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Tū Mai Mō Pōneke

GENERAL INFORMATION CONTAINED IN THE 2016 COUNCIL ELECTIONS CANDIDATE HANDBOOK IS STILL RELEVANT FOR THIS BY-ELECTION (WITH THE EXCEPTION OF THE DATES) PLEASE MAKE SURE THAT YOU REFER TO THE NEW DATES OUTLINED IN THE INFORMATION SHEET AND AVAILABLE ON COUNCIL'S WEBSITE WELLINGTON.GOVT.NZ/ELECTIONS
IF YOU HAVE SPECIFIC QUESTIONS ABOUT THE BY-ELECTION PROCESS PLEASE RING THE ELECTION HELPLINE 0800 666 946 IN THE FIRST INSTANCE.

For more details visit
wellington.govt.nz/elections

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

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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. Wellington City 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 on-line at www.legislation.govt.nz.

Introduction

Thank you for your interest in the 2016 local authority elections. This handbook outlines information you need to know as a candidate in the 2016 elections.

The elections will be conducted by postal vote with election day on Saturday 8 October at 12 noon.

The elections are governed by the following legislation namely:

- Local Electoral Act 2001
- Local Electoral Regulations 2001

- Local Government Act 2002
- New Zealand Public Health and Disability Act 2000 (for the Capital and Coast District Health Board elections only)
- Crown Entities Act 2004 (for the Capital and Coast District Health Board elections only).

The key contact details are listed on page 5 of this handbook.

Candidates are advised to familiarise themselves with the relevant legislation.

Election Timetable

2016 Local Government Election Timetable

8 July – 8 October	Period for which expense returns are required
11 July (Monday)	Candidate Information Presentation - midday. See details below
13 July (Wednesday)	Public notice of election – Dominion Post
15 July (Friday)	Nominations open , preliminary electoral roll open for inspection
19 July (Tuesday)	Candidate Information Presentation – 5.30pm. See details below
12 August (Friday)	Nominations close at 12 noon , electoral roll closes
From 17 August (Wednesday)	Further public notice of election – Dominion Post – candidate notice
By 19 August (Friday)	EO receives final electoral roll data
27 August – 7 October	Election hoardings permitted on designated sites on public land (subject to bond)
12 September (Monday)	EO compiles and certifies final electoral roll
16 September (Friday)	Enrolment Services letter sent to electors on unpublished roll
16 – 21 September (Friday)	Delivery of ordinary voting documents starts Ordinary and special voting opens
16 September – 8 October	Voting period
7 October	Last day for appointment of scrutineers - by 12 noon
8 October 2016 (Saturday)	Election Day - voting closes at 12 noon Progress results available as soon as practicable after close of voting
8 – 13 October	Official count – process special votes
13 October – 23 October (as soon as practicable)	Final results announced Public notice of official declaration of election result – Dominion Post (or as soon as practicable thereafter)
By 14 December (Wednesday)	Return of election expense declaration forms (55 days after date of declaration of results)

Candidate Information Presentations

Presentations on standing for council will be held in Committee room 1, Wellington City Council office at 101 Wakefield street at 5.30pm on Tuesday, 19 July 2016. Items to be covered will include how the council is structured, the role and responsibilities of elected representatives, the skills required, anticipated time commitments and meeting schedules and an overview of the nomination and election processes.

For further information please contact Clare Sullivan on (04) 803 8706.

Electoral Staff

Wellington City Council – (WCC)

Electoral Officer (EO)

Warwick Lampp, electionz.com Ltd, PO Box 3138, Christchurch 8140.

Phone: 0800 666 946

Email: wellingtoncc@electionz.com

Deputy Electoral Officer (DEO)

Penny Langley, Wellington City Council, PO Box 2199, 101 Wakefield Street, Wellington 6011.

Phone: 027 803 0409

Email: penny.langley@wcc.govt.nz

Greater Wellington Regional Council – (GWRC)

Electoral Officer

Margaret Meek, Greater Wellington Regional Council, Shed 39, 2 Fryatt Quay, Pipitea, PO Box 11646 Wellington.

Phone: 04 830 4192

Email: elections@gw.govt.nz

Hutt Mana Charitable Trust – (HMCT)

Electoral Officer

Warwick Lampp, electionz.com Ltd, PO Box 3138, Christchurch 8140.

Phone: 0800 666 048

Email: hmct@electionz.com

Capital & Coast District Health Board – (CCDHB)

Electoral Officer

Warwick Lampp, electionz.com Ltd, PO Box 3138, Christchurch 8140.

Phone: 0800 666 048

Email: ccdhb@electionz.com

Election Issues

Elections will be held in October for the following issues (these elections will all be conducted by postal voting):

Wellington City Council – (WCC)

(a) Election of mayor

(b) Election of fourteen (14) councillors as follows:

Eastern Ward	three (3) councillors
Lambton Ward	three (3) councillors
Northern Ward	three (3) councillors
Onslow-Western Ward	three (3) councillors
Southern Ward	two (2) councillors

(c) Election of six (6) members for the Makara/Ohariu Community Board

(d) Election of six (6) members of the Tawa Community Board

The Tawa community board also has two appointed members (who must be councillors from the Northern ward).

The Mayor (one vacancy) is elected at large – across the city. For the election of the councillors, the city is divided up into the five wards noted above. The suburbs within each

ward are listed below:

Eastern	Rosemeath, Hataitai, Kilbirnie, Melrose, Lyall Bay, Houghton Bay, Rongotai, Miramar, Maupuia, Karaka Bays, Seatoun, Breaker Bay, Moa Point, Strathmore Park
Lambton	Thorndon, Pipitea, Wellington Central, Kelburn, Highbury, Aro Valley, Brooklyn, Te Aro, Mt Cook, Mt Victoria, Oriental Bay
Northern ward	Grenada North, Takapu Valley, Tawa, Granada Village, Glenside, Horokiwi, Churton Park, Newlands, Paparangi, Woodridge, Johnsonville, Ohariu
Onslow-Western	Ngauranga, Broadmeadows, Khandallah, Ngaio, Crofton Downs, Kaiwharawhara, Makara, Makara Beach, Karori, Northland, Wilton, Wadestown
Southern	Mornington, Vogeltown, Kingston, Owhiro Bay, Island Bay, Berhampore, Newtown, Southgate

Greater Wellington Regional Council – (GWRC)

Election of five (5) members to represent the Wellington Constituency.

Election of one (1) member to represent the Porirua-Tawa Constituency.

There is a separate candidate handbook for the GWRC election available from the GWRC electoral officer, Margaret Meek at the Greater Wellington Regional Council office. See Electoral Staff section for contact details.

Hutt Mana Charitable Trust – (HMCT)

Election of one (1) trustee to represent North Wellington on the Trust.

Formed following the dissolution of the Hutt Mana Energy Trust in 2004, the Hutt Mana Charitable Trust has the following objectives:

1. The promotion of energy efficiency, including assisting with the insulation of existing homes so they use less power to keep warm.
2. Supporting the community through grants and building capacity in the voluntary sector.

Refer to page 13 for more information on this election.

Capital & Coast District Health Board – (CCDHB)

Election of seven (7) Members of the Capital & Coast District Health Board.

There are seven members to be elected at large across the CCDHB area. There is a separate candidate handbook for the CCDHB available from the DHB electoral officer, Warwick Lampp. See Electoral Staff section for contact details.

Population Statistics

WCC Wards	No. Councillors	Est Resident Population as at 30 June 2015	Est number of electors as at 30 April 2016
Eastern	3	38,500	27,892
Lambton	3	47,500	31,638
Northern	3	46,700	33,036
Onslow-Western	3	43,600	32,730
Southern	2	27,600	19,927
	14	203,900	145,223

Community Boards	No. Members	Est Resident Population as at 30 June 2015	Est number of electors as at 30 April 2016
Makara/Ohariu	6	880	658
Tawa	6	14,950	10,494
	12	15,830	11,152

City Leaders Information

Remuneration

City and regional councils

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 Remuneration Authority has determined that the following base salaries will apply for the elected members of Wellington City Council from 1 July 2016 and will remain in effect until 30 June 2017:

Mayor and Councillors

Position	Base salary
Mayor	\$170,317
Councillor	\$82,418
Pool for additional responsibilities	\$164,836

The Authority also allows for certain positions in the Council's governance structure to receive additional salary for additional responsibilities.

It is expected that the Remuneration Authority will approve the following positions from 1 July 2016 with additional responsibility.

Position	Base salary
Deputy Mayor	\$107,143
Chairperson subject-based committee	\$95,869
Deputy Chairperson EGA	\$90,322
Chairperson Regulatory Processes	\$90,322
Chairperson Audit and Risk	\$86,605
Portfolio Leader	\$86,605

When the new governance structure for the new term is decided it may change the positions of responsibility and any additional payments above the base salary.

Community Board members

Position	Base salary
Chair, Tawa Community Board	\$17,864
Member, Tawa Community Board	\$8,932 each
Chair, Makara/Ohariu Community Board	\$9,135
Member, Makara/Ohariu Community Board	\$4,568 each
Additional	

The maximum percentage that can be added to the base community board member salary for additional responsibilities will be 30%.

The maximum would only be approved, however, for roles where significant and easily recognisable additional responsibility had been proven.

The additional responsibilities must be to the board as a whole and not to individual members. No additional responsibilities amount has been approved for the 2016/17 year.

No additional remuneration will attach to the position of deputy chairperson of a community board.

Tax status of elected members

The IRD views the relationship between an elected member and a Council as a statutory relationship of service. The IRD does not view it as an employer/employee relationship. Therefore, elected members are not employees of the Council for income tax purposes.

Consequences of income tax status of elected members

This means that remuneration paid to elected members is taxable but is not classed as 'salary or wages' under the Income Tax Act. Instead, it is classified as a 'withholding payment' and the Council is required by the Withholding Payments Regulations to deduct tax at 33% at the time of payment unless an exception applies.

Because of the nature of their relationship with the Council, elected members are entitled to deduct expenses incurred in earning their remuneration from the Council. This means that they can deduct home use expenses, miscellaneous expenses and vehicle expenses if they incur these in the course of earning their Council remuneration. Election expenses are not tax deductible.

Elected members are also responsible for paying their own accident compensation levies.

Purpose of Local Government

The Local Government Act 2002 outlines the purpose of Local Government in New Zealand. The Act:

- Provides a framework and powers for local authorities to decide which activities they undertake and how they will undertake them;
- Promotes the accountability of local authorities to their communities; and
- Provides for local authorities to play a broad role in meeting the current and future needs of their communities for good quality local infrastructure, local public services and performance of regulatory functions.

Treaty of Waitangi

In order to recognize and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Maori to contribute to local government decision-making processes, Parts 2 and 6 of the Local Government Act provide principles and requirements for local authorities that are intended to facilitate participation by Maori in local authority decision-making processes.

Roles and responsibilities of elected members

Territorial authorities

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 who is 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. A copy of Wellington City Council's Code of Conduct is reproduced on pages 9 to 13 of this handbook.

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).

Lead the development of the Council's plans (including long-term plan and annual plan), policies and budgets for consideration by members of the territorial authority
Appoint the Deputy Mayor

Establish committees of the council and appoint the chairperson of each committee established.

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.

Each community board must consist of not fewer than four and no more than 12 members; must include at least four elected members; and may include appointed members. The number of appointed members must be less than half the total number of members.

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

Time commitment

Depending on the role (Mayor, Deputy Mayor, committee chair, Councillor, Community Board chair or Community Board member), the time commitment can be significant. Many official meetings and briefings are scheduled during the day, and can take two to three full days out of the average working week. Depending on the role, there will also be a number of night-time meetings to attend, not to mention invitations to a range of evening functions and events. Around all this, elected members will need to find time to deal with correspondence and communication from residents, and carry out the necessary reading to prepare for upcoming meetings.

At the beginning of the new term a new governance structure may be decided upon which may change when meetings are held and the number of committees etc.

The organisation offers support through the Democratic Services business unit to elected members to assist them in their duties.

Elected members need to be aware of the impact that can occur on families as a result of being elected as Mayor, a Councillor or Community Board member. This can range from needing to take time off work to attend meetings, to attending night meetings, receiving telephone calls at various times of the day and night, or being asked to address issues when shopping at the supermarket, watching sport, attending church or walking the dog.

Some members of the community see elected members as being available 24 hours, 7 days a week. This may often depend on the issue currently before the Council or a community board, but generally most citizen contact with elected representatives is done at a reasonable time and in a reasonable manner.

Skills and experience

While there are formal requirements in relation to standing

as a candidate for election to a community board or the city council, such as the requirement to be a New Zealand citizen (outlined earlier in this booklet), given the nature of the role of an elected member, there are a number of skills which would be helpful in undertaking the role. These include:-

- analysing written material and oral presentations,
- time management,
- listening,
- relationship building,
- influencing and negotiating,
- understanding financial information,
- communicating with and through the media.

Experience in business, the public sector environment, with community or voluntary groups, in decision-making through meetings and working with people of diverse backgrounds and interests, would also be useful.

The Democratic Services business unit runs an induction and training programme to assist elected members to improve their skills in these areas.

Representation Review

Every six years Councils must review the representation arrangements i.e., whether councilors are elected from wards or the city as a whole, how many councilors, whether to have community boards, the boundaries of communities etc. The Wellington City Council will conduct this review in the 2016 – 2019 term with a determination made by the Local Government Commission in time for the 2019 elections.

Code of conduct for elected members of Wellington City Council

Part one: introduction

All councils are required to have a code of conduct under the Local Government Act 2002, Schedule 7, Clause 15.

This code of conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of Wellington City Council. The code applies to elected members in their dealings with:

- each other,
- the Chief Executive,
- all staff employed by the Chief Executive on behalf of the Council,
- the media ,
- the general public.

This code does not apply to members of Community Boards. The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of Wellington City.

- the credibility and accountability of the Council within its community.
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

The code of conduct that follows is based on the following general principles of good governance:

Public interest

- Members should serve only the interests of the city as a whole and should never improperly confer an advantage or disadvantage on any one person, or group of persons.

Honesty and integrity

- Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

- Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- Members should also note that, once elected, their duty is to the interests of the entire city.

Accountability

- Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

Openness

- Members should be as open as possible about their actions and those of the Council and should be prepared to justify their actions.

Personal judgment

- Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

Respect for others

- Elected members should remember the respect and dignity of their office in their dealings with each other, management and the public.
- Members should treat people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability, and should not unlawfully discriminate against any person or group of persons.

Duty to uphold the law

- Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.

Stewardship

- Members must ensure that the Council uses resources

prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.

Leadership

- Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

Part two: roles and responsibilities

This part of the code describes the roles and responsibilities of elected members, the Mayor and Deputy Mayor, and committee chairpersons.

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.
- employment of the Chief Executive.

Elected members are also responsible for representing the interests of the residents and ratepayers of the city. Unless otherwise provided in the Local Government Act 2002 or in Wellington City 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 (ordinary and extraordinary) of Council, as well as the committees and subcommittees, working parties, and external organisations to which they are appointed. An elected member who is unable to attend a meeting should advise the Chair or Chief Executive as soon as possible.

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 Council. The Mayor also has the following roles:

- presiding at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined by Standing Orders).
- advocating on behalf of the community. This role may involve promoting the community and representing 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 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).
- Lead the development of the Council's plans (including long-term plan and annual plan), policies and budgets for consideration by members of the territorial authority.
- Appoint the Deputy Mayor.
- Establish committees of the council and appoint the chairperson of each committee established.

Deputy Mayor

If the Mayor has not appointed the Deputy Mayor as noted above then the Deputy Mayor must be elected by the members of 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 Council.

Committee chairpersons

The Council may create one or more committees (this includes subcommittees) of 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.

Part three: relationships and behaviours

Relationships with other members

Elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest,
- focus on issues rather than personalities,
- avoid aggressive, offensive or abusive conduct.

Relationships with Chief Executive and staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive or his or her delegated appointee may hire, dismiss or instruct or censure an employee.
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and

observe those requirements at all times.

- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees).
- observe any guidelines that the Chief Executive puts in place regarding contact with employees.
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee.
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee.
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Performance Review Subcommittee.
- not seek to improperly influence staff in the normal undertaking of their duties.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

Relationships with the community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Local Government Act 2002.

Members should act in a manner that encourages and values community involvement in local democracy.

Contact with the media

The following rules apply for media contact on behalf of Council:

- The Mayor (or in the Mayor's absence, the Deputy Mayor) is the first point of contact for the official view on any issue. Usually, a matter will be referred to the relevant committee chairperson for their comment.
- Comment on operational or management matters should be left to the Chief Executive and management.
- No other member may comment on behalf of Council without having first obtained the approval of the Mayor, or in the Mayor's absence, the Deputy Mayor.

Elected members are free to express a personal view in the media, at any time. When doing so, they should observe the following:

- Media comments must not state or imply they represent the views of Council.
- Where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her

statements represent a majority view.

- Media comments must observe the other requirements of the code of conduct, eg not disclose confidential information.

Confidential information

In the course of their duties members will receive information they need to treat as confidential. Confidential information includes information that staff have judged there is good reason to withhold under sections 6 and 7 of the Local Government Official Information and Meetings Act 1987. This will often be information that is either commercially sensitive or is personal to a particular individual or organisation. The Chief Executive is responsible for release of this information under the Local Government Official Information and Meetings Act 1987.

Elected members should be aware that failure to observe confidentiality will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

Conflicts of interest

Elected members shall ensure they comply with the provisions of the Local Authorities (Members' Interests) Act 1968, which covers financial interests, and with other requirements relating to non-pecuniary conflicts of interest. Members should ensure they are familiar with the guidance contained in the Council publication Conflict of Interest Guidelines.

Members shall, within 30 days of a request by the Chief Executive, or following the triennial election, complete a declaration of interests. That declaration shall be updated whenever members' interests change.

Ethics

Wellington City Council seeks to promote the highest standards of ethical conduct among its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination.
- not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests.
- not use Council resources for personal business (including campaigning).
- not abuse the advantages of their official position for personal gain, or solicit or accept gifts, entertainment, rewards or benefits that might compromise their integrity.

Bankruptcy

Elected members who are declared bankrupt shall notify the Chief Executive as soon as practicable after being declared bankrupt.

Part four: compliance and review

Compliance

Elected members must comply with the provisions of this code of conduct. Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these Acts has with respect to conduct of elected members is attached in Appendix 1 to this code.

Breaches of statutory provisions

Where there are statutory provisions:

- breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authorities (Member's Interests) Act 1968.
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage.
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

Breaches of non-statutory provisions

Any alleged breach by a member of the provisions of the code for which there is not a process and penalty provided elsewhere shall be reported in a timely manner to the Mayor in the first instance. The Mayor, with the Chief Executive (where appropriate), shall consider each allegation in a manner that is fair to all parties involved in the allegation, including ensuring that due process is respected. This will include ensuring that members named in an allegation are given an opportunity to consider and respond to that allegation. If, following the opportunity to respond to the allegation, it is considered that an allegation of a breach of the code is well-founded, the Mayor shall inform the member concerned and take any appropriate lawful action, such as censure.

Any alleged breach by the Mayor shall be reported in a timely manner to the Chief Executive, who shall consider and deal with the allegation, seeking advice as appropriate. The Chief Executive shall consider each allegation in a manner that is fair to all parties involved in the allegation, including ensuring that due process is respected. This will include ensuring that the Mayor is given an opportunity to consider and respond to that allegation.

If an alleged breach is considered to be of a serious enough nature, or if there is an allegation of repeated breaches of the code, the Mayor (or in the case of an alleged breach by

the Mayor, the Chief Executive) may instead refer the matter to Council. Council will be asked to consider and determine whether a breach of the code has occurred and, if so, what consequences for the elected member should arise from that breach. In completing a report to Council, fairness to all parties involved, and due process, will be respected, including ensuring the member named in the allegation is advised of the allegation and given an opportunity to consider and respond to it before the matter is considered by Council. Council's consideration of the matter will comply with statutory requirements relating to matters such as personal privacy, or confidentiality of information.

Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the code of the conduct, or the adoption of a new code, require a resolution supported by 75 per cent or more of the members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

Members Interests

Candidates should be aware of the requirements of the Local Authorities (Members' Interests) Act 1968.

Under Section 3 of the Act, elected members may not be concerned or interested in contracts made by the council when payments made for the contracts entered into during a particular year exceed \$25,000 including GST. That amount may only be exceeded if the council has either obtained the prior approval of the Audit Office or, in special circumstances, obtained retrospective approval. When payments exceed \$25,000 or any other approved amount, the elected member concerned is automatically disqualified from office. He or she also commits an offence if they continue to act as a member.

Under Section 6 of the Act, elected members may not discuss or vote on any matter in which they have a pecuniary interest when it is being considered by the council 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 is raised at a meeting of the council or a committee in which a member has a pecuniary interest, the member prohibited from voting or discussing the matter must declare the pecuniary interest. The fact of that disclosure and abstention from discussion and voting on it is also recorded in the minutes. While it is not necessary to withdraw from the meeting, it is good practice to do so.

Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 (the Act) is part of a reform package aimed at reducing the number of serious work-related injuries and deaths in New Zealand by at least 25 percent by 2020. It came into force on 4 April 2016.

The Act is a new way of thinking about health and safety for New Zealand. The Act is designed to:

- Ensure everyone has a role to play
- Makes everyone's responsibilities clear
- Focuses on managing risk
- Requires those who create the risk to control the risk
- Requires businesses to engage with their workers and enable them to participate on an ongoing basis
- Allows flexibility in managing health and safety risks.

For Elected Members, the most significant implication is the introduction of 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 is a person who holds a very senior leadership position, and has the ability to significantly influence the management of a business. At WCC this includes Elected Members and the CEO.

Officers must ensure the business is meeting its health and safety responsibilities by doing due diligence to ensure the business understands and manages its key risks. To do this Officers must take reasonable steps to:

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

Elected Members of a Council are not required to exercise due diligence over a Council Controlled Organisation (CCO) providing they are not Officer of that CCO e.g. an Elected Member will be an Officer of a CCO if they are on the Board of the CCO.

WCC and Elected Members as Officers under the Act

WCC is proactively partnering with Elected Members to ensure WCC and its Officers can meet their responsibilities under the Act.

Liabilities of Officers under the Act

Under the Act there are a raft of offences that can be committed which carry fines (which need to be paid in some cases by the organisation and in some cases personally by the Officer) and in extreme cases even jail sentences. Elected Members as Officers have an exemption under the Act from some of these offences. Offences that Elected Members as Officers can be liable for include offences such as failure to comply with an improvement notice. This can be 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

The successful candidates will take office on the day after the electoral officer gives their official notification of the result of the election. However, no person is permitted to act as a member of the council before making a declaration. This declaration will be made at the inaugural meeting, which is expected to be held in late October or early November 2016. Elected members will be contacted by staff with the key dates.

The business to be conducted at that meeting will include:

- The making and attesting of declarations required of the mayor and councillors. Traditionally, this has been a ceremonial occasion.
- 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, or the adoption of the schedule of ordinary meetings.
- Election of the deputy mayor.

The declaration required to be made by the mayor and councillors is as follows:

Declaration by Mayor and 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 Wellington City Council, the powers, authorities, and duties vested in or imposed upon me as mayor (or as a member) of the Wellington City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Community Board members are required to make a similar declaration but in relation to their board.

Hutt Mana Charitable Trust

The Hutt Mana Charitable Trust (the Trust) is a registered charitable entity and an incorporated board under the Charitable Trusts Act 1957, administered under the provisions of its Trust Deed and the Charities Act 2005. The Deed provides for a board of 5 elected trustees with elections held every three years in conjunction with the triennial local body elections. The trustees are elected on the following basis:

- 1 trustee to represent the northern area of Wellington City
- 1 trustee to represent the area of Porirua City
- 1 trustee to represent the area of Upper Hutt City
- 2 trustees to represent the area of Lower Hutt City

The Trust manages a trust fund around \$35 million, initially derived from the wind up of the former Hutt Mana Energy Trust. The Trust supports projects related to energy efficiency as well as general charitable purposes.

The Trust meets monthly, with additional meetings scheduled if necessary. Trust meetings are typically held in the morning at the offices of Kendons, 69 Rutherford Street, Lower Hutt. Meetings typically start at 7.30am and generally last up to 2 hours. Additionally, the Trust has an AGM in September and holds functions to present grants to community groups.

Trustees are paid a current annual salary of \$16,875. Remuneration levels are set by the Trustees and are reviewed annually at the AGM. Expenses for travel and other expenses incurred on approved Trust business are also reimbursed.

Candidates for election to the board of the Hutt Mana Charitable Trust need to live within the Trust area that they are seeking election for and must be a New Zealand citizen and enrolled as a parliamentary elector. They must be nominated by two electors who also reside within the Trust area the candidate is seeking election for.

Additionally, section 5.4 of the Trust Deed lists the following restrictions on trustee eligibility:

The following persons may not hold office as a Trustee:

- (a) *A bankrupt who has not obtained a final order of discharge or whose order of discharge has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled.*
- (b) *A person who has been convicted of any offence punishable by a term of imprisonment of two or more years.*
- (c) *A person who has been convicted of any offence punishable by imprisonment for a term of less than two years and has been sentenced to imprisonment for that offence.*
- (d) *A person to whom an order made under sections 382, 383, or 385 of the Companies Act 1993 applies.*
- (e) *A person who is mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992.*
- (f) *A person who resides outside the District.*

Further information is available on the Trust website www.hmct.org.nz or from the Secretary at secretary@hmct.org.nz or by phone to (04) 569 6113

Electoral Systems

For Wellington city voters one electoral system will operate for the 2016 local government elections. This is :

- Single Transferable Voting (STV).

Organisations using STV in 2016 are:

- Wellington City Council
- Greater Wellington Regional Council
- Capital & Coast District Health Board
- Hutt Mana Charitable Trust.

Briefly, the STV electoral system consists of the following:

- Voters receive a single (transferable) vote irrespective of the number of vacancies.
- Voters rank the candidates in order of preference, by writing a “1” next to the name of their most preferred candidate, then a “2” next to the name of the next preferred candidate and so on.
- Voters can rank as few or as many candidates as they wish.
- 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.

- When votes are counted, all the first preferences are allocated first.
- A candidate who reaches the quota first 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 the third preferences, and so on.
- If insufficient candidates reach the quota after the first preferences are allocated and 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.

More information on STV can be accessed from the Department of Internal Affairs website www.stv.org.nz.

Electoral Roll

The preliminary electoral roll will be compiled during July 2016. Copies of the preliminary electoral roll for the election will be available for public inspection from Friday 15 July 2016 to 5pm Friday, 12 August 2016 at the following venues within Wellington City:

- Wellington City Council City Service Centre, 101 Wakefield Street, Wellington,
- Central Library, 65 Victoria Street, Wellington,
- all branch libraries throughout Wellington City,
- all New Zealand Post Shops throughout Wellington City.

Any alterations to the residential roll, should be made:

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

A hard copy of the preliminary electoral roll may be purchased from the electoral officer for \$20 per ward (ratepayer roll included) or \$80 per set, plus GST.

The final electoral roll is produced once the preliminary electoral roll closes on 12 August 2016. The final electoral roll is the roll used for issuing voting papers. Copies of this roll may be purchased as above.

Details appearing in the electoral roll are electors names (surname, then first names) listed alphabetically, the qualifying address, postal address, occupation, meshblock and voting entitlements.

Information contained on the electoral roll 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 Electoral Services (provided the criteria of section 114 of the Electoral Act 1993 is met). An application form is required to be completed, and these are available upon request from Electoral Services. The contact person is Michael Calvelo on (04) 801 0710.

Prior to the close of voting candidates or a scrutineer can request a list of persons from whom voting documents have been received. The cost of this will be \$30 per separate list.

Candidate Eligibility

A candidate for local authority elections must be:

1. Enrolled on a **parliamentary electoral roll** somewhere in New Zealand; and
2. A **New Zealand citizen** (either by birth or naturalisation ceremony). [Section 25, Local Electoral Act 2001.]
Restrictions on candidates for local authority elections:
 - a. A candidate may not seek nomination for more than one ward of Council (Section 57A Local Electoral Act 2001) but can stand for more than one community board.
 - b. A candidate may seek nomination for mayor and/or council and/or a community board but **may not also** seek nomination for Greater Wellington Regional Council, i.e. a candidate may stand for Wellington City Council **or** the Greater Wellington Regional Council, not both (Section 58 Local Electoral Act 2001).
 - c. A candidate may seek nomination for mayor and/or a councillor and/or a community board, but in the event that they are elected
 - as mayor and a councillor then they must be treated as having vacated the ward office.
 - as a councillor and a community board member then they must be treated as having vacated the community board office. The next highest polling board member would be elected. If there was none then a by-election would be required.(Sections 88 & 88A Local Electoral Act 2001)
- d. A candidate **cannot** be a person concerned or interested in contracts over \$25,000 with the territorial local authority (Section 3(1) Local Authorities (Members' Interests) Act 1968). This restriction is waived if prior approval from the Audit Office is obtained.
- e. An employee of a local authority who is elected as mayor or councillor **must resign** from his/her position as an employee of the local authority before taking up his/her elected position. (Section 41 (5) Local Government Act 2002). This provision does not apply if an employee of a territorial authority is elected to a community board within the district of that territorial authority, however it is recommended the employee consult with their manager(s) before submitting their nomination form.

Notes:

- i. Candidates for mayor may also stand for council if they wish (and vice versa).
- ii. Candidates are required to record on the nomination paper if they are standing for election in any other elections in New Zealand.
- iii. Candidates need not necessarily be a resident or ratepayer of the ward in which they are seeking election, or for that matter, Wellington City, but candidates are required to record on the nomination paper if they reside in the election area or not.
- iv. Evidence of NZ citizenship **may** be requested at the time of candidate nomination. Acceptable evidence includes NZ passport, NZ birth certificate, or NZ citizenship documentation.
- v. Section 60 of the Local Electoral Act 2001 states:
If the electoral officer receives advice before the close of nominations that a candidate is, or has become, incapable under any Act of holding the office for which he or she is a candidate, that candidate's nomination must be treated in all respects as if it had not been made.
- vi. There are no longer restrictions applying specifically to Police employees wishing to stand in local authority elections.

For CCDHB candidate eligibility please refer to the separate candidate handbook for the CCDHB, but a candidate for mayor and/or council and/or a community board may also seek nomination to the CCDHB.

Nominations

Nominations open on **Friday 15 July 2016** and close at **12 noon on Friday 12 August 2016**.

Each candidate must be nominated on the official nomination paper available during normal office hours from:

- Wellington City Council offices, 101 Wakefield Street, Wellington
- by phoning the Wellington City Council on (04) 499 4444
- or from council's website www.wellington.govt.nz

Completion of Nomination Paper

Each nomination paper must have the consent of the candidate and be nominated by **two** electors whose names appear on the electoral roll for the ward, community board or charitable trust. (e.g. if a person wishes to stand for election to a ward, then that person must be nominated by two electors from the ward).

A candidate **cannot** nominate himself/herself.

If a candidate is unable to sign the nomination paper (e.g. absent overseas), a letter of consent signed by the candidate is acceptable to attach to the nomination paper. A scanned copy of a completed nomination paper will also be accepted, provided the nomination deposit payment (or evidence thereof) is received in time.

Other Names

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 full name will still need to be on the nomination form.

Titles

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

Residency in Area

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

Standing in Other Elections in New Zealand

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

Affiliation

The nomination paper provides for a party affiliation or other designation.

Individual candidates not part of a political party may wish to nominate their designation as "Independent" or leave as blank (if left blank, nothing will show alongside the name on the voting paper).

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 are acceptable). This is a safety measure to avoid any illegal adoption of party affiliations.

No party affiliation or other designation that is offensive in nature, likely to confuse or mislead electors or encroach on another party's affiliation will be accepted.

Submitting the Nomination Documents

Completed nomination documents for Wellington City Council and Capital & Coast DHB elections **must** be delivered to:

- Electoral Office.
Ground Floor
Wellington City Council Offices
101 Wakefield Street, Wellington

or posted to:

- The Electoral Office
Wellington City Council
PO Box 2199
Wellington 6140

Wellington City Council's office hours for lodgement are:

Mon - Fri 8.00 am to 5.00 pm, except on **12 August when 12 noon** is the cut-off time for lodgement.

- **All nomination documents must be submitted at the same time, i.e. nomination paper, candidate profile statement, photo, and nomination deposit.** A nomination will not be accepted if any components are missing.
- Nomination papers for the Greater Wellington Regional Council elections must be lodged at the GWRC office Shed 39, 2 Fryatt Quay, Pipitea, Wellington. **These nomination papers cannot be lodged with Wellington City Council.**
- Nomination papers for the Hutt Mana Charitable Trust must be lodged with the Hutt City Council office, 30 Laings Road, Lower Hutt. **These nomination papers cannot be lodged with Wellington City Council.**

Once lodged, nomination papers are checked to ensure the candidate is eligible (name appears on a parliamentary roll) and the nominators are two electors whose names appear on the electoral roll for the relevant ward and city as a whole.

Should a nomination paper be lodged late on the morning nominations close, and/or be incorrectly completed or ineligible nominators are provided, there may not be enough time to correct the situation and the nomination paper could be invalidated.

Nomination Deposits

Each nomination paper lodged, requires a deposit of **\$200** (including GST). If an election is required the deposit is refunded if the candidate polls greater than **25%** of the lowest successful candidate for each election issue. The deposit is also refunded if no election is required.

Payment of the nomination deposit can be made by cash, cheque, EFTPOS or online banking. Should a personal cheque or online banking transaction be dishonoured or declined, the nomination becomes invalid as the deposit has not lawfully been made. If this occurs after the close of nominations, then the nomination is invalid and the candidate will be withdrawn.

Cheques are to be made payable to: **Wellington City Council**

Payment can be made by online banking. Details for the payment of the deposit by online banking are shown on page 2 of the nomination paper. If paying by online banking, evidence of the transaction **must** be provided at the time the nomination documents are submitted, i.e. a print out of the transaction receipt. The nomination paper also sets out the reference and code details required for each online payment.

Nomination papers, with the deposit and the candidate profile statement and photograph, can be sent to the deputy electoral officer by mail or e-mail, but should the papers be received by the electoral officer or deputy electoral officer after the close of nominations, the nomination is invalid.

Nomination documents can be scanned as pdfs and emailed to the EO, including evidence of the \$200 deposit if made by online banking. Photos are to be scanned as jpgs.

It is the responsibility of the candidate to ensure all nomination documents are submitted together and that they are all correct.

The lodgement of nomination documents should not be left to the last minute.

Nominations close at 12 noon, Friday 12 August 2016.

Candidate Withdrawals

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

A medical certificate must be provided for a withdrawal notice to be accepted by the electoral officer. An application can be made by a candidate or an agent on their behalf.

If the reason for withdrawing is valid, the \$200 deposit will be refunded.

Candidate Profile Statements

The Local Electoral Act 2001 allows for candidate profile statements (CPS) of up to 150 words to be provided by each candidate with the completed nomination form. If an election is required these are then collated by the electoral officer and forwarded to electors in a booklet with the voting papers. Refer also to the notes listed in **Appendix 1** for word limits and translation requirements.

Candidate profile statements must be provided electronically via email or on a pen drive or CD, in a MS Word document that has been spell checked. As the electoral officer could receive dozens of profiles, consistent format of delivery and content is required (refer to guidelines below).

Candidate profile statements can be submitted in English and Maori, the information contained in each language must be substantially consistent with the information contained in the other language. Both have a limit of 150 words. If a candidate submits a profile statement in another language or a combination of languages e.g. English and Mandarin there must only be 150 words in total.

Candidate profile statements are governed by Sections 61 and 62 of the Act.

If the nomination forms are being personally delivered, a hard copy format of the profile or a pen drive must be provided at the same time. Hand written profiles will not be accepted.

Format of Candidate Profile Statements

The format requirements for profiles are:

The English text must be plain text, in paragraphs, with no special formatting, i.e.

- No bold, italic, underlining etc.
- No tabs
- No quote marks
- No accent marks (this restriction is in English text only)
- No bullet points

The profiles will be loaded into software provided by the printer that will automatically apply the required font, type size, line spacings etc. If there is no profile statement or photo from a candidate, then "No Profile Statement and/or Photo provided." text or similar will be printed in the profile book.

Any non-English candidate profile content must be supplied with the following formatting:

- Font - Times New Roman (or Equivalent)
- Point Size - 9 point size, 11 point line spacing
- No special formatting of text – e.g. no bolding, no italics, no underlines, no quote marks, etc.

Translations

The following contact details are provided for translation companies, for those candidates who are unable to prepare the translation image themselves or do not know anyone to do this for them:

The Translation Service

PO Box 805, Wellington,
Phone: (04) 470 2920,
Fax: (04) 470 2921,
Email: translate@parliament.govt.nz
Website: www.translate.govt.nz

NZTC International

68 Dixon Street,
PO Box 27312 Wellington,
Phone: (04) 384 5047,
Fax: (04) 384 8554,
Email: sales@nztcinternational.com.
Website: www.nztcinternational.com

The 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 6 months) photograph for inclusion with the candidate profile statement in the booklet to accompany the voting papers. Photos should also be provided electronically, on CD, pen drive 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 candidates 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 EO will crop the photo accordingly but the onus is on the candidate to provide a photo of the candidate only that complies with this format.

Electronic copies of photos should be scanned as a jpeg at a minimum of 600 dpi.

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

Note: The onus is on the candidate to ensure that all nomination documents including the profile and photo are submitted to the electoral officer by 12 noon on Friday 12th August 2016.

Correctness of Profile Statements

The candidate is responsible for ensuring that the candidate profile statement contains correct grammar, spelling, punctuation, etc. The electoral officer may make corrections to the statement without affecting content but accepts no

responsibility to make any correction. The candidate should ensure the statement is correct when submitted and not expect any corrections to be so made.

The electoral officer is not required to verify or investigate any information included in a candidate profile statement.

The electoral officer 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 statement booklet.

If the profile statement or photo does not comply with the legislative requirements, the electoral officer will as soon as practicable, return the statement to the candidate and specify his/her concerns and the reasons therefore. The candidate will then have up to three (3) days to submit an amended candidate profile statement to the electoral officer.

A candidate is to be treated as having failed to provide a candidate profile statement, if the candidate:

- fails to submit an amended candidate profile statement within the requested period, or
- submits an amended candidate profile statement that, in the opinion of the electoral officer, does not comply with the requirements.

Where the electoral officer is not satisfied that the candidate profile statement complies and cannot reach agreement with the candidate within the period specified, but the candidate has submitted a suitable photograph, the electoral officer will act as if the written part of the statement was never received but still publish the photograph in the candidate profile booklet to be included with the voting paper sent to each elector, as well as a message to the effect that a statement was not supplied.

Campaigning, Council Resources, Social Media

Election campaigning can commence anytime but should cease by the close of voting day, ie 12 noon Saturday 8 October 2016. Election signs must be removed by midnight on Friday 7 October.

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, see Appendix 6. 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.

Voting papers are not permitted to be collected from electors by candidates or their assistants. Each elector is required by law to post or deliver his or her own voting paper to the electoral officer or official voting boxes located at Wellington City Council service centres or libraries.

Council Resources

Candidates are not permitted to use council resources for campaigning purposes. Council resources includes but are not limited to Council's logo and branding, website, facebook page, twitter account, any forms of social media, computers, email, mobile phones, faxes, stationery, photocopiers, printers, stamps, cars, meeting rooms and venues (except those available for public hire).

Social Media Guidelines

Candidates must understand and be aware of their social media presence for campaigning purposes at all times. The following guidelines apply.

- Council's facebook page is not permitted to be used by anyone (candidates or members of the public) for electioneering. Council's facebook is constantly monitored and any campaign related or electioneering content will be removed immediately.
- Any post - positive or negative - made by any 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 comment on Council's Facebook posts encouraging people to like or follow their own social media accounts or any other electioneering tool. Any posts that do this will be removed immediately.
- Council's Facebook pages will unlike all candidate Facebook pages.
- Candidates must not link their own Facebook pages and social media channels (if they are used for campaigning

purposes) to the Council's Facebook and social media channels, and must ensure that they have the appropriate authorisation (see next section) at all times.

- Council's Facebook pages will remain neutral. Council will promote elections and the importance of voting but will not associate these posts with any candidates.
- During the lead up to elections, the current Mayor and Councillors may be used in social media posts where it is appropriate and is considered 'business as normal' to use them. This may be in images or quotes.

Election Advertising

Election advertising, using any media, including social media, must identify the person under whose authority they have been produced, as per sections 113-115 of the Local Electoral Act 2001.

This means that for posters, adverts, billboards, flyers, vehicle signage, websites, facebook pages etc, each advertising item must have a sentence at the bottom saying that it is authorised by the candidate or agent, i.e. "Authorised by Joe Bloggs, 20 Somewhere St, Sampletown." This authorisation must be clearly visible on the front or back of any billboards.

Please note: a physical address must be provided in any authorisation text, i.e. it cannot be a PO box or a rural delivery number. 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 cost of framing to hold up an election sign is not an item of campaign expenditure.

Campaign Expenditure Limits

Candidates have campaign expenditure limits and are required to file a return to the electoral officer after the election.

Campaign expenditure is all expenses relating to the campaign from the period 3 months before election day, i.e. all expenditure from **8 July 2016 to 8 October 2016** plus any apportioned costs of any election campaigning carried out prior to 8 July 2016 (refer S.112 LEA 2001).

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

The campaign expenditure levels for Wellington City are:

1. Mayoralty

The total electoral expenses (inclusive of goods and services tax) of a candidate must not exceed \$60,000 if any local government area over which the election is held has a population smaller than 249,999 and larger than 200,000.

The population of Wellington City is estimated to be 203,900 (Dept of Statistics - 2015).

City-wide Issues	Est Resident Population as at 30 June 2015	Expenditure Limit (inc GST)
Mayoralty	203,900	\$60,000

2. Wards

The total electoral expenses (inclusive of goods and services tax) of Wellington City ward candidates are:

WCC Wards	Est Resident Population as at 30 June 2015	Expenditure Limit (inc GST)
Eastern	38,500	\$20,000
Lambton	47,500	\$30,000
Northern	46,700	\$30,000
Onslow-Western	43,600	\$30,000
Southern	27,600	\$20,000

3. Community Boards

The total electoral expenses (inclusive of goods and services tax) for community board candidates in Wellington City are:

WCC Community Boards	Est Resident Population as at 30 June 2015	Expenditure Limit (inc GST)
Makara-Ohariu	880	\$3,500
Tawa	14,950	\$14,000

4. Other Elections

The total electoral expenses (inclusive of goods and services tax) of a candidate must not exceed **\$30,000** if any local government area over which the election is held has a population larger than 40,000 and smaller than 59,999.

Election Issue	Est Resident Population as at 30 June 2015	Expenditure Limit (inc GST)
Hutt Mana Charitable Trust	46,700	\$30,000

However, if a candidate is a candidate for more than one election held at the same time, (i.e. mayor and ward), the total electoral expenses (inclusive of GST) of that candidate must not exceed the highest amount permitted under subsection (1) in respect of any one of the elections for which the person is a candidate, i.e. **\$60,000** for a mayoral and ward candidate.

Local government area population	Expenditure limit
up to 4,999	\$3,500
5,000 – 9,999	\$7,000
10,000 – 19,999	\$14,000
20,000 – 39,999	\$20,000
40,000 – 59,999	\$30,000
60,000 – 79,999	\$40,000
80,000 – 99,999	\$50,000
100,000 – 149,999	\$55,000
150,000 – 249,999	\$60,000
250,000 – 999,999	\$70,000
more than 1,000,000	a separate calculation applies

Return of Electoral Expenses:

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, i.e. no later than Wednesday 14 December 2016.

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.

A model election expenses return form is attached as Appendix 2. The relevant sections of the Local Electoral Act 2001 on election expenses is attached as Appendix 3.

Note:

- 1) Candidates are required to keep evidence of any election expenses for amounts exceeding \$200.
- 2) All candidates must submit a return of election expenses and donations form even if no expenses have been incurred or donations received.

Electoral Donations:

Significant changes were made in 2013 to the requirements regarding electoral donations.

The changes in the Act align the Local Electoral Act with current rules in the Electoral Act 1993 (for parliamentary elections). The changes include:

- A limit of \$1,500 on the size of an anonymous donation
- A requirement that any candidate receiving an anonymous donation of more than \$1,500 pay the amount over \$1,500 to the electoral officer (for payment into the council's general account)
- Requirements for the candidate to disclose in their return of electoral expenses and donation information about all donations above \$1,500 (including those aggregated donations)
- New definitions of "anonymous" and "donation"
- New obligation on a third party, who passes on a donation to a candidate on behalf of a donor, to disclose the identity of the donor to the candidate
- New obligation on a person administering the affairs of a candidate's campaign to disclose the identity of the donor of an anonymous donation of more than \$1,500 (if known) to the candidate
- New penalty provisions for non-compliance with the new requirements.

- Improved public access to candidate returns of electoral donations and expenses

Donations to candidates can be made up of pooled funds contributed by more than one person (referred to as donations funded from contributions). These types of donations include, for example, campaign donations made through a trust, or where there is a fundraising collection for a candidate's campaign.

Candidates must disclose, in their return of electoral donations and expenses, whether a donation is funded from contributions and the name and address of any individuals contributing amounts in excess of \$1,500. Anonymous donations made through contributions are limited to a maximum of \$1,500 per donation.

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.

Hoardings

Wellington City Council has historically approved the following conditions for election hoardings, including some minor technical correction. Some of these conditions may have been superseded by higher level documents such as legislation outlined in these Guidelines for Temporary Signs in Public Areas.

- a) The hoardings must be soundly constructed, not exceed 1.2 x 2.4 square metres, and be securely fixed and braced in place clear of mown areas.
- b) Road signs or street nameplates must not be obscured.
- c) Hoardings must be sited so as not to distract or obstruct driver or pedestrian visibility.
- d) Signs must not be placed closer than six metres from an intersection and must be placed at a greater distance if visibility for pedestrians or drivers is obscured.
- e) Unless otherwise stated signs may not be placed closer than 1.5m from the edge of the carriageway (road) and must be clear of all pedestrian routes and accessways.

- f) Any signs erected on private property must be kept within the confines of the property.
- g) Signs and hoardings must not be erected earlier than six (6) weeks prior to the Election Day and must be removed from all sites the day prior to the election (In this case 27 August to 7 October).
- h) Should any sign or hoarding suffer damage, it must be repaired immediately or removed from the site.

PLEASE NOTE

It is an offence against the Bylaw to place posters on any Council ornament, statue, structure, building, or facility in a public place without the Council's prior approval.

Voting and Processing of Votes

Order of Candidates on the Voting Papers

Wellington City Council has resolved pursuant to Section 79 of the Local Electoral Act 2001 that the names of the candidates will appear in random order on the voting papers. This means that the candidates' names will appear in a different order on each separate voting paper. Barcodes will be printed beside each candidate's name for counting purposes.

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 2016 to 12 noon, Saturday 8 October 2016 at the City Service Centre, Council offices, 101 Wakefield Street, Wellington.

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 election day, ie 12 noon Saturday 8 October 2016.

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 7 October 2016. 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 website on 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

The electoral officer has decided pursuant to Section 80 of the Local Electoral Act that returned voting papers will be opened and processed during the voting period before the close of voting.

Voting papers for Wellington City Council are being processed by council's election contractor, electionz.com Ltd. *electionz.com* will be processing approximately 600,000 voting papers for 42 councils at its processing centre in Christchurch.

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 8 October 2016).

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 (refer to Appendix 4).

Election Results

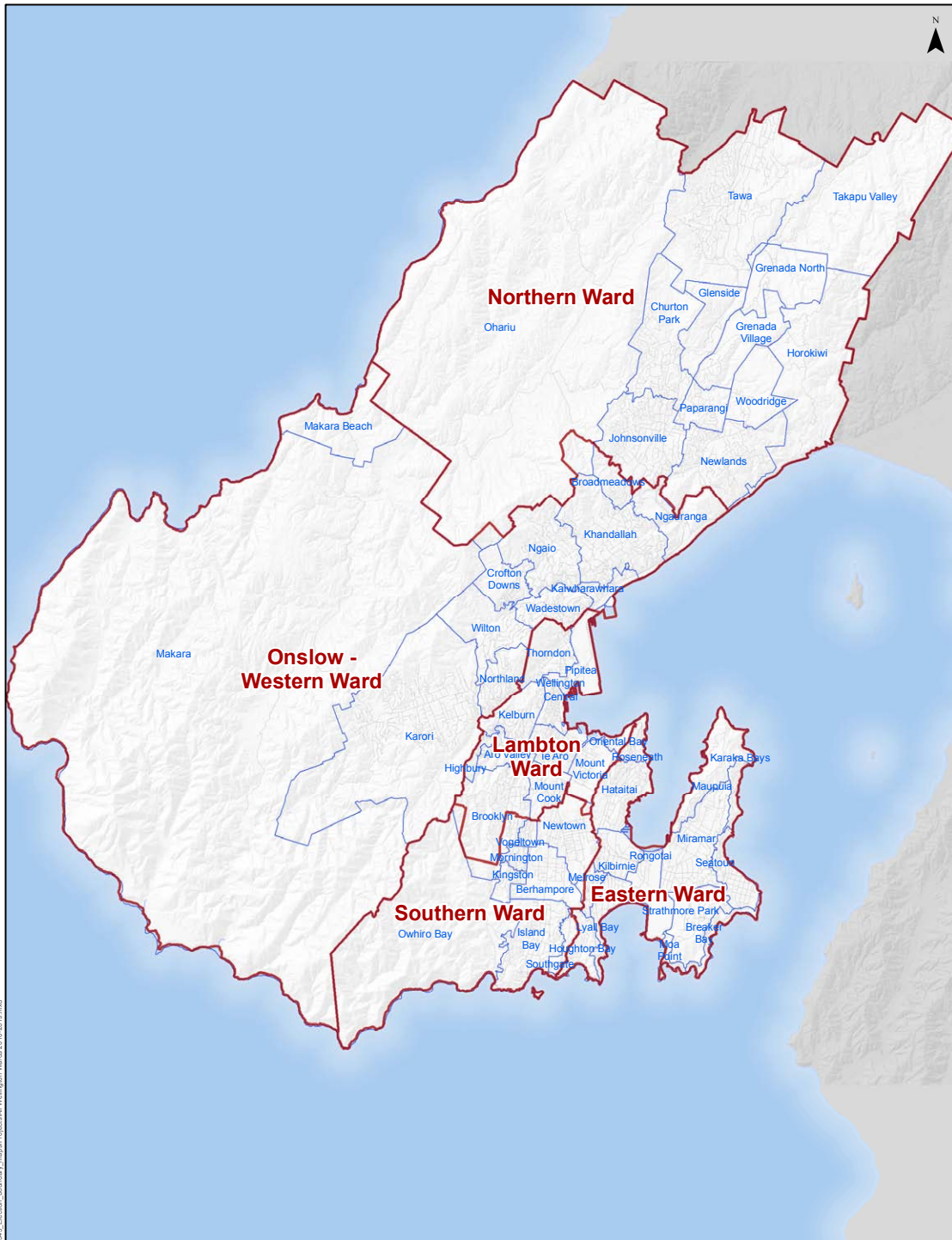
The counting of votes takes place as soon as practicable after 12 noon on Saturday 8 October 2016.

An election result will be released on Saturday 8 October. The final result is expected to be declared by Friday 14 October.

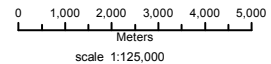
Results will be released to candidates and media via email and www.wellington.govt.nz.

Boundary Maps

Wellington City Council Wards



Wellington City Wards: 2016 - 2019 Triennium
as determined by the Local Government Commission



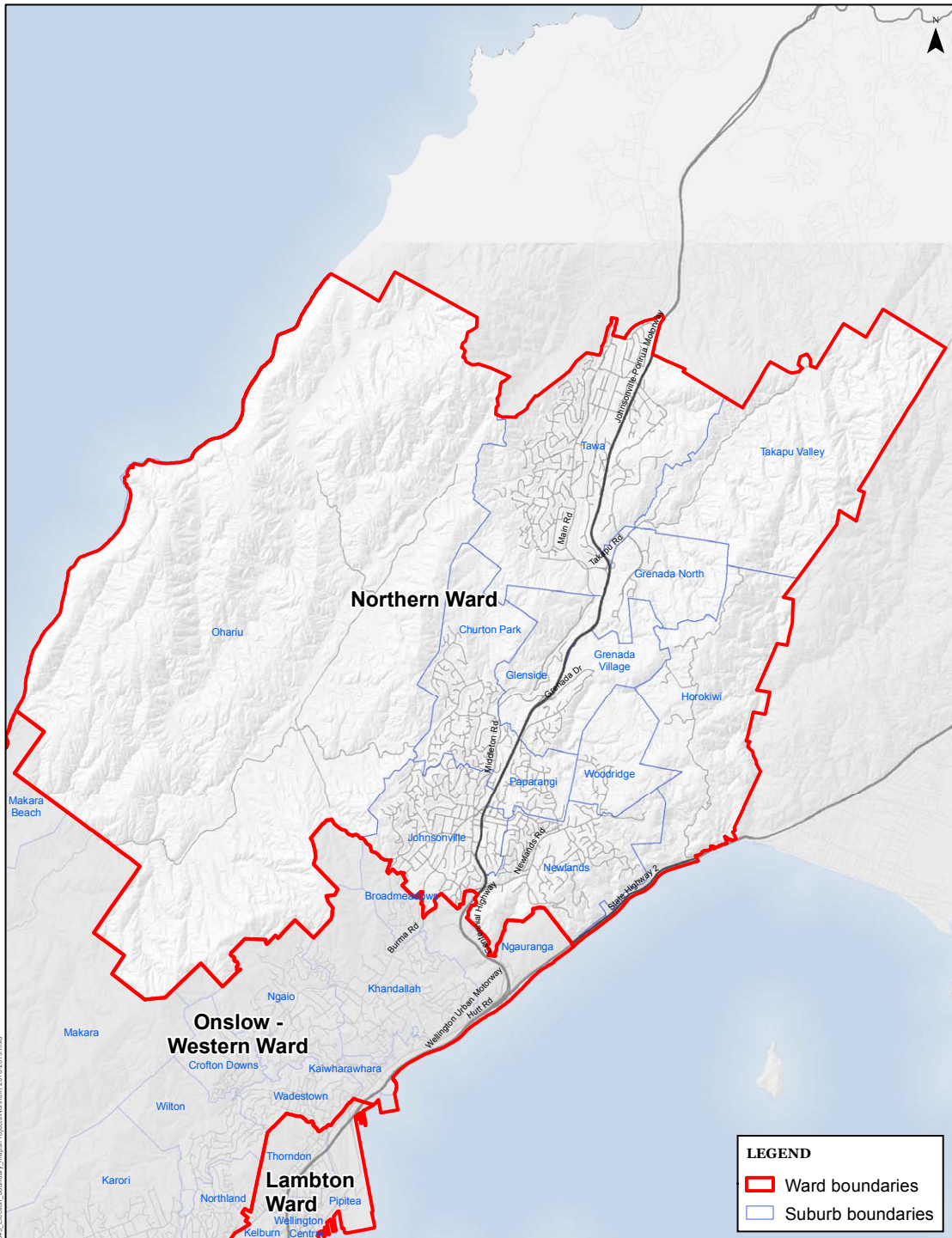
Property boundaries Land Information NZ Licence WN0853547/2. CROWN COPYRIGHT RESERVED.
Accuracy in urban areas: +/-1m. Accuracy in rural areas: +/-30m. Topographic data: Wellington City Council WCC copyright reserved. Accuracy: +/- 30cm. Any contours displayed are only approximate and must not be used for detailed engineering design. Colour Orthophotography 1:500 flown March 2006 or Feb 2008 owned by Wellington City Council. Other data has been compiled from a variety of sources and its accuracy may vary.

MAP PRODUCED BY:
Wellington City Council
101 Wakefield Street
WELLINGTON, NZ

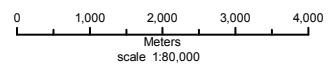
ORIGINAL MAP SIZE: A4
AUTHOR: bayly2s
DATE: 23/06/2016
REFERENCE: 11345



Northern Ward



Wellington City Northern Ward: 2016 - 2019 Triennium
as determined by the Local Government Commission



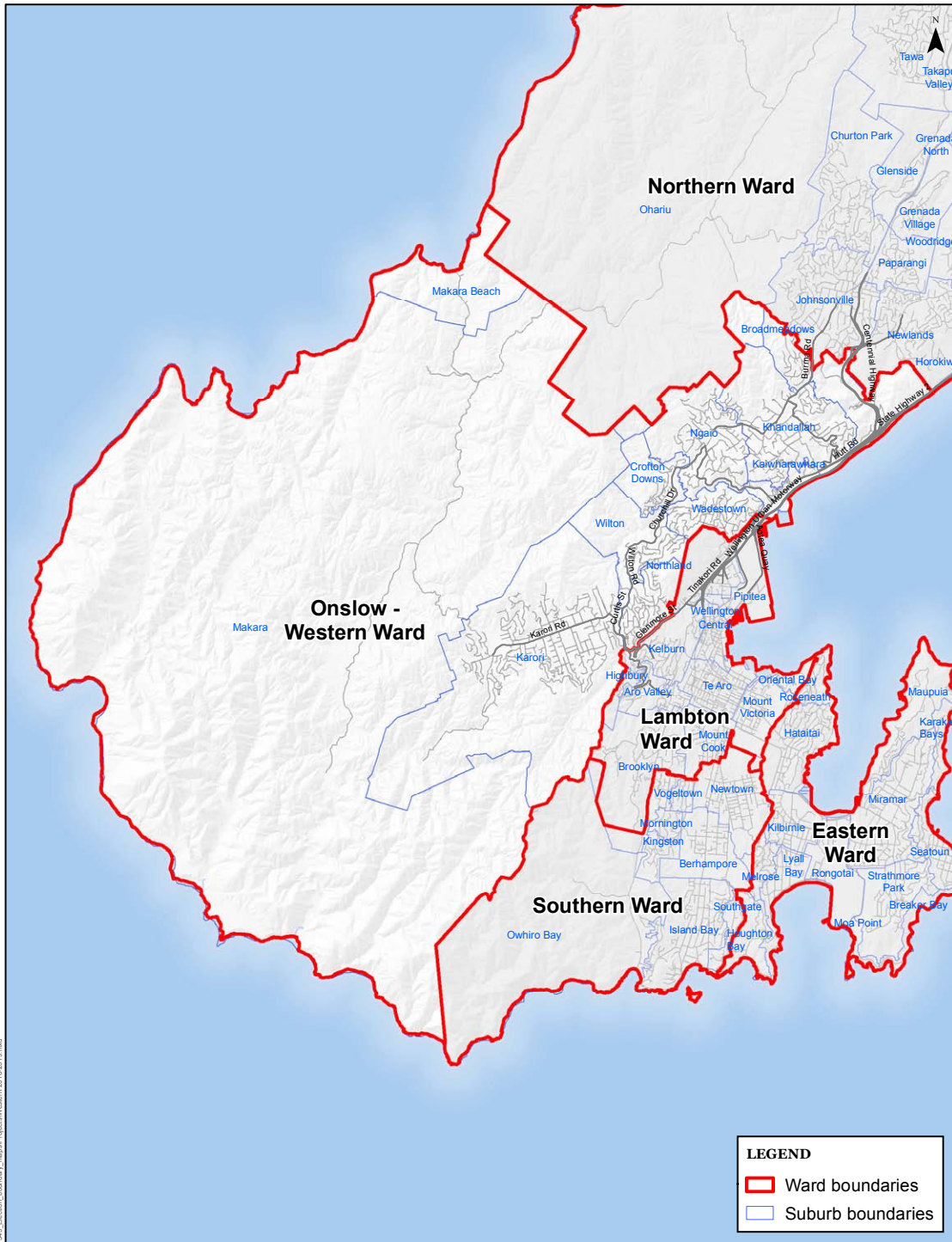
Property boundaries Land Information NZ Licence WN0853547/2. CROWN COPYRIGHT RESERVED. Accuracy in urban areas: +/-1m. Accuracy in rural areas: +/-30m. Topographic data: Wellington City Council WCC copyright reserved. Accuracy: +/- 30cm. Any contours displayed are only approximate and must not be used for detailed engineering design. Colour Orthophotography 1:500 flown March 2006 or Feb 2008 owned by Wellington City Council. Other data has been compiled from a variety of sources and its accuracy may vary.

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101 Wakefield Street
WELLINGTON, NZ

ORIGINAL MAP SIZE: A4
AUTHOR: bayly2s
DATE: 1/07/2016
REFERENCE: 11345



Onslow-Western Ward



Wellington City Onslow-Western Ward: 2016 - 2019 Triennium
as determined by the Local Government Commission

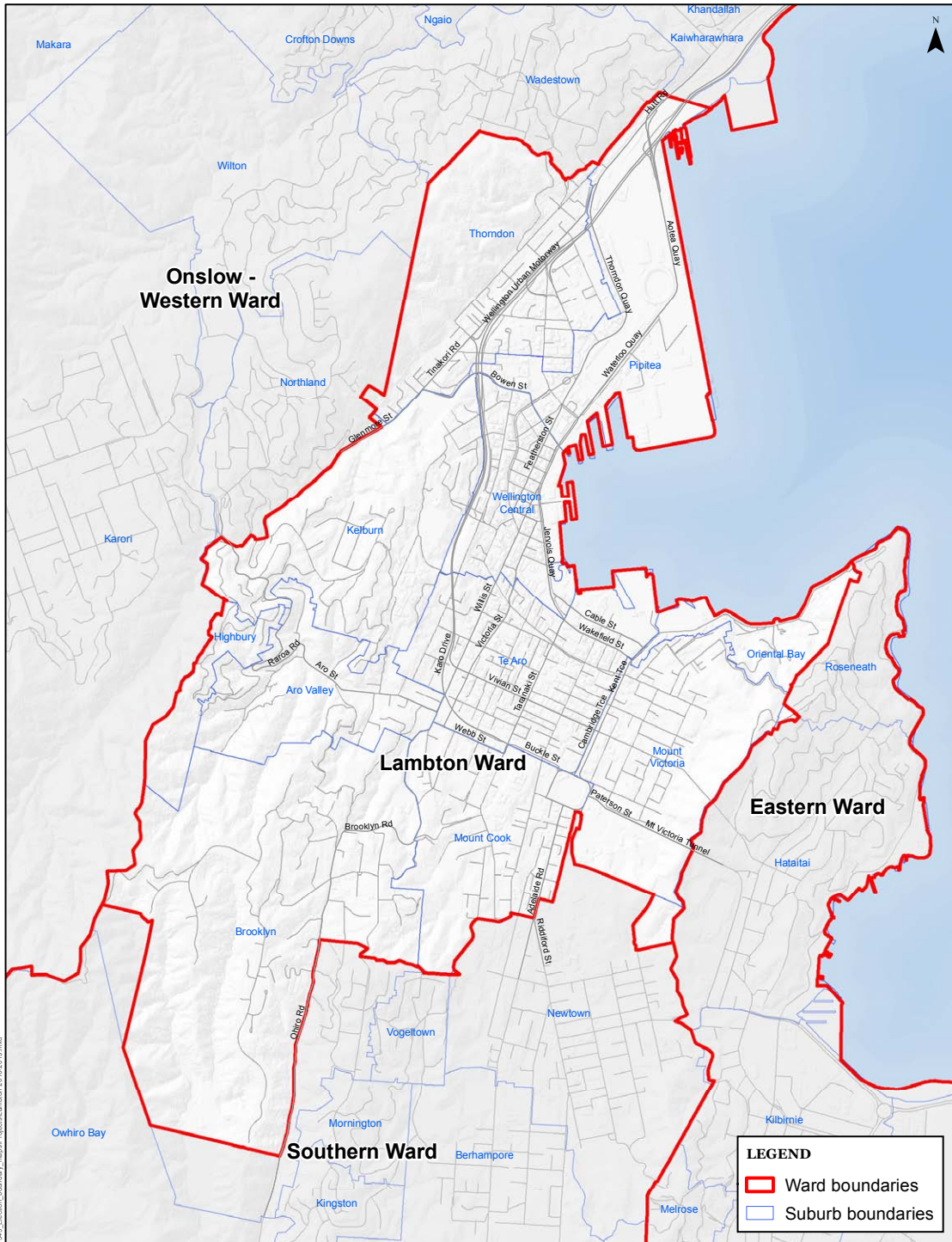
Property boundaries Land Information NZ Licence WN0863547/2 CROWN COPYRIGHT RESERVED.
Accuracy in urban areas: +/-1m. Accuracy in rural areas: +/-30m. Topographic data: Wellington City Council WCC copyright reserved Accuracy: +/- 30cm. Any contours displayed are only approximate and must not be used for detailed engineering design. Colour Orthophotography 1:500 flown March 2006 or Feb 2008 owned by Wellington City Council. Other data has been compiled from a variety of sources and its accuracy may vary.

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Wellington City Council
101 Wakefield Street
WELLINGTON, NZ

ORIGINAL MAP SIZE: A4
AUTHOR: bayly2s
DATE: 22/06/2016
REFERENCE: 11345



Lambton Ward



Wellington City Lambton Ward: 2016 - 2019 Triennium
as determined by the Local Government Commission

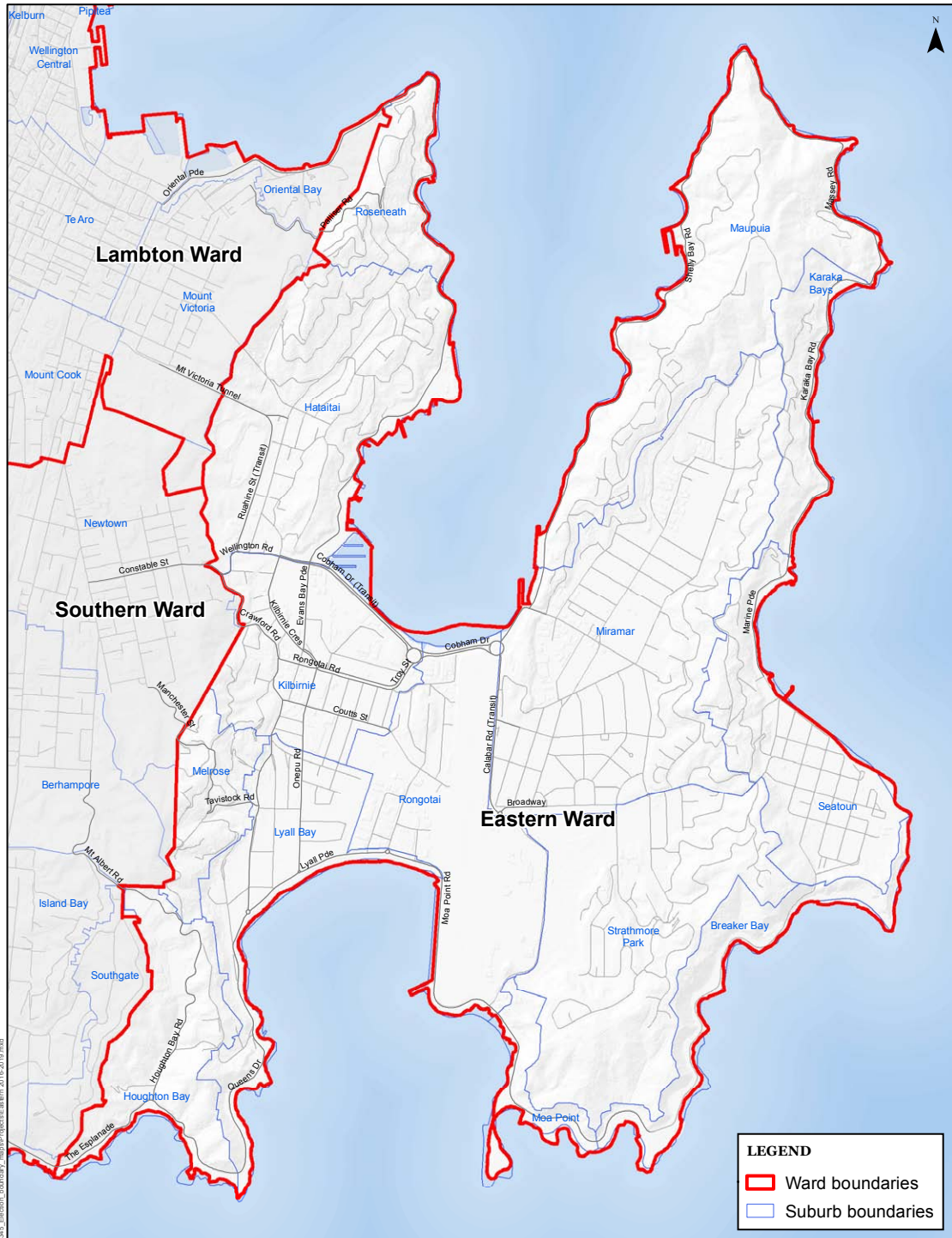
Property boundaries Land Information NZ Licence WN0853547/2. CROWN COPYRIGHT RESERVED. Accuracy in urban areas: +/-1m. Accuracy in rural areas: +/-30m. Topographic data: Wellington City Council WCC copyright reserved. Accuracy: +/- 30cm. Any contours displayed are only approximate and must not be used for detailed engineering design. Colour Orthophotography 1:500 flown March 2006 or Feb 2008 owned by Wellington City Council. Other data has been compiled from a variety of sources and its accuracy may vary.

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Wellington City Council
101 Wakefield Street
WELLINGTON, NZ

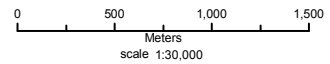
ORIGINAL MAP SIZE: A4
AUTHOR: bayly2s
DATE: 23/06/2016
REFERENCE: 11345

Absolutely POSITIVELY
Me Heke Ki Pōneke
WELLINGTON CITY COUNCIL

Eastern Ward



Wellington City Eastern Ward: 2016 - 2019 Triennium
as determined by the Local Government Commission



Property boundaries Land Information NZ Licence WN0853547/2. CROWN COPYRIGHT RESERVED. Accuracy in urban areas: +/-1m. Accuracy in rural areas: +/-30m. Topographic data: Wellington City Council WCC copyright reserved. Accuracy: +/- 30cm. Any contours displayed are only approximate and must not be used for detailed engineering design. Colour Orthophotography 1:500 flown March 2006 or Feb 2008 owned by Wellington City Council. Other data has been compiled from a variety of sources and its accuracy may vary.

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Wellington City Council
101 Wakefield Street
WELLINGTON, NZ

ORIGINAL MAP SIZE: A4
AUTHOR: bayly2s
DATE: 23/06/2016
REFERENCE: 11345



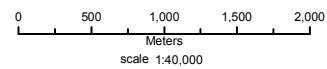
Southern Ward



LEGEND

- Ward boundaries
- Suburb boundaries

Wellington City Southern Ward: 2016 - 2019 Triennium
as determined by the Local Government Commission



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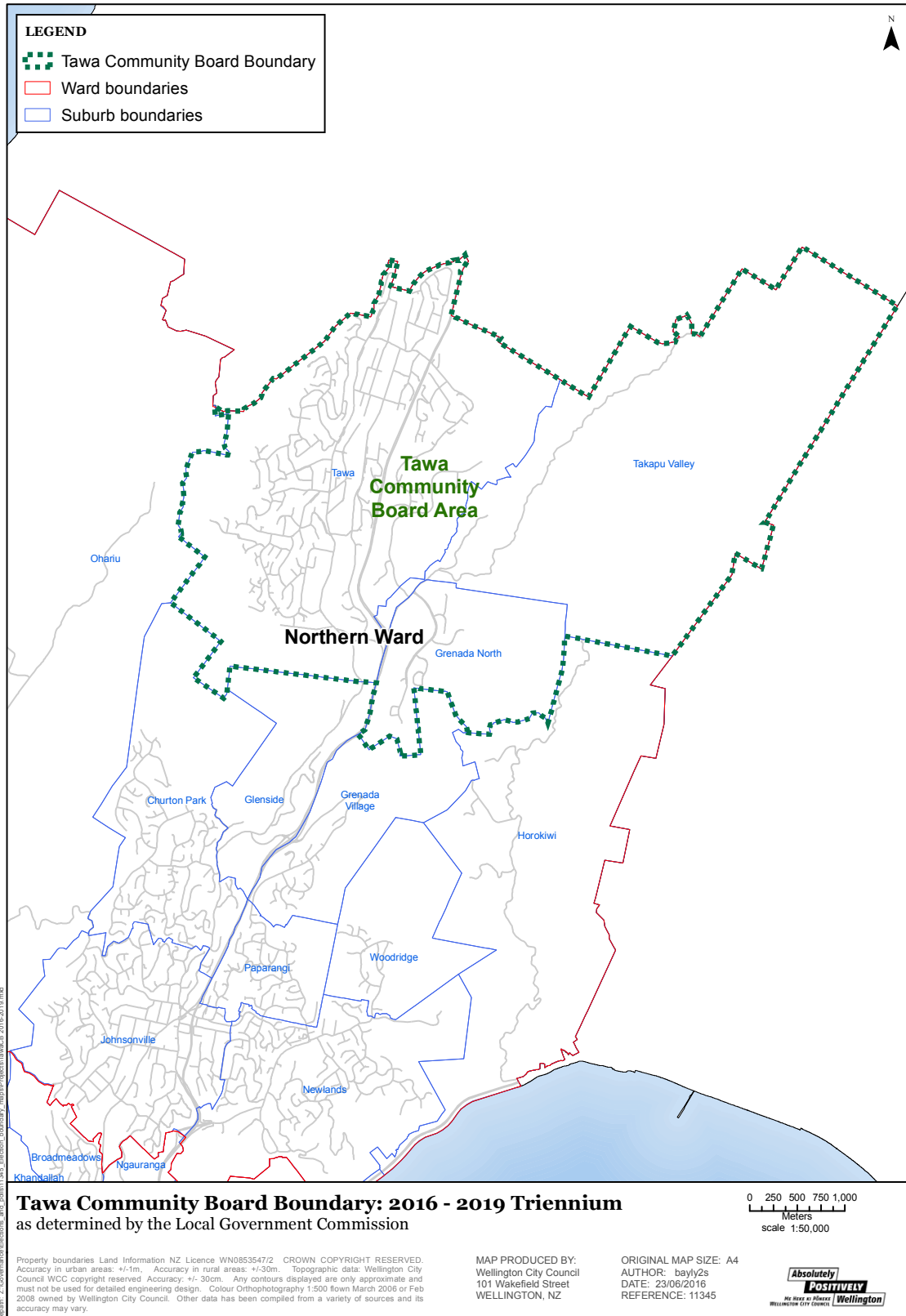
MAP PRODUCED BY:
Wellington City Council
101 Wakefield Street
WELLINGTON, NZ

ORIGINAL MAP SIZE: A4
AUTHOR: bayly2s
DATE: 21/06/2016
REFERENCE: 11345



Fourth - 2 Governance Elections and public 1345 Election boundary map Project Southern 2016 2019.mxd

Tawa Community Board



Makara/Ohariu Community Board



Makara/Ohariu Community Board Boundary: 2016 - 2019 Triennium
as determined by the Local Government Commission

0 1,000 2,000
Meters
scale 1:100,000

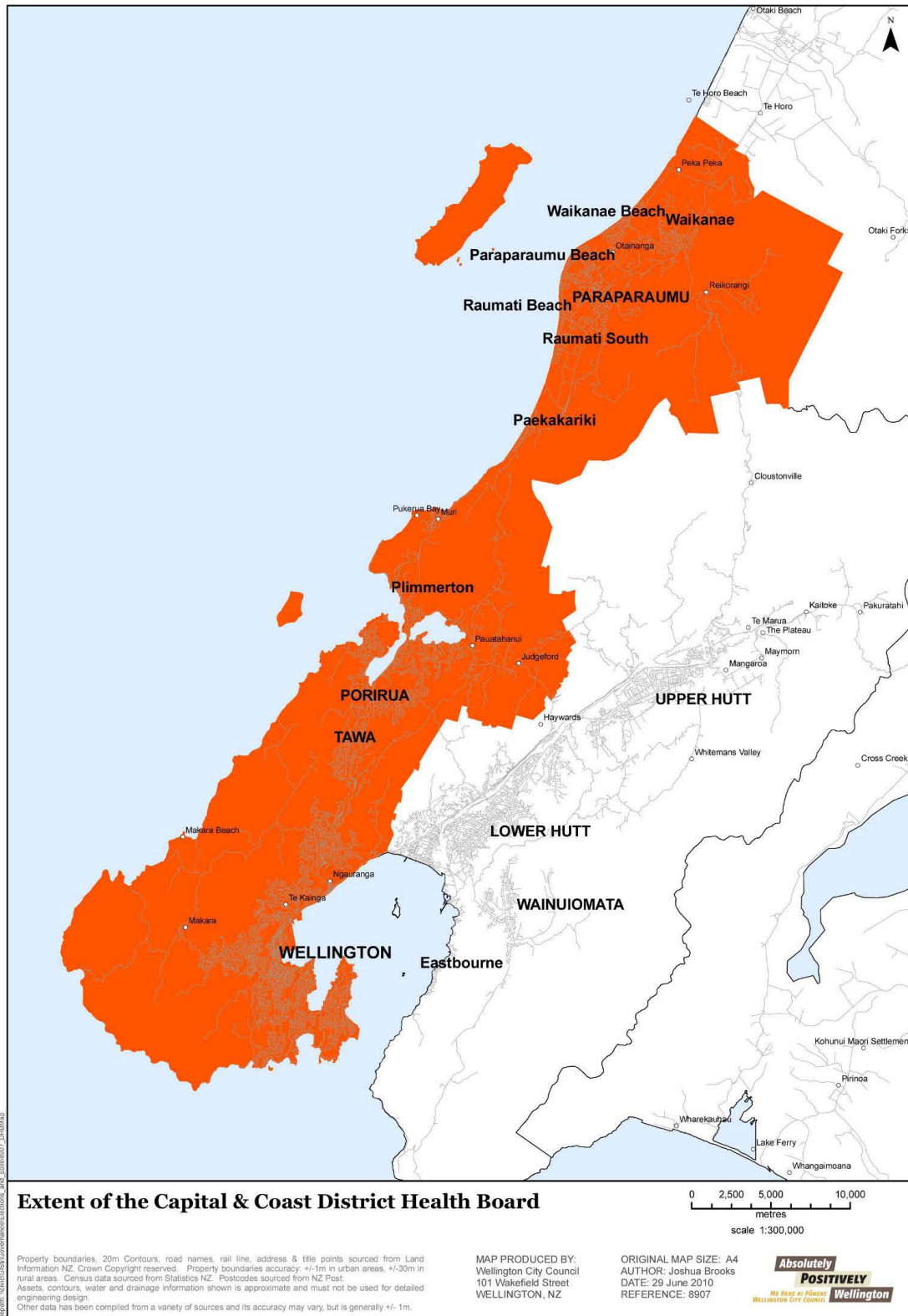
Property boundaries Land Information NZ Licence WN0863547/2. CROWN COPYRIGHT RESERVED. Accuracy in urban areas: +/-1m. Accuracy in rural areas: +/-30m. Topographic data: Wellington City Council WCC copyright reserved. Accuracy: +/- 30cm. Any contours displayed are only approximate and must not be used for detailed engineering design. Colour Orthophotography 1:500 flown March 2006 or Feb 2008 owned by Wellington City Council. Other data has been compiled from a variety of sources and its accuracy may vary.

MAP PRODUCED BY:
Wellington City Council
101 Wakefield Street
WELLINGTON, NZ

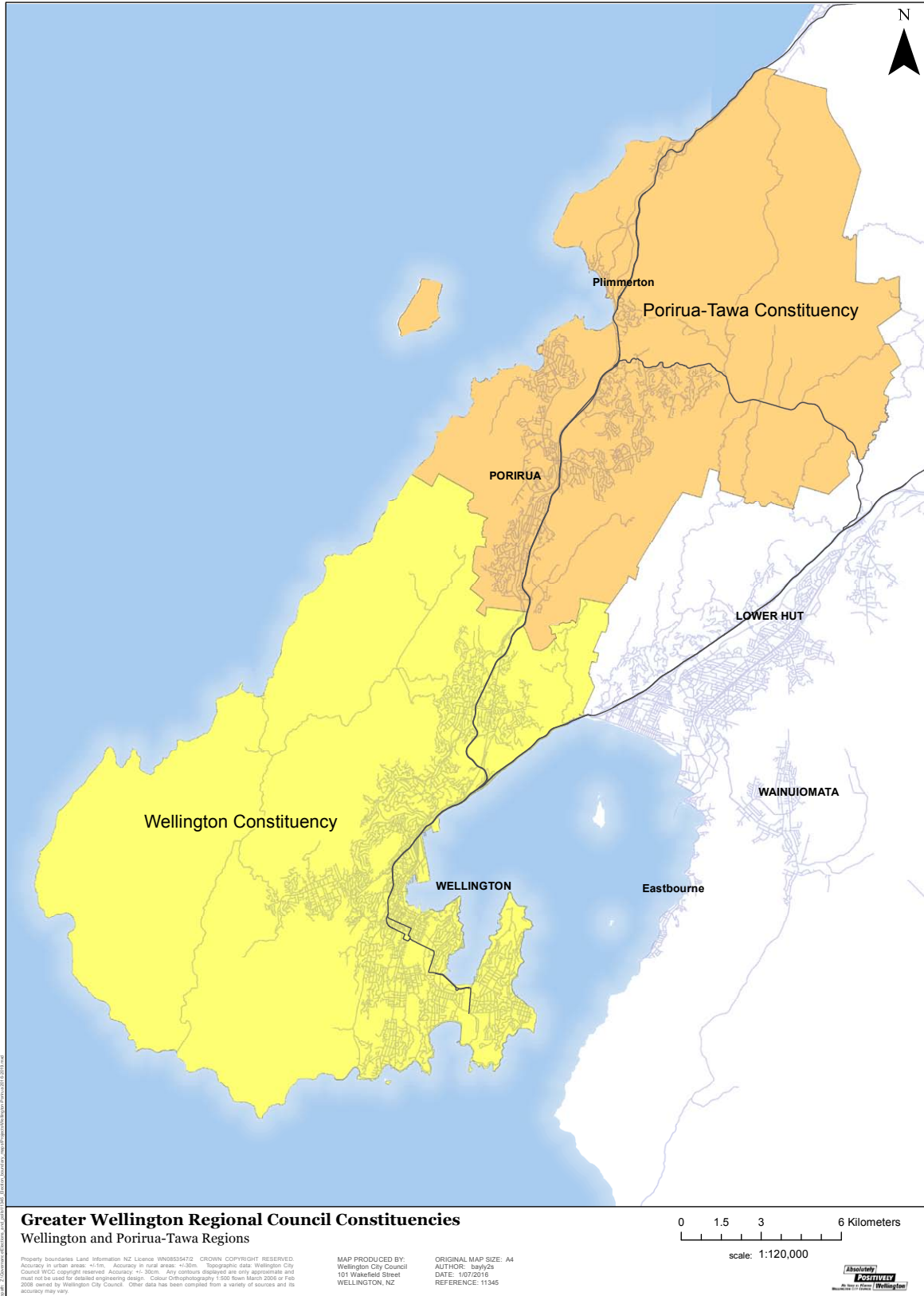
ORIGINAL MAP SIZE: A4
AUTHOR: bayly2s
DATE: 23/06/2016
REFERENCE: 11345

Absolutely POSITIVELY
Me Heke Ki Pōneke
WELLINGTON CITY COUNCIL Wellington

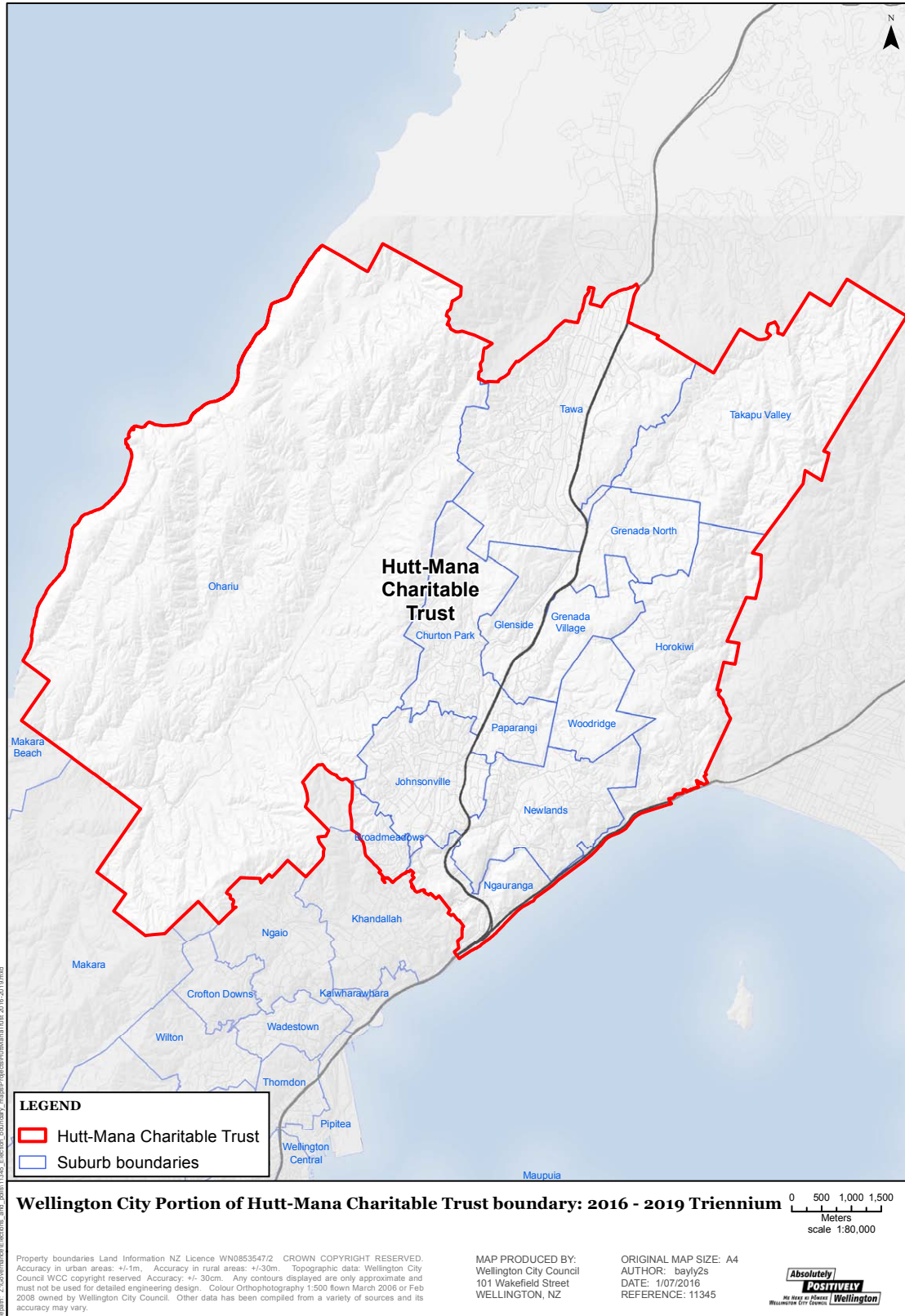
Capital and Coast District Health Board



Greater Wellington Regional Council



Hutt Mana Charitable Trust



Candidate Profile Statements

Local Authority Elections 2016

Right to Submit a Candidate Profile Statement (CPS)

Every candidate for election to a local authority may submit a CPS with their nomination (Section 61, Local Electoral Act). This is a permissive right – it is not mandatory to submit a CPS.

Where a candidate is standing for two or more offices, e.g. mayor and councillor – he/she may submit a CPS for each office (Clause 26, Local Electoral Regulations).

Candidate Profile Statement Conditions

- Under Section 61(2)(a) and (3) of the Act and Clause 27 of the Regulations, a CPS
 - if in English or Maori or both, must not exceed 150 words in each of the languages used in the CPS. The information contained in each language must be substantially consistent with the information contained in the other language;
 - in any other language other than English or Maori, must not exceed 150 words, or their equivalent, if symbols are used rather than words. This includes any translation of those words into another language provided by the candidate. Where a CPS is in a language other than English or Maori, then the candidate must provide a CPS in English or Maori.
- Every CPS must be submitted with the candidate's nomination form.
- The content of a CPS, under Section 61(2)(c), must be confined to information:
 - concerning the candidate or any group or organisation the candidate claims affiliation to under S 55(4) of the LEA;
 - on the candidate's policies and intentions if elected.
- A CPS **cannot** be used to comment on the policies, performance, etc of any other candidate.

A candidate may include with their CPS a recent hard copy photograph of the candidate alone which has been taken within 12 months of the candidate's date of nomination.

Note: Soft (electronic) versions of the candidate photos may be submitted with the CPS. These should be either copied onto a CD, pen drive or emailed to the deputy electoral officer, at clare.sullivan@wcc.govt.nz.

Photos must be submitted at the same time as all nomination documents and by the close of nominations i.e. on or before 12 noon on 12th August 2016. [Section 61(2)(c) and Clause 28].

(Refer to page 15 for the production specifications for the CPS and candidate photograph).

Duties, Powers and Responsibilities of Electoral Officers

Where an electoral officer is not satisfied that a CPS complies with Section 61(2) and (3), he/she must, under Section 61(4), return the CPS to the candidate specifying the concerns and reasons for them and the period within which an amended CPS may be resubmitted.

A candidate will be treated as having failed to provide a CPS if Section 61(4) applies and he/she fails to submit an amended CPS within the period specified by the electoral officer or submits an amended CPS, which in the electoral officer's opinion, still fails to comply with Section 61(2) and (3).

It is important to note that under Section 61(6), the electoral officer is not required to verify or investigate any information in a CPS may include in or with any CPS a disclaimer concerning the accuracy of the information therein.

The EO is not liable in relation to:

- any statement in or omitted from a CPS; or
- the work of a prudently selected translator; or
- the exercise of the powers and functions conferred on the electoral officer under Section 61.

Distribution of Candidate Profile Statement

- Section 62 of the Act and Clause 29 of the Regulations requires the electoral officer to send to each elector with the voting documents, all CPS's that comply with Section 61, for each candidate in the election for a local government area or subdivision. In addition, a local authority may display CPS's at its offices, or service centres, and publish them on its website as soon as they are ready after nominations have closed.
- Any failure of an electoral officer to comply with Section 62 will not invalidate the election.

Examples of CPS's						
A	English					= 150 words
B	Maori					= 150 words
C	English	+	Maori			= 300 words
(must be substantially consistent with each other)						
D	1 Other Language (Non English / Maori)	+	English Translation	OR	Maori Translation	= 150 words
E	2 Other Languages (Non English / Maori)	+	English Translation	OR	Maori Translation	= 150 words
F	3 + Other Languages (Non English / Maori)	+	English Translation	OR	Maori Translation	= 150 words

Appendix 2

Return of Electoral Donations And Expenses

RETURN OF ELECTORAL DONATIONS AND EXPENSES

(Under section 1112A of the Local Electoral Act 2001)



I (full name):

was a candidate for the following election(s) held on 8 October 2016:

(Election/ward/issue name)

Notes and Definitions of Donations and Expenses:

1. All candidates in elections held under the provisions of the Local Electoral Act 2001 must file a return of electoral donations and expenses. If no donations were received or expenses incurred, a Nil return must be made.
2. All candidates are required to keep proper records of donations received and expenses paid for election work. These do not have to be filed with this return but must be available to support enquiries about the return if required.
3. Donations can be monetary or physical goods or services supplied or a combination thereof.
4. Donations to a candidate of labour only or donations of goods and services that have a fair market value of \$300 or less do not have to be declared – see S103A of the LEA 2001.
5. Candidates must declare donations from each contributor that exceed \$1500 in value. Where a contributor has made donations in instalments that sum to more than \$1500 in value, each contributing donation needs to be listed in Part A and the aggregated sum shown.
6. If there is insufficient space provided in either Part A or B, attach a separate sheet with the additional detail.

PART A: RETURN OF ELECTORAL DONATIONS

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

Name of donor/contributor (state 'anonymous' if an anonymous donation)	Address of donor/contributor (leave blank if anonymous)	Amount	Date received	If an anonymous donation/contributor:	
				Campaign to which donation designated	Amount paid to Electoral Officer/ Official and date payment made
Total donations:					

Electoral Expenses & Donations

The following sections of the Act cover requirement provisions for electoral donations, expenses and returns which all candidates should be aware of.

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 5 000;
 - (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 4 999;
 - (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 9 999;
 - (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 19 999;
 - (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 39 999;
 - (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 59 999;
 - (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 79 999;
 - (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 99 999;
 - (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 149 999;
 - (j) exceed \$70,000 if any local government area over which the election is held has a population smaller than 1 000 000 and larger than 249 999;
 - (k) exceed the sum referred to in subsection (1A) if any local government area over which the election is held has a population of 1 000 000 or more.
- 1A) The sum is—
 - (a) \$100,000 plus the amount prescribed under section 139(1)(ha) for each elector; or
 - (b) \$100,000 plus 50 cents for each elector, if no amount is prescribed under section 139(1)(ha).
- 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 one 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.

112A Return of electoral donations and expenses

- 1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must file a return of electoral donations and expenses.
- 2) However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (election result day), the return must be filed within 76 days after election result day.
- 3) The return of electoral donations and expenses must set out—
 - (a) the details specified in subsection (4) in respect of every electoral donation (other than a donation of the kind referred to in paragraph (c)) received by the candidate that, either on its own or when aggregated

with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value; and

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

112B Nil return

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

112C Failure to file return of electoral donations and expenses

- 1) 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

- 1) 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 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.

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.
- 6) A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.

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) Part 5A; or
 - (iii) 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.

Scrutineers

Role of Scrutineers

- The Local Electoral Act 2001 (LEA) and the Local Electoral Regulations 2001 (LER) do not specify in detail the role of scrutineers. However, the general role of scrutineers is to oversee and observe certain election or poll procedures to ensure they are undertaken fairly and that votes are counted consistently and accurately.
- The election or poll procedures which scrutineers are statutorily permitted to oversee and observe are:
 - **Scrutineering of Roll** (Sections 81 and 83 LEA and Clause 55 LER). This involves comparing the rolls used at the election or poll upon which there is recorded the fact that an elector has voted. The objective is to establish any dual voting which is disallowed.
 - **Preliminary and Official Counts** (Section 84 LEA, and Clauses 59, 60 and 62 LER). The preliminary count involves the first count of votes immediately following close of voting. The outcome is the preliminary result announced on polling day. The official count follows the preliminary count and includes any remaining special votes. It can commence on polling day and due to special voting issues is usually completed on the Monday or Tuesday following polling day.

Note: With electronic processing, the count processes are computerised tasks undertaken once required reconciliations have been completed. Both counts (preliminary and official) are likely to take several minutes to complete.
 - **Recount** (Section 91 LEA). A recount takes place on the order of a district court judge following an application from a candidate. When required, it involves a recount of the relevant voting documents.
- In observing the processes above, it is lawful for a scrutineer to pass on information to any person of the names of persons who have voted (Section 68 LEA). The passing on of any other information is not permitted – see offences later in this booklet.
- Given that the practice has been for all local authority elections to be conducted by postal voting and not by booth voting as per parliamentary elections, scrutineers are less involved in the local elections process than for parliamentary elections.
- Scrutineers are not entitled or empowered to interfere with the conduct of an election or poll or raise questions of procedure or law with electoral officials. If a scrutineer believes that electoral procedures are not being followed, he or she should draw the matter to the attention of the electoral officer.

Appointment of Scrutineers

- For a local authority election a candidate may appoint one or more scrutineers (Section 66 LEA).
- In relation to a local authority poll, 10 or more electors, who are either in favour of or opposed to the proposal being polled, may appoint 1 or more scrutineers (Section 67 LEA).
- Every scrutineer appointed under Sections 66 or 67 of the Act must be appointed in writing (a model letter of appointment is contained in the back of this section).
- An appointment as scrutineer is not valid unless a copy of the notice of appointment is delivered by the candidate or the 10 electors to the electoral officer. The electoral officer **must** receive this notice not less than **24 hours** before the close of the voting period. The deadline is **Friday, 7 October 2016** in the case of this year's local authority elections (Section 68(1) LEA). It is suggested that a scrutineer should always carry a copy of this notice when undertaking scrutineering duties.
- Section 68(3) of the Act contains three restrictions on who may be appointed a scrutineer. No person can be a scrutineer if they are:
 - a candidate in the elections; or
 - a member or employee of any local authority or community board for whom the election or poll is being held; or
 - under 18 years of age.

Declaration

- No person appointed as a scrutineer can carry out scrutineering duties until he or she has completed a declaration (Section 14(2) LEA and Clause 91 LER).
- The key obligations for a scrutineer arising from the declaration is that he or she:
 - will well and truly serve in the office of scrutineer; and
 - will not directly or indirectly disclose any fact coming to his or her knowledge at the election or poll that he or she is required by the Act not to disclose.
- A person appointed as a scrutineer must report to the electoral officer or deputy electoral officer on the first day on which he or she is to undertake any scrutineering duty to complete the required declaration. Upon completing the declaration, the scrutineer will be given a 'scrutineer' nametag. This nametag must be returned to the electoral officer when the scrutineer leaves the premises where he or she is acting as a scrutineer.

Information to be Supplied by Electoral Officer

- As soon as practicable following the appointment of a scrutineer, the electoral officer will advise that person of:
 - arrangements for the election or poll process that he or she has been appointed for
 - what restrictions apply to scrutineers; and
 - how that person is expected to conduct themselves.

Arrangements for Roll Scrutiny, Preliminary and Official Counts and any Recount

- The electoral officer will advise the scrutineer:
 - where he or she should go, and at what time, to complete the required declaration before any scrutineering duties can be undertaken
 - when and where any planned briefing of candidates and scrutineers about election processes is to be held
 - when and where any planned briefing of electoral officials about the election or poll process is to be held
 - where the scrutiny of the roll will be conducted (address and office)
 - what days and time that the scrutiny of the roll will take place
 - that the preliminary count of voting documents will commence at 12 noon on Saturday, 8 October 2016
 - when and where the official count will commence and take place and on what days it will extend over if there are special votes to clear with the Registrar of Electors
 - on how the preliminary and official counts will be undertaken – manually or electronically
 - if a recount has been ordered by a district court judge, where and when that recount will take place
 - that no remuneration will be paid to any scrutineer by the local authority for the undertaking of scrutineering duties.

Candidates should note that all vote processing will be carried out in Christchurch and that if they wish to appoint scrutineers all costs thereof are to be met by the candidate.

Restrictions on Scrutineers During Election and Poll Processes

- Pursuant to Section 80 of the Act, the EO will process voting documents during the voting period. Scrutineers are prohibited under Section 81 of the Act from being present during the early processing of voting documents. Early processing of voting documents does not involve counting or totalling votes for any candidate for election or for or against any proposal in a poll. Counting of votes can only commence for the preliminary count after the close of voting i.e. after 12 noon on Saturday 8th October 2016.

- It is permissible for a candidate in the case of an election, and for 10 electors in the case of a poll, to appoint more than one scrutineer. However, only one scrutineer for any candidate can be present at the same place to undertake scrutineering duties.
- It is permissible for scrutineers at any time to leave and return to the undertaking of the roll scrutiny, and after close of voting, the preliminary and official counts. Upon returning to the process, a scrutineer has no power or right to expect the electoral officer to go back for his or her benefit and repeat the activities in relation to voting documents that were dealt with in his or her absence. The same practice will apply if a scrutineer is late for the commencement of any of these processes.

Conduct of Scrutineer

- The general role of scrutineers is to oversee and observe that particular procedures at an election or poll are undertaken fairly and that votes are counted fairly and reasonably. As the emphasis in relation to the role of scrutineers is on overseeing and observing, it is expected that scrutineers must not talk to electoral officials involved in the roll scrutiny, the preliminary or official counts or in any recount. If a scrutineer believes that electoral procedures are not being followed he or she should draw the matter to the attention of the electoral officer. It should not be raised with other electoral officials.
- A scrutineer must also not seek from the electoral officer and other electoral officials any progressive voting trends during the preliminary count.
- The scrutiny and the preliminary and official counts are critical processes to the outcome of an election or poll and demand a high level of concentration from electoral officials. Accordingly, it is incumbent upon scrutineers not to distract, annoy, linger close by or talk loudly to one another so as to disrupt or upset any electoral officials.
- In keeping with the needs of electoral staff, scrutineers are not allowed to use or have mobile phones switched on within the area where scrutiny of the roll, the preliminary or official count or a recount is being conducted.
- The LEA and LER are silent on the display of any party affiliation by scrutineers. The adopted policy will be what normally applies to scrutineers at parliamentary elections. This provides for the following items, in party colours but without party name, emblem, slogan or logo, may be worn on the person or displayed in a vehicle:
 - streamers
 - ribbons
 - rosettes (but see also the special rule about party lapel badges below)
 - items of a similar nature.
- Party lapel badges may be worn anywhere on the person. A party lapel badge is any badge or rosette

designed to be worn on the lapel and bearing a party name, emblem, slogan or logo. None of the above items may be displayed on bags or briefcases. Political parties will be asked to supply the electoral officer with a sample of their rosette prior to the commencement of the polling period. In the case of this years local authority elections, the polling period commences on Friday, 16 September 2016.

- Scrutineers should also bring their own refreshments. The electoral officer will not provide meals and refreshments for scrutineers.

Offences

- Scrutineers can be present at election and poll processes, which will expose them to returned voting documents and information about voting. While scrutineers are permitted to tell any person the names of persons who have voted, under the declaration a scrutineer must not directly or indirectly disclose any fact coming to his or her knowledge at the election or poll that he or she is required by the Act or Regulations not to disclose.
- Should a scrutineer break their declaration and disclose information which is prohibited then they are likely to have committed an offence under one or more of the following provisions of the LEA:
 - Section 123, Offences in respect of official documents
 - Section 129, Infringement of secrecy
 - Section 130, Disclosing voting or state of election or poll.
- These three sections are reprinted in full later. Scrutineers are advised to become familiar with them before they complete their declaration and undertake any scrutineering duties.

Appointment of Scrutineer



Letter of Appointment of Scrutineer

I (<i>candidate</i>),	
a candidate for the (<i>council/DHB/LT</i>):	
(<i>issue/ward/position</i>):	
appoint (<i>full name</i>):	
to act as scrutineer at the following election processes (<i>delete any not applicable</i>):	

1. Scrutiny of the roll	2. Preliminary Count	3. Official Count	4. Recount
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Signed:		(<i>candidate</i>)
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- Notes for candidates:**
1. A copy of this letter of appointment must be given to the electoral officer **no later than** 24 hours before the close of voting (*i.e. by 12 noon Friday 7 October 2016*).
 2. Scrutineers should carry this letter at all times when undertaking their scrutineering duties.
 3. At any of the election processes only one scrutineer for each candidate may be present at any one time.

Election Offences

Local Electoral Act 2001

121 Illegal nomination, etc

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

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

122 Interfering with or influencing voters

- 1) Every person commits an offence, and is liable on conviction to a fine not exceeding \$5,000, who—
 - (a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote:
 - (b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be 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,—
 - (a) in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years:
 - (b) in the case of any other person, to imprisonment for a term not exceeding 6 months.

124 Voting offences

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

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

125 Bribery

- 1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,—
 - (a) gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any

person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or

- (b) gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or
 - (c) corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or
 - (d) makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector; or
 - (e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b), obtains, or tries to obtain, the election of any person or the vote of any elector; or
 - (f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election or poll; or
 - (g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.
- 2) An elector commits the offence of bribery if,—
- (a) before or during the voting period at the election or poll, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to refrain from voting;
 - (b) after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.
- 3) Every person who commits the offence of bribery is liable on conviction to imprisonment for a term not exceeding 2 years.

126 Treating

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

person to vote or refrain from voting; or

- (b) for the purpose of obtaining his or her election; or
 - (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
- 2) Every holder of a licence under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision—
- (a) to any person, if the supply is demanded for 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 to imprisonment for a term not exceeding 2 years.

127 Undue influence

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

128 Personation

- 1) Every person commits the offence of personation who, at any election or poll,—
- (a) votes in the name of some other person (whether living or dead), or of a fictitious person;
 - (b) having voted, votes again at the same election or poll;
 - (c) having returned a voting document, applies for or

returns another voting document with the intention of returning an additional valid voting document or invalidating a vote already cast at the same election or poll (whether or not any voting document he or she returns is valid).

- 2) Every person who commits the offence of personation is liable on conviction to imprisonment for a term not exceeding 2 years.

129 Infringement of secrecy

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

- 6) Every person who commits an offence against subsection (5) is liable on conviction to imprisonment for a term not exceeding 6 months.

130 Disclosing voting or state of election or poll

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

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

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

General Provisions

137 Property may be stated as being in electoral officer

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, 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) Part 5A; or
 - (iii) 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.

2013 Election Results

2013 Triennial Elections - Declaration of Result

The final result for the Wellington City Council elections held on Saturday 12th October is as follows.

Mayor

Mayor		Iteration	Votes
Celia Wade-Brown	Elected	5	27,171.00
John Morrison	Not elected	5	24,691.00
Jack Yan	Not elected	4	9,996.00
Nicola Young	Not elected	3	5,108.00
Rob Goulden	Not elected	2	2,607.00
Karunanidhi Muthu	Not elected	1	935.00

Celia Wade-Brown is declared elected.

The final absolute majority of votes (final quota) as determined at the last iteration was 25,931. There were 71 informal votes and 517 blank votes.

Northern Ward (3 vacancies)

Northern Ward		Iteration	Votes
Justin Lester	Elected	1	3,841.00
Malcolm Sparrow	Elected	2	3,039.60
Helene Ritchie	Elected	7	2,759.87
Peter Gilberd	Not elected	7	2,732.49
Reagan Cutting	Not elected	3	906.03
Jacob Toner	Not elected	2	378.63

Justin Lester, Helene Ritchie and Malcolm Sparrow are declared elected.

The final absolute majority of votes (final quota) as determined at the last iteration was 2,754.17. There were 30 informal votes and 452 blank votes.

Onslow-Western Ward (3 vacancies)

Onslow-Western Ward		Iteration	Votes
Andy Foster	Elected	1	4,381.00
Jo Coughlan	Elected	7	3,495.05
Simon Woolf	Elected	12	3,495.05
Malcolm Aitken	Not elected	12	1,982.00
Hayley Robinson	Not elected	12	970.09

Phil Howison	Not elected	11	707.92
Martin Wilson	Not elected	9	607.33
Dan Coffey	Not elected	6	502.24
Sridhar Ekambaram	Not elected	5	342.48
Arie Ketel	Not elected	4	224.55
Emma MacRae	Not elected	3	202.07
Gill Holmes	Not elected	2	80.50

Jo Coughlan, Andy Foster and Simon Woolf are declared elected.

The final absolute majority of votes (final quota) as determined at the last iteration was 3,419.44. There were 48 informal votes and 613 blank votes.

Lambton Ward (3 vacancies)

Lambton Ward		Iteration	Votes
Iona Katherine Mary Pannett	Elected	1	3,430.00
Nicola Young	Elected	9	2,518.94
Mark Peck	Elected	11	2,388.40
Rex Nicholls	Not elected	11	1,949.91
John Dow	Not elected	9	1,044.62
John Woolf	Not elected	8	789.37
Jennifer Gwilliam Stephen	Not elected	7	601.29
Mark Wilson	Not elected	6	442.24
Michael Appleby	Not elected	5	390.59
Stephen Preston	Not elected	3	313.54
Milton Hollard	Not elected	2	139.72

Iona Katherine Mary Pannett, Mark Peck and Nicola Young are declared elected.

The final absolute majority of votes (final quota) as determined at the last iteration was 2,253.57. There were 44 informal votes and 418 blank votes.

Eastern Ward (3 vacancies)

Eastern Ward		Iteration	Votes
Simon Swampy Marsh	Elected	5	2,752.00
Ray Ahipene-Mercer	Elected	8	2,705.69

Sarah Free	Elected	8	2,659.68
Leonie Gill	Not elected	8	2,322.76
Rob Goulden	Not elected	6	1,202.78
John Coleman	Not elected	5	849.00
Karunanidhi Muthu	Not elected	4	637.00
Va'ai Va'a Potoi	Not elected	3	359.00
Graham McCready	Not elected	2	239.00
Peter Kennedy	Not elected	1	161.00

Ray Ahipene-Mercer, Sarah Free and Simon Swampy Marsh are declared elected.

The final absolute majority of votes (final quota) as determined at the last iteration was 2,572.83. There were 78 informal votes and 340 blank votes.

Southern Ward (2 vacancies)

Southern Ward		Iteration	Votes
Paul Eagle	Elected	1	3,626.00
David Lee	Elected	7	2,336.43
Ginette McDonald	Not elected	7	2,235.10
Bryan Robert Pepperell	Not elected	5	961.62
Will Moore	Not elected	4	618.31
Brent Pierson	Not elected	3	409.06
Don McDonald	Not elected	2	137.67

Paul Eagle and David Lee are declared elected.

The final absolute majority of votes (final quota) as determined at the last iteration was 2,295.02. There were 26 informal votes and 226 blank votes.

Tawa Community Board (6 vacancies)

Tawa CB		Iteration	Votes
Margaret Lucas	Elected	1	900.00
Graeme Mark Hansen	Elected	1	881.00
Robert Tredger	Elected	1	790.00
Alistair Sutton	Elected	2	708.06
Richard Herbert	Elected	3	626.30
Jack Marshall	Elected	7	538.18
Sally Dunbar	Not elected	7	476.21

Graeme Mark Hansen, Richard Herbert, Margaret Lucas, Jack Marshall, Alistair Sutton and Robert Tredger are declared elected.

The final absolute majority of votes (final quota) as determined at the last iteration was 535.49. There were 7 informal votes and 188 blank votes.

The voter return was 40.86%, being 55,726 voting papers, excluding special votes.

Charlie Inggs
Electoral Officer
Wellington City Council
16 October 2013



Stand
for Council
Tū Mai Mō Pōneke