

# Pukapuka Aratohu Kaitonopōti Candidate Handbook

**PŌTI  
2022**  
NGA PŌTITANGA Ā-ROHE

**VOTE  
2022**  
LOCAL ELECTIONS

**local people.**  
**local impact.**

  
**HAWKES BAY**  
REGIONAL COUNCIL  
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

*Disclaimer: Every effort has been made to ensure that the information contained in this booklet is accurate and consistent with the Local Electoral Act 2001 and its amendments and regulations. Hawke's Bay Regional Council takes no responsibility for any errors or omissions. It is recommended that candidates obtain a full copy of the Act, which can be purchased from any Government Bookstore or viewed online at [www.legislation.govt.nz](http://www.legislation.govt.nz).*

# He Ihirangi

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# Timatanga Kōrero

## Introduction

*This booklet outlines information which may be of interest to potential candidates and others interested in election issues with general information on the election. It should be used as a guide only, and candidates of other persons requiring more detailed information should contact the electoral officer or deputy electoral officer directly. No responsibility is taken for the accuracy of information in this booklet or candidates' failure to comply with legislative requirements.*

The Local Electoral Act 2001 (LEA), its amendments and regulations, is the presiding legislation for local government elections. It covers all matters pertaining to the conduct of elections including voting methods, voting systems, nomination requirements, electoral roll requirements, length of voting period and progressive processing period, candidate profiles, offences and campaign expenditure limits. All candidates should familiarise themselves with the LEA and the information as set out in this document.

Copies of the LEA and its regulations are available from the Government Bookshop, or they can be viewed online at [www.legislation.govt.nz](http://www.legislation.govt.nz)

### Authority

The Local Government Act 2022 (LGA) states that the purpose of local government is ***to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.***

The LGA reflects a clear view that local authorities that are effective, responsible, and accountable to the communities they represent are a fundamental part of our system of democratic governance rather than a collection of assets and services and provides scope for communities to make their own choices about what local authorities do and how they do them. All councils have the full capacity, rights, powers and authority to carry on or undertake any activity or business, do any act, or enter into any transaction to

- *promote the purpose of local government, and*

- *perform the duties, and exercise the rights, conferred on it by or under the LGA and any other enactment.*

The Regional Council must exercise these powers wholly or principally for the benefit of all or a significant part of its region and not for the benefit of a single district or group.

It is important to note that there are numerous statutes which specifically identify regional councils as having a specific function and role in various activities.

The principal Acts under which Hawke's Bay Regional Council operates include:

- *Local Government Act 2002*
- *Resource Management Act 1991*
- *Local Government Official Information and Meetings Act 1987 (LGOIMA)*
- *Local Electoral Act 2011 and Regulations*
- *Biosecurity Act 1993*
- *Civil Defence Emergency Management Act 2002*
- *Hawke's Bay Regional Planning Committee Act 2015*
- *Various other Acts of Parliament, including Regulations made under those Acts.*

The following statements encompass several related ideas that reflect the actual job of the council and therefore councillors.

- ***Democracy*** - *ensuring opportunities for participation by electors in decision-making processes, within the overall framework of representative democracy.*
- ***Effectiveness*** – *decision-making processes are intended to ensure that representatives are well informed about the preferences of electors, and electors are well informed about the actions of their representatives (and the likely consequences of those actions).*
- ***Local decision-making and accountability*** - *a framework for decision-making that reflects the need to provide effective means for local accountability.*

## Mātāpono Pōti

### Electoral Principles

The electoral principles contained in section 4 of the LEA, outlined below, must be taken into account in the conduct of any election or poll.

The principles the LEA is designed to implement are:

- *Fair and effective representation for individuals and communities*
- *All qualified persons have a reasonable and equal opportunity to – cast an informed vote, nominate 1 or more candidates, and accept nomination as a candidate.*
- *Public confidence in, and public understanding of, local electoral processes through – the provision of a regular elections cycle, the provision of elections that are managed independently from the elected body, protection of the freedom of choice of voters and the secrecy of the vote, the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes, and the provision of impartial mechanisms for resolving disputed elections and polls.*

Local authorities, electoral officers, and other electoral officials must, in making decisions under the LEA or any other enactment, take into account those principles specified in s.4 that are applicable (if any) so far as is practicable in the circumstances.

#### Governance in a Covid-19 Environment

Local authorities are currently operating within a Covid-19 environment and have plans and policies to allow them to do that. Those policies extend to how their staff and elected representatives work and interact with their fellow staff, elected members and the public, and will be tailored to meet any changing access requirements.

Hawke's Bay Regional Council follows NZ Government (Ministry of Health) guidance for Covid-19. Candidates should regularly check to see if the Ministry of Health guidelines ([health.govt.nz](https://www.health.govt.nz)) are amended to ensure they are aware of any provisions that may affect:

- Lodging a nomination
- Campaigning activity
- Accessing special votes
- How they would carry out their roles if elected.

## Māori Rohe Pōti

### Māori Constituencies

***Māori constituencies guarantee Māori representation on a local authority and provide for Māori participation in council decision-making required under the Local Government Act 2002.***

Where Māori constituencies have been established, any eligible person can stand for a Māori or general constituency – a person does not need to be of Māori descent or be on the Māori electoral roll to stand for a Māori constituency (but must be a New Zealand citizen, a parliamentary elector in New Zealand and nominated by two electors on the electoral roll for the constituency the person is standing for).

# Wātaka Pōti

## Election Timetable

From 8 July (Friday)	2022 nomination documents available
15 July (Friday)	Nominations open, electoral roll open for inspection
From 13 July (Wednesday)	Public Notice of Election (HB Today & HBRC website)
18 July (Monday)	Candidate information session with Wairoa District Council
26 July (Tuesday) 6.30pm	Candidate information session with Hastings District Council
27 July (Wednesday) 6.30pm	Candidate information session with Central Hawke's Bay District Council
12 noon, 12 August (Friday)	Nominations close, electoral roll closes
17 August (Wednesday)	Further Public Notice of Election (including candidate names)
16 - 21 September	Delivery of voting documents
16 September to 8 October	Voting Period
Depending on council policy	removal of election signs by midnight Friday 7 October 2022
8 October (Saturday)	Election Day - Voting closes at 12 noon Progress Results available as soon as practicable after close of voting
By 13 October (Thursday)	Final Results announced Public notice of official declaration of election results
19 October (Wednesday)	Councillors' meet and greet
10am Wednesday 26 October	Inaugural meeting of the Hawke's Bay Regional Council
By 9 December 2022	Return of election expense declaration forms (55 days after date of Declaration of Results)

### Candidate Information Sessions

Sessions on standing for Council will be held as noted above:

- in Wairoa on Monday, 18 July – 6pm in the Wairoa War Memorial Hall, 97 Queen Street
- in Hastings on Tuesday, 26 July – 6.30pm in the Hastings District Council Chamber, 207 Lyndon Road East
- in Waipawa on Wednesday, 27 July – 6.30pm in the CHB District Council Chamber, 28-32 Ruataniwha Street

Information covered will include the role and responsibilities of elected councillors, the skills required, anticipated time commitments and an overview of the nomination and election processes.

For further information please contact the Electoral Officer, Leeanne Hooper on (06) 835 9200 or [Leeanne@hbrc.govt.nz](mailto:Leeanne@hbrc.govt.nz)

## Ngā Take Pōti

### Election Issues

Elections will be held in October for the election of 11 councillors on the following basis.

General constituencies	Number of Councillors	Population*
Tamatea/ Central Hawke's Bay	1	12,850
Heretaunga/ Hastings	3	51,600
Ahuriri/ Napier	3	57,400
Ngaruroro	1	20,100
Wairoa	1	4,650
<b>Totals</b>	<b>9</b>	<b>146,600</b>

\* Source: Tatauranga Aotearoa Stats NZ 2020 electoral population estimates.

Māori constituencies	Number of Councillors	Population*
Māui ki te Raki	1	14,350
Māui ki te Tonga	1	17,800
<b>Totals</b>	<b>2</b>	<b>32,150</b>

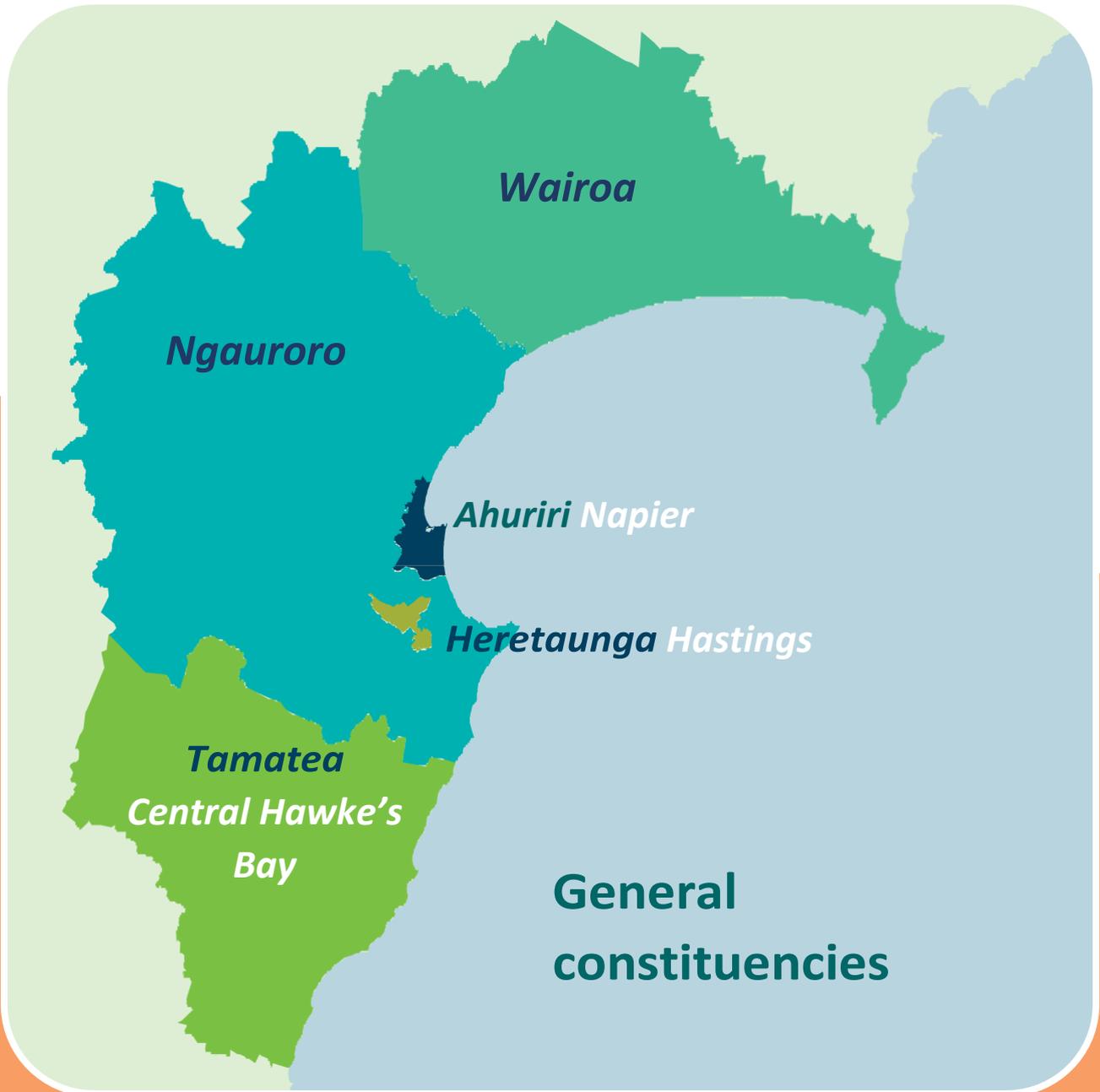
\* Source: Tatauranga Aotearoa Stats NZ 2020 electoral population estimates.

Constituency maps are available on the HBRC website at [keyword: #constituencies](#)

### **General roll**

**Those enrolled on the general roll will elect councillors as follows:**

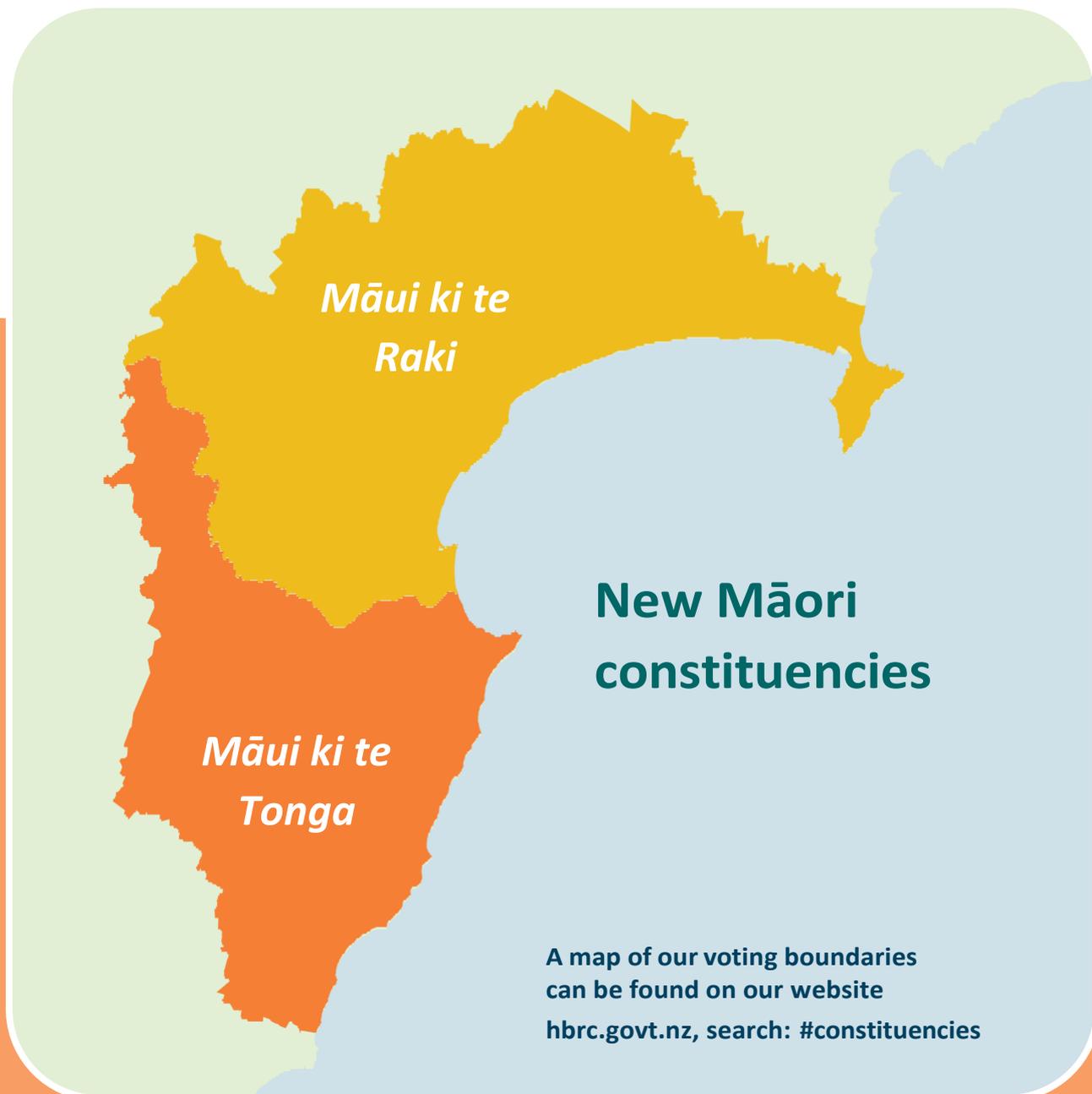
- *one representative each, elected by voters in the Tamatea/ Central Hawke's Bay, Ngaruroro, and Wairoa constituencies*
- *three representatives each, elected by the voters in the Heretaunga/Hastings and Ahuriri/Napier constituencies*



### **Māori roll**

**Those enrolled on the Māori roll  
will elect one councillor in either:**

- *Māui ki te Raki constituency*
- *Māui ki te Tonga constituency*



# Ngā whakamahuki ā ngā Pou Kaunihera

## Governance Information

### Pre-election Report

All Councils must prepare a Pre-election report (PER). The report is prepared by the Chief Executive independently of the Chairperson and Councillors.

Local Government Act 2002, section 99a, sets out the information that must be included in the report and its timing. The PER includes information previously published in other Council documents including Long Term Plans, Annual Plans and Annual Reports. As such the information reflects the policy and service delivery direction of the current Council.

The pre-election report has a particular focus on how the Council is performing financially, including the current financial position, key spending issues over the coming years, historic information for the past three years, and Council's planned financial position for the next three years.

The PER also outlines Council's broader financial goals, which are included in its Long Term Plan.

The pre-election report is available from the Council's website and candidates are encouraged to obtain a copy either online or in hard copy from the Electoral Officer.

### Councillors' Role

Elected members govern the Hawke's Bay region, collectively exercising the powers, duties, authorities, and responsibilities vested in HBRC by the Local Government Act, Resource Management Act, and other Acts.

Individual members do not have any specific authority to act or make decisions as individuals, and actions of councillors are covered by an adopted Code of Conduct.

The purpose of the councillor's role is to represent the interests of all communities in the Hawke's Bay region, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of HBRC's financial resources.

### Collective Duties

- Representing the interests of the Council.
- Formulating the Council's strategic direction and relative priorities through the Long Term Plan (LTP), which determines the services and activities to be undertaken by Council of a ten year period.
- Determining the expenditure and funding requirements of Council activities through the LTP and annual planning processes.
- Overseeing, developing and/or approving all Council policies, administrative, legal, financial and strategic, including formal regional planning matters within the Council's geographical area of responsibility.
- Monitoring the ongoing performance of Council against its stated objectives and policies (including formal sign-off of the Annual Report).
- Ensuring prudent use of Council resources.
- Law-making (bylaws).
- Overseeing Council compliance with any relevant Acts of Parliament.
- Employing, setting performance requirements for, and monitoring the ongoing performance of the Council's Chief Executive. (Under the Local Government Act 2002, the local authority employs the Chief Executive who, in turn, employs all other staff on its behalf – elected members of Council have no responsibilities for, and cannot direct any staff employed by the Council other than the Chief Executive.)

### Representation and Advocacy

- Bringing the view of the community into Council decision making processes.
- Being an advocate for community groups and individuals at Council meetings.
- Balancing the need to advocate for specific interests against the needs of the wider community.
- Listening to the concerns of local residents and ratepayers on issues pertaining to the Council.
- Maintaining contact with community representatives and other local stakeholders.
- Participating in any relevant consultative processes with the local community and/or other organisations.

## Governance

- Participating constructively and effectively in the good governance of the Council as a whole.
  - Understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the Council.
  - Understanding and respecting the differing roles of Chairperson, Deputy Chairperson, committee chairs and councillors.
  - Recognising that the governance role does not extend to operational matters or to the management of any implementation.
  - Having a good understanding of the Council processes set out in the Standing Orders that determine how Council meetings are run.
  - Developing and maintaining a working knowledge of Council service, management processes, powers, duties and constraints.
  - Participating in the setting and monitoring of Council policies, budgets, strategies and service delivery through annual and long term planning processes.
  - Ensuring familiarity with agendas and other reports before meetings.
  - Being familiar with and complying with the statutory requirements of an elected Councillor.
  - Complying with the Code of Conduct adopted by the Council.
  - Identifying, being aware of and declaring any potential conflicts of interest, whether of a pecuniary or non-pecuniary nature.
- Developing a clear understanding of the terms of reference of their Committee, and of the scope and range of the specific areas of Council activities and business within their area of responsibility to allow them to carry out their role as Committee Chair.
  - Ensuring sufficient familiarity with Council Standing Orders and procedures to be able to Chair Committee meetings and any other sessions of Council for which they have responsibility.
  - Undertaking sufficient preparation before meetings they are chairing to effectively carry out their role as Committee Chair.
  - Ensuring any meetings they Chair act within the powers delegated by the Council.
  - Managing the progress of business during meetings, including ensuring adherence to the Council's Code of Conduct, Standing Orders and any other statutory obligations and requirements.
  - Ensuring that all meeting participants have an opportunity to make an appropriate contribution within the bounds of Standing orders and due process.
  - Maintaining and ensuring due order and decorum throughout meetings they Chair.
  - Commenting to the media (or other agencies) as the Council spokesperson on issues arising that pertain to their Committee or that are on the agenda in the areas of Council activity and business within their area of responsibility, but only if delegated to do so by Council.
  - Liaising with appropriate Council staff in respect of the areas of Council activity and business within the Committee Chair area of responsibility.
  - Providing political leadership in building a political consensus around Council issues in the areas of Council activity and business that are within their area of responsibility.
  - Recognizing and contributing to issues that cut across specific areas of Council activity and business within the Committee Chair area of responsibility.
  - Working closely with other elected members of Council to ensure smooth Council decision making.
  - Keeping abreast of all issues concerning Council activity and business within their area of responsibility.

## Committee Chair

The purpose of the Committee Chair's role is to coordinate, lead and direct the business of a Council committee, in a manner consistent with the powers delegated by Council under its terms of reference.

Responsibilities in addition to those of a councillor include:

- Chairing meetings of the Committee in the area of Council activity and business within their area of responsibility.
- Representing the Council to a high standard in the areas of Council activity and business within their area of responsibility.
- Promoting and supporting good governance by the Council.

The Committee Chair may be removed from office by resolution of the Council.

## Chairperson's role

The Chairperson is elected by the members of the Council at the first meeting. In addition to the role as a Councillor, the Chairperson's role is:

- To represent and advocate for the community's social, economic, environmental and cultural well-being, taking a sustainable development approach, as well as the effective stewardship of assets, and the prudent management of the Council's financial resources; and
- To lead Council in the establishment of the strategic direction and development of the region's strategies and plans, monitoring their delivery, to achieve the outcomes and results agreed in consultation with the respective electors represented by Council.

Responsibilities in addition to those of a councillor include:

- To contribute to and lead Council in the development and monitoring of Regional strategies and plans to ensure the effective development and delivery of essential services, infrastructure assets and community facilities.
- To lead Council, in the appointment and in managing the performance of the Chief Executive, ensuring the strategies and plans of Council are effectively implemented.
- To represent and speak on behalf of Council and the community and act as an advocate for it, by identifying and bringing together the multiple and diverse interests and needs of the Community represented, taking primary responsibility for interaction with the media, and representing Council at meetings with external parties.
- To provide effective leadership and direction to Council by overseeing and supporting positive working relationships between Councillors, recommending the appointment of standing committee chairs, and working in partnership with the successful appointees to ensure each standing committee operates effectively and carries out its business in an orderly manner.

- To preside over Council, ensuring that Council carries out its business in a democratically responsible and orderly manner through the adoption of transparent decision-making processes, effective consultation, facilitating consensus and enforcing standing orders as required.
- To develop effective relationships with peers and colleagues in neighbouring councils, central government, Iwi and significant other interest groups relevant to Council in order to represent community interests and as far as possible, achieve a shared approach to solving common problems.
- To represent the interests and special features of the Region as a whole to central government and nationally, attracting public and private funding and investment and major events to the Region.
- To identify issues of concern to Council and to serve as a catalyst in devising and ensuring the implementation of solutions.
- To have an understanding and knowledge of the Council's Governance Statement and Code of Conduct.
- Ceremonial Head of Council.

The Chairperson has no power to commit the Council to any particular course of action except where specifically authorised to act under duly delegated authority.

**The Deputy Chairperson** is also selected by the Members of the Council at the first meeting of the Council. The Deputy Chairperson exercises the same roles as other elected Members. In addition, if the Chairperson is absent or incapacitated, or if the office of Chairperson is vacant, then the Deputy Chairperson must perform all the responsibilities and duties, and may exercise the powers of the Chairperson.

## Members' Remuneration

Salaries for members of Hawke's Bay Regional Council – as set by the Remuneration Authority in their 2022 Determination and effective until the official result of the election is declared are:

Position	Effective 1 July 2022
Chairperson	\$137,904
Deputy Chairperson	\$73,258
Committee Chairperson	\$73,258
Councillor	\$62,868

On and from the day after the official results of the 8 October 2022 election are declared, the pool for HBRC councillors' remuneration will be \$644,302. The newly elected Council will agree the distribution of the remuneration pool and submit that proposal to the Remuneration Authority for approval. While approval is pending all councillors will be paid at the base rate of \$58,224 pa.

Position	Effective the day after the date on which the official result of the 2022 election is declared *
Chairperson	\$142,761
Deputy Chairperson	TBC
Committee Chairperson	TBC
Councillor	TBC, but not less than \$58,224 pa

Councillors are able to claim travel and childcare allowances for attendance at official Council and committee meetings. Salaries are paid monthly, and allowances and expense reimbursements are paid upon claim.

## Code of Conduct

Elected members have specific obligations governing their conduct, set out in the following legislation.

Schedule 7 of the **Local Government Act 2002**, which includes obligations to act as a good employer and to abide by the current code of conduct and standing orders.

The **Local Authorities (Members' Interests) Act 1968** which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect).

The **Secret Commissions Act 1910**, which prohibits elected members from accepting gifts or rewards which would be seen to sway them to perform their duties in a particular way.

The **Crimes Act 1961** regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

Under Schedule 7 Part 15 of the **Local Government Act 2002** Council is required to adopt a Code of Conduct for members of the Council. HBRC's current Code of Conduct can be viewed on the HBRC website, or provided in hard copy on request to the Principal Advisor Governance (ph 833 8017).

## Members' Interests

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

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

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 or a committee. Elected members failing to observe this prohibition commit an offence and can be prosecuted. Conviction leads to disqualification from office.

When a matter in which a member has a pecuniary interest is raised at a meeting of the Council or committee, the member prohibited from voting on or discussing the matter must declare the pecuniary interest. The fact of that disclosure and abstention from discussion and voting is also recorded in the minutes. While it is not necessary to withdraw from the meeting, it is good practice to do so.

Under Section 3 of the Act, elected members may not have a concern or interest in contracts made by the Council when payments made for those contracts exceed \$25,000 (including GST) in any particular year. 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.

Further information is available on the OAG website: [www.oag.govt.nz/2010/lamia](http://www.oag.govt.nz/2010/lamia)

Under the Act there are a number of exceptions to the disqualification rule in section 3.

A candidate who has a contract that falls within any of the following categories will not be disqualified.

- Before the election, all of the candidate's obligations (or candidate's company's obligations) in respect of the contract have been performed and the amount to be paid by the Council has been fixed (whether or not it has been paid), or
- Although the candidate's obligations (or candidate's company's obligations) under the contract have not been performed before the election, the amount to be paid by the Council is already fixed (subject to amendments and additions as allowed for in the contract), whether or not it has been paid, or
- Although the candidate's obligations (or candidate's company's obligations) under the contract have not been performed before the election, either:
  - The contract's duration does not exceed 12 months, or
  - The contract is relinquished (with the authority's consent) within a month of the candidate becoming a member and before he or she starts to act as a member.

Further information on application of these points should be made with the Office of the Auditor General - at [lamia@oag.govt.nz](mailto:lamia@oag.govt.nz) or ph (04) 917 1500.

## Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 (HSW Act) came into force on 4 April 2016, replacing the Health and Safety Employment Act 1992. The HSW Act is aimed at the elimination of serious work-related injuries and deaths in New Zealand.

The main focuses of the HSW Act are:

- To create a higher level of awareness around health and safety
- To make people's responsibilities clearer
- Managing risk
- To require PCBUs (person conducting a business or undertaking) to engage with their workers and enable them to participate on an ongoing basis
- Consultation, co-operation and co-ordination among PCBUs in a workplace.

For elected members, the most significant implication is the role of "Officer" and the requirement for Officers to meet due diligence duties.

### What is an Officer and what do they need to do?

An Officer under the HSW Act is a person who holds a very senior leadership position within a PCBU, and has the ability to significantly influence the management of the entity.

Hawke's Bay Regional Council (HBRC) is a PCBU and its Officers include Elected Council Members and the Chief Executive.

Officers are leaders and must set strategic health and safety pillars, then ensure HBRC is meeting its health and safety responsibilities. Officers cannot be everywhere all of the time, but Officers' due diligence is vital to ensuring HBRC understands and manages its key risks. To do due diligence Officers must take reasonable steps to:

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

Officers must also be able to demonstrate that they have done their due diligence, therefore good personal records are important.

Elected members are not considered Officers of one of its Council Controlled Organisations (CCOs) unless for example they are on the Board of the particular CCO. Then they would have Officer obligations related to that entity.

### Hawke's Bay Regional Council and elected members as Officers under the HSW Act

HBRC is proactively partnering with elected members to ensure the Council and its Officers can meet their responsibilities under the HSW Act.

## Liabilities of Officers under the HSW Act

Under the HSW Act there are a number of offences which carry penalties and fines (HBRC and the Officer can be held personally liable depending on the circumstances). In extreme cases jail sentences can be imposed.

Elected members as Officers have an exemption under the HSW Act from some offences. Offences that elected members as Officers can be liable for include failure to comply with an improvement notice. This can result in a fine up to \$50,000 for an individual or \$250,000 for a body corporate. Insurance is not available to cover the cost of such fines.

## Inaugural Meeting

Members come into office on the day after they are declared to be elected, except where a candidate is unopposed at the election and comes into office on polling (Election) day. However, no person is able to act as a member of any local authority until he or she has, at a meeting of the local authority, made a declaration as required by the Local Government Act. This is done at the first (Inaugural) meeting after the local authority elections.

The Inaugural meeting of the Hawke's Bay Regional Council is scheduled to commence at **10am on Wednesday 26 October 2022**, where councillors will swear an oath of office, and elect a Chairperson and a Deputy Chairperson.

The business to be conducted at that meeting will include:

- The making and attesting of declarations required of the Councillors
- Election and declaration of the Chairperson and Deputy Chairperson
- A general explanation of the Local Government Official Information and Meetings Act 1987 and other laws affecting Elected Members.
- The fixing of the date and time of the first ordinary meeting of the Council, and adoption of the schedule of meetings for the remainder of 2022.

## Declaration by Councillors

*I ..... declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Hawke's Bay region, the powers, authorities, and duties vested in or imposed upon me as a member of the Hawke's Bay Regional Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meeting Act 1987, or any other Act.*

**OR**

*Kei te oati au, a ....., ka whakatutuki pai au, i runga i te tika me te pono, me te whai whakaaro atu ki te rohe o Te Matau-a-Māui, i ngā mahi katoa ka riro i a au hei mema mō te Kaunihera ā-Rohe o Te Mātau-a-Māui e ai ki te Ture Kāwanatanga ā-Rohe 2002, ki te Ture Pārongo Whaimana me ngā Hui Kāwanatanga ā-Rohe 1987, ki Ture atu anō rānei.*

## Related Council Information

Additional related information about the Regional Council is available online at [www.hbrc.govt.nz](http://www.hbrc.govt.nz) or in hard copy upon request

- Nomination Form
- Return of Electoral Expenses and Electoral Donations form
- 2022 Pre-Election Report
- Council's Code of Conduct
- Annual Report 2020-2021
- Long Term Plan 2021 – 2031
- Annual Plan 2022-2023

# Our mission

**Te whakapakari tahi i tō tātau taiao**  
**Enhancing our environment together**

## Tō Tātau Kaunihera **Our Council**

*Hawke's Bay Regional Council was established as part of the framework of Local Government {Local Government (Hawke's Bay Region) Reorganisation Order 1989} and its region covers the areas (north to south) of Wairoa District Council, Hastings District Council, parts of Taupō and Rangitikei District councils, Napier City Council, and Central Hawke's Bay District Council.*

We are this region's environmental management authority, promoting the wise use of Hawke's Bay's natural resources, now and for generations to come.

The boundaries of a regional council are generally based on river catchments, while district and city council territories are based on population and communities of interest.

Much of what we do is prescribed in legislation. There are numerous acts, regulations and national directives that specify a regional council's function and role in various activities.

We have historically, and through legislative direction, concentrated more on the 'natural environment' — water, air, land, the coast — with a long-term view to make sure these are used sustainably, and are just as available and just as healthy (if not better) in the future as they are today.

The Resource Management Act 1991 is one of the principal acts behind the work of regional councils and many of our activities are aimed primarily at benefiting the environment.

We also have responsibility for functions that are more appropriately carried out on a regional basis such as economic development, land transport planning, river control and land drainage, and plant and animal pest control.

In comparison, city and district councils concentrate more on the built environment and deliver services to their local communities such as drinking water, sewage and rubbish disposal, local roading, swimming pools and libraries, and deal with subdivisions.

### **Organisation and structure**

Hawke's Bay Regional Council (HBRC) is supported by a professional corporate organisation, led by the Chief Executive. Staff provide elected members with policy advice and are responsible for implementing HBRC's plans and policies to achieve the results it wants.

The Chief Executive and staff are responsible for managing day-to-day issues and implementing the decisions and priorities of the elected members of the Regional Council.

The organisation is structured under five Groups, each headed by a member of the Executive Leadership Team.

The Executive Team manages organisation-wide issues and provides a key linkage between councillors and staff. They ensure what is undertaken within the groups delivers on the goals and objectives in the Strategic, Long Term, and Annual plans.

Elected members much decide what activities should be carried out to achieve the community's vision and goals and, together with staff, plan how they can best be undertaken. This takes place within a framework of competing priorities, timeframes, resources, decisions or the elected members, and within the overall goal of growing and developing the region in a sustainable environmental, social, cultural and economic context.

# Pōtitanga Kawanatanga ā Rohe

## 2022 Local Government Elections

### Ngā Kaimahi Pōti | Electoral Staff

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 their powers and carrying out duties under the LEA and LER.

#### Electoral Officer

Leeanne Hooper, Hawke's Bay Regional Council, 159 Dalton Street, Private Bag 6006, NAPIER  
0800 108838 or +64 6 835 9200  
Leeanne@hbrc.govt.nz

#### Deputy Electoral Officer

Peter Martin, Hawke's Bay Regional Council, 159 Dalton Street, Private Bag 6006, NAPIER  
0800 108838 or +64 6 835 9200  
peter.martin@hbrc.govt.nz

#### Role of Electoral Officer

The role of the electoral officer (EO) is to conduct the election in accordance with the legislation. and has complete and final control over how the election is carried out.

The EO is employed by Council and is accountable to the chief executive, but does not take direction from the CE, or elected or appointed members.

The EO is responsible for all staff, systems, resources, policies, procedures and actions to ensure that the democratic process is carried out with utmost integrity, security and fairness for all parties.

The conduct of local body elections is strictly regulated by legislation including:

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

Specific duties of the electoral officer as outlined in section 15 of the Local Electoral Act are:

- Compilation and certification of electoral rolls
- The publication of any public notice in relation to elections and polls
- Calling for and 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
- Processing and counting of votes
- Declaration of results
- Receiving and dealing with returns of electoral expenses and donations
- Investigating and reporting alleged electoral offences to the Police
- Completing all necessary post-election and poll tasks, including necessary reports and statistics.

At triennial local body elections, the City or District Council electoral officer is responsible for compiling and certifying electoral rolls, and the issuing and receiving of voting documents for all elections in the area. Other responsibilities, such as the processing and counting of votes, have been delegated to Electionz.com.

### Pūnaha Pōti | Electoral System

Local bodies can conduct their elections under the First Past the Post (FPP) or the Single transferable Voting (STV) electoral systems.

All local councils within the Hawke's Bay Regional Council area, including HBRC, are using FPP.

#### Briefly, the FPP electoral system consists of:

- electors vote by placing a tick inside the box or circle beside the name of their preferred candidate(s)
- voters must not tick more than the maximum places to be filled
- The candidate that receives the most votes is declared the winner.

For information on how the STV electoral system works, go to [www.stv.govt.nz](http://www.stv.govt.nz).

## Te Raupapa Kaitono | Order of Candidate Names

Councils are required to determine the order of candidates on the voting papers. The three options available are:

**Alphabetical** – names are listed in alphabetical order of surname, i.e. every voting paper has the same alphabetical order.

**Pseudo random** – candidate surnames are drawn out of a hat by the Electoral officer soon after the close of nominations, and the names stay in that order, e.g. every voting paper has the same randomly ordered listing of candidates.

**Fully random** – each candidate's name is printed randomly on each voting paper, e.g. every voting paper will have the candidates listed in a different random order.

For the 2022 elections Hawke's Bay Regional Council has resolved to use the fully random order of candidates' names.

## Rārangi Pukapuka Pōti | Electoral Roll

A copy of the Preliminary Electoral Roll for the constituencies of the Hawke's Bay Regional Council will be available for public inspection from **Friday 15 July to 4pm Friday 12 August 2022** at:

- Hawke's Bay Regional Council – all constituencies
- Napier City Council – Ahuriri/Napier constituency
- Hastings District Council – Heretaunga/Hastings and Ngaruroro constituencies
- Wairoa District Council – Wairoa constituency
- Central Hawke's Bay District Council – Tamatea/ Central Hawke's Bay constituency

Copies of the hardcopy Preliminary Electoral Roll may be purchased from the electoral officer.

The Final Electoral Roll is produced once the Preliminary Electoral Roll has **closed on 12 August 2022**. 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. No postal addresses or occupations will be shown.

Electoral Rolls are not available from the electoral officer in electronic form, but may be requested from the Electoral Enrolment Centre (provided the criteria of section 114 of the Electoral Act 1993 is met).

An application form needs to be completed and can be obtained by emailing a request to [data@elections.govt.nz](mailto:data@elections.govt.nz). A fee of \$455.50 applies.

## Te Paearu Kaitono | Candidate Eligibility

A person is qualified to be a candidate for a city/district/regional council if she or he is:

- Enrolled on a parliamentary electoral roll somewhere in New Zealand, and
- a New Zealand citizen (either by birth or naturalisation ceremony (LEA, s25)).

Restrictions on candidates for local authority elections are:

- A candidate may stand for either the regional council or any city/district council/ community/ local board in the regional council's district but not both [LEA s58].
- A candidate may not stand for more than one constituency of the same local authority [LEA s57A].
- A candidate cannot nominate themselves for office.
- A person who personally or through their spouse or partner is concerned or interested in contracts over \$25,000 per financial year with the regional council (Section 3(1) Local Authorities (Members' Interests) Act 1968), unless prior approval of Audit New Zealand is obtained.
- An employee of Hawke's Bay Regional Council can stand for election as an HBRC councillor, however if elected, they must resign before taking up their elected position. (LGA s41(5))

## Notes

- A candidate for the HBRC election can stand for other regional council elections or for city/district council elections **outside** of the Hawke's Bay Regional Council boundary.
- Candidates must record on the nomination paper if they are standing for election in any other elections in New Zealand.
- Candidates don't have to be a resident or ratepayer in the constituency in which they are standing, or for that matter, the Hawke's Bay region, but they must be nominated by two electors of that constituency.

# Te Pūnaha Tautapa

## Nominations

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

The Electoral Officer cannot accept late nominations under any circumstances.

Public notices calling for nominations will be published in local newspapers as well as councils' websites and social media channels.

Each nomination must be made on the appropriate official nomination form, and a separate form is required for each nomination.

### Nomination Forms

A nomination form is downloadable from Council's website, and available in hard copy from **Friday 8 July 2022** at:

Hawke's Bay Regional Council  
159 Dalton Street Napier  
or phone 06 835 9200 to request a form be posted to you.

And from **Friday 15 July 2022** at:

Napier City Council, Hastings District Council, Wairoa District Council, and Central Hawke's Bay District Council offices.

Each nomination must have the consent of the candidate, who must be nominated by two electors whose names appear on the Electoral Roll for the constituency the candidate is standing in. The candidate can not nominate himself or herself.

If a candidate is unable to sign the nomination form (e.g. absent overseas), a letter of consent signed by the candidate is acceptable to attach to the form.

### Residency in Area

A candidate must declare if they reside in the constituency they are seeking election or not. This declaration is shown at the top of the profile statement but does not count as part of the 150 word statement.

A candidate must declare if they are standing for any other elections in New Zealand at these triennial elections. This will be shown at the top of the profile statement but does not count as part of the 150 word statement.

### Affiliations

- The nomination form provides for a candidate to have an affiliation. An affiliation is described in LEA s57(3) as "an endorsement by any organisation or group (whether incorporated or unincorporated)".
- Candidates not part of a political party 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 requiring a specific party affiliation must have authority to adopt the affiliation from the party concerned (i.e. a party letterhead or letter of consent to use the affiliation). This is a safety measure to avoid any illegal adoption of party affiliations.
- If a candidate wishes to list whānau, hapū or iwi details as an affiliation, an endorsement or confirmation letter from a Marae, Whānau Trust, Iwi Authority, or other Māori organisation is required. It is acknowledged whakapapa is a birth right and situations may occur where candidates may not feel they need to provide proof, in which case whakapapa can be highlighted in the context of the candidate profile statement and other forums and activities.
- Note that there are length limits to a candidate's affiliation. The voting document and candidate booklet allow 38 characters before the affiliation truncates.
- No affiliation that might cause offence to a reasonable person, or is likely to confuse or mislead electors, will be accepted by the electoral officer.

If a candidate is commonly known in the community by a slightly different name (e.g. Edward Smith is commonly known as Ted Smith) and has been known by this name for at least the last six months (to the satisfaction of the Electoral Officer), the commonly known name may appear on the voting paper.

The candidate's name may not be one that:

- might cause offence to a reasonable person
- is unreasonably long
- is, or includes or resembles, an official title or rank
- is likely to cause confusion or to mislead electors.

Titles (i.e. Dr, JP, Sir, Dame, etc) are not permitted next to the candidate's name on the voting paper or profile statement, but can be included as part of the 150 word profile text if desired.

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

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

### Nomination Deposit

Each nomination form lodged requires a deposit of \$200 (inclusive of GST). This is refunded upon submission of the Return of Electoral Expenses and Electoral Donations form, if the candidate polls more than 25% of the lowest successful candidate.

Payment of the nomination deposit can be made by cash or EFTPOS when delivering your nomination in person at the HBRC office, or online banking deposit.

Details for the payment of the deposit by online banking are shown on page 2 of the nomination form, and following, including the reference and code details required for each online payment.

If paying by online banking, evidence of the transaction must be provided at the time the nomination documents are submitted, i.e. a printout of the transaction receipt.

Electronic Deposit to be paid into:

Account name: Hawke's Bay Regional Council

Bank: BNZ

Account number: 02-0700-0302819-00

using the following deposit information:

Deposit reference: CANDIDATE

Code: Your surname & first initial or name

### Return of Nomination Forms

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

Completed Hawke's Bay Regional Council nomination forms must be lodged in time to be received **no later than 12 noon, Friday 12 August 2022**, either by emailing to [Leeanne@hbrc.govt.nz](mailto:Leeanne@hbrc.govt.nz), or in person at:

Hawke's Bay Regional Council

159 Dalton Street, Napier 4110

Monday – Friday 8.30am – 4.30pm

Once lodged, nomination forms 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 Constituency the nominee is seeking election for.

Lodging nomination forms and candidate profile statements **should not be left to the last minute**. If a nomination form is lodged late on the morning nominations close, and has been incorrectly completed or ineligible nominators are provided, there may not be sufficient time to correct the situation and the nomination could be invalidated.

**It is the candidate's responsibility to ensure that your nomination form is correct, not the Electoral Officer's.**

### Candidate Withdrawals

***A candidate can withdraw their nomination by application to the Electoral Officer up to the close of nominations at 12 noon, Friday 12 August 2022.***

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

After the close of nominations, death or incapacity as a result of an accident or illness are the only circumstances under which candidates can withdraw. A medical certificate must be provided for a withdrawal notice to be accepted by the Electoral Officer after the close of nominations.

An application can be made by a candidate or an agent on their behalf, and must be signed by a Solicitor or Justice of the Peace.

A candidate wishing to withdraw must discuss this with the Electoral Officer as soon as possible.

## Ngā Kōrero whaitake a te Kaitono | Candidate Profile Statements

Every candidate may provide the Electoral Officer with a typewritten candidate profile statement with his or her nomination. This is a statement of up to 150 words containing information about the candidate and his or her policies and intentions if elected to office. It cannot be used to comment on the policies or performance, etc of any other candidate.

### Correctness of Profile Statements

The candidate is responsible for ensuring that their candidate profile statement contains correct grammar, spelling, punctuation, etc when submitted. The Electoral Officer accepts no responsibility to make any correction.

The Electoral Officer is not required to verify or investigate any information included in a candidate profile statement and will take no responsibility for the accuracy of the content.

A disclaimer concerning the accuracy of the information contained in the statements will be published in the profile booklet that goes out to electors with the voting documents.

The Electoral Officer may make the candidate profile statement available to the public, e.g. on the Council website, at any time after the close of nominations.

In addition to the profile statement, the candidate:

- must state whether or not their principal place of residence, being the address where the candidate is registered as a Parliamentary elector, is in the constituency for which they are seeking election, and
- if the candidate is seeking election to any other position they must specify the position and state that they are seeking election to it.

These statements are not counted as part of the 150 word limit.

### Format of Candidate Profile Statements

The format requirements for profile statements is that the English text must be in **plain** text (see Translations for use of other languages), in paragraphs, with no special formatting, e.g.:

- No Bold, Italic, Underlining, etc
- No Tabs
- No Quote marks
- No Accent marks (English text only)
- No Bullet points.

A typewritten candidate profile statement is preferred, together with an electronic copy in Microsoft Word if possible.

If a candidate chooses not to submit a profile statement or photo, a statement: “No Profile Statement and/or Photo provided” or similar will be printed in the profile book below the candidate’s name and statement of residence.

### Translations

A typewritten candidate profile statement is preferred, together with an electronic copy in Microsoft Word if possible, as above.

A profile statement written in any other language, or combination of languages, must not exceed 150 words in total, or their equivalent if symbols are used rather than words. This means a total of 150 words can be used, e.g. 75 words in Mandarin + 75 words in English, or 150 words in Mandarin.

Where all or part of a candidate profile statement is provided in a language other than English or Māori, the candidate must, when lodging his or her profile statement, provide the electoral officer with a translation of the profile into English for verification of the content.

The translation is not printed in the profile.

If the 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. Therefore, in the case where a candidate statement includes a mihi or greeting, that should be explained in the English version in a manner substantially consistent with the Māori version, within the 150 word limit for each language.

Where all or part of a candidate profile statement is provided in any language that uses other than English symbols (e.g. Japanese, Mandarin, Korean), the statement needs to be provided in an electronic graph file.

All translations need to be supplied as a single image, 55mm high and 85mm wide (if more than one language is translated, they need to be supplied together in the single image) in this format.

- EPS bitmap
- black and white
- 600 dpi
- 1mm white space included around the top and left hand side of the image.

## Translation Service

A translation company is recommended to assist 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**

4/203 Queen Street, Auckland 1141

Phone: 09 9135290

Email: info@pactranz.com

Website: www.pactranz.com

This translation service will provide the translations in the above format to meet the requirements of the printer, the cost of which is to be met by the candidate.

## Candidate Photos

Candidates may also submit a recent (less than 12 months) colour photograph for inclusion with the candidate profile statement in the booklet to accompany the voting papers. Photos should also be provided electronically, on a media device, or as an attachment to an email to the Electoral Officer.

If hard copy photographs are provided, then two copies of each photo should be provided with the candidate's name clearly printed on the rear of each photograph (Care needs to be taken when labelling hard copies of photos to ensure the photo image is not damaged in the process). Photos will not be returned to candidates.

### **Format of Candidate Photos**

Candidate photos are to be a head and shoulders shot only, with nothing else in the photo, i.e. no hats, sunglasses, pets, external objects or impediments, or other people. They should be in colour. If necessary the Electoral Officer will crop the photo accordingly but the onus is on the candidate to provide a photo that complies with this format.

It is the candidate's responsibility to provide a photo that complies with:

- 472 pixels wide by 709 pixels high
- 400 KB maximum
- set to greyscale or full colour at 600dpi.

This should be supplied electronically as a JPEG or PNG format on a datastick, CD or emailed to the Electoral Officer.

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

*Note: The onus is on the candidate to ensure that all nomination documents including the profile statement and photo are submitted to the Electoral Officer by 12 noon on Friday 12 August 2022.*

## Whakahaeretia Campaigning

Election campaigning can commence any time and may continue up to and including Election Day, Saturday 8 October 2022.

There are generally no rules around conduct of campaigning by candidates, although there are certain election offences, which are detailed for your information in this guide. Please refer to them for your own protection.

No election material can contain:

- Any untrue statement defamatory of any candidate and calculated to influence the vote of any elector
- An imitation voting paper which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contains such direction or indication likely to influence the voter.

### **Election Advertising**

Election advertising, using any media including social media, must identify the person under whose authority they have been produced, as per Section 113 of the Local Electoral Act 2001.

This means that for posters and adverts etc, each candidate must have a sentence at the bottom saying that it is authorised by the candidate, i.e. "This advertising has been authorised by Joe Candidate, 20 Somewhere St, Sometown." A physical, postal or email address must be provided on this authorisation.

There must be a reasonable expectation that anyone wishing to discuss the advertising can do so with the candidate or their agent at the address listed. The use of a council address is not permitted in the authorisation address.

Candidates are reminded to be socially responsible and truthful with the content of their campaign material.

Campaign advertisements are subject to the Advertising Standards Authority (ASA) Code.

Wherever facts are quoted, the Code is strict that the facts must be correct, however where a person holds a broad view or opinion, the Code allows them to do so.

The ASA settles disputes during elections within two to three days, and takes complaints from electoral officers and the public. The usual penalty for breaches of the code is for the advertising to be removed.

### **Council Resources**

Candidates are not permitted to use Council resources for campaigning purposes. Council resources include, but are not limited to, Council's logo and branding, websites and social media, computers and mobile devices, email, stationery, photocopiers and printers, cars, meeting rooms and venues (except those available for public hire) and staff.

### **Online Guidelines for HBRC Candidates**

All candidates must comply with these election campaign guidelines for web and social media use, and presence. These guidelines are effective immediately (1 July 2022) until 24 hours after elections close (12pm, Sunday 9 October 2022). This guide applies specifically to the online tools used by Hawke's Bay Regional Council and its Council Controlled Organisations (CCOs), referred to as "our organisations".

Things to be aware of

- Election advertising using any media including social media, must identify the person under whose authority adverts or posts have been produced – per sections 113-115 of the Local Electoral Act 2001. Your profile photo/ bio must have a statement saying that all content/ images on your social media channel are authorised by you or your agent. You must include a physical, postal or email address in the authorisation statement.
- The Regional Council's social media accounts (listed following) are not permitted to be used as a communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. The same applies to social media accounts owned by Council-controlled organisations.

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

Some things you can do

- It's a good idea to encourage people to follow your social media accounts while campaigning, and include it in any promotional material. It's a great way to engage with the public – you can ask questions, run polls, encourage people to register to vote and then actually vote (!), remind them of important dates, etc.
- Great images are important on social media – post images from your campaign trail, or post videos of yourself explaining who you are and what you stand for. You may have people who are happy to be filmed sharing why they will be voting for you – seeing other members of their community may encourage people to vote.

For the sake of clarity, our organisation's web and social media channels under control of HBRC (@ 23 May 2022) are:

#### Council and CCO Social Media Channels

- HBRC Facebook
- HBRC Instagram
- HBRC Twitter
- Hawke's Bay Regional Council LinkedIn
- Hawke's Bay Regional Council YouTube
- HB Parks & Trails Facebook
- HB Parks & Trails Instagram
- HB CDEM Facebook
- HB CDEM Twitter
- East Coast LAB Facebook
- East Coast LAB Twitter
- Cape to City Facebook
- Poutiri Ao ō Tāne Facebook

#### Council and CCO Websites

- [www.hbrc.govt.nz](http://www.hbrc.govt.nz)
- [www.hbemergency.govt.nz](http://www.hbemergency.govt.nz)
- [www.eastcoastlab.org.nz](http://www.eastcoastlab.org.nz)
- [www.capetocity.co.nz](http://www.capetocity.co.nz)
- [www.poutiri.co.nz](http://www.poutiri.co.nz)
- [www.biodiversityhb.org](http://www.biodiversityhb.org)
- [www.hbcoast.co.nz](http://www.hbcoast.co.nz)
- [www.hpuds.co.nz](http://www.hpuds.co.nz)
- [www.hbtrails.nz](http://www.hbtrails.nz)

#### Policy Local

A partner of the Local Government New Zealand (LGNZ) 'Vote 22' campaign, and published in partnership with The Spinoff, Policy Local is an information source about local election candidates published at [policylocal.nz](http://policylocal.nz) during the triennial election campaigns.

Policy Local is the local elections version of Policy.nz, which is published during the parliamentary elections.

Policy Local aims to be a comprehensive source of information where voters can learn about and compare candidates in their local election. In 2019 the majority of Mayor and Councillor candidates took part in Policy Local.

Participation is free and optional for candidates. To participate, candidates need to complete the Policy Local email questionnaire that will be sent to them once nominations are confirmed in August 2022.

A file of candidate contact details will be made available from the council's website as soon as possible after nominations have closed and candidates have been confirmed.

Policy Local will use that file to contact candidates and invite them to participate.

To find out more, visit [2022.policylocal.nz](http://2022.policylocal.nz) or by emailing [candidates@policy.nz](mailto:candidates@policy.nz).

## Ngā Koha me ngā Utu Whakahaere Pōti Electoral Expenses & Donations

Candidates have campaign expenditure limits and are required to file a return with the Electoral Officer after the election. This means a limit has been placed on how much a candidate can spend on his or her campaign, and this includes donations and joint campaigning.

Campaign expenditure is all expenses relating to the campaign from the period 3 months before election day (all expenditure from 8 July to 8 October 2022) plus any apportioned costs of any election campaigning carried out prior to 8 July 2022 (refer S.112 LEA 2001).

Candidates are required to keep evidence of any election expenses for amounts exceeding \$200.

All candidates must submit a return of election expenses and donations form even if no expenses have been incurred or donations received.

#### Candidate Expenses

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

- a. Means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and
- b. includes expenses that are incurred by or on behalf of the candidate, before or after the applicable period before the close of polling day, in respect of any electoral activity; and
- c. includes the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and
- d. includes the cost of any printing or postage in respect of any electoral activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the candidate; but

- e. does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used in good faith by the candidate as the candidate's personal means of transport; and
- f. does not include expenses incurred by the candidate in preparing a candidate profile statement; and
- g. does not include the labour of any person that is provided to the candidate free of charge by that person; and
- h. does not include the cost of any framework (other than a commercial framework) that supports a hoarding on which an advertisement is displayed
- i. does not include the \$200 nomination deposit fee.

The campaign expenditure levels are:

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

In Hawke's Bay this means:

Constituency	Population*	Campaign Expenditure Limit
Māui ki te Raki	14,350	\$14,000
Māui ki te Tonga	17,800	\$14,000
Tamatea/ Central Hawke's Bay	12,850	\$14,000
Heretaunga/ Hastings	52,000	\$30,000
Ahuriri/ Napier	57,400	\$30,000
Ngaruroro	19,700	\$14,000
Wairoa	4,650	\$3,500

*\* The electoral population figures have been provided by the Government Statistician and are estimates as at 30 June 2020. Estimates used are for GEP (general electoral population) for general constituencies and MEP (Māori electoral population) for Māori constituencies.*

## Electoral Donations

An electoral donation is a donation of money, goods or services that is made for use in a candidate's election campaign (section 103A

LEA). Electoral donations and contributions to donations, of more than \$1500 incl. GST are required to be declared in the candidate's return of donations and expenses. A series of donations made by one person that adds up to more than \$1500 must also be declared. An electoral donation includes:

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

The following are not candidate donations:

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

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

## Donations made up of contributions

Donations to candidates can be made up of pooled funds contributed by more than one person (referred to in the Act as donations funded from contributions). These types of donations include, for example, campaign donations made through a trust, or where there is a fundraising collection for a candidate's campaign (section 103A LEA). The total proceeds of a collection are treated as a donation under the Act. The person who collects the money will normally be the donor. The individuals who contribute to the collection are contributors for the purposes of the Act. If an electoral donation, other than an anonymous donation, is made up

of contributions, the transmitter or donor must tell the candidate:

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

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

### Transmitted donations

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

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

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

### Anonymous donations

Candidates are not permitted to retain anonymous donations exceeding \$1500. An anonymous donation is a donation made in such a way that the candidate who receives the donation does not know the identity of the donor and could not, in the circumstances, reasonably be expected to know the identity of the donor (section 103A LEA).

If a candidate receives an anonymous donation greater than \$1500, he or she may retain \$1500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the electoral officer for payment into the general fund of the local authority.

### Applicable period for donations

There is no provision within the Local Electoral Act 2001 or its regulations specifying a period for recording or declaring donations. On that basis, all qualifying donations contributed for use in a candidate's election campaign for the 2022 triennial local body elections should be recorded and included in the candidate's return of election expenses and donations.

Please refer to relevant provisions of the Local Electoral Act 2001 relating to electoral donations and expenses in the "Electoral Offences" section of this booklet.

The Electoral Officer's role is to bring these matters to the attention of all candidates. It is not the role of the Electoral Officer to enforce these requirements.

### Return of Electoral Expenses & Donations

Each candidate is required to keep a record of all campaign election expenses, and must furnish a return to the Electoral Officer within 55 days of the election result being declared, estimated to be no later than Wednesday, 9 December 2022. The Return of Electoral Expenses and Electoral Donations form, once returned, becomes a public document and can be inspected by any person for a period of 7 years after receipt.

The Electoral Officer is required to make the expenditure return and any supporting documents available on council's website.

An election expenses return form can be downloaded from Council's Elections web page and is available in hard copy on request.

## Ngā Tohu Pōti Election Signs

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

Each territorial local authority within the Hawke's Bay Regional Council area will have their own rules or by-laws covering election signage and candidates wishing to campaign via this medium should check with the relevant territorial local authority for their specific signage requirements.

Additionally, Waka Kotahi (NZTA) will have separate signage requirements for advertising material placed on or adjacent State Highways.

For enquiries regarding approved sites and rules on erection of election hoardings and enforcement matters, please contact the local city or district council in the area where you are placing signs (which in HBRC's case includes Taupō and Rangitikei District councils for the Ngaruroro Constituency).

Local Council Contacts	
Hastings District Council	Louise Stettner louises@hdc.govt.nz
Napier City Council	Helen Barbier helen.barbier@napier.govt.nz
Wairoa District Council	Juanita Savage juanita@wairoadc.govt.nz
Central Hawke's Bay District Council	Caitlyn Dine Caitlyn.dine@chbdc.govt.nz
Taupō District Council	Shainey James sjames@taupo.govt.nz
Rangitikei District Council	Carol Gordon carol.gordon@rangitikei.govt.nz

## NZTA Guidelines for Managing Electioneering Signs on State Highways

The guideline objectives are to minimise the potential for road crashes arising from drivers being distracted by indiscriminate installation of electioneering signs and to ensure consistency of application of NZTA policy on such signs with minimal involvement by NZTA.

### 1. On Rural State Highway Reserves [NZTA to Manage]

1.1 Signs should generally be located off state highway reserves. In exceptional circumstances only, signs may be erected within the state highway reserve with the written approval of state highway managers.

1.2 For the exceptional circumstance to apply, the applicant must be able to demonstrate that all other options have been exhausted and that there is no other appropriate safe location for the sign.

1.3 Signs must:

- not be reflectorised
- be located generally giving consideration to visibility and traffic safety
- not be on or adjacent to motorways

- not be erected in a manner that will create distraction
- or danger to road users, and
- not imitate any official traffic signs.

1.4 For safety reasons, vehicle mounted signs situated on state highway reserves are not permitted.

1.5 To minimise staff involvement, NZTA shall:

- act quickly on inquiries from political parties and the public;
- instruct network consultants to inspect all state highways for compliance every 7 to 10 days;
- phone/fax the parties/candidates where there is non compliance, requesting action/removal within 48 hours; and
- instruct consultants to remove the signs if there is no action after 48 hours.

1.6 Where any sign is erected without NZTA approval in an obviously unsafe location it must be removed immediately and stored undamaged. The party must then be advised of the storage location for retrieval at a fee of \$50 to cover NZTA costs.

### 2. On property adjoining rural state highways

and on urban state highway reserves and adjoining property [local authorities to manage] (where urban areas relate to state highways with speed limits of 70 km/h or less).

2.1 NZTA shall refer all applicants/parties to the appropriate local authority.

2.2 Although it is expected that local authorities will administer their own controls in terms of district plans, NZTA should make known its views that any signs should meet the NZTA policy requirements set out in paragraphs 1.3 and 1.4 above.

2.3 Beyond appropriate liaison with local authorities to convey the above policy, NZTA shall have no other involvement with signs in these areas.

# Voting and Processing of Votes

## Special Voting

Special voting documents are available to electors:

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

Special voting documents will be available from Friday 16 September to 12 noon, Saturday 8 October 2022 at City and District Council offices.

Special voting documents can be posted directly out to electors. The completed voting paper however, must be in the hands of the Electoral Officer or the Deputy Electoral Officer by noon on Saturday 8 October 2022.

Special voters must complete 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 (e.g. just turned 18 years of age), the person must enrol on the parliamentary roll by Friday 11 October 2019. An application for registration as a parliamentary elector can be obtained:

- from any Post Shop
- by telephoning 0800 ENROLNOW (0800 367656)
- 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.

Special voting documents cannot be collected by candidates or their assistants for distribution to electors.

## Early Processing of Returned Voting Papers

Pursuant to Section 80 of the Local Electoral Act, returned voting papers will be opened and processed during the voting period, before the close of voting.

Voting papers for Hawke's Bay Regional Council are being processed by election contractors electionz.com Ltd and Independent Election Services Ltd.

The early processing of voting papers involves the following functions:

- opening of envelopes
- extracting of voting papers
- checking for informal or duplicate votes
- electronic capture of valid votes
- no tallying of votes is undertaken until after the close of voting (12 noon, Saturday 12 October 2019).

The early processing functions are undertaken within strict security measures. One or more Justices of the Peace observe all early processing functions, and sign a statement at the end of the processing that all functions were undertaken correctly and conformed with the legal and secrecy requirements.

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

## Election Results

The counting of votes takes place as soon as practicable after voting closes at 12 noon on Saturday 8 October 2022.

It is expected that a progress result will be released by the Electoral Officer by 4pm on Saturday 8 October 2022. The preliminary result will be released as soon as all ordinary voting papers have been received and processed at the processing centre. This is likely to be by midday Sunday 9 October, if not before.

Candidates will be advised the progress results on election day - either by e-mail or phone. Only two attempts to communicate the progress result to any candidate will be made. These will be made around the time that progress results are posted to the Council website.

Results will be released to candidates and media via email and [www.hbrc.govt.nz](http://www.hbrc.govt.nz).

# Ngā Hēanga Potitanga

## Election Offences

### Local Electoral Act 2001

#### 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 form 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 form 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 form 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 or 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 or indictment to imprisonment for a term not exceeding 2 years.

## **129. Infringement of secrecy**

1. Every electoral officer, deputy electoral officer, and other electoral official –
  - (a) must maintain and assist in maintaining the secrecy of the voting; and
  - (b) must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.
2. No person, except as provided by this Act or regulations made under this Act, may –

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

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

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

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

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

### **General Provisions**

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

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, 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—
  - (a) report the complaint or belief to the Police; and
  - (b) provide the Police with the details of any inquiries that he or she considers may be relevant.
- (3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.
- (4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

#### 138AA Time limit for prosecutions

- (1) A prosecution under section 112C must be commenced within 6 months of the date on which the return was required to be filed.
- (2) A prosecution under section 103I or 112D must be commenced—
  - (a) within 6 months of the date on which the prosecutor is satisfied that there is sufficient evidence to warrant the commencement of the proceedings; but
  - (b) not later than 3 years after the offence was committed.

### Regulation 34 Local Electoral Regulations 2001

#### 34 Specified difficulties in voting

- (1) A voting document or special voting document may be marked in the manner described in subclause (2) if the voter—
  - (a) is physically impaired; or
  - (b) is unable to read or write; or

- (c) is not sufficiently familiar with any language or languages used on the document to vote without assistance.

- (2) The manner is—
  - (a) by the voter, with the assistance of a person authorised by the voter; or
  - (b) by a person authorised by the voter, in accordance with the voter's instructions.

### 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 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**

- (1) The total electoral expenses (inclusive of goods and services tax) of a candidate must not –
  - (a) exceed \$3,500 if any local government area over which the election is held has a population smaller than 5000:

- (b) exceed \$7,000 if any local government area over which the election is held has a population smaller than 10 000 and larger than 4999:

- (c) exceed \$14,000 if any local government area over which the election is held has a population smaller than 20 000 and larger than 9999:

- (d) exceed \$20,000 if any local government area over which the election is held has a population smaller than 40 000 and larger than 19999:

- (e) exceed \$30,000 if any local government area over which the election is held has a population smaller than 60 000 and larger than 39999:

- (f) exceed \$40,000 if any local government area over which the election is held has a population smaller than 80 000 and larger than 59999:

- (g) exceed \$50,000 if any local government area over which the election is held has a population smaller than 100 000 and larger than 79999:

- (h) exceed \$55,000 if any local government area over which the election is held has a population smaller than 150 000 and larger than 99999:

- (i) exceed \$60,000 if any local government area over which the election is held has a population smaller than 250 000 and larger than 149999:

- (2) Despite subsection (1), if a candidate is a candidate for more than 1 election held at the same time, the total electoral expenses (inclusive of goods and services tax) of that candidate must not exceed the highest amount permitted under subsection (1) in respect of any 1 of the elections for which the person is a candidate.

## **112. Apportionment of electoral expenses**

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

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

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

## **Subpart 3 - Return of electoral donations and expenses**

### **112A Return of electoral donations and expense**

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.

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.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) Every return filed under this section must be in the form prescribed in Schedule 2.
- (6) It is the duty of every electoral officer to ensure that this section is complied with.
- (7) 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.

- (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.

## **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 any 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 any 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 –

- (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.