



CANDIDATE INFORMATION HANDBOOK

FOR LOCAL AUTHORITY ELECTIONS
9 OCTOBER 2010

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Disclaimer: Every effort has been made to ensure that the information in this booklet is accurate and consistent with relevant legislation and rules.

1. INTRODUCTION

This handbook outlines information which you need to know as a candidate in the 2010 Central Otago District Council elections. Current information regarding the elections can also be found on our website at http://www.codc.govt.nz/information/elections_2010

The elections are being conducted by postal vote with election day on Saturday, 9 October 2010.

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

- *Local Electoral Act 2001 [LEA]*
- *Local Electoral Regulations 2001 [LER]*
- *Local Government Act 2002;*
- *New Zealand Public Health and Disability Act 2000* (for district health board elections);
- *Crown Entities Act 2004* (for district health board elections);

Key contact details are:

Electoral Officer:

*Kara Leckie
Central Otago District Council
1 Dunorling St, PO Box 122, Alexandra
Phone: 03 440 0611
Fax: 03 448 9196
Email: kara.leckie@codc.govt.nz*

Deputy Electoral Officer

*Christine Gourley
Central Otago District Council
1 Dunorling St, PO Box 122, Alexandra
Phone: 03 440 0056
Fax: 03 448 9196
Email: christine.gourley@codc.govt.nz*

For information on the Otago Regional Council election or Southern District Health Board election please visit www.dunedin.govt.nz/elections or pick up information packs available at the Central Otago District Council offices.

2. TRIENNIAL GENERAL ELECTIONS

(a) Electoral officer

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

The general duties of the electoral officer are:

- the compilation and certification of electoral rolls
- the publication of any public notice in relation to elections and polls
- receiving nominations, candidate profile statements and deposits required to be paid
- issuing and receiving ordinary and special voting documents and other official documents
- the processing and counting of votes
- the declaration of results
- receiving returns of electoral expenses and donations
- investigating and reporting alleged electoral offences
- completing all necessary post-election and poll tasks, including necessary reports and statistics.

(b) 2010 election timetable Key dates in the 2010 election process are set out in the following table.

2 March – 30 April	Ratepayer roll enrolment confirmation forms sent [regulation 16 LER]
2 March – 6 July	Preparation of ratepayer roll [regulation 10 LER]
10 April	Final representation review decisions from LGC
1 – 31 May	SOLGM national ratepayer roll qualifications and procedures campaign [section 39 LEA]
5 July	EEC enrolment update campaign commences
9 July	Campaign expenditure monitoring period commences [section 104 LEA]
12 -21 July	Compilation of preliminary electoral roll [section 38 LEA]
21 July	Public notice of election, call for nominations, roll open for inspection [sections 42, 52, 53 LEA]
23 July	Nominations open/roll open for inspection [section 42 LEA]
20 August	Nominations close (12 noon)/roll closes [sections 5, 42, 55 LEA]
25 August (approx)	Public notice of candidate names [section 65 LEA]
By 31 August	Ratepayer roll insert with rates notice [section 39 LEA]
By 13 September	Electoral officer certifies final electoral roll [section 51 LEA, regulation 22 LER]
17 September	EEC letter sent to unpublished roll electors
17 – 22 September	Delivery of voting documents [section 5 LEA]
17 September – 9 October	Progressive roll scrutiny [section 83 LEA] Special voting period [section 5 LEA, regulation 35 LER] Early processing of voting documents [section 79 LEA]
By 12 noon 8 October	Appointment of scrutineers [section 68 LEA]
9 October	Election day [section 10 LEA] Voting closes 12 noon – counting commences [section 84 LEA] Preliminary results available as soon as practicable after close of voting [section 85 LEA]
9-13 October	Official count [section 84 LEA]
13 October – 20 October	Declaration of result/public notice of results [section 86 LEA]
By 8 December (approx)	Return of electoral expenses and donations form [section 109 LEA]

LEA = Local Electoral Act 2001 LGC = Local Government Commission	LER = Local Electoral Regulations 2001 EEC = Electoral Enrolment Centre	SOLGM = Society of Local Government Managers
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(c) Electoral principles

The *LEA* identifies electoral principles which must be taken into account in the conduct of any election or poll. These principles are set out below for the information of candidates.

4 Principles

- (1) *The principles that this Act is designed to implement are the following:*
 - (a) *fair and effective representation for individuals and communities;*
 - (b) *all qualified persons have a reasonable and equal opportunity to*
 - (i) *cast an informed vote,*
 - (ii) *nominate 1 or more candidates,*
 - (iii) *accept nomination as a candidate;*
 - (c) *public confidence in, and public understanding of, local electoral processes through*
 - (i) *the provision of a regular election cycle,*
 - (ii) *the provision of elections that are managed independently from the elected body,*
 - (iii) *protection of the freedom of choice of voters and the secrecy of the vote,*
 - (iv) *the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes,*
 - (v) *the provision of impartial mechanisms for resolving disputed elections and polls.*
- (2) *Local authorities, electoral officers, and other elected officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.*
- (3) *This section does not override any other provision in this Act or any other enactment.*

(d) Candidate qualifications

Territorial authority, community board and regional council

A candidate standing for the district council or community board must be:

- a New Zealand citizen; and
- a parliamentary elector (anywhere in New Zealand) [*section 25 LEA*].

The following restrictions apply for candidates for district council, community board, regional council:

- A candidate may stand for election for mayor, district council and a community board within the same territorial authority district, but may not also stand for election to a regional council of which the territorial authority is part, i.e. a candidate may stand for either the district council/community board or the regional council but not both [*section 58 LEA*].
- A candidate may not stand for more than one ward of the same local authority or for more than one subdivision of a community board area [*section 57A LEA*]. However a candidate may stand for more than one community board within the same territorial authority.
- A candidate cannot be a person concerned or interested in contracts over \$25,000 with the local authority [*section 3(1) Local Authorities (Members' Interests) Act 1968*]. This restriction is waived if prior approval is obtained from the Office of the Auditor-General.
- An employee of a local authority who is elected as mayor or councillor of that local authority must resign as an employee before taking up his/her position as an elected member. This does not apply if an employee of a territorial authority is elected to a community board within the district of that territorial authority [*section 41(5) Local Government Act 2002*]. The rules of an individual local authority may require an employee to take leave of absence for campaigning purposes prior to the election.
- A person elected as a councillor and a community board member within the same district as the territorial authority, is deemed to have vacated the office of community board member, and the next highest polling community board candidate is elected. If there is no highest polling unsuccessful candidate, a by-election is required [*sections 88A, 88B, 88C LEA*].

(e) Nominations

Key dates

A public notice calling for nominations will appear in the *Otago Daily Times* and *Southland Times* on Wednesday 21 July 2010. The following key dates then apply:

- nominations open on Friday 23 July 2010
- nominations close at noon, Friday 20 August 2010.

Availability of nomination forms

Each nomination must be made on the appropriate official nomination form. A separate nomination form is required for each issue or position. Nomination forms for all positions will be available from 23 July 2010 as follows:

- All Central Otago District Council Offices (Alexandra, Cromwell, Roxburgh, Ranfurly)
- by telephoning 03 440 0611
- by accessing the Council website http://www.codc.govt.nz/information/elections_2010

Completion of nomination form

List of positions open for office are:

- Mayor
- Councillor for the Alexandra Ward (3)
- Councillor for the Cromwell Ward (3)
- Councillor for the Earnscliffe-Manuherikia Ward (2)
- Councillor for the Maniototo Ward (1)
- Councillor for the Roxburgh Ward (1)
- Member for Vincent Community Board – Alexandra Ward (3)
- Member for Vincent Community Board – Earnscliffe-Manuherikia Ward (2)
- Member for Cromwell Community Board (4)
- Member for Maniototo Community Board (4)
- Member for Roxburgh Community Board (4)

Each nomination for all positions must have the consent of the candidate, and he or she must be nominated by two electors whose names appear on the electoral roll for the district in which the candidate is standing (e.g. if a person wishes to stand for election to a specific ward, then that person must be nominated by two electors from that ward). A candidate may not nominate himself or herself.

A candidate does not need to reside within the district or the subdivision of the district in which s/he is standing for election.

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

Section 121 LEA sets out offence provisions relating to nominations as follows:

121 Illegal nomination, etc

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

- (1) 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*
- (2) signs a nomination paper purporting to nominate as a candidate a person who is, to the knowledge of the person signing, incapable under any Act of holding that office; or*
- (3) signs a nomination paper purporting to nominate another person as a candidate knowing that he or she is not qualified to vote at the election of the person named in the nomination paper as the candidate.*

Name of candidate

If a candidate is commonly known in the community by a slightly different name (e.g. Edward Smith is commonly known as Ted Smith) and has been known by this name for at least the last six months (to the satisfaction of the electoral officer), the commonly known name may appear on the voting document provided certain requirements are met. A candidate who wishes to use their commonly known name on the voting document will be required to provide both their full name and the name they are commonly known by on their completed nomination form.

The relevant legislation relating to names of candidates is *section 56 LEA* which states:

56 Name of candidate

An electoral officer must not accept the nomination of a candidate if the electoral officer is not satisfied, by the evidence (if any) that the electoral officer requires, that the name under which the candidate is nominated is:

- (a) the name under which the candidate's birth was registered, or*
- (b) the name which the candidate adopted by deed poll or by statutory declaration under section 21 of the Births, Deaths and Marriages Registration Act 1995, at least 6 months before nomination day, or*
- (c) the name by which the candidate was commonly known during the 6 months before nomination day, not being a name that:*
 - (i) might cause offence to a reasonable person, or*
 - (ii) is unreasonably long, or*
 - (iii) is, or includes or resembles, an official title or rank, or*
 - (iv) is likely to cause confusion or to mislead electors.*

Affiliation

The nomination form provides for a candidate to have an affiliation. An affiliation is described in *section 57(3) LEA* as “*an endorsement by any organisation or group (whether incorporated or unincorporated)*”.

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

A candidate requiring a specific party affiliation should have authority to adopt the affiliation from the party, organisation or group concerned (i.e. the electoral officer may require a letter of consent from the party, organisation or group giving its consent for the candidate to use the affiliation). This is a safety measure to avoid any illegal adoption of party, group or organisation affiliations.

No affiliation that might cause offence, is unreasonably long, includes a title (e.g. Sir or Dame), or is likely to confuse or mislead electors, will be accepted.

Candidate profile statement

Every candidate may provide the electoral officer with a 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. The candidate profile statement must be true and accurate. The electoral officer is not required to verify or investigate any information included in this statement. The Candidate profile statement must not contain bullet points.

The candidate profile statement is included with the voting document sent to each elector by the electoral officer. If a candidate chooses not to supply a profile statement or photograph then a message will appear in the profile booklet that a statement/photograph was not supplied by the candidate.

Electronic copies of Candidate Profile Statements to the Electoral Officer are preferred. MS Word format or any txt file will be accepted. If in doubt about formatting options then please contact the Electoral Officer. Electronic copies should be emailed to the Electoral Officer kara.leckie@codc.govt.nz the same day the nomination form is lodged, however must be received by 12noon Friday 20 August 2010. Hardcopy versions will also be accepted.

If the candidate profile statement is submitted in Maori and English, the information contained in each language must be substantially consistent with the information contained in the other language. Therefore, in the case where a candidate includes a mihi or greeting as part of a candidate profile statement provided in Maori, the mihi or greeting should be explained in the English version in a manner substantially consistent with the Maori version still within the 150 word limit.

A profile 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. Where all or part of a candidate profile statement is provided in a language other than English or Maori, the candidate must, when lodging his or her profile statement, provide the electoral officer with a translation of the profile into English or Maori for verification of the content. The translation is not printed in the profile. These provisions mean a total of 150 words can be used, for example, as follows: 50 words in Mandarin and 100 words in English, or 150 words in Mandarin.

Should all or part of a candidate profile statement be provided in any language that uses other than English symbols (e.g. Japanese), the statement needs to be provided in an electronic graphic file. All translations need to be supplied as a single image (if more than one language is translated, they need to be supplied together in the single image) as follows:

- EPS Bit map
- black and white
- 600 dpi
- 1mm white space included around the head and left hand side of the image
- the image being 55mm high and 85mm wide.

Candidates must pay for their own translation costs.

The relevant legislation is *section 61 LEA* which states:

61 Candidate profile statements

- (1) *Every candidate may provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).*
- (2) *A candidate profile statement:*
 - (a) *if*
 - (i) *in English or Maori or both, must not exceed 150 words in each of the languages used in the statement,*
 - (ii) *in a language other than English or Maori, must not exceed 150 words, or the equivalent, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate), and*
 - (b) *must be provided to the electoral officer before 12 noon on nomination day; and*
 - (c) *must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under section 55(4) to be affiliated, or his or her status as an independent candidate, and the candidate's contact details), and the candidate's policies and intentions if elected to office; and*
 - (d) *must comply with any prescribed requirements; and*
 - (e) *may include a recent photograph of the candidate alone.*
- (3) *If a candidate profile statement is submitted in Maori and English, the information contained in each language must be substantially consistent with the information contained in the other language.*

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

Photographs

Digital photographs are preferred and can be emailed to the Electoral Officer kara.leckie@codc.govt.nz the same day that the nomination form is lodged. However must be received by 12noon Friday 20 August 2010. Passport photographs will also be accepted with nomination forms.

Deposits

Each nomination form lodged, requires a deposit of \$200 (inclusive of GST). This is refunded if the candidate polls greater than 25% of the lowest polling successful candidate in FPP elections. Payment of the nomination deposit can be made by cash, cheque or eftpos. However should a personal cheque be dishonoured, the nomination becomes invalid as the deposit has not lawfully been made. Cheques should be made payable to: Central Otago District Council

Return of nomination form

Nomination forms must be completed and returned with the nomination deposit by 12 noon Friday 20 August 2010 to the Electoral Officer, Central Otago District Council, 1 Dunorling Street, Alexandra.

Nomination forms can be returned to other Council offices by close of business on 19 August 2010.

It is preferred that the Candidate Profile statements and photographs are emailed to the Electoral Officer kara.leckie@codc.govt.nz . If email is not an option then candidates can either use a CD or lodge a hardcopy with their nomination form.

Nominations can also be posted to: The Electoral Officer, Central Otago District Council, PO Box 122, Alexandra, in time to be received no later than 12 noon on Friday 20 August 2010.

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 district or ward in which the candidate is standing. Statements are checked to be within the required word limit and photographs in the correct format.

Please do not leave lodging of nomination to the last minute. Should a nomination form be lodged on the morning nominations close, and be incorrectly completed or ineligible nominators are identified, there may be insufficient time to correct the situation and the nomination form could be invalidated.

Once the Electoral Officer has accepted the nomination, the nomination forms (not candidate profile statements) are 'public information' and any person may inspect any nomination form without payment of any fee at any time during ordinary office hours, at the office of the electoral officer [section 55(5) LEA].

(f) Campaigning

Election campaigning can commence at any time and continue up to and including election day.

Election signs

Election signs are permitted on private property (with the owner's consent) at any time. The sign must be erected in a stable fashion, not be a hazard to the public or to traffic safety, and must comply with Central Otago District Plan.

Specific rules from the district plan are:

- Signs can be erected up to 2 months before election day (i.e. from 9 August 2010) and must be removed the day before election day that is by 12 midnight on Friday 8 October 2010.
- Signs do not exceed 3m² in area.
- Have spacing between any lines of not less than 50mm.
- Are not located on road reserve without the written consent of the Chief Executive.
- The erection of any sign on any part of a state highway is subject to a Transit NZ bylaw outside 50km per hour speed restricted areas.

For enquiries regarding approved sites and rules on erection of election hoardings and enforcement matters, please contact Anita Dawe, Planning Officer, anita.dawe@codc.govt.nz or ph 03 440 0056.

Authorisation of advertising

Election advertising, using any media, must identify the person under whose authority it has been produced. The publication of any advertisements (in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard or card, or broadcast over radio or television) for candidates requires the written authorisation of the candidate or the candidate's agent. The advertisement must contain a statement setting out the true name of the person or persons for whom, or at whose direction, it is published and the street address (not a PO Box) of his or her residence or business. This applies during the candidate's entire campaign.

The relevant legislation detailing the requirements relating to advertising and related offence provisions, are set out in *sections 113 and 135 LEA* as follows.

113 Advertisements for candidates

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

described in subsection (1) if –

- (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and*
 - (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.*
- (3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.*
- (4) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if –*
- (a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and*
 - (b) the advertisement contains a statement setting out –*
 - (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business, and*
 - (ii) the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.*
- (5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.*

135 Advertisements for candidates

- (1) Every person commits an offence who wilfully contravenes section 113(1).*
- (2) Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$1,000.*

No election material may contain any untrue statement defamatory of any candidate and calculated to influence the vote of any elector. No election material may also contain an imitation voting document which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contains such direction or indication likely to influence the voter.

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

Candidates or their assistants should not collect voting documents from electors. Each elector should post or deliver his or her own voting document to the electoral officer.

The relevant electoral offence provisions are detailed later in this handbook. Please refer to them for your own protection.

(g) Electoral expenses and donations

Candidates should be aware that expense limits apply for election campaigns [as set out in *section 111 LEA*]. This means there is a maximum limit on how much a candidate may spend on his or her campaign. The maximum amount spent must not exceed the limits (GST inclusive) set out as follows:

Ward	Population (June 2009 estimate)	\$ expenditure limit (incl GST)
Cromwell	5,700	\$7,000
Earnsclough-Manuherikia	3,340	\$3,500
Maniototo	1,740	\$3,500
Alexandra	5,530	\$7,000
Roxburgh	1,640	\$3,500
TOTAL (for Mayoral candidates)	17,950	\$14,000

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

The “applicable period” for which campaign expenditure limits apply is 3 months before election day (i.e. 9 July 2010 to 9 October 2010). However *section 112 LEA* specifies that all campaign expenses incurred before the 3 month period but relating fully or in part to the 3 month period, must be included in the return (i.e. where an election activity is carried out “both before and within the applicable period” then its costs must be apportioned in terms of *section 112*).

Section 112 also requires any electoral expenses relating to the campaigns or two or more candidates to be apportioned equitably between those candidates.

Companies, organisations and individuals providing services to candidates for the election must claim their costs within 30 days of the declaration of results. Electoral expenses must be paid within 60 days of the declaration of results [*section 105 LEA*].

Return of electoral expenses and electoral donations form

Candidates are required to submit a return on electoral expenses incurred and electoral donations received to the electoral officer within 55 days after the official declaration (estimated to be by 8 December 2010). A copy of the required form [as prescribed in *Schedule 2 LEA*] is included in the information pack sent out with this handbook and is available from the local authority’s website http://www.codc.govt.nz/information/elections_2010.

If an election is not required (i.e. for those candidates elected unopposed), the 55 days will apply from the date of the electoral officer’s public notification of the candidates’ election (estimated to be 16 October 2010).

For candidates out of New Zealand at the time they are declared elected, the return must be filed within 21 days of their return to New Zealand.

Once returned, the electoral expenses and donations form becomes a public document and can be inspected by any person for a period of 7 years after the date of the election.

Relevant legislation in the *LEA* relating to electoral expenses is set out below.

104 Interpretation

In this Part,

Applicable period before the close of polling day means the period beginning 3 months before

the close of polling day and ending with the close of polling day.

Electoral activity, in relation to a candidate at an election, means an activity:

- (1) that is carried out by the candidate or with the candidate's authority; and*
- (2) that relates to the candidate solely in the candidate's capacity as a candidate and not to the candidate;*
 - (a) in his or her capacity as a member of the local authority or community board, or as the holder of any other office, or*
 - (b) in any other capacity; and*
- (3) that comprises –*
 - (a) advertising of any kind, or*
 - (b) radio or television broadcasting, or*
 - (c) publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards, or*
 - (d) any electronic communication to the public, including (without limitation) the establishment or operation of a web site or other method of communication to the public using the Internet; and*
- (4) that relates exclusively to the campaign for the election of the candidate; and*
- (5) that takes place within the applicable period before the close of polling day.*

Electoral donation, in relation to a candidate at an election –

- (1) means a donation (whether of money or the equivalent of money or of goods or services or of a combination of those things) of a sum or value of more than \$1,000 (such amount being inclusive of any goods and services tax and of a series of donations made by or on behalf of any one person that aggregate more than \$1,000) made to the candidate, or to any person on the candidate's behalf, for use by or on behalf of the candidate in the campaign for his or her election; and*
- (2) includes, if goods or services are provided to the candidate, or to any person on the candidate's behalf, under a contract at 90% or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services; but*
- (3) does not include the labour of any person that is provided to the candidate free of charge by that person.*

Electoral expenses, in relation to a candidate at an election –

- (1) means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and*
- (2) 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*
- (3) 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*
- (4) 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*
- (5) 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

- (6) does not include expenses incurred by the candidate in preparing a candidate profile statement; and*
- (7) does not include the labour of any person that is provided to the candidate free of charge by that person.*

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.*

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 –

- (1) a bill stating the particulars; and*
- (2) a receipt.*

109 Return of electoral expenses

- (1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must transmit to the electoral officer a return setting out –
 - (a) the candidate's electoral expenses; and**

- (b) *the name and address of each person who made an electoral donation to the candidate and the amount of each electoral donation; and*
 - (c) *if an electoral donation of money or of the equivalent of money is made to the candidate anonymously and the amount of that donation exceeds \$1,000 –*
 - (i) *the amount of that donation, and*
 - (ii) *the fact that it has been received anonymously.*
- (2) *Every return under subsection (1) must be in the form prescribed in Schedule 2 or to similar effect.*
- (3) *If the candidate is outside New Zealand on the day on which the successful candidates are declared to be elected, the return must be transmitted by the candidate to the electoral officer within 21 days after the date of the candidate’s return to New Zealand.*
- (4) *It is the duty of every electoral officer to ensure that this section is complied with.*

Note: section 5 LEA specifies that an anonymous donation means “a donation that is made in such a way that the candidate concerned does not know who made the donation”.

110 *Return to be open for public inspection*

The electoral officer must keep every return under section 109 in the electoral officer’s office, or at some other convenient place to be appointed by the [chief executive of the local authority, for a period of 7 years after the date of the election to which it relates], and –

- (1) *during that period the return must be open to inspection by any person; and*
- (2) *at the expiry of that period the electoral officer must ensure that the return is destroyed.*

111 *Maximum amount of electoral expenses*

- (1) *The total electoral expenses (inclusive of good 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 10000 and larger than 4999*
 - (c) *exceed \$14,000 if any local government area over which the election is held has a population smaller than 20000 and larger than 9999*
 - (d) *exceed \$20,000 if any local government area over which the election is held has a population smaller than 40000 and larger than 19999*
 - (e) *exceed \$30,000 if any local government area over which the election is held has a population smaller than 60000 and larger that 39999*
 - (f) *exceed \$40,000 if any local government area over which the election is held has a population smaller than 80000 and larger than 59999*
 - (g) *exceed \$50,000 if any local government area over which the election is held has a population smaller than 100000 and larger than 79999*
 - (h) *exceed \$55,000 if any local government area over which the election is held has a population smaller than 150000 and larger than 99999*
 - (i) *exceed \$60,000 if any local government area over which the election is held has a population smaller than 250000 and larger than 149999*
 - (j) *exceed \$70,000 if any local government area over which the election is held has a population of 250000 or more.*
- (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.*

The offence provisions relating to candidate expense limits are set out below.

132 Payments in breach of section 105

- (1) *Every person commits an offence who makes a payment in contravention of section 105.*
- (2) *Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$5,000.*

133 Failure to transmit return

- (1) *Every candidate commits an offence who fails to transmit a return of electoral expenses in the prescribed form to the electoral officer within the prescribed period.*
- (2) *Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$1,000 and, if he or she has been elected, to a further fine not exceeding \$400 for every day on which he or she continues to act until the return is transmitted.*

134 False return

- (1) *Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000.*
- (2) *Every candidate commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who transmits a return of electoral expenses that is false in any material particular unless the candidate proves –*
 - (a) *that he or she had no intention to mis-state or conceal the facts; and*
 - (b) *that he or she took all reasonable steps to ensure that the information was accurate.*

136 Excessive expenditure

- (1) *Every candidate or other person commits an offence 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 prescribed maximum amount, knowing that the payment is in excess of the prescribed maximum amount, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000.*
- (2) *Every candidate or other person commits an offence 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 prescribed maximum amount and is liable on summary conviction to a fine not exceeding \$5,000, unless the candidate or other person proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the prescribed maximum amount.*

(h) Electoral rolls

Copies of the preliminary electoral roll for the Central Otago District Council will be available for public inspection during normal business hours from Friday 23 July 2010 to Friday 20 August 2010 at the following locations:

Alexandra Council Office, 1 Dunorling Street.
Cromwell Service Centre, 42 The Mall.

Ranfurlly Service Centre, 15 Pery Street.
Roxburgh Service Centre, Scotland Street.

Alternatively, individuals may check their details by telephone:

Kara Leckie, Electoral Officer, ph 03 4400 611, kara.leckie@codc.govt.nz

Those eligible to vote are:

- all residents enrolled on the parliamentary electoral roll within the local government area;
- all non-resident ratepayers enrolled on the ratepayer electoral roll.

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

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

Residents of the Central Otago District are enrolled automatically on the district's residential electoral roll if they are registered as parliamentary electors. Ratepayers who are not residents of the Central Otago District but pay rates on property within the district, may be entitled to enrol on the ratepayer roll. Companies, businesses, trusts and societies which are ratepayers, may also nominate an elector to vote on their behalf, provided any such elector resides outside of the Central Otago District. The person who is nominating a nominee must also be registered as a parliamentary elector at an address outside of the district.

The preliminary electoral roll will be in one book with both the residential roll and the ratepayer roll.

Any alterations to the residential roll, should be made by:

- completing the appropriate form at any Post Shop; or
- telephoning 0800 ENROLNOW (0800 367656); or
- accessing the Electoral Enrolment Centre web site on www.elections.org.nz.

Any changes, queries or omissions relating to the non-residential ratepayer electoral roll, should be made through the Electoral Officer ph 03 440 0611.

Hard copies of the electoral roll may be purchased from the electoral officer for \$70 (inc GST).

The final electoral roll is produced once the preliminary electoral roll closes on 20 August 2010. The final electoral roll is the roll used for issuing voting documents and comes into force on 14 September 2010. 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 (and occupation) is shown alongside. No postal addresses, as distinct from residential addresses, are shown.

Information contained on the electoral rolls is not available from the electoral officer in an electronic form, but candidates or political parties may request an electronic listing of resident electors from the Electoral Enrolment Centre [provided the criteria of *section 114 Electoral Act 1993* are met]. An application form is required to be completed, and these are available upon request at the Electoral Enrolment Centre. The contact person is Bob Chandler on (04) 801 0700 or fax (04) 801 0709.

Candidates or candidate scrutineers may request, before the close of voting, that the electoral officer provide a listing of names of persons from whom voting documents have been received. A reasonable charge will be made for this [*section 68(6) LEA*].

(i) Voting and special voting

Voting

The election is being conducted by postal vote. Voting documents will be posted out to all electors whose names appear on the final electoral roll. Delivery by New Zealand Post will commence Friday 17 September 2010, and all electors should have received their voting documents by Wednesday 22 September 2010 at the latest.

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

If hand delivered, completed voting documents can be lodged at the following locations during normal business hours:

- Alexandra Council Office, 1 Dunorling Street.
- Cromwell Council Office, 42 The Mall.
- Ranfurly Council Office, 15 Pery Street.
- Roxburgh Council Office, Scotland Street.

If posting completed voting documents back, electors should ensure they are posted in time to guarantee delivery to the electoral officer before the close of voting (12 noon, Saturday 9 October 2010). Postal delivery times vary between city and rural delivery.

Special voting

Special votes are available to electors:

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

Special votes will be available during normal business hours from Friday 17 September 2010 to noon, Saturday 9 October 2010 at the following locations:

- Alexandra Council Office, 1 Dunorling Street.
- Cromwell Service Centre, 42 The Mall. (not on Saturday 9 October)
- Ranfurly Service Centre, 15 Pery Street. (not on Saturday 9 October)
- Roxburgh Service Centre, Scotland Street. (not on Saturday 9 October)

Special votes can be posted directly out to electors. The completed voting document, however, must be in the hands of the electoral officer by noon on election day (Saturday 9 October 2010).

Special votes require the completion of a statutory declaration. This is a legal requirement and a protection 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 by Friday 8 October 2010 (the day before the close of voting). An application for registration as a parliamentary elector may be obtained:

- from any Post Shop; or
- by telephoning 0800 ENROLNOW (0800 367656); or
- by accessing the Electoral Enrolment Centre web site on www.elections.org.nz.

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

Special voting documents can be uplifted on behalf of an elector with their written authority but cannot be collected by candidates or their assistants for distribution to electors.

(j) Early processing of returned voting documents

Returned voting documents are able to be opened and processed during all or part of the voting period prior to the close of voting. The Central Otago District Council has resolved that early processing will take place during the three week voting period.

The early processing of voting documents involves the following functions and is carried out after the scrutiny has been completed:

- opening of envelopes;
- extracting of voting documents;
- checking for informal or duplicate votes;
- electronic capture and reconciliation of valid votes.

No tallying of votes is undertaken until after the close of voting on election day (12 noon, Saturday 9 October 2010).

The early processing functions are undertaken with strict security measures in place. One or more Justices of the Peace observe all early processing functions, and sign a statement at the end of the processing to confirm that all functions were undertaken correctly and conformed with the strict legal requirements. The Justice of the Peace must be present at all times early processing is taking place.

Candidate scrutineers are not permitted to observe the early processing functions during the three-week voting period but can be present at 12 noon on Saturday 9 October 2010.

(k) Scrutineers

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

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

Scrutineers may not be present during the early processing of votes.

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

A scrutineer cannot be:

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

Each scrutineer must be appointed by a candidate, such appointment to be in writing to the electoral officer. For a person to be appointed a scrutineer, the letter of appointment must be received by the electoral officer no later than 12 noon, Friday 8 October 2010 [*section 68 LEA*].

Each appointed scrutineer must report initially to the electoral officer or deputy electoral officer. They will be required to sign a declaration pledging not to disclose any information coming to his or her knowledge. A name tag will be issued to the scrutineer that must be returned to the electoral officer or deputy electoral officer when departing the premises.

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

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

The scrutiny of the roll will be undertaken in the Central Otago District Council Electoral office, 1 Dunorling St, Alexandra during normal office hours between Monday 20 September 2010 and noon, Saturday 9 October 2010.

The preliminary count of votes will commence once voting closes at 12 noon on Saturday, 9 October 2010, and this will occur at the Central Otago District Council Electoral office, 1 Dunorling St, Alexandra. A preliminary result will be available as soon as practicable after 12 noon, but it is unlikely to be before 1pm on election day.

The official count of votes will commence once the preliminary count is concluded and the official declaration will be made in the week beginning Monday 11 October 2010 but is unlikely to be before Wednesday 13 October 2010.

The role of scrutineers is to ensure that election procedures are undertaken correctly and that the counting of votes is done fairly and reasonably. In carrying out this role, scrutineers must not disclose any information relating to voting or the state of the election or poll [this is an offence under *section 130 LEA*].

During the preliminary and official counts, scrutineers must not talk to any staff member and should not distract, annoy, or linger close by or talk loudly to one another so as to disrupt or upset any staff member. All communication should be through the electoral officer or deputy electoral officer.

No refreshments or meals will be provided to scrutineers. Scrutineers are advised to make their own provision for refreshments.

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

(l) Preliminary results

The preliminary count will take place from 12 noon, Saturday 9 October 2010 at the Central Otago District Council Office, 1 Dunorling St, Alexandra.

As soon as practicable following the completion of the preliminary count, but not likely before 2pm, preliminary results will be:

- available at Central Otago District Council Office, 1 Dunorling St, Alexandra.
- emailed/faxed to the media;
- emailed/faxed to candidates;
- available on the local authority's internet site http://www.codc.govt.nz/information/elections_2010.
- available on Local Government Online website (www.localgovt.co.nz).

(m) Official results

The official results are declared after the validity of all special votes has been determined and all valid votes have been counted.

The declaration of the official results is expected to be made towards the end of the week following election day.

As soon as practicable, following the declaration, the official results will be:

- available at Central Otago District Council Office, 1 Dunorling St, Alexandra.
- emailed/faxed to the media;
- emailed/faxed to candidates;
- available on the local authority's internet site http://www.codc.govt.nz/information/elections_2010.

(n) Electoral offences

In addition to election offences already identified (in relation to illegal nominations, candidate advertising and electoral expenses), the following *LEA* provisions also apply and all candidates are advised to be familiar with these.

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 –

- (1) votes or applies to vote more than once at the same election or poll; or*
- (2) 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) *If the electoral officer at any election or poll –*
- (a) *receives a written complaint that an offence under this Part has been committed; or*
 - (b) *believes for any other reason that an offence under this Part may have been committed;*
- the electoral officer must report that matter to the police together with the results of any enquiries made by the electoral officer that he or she considers appropriate.*
- (2) *Subsection (1) does not prevent any person from reporting an alleged offence to the police.*
- (3) *Despite subsection (1), an electoral officer is not required to report the failure by a candidate at an election to file the return required by section 109(1) within the period prescribed in section 109, if the candidate files that return promptly after being required by the electoral officer to file the return.*

3. CENTRAL OTAGO DISTRICT COUNCIL ELECTIONS

(a) Election issues to be contested

Elections will be held for:

- Mayor
- Councillors
- Community Board Members
- Regional Council Members
- Southern District Health Board Members
- Central Otago Health Inc Members

The mayor (1 vacancy) is elected at large by those electors who are enrolled on the residential and ratepayer electoral rolls. The following summary describes the number of positions for Councillors and Community Board members, and the numbers of residential electors in each area.

For the election of district council, the district is divided into the following 5 wards:

Ward	Number of councillors	Community	Number of Board Members	Number of residential electors as at 15 June 2010
Cromwell ward	3	Cromwell	4	4277
Earnsclough-Manuherikia ward	2	Vincent	2	2438
Maniototo ward	1	Maniototo	4	1251
Alexandra ward	3	Vincent	3	4351
Roxburgh ward	1	Roxburgh	4	1233

(b) Electoral system

Two electoral systems will be operating side by side for the 2010 elections. These are:

- first past the post (FPP)
- single transferable voting (STV).

Organisations using the FPP electoral system are:

- Central Otago District Council
- Central Otago Health Inc
- Otago Regional Council

Organisations using the STV electoral system are:

- Southern District Health Board

For more information on understanding how the STV electoral system works, please access the Department of Internal Affairs web site (www.stv.govt.nz)

A comprehensive explanation on the New Zealand method of counting STV votes is found in *Schedule 1A LER*. Briefly, the STV electoral system consists of the following:

- voters receive a single (transferable) vote no matter whether there is one vacancy or several;
- voters rank the candidates in order of preference with “1” next to the name of the candidate most preferred, “2” next to the name of the candidate next preferred, “3” next to the name of the candidate next preferred, and so on;
- when votes are counted, all the first preferences are allocated first. To be elected, a candidate must reach a “quota” of votes, which is based on the number of vacancies and the number of valid votes;
- a candidate who reaches the quota is elected. If there is more than one vacancy and a candidate gets more votes than the quota, a proportion of each vote for that candidate is transferred to the voter’s second preference. If, as a result, another candidate gets more votes than the quota, a proportion is transferred to third preferences, and so on;
- if insufficient candidates reach the quota after the first preferences are allocated and after any surplus votes are transferred, then the candidate who received the fewest votes is eliminated and each vote for that candidate is transferred to the voter’s second preference. This process is repeated until enough candidates reach the quota to fill all the vacancies.

(c) Election statistics

Returned voting statistics from the 2007 Election:

	CROM	EARNS/ MANU	MANIO	ALEX	ROX	TOTAL
NO. ON ROLL VOTED	1856	1337	812	2541	780	7326
TOTAL ON ROLL	3955	2318	1247	4231	1240	12991
% VOTED	47%	58%	65%	60%	63%	56%
SPECIALS	8	5	6	11	3	33

4. LOCAL AUTHORITY INFORMATION

(a) Local government legislation

The Central Otago District Council is a body corporate constituted under the *Local Government Act 2002*.

The council gets its authority from the various laws made by Parliament. The principal Acts under which the council operates are the *Local Government Acts 1974 and 2002*; the *Local Government (Rating) Act 2002*; the *Local Authorities (Members' Interests) Act 1968*; the *Local Government Official Information and Meetings Act 1987*; the *Local Electoral Act 2001*; the *Building Act 2004*; the *Resource Management Act 1991*; the *Transit New Zealand Act 1989*; the *Health Act 1956* and various other Acts of Parliament, including Regulations made under those Acts.

The *Local Government Act 2002* 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 merely a collection of assets and services.

The Act provides greater scope for communities to make their own choices about what local authorities do and the way they do these things. Local authorities have full capacity to undertake any act that promotes the purpose of local government, subject to other legislation.

The purpose of local government is set out in *section 10* as follows:

- (a) *To enable democratic local decision-making and action by, and on behalf of, communities; and*
- (b) *To promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*

Section 11 states that the role of a local authority is to:

- (a) *Give effect, in relation to its district or region, to the purpose of local government stated in section 10; and*
- (b) *Perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.*

These statements envelop a number of related ideas that reflect the actual job of the council and therefore its elected members:

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;

Community well-being – local government is given a broad mandate to promote community well-being, rather than simply being empowered to undertake particular tasks or activities. The four aspects of well-being are social, economic, environmental and cultural.

(b) Role of elected members

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

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

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

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

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

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

The mayor

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

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

The deputy mayor

The deputy mayor must be elected by the members of the council at the first meeting of the council. The deputy mayor exercises the same roles as other elected members, and if the mayor is absent or incapacitated, the deputy mayor must perform all of the responsibilities and duties, and may exercise the powers, of the mayor (as summarised above). The deputy mayor may be removed from office by resolution of the council.

Committee chairpersons

The council may create one or more committees (this includes subcommittees) of the council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council. Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees. Chairpersons may be removed from office by resolution of council. Council may also appoint deputy chairpersons of committees, who shall fulfil the functions of the chair when the chairperson is absent.

Community boards

Community boards provide a level of representation below city and district councils. The role of each

community board includes:

- representing the interests of its community;
- considering and reporting on matters referred to it by the council, of interest or concern;
- maintaining an overview of council services to the community;
- preparing an annual submission to the council for its annual plan;
- communicating with community organisations and special interest groups;
- undertaking any other responsibilities that are delegated to it by the council.

Community boards will at their first meetings appoint chairpersons and deputies.

(c) Remuneration

The remuneration rates, the level of allowances and the reimbursement of expenses payable to local government elected members are set by the Remuneration Authority which is a statutory body whose members are appointed by the Government.

The following salaries and meeting fees will apply from 1 July 2010. After the elections the new Council will need to review this arrangement.

Mayor	\$ 66,000
Councillors to Vincent or Cromwell Community Board	\$ 12,785
Councillors to Roxburgh or Maniototo Community Board	\$ 9,445
Councillor	\$6,106
Councillors Meeting allowance - Per ½ day	\$ 157
Community Board - Vincent and Cromwell	\$ 6,679
Community Board – Roxburgh and Maniototo	\$3,339

The Remuneration Authority has determined that community board members are not to be paid meeting allowances (i.e. members are to be paid an annual salary only).

Following the election, the Remuneration Authority will issue an interim determination where all elected members, excluding the mayor, will be paid a 'uniform salary'. This interim determination will remain in effect until the newly elected council has determined its governance structure for the 2010-2013 triennium and a new determination, based on that structure and the agreed responsibilities of elected members (including chairs of committees and community boards), has been issued by the Remuneration Authority.

(d) 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; and
- it ensures that members are not affected by personal financial motives when they participate in authority matters.

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

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

A member is disqualified from office who is "concerned or interested" in contracts with their authority

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

Disqualification means that a person cannot:

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

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

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

(e) Coming into and vacation of office

When members come into office

For local authority elections (including community boards):

- Where an election is required, a member comes into office on the day after the day on which the member is declared to be elected (i.e. the day after the first public notice declaring the result is made [*section 115 LEA*]).
- Where an election is not required (i.e. because the number of candidates does not exceed the number of vacancies), those unopposed candidates are declared elected at the close of nominations and they come into office on polling day (i.e. 9 October 2010).
- If at close of nominations, the number of candidates is less than the number of vacancies, the unfilled vacancies become extraordinary vacancies and are required to be filled by an election which cannot occur any earlier than 10 February 2011 [*section 138 LEA*].
- If a person is appointed to fill an extraordinary vacancy, they come into office on the day of their appointment.

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

When members leave office

For local authority members (including community board members):

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