damage a voting paper previously posted to them
- Special votes will be available at the Council's main office, Brougham Street, Westport, from Friday 26 January 2018 to Friday 16 February 2016 during ordinary office hours, and from 9.00 am to noon on Saturday 17 February 2018.
- Special votes can be posted directly out to applicants. The completed voting paper however, must be returned to the Electoral Officer by noon on election day.
- Special votes require the completion of a statutory declaration. This is a legal requirement and a protection for electors against possible duplicate voting.
- If an elector requests a special vote and is not on the parliamentary roll (eg just turned 18 years of age), the person must enrol by Friday 7 October 2016. An application for registration as a parliamentary elector may be obtained:
  - (i) from any Post Shop; or
  - (ii) by telephoning 0800 ENROLNOW (0800 36 76 56); or
  - (iii) by accessing the Electoral Enrolment Centre website on [www.elections.org.nz](http://www.elections.org.nz).

After voting closes, Special Vote Declarations are forwarded to Registrars of Electors for verification that the elector is eligible and has enrolled as a parliamentary elector, or forwarded change of address details.

- Special votes **cannot** be collected by candidates or their assistants for distribution to electors.





# 11 Scrutineers

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- Candidates may appoint scrutineers to oversee various functions of the election. These functions are:
  - the scrutiny of the roll
  - the count
- Each candidate may appoint one or more scrutineers for each of the above functions, **but only one scrutineer for each candidate may be present at any one time.**
- A scrutineer cannot be:
  - a candidate;
  - a member or employee of any local authority or community board for an election being conducted;
  - under 18 years old.
- Each scrutineer must be appointed by a candidate, such appointment to be in writing to the Electoral Officer. For a person to be appointed a scrutineer, the letter of appointment must be received by the Electoral Officer no less than 24 hours before the close of voting (ie by noon on Friday 16 February 2018).
- Each appointed scrutineer must report initially to the Electoral Officer, when a declaration pledging not to disclose any information coming to his or her knowledge, will need to be signed.
- Any scrutineer may leave or re-enter the place where election work is being carried out, **but it is an offence** 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 12 noon on election day
- The scrutiny of the roll will be undertaken at the Council's main office in Westport during normal office hours between Monday 29 January to Friday 16 February 2018, and from 9am to noon on Saturday 17 February 2018.
- The role of scrutineers is to ensure that the election procedures where they are permitted to be present are undertaken correctly. **It is not a means to obtain progress reports on how well certain candidates or parties are polling.**
- Scrutineers should not distract, annoy, linger close by or talk loudly to one another so as to disrupt or upset election staff. All communication should be through the Electoral Officer or the Deputy Electoral Officer.
- Scrutineers are requested to make their own provision for refreshments and meals.
- The use of mobile phones is prohibited in the election office. Scrutineers will be required to hand their mobile phones over to the Electoral Officer on arrival.



## 12 Release of results

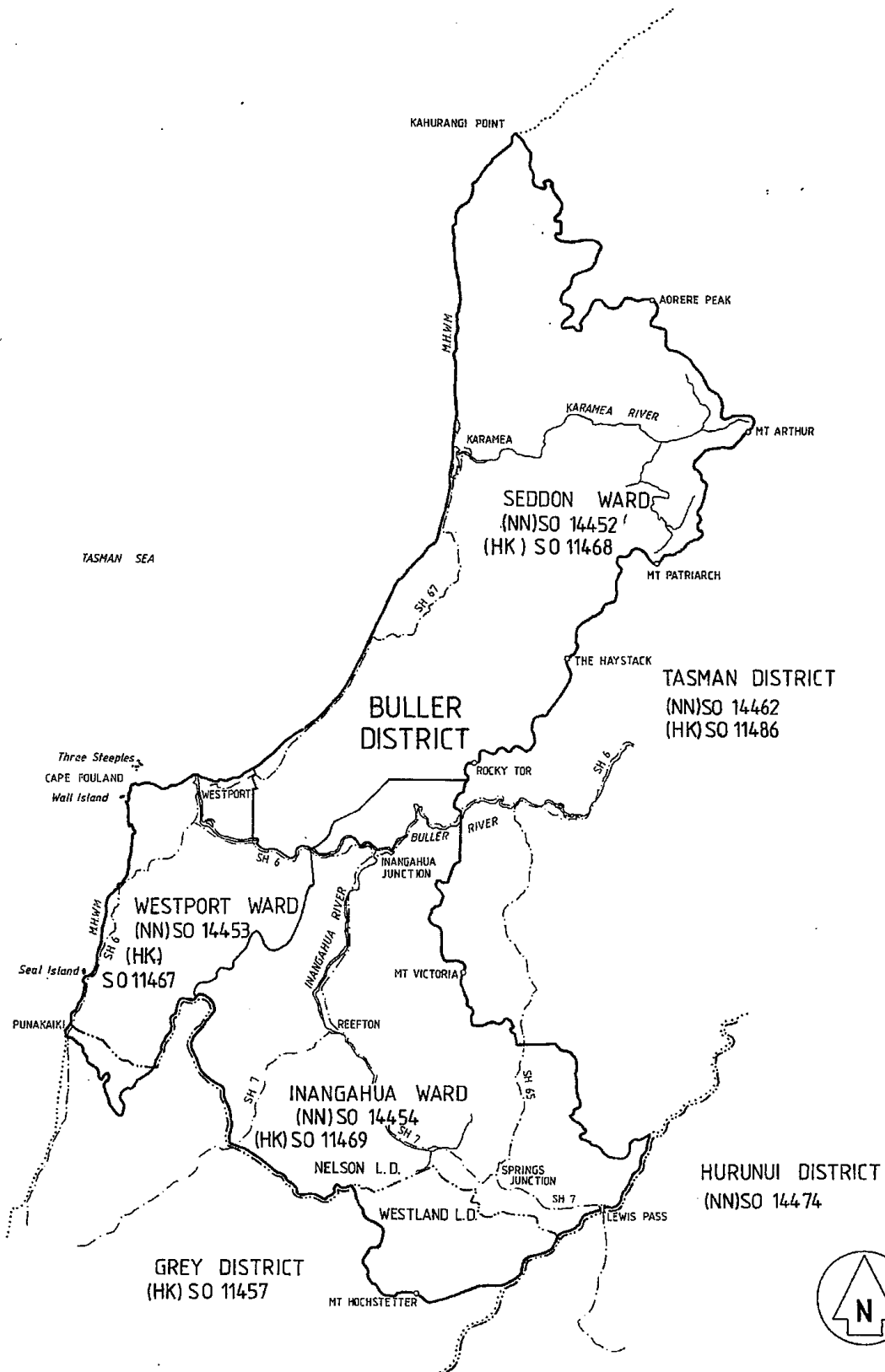
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- The returned voting documents will only be counted after the close of voting on Saturday 17 February 2018.
- A preliminary result should be available early to mid afternoon on this day, with the final result sometime early in the week of 19 February, after the special votes have been checked and certified by the Registrar of Electors.
- Preliminary results will be posted on Council's website, displayed on the Council's Brougham House front door, and emailed (only) to candidates and the news media on election day.

**The Electoral Officer and his staff will do all in their power to have a preliminary result at a reasonable time. However, no guarantee can be given as to the time when the final preliminary result will be available on election day, although it is expected it should be available by about 2pm onwards.**



# 13 Buller District Map





## 14 Miscellaneous Election Offences

Please also refer to:

**Section 6 (page 12) of this booklet with regard to electoral donations, electoral expenses, and the return of electoral donations and expenses; and**  
**Section 7 (page 18) of this booklet with regard to advertising**

### 121 **Illegal nomination, etc**

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

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

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

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

- (a) *interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote:*
- (b) *prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be in imitation of any voting document to be used at the election or poll that,-*
  - (i) *in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote:*
  - (ii) *in the case of a poll, includes a statement or indication as to how any person should vote:*
  - (iii) *in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes:*
- (c) *prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.*

(2) *Despite subsection (1)(b), it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed-*

- (a) *the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and*
- (b) *nothing else.*

(3) *Nothing in this section applies to-*

- (a) *any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or*
- (b) *any candidate profile statement, published, displayed or distributed under the authority of this Act or regulations made under this Act.*

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

(1) *Every person commits an offence who-*

- (a) *intentionally removes, obliterates, or alters any official mark or official writing on any voting document. or other official document used at an election or poll:*
- (b) *intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll:*
- (c) *forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document:*

- (d) *supplies, without authority, a voting document to any person:*
- (e) *obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority:*
- (f) *intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.*

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

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

#### **124 Voting offences**

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

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

#### **125 Bribery**

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

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

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

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

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

**126 Treating**

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

**127 Undue influence**

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

**128 Personation**

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

**129 Infringement of secrecy**

- (1) Every electoral officer, deputy electoral officer, and other electoral official-
- (a) must maintain and assist in maintaining the secrecy of the voting; and
  - (b) must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.

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

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

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

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

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



## 15 Remuneration (at 1 May 2016)

### Buller District Council and West Coast Regional Council

The remuneration for the various positions on the Councils is governed by the Remuneration Authority (RA), with the current maximums shown.

<b>Buller District Council</b>	
<b>Office</b>	<b>Annual Salary</b>
Mayor	\$74,100
Deputy Mayor	\$24,780
<b>Councillor</b>	<b>\$17,700</b>
Community Board member	\$ 3,300

<b>West Coast Regional Council</b>	
<b>Office</b>	<b>Annual Salary</b>
Chair	\$74,200
Deputy Chair (subject to confirmation by RA)	\$39,295
Councillor	\$33,900

Also a member can receive travelling allowances or expenses when he or she is engaged on business pursuant to a resolution, or is attending a meeting of the council or board. The amounts paid are governed by Regulation.

### West Coast District Health Board

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

Board	Chair	\$33,600
	Deputy Chair	\$20,400
	Member	\$16,320
Statutory Advisory Committees	Chair	\$312 per meeting
	Member	\$250 per meeting

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

### Development West Coast (Trust)

The Chairperson receives an annual fee of **\$42,000**, while Trustees receive an annual fee of **\$21,000**. This fee is determined from time to time by the Settlor, the Minister of Finance.

Mileage and all other reasonable costs are also reimbursed.





# 16 Governance Issues

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## **The Purpose of Local Government**

The Local Government Act outlines the purpose of local government in New Zealand. This is to provide:

- recognition of the existence of different communities in New Zealand
- recognition of the identities and values of those communities
- definition and enforcement of appropriate rights within those communities
- scope for communities to make choices between different kinds of local public facilities and services
- for the operation of trading undertakings of local authorities on a competitively neutral basis
- for the delivery of appropriate facilities and services on behalf of central government
- recognition of communities of interest
- for the efficient and effective exercise of the functions, duties and powers of the components of local government
- for the effective participation of local persons in local government.

## **Regional Councils**

Regional councils are responsible for promoting the sustainable management of natural and physical resources, for ensuring that environmental planning is carried out in an integrated fashion and for carrying out a number of other regional functions. Their activities include:

- pest management
- resource management
- flood and river control scheme management
- civil defence
- regional transport planning and passenger transport

## **Territorial Authorities (City or District Councils)**

They focus on providing local services and on detailed land use planning and subdivisional control in response to the needs of the local community. Their functions are:

- regulatory – they issue and enforce laws in their district
- providing community services

## **Community Boards**

Community boards can be set up as an additional council structure in any city or district in New Zealand, primarily to ensure the interests of smaller groupings within the overall community are represented. Boards operate within city or district councils and exercise powers delegated by that council.



# 17 Requirements and Time Commitments of Members

- There is no defined job description for Mayors, Chairpersons, Councillors or Community Board members. However, members must know or learn:
  - Their council's administrative system as it applies to elected members (e.g. Standing Orders; Council and Committee procedures; services and facilities for Councillors; finance);
  - The organisation of, and services provided by the Council;
  - The roles of members and officers respectively;
  - How to handle complaints and enquiries from constituents; and
  - The essential requirements of the relevant law.
- The Deputy Mayor is elected by the members of the Council, usually at the inaugural meeting. The Deputy Mayor is required to deputise for the Mayor whenever he/she is absent or unavailable. This includes chairing meetings of the Council and attending to other duties normally carried out by the Mayor.
- The Community Board also elects a Chairperson and Deputy Chairperson at its inaugural meeting.
- Some Councillors are elected by the members of the Council as Chairperson or Deputy Chairperson of a Council committee. Committee Chairpersons are responsible for chairing meetings of their committees, and also for assisting in the preparation of agendas for their committee meetings. The election of Committee Chairpersons and Deputy Chairpersons usually occurs at the inaugural meeting.
- Otherwise, the duties of Councillors and Community Board members, as established by practice and custom, include:
  - Attending and participating at meetings.
  - Reading agendas and other material before meetings.
  - Attending to enquiries from members of the public.
  - Attending or hosting functions.
  - Representing the Council or Board on related organisations, where appointed.
  - Attending and participating at conferences and seminars.
- Before commencing their duties, Councillors and Board members are required to make a declaration at the inaugural meeting.
- The amount of time which each elected member devotes to Council or Community Board affairs is personal and depends on their own particular circumstances. However, candidates should not underestimate the demands which will be made on their time if elected. In a district the size of Buller, the demands of elected office have grown over the years to the point where it is difficult if not impossible for elected members to hold down a full time job, or continue to devote a full working week to a business or professional practice.

The following list gives a rough guide as to the time requirements involved in the positions shown:

Mayor	- (almost) full time
Deputy Mayor and Chairpersons of Standing Committees and Community Boards	- up to 20 hours or more per week
Councillors	- up to 15 hours or more per week
Community Board members	- approximately 5 hours per week



## 18 Management Structure

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- Staff are headed by the Chief Executive who is directly responsible to the elected members for:
  - Implementing decisions of the Council or Board
  - Advising members
  - Ensuring all functions, duties and powers are properly performed
  - Ensuring the effective, efficient and economic management of the activities of the Council or Board
- The Chief Executive is the only staff member appointed by the elected members. All other staffing responsibilities are conferred on the Chief Executive. Elected members cannot **reach down** to appoint middle level staff, or tell those staff what to do



## 19 Members' Interests

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- Prospective candidates should be aware of the requirements of the Local Authorities (Members' Interests) Act 1968.
- Under Section 3 of the Act, elected members may not be concerned or interested in contracts made by the council when payments made for the contracts entered into during a particular year exceed \$25,000 including GST. That amount may only be exceeded if the council has either obtained the prior approval of the Audit Office or, in special circumstances, obtained retrospective approval. When payments exceed \$25,000 or any other approved amount, the elected member concerned is automatically disqualified from office. He or she also commits an offence if he or she continues to act as a member.
- Under Section 6 of the Act, elected members may not discuss or vote on any matter in which they have a pecuniary interest when it is being considered by the council thereof. Elected members failing to observe this prohibition commit an offence and can be prosecuted. Conviction leads to disqualification from office.
- When a matter is raised at a meeting of the council, board or a committee thereof in which a member has a pecuniary interest, the member prohibited from voting or discussing the matter must declare the pecuniary interest. The fact of that disclosure and abstention from discussion and voting on it is also recorded in the minutes. While it is not necessary to withdraw from the meeting, it is good practice to do so.