PORIRUA CITY COUNCIL

Candidate Handbook

2010 Local Government Elections
9 October 2010

Local Elections 2010
YOUR VOTE
YOUR COMMUNITY

Warwick Lampp | Electoral Officer

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Election Timetable

2010 Local Government Election Timetable

After 1 February 2010	Declaration of Electoral Officer and Deputy Electoral Officer
2 March - 30 April	Ratepayer Roll Enrolment Confirmation Forms Sent to existing ratepayers
2 March - 2 July	Preparation of Ratepayer Roll
10 March	EEC questionnaire sent to EOs
7 April	Final representation review decisions by Local Government Commission
1 May - 31 May	National Public Notice of Ratepayer Roll Qualifications and Procedures
6 May (Thursday)	EEC test data sent to EOs
By 25 June	Early Processing Resolution (optional) Order of Candidate Names Resolution (optional)
5 July (Monday) 7 July (Wednesday) 9 July (Friday)	EEC Enrolment Update Campaign commences Check it Electoral Roll closes Receive Preliminary Electoral Rolls from EEC
Monday 12 July to Wednesday 21 July	Compile Preliminary Electoral Roll
14 July (Wednesday)	First public notice completed and booked with ad agency
19 July (Monday)	Nomination forms, Candidate Information Pack and Preliminary Rolls completed and all documents dispatched to Councils
21July (Wednesday)	Public Notice of Election (First Public Notice of Election) Preliminary Electoral Roll Inspection, Nomination of Candidates, Closing Date of Electoral Roll
23 July (Friday)	Nominations open/Roll Open for Inspection
By 31 July	Appointment of JPs
20 August (Friday)	Nominations Close (12 noon), Electoral Roll Closes (2nd public notice confirmed with ad agency)
25 August (Wednesday)	Public Notice of Candidates and Special Voting Arrangements (Second Public Notice of Election)
By 27 August (Friday)	Receive final Electoral Roll from EEC
27 August to 13 September	Final Postal Sort Data to mailhouse Print Voting papers, verify Candidate Profiles
By 27 August	Ratepayer Roll insert with rates notice
13 September (Monday)	EO certifies final roll – final rolls distributed by EO
17 September (Friday)	EEC letter sent to electors on Unpublished Roll
Fri 17 September to Wed 22 September	Delivery of Voting Documents
Fri 17 September to Sat 9 October	Voting Period Progressive Roll Scrutiny, Progressive Processing, Special Voting Period
8 October (Friday)	Appointment of Scrutineers by 12 noon
9 October 2010 (Saturday)	Election Day - Voting Closes at Noon Provisional Results available as soon as practicable after close of voting
9 – 13 October	Official Count – process special votes
13 October to 20 October	Public Notice of Official Declaration of Election Results
(as soon as practicable) Mid December	Return of Election Expenses Forms

Introduction

This booklet outlines information for candidates and electors about the 2010 local body elections.

It has been prepared as a guide to assist possible candidates and others interested in election issues with general information on the election. It should be used as a guide only, and anyone needing more detailed information should contact the Electoral Officer or a Solicitor.

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

No responsibility is taken for the accuracy of information in this pack or candidates failure to comply with legislative requirements.

Copies of the Local Electoral Act 2001 and its regulations are available from the Government Bookshop, or they can be viewed on the internet at www.legislation.govt.nz. The Electoral Officer is also able to provide copies of the Act upon request for a cost of $20 each plus GST.

Key Dates

Election Campaign Monitoring Begins	9 July 2010
Nominations Open	23 July 2010
Candidates Information Evening	28 July 2010
Nominations Close	12 noon, 20 August 2010
Delivery of Voting Papers	17 to 22 September 2010
Election Campaigning Closes	12 noon, 9 October 2010
Voting Closes	12 noon, 9 October 2010
Election Results announced	As soon as possible after 12 noon on 9 October 2010
Official Declaration	Expected to be Thursday 14 October 2010
Swearing in of new Council	Expected to be Tuesday 26 October 2010
Candidates to complete Return of Electoral Expenses and Electoral Donations form	No later than 8 December 2010

Electoral Officer:	Warwick Lampp, electionz.com
	Phone: 0508 666 996
	Fax: 0528233532869 (toll free)
	Email: elections@electionz.com
Deputy Electoral Officer:	Anthony Morton, electionz.com
	Phone: 0508 666 996
	Fax: 0528233532869 (toll free)
	Email: elections@electionz.com

Electoral officer appointment

Porirua City Council has engaged *electionz.com* Ltd as the elections contractor for the 2010 Local Government Election. Warwick Lampp has been appointed Electoral Officer on behalf of electionz.com by the Council.

This means that *electionz.com* will be handling all matters pertaining to the election for Porirua City Council. *electionz.com* is based in Christchurch from where most of the election administration will be carried out.

About electionz.com

electionz.com, New Zealand's premier election company, provides public and private sector election services for council, producer boards, companies, associations, non-profit organisations, schools, universities and companies.

For the 2010 local body elections *electionz.com* will be processing voting papers in thirty six councils, for both First Past the Post (FPP) and Single Transferable Vote (STV). The processing of voting papers is being carried out in Christchurch.

electionz.com also provides Returning Officer services on contract to private and public organisations, as well as internet voting, internet surveys, and telephone voting.

Electoral Officer

Warwick Lampp, Electoral Officer, has extensive local government and Electoral Officer experience from 13 years working for Rangitikei, Papakura and Central Hawkes Bay District Councils. Warwick has been Returning Officer or Electoral Officer for more than 600 elections in the last ten years for many public and private organisations in NZ, including many private sector elections such as Fonterra Co-operative Group, Meat & Wool New Zealand, TECT, and WEL Energy Trust.

This year Warwick Lampp is Electoral Officer for thirteen councils and three District Health Boards.

The Deputy Electoral Officer is Anthony Morton. Anthony is also employed by *electionz.com* and has been the Deputy Electoral Officer for Porirua City Council since 2004.

Role of Electoral Officer

The role of the Electoral Officer is to conduct the election in accordance with the legislation.

The Electoral Officer has complete and final control over how the election is carried out. The Electoral Officer is employed by Council and is accountable to the Chief Executive of the Council, but does not take direction from the Chief Executive, the Mayor or Councillors.

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

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

- Local Electoral Act 2001
- Local Electoral Regulations 2003
- Local Government Act 2002
- Sale of Liquor Act 1989
- NZ Public Health and Disability Act 2000
- Local Authorities (Members Interests) Act 1968

Specific duties of the Electoral Officer as outlined in Section 15 of the Local Electoral Act are as follows:

- The compilation and certification of electoral rolls
- The publication of any public notice relating to elections and polls
- Calling for and receiving nominations, candidate profile statements and deposits
- Issuing and receiving of special votes
- Processing and counting of votes
- Declaration of results
- Receiving and dealing with returns of electoral expenses.

Queries regarding the actions or performance of the Electoral Officer for Porirua City Council should be directed to the Chief Executive, Porirua City Council on 04 237 1401.

Candidate Eligibility

A candidate for local authority elections must be:

1. Enrolled on a **parliamentary electoral roll** anywhere 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)

b. A candidate may seek nomination for Mayor and/or a ward of Council but may not also seek nomination for Wellington Regional Council, i.e. a candidate may stand for Porirua City Council or Wellington Regional Council, not both (Section 58 Local Electoral Act 2001).

c. A candidate may seek nomination for Mayor and/or a ward of Council, but: in the event that they are elected as mayor and a ward member then they must be treated as having vacated the ward office. (Section 88 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 position. (Section 41 (5) Local Government Act 2002)

Notes:

1. Candidates for Mayor may also stand for a ward if they wish (and vice versa).

2. Candidates need not necessarily be a resident or ratepayer of the ward in which they are seeking election, or for that matter reside in Porirua City.

3. 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.

4. Section 60 of the Local Electoral Act 2001 casts a wider restriction on candidature, it 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.

Candidates for Capital and Coast District Health Board should refer to the separate Candidate Handbook for that organisation.

Nominations

Nominations open on Friday 23 July 2010 and close at 12 noon on Friday 20 August 2010. A public notice calling for nominations will be advertised in the Dominion Post newspaper on Wednesday 21 July 2010.

Each candidate must be nominated on the official nomination paper available during normal office hours by phoning toll free number 0508 666 996 or can be collected from the Porirua City Council office, Cobham Court, Porirua City - Ph 04 237 5089.

Nomination Papers for Wellington Regional Council are available from all territorial local authority Electoral Officers in the Wellington Region, as well as from Margaret Meek, Electoral Officer, Wellington Regional Council, 142 Wakefield Street, PO Box 11646, Wellington, Phone 04 384 5708, Fax 04 385 6960, Email margaret.meek@gw.govt.nz.

Nomination Papers for the Capital and Coast District Health Board are available from all territorial local authority Electoral Officers within the Capital and Coast DHB area, as well as from the Electoral Officer of the Capital and Coast District Health Board, Ross Bly, c/- Wellington City Council, PO Box 2199, Wellington, Phone 04 499 4444, Fax 04 801 3138, Email ross.bly@wcc.govt.nz.

Nomination Papers for the Porirua Community Trust are available from the Porirua City Council office, Cobham Court, Porirua City - Ph 04 237 5089 or 0508 666 996.

Nomination papers for the Hutt Mana Charitable Trust are available from both the Porirua City Council office, Cobham Court, Porirua City - Ph 04 237 5089 and the Hutt City Council office, 30 Laings Road, Lower Hutt – Ph 04 570 6666 or 0508 666 884.

Completion of Nomination Paper

Each nomination paper must have the consent of the candidate and be nominated by two electors whose names appear on the Electoral Roll for the district or subdivision of the district (e.g. if a person wishes to stand for election to a specific ward, then that person must be nominated by two electors from that ward).

A candidate cannot nominate themself.

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 faxed or emailed nomination paper will also be accepted, provided the nomination deposit payment is received in time.

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.

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 150 word profile text if preferred.

Affiliation

The nomination paper provides for a party accreditation 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 accreditation must have authority to adopt the accreditation 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 accreditation or other designation that is offensive in nature or likely to confuse or mislead electors will be accepted.

Return of Nomination Paper

Porirua City Council and Porirua Community Trust

Nomination papers for Porirua City Council and Porirua Community Trust candidates are to be lodged at the Porirua City Council offices at Cobham Court, Porirua City. Porirua City Council's office hours for lodgement are Monday – Friday 8.30 am to 5.00 pm, except on 20 August when 12 noon is the cut-off time.

Hutt Mana Charitable Trust

Nomination papers for the Hutt Mana Charitable Trust candidates are to be lodged at the Hutt City Council offices, 30 Laings Road, Lower Hutt – Ph 04 570 6666.

Wellington Regional Council

Nomination papers for the Wellington Regional Council are to be lodged at the Wellington Regional Council office, 142 Wakefield Street, PO Box 11646, Wellington, Phone 04 384 5708, Fax 04 385 6960, Email margaret.meek@gw.govt.nz

Capital and Coast District Health Board

Nomination papers for the Capital and Coast DHB are to be lodged with the Capital and Coast District Health Board Electoral Officer Ross Bly, c/- Wellington City Council, 101 Wakefield Street, PO Box 2199, Wellington, Phone 04 499 4444, Fax 04 801 3138, Email ross.bly@wcc.govt.nz

IMPORTANT: Nomination papers for the Hutt Mana Charitable Trust, the Wellington Regional Council and the Capital and Coast District Health Board cannot be lodged at Porirua City Council's office.

Once lodged, nomination papers are checked to ensure the candidate's name appears on a Parliamentary Roll and the nominators are two electors whose names appear on the Electoral Roll for the constituency or area for which the candidate is nominated. Formats of Candidate Profile Statements provided are also checked.

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 or EFTPOS. Should a personal cheque be dishonoured, 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 should be made payable to: Porirua City Council

Nomination papers, with the deposit and the candidate profile statement and photograph, can be sent to the 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 and emailed to the Electoral Officer but the $200 deposit must be paid to the Council office by the close of nominations.

Should a nomination paper be lodged late on the morning nominations close, and 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.

The lodgement of nomination papers and candidate profile statements should not be left to the last minute.

Electoral Roll

The Preliminary Electoral Roll will be compiled during July 2010. The Preliminary Electoral Roll for Porirua City will be available for public inspection from 8.30 am Friday 23 July 2010 to 4.30 pm Friday 20 August 2010 as follows:

- Porirua City Council, Cobham Court, Porirua City - Ph 04 237 5089
- Porirua City Library, cnr Norrie and Parumoana Sts, Porirua City - Ph 04 237 1533
- Cannons Creek Library, Warspite Avenue, Cannons Creek - Ph 04 237 8354
- Whitby Library, Discovery Drive (shopping centre), Whitby - Ph 04 234 8666
- Titahi Bay Library, Tireti Hall, Te Pene Ave, Titahi Bay - Ph 04 236 7343

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 $35 per ward (ratepayer roll included) or $80 per set (plus GST).

The Final Electoral Roll is produced once the Preliminary Electoral Roll closes on 20 August 2010. The Final Electoral Roll is the Roll used for issuing voting 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 entitlements for each are shown alongside.

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 the Electoral Enrolment Centre (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 at the Electoral Enrolment Centre.

Contact person is Bob Chandler on (04) 801 0703.

Election Issues

Elections will be held in October for the following issues:

Porirua City Council:

- Election of Mayor of Porirua City Council
- Election of 13 Members (Councillors) of the Porirua City Council as follows:

Eastern Ward	FIVE (5) Members
Western Ward	THREE (3) Members
Northern Ward	FIVE (5) Members

Wellington Regional Council:

- Election of TWO (2) Members (Councillors) to represent the Porirua-Tawa Constituency of the Wellington Regional Council.

District Health Boards:

- Election of SEVEN (7) Members of the Capital and Coast District Health Board.

  Residents will receive a voting paper for the Capital Coast District Health Board election. There are seven members to be elected at large across the Capital and Coast District Health Board area. There is a separate Candidate Handbook for the Capital and Coast District Health Board available from the District Health Board Electoral Officer, Ross Bly.

Porirua Community Trust:

- Election of FOUR (4) Trustees to represent Ward 1 of the Porirua Community Trust.
- Election of TWO (2) Trustees to represent Ward 2 of the Porirua Community Trust.

  Formerly the Porirua Licensing Trust, the role of the Community Trust is to govern the sale of liquor within Porirua. In 2006 the size of the Trust was reduced to align it with the external boundary of the Porirua City Council. It no longer extends into the surrounding council areas. The number of Trustees was also reduced in 2006 from 7 to 6. The Porirua Community Trust ward boundaries do not match any other council ward boundaries. Refer to the Ward Maps published on page 36.

Hutt Mana Charitable Trust:

- Election of ONE (1) Trustee to represent the area of the Trust within Porirua City

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.

Population Statistics

Porirua City Council

Wards/Members	Est Resident Population as at 30 June 2009*
Eastern Ward (5 Members)	18,400
Western Ward (3 Members)	11,950
Northern Ward (5 Members)	21,100

Other Issues	Est Resident Population as at 30 June 2009*
Mayoralty	54,450

Wellington Regional Council

Constituencies/Members	Est Resident Population as at 30 June 2009*
Kapiti Coast (1 Member)	48,900
Porirua-Tawa (2 Members)	66,200
Wellington (5 Members)	180,900
Lower Hutt (3 Members)	102,100
Upper Hutt (1 Member)	40,600
Wairarapa (1 Member)	39,900

Hutt Mana Charitable Trust

Constituencies/Trustees	Est Resident Population as at 30 June 2009*
Wellington City (1 Trustee)	44,300
Porirua City (1 Trustee)	54,450
Lower Hutt City (2 Trustees)	102,100
Upper Hutt City (1 Trustee)	40,600

*Source – Statistics NZ 2010

These elections will be conducted by postal voting.

Electoral Systems

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

- First Past the Post (FPP)
- Single Transferable Voting (STV)

Organisations using FPP in 2010 are:

- Wellington Regional Council

Organisations using STV in 2010 are:

- Porirua City Council
- Porirua Community Trust
- Hutt Mana Charitable Trust
- Capital Coast District Health Board

Briefly, the FPP electoral system consists of the following:

- Electors vote by indicating their preferred candidate(s) with a tick.
- Voters must not tick more than the number of places to be filled.
- The candidate that receives the most votes is declared the winner, regardless of the proportion of votes that candidate obtained.

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.

For more information on STV, access the Department of Internal Affairs website www.stv.org.nz.

Candidate Profile Statements

Candidate Profiles

The Local Electoral Act allows for candidate profile statements to be provided by each candidate with the nomination paper. 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 of this document.

Candidate profile statements should be provided to the Electoral Officer electronically via e-mail or on a 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 are governed by Sections 61 and 62 of the Act.

Profiles should be emailed to the Electoral Officer, Warwick Lampp, at porirua@electionz.com, or provided on CD or in hard copy with the nomination paper.

Profiles may be provided separately to the nomination but must be received before the close of nominations.

Candidates may also submit a photograph for inclusion with the candidate profile statement in the booklet to accompany the voting papers. Photos should also be provided electronically (scanned as jpegs (.jpg) and delivered to the Electoral Officer by email or on CD with the Candidate Profile Statement). 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).

Please note: The onus is on the candidate to ensure that the profile and photo are received by the Electoral Officer by 12 noon on Friday 20th August 2010. No reminders will be issued by the Electoral Officer.

If the Electoral Officer is not satisfied that a candidate profile statement complies 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 three (3) calendar 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 three days, 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 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 Document sent to each elector, as well as a message to the effect that a statement was not supplied.

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.

Candidate Profile Statement and Photo Format Guidelines

The format requirements from the printer of the Profile Booklets are as follows:

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

- No Bold, Italic, Underlining etc. features
- No Tabs
- No Quote marks
- No Accent marks (this restriction is in English text only)
- No Bullet points (please note)

The English text is automatically formatted into the profile book using,

- Font - Times New Roman
- Point Size - 9 point size, 11 Point line spacing

If there is no profile statement or photo from a candidate, then the following text or similar will be printed in the profile book.

“No Profile Statement and/or Photo provided.”

All typed “language images” supplied must have 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 Quotes, etc
- No Candidate Name - This is already printed in the Profile book.

- No Pictures

An “image of a non-text language” must have the following formatting:

- No Bolding
- No Italics
- No Underline
- No Pictures

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

Pacific International Translations (NZ) Ltd

P O Box 8567, Symonds Street, Auckland

Phone: 09 9135290 Fax: 09 9135291

Email: info@pactrans.co.nz

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.

Campaigning

Election campaigning can commence anytime but must cease by the close of voting, i.e. 12 noon on Saturday 9 October 2010.

Election offences 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.

Election Advertising

Election advertising, using any media, must now 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 and adverts etc, each candidate must have a sentence at the bottom saying that it is authorised by the candidate, i.e. "This advertising has been authorised by Joe Bloggs, 20 Somewhere St, Sampletown."

Please note … a physical address must be provided on this authorisation, i.e. it cannot be a P O Box number.

Campaign Expenditure Limits

Candidates have campaign expenditure limits and are required to file an expenditure 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 9 July 2010 to 9 October 2010.

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

The campaign expenditure levels for Porirua City Council are as follows:

1. Mayoralty:

   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 smaller than 60,000 and larger than 39,999.

The population of Porirua City is estimated to be 54,450 (*Dept of Statistics - 2009*).

City wide issues	Est Resident Population as at 30 June 2009*	Expenditure Limit
Mayoralty	54,450	$30,000

2. Wards

The total electoral expenses (inclusive of goods and services tax) of a candidate for the Eastern and Western wards must not exceed **$14,000** (population greater than 10,000 and smaller than 19,999).

The total electoral expenses (inclusive of goods and services tax) of candidates for the Northern ward must not exceed **$20,000** (population greater than 20,000 and smaller than 39,999).

Wards	Est Resident Population as at 30 June 2009*	Expenditure Limit
Eastern Ward	18,400	$14,000
Western Ward	11,950	$14,000
Northern Ward	21,100	$20,000

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. **$30,000** 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

Local Government Area Population	Expenditure Limit
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 or more	$70,000

3. Porirua Community Trust:

   The total electoral expenses (inclusive of goods and services tax) of a candidate for the Porirua Community Trust must not exceed the following:

   - Ward 1 of the Trust - $20,000 (population greater than 20,000 and smaller than 39,999).
   - Ward 2 of the Trust - $14,000 (population greater than 10,000 and smaller than 19,999).

4. Hutt Mana Charitable Trust

   The total electoral expenses (inclusive of goods and services tax) of a candidate for the Hutt Mana Charitable Trust must not exceed the following:

   - Wellington City, Porirua City or Upper Hutt City areas of the Trust - $30,000 (population greater than 40,000 and smaller than 59,999).
   - Lower Hutt City area of the Trust - $55,000 (population greater than 100,000 and smaller than 149,999).

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, i.e. no later than Wednesday 8th December 2010.

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.

An election expenses return form is attached as Appendix 2.

The relevant section of the Local Electoral Act 2001 on election expenses is attached as Appendix 3.

Election Signs

A permit MUST be obtained for any election sign erected in Porirua City.

Any enquiries regarding signs must be directed to the Porirua City Council:

Telephone (04) 237 1466

Introduction

Subject to the conditions detailed in this document, any person confirmed as a candidate in a Porirua City Council, Porirua Community Trust, Hutt Mana Charitable Trust, Wellington Regional Council, or Capital and Coast District Health Board election may erect and display "electioneering" signs in the Porirua City district for the purpose of that election.

Permit Requirements

A permit is required regardless of where the sign or signs are to be displayed i.e., on public or private land.

Your permit application must be addressed in writing to the Chief Executive, Porirua City Council, to PO Box 50-218, Porirua City or by facsimile to 04-237-1439. It must include:

- The name, address and contact telephone number/s of the candidate and the name and contact telephone number of any nominated contact person *(if applicable)*.
- The number of signs required, their dimensions, construction details and method of erection and/or display i.e., free standing, attached to fence, building etc.
- A map indicating the exact locations in which it is proposed to display the signs.
- The exact wording of the sign.

Note: when a site suggested by the applicant is unable to be approved, the nominated contact person will be contacted to discuss possible alternatives. If agreement is reached the permit will be issued.

Size of Signs

The following requirements apply to the display of all temporary signs including “electioneering” signs within Porirua City:

- The maximum permitted face surface area of any sign is 1.5 sq. m. *(approx.1200mm x 1200mm)*.

- V-Shaped signs are not permitted.

- The maximum height of any free standing sign is 1.8 metres above ground level.

- For any sign exceeding the above specifications special approval and a Building Consent is required.

Sign Appearance and Construction

All signs, posters and placards are required to be of a professional standard in appearance, construction and message content. The method of construction and manner of display must take into account the prevailing weather conditions *(particularly the wind)* and general wear and tear likely to be encountered while being displayed.

Placement of Signs

The following general conditions apply to the location and placement of signs. Additional special conditions may be imposed dependant upon the circumstances in each case.

- Signs advertising a candidate standing for election to a ward position may be displayed within the boundaries of that ward only.

- Signs advertising a candidate who is standing for a position other than a ward position *(i.e., candidate for Mayoralty, Wellington Regional Council etc.)* may be displayed throughout the city.

- Signs may be displayed only in approved locations.

- Each location and site must be approved before any sign is displayed.

- Only one sign per candidate is permitted at any site.

- No sign may be placed or displayed:

  a) In or within 50 metres of any road intersection or junction.

  b) In any location where it may obstruct the view of road or pedestrian traffic or endanger any person.

- No sign may be displayed in a static position on any vehicle in any public place. (Vehicle includes any car, truck, bus, van, tractor, trailer, bicycle, motorcycle and any other device similar in appearance or description to those vehicles).

- No sign may be displayed on any Council park or reserve. This includes Te Rauparaha Park, Elsdon Park and the reserve land bordering both sides of Titahi Bay Road between the intersection of that road with Lyttelton Avenue and Wi Neera Drive on the eastern side and Prosser Street and Te Hiko Street on the western side.

Time Limit

The maximum period of time during which a sign, poster or placard may be displayed is four calendar months leading up to the date of the election.

Posters and Placards

Posters, placards and signs are not permitted to be pasted or permanently fastened to any building, pole, light post, light standard, rubbish receptacle or other structure located on, in or abutting any public place.

Responsibility for Signs/Posters/Placards

The permit holder is responsible for compliance with the permit conditions, any directions issued by the police or authorised Council Officer and for:

- The maintenance of each sign, poster or placard in a state of good repair at all times whilst displayed.
- The removal of all signs, posters and placards by the due date and time.

Non-compliance

Council may, without prior notice, remove and impound any unauthorised sign, poster or placard and/or any sign, poster or placard found in breach of any permit conditions. In this event any costs incurred may be recovered from the permit holder.

Fees

For standard sized signs no fee is payable. Where a Building Consent has to be obtained a fee may be incurred.

Enquiries

Please direct any enquiries concerning your electioneering signs, posters and placards to:

Charlie Pike
Team Co-ordinator, Environmental
Porirua City Council
Telephone 237 1466 (direct line)
Email cpike@pcc.govt.nz
Facsimile 04-237-1439

Public Sites for Electioneering Signs		
Ascot Park		
Whitford Avenue Brown	AP1	Grass Reserve area on the western side just up the hill from the Horoutu- Ki –Poneke Marae and between the Conclusion walkway sign and first house on the left
Whitford Avenue Brown	AP2	Grass reserve area on the eastern side up the hill from the rear entrance to Aotea Lodge
Cannons Creek		

Public Sites for Electioneering Signs		
Warspite Avenue	CC1	Grass reserve area on western side outside Cannons Creek Park.
Elsdon		
Raiha Street	RH1	Grass reserve area either side of Raiha Street between Broken Hill Road and Elsdon Camp.
Kenepuru		
Kenepuru Drive:	KD1	Grass reserve area on the eastern side south of the entrance to the soccer club and before the corner.
Mana		
Mana Esplanade	ME1	Between 34 & 36 on reserve land.
Papakowhai		
Papakowhai Road:	PK1	Grass Reserve area situated on the eastern side of Papakowhai Road and Brora Crescent and Romesdale Road at a distance of at least 50 metres from the intersection.
Papakowhai Road	PK2	Grass reserve area situated on the western side of Papakowhai Road outside Aotea Lagoon at a distance of at least 50 metres from the Whitford Brown Ave intersection
Porirua East		
Mungavin Avenue:	PE1	Grass reserve area west of Porirua Park and adjacent to car park and pine trees.

Public Sites for Electioneering Signs		
Pauatahanui		
Grays Road	PT1	Grass reserve area eastern side of Grays Road between Paekakariki Hill Road and the first bridge. Signs to be on the left hand side heading towards intersection from bridge and located 50 metres from intersection.
Plimmerton		
Steyne Avenue:	PL1	Grass reserve area situated on the eastern side just over the railway lines and culvert of Taupo Stream.
Titahi Bay		
Tangare Drive:	TB1	On road reserve area near Tangare Drive Pump Station and adjacent to Titahi Bay Road.
Waitangirua		
Warspite Ave:	WT1	Grass reserve area on either side of Waihora Crescent and outside Bothamley park.
Whitby		
James Cook Drive	WB1	Grass reserve area 50 metres up from State Highway 58 on either side and south of Joseph Banks Drive.
James Cook Drive	WB	Grass reserve area on each side of James Cook Drive situated north of Discovery Drive intersection.
Discovery Drive	WB3	Grass reserve area by top lake on northern side of Discovery Drive
Discovery Drive	WB4	Grass reserve area next to 78 Discovery Drive

Public Sites for Electioneering Signs		
Spinnaker Drive	WB5	Grass reserve area on left side 50 metres State Highway 58 intersection.
Postgate Drive	WB6	Grass reserve area on the left side opposite 21 Postgate Drive where there are no houses between Staithes Drive North and State Highway 58.

Electioneering Signs Adjacent to State Highways

Additional restrictions apply to the display of signs on or facing any state highway. In these cases additional approval from the New Zealand Transport Agency may be required. The New Zealand Transport Agency's requirements for electioneering signage on state highways are:

- No signs are allowed on or adjacent to motorways (e.g. the Wellington urban motorway)
- In speed environments of 70 kph or above, signs must not be located on the state highway road reserve
- The placement of a sign within the state highway road reserve in a speed environment less than 70 kph or on private property adjoining the state highway must:
    - Not be reflectorised or placed in such a way that will create an obvious conflict with existing road signs;
    - Not imitate or be of form similar to any traffic signs;
    - Give consideration to visibility and other traffic safety aspects;
    - Have no more than 6 to 8 words or 40 characters;
    - Not be erected for longer than 8 weeks prior election day and must be removed as soon as possible after election day; and
    - Seek approval from the local Council.

Signs erected in a location or a manner likely to cause distraction or danger to road users may be removed by the New Zealand Transport Agency without prior notice. Where a sign is removed by the New Zealand Transport Agency the candidate will be advised of the action taken and that the sign may be redeemed for a fee of $50.

Number of households

For campaigning planning the approximate number of households within the city as sourced from the Council's rating database is outlined in the following table.

Ward	Number of dwellings
Eastern Ward	4959
Western Ward	3850
Northern Ward	7506
City Total	16315

LGOL Elections Portal

This year Local Government Online (LGOL) in conjunction with Local Government New Zealand is running a FREE elections portal at www.elections2010.co.nz

The website provides voters with information on the roles they are eligible to vote for and information on each candidate, in addition to being a central portal for election results across the country. It is a tool that is free to use and gives you the opportunity to engage with the community and promote the issues that matter to you. No longer are you constrained to a 150 word candidate profile, instead, each candidate has the ability to load:

- set length video, candidate statement and other information
- identify your key election issues
- provide dynamic links to websites, blogs, twitter accounts
- ability to respond, along with other candidates for that role, to questions asked by voters; and
- the ability to load an acceptance speech that will be made publicly available once the successful candidate has been announced.

The website is as easy to use as updating your facebook page, logging into internet banking or sending an email. The focus is on reaching those in the community that are eligible to vote and want to engage with you in the democratic process.

On 9 October www.elections2010.co.nz will be the place to keep up to date with results as they come in directly from electoral officers across the country and for the winning candidates the ability to release a video message following your success.

Information on the functionality and terms and conditions of www.elections2010.co.nz will be distributed via the LGOL Candidates and Councillors list servs. If you are not an incumbent and would like to be added to the LGOL Candidates listserv please email techdirector@localgovt.co.nz.

If you have any questions or for more information about www.elections2010.co.nz contact gm@localgovt.co.nz.

Voting and Processing of Votes

Order of Candidates on the Voting Papers

Porirua City Council has resolved pursuant to Section 79 of the Local Electoral Act 2001 that the names of candidates will appear in random order on the voting papers. Under this arrangement, the names of the candidates for each issue are shown in a different order on each and every voting document, utilising software that permits the names of the candidates to be laser printed in a different order on each paper.

Special Voting

Special Votes are available to electors:

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

Special Votes will be available from Friday 17 September 2010 to 12 noon, Saturday 9 October 2010 from the Special Votes Polling Booth in the foyer of the Porirua City Council office, Cobham Court, Porirua.

Special Votes 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, i.e. 12 noon Saturday 9 October 2010.

Special Votes require the completion of a statutory declaration. This is a legal requirement and a protection for electors against possible duplicate voting.

If an elector requests a Special Vote and is not on the Parliamentary Roll (e.g. just turned 18 years of age), the person must enrol on the Parliamentary Roll by Friday 8 October 2010. 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 Votes cannot be collected by candidates or their assistants for distribution to electors.

Returning of Voting Papers

Voting papers can be returned by post using the prepaid envelope supplied with the voting papers. Voting papers can also be delivered to the polling booth at the Porirua City Council. Voting papers must be received by the Electoral Officer by 12 noon on Saturday 9 October 2010.

IMPORTANT: 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.

Early Processing of Returned Voting Papers

Porirua City Council has resolved pursuant to Section 79 of the Local Electoral Act that returned voting papers are able to be opened and processed during the voting period before the close of voting.

Voting papers for Porirua City Council are being processed by Council's election contractor, *electionz.com* Ltd. *electionz.com* will be processing approximately 575,000 voting papers for 36 councils at its centralised 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 9 October 2010).

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

Candidates' 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 9 October 2010.

It is expected that a progress result will be released by the Electoral Officer by 2pm on Saturday afternoon. The Electoral Officer will attempt to contact as many candidates as possible with the progress result before loading it to the Council's website. It is expected that the progress results will be viewable from the website by 4pm on Saturday 9 October 2010.

The preliminary result will be released as soon as all ordinary voting papers have been received and processed at the Christchurch processing centre. This is likely to be by late Sunday 10 October.

Preliminary and final election results will be released to candidates and media via email and posted on the Council's website - www.pcc.govt.nz. Note that the preliminary result will be loaded to the Council website as soon as possible, but this may not be until the next working day i.e. Monday 11 October 2010.

Council Information

Inaugural Council Meeting

The successful candidates will take office on the day after the Electoral Officer gives his 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 2010. 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.
- The election of the Deputy Mayor, and appointment of committees and their Chairpersons.

Elected members have the choice of making their declaration in either of New Zealand's official languages, being Te Reo Maori or English, 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 Porirua City Council, the powers, authorities, and duties vested in or imposed upon me as Mayor (or as a member) of the Porirua City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Ko taku kupu tënei. Ka tutuki i a au, ki täku e pono nei, e tötika nei, e mätau nei ngä kawenga katoa hei painga mö te rohe o Porirua City i runga i te mana kua riro mai i a au hei mema o Te Kaunihera o Porirua City i raro anö i te Ture Käwanatanga ä-Rohe o te tau rua mano mä rua, te Ture Pärongo, Huinga Ökawa ä-Käwanatanga me ëtahi atu ture ränei.

Conflicts of Interest

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

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

Under Section 6 of the Act, elected members may not discuss or vote on any matter in which they have a pecuniary interest when it is being considered by the Council 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.

Mayor and Councillors' Responsibilities

Many people ask us what sort of person you need to be or what sort of job it is to be an elected member. The following job description is a guide for people to consider.

Overall Role of Mayor and Councillors

To lead decision-making for the future of Porirua City's social, environment, economic and cultural well-being.

Main Focus

- Being aware of issues which affect the whole community.
- Regular attendance at meetings of the Council, its committees and project teams.
- Actively supporting and participating in community events and activities particularly when invited.
- Meeting with and facilitating processes for issues raised by constituents.

Core Competencies

- Genuine interest, understanding (and passion) of/for the issues faced by citizens of Porirua City.
- Ability to relate to wide range of people at many levels and across many disciplines and cultures.
- Ability to hear and understand the varying positions of others and consider these in decision making.
- Ability to express ideas clearly.
- Ability to understand, focus on and resolve complex issues through long term planning.
- Ability to understand financial and reporting statements.
- Understands the differing roles of governance and management.
- Ability to think "city-wide" on issues to come to decision.

- Be results focused.
- Knowledge of and commitment to the Local Government Act 2002.

Experience and Background

- May have experience relevant to the challenges facing the city.
- May have extensive community networks.
- Be familiar with the Council's 2009-19 Long Term Plan.

Personal Qualities

- Demonstrates integrity and ethical behaviour.
- Is independent, inquisitive and innovative.
- Has the ability to see all sides of an argument.
- Is hard working and can work unsupervised.
- Ability to develop and maintain positive working relationships with councillors and staff
- Committed to Porirua City.
- Sense of humour.
- Respect for others.
- Flexible working hours, some evening and weekend work is required.
- Actively demonstrate commitment to the Elected Members' Code of Conduct

Council Activities

Long Term Plan

Council has adopted a set of Strategic Focus Areas that represent the priorities the Council is focusing on for the next ten years and guides Council's contribution to the Community Outcomes.

The four Strategic Focus Areas are:

- Investing in infrastructure for the future
- Protecting our landscapes and harbour
- A vibrant city centre for residents, business and visitors
- Active and connected communities

Community Outcomes

Community Outcomes are big local issues covering social, cultural, economic and physical aspects of wellbeing. Porirua City Council brings people and organisations together for Community Outcomes as required by the Local Government Act 2002.

The Porirua – Our Place, Our Future: Community Outcomes Action Plan 2009-2015 sets out:

- Outcomes and what they mean
- What we want to see happen
- What is felt to be the most important (the big projects)
- How to measure progress (data, information etc)
- Who is involved (e.g. organisations)
- What else will help us (local, regional and national strategies, programmes etc)

Prospective candidates should familiarise themselves with these documents if they are not already. The Porirua City Council's Long Term Plan and the Community Outcomes Action Plan are both available on-line at www.pcc.govt.nz or in hard copy from the Council office.

Council Committee Structure

The Council currently has two standing committees to help carry out its various tasks. Those committees are the Strategy Finance and Regulatory Committee and the City Services Committee. All Council members are members of these two committees. There are also a number of subcommittees and specialist committees. Meetings of the Council and each of its committees are currently held on a six weekly basis. The Council meetings generally start at 5.30pm and are held in the Council Chambers, Level 2, Administration Building, 16 Cobham Court, Porirua City. The meetings of the two standing committees are generally held on the same day, with the Strategy, Finance and Regulatory Committee starting at 9.00am and the City Services Committee starting at 1.30pm.

The committee structure will be reviewed by the incoming Council.

A schedule of the 2010 meeting times and dates can be viewed on-line at www.pcc.govt.nz. However all candidates will be advised by Council staff of the key dates that need to be noted should they be elected to office.

Council also supports informal committees throughout the city and most councillors act as liaison between one or more of these groups and the Council. Councillors can also be appointed to represent Council on community organisations as required.

Members' Remuneration

The Remuneration Authority sets the amount that each Council must spend on remunerating its elected members. The Authority sets the salary of the Mayor, and the Council then decides how to allocate the remaining remuneration amount

among its Councillors. The Council also recommends to the Authority, for approval, a policy for reimbursement of expenses for its elected members.

For the period from 1 July 2009 to 30 June 2010, the amount was set at $479,455, with the Mayor's salary being set at $87,727 (before adjustment for full private use of the mayoral vehicle).

The following remuneration levels for members of Porirua City Council was adopted by Council on 3 June 2009 and approved by the Remuneration Authority on 7 July 2009:

Mayor*	$85,821 p.a.
Deputy Mayor	$36,790 p.a.
Chairpersons of Standing/Sub Committees	$32,849 p.a.
Members	$26,278 p.a.

*after deduction for full private use of Mayoral vehicle

For the period from 1 July 2010, until the election, the Remuneration Authority has decided to leave the Mayoral and Councillor salaries at the level set for the 2009/10 year. The Remuneration Authority will advise the amount of salaries to be paid for the post-election period, to provide base salaries until the Council determines its committee structure and recommends remuneration levels to the Authority.

Tax Status of Elected Members

Tax deductions

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

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

Because of the nature of the relationship between elected members and the council, elected members are entitled to deduct expenses incurred in earning their remuneration from the council. These expenses include home use expenses, miscellaneous expenses and vehicle expenses if they are incurred in the course of earning the council remuneration.

Goods and Services Tax

The remuneration paid to elected members is exempt from Goods and Services Tax. Within the definition of the term "taxable activity" in the Goods and Services Tax Act 1985, clause (3)(c)(iii) excludes activity as a Chairperson or member of any local authority, statutory board, council or committee.

Electoral Staff Contact Information

Porirua City Council

Electoral Officer

Warwick Lampp, PO Box 3138, Christchurch 8140

Phone:	0508 666 996
Fax:	0528233532869 (toll free)
Email:	elections@electionz.com

Deputy Electoral Officer

Anthony Morton, PO Box 3138, Christchurch 8140

Phone:	0508 666 996
Fax:	0528233532869 (toll free)
Email:	elections@electionz.com

Wellington Regional Council

Electoral Officer

Margaret Meek, Wellington Regional Council, PO Box 11646 Wellington

Phone	04 384 5708
Fax:	04 385 6960
Email:	Margaret.meek@gw.govt.nz

Capital and Coast District Health Board

Electoral Officer

Ross Bly, Wellington City Council, PO Box 2199, Wellington

Phone:	04 499 4444
Fax:	04 801 3138
Email:	ross.bly@wcc.govt.nz

Porirua Community Trust

Electoral Officer

Warwick Lampp, PO Box 3138, Christchurch 8140

Phone:	0508 666 996
Fax:	0528233532869 (toll free)
Email:	elections@electionz.com

Hutt Mana Charitable Trust

Electoral Officer

Warwick Lampp, PO Box 3138, Christchurch 8140

Phone:	0508 666 996
Fax:	0528233532869 (toll free)
Email:	elections@electionz.com

Ward Maps

Porirua City Council Ward Boundary Map

Porirua Community Trust Ward Boundary Map

Appendix 1

Candidate Profile Statements

Local Authority Elections 2010

Right to Submit a Candidate Profile Statement :

- Every Candidate for election may submit a Candidate Profile Statement with their nomination (Section 61, Local Electoral Act). This is a permissive right – it is not mandatory to submit a Candidate Profile Statement.

- Where a Candidate is standing for two or more offices, e.g. Mayor and Councillor – he/she may submit a Candidate Profile Statement 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 Candidate Profile Statement:

  if in English or Maori or both, must not exceed 150 words in each of the languages used in the Candidate Profile Statement. 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 Candidate Profile Statement is in a language other than English or Maori, then the Candidate must provide a Candidate Profile Statement in English or Maori.

- Every Candidate Profile Statement should be submitted with the Candidate's nomination form but where they are not, they must be submitted by the close of nominations. (Section 61(2)(b)).

- The content of a Candidate Profile Statement, under Section 61(2)(c), must be confined to information:

  concerning the Candidate (including any affiliation made in the nomination paper or status as an independent);

  on the Candidate's policies and intentions if elected.

- A Candidate Profile Statement cannot be used to comment on the policies, performance, etc of any other Candidate.

- A candidate may include with their Candidate Profile Statement a recent hard copy photograph of the Candidate alone which:

  must be approximately 50mm by 40mm (passport size); and

  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 Candidate Profile Statement. These should be either copied onto a CD or emailed to the Electoral Officer, at wlampp@electionz.com

Photos need to be submitted by the close of nominations i.e. on or before 12 noon on 20th August 2010.

[Section 61(2)(c) and Clause 28].

(Refer to Page 18 for the production specifications for the Candidate Profile Statement and Candidate photograph).

Examples of Candidate Profile Statements

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 Language (Non English / Maori)	+	English Translation	OR	Maori Translation	= 150 words

Duties, Powers and Responsibilities of Electoral Officers in Respect of Candidate Profile Statements

Where an Electoral Officer is not satisfied that a Candidate Profile Statement complies with Section 61(2) and (3), he/she must, under Section 61(4), return the Candidate Profile Statement to the Candidate specifying:

- the concerns and reasons for them;
- the period, which must not be less than 3 days from the date of the Candidate Profile Statement's return, within which an amended Candidate Profile Statement may be resubmitted.

A Candidate will be treated as having failed to provide a Candidate Profile Statement if Section 61(4) applies and he/she:

- fails to submit an amended Candidate Profile Statement within the period specified by the Electoral Officer;

- submits an amended Candidate Profile Statement, 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 Candidate Profile Statement;
- may include in or with any Candidate Profile Statement a disclaimer concerning the accuracy of the information in the Candidate Profile Statement;
- is not liable in relation

  to any statement in or omitted from a Candidate Profile Statement; 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 Candidate Profile Statement'sthat comply with Section 61, for each Candidate in the election for a local government area or subdivision. In addition, a local authority may display Candidate Profile Statement's at its offices, or service centres, and publish them on its website.

Any failure of an Electoral Officer to comply with Section 62 will not invalidate the election.

Appendix 2

Return Of Electoral Expenses And Electoral Donations

I……, a candidate at the election held on the 9th day of October 2010, made the following return of all electoral expenses incurred by me or on my behalf at the election and of all electoral donations made to me or to any person on my behalf.

Electoral Expenses

(Here set out separately the name and description of every person or body of person to whom or which any sum was paid, and the reason for which it was paid. Sums paid for radio broadcasting, television broadcasting, newspaper advertising, posters, pamphlets, etc must be set out separately and under separate headings).

Electoral Donations

(Here set out the name and description of every person or body of persons from whom or which any donation (whether of money or the equivalent of money or goods or services or a combination of those things) of a sum or value of more than $1,000 (such amount being inclusive of GST and of a series of donations made by or on behalf of any one person that aggregate more than $1,000(GST inclusive)) was received by the candidate or by any other person on the candidate's behalf for use by or on behalf of the candidate in the campaign for his or her election. The amount of each donation received is to be set out separately. If a donation of a sum of more than $1,000 was received from any anonymous person, the amount of the donation must be stated and the fact that the person who made the donation is anonymous must also be stated).

Dated at……..this……day of……2010

Signed…… (candidate)

Appendix 3

Electoral Expenses

The relevant sections of the Local Electoral Act are:

109 Return of electoral expenses

(1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must transmit to the electoral officer a return setting out:

(a) the candidate's electoral expenses; and

(b) the name and address of each person who made an electoral donation to the candidate and the amount of each electoral donation; and

(c) if an electoral donation of money or of the equivalent of money is made to the candidate anonymously and the amount of that donation exceeds $1,000:

(i) the amount of that donation; and

(ii) the fact that it has been received anonymously.

(2) Every return under subsection (1) must be in the form prescribed in Schedule 2 or to similar effect.

(3) If the candidate is outside New Zealand on the day on which the successful candidates are declared to be elected, the return must be transmitted by the candidate to the electoral officer within 21 days after the date of the candidate's return to New Zealand.

(4) It is the duty of every electoral officer to ensure that this section is complied with.

110 Return to be open for public inspection

The electoral officer must keep every return under section 109 in the electoral officer's office, or at some other convenient place to be appointed by the principal administrative officer of the local authority, for a period of 7 years after it has been received by the electoral officer, and:

(a) during that period the return must be open to inspection by any person; and

(b) at the expiry of that period the electoral officer must ensure that the return is destroyed.

The electoral officer is not responsible for checking the validity or otherwise of the campaign expenditure returns. All matters of dispute will be forwarded to the Police as per section 138 of the Act as follows:

111 Maximum amount of electoral expenses

(1) The total electoral expenses (inclusive of goods and services tax) of a candidate must not---

(a) exceed $3,500 if any local government area over which the election is held has a population smaller than 5000:

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

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

(d) exceed $20,000 if any local government area over which the election is held has a population smaller than 40 000 and larger than 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 of 250 000 or more.

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

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.

138 Duty to take action in respect of offences

(1) If the electoral officer at any election or poll:

(a) receives a written complaint that an offence under this Part has been committed; or

(b) believes for any other reason that an offence under this Part may have been committed:

the electoral officer must report that matter to the police together with the results of any enquiries made by the electoral officer that he or she considers appropriate.

(2) Subsection (1) does not prevent any person from reporting an alleged offence to the police.

Electoral Expenses Offences:

The following sections of the Act relate to offences with respect to electoral expenses and returns which all candidates must be aware of.

132 Payments in breach of section 105

(1) Every person commits an offence who makes a payment in contravention of section 105.

(2) Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding $5,000.

133 Failure to transmit return

(1) Every candidate commits an offence who fails to transmit a return of electoral expenses in the prescribed form to the electoral officer within the prescribed period.

(2) Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding $1,000 and, if he or she has been elected, to a further fine not exceeding $400 for every day on which he or she continues to act until the return is transmitted.

134 False return

(1) Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000.

(2) Every candidate commits an offence and is liable on summary conviction to a fine not exceeding $5,000 who transmits a return of electoral expenses that is false in any material particular unless the candidate proves:

(a) that he or she had no intention to misstate or conceal the facts; and

(b) that he or she took all reasonable steps to ensure that the information was accurate.

135 Unauthorised expenditure

(1) Every person commits an offence who publishes or broadcasts any material promoting the election of any candidate without the written authority of the candidate or the candidate's agent.

(2) Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding $1,000.

136 Excessive expenditure

(1) Every candidate or other person commits an offence who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the prescribed maximum amount, knowing that the payment is in excess of the prescribed maximum amount, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000.

(2) Every candidate or other person commits an offence who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the prescribed maximum amount and is liable on summary conviction to a fine not exceeding $5,000, unless the candidate or other person proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the prescribed maximum amount.

Appendix 4

Scrutineers

Role of Scrutineers

The Local Electoral Act 2001 and the Local Electoral Regulations 2001 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 Local Electoral Act 2001 and Clause 55 Local Electoral Regulations 2001). 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 Local Electoral Act 2001, and Clauses 59, 60 and 62 Local Electoral Regulations 2001). 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. 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 less than a minute to complete.

- **Recount** (Section 91 Local Electoral Act 2001). 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 Local Electoral Act 2001). 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 Local Electoral Act 2001).

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 Local Electoral Act 2001).

Every scrutineer appointed under Sections 66 or 67 of the Act must be appointed in writing (a model letter of appointment is contained in Appendix 5).

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, 8 October 2010** in the case of this year's local authority elections (Section 68(1) Local Electoral Act 2001). 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) Local Electoral Act 2001and Clause 91 Local Electoral Regulations 2001).

The key obligations for a scrutineer arising from the Declaration are 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, 9 October 2010
- 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

The Porirua City Council has resolved, pursuant to Section 79 of the Act, to 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 9th October 2010.

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 Local Electoral Act and Local Electoral Regulations 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 year's local authority elections, the polling period commences on Friday, 17 September 2010.

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 Local Electoral Act:

- 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 in Appendix 6. Scrutineers are advised to become familiar with them before they complete their declaration and undertake any scrutineering duties.

Appendix 5

Appointment of Scrutineer

The Electoral Officer
Porirua City Council
PO Box 50218
Porirua 5240

I ……., being a candidate for the

office of ……..……., for the

election being held on Saturday 9 October 2010 hereby appoint

…….…… as my scrutineer.

……

Signature of candidate

……

Date

<u>NOTE</u>: This letter must be returned to the Electoral Officer or Deputy Electoral Officer one day before election day (i.e. before 12 noon 8 October 2010

Appendix 6

Election Offences

Local Electoral Act 2001

121 Illegal nomination, etc

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

(a) consents to being- nominated as a candidate for an elective office, knowing that he or she is incapable under any Act of holding that office; or

(b) signs a nomination paper purporting to nominate as a candidate a person who is, to the knowledge of the person signing, incapable under any Act of holding that office; or

(c) signs a nomination paper purporting to nominate another person as a candidate knowing that he or she is not qualified to vote at the election of the person named in the nomination paper as the candidate.

122 Interfering with or influencing voters

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

(a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote:

(b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be an imitation of any voting document to be used at the election or poll that,-

(i) in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote:

(ii) in the case of a poll, includes a statement or indication as to how any person should vote:

(iii) in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes:

(c) prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.

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

(a) the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and

(b) nothing else.

(3) Nothing in this section applies to-

(a) any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or

(b) any candidate profile statement, published, displayed or distributed under the authority of this Act or regulations made under this Act.

123 Offences in respect of official documents

(1) Every person commits an offence who-

(a) intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll:

(b) intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll:

(c) forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document:

(d) supplies, without authority, a voting document to any person:

(e) obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority:

(f) intentionally destroys, opens. or otherwise interferes with any ballot box or box or parcel of voting documents without authority.

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

(a) in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years:

(b) in the case of any other person, to imprisonment for a term not exceeding 6 months.

124 Voting offences

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

(a) votes or applies to vote more than once at the same election or poll; or

(b) without authority removes, deletes, or otherwise interferes with any voting document, or other record of a vote that has been cast.

125 Bribery

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

(a) gives. lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or

(b) gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or

(c) corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or

(d) makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector, or

(e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) obtains, or tries to obtain, the election of any person or the vote of any elector; or

(f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election or poll; or

(g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.

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

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

(b) after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

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

126 Treating

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

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

(b) for the purpose of obtaining his or her election; or

(c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(2) Every holder of a licence under the Sale of Liquor Act 1989 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-

(a) to any person, if the supply is demanded for I 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 on indictment to imprisonment for a term not exceeding 2 years.

127 Undue influence

(1) Every person commits the offence of undue influence-

(a) who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person-

(i) in order to induce or compel that person to vote or refrain from voting:

(ii) on account of that person having voted or refrained from voting:

(b) who, by abduction, duress, or any fraudulent device or means,-

(i) impedes or prevents the free exercise of the vote of any elector:

(ii) compels, induces, or prevails upon any elector either to vote or to refrain from voting.

(2) Every person who commits the offence of undue influence is liable on conviction on indictment to imprisonment for a term not exceeding 2 years.

128 Personation

(1) Every person commits the offence of personation who, at any election or poll,-

(a) votes in the name of some other person (whether living or dead), or of a fictitious person:

(b) having voted, votes again at the same election or poll:

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

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

129 Infringement of secrecy

(1) Every electoral officer, deputy electoral officer, and other electoral official-

(a) must maintain and assist in maintaining the secrecy of the voting; and

(b) must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.

(2) No person, except as provided by this Act or regulations made under this Act, may-

(a) interfere with or attempt to interfere with a voter when marking or recording his or her vote, or

(b) attempt to obtain, in the building, or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, any information as to any candidate for whom or the proposal for or against which the voter is about to vote or has voted; or

(c) communicate at any time to any person any information obtained in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, as to-

(i) any candidate for whom or the proposal for or against which the voter is about to vote or has voted; or

(ii) any number on a voting document marked, or transmitted by the voter.

(3) Every person present at the counting of votes must-

(a) maintain and assist in maintaining the secrecy of the voting; and

(b) must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom, or proposal for or against which, any vote is cast by a particular voter.

(4) No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.

(5) Every person commits an offence who contravenes or fails to comply with this section.

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

130 Disclosing voting or state of election or poll

(1) Every electoral officer, deputy electoral officer, other electoral official, Justice of the Peace, or scrutineer commits an offence who-

(a) makes known for what candidate or candidates or for which proposal any particular voter has voted for or against, except as provided by this Act or regulations made under this Act; or

(b) before the close of voting, makes known the state of the election or poll or gives or pretends to give any information by which the state of the election or poll may be known.

(2) Subsection (1)(b) does not prevent an electoral officer from disclosing the total number of voting documents so far returned at an election or poll at any time during the voting period.

(3) A person who commits an offence against subsection (1) is liable on summary conviction to a fine-

(a) not exceeding $5,000 for an electoral officer or deputy electoral officer:

(b) not exceeding $2,000 for any other person.

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

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

Electoral Expenses

132 Payments in breach of section 105

(1) Every person commits an offence who makes a payment in contravention of section 105.

(2) Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding $5,000.

133 Failure to transmit return

(1) Every candidate commits an offence who fails to transmit a return of electoral expenses in the prescribed form to the electoral officer within the prescribed period.

(2) Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding $1,000, and, if he or she has been elected, to a further fine not exceeding $400 for every day on which he or she continues to act until the return is transmitted.

134 False return

(1) Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000.

(2) Every candidate commits an offence and is liable on summary conviction to a fine not exceeding $5,000 who transmits a return of electoral expenses that is false in any material particular unless the candidate proves –

(a) that he or she had no intention to mis-state or conceal the facts; and

(b) that he or she took all reasonable steps to ensure that the information was accurate.

135 Unauthorised expenditure

(1) Every person commits an offence who publishes or broadcasts any material promoting the election of any candidate without the written authority of the candidate or the candidate's agent.

(2) Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding $1,000.

136 Excessive expenditure

(1) Every candidate or other person commits an offence who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the prescribed maximum amount, knowing that the payment is in excess of the prescribed maximum amount, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000.

(2) Every candidate or other person commits an offence who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the prescribed maximum amount, and is liable on summary conviction to a fine not exceeding $5,000 unless the candidate or other person proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the prescribed maximum amount.

General Provisions

137 Property may be stated as being in electoral officer

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

138 Duty to take action in respect of offences

(1) If the electoral officer at any election or poll-

(a) receives a written complaint that an offence under this Part has been committed; or

(b) believes for any other reason that an offence under this the Part may have been committed,-

the electoral officer must report that matter to the police together with the results of any enquiries made by the electoral officer that he or she considers appropriate.

(2) Subsection (1) does not prevent any person from reporting an alleged offence to the police.

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