2019 Local Government Elections

CANDIDATE HANDBOOK INVERCARGILL

Invercargill CITY COUNCIL

VOTE 2019 LOCAL ELECTIONS

PŌTI 2019 NGA PŌTITANGA Ā-ROHE

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Disclaimer: Every effort has been made to ensure that the information contained in this booklet is accurate and consistent with the Local Electoral Act 2001 and its amendments and regulations. Invercargill City Council takes no responsibility for any errors or omissions. It is recommended that candidates obtain a full copy of the Act, which can be purchased from any Government Bookstore or viewed on-line at www.legislation.govt.nz.

Election Timetable

2019 Local Government Election Timetable	
26 June (Wednesday)	Candidate Information Presentation - 5.30pm (see details below)
From 1 July (Monday)	2019 nomination documents available
From 17 July (Wednesday)	Public notice of election – Southland Times
19 July (Friday)	**Nominations open**, electoral roll open for inspection
16 August (Friday)	**Nominations close** at 12 noon, electoral roll closes
From 21 August (Wednesday)	Further public notice of election – Southland Times
By 23 August (Friday)	EO receives final electoral roll data
16 September (Monday)	EO compiles and certifies final electoral roll
20 September (Friday)	Enrolment Services letter sent to electors on unpublished roll
20 September (Friday)	Delivery of ordinary voting documents starts Ordinary and special voting opens
20 September to 12 October	Voting period
11 October (Friday)	Last day for appointment of scrutineers – by 12 noon
12 October 2019 (Saturday)	**Election Day**–voting closes at 12 noon Progress results available as soon as practicable after close of voting
14 October (Monday)	Last date for campaign signage to be removed
12 – 17 October	Official count – process special votes
17 October to 27 October (as soon as practicable)	**Final results announced** Public notice of official declaration of election result – Southland Times (or as soon as practicable thereafter)
By 18 December (Wednesday)	Return of election expense declaration forms (55 days after date of declaration of results)

Candidate Information Presentation

A presentation on standing for council will be given in the Civic Theatre, 88 Tay St, Invercargill at 5.30pm on Wednesday 26 June 2019. Items to be covered will include how the council is structured, the role and responsibilities of elected representatives, the skills required, anticipated time commitments and meeting schedules and an overview of the nomination and election processes.

For further information please contact Michael Morris on (03) 2118396.

Election Issues

Elections will be held in October for the following issues:

Invercargill City Council – (ICC)

(a) Election of the mayor

(b) Election of 12 councillors at large

(c) Election of 5 members to represent the Bluff Community Board

Invercargill Licensing Trust – (ILT)

Election of six (6) members of the Invercargill Licensing Trust, elected at large across the Trust area.

Refer to page 11 for more details on this election.

Southland Regional Council – (SRC)

Election of six (6) councillors to represent the Invercargill-Rakirua Constituency.

There is a separate candidate handbook for the SRC election available from the SRC Electoral Officer. Refer to the Electoral Staff section for contact details.

Southern District Health Board – (SDHB)

Election of three (3) members for the Southern Constituency of the Southern District Health Board.

There is a separate candidate handbook for the SDHB available from the SDHB electoral officer. Refer to the Electoral Staff section for contact details.

Population Statistics

District-wide Issues	Est Resident Population as at 30 June 2018
Mayoralty and councillors	55,200

Community Board	Est Resident Population as at 30 June 2018
Bluff	2,090

Other Issues	Est Resident Population as at 30 June 2018
ILT–At large	45,200

These elections will all be conducted by postal voting.

Electoral Staff

Invercargill City Council – (ICC) & Invercargill Licensing Trust – (ILT)

Electoral Officer (EO)

Anthony Morton, electionz.com Ltd, PO Box 3138, CHRISTCHURCH.

Phone: 0800 300 048

Email: icc@electionz.com

Deputy Electoral Officer (DEO)

Michael Morris, Invercargill City Council, 101 Esk Street, Private Bag 90104, INVERCARGILL.

Phone: 03 211 8396

Email: michael.morris@icc.govt.nz

Southland Regional Council – (SRC)

Electoral Officer

Dale Ofsoske, Independent Election Services Ltd, C/o PO Box 5135, Wellesley Street, AUCKLAND.

Phone: 0800 922 822

Email: info@electionservices.co.nz

Southern District Health Board – (SDHB)

Electoral Officer

Anthony Morton, electionz.com Ltd, PO Box 3138, CHRISTCHURCH.

Phone: 0800 666 048

Email: sdhb@electionz.com

District Leaders Information

Members' Remuneration

The Remuneration Authority sets elected members' salaries. The proposed salary for the Mayor and base salaries for each councillor and community board member is:

Office	Annual salary ($)
Mayor *	$131,042
Deputy Mayor	$55,420
Committee Chairperson	$48,141
Councillor	$35,953
Bluff Community Board	
Chair	$8,591
Member	$4,296

** Mayor has full private use of vehicle.*

The amounts are provisional at this stage and may change.

In addition to the base salaries for councillors there will be a pool of $30,300 for additional responsibilities. The current Council is required to make a request to the Remuneration Authority as to how the pool is allocated. How this will be allocated has not yet been decided.

Councillors can claim a travel allowance for attendance at official council or committee meetings. Salaries are paid fortnightly, travel allowances and expense reimbursements are paid when claimed. All salaries are taxable. Members are considered to be self-employed for tax and ACC purposes.

Elected Members' Responsibilities

The following role description as identified by the Remuneration Authority in setting the elected members' remuneration is a guide for what is expected.

Councillor – Base role description

Collective duties of the council

- Representing the interests of the council
- Formulating the council's strategic direction and relative priorities through the Long Term Plan (LTP), which determines the services and activities to be undertaken by council over a ten-year period
- Determining the expenditure and funding requirements of council activities through the LTP and annual planning processes
- Overseeing, developing and/or approving all council policies, administrative, legal, financial and strategic, including formal district planning matters within the council's geographical area of responsibility
- Monitoring the on-going performance of council against its stated objectives and policies (including formal sign-off of the Annual Report)
- Ensuring prudent use of council resources
- Law-making (bylaws)
- Overseeing council compliance with any relevant Acts of Parliament
- Employing, setting performance requirements for, and monitoring the on-going performance of the council's Chief Executive. (Under the Local Government Act 2002).

Representation and advocacy

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

Governance

- Participating constructively and effectively in the good governance of the council as a whole
- Understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the council
- Understanding and respecting the differing roles of mayor, deputy mayor, committee chairs/portfolio holders and councillors

- Recognising that the governance role does not extend to operational matters or to the management of any implementation
- Having a good understanding of the council processes set out in the Standing Orders that determine how council meetings are run
- Developing and maintaining a working knowledge of council services, management processes, powers, duties and constraints
- Participating in the setting and monitoring of council policies, budgets, strategies and service delivery through annual and long-term planning processes
- Ensuring familiarity with agendas and other council reports before council meetings
- Being familiar with and complying with the statutory requirements of an elected councillor
- Complying with the Code of Conduct adopted by the council
- Identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature.

Core Competencies

- Genuine interest, understanding (and passion) of/for the issues faced by Invercargill City citizens.
- 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 existing Invercargill City Council's 2015/25 Long Term Plan (LTP) or otherwise known as the Ten Year 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 Invercargill City.
- Respect for others.
- Flexible working hours; evening and weekend work is required.
- Actively demonstrate commitment to the Elected Members' Code of Ethics.

The Mayor

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

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

The Deputy Mayor

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

Committee Chairpersons

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

Community Boards

A community board has been established to represent the interests of the citizens within the Bluff area.

The board comprises six members: 5 elected by the electors within that community board area and 1 appointed city councillor.

Community boards provide a level of representation below city and district councils. Community boards are unincorporated bodies but they are not a territorial authority and are not committees of the relevant territorial authority. The role of each community board includes:

- representing the interests of its community
- considering and reporting on matters referred to it by the council, of interest or concern
- maintaining an overview of council services to the community
- preparing an annual submission to the council for expenditure within the community
- communicating with community organisations and special interest groups
- undertaking any other responsibilities that are delegated to it by the council. Community boards will at their first meetings appoint chairpersons and deputies.

Members Interests

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 they continue to act as a member.

Under Section 6 of the Act, elected members may not discuss or vote on any matter in which they have a pecuniary interest when it is being considered by the Council or a committee. Elected members failing to observe this prohibition commit an offence and can be prosecuted.

Conviction leads to disqualification from office.

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

Health and Safety at Work Act 2015

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

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

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

For elected members, the most significant implication is the introduction of the role of officer and the requirement for officers to meet due diligence duties.

What is an officer and what do they need to do?

An officer is a person who holds a very senior leadership position, and has the ability to significantly influence the management of a business. At ICC this includes elected members and the CE.

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

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

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

ICC and elected members as officers under the Act

ICC is proactively partnering with elected members to ensure ICC and its officers can meet their responsibilities under the Act.

Liabilities of officers under the Act

Under the Act there are a raft of offences that can be committed which carry fines (which need to be paid in some cases by the organisation and in some cases personally by the officer) and in extreme cases even jail sentences. Elected members as officers have an exemption under the Act from some of these offences. Offences that elected members as officers can be liable for include offences such as failure to comply with an improvement notice. This can be a fine up to $50,000 for an individual or $250,000 for a body corporate. Insurance is not available to cover the cost of such fines.

Inaugural Meeting

The successful candidates will take office on the day after the electoral officer gives 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 or early November 2019. Newly elected members will be contacted by staff with the key dates.

The business to be conducted at that meeting will include:

- The making and attesting of declarations required of the mayor and councillors.
- 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.
- Appointment of the deputy mayor.

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

Declaration by Mayor and Councillors

I declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Invercargill City Council, the powers, authorities, and duties vested in or imposed upon me as mayor (or as a member) of the Invercargill City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Community Board members are required to make a similar declaration.

Pre-election Report

All councils must prepare a pre-election report. The report is prepared by the chief executive independently of the mayor and councillors.

Section 99A of the Local Government Act 2002 sets out the information that must be included in the report and its timing. It includes information previously published in other council documents including long term plans, annual plans and annual reports. As such the information reflects the policy and service delivery direction of the current council.

The pre-election report has a particular focus on how the council is performing financially, including the current financial position and key spending issues over the coming years. It provides historic information for the past three years, an overview of the current election year and council's planned financial position for the next three years. It also outlines council's broader financial goals, which are included in its long term plan.

The pre-election report will be available from the council's website in July 2019. Candidates are advised to read the report when it becomes available.

Invercargill Licensing Trust

Background

The Invercargill Licensing Trust (ILT) is a community owned business that operates in the hospitality industry. The ILT owns and operates 24 businesses, mostly in the Invercargill area, but also including one motel in Christchurch and one in Dunedin.

ILT is administered under the provisions of the Sale and Supply of Alcohol Act 2012. The functions of ILT under that Act are to sell and supply alcohol; and to establish and operate premises for the sale and supply of alcohol and the provision of accommodation for travellers; and the sale and supply of food and refreshments; and to carry on any other business that, in ILT's opinion, can be conveniently carried on in conjunction with the previously listed functions. A share of its profits are used to support community projects and causes.

The ILT's area is defined by boundary lines drawn on historic local body ward or riding boundaries. A map of the ILT area is included later in this handbook.

Meeting Arrangements and Remuneration

Currently board meetings for ILT are held on a fortnightly basis. The meetings start at 4:00pm and typically last approximately 2 hours.

There are six elected members and salaries are set within the parameters of the Sale and Supply of Alcohol Act 2012.

The current salary paid to the President is $31,000.

Trustees receive a meeting fee of $280 and this is paid per meeting. Reasonable travel expenses to attend Trust related business outside the trust area are also reimbursed.

Candidate Eligibility

Candidates standing for election to the Trust must:

1. Live within the ILT boundary
2. Be a New Zealand citizen
3. Be enrolled as a parliamentary elector
4. Not be disqualified by the provisions of section 322 (1) of the Sale and Supply of Alcohol Act 2012 which states:

   A person is disqualified from election or appointment as a member of a licensing trust if he or she—

   (a) is not a residential elector of the trust district or, in the case of the election or appointment of any member for a ward of a divided trust district, is not a residential elector entitled to vote at elections of members for that ward:

   (b) has (directly or by virtue of his or her relationship with another person) such an involvement or appearance of involvement with the alcohol industry that he or she could not perform the duties of a member of a licensing trust without actual bias or the appearance of bias.

Note: If required, the Sale and Supply of Alcohol Act 2012 (and other) legislation can be viewed online at www.legislation.govt.nz

Electoral Systems

Two electoral systems will be operating side by side for the 2019 local government elections. These are:

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

Organisations using FPP in 2019 are:

- Invercargill City Council
- Southland Regional Council
- Invercargill Licensing Trust

Organisations using STV in 2019 are:

- Southern 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.

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

Electoral Roll

The preliminary electoral roll will be compiled during July 2019. Copies of the preliminary electoral roll for the election will be available for public inspection from 8.30 am Friday 19 July 2019 to 5pm Friday, 16 August 2019 at the following locations:

- Invercargill City Council, Civic Administration Building, 101 Esk Street, Invercargill
- Bluff Service Centre, 94–98 Gore Street, Bluff
- Eve Poole Memorial Library, 50 Dee Street, Invercargill
- New Zealand Post Shop, 51 Don Street, Invercargill
- Glengarry Pharmacy Ltd., Glengarry Shopping Centre, Invercargill
- South City Gifts and Lotto, 253 Elles Road, Invercargill
- Invercargill Paper Plus, 66–74 Tay Street, Invercargill
- Waikiwi Amcal Pharmacy (2005) Ltd., 280 North Road, Invercargill
- Windsor Stationery and Lotto Ltd., 1 Windsor Street, Invercargill

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 $100, plus GST.

The final electoral roll is produced once the preliminary electoral roll closes on 16 August 2019. The final electoral roll is the roll used for issuing voting papers. Copies of this roll may be purchased as above.

Information contained on the electoral roll is not available from the electoral officer in an electronic form.

In limited circumstances, an electronic listing of resident electors is available from Electoral Services (provided the criteria of section 114 of the Electoral Act 1993 is met). An application form is required to be completed, and these are available upon request direct from Electoral Services. The contact person is Ben Cline on (04) 806 3560.

Candidate Eligibility

A candidate for local authority elections must be:

1. Enrolled on a **parliamentary electoral roll** somewhere in New Zealand; and
2. A **New Zealand citizen** (either by birth or naturalisation ceremony) (Section 25, Local Electoral Act 2001).

Restrictions on candidates for local authority elections:

a. A candidate may seek nomination for mayor and/or council and/or a community board but **may not also** seek nomination for the Southland Regional Council, i.e. a candidate may stand for Invercargill City Council **or** the Southland Regional Council, not both (Section 58 Local Electoral Act 2001).

b. A candidate may seek nomination for mayor and/or council, but in the event that they are elected as mayor and a council member then they must be treated as having vacated the council office (Section 88 Local Electoral Act 2001).

c. 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 office of the Auditor General is obtained.

Further information from the OAG is available on their website here: www.oag.govt.nz/2010/lamia

Under the Act there are a number of exceptions to the disqualification rule in section 3. Certain types of contracts will not disqualify a candidate from election. A candidate who has a contract that falls within any of the following categories will not be disqualified:

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

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

d. An employee of Invercargill City Council who is elected as mayor or councillor **must resign** from his/her position as an employee of the council before taking up his/her elected position. (Section 41 (5) Local Government Act 2002).

Notes:

i. Candidates for mayor may also stand for council if they wish (and vice versa).

ii. Candidates are required to record on the nomination paper if they are standing for election in any other elections in New Zealand.

iii. Candidates for mayor or council need not necessarily be a resident or ratepayer of Invercargill City, but candidates are required to record on the nomination paper if they reside in the election area or not.

iv. Section 60 of the Local Electoral Act 2001 states:

If the Electoral Officer receives advice before the close of nominations that a candidate is, or has become, incapable under any Act of holding the office for which he or she is a candidate, that candidate's nomination must be treated in all respects as if it had not been made.

v. There are no longer restrictions applying specifically to Police employees wishing to stand in Council elections.

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

Evidence of NZ Citizenship

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

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

Nominations

Nominations open on **Friday 19 July 2019** and close at **12 noon on Friday 16 August 2019**.

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

- By phoning toll free number 0800 300 048
- Invercargill City Council, Civic Administration Building, 101 Esk Street, Invercargill
- Bluff Service Centre, 94–98 Gore Street, Bluff
- by phoning the Invercargill City Council on (03) 211 1777
- Or from council's website www.icc.govt.nz

Completion of Nomination Paper

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

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

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

Other Names

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

Titles

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

Residency in Area

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

Standing in Other Elections in New Zealand

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

Affiliation

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

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

A candidate requiring a specific party affiliation must have authority to adopt the affiliation from the party concerned (i.e. a party letterhead or letter of consent are acceptable). This is a safety measure to avoid any illegal adoption of party affiliations.

No party affiliation or other designation that is offensive in nature or likely to confuse or mislead electors will be accepted.

Submitting the Nomination Documents

Nomination documents for Invercargill City, Invercargill Licensing Trust and Southern DHB elections can be lodged at the Invercargill City Council, Civic Administration Building, Ground Floor, 101 Esk Street, Invercargill or the Bluff Service Centre, 94-98 Gore Street, Bluff or posted to the Electoral Officer, C/- Private Bag 90104, Invercargill or can be emailed to michael.morris@icc.govt.nz

Invercargill City Council's office hours for lodgement are:

Monday to Friday, 8.00am to 5.00 pm, except on 16 August when 12 noon is the cut-off time for lodgement.

- All nomination documents must be submitted at the same time, i.e. nomination paper, candidate profile statement, evidence of NZ citizenship, photo, and nomination deposit. A nomination will not be accepted if any components are missing.
- Nomination papers for the Southern Regional Council are to be lodged direct with the Southern Regional Council. **These nominations cannot be lodged with Invercargill City Council.**

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

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

Candidate Details

Confirmed candidate details will be made available from the council website. The details will be updated on a regular basis throughout the nomination period and will include at least the candidate name and any affiliation claimed.

As soon as possible after nominations have closed a file of candidate contact details will be available for download from the council's website. Candidates may be contacted by journalists, advertisers, pollsters and other groups interested in election matters.

Nomination Deposits

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

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

Cheque payments of nomination deposits will not be accepted.

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

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

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

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

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

Nominations close at 12 noon, Friday 16 August 2019.

Candidate Withdrawals

A candidate can withdraw their nomination by application to the Electoral Officer up to the close of nominations i.e. 12 noon, Friday 16 August 2019.

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

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

Candidates who have a Protection of Property Rights Court Order

Clause 5(1)(b) of Schedule 7 of the Local Government Act 2002 precludes anyone with a property court order made under s31 of the Protection of Personal and Property Rights Act 1988 from taking office as an Elected Member of the Council. If this was to happen, a by-election would have to be held because the candidate could not take up the office they were elected to.

It is a criminal offence under s121 of the Local Electoral Act 2001 to stand as a candidate, or nominate someone, who is incapable of taking up office. That would include cases where a candidate has a s31 property order in place. If the Electoral Officer receives a nomination from someone who they discover before the close of nominations has a property order in place, and is therefore incapable of holding office, the nomination will be withdrawn in accordance with s60(4) of the Local Electoral Act, and the matter may be referred to the Police. If the Electoral Officer discovers this after the close of nominations, they must give public notice of the illegal nomination, and report the matter to the Police. These steps are necessary to ensure that people do not vote for candidates who cannot hold office.

This restriction also applies to District Health Board elections. Under s30(2) of the Crown Entities Act 2004,a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988 cannot be a candidate.

Candidate Profile Statements

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

Candidate profile statements must be provided electronically via email or on a media device, 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.

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

Format of Candidate Profile Statements

The format requirements for profiles are:

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

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

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

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

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

Translations

The following contact details are 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 4/203 Queen 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.

Candidate Photos

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

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

Format of Candidate Photos

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

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

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

Note: The onus is on the candidate to ensure that all nomination documents including the profile and photo are submitted to the electoral officer by 12 noon, Friday 16 August 2019.

Correctness of Profile Statements

The candidate is responsible for ensuring that the candidate profile statement contains correct grammar, spelling, punctuation, etc. The electoral officer may make corrections to the statement without affecting content but accepts no responsibility to make any correction. The candidate should ensure the statement is correct when submitted and not expect any corrections to be applied.

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

The electoral officer will take no responsibility for the accuracy of the content. A disclaimer concerning the accuracy of the information contained in the statements will be published in the profile statement booklet.

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

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

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

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

Campaigning, Council Resources and Social Media

Election campaigning can commence anytime but should cease by the close of voting, i.e. 12 noon, Saturday 12 October 2019.

There are generally no rules around conduct of campaigning by candidates, although there are certain election offences, which are detailed for your information in this guide, see Appendix 6. Please refer to them for your own protection.

No election material can contain:

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

Voting papers should not be collected from electors by candidates or their assistants. Each elector is required by law to post or deliver his or her own voting paper to the electoral officer or official voting box located at the Invercargill City Council, Civic Administration Building, Ground Floor, 101 Esk Street, Invercargill or the Bluff Service Centre, 94-98 Gore Street, Bluff.

Council Resources

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

Election Advertising and Authorisation on Campaign Material

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

This means that for posters, adverts, billboards, flyers, vehicle signage, websites, Facebook pages etc, each advertising item must have a sentence at the bottom saying that it is authorised by the candidate or agent, i.e. "Authorised by Joe Citizen, 20 Main St, Tinseltown." This authorisation must be clearly visible on any campaigning material including signs and billboards

Please note: a physical address must be provided in any authorisation text, i.e. it cannot be a PO Box, Private Bag or a rural delivery number. There must be a reasonable expectation that anyone wishing to discuss the advertising can do so with the candidate or their agent at the address listed. The use of a council building address is not permitted in the authorisation address.

Advertising Standards Code for Campaign Material

Candidates are reminded to be socially responsible and truthful with the content of their campaign material. Campaign advertisements are subject to the Advertising Standards Authority (ASA) Code. Wherever facts are quoted, the Code is strict that the facts must be correct, however, where a person holds a broad view or opinion, the Code allows them to do so. The ASA settles disputes during elections within two to three days, and take complaints from electoral officers and the public. The usual penalty for breaches of the code is for the advertising to be removed.

Campaign Expenditure Limits

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

Campaign expenditure is all expenses relating to the campaign from the period 3 months before election day, i.e. all expenditure from **12 July 2019 to 12 October 2019** plus any apportioned costs of any election campaigning carried out prior to 12 July 2019 (refer S.112 LEA 2001).

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

The campaign expenditure levels for Invercargill City are:

1. Mayoralty and Council

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 59,999 and larger than 40,000.

The population of Invercargill City is estimated to be 55,200 (Dept of Statistics–2018).

City-wide Issues	Est Resident Population as at 30 June 2018	Expenditure Limit (inc GST)
Mayoralty	55,200	$30,000

2. Community Board

The total electoral expenses (inclusive of goods and services tax) of Invercargill City Council community board candidates are listed in the table below.

Community Board	Est Resident Population as at 30 June 2018	Expenditure Limit (inc GST)
Bluff	2,090	$3,500

3. Other Elections

The total electoral expenses (inclusive of goods and services tax) of a candidate for the Invercargill Licensing Trust election is listed in the table below.

ILT	Est Resident Population as at 30 June 2018	Expenditure Limit (inc GST)
At Large	45,200	$30,000

However, if a candidate is a candidate for more than one election held at the same time, (i.e. mayor and council), 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 council candidate.

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

Return of Electoral Expenses

Each candidate is required to keep a record of all campaign election expenses, and must furnish a return to the Electoral Officer within 55 days of the election result being declared, estimated to be no later than Wednesday 18 December 2019.

The return of electoral expenses and electoral donations form once returned becomes a public document and can be inspected by any person for a period of 7 years after receipt. The Electoral Officer is required to make the expenditure return and any supporting documents available on Council's website for seven years.

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

Note:

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

Candidate Expenses

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

(a) Means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and

(b) includes expenses that are incurred by or on behalf of the candidate, before or after the applicable period before the close of polling day, in respect of any electoral activity; and

(c) includes the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and

(d) includes the cost of any printing or postage in respect of any electoral activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the candidate; but

(e) does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used in good faith by the candidate as the candidate's personal means of transport; and

(f) does not include expenses incurred by the candidate in preparing a candidate profile statement; and

(g) does not include the labour of any person that is provided to the candidate free of charge by that person; and

(h) does not include the cost of any framework (other than a commercial framework) that supports a hoarding on which an advertisement is displayed.

Note – the $200 nomination deposit fee is not an electoral expense.

Definition of electoral donation

An electoral donation is a donation of money, goods or services that is made for use in a candidate's election campaign (section 103A LEA). Electoral donations and contributions to donations, of more than $1500 incl. GST are required to be declared in the candidate's return of donations and expenses. A series of donations made by one person that adds up to more than $1500 must also be declared. An electoral donation includes:

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

The following are not candidate donations:

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

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

Donations made up of contributions

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

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

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

Transmitted donations

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

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

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

Anonymous donations

Candidates are not permitted to retain anonymous donations exceeding $1500. An anonymous donation is a donation made in such a way that the candidate who receives the donation does not know the identity of the donor and could not, in the circumstances, reasonably be expected to know the identity of the donor (section 103A LEA). If a candidate receives an anonymous donation greater than $1500, he or she may retain $1500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the electoral officer for payment into the general fund of the local authority.

Applicable period for donations

There is no provision within the Local Electoral Act 2001 or it's regulations specifying a period for recording or declaring donations. On that basis, all qualifying donations contributed for use in a candidate's election campaign for the 2019 triennial local body elections should be recorded and included in the candidate's return of election expenses and donations.

Invercargill City Council's Social Media Guidelines for Candidates

Candidates must comply with the following guidelines for web and social media use and presence related to campaigning.

Things to be aware of:

- During the lead up to elections, the current mayor and councillors may be used in social media posts where it is appropriate and is considered 'business as usual' to use them. This may be in images or quotes.
- Election advertising, using any media, including social media, must identify the person under whose authority they have been produced, as per sections 113-115 of the Local Electoral Act 2001. This means in your profile photo/bio, you must have a statement saying that all content/images on your social media channel are authorised by you or your agent. You must include a physical address in the authorisation statement (not a PO Box, private bag or rural number), and you must not use the council's main office address.
- The Council's social media accounts (listed below), including but not limited to Facebook, Twitter, Instagram, LinkedIn and Neighbourly, are not permitted to be used as a communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. This also applies to all social media accounts owned by Council-controlled organisations.
- The Council's social media accounts are constantly monitored and any campaign related or electioneering content will be removed immediately.
- If Invercargill City Council already follows your public social media accounts, please note you will be unfollowed 3 months prior to the election date. This protocol is in line with the Local Electoral Act 2001.
- Any social media post – positive or negative – made by any individual specifically relating to their own – or someone else's – nomination, intention to run for Council, or election campaign, will be removed immediately.
- Candidates cannot reply to the Council's social media posts or share with a comment encouraging people to like or follow their own social media accounts or any other electioneering tool. Any posts that do this will be removed immediately.
- Candidates must not link their own social media accounts (if they are used for campaigning purposes) to the Council's social media accounts.
- Candidates cannot rate, review, check-in or tag the Council's social media channels.
- The Council's social media accounts will remain neutral. Invercargill City Council will promote elections and the importance of voting but will not associate these posts with any candidates.

For the sake of clarity, Invercargill City Council's web and social media channels are:

Facebook

The Council has a number of Facebook pages:

- Invercargill City Council
- Bluff Community Board
- Invercargill Word On The Street
- Invercargill Animal Care Facility
- Splash Palace
- Invercargill City Libraries and Archives
- Civic Theatre - Invercargill
- WasteNet Southland
- Southland Museum & Art Gallery
- Rugby Park - Invercargill
- Discover Our Parks Invercargill
- Friendly Invercargill
- Invercargill Youth Council

Websites

- icc.govt.nz
- invercargillnz.com
- wastenet.org.nz
- imagineinvercargill.nz
- ilibrary.co.nz
- southlandmuseum.co.nz

YouTube

https://www.youtube.com/channel/UC7eKsSpTrEORjID6OtEZyTw

List of Council organisations

- Southland Regional Development Agency
- Invercargill Venue and Events Management Ltd
- Invercargill City Holdings Limited
- Invercargill Airport Limited
- Invercargill City Forests Limited
- Invercargill City Properties Limited
- Electricity Invercargill Limited
- HWCP Limited
- Bluff Maritime Museum
- Bluff Pool Trust
- Invercargill Community Recreation and Sport Trust
- Invercargill City Charitable Trust
- Southland Museum and Art Gallery Trust Board

Hoardings

Council policy on election signs and hoardings

- No hoarding or sign is to be erected on or protrude over a public street, footpath or verge.
- No hoarding or sign is to be erected within nine (9) metres of a street intersection.
- No hoarding or sign is to exceed an area of three (3) square metres.
- All hoardings and signs are to be non–illuminated.
- All hoardings and signs on private property can only be erected with the landowner's written approval, which candidates must make available to Council Officers if requested.
- The written approval of New Zealand Transport Agency (NZTA) must be obtained for any hoarding or sign fronting a State Highway where the speed limit is greater than 50 kmh.
- No hoarding or sign shall be erected on Council owned land or buildings. This includes Council reserves.
- The approval is granted for a period of six (6) weeks before the day of the election (i.e. from 31 August 2019), and all signs and hoardings are to be removed by the applicant from the site two days after the date of the election.
- The Director of Environmental and Planning Services may arrange for non–complying hoardings and signs to be removed and confiscated without notice.
- No hoarding or sign is to be erected in view of the Civic Administration Building.

Trailer advertising

- Trailers shall only be permitted in 50 km/hour speed restriction areas.
- Trailers shall be sited within a defined parking area, either bordered by a painted edge line or where sufficient carriageway width allows a minimum one (1) metre clearance between the trailer and through traffic.
- Applicants shall obtain prior consent of adjacent property owners before siting a trailer.
- The maximum dimensions of a trailer shall be 1.8 metres x 1.2 metres.
- The advertising sign shall have a maximum height above the trailer deck of 1 metre and shall be securely fixed to the trailer.
- Trailers shall be sited with a minimum clearance of 2 metres from vehicle crossings and 10 metres from intersections.
- Sight distances for motorists entering from adjacent side roads shall be checked to ensure that clear lines of visibility between approaching drivers are maintained and not obscured by the trailer or advertising sign.
- Trailers shall be removed before nightfall.
- An Application for Trailer Advertising form is included as Appendix A in this booklet. This form must be forwarded to the Roading Manager, Invercargill City Council, Civic Administration Building, 101 Esk Street, Invercargill for consideration.
- The Director of Works and Services may arrange for non–complying trailers to be removed and confiscated without notice.

NZTA Guidelines for Managing Electioneering Signs on State Highways

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

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

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

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

1.3 Signs must:

- not be reflectorised;
- be located generally giving consideration to visibility and traffic safety;
- not be on or adjacent to motorways;
- not be erected in a manner that will create distraction or danger to road users; and
- not imitate any official traffic signs.

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

1.5 To minimise staff involvement, NZTA shall:

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

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

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

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

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

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

Voting and Processing of Votes

Order of Candidates on the Voting Papers

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

Special Voting

Special voting documents are available to electors:

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

Special voting documents will be available from Friday 20 September 2019 to 12 noon, Saturday 12 October 2019 at the Invercargill City Council, Civic Administration Building, Ground Floor, 101 Esk Street, Invercargill.

Special voting documents can be posted directly out to electors. The completed voting paper however, must be in the hands of the electoral officer or the deputy electoral officer by noon on election day, i.e. 12 noon, Saturday 12 October 2019.

Special voters must complete a statutory declaration. This is a legal requirement and a protection for electors against possible duplicate voting.

If an elector requests a special vote and is not on the parliamentary roll (e.g. just turned 18 years of age), the person must enrol on the parliamentary roll by Friday 11 October 2019. An application for registration as a parliamentary elector may be obtained:

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

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

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

Early Processing of Returned Voting Papers

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

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

The early processing of voting papers involves the following functions:

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

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

Candidate's scrutineers are not permitted to observe the early processing functions (refer to Appendix 4).

Election Results

The counting of votes takes place as soon as practicable after 12 noon on Saturday 12 October 2019.

It is expected that a progress result will be released by the electoral officer by 2pm on Saturday 12 October 2019. The preliminary result will be released as soon as all ordinary voting papers have been received and processed at the processing centre. This is likely to be by midday Sunday 13 October, if not before.

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

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

There are three types of results.

1. Progress Results

   Not all ordinary votes have been counted yet, those votes received on the last morning will still be in transit to the Electoral Officer. Progress results are expected to be available on Saturday 12 October from 2pm as reconciliations and quality assurance checks are completed. Results could change.

2. Preliminary Results

   All ordinary voting papers have been received and counted, but not all special votes. These will be announced later on Saturday evening or Sunday after we receive the last ordinary voting papers that were delivered to Council offices prior to the close of voting. Results could change.

3. Official Results

   All ordinary and special votes have been counted. These will be released by Thursday 17 October, once special votes are confirmed. Results are final.

Recounts and Petitions for Inquiry

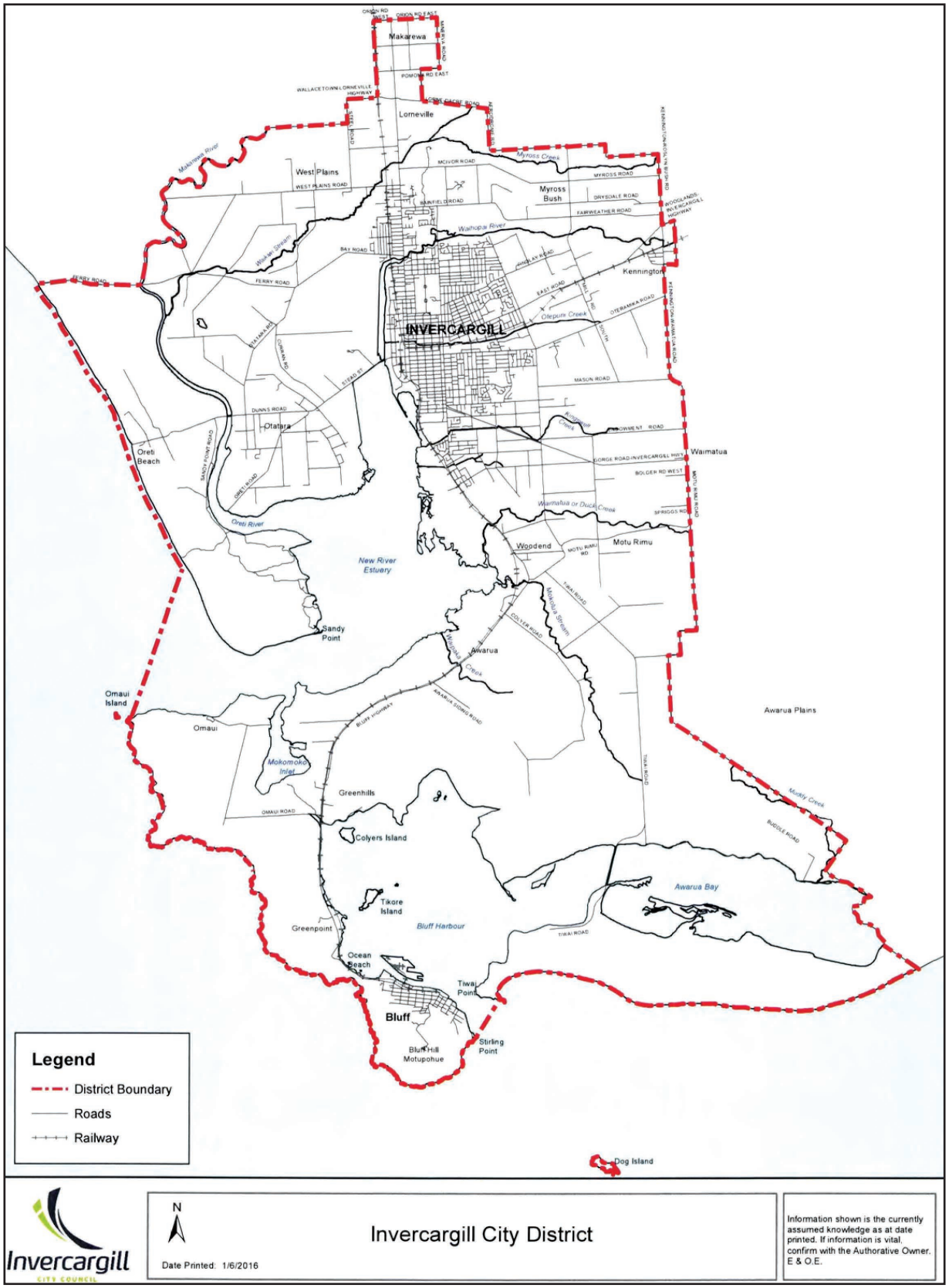
A recount can be requested by a candidate within 3 working days after the public declaration of the final election results. This sometimes happens when a result is very close, i.e. less than 5-10 votes, depending on the size of the election.

A candidate must make application to the District Court along with the payment of a $750 deposit. This is usually lodged with the court by a solicitor, so legal advice may be required. The application usually states the reason why a recount should be granted by the Judge. In recent times it has been demonstrated that just because a result is close, that is not necessarily enough of a reason for a recount.

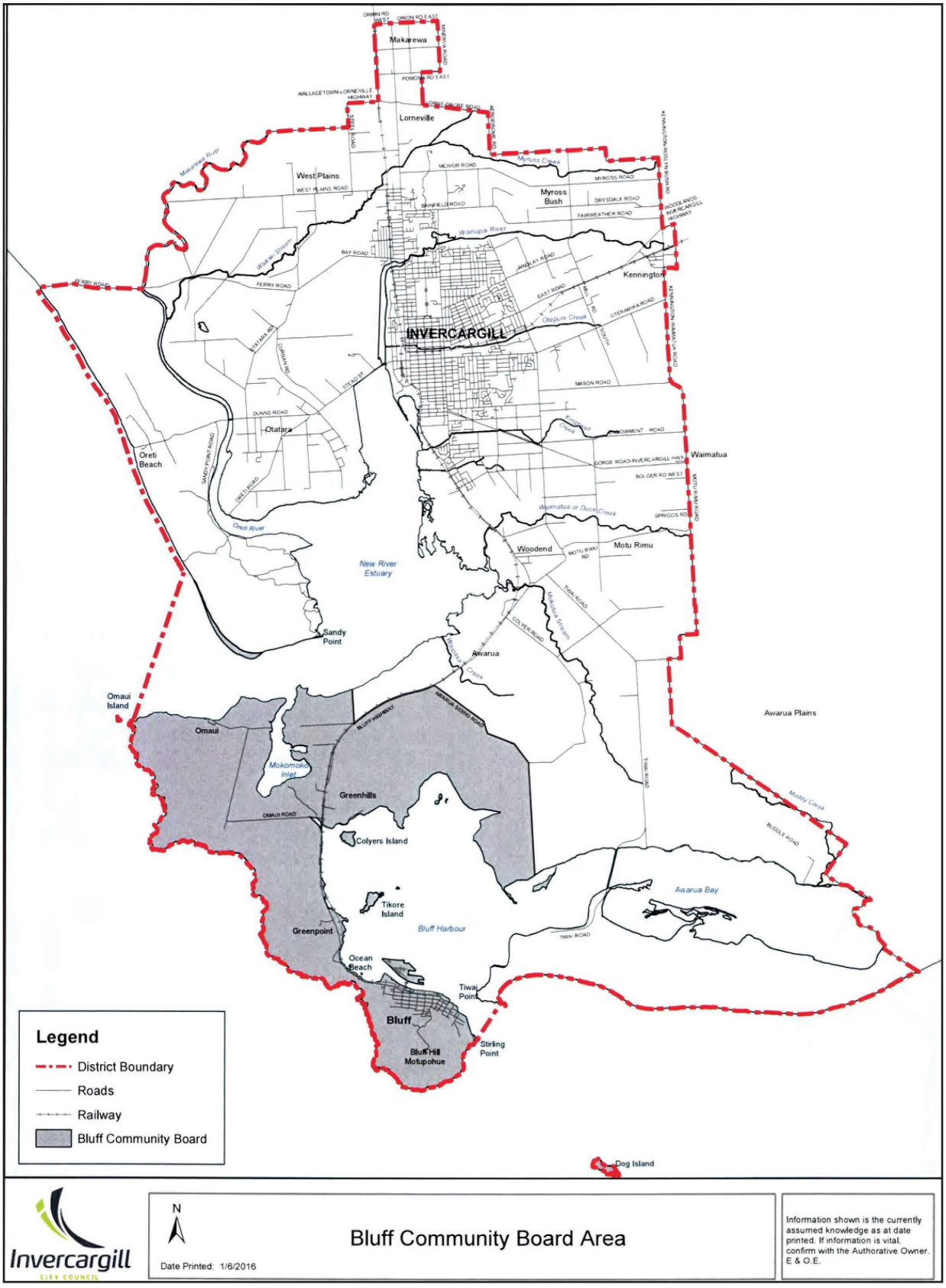
A Petition for Inquiry can be applied for by a candidate or a minimum of 10 electors, if in their opinion the election result is incorrect or may have been compromised. This also has to be made by application to a District Court Judge upon payment of a $750 deposit within 21 days of the official result declaration. Legal advice should be sought by anyone contemplating a Petition for Inquiry.

Maps of District and Issue Boundaries

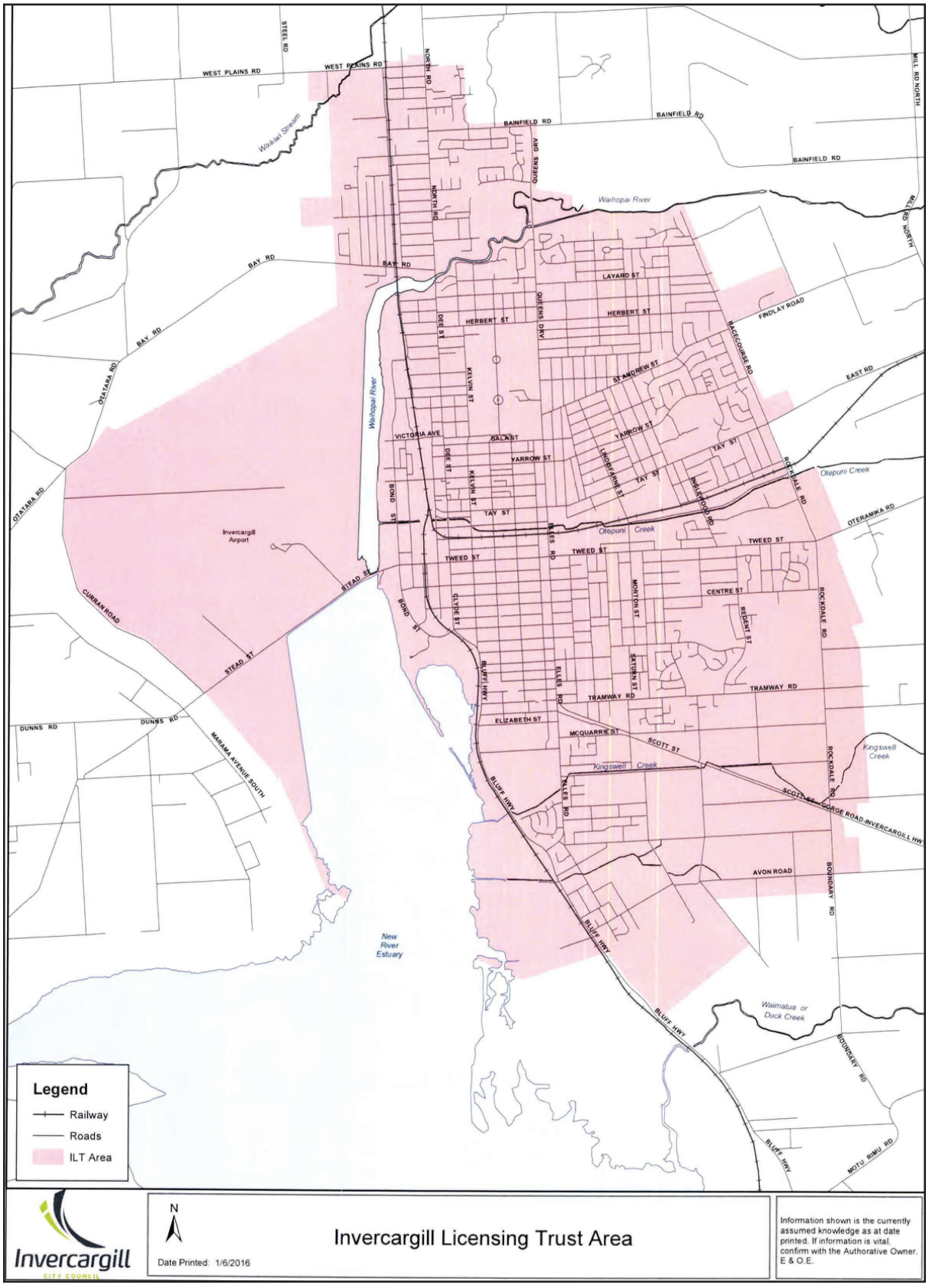
Invercargill City



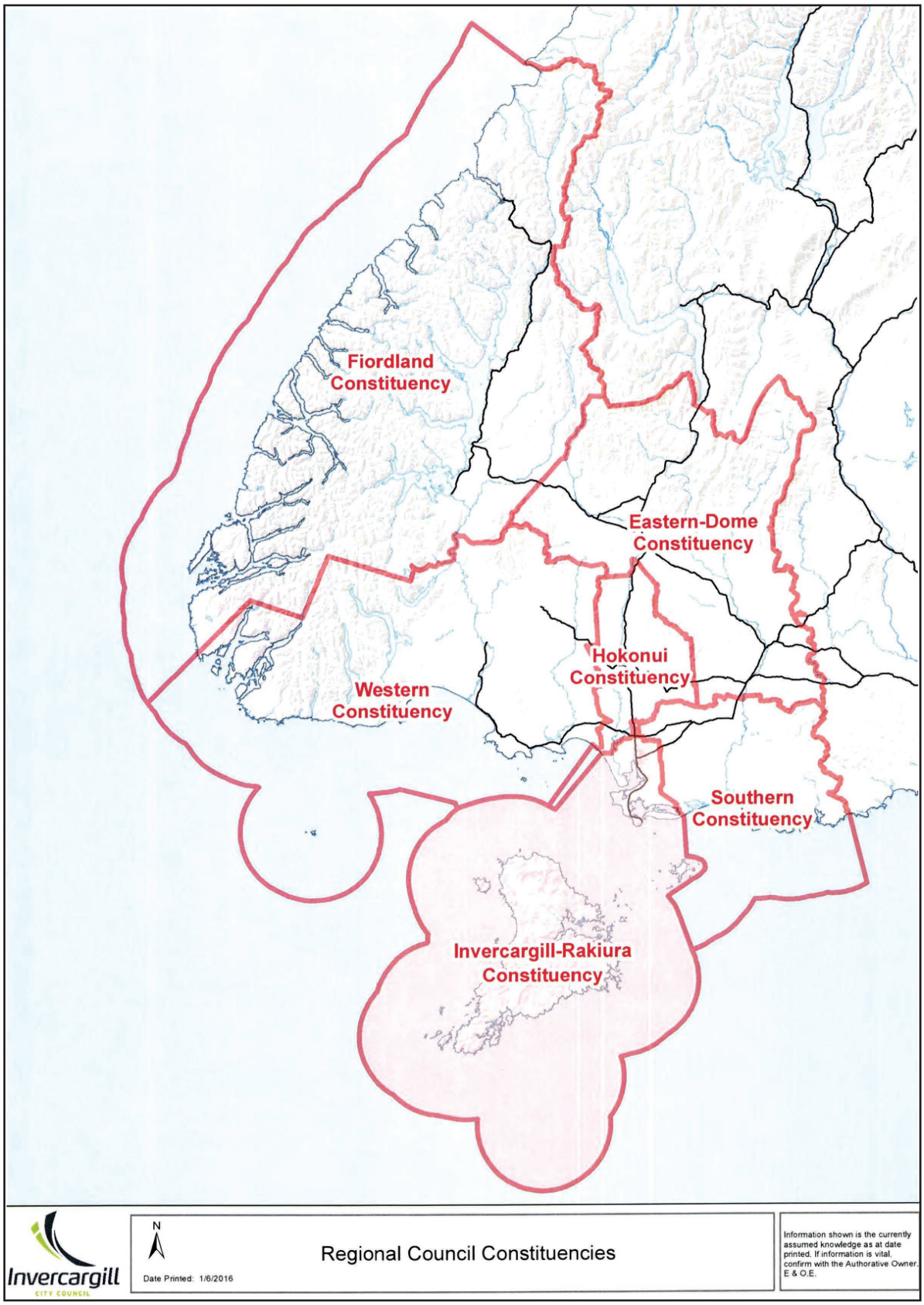
Bluff Community Board



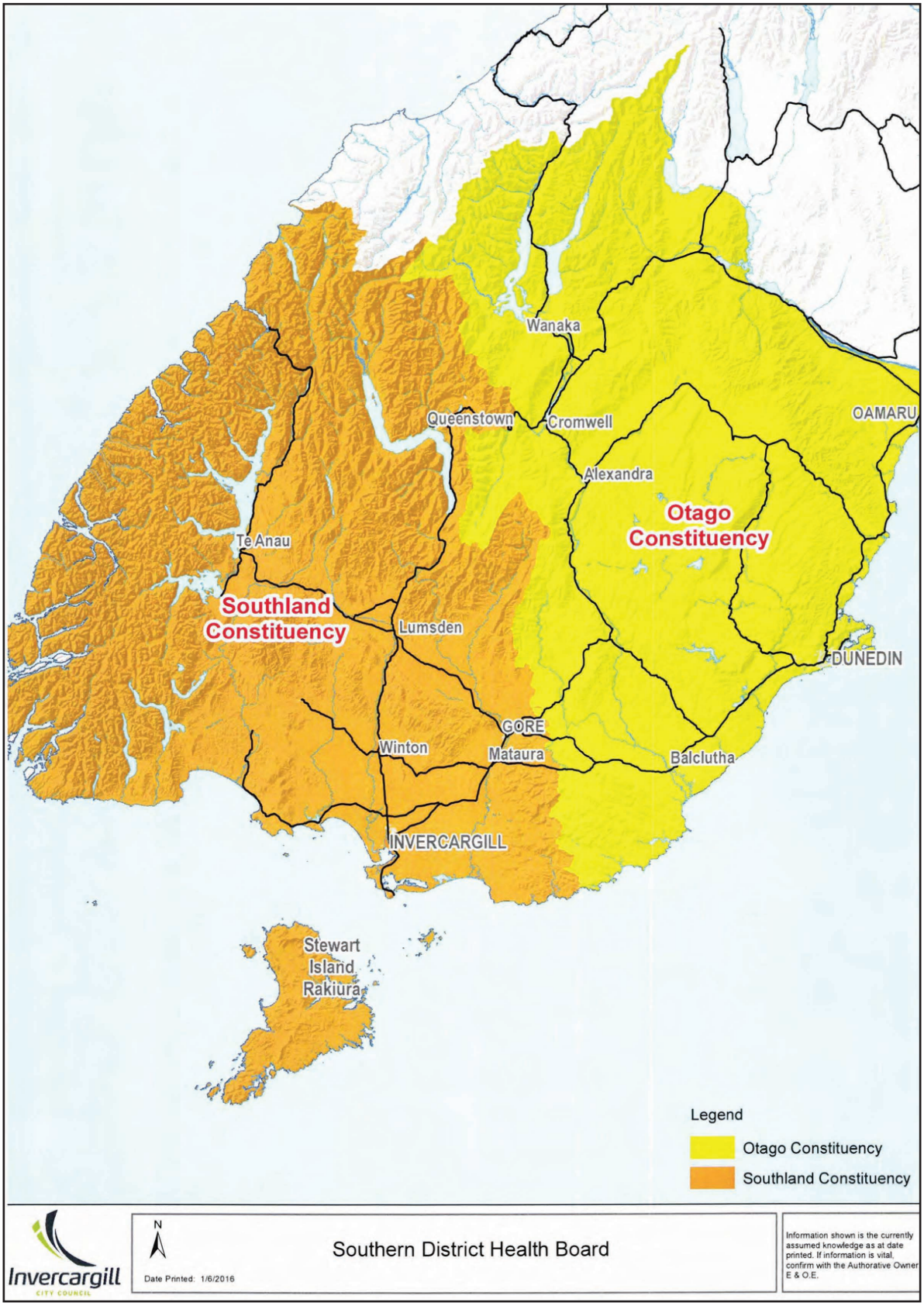
Invercargill Liceensing Trust



Regional Council Constituencies



Southern District Health Board



Appendix 1

Candidate Profile Statements

Local Authority Elections 2019

Right to Submit a Candidate Profile Statement (CPS)

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

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

Candidate Profile Statement Conditions

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

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

Note: Soft (electronic) versions of the candidate photos may be submitted with the CPS. These should be either copied onto a media device or emailed to the deputy electoral officer, at michael.morris@icc.govt.nz .

Photos must be submitted at the same time as all nomination documents and by the close of nominations i.e. on or before 12 noon, Friday 16 August 2019. [Section 61(2)(c) and Clause 28].

(Refer to page 7 for the production specifications for the CPS and candidate photograph).

Duties, Powers and Responsibilities of Electoral Officers

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

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

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

The EO is not liable in relation to:

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

Distribution of Candidate Profile Statement

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

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

Appendix 2

Return of Electoral Donations And Expenses

RETURN OF ELECTORAL DONATIONS AND EXPENSES

electionz.com voting made easy

VOTE 2019 LOCAL ELECTIONS | PŌTI 2019 NGĀ PŌTITANGA Ā-ROHE

I _____

was a candidate for the following election(s) held on 12 October 2019 *(Election/Ward/Issue name)*:

_____

and make 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.

Notes and Definitions of Donations and Expenses:

1. All candidates in elections held under the provisions of the Local Electoral Act 2001 must file a return of electoral donations and expenses. If no donations were received or expenses incurred, a Nil return must be made.
2. All candidates are required to keep proper records of donations received and expenses paid for election work. These do not have to be filed with this return but must be available to support enquiries about the return if required.
3. Donations can be monetary or physical goods or services supplied or a combination thereof.
4. Donations to a candidate of labour only or donations of goods and services that have a fair market value of $300 or less do not have to be declared – see S103A of the LEA 2001.
5. Candidates must declare donations from each contributor that exceed $1500 in value. Where a contributor has made donations in instalments that sum to more than $1500 in value, each contributing donation needs to be listed in Section A2 and the aggregated sum shown.
6. If there is insufficient space provided in any section, attach a separate sheet with the additional detail.

Section A1: Candidate Donations (Anonymous)

List here details of any **anonymous** *(identity of donor is unknown to yourself or any officials engaged on your behalf)* donations that **exceed** $1500:

Date Received	*Amount*	*Description of Contribution*	*Date Paid to Electoral Officer*	*Amount Paid to Electoral Officer*

Section A2: Candidate Donations (Other)

List here details of any other donations received that **exceed** $1500:

Date Received	*Name of Contributor*	*Address of Contributor*	*Description of Contribution*	*Amount*

Section B: Candidate Expenses

List here details of **any** election expenses paid for *(inclusive of GST)*:

Date Paid	*Name of Party Paid*	*Description of Payment Made*	*Amount*

Dated at _____ (place) this _____ day of _____ 20 _____

Candidate's Signature _____

Appendix 3

Electoral Expenses & Donations

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

111 Maximum amount of electoral expenses

1) The total electoral expenses (inclusive of goods and services tax) of a candidate must not—
   (a) exceed $3,500 if any local government area over which the election is held has a population smaller than 5 000:
   (b) exceed $7,000 if any local government area over which the election is held has a population smaller than 10 000 and larger than 4 999:
   (c) exceed $14,000 if any local government area over which the election is held has a population smaller than 20 000 and larger than 9 999:
   (d) exceed $20,000 if any local government area over which the election is held has a population smaller than 40 000 and larger than 19 999:
   (e) exceed $30,000 if any local government area over which the election is held has a population smaller than 60 000 and larger than 39 999:
   (f) exceed $40,000 if any local government area over which the election is held has a population smaller than 80 000 and larger than 59 999:
   (g) exceed $50,000 if any local government area over which the election is held has a population smaller than 100 000 and larger than 79 999:
   (h) exceed $55,000 if any local government area over which the election is held has a population smaller than 150 000 and larger than 99 999:
   (i) exceed $60,000 if any local government area over which the election is held has a population smaller than 250 000 and larger than 149 999:
   (j) exceed $70,000 if any local government area over which the election is held has a population smaller than 1 000 000 and larger than 249 999:
   (k) exceed the sum referred to in subsection (1A) if any local government area over which the election is held has a population of 1 000 000 or more.

1A) The sum is—
   (a) $100,000 plus the amount prescribed under section 139(1)(ha) for each elector; or
   (b) $100,000 plus 50 cents for each elector, if no amount is prescribed under section 139(1)(ha).

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

112 Apportionment of electoral expenses

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

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

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

112A Return of electoral donations and expenses

1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must file a return of electoral donations and expenses.
2) However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (election result day), the return must be filed within 76 days after election result day.
3) The return of electoral donations and expenses must set out—
   (a) the details specified in subsection (4) in respect of every electoral donation (other than a donation of the kind referred to in paragraph (c)) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds $1,500 in sum or value; and

(b) whether any donation is funded from contributions, and if so, and to the extent known or ascertainable from the information supplied under section 103D, the details specified in subsection (5) in respect of every contribution that, either on its own or when aggregated with other contributions by the same contributor to the donation, exceeds $1,500 in sum or value; and

(c) the details specified in subsection (6) in respect of every anonymous electoral donation received by the candidate that exceeds $1,500; and

(d) details of the candidate's electoral expenses.

4) The details referred to in subsection (3)(a) are—

(a) the name of the donor; and

(b) the address of the donor; and

(c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and

(d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received.

5) The details referred to in subsection (3)(b) are—

(a) the name of the contributor; and

(b) the address of the contributor; and

(c) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions.

6) The details referred to in subsection (3)(c) are—

(a) the date the donation was received; and

(b) the amount of the donation; and

(c) the amount paid to the electoral officer under section 103J(1) or (2) and the date that payment was made.

7) Every return filed under this section must be in the form prescribed in Schedule 2.

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

9) In this section, file in relation to a return, means to send the return to the electoral officer responsible for the conduct of the election.

112B Nil return

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

112C Failure to file return of electoral donations and expenses

1) A candidate who fails, without reasonable excuse, to comply with section 112A commits an offence and is liable on conviction to—

(a) a fine not exceeding $1,000; and

(b) if he or she has been elected to office, a further fine not exceeding $400 for every day that he or she continues to hold office until the return is filed.

112D Filing a false return of electoral donations and expenses

1) A candidate who files a return under section 112A that is false in any material particular commits an offence and is liable on conviction—

(a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding $10,000, if he or she filed the return knowing it to be false in any material particular; or

(b) to a fine not exceeding $5,000 in any other case, unless the candidate proves that—

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

(ii) he or she took all reasonable steps in the circumstances to ensure the information in the return was accurate.

112E Obligation to retain records necessary to verify return

1) A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return under section 112A to be verified.

2) The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates.

3) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $5,000.

112F Return to be open for public inspection

1) The electoral officer must keep every return filed under section 112A in the electoral officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates (the public inspection period).

2) During the public inspection period the electoral officer must—

(a) publish, electronically or in any other manner the electoral officer considers appropriate, every return filed under section 112A; and

(b) make available for public inspection a copy of every return filed under section 112A; and

(c) provide to any person upon request a copy of 1 or more returns filed under section 112A, subject to the payment of any charges that may be made under the Local Government Official Information and Meetings Act 1987.

113 Advertisements for candidates

1) No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.
2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
   (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and
   (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.
3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.
4) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
   (a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and
   (b) the advertisement contains a statement setting out—
      (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and
      (ii) the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.
5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.
6) A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $1,000.

138 Duty to take action in respect of offences

1) Subsection (2) applies if an electoral officer—
   (a) receives a written complaint that an offence has been committed under—
      (i) Part 5; or
      (ii) Part 5A; or
      (iii) this Part; or
   (b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).
2) If this subsection applies, the electoral officer must—
   (a) report the complaint or belief to the Police; and
   (b) provide the Police with the details of any inquiries that he or she considers may be relevant.
3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.
4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

Appendix 4

Scrutineers

Role of Scrutineers

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

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

Appointment of Scrutineers

- For a local authority election a candidate may appoint one or more scrutineers (Section 66 LEA).
- In relation to a local authority poll, 10 or more electors, who are either in favour of or opposed to the proposal being polled, may appoint 1 or more scrutineers (Section 67 LEA).
- Every scrutineer appointed under Sections 66 or 67 of the Act must be appointed in writing (a model letter of appointment is contained in the back of this section).
- An appointment as scrutineer is not valid unless a copy of the notice of appointment is delivered by the candidate or the 10 electors to the electoral officer. The electoral officer **must** receive this notice not less than **24 hours** before the close of the voting period. The deadline is **Friday 11 October 2019** in the case of this year's local authority elections (Section 68(1) LEA). It is suggested that a scrutineer should always carry a copy of this notice when undertaking scrutineering duties.
- Section 68(3) of the Act contains three restrictions on who may be appointed a scrutineer. No person can be a scrutineer if they are:
  - a candidate in the elections; or
  - a member or employee of any local authority or community board for whom the election or poll is being held; or
  - under 18 years of age.

Declaration

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

Information to be Supplied by Electoral Officer

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

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

- The electoral officer will advise the scrutineer:
  - where he or she should go, and at what time, to complete the required declaration before any scrutineering duties can be undertaken
  - when and where any planned briefing of candidates and scrutineers about election processes is to be held
  - when and where any planned briefing of electoral officials about the election or poll process is to be held
  - where the scrutiny of the roll will be conducted (address and office)
  - what days and time that the scrutiny of the roll will take place
  - that the preliminary count of voting documents will commence at 12 noon on Saturday 12 October 2019
  - when and where the official count will commence and take place and on what days it will extend over if there are special votes to clear with the Registrar of Electors
  - on how the preliminary and official counts will be undertaken – manually or electronically
  - if a recount has been ordered by a district court judge, where and when that recount will take place
  - that no remuneration will be paid to any scrutineer by the local authority for the undertaking of scrutineering duties.

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

Restrictions on Scrutineers During Election and Poll Processes

- Pursuant to Section 80 of the Act, the EO will process voting documents during the voting period. Scrutineers are prohibited under Section 81 of the Act from being present during the early processing of voting documents. Early processing of voting documents does not involve counting or totalling votes for any candidate for election or for or against any proposal in a poll. Counting of votes can only commence for the preliminary count after the close of voting i.e. after 12 noon, Saturday 12 October 2019.
- It is permissible for a candidate in the case of an election, and for 10 electors in the case of a poll, to appoint more than one scrutineer. However, only one scrutineer for any candidate can be present at the same place to undertake scrutineering duties.
- It is permissible for scrutineers at any time to leave and return to the undertaking of the roll scrutiny, and after close of voting, the preliminary and official counts. Upon returning to the process, a scrutineer has no power or right to expect the electoral officer to go back for his or her benefit and repeat the activities in relation to voting documents that were dealt with in his or her absence. The same practice will apply if a scrutineer is late for the commencement of any of these processes.

Conduct of Scrutineer

- The general role of scrutineers is to oversee and observe that particular procedures at an election or poll are undertaken fairly and that votes are counted fairly and reasonably. As the emphasis in relation to the role of scrutineers is on overseeing and observing, it is expected that scrutineers must not talk to electoral officials involved in the roll scrutiny, the preliminary or official counts or in any recount. If a scrutineer believes that electoral procedures are not being followed he or she should draw the matter to the attention of the electoral officer. It should not be raised with other electoral officials.
- A scrutineer must also not seek from the electoral officer and other electoral officials any progressive voting trends during the preliminary count.
- The scrutiny and the preliminary and official counts are critical processes to the outcome of an election or poll and demand a high level of concentration from electoral officials. Accordingly, it is incumbent upon scrutineers not to distract, annoy, linger close by or talk loudly to one another so as to disrupt or upset any electoral officials.
- In keeping with the needs of electoral staff, scrutineers are not allowed to use or have mobile phones switched on within the area where scrutiny of the roll, the preliminary or official count or a recount is being conducted.
- The LEA and LER are silent on the display of any party affiliation by scrutineers. The adopted policy will be what normally applies to scrutineers at parliamentary elections. This provides for the following items, in party colours but without party name, emblem, slogan or logo, may be worn on the person or displayed in a vehicle:
  - streamers
  - ribbons
  - rosettes (but see also the special rule about party lapel badges below)
  - items of a similar nature.
- Party lapel badges may be worn anywhere on the person. A party lapel badge is any badge or rosette designed to be worn on the lapel and bearing a party name, emblem, slogan or logo. None of the above items may be displayed on bags or briefcases. Political parties will be asked to supply the electoral officer with a sample of their rosette prior to the commencement of the polling period. In the case of this years local authority elections, the polling period commences on Friday 20 September 2019.
- Scrutineers should also bring their own refreshments. The electoral officer will not provide meals and refreshments for scrutineers.

Offences

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

Appendix 5

Appointment of Scrutineer

LETTER OF APPOINTMENT OF SCRUTINEER

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VOTE 2019 LOCAL ELECTIONS

PŌTI 2019 NGA PŌTITANGA Ā-ROHE

I *(candidate)*,	
a candidate for the *(council/DHB/LT)*:	
(issue/ward/position):	
appoint *(full name)*:	

to act as scrutineer at the following election processes *(delete any not applicable)*:

1. Scrutiny of the roll	2. Preliminary Count	3. Official Count	4. Recount

Signed: _____ *(candidate)*

Notes for candidates:

1. A copy of this letter of appointment must be given to the electoral officer no later than 24 hours before the close of voting (i.e. by 12 noon Friday 11 October 2019).
2. Scrutineers should carry this letter at all times when undertaking their scrutineering duties.
3. At any of the election processes only one scrutineer for each candidate may be present at any one time.

Appendix 6

Election Offences

The Local Electoral Act 2001 includes provisions relating to offences at elections. In particular, candidates are asked to note the following legal requirements:

- Ensure all election advertising includes a proper authorisation statement. Such a statement will include your name (or your agent's name) and the street address for the appropriate place of residence or business. A website or postal address does not suffice.
- Do not interfere or try to influence anyone who is about to vote. Do not offer to collect, post or deliver to the Council completed voting papers from any other elector.
- Do not give, as part of your campaign, any gift or item of value to any other person. An item of value is anything you would expect to pay for and typically may be useful to the recipient other than as election literature. Examples of such items in the lower value category might include pens, biros, message or note pads, rulers, fridge magnets, key-chains and the like.
- Do not, as part of your campaign, provide anyone with anything they can eat or drink, or with any entertainment or other provision. However, light refreshments provided **after** any meeting relating to an election does not amount to treating, but such light refreshments probably should not include alcoholic drinks.

The electoral process in New Zealand is jealously guarded and electoral law is written in such a way so as to reinfSRCe this through prescribing high standards for electoral behaviour.

The penalties for election offences differ. For unauthorised advertisements, the penalty is a fine up to $1,000. Other offences could result in a larger fine or imprisonment and, in some cases, loss of office as an elected member.

If the Electoral Officer receives any formal complaint about an offence, or become aware of an offence, the matter will be referred the matter to the Police, as required by the Local Electoral Act 2001. The Electoral Officer generally does not have discretion to refuse to report offences.

Information on advertising and election offences is set out in full below, or in other parts of this handbook for advertising, donations and expenses. The detailed law is a little complex in some instances, so the statements presented above are a simplification of the law and should not be regarded as a substitute for reading the statutory provisions.

Candidates are requested to read the following sections of the Act carefully and to ensure that there is no infringement of these provisions either prior to or during the election:

Local Electoral Act 2001

121 Illegal nomination, etc

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

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

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

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

122 Interfering with or influencing voters

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

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

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

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

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

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

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

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

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

   (b) nothing else.

3) Nothing in this section applies to—
   (a) any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or
   (b) any candidate profile statement, published, displayed, or distributed under the authority of this Act or regulations made under this Act.

123 Offences in respect of official documents

1) Every person commits an offence who—
   (a) intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll:
   (b) intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll:
   (c) forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document:
   (d) supplies, without authority, a voting document to any person:
   (e) obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority:
   (f) intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.
2) Every person who commits an offence against subsection (1) is liable on conviction,—
   (a) in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years:
   (b) in the case of any other person, to imprisonment for a term not exceeding 6 months.

124 Voting offences

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

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

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

125 Bribery

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

126 Treating

1) Every person commits the offence of treating who corruptly, before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person—
   (a) for the purpose of influencing that person or any other person to vote or refrain from voting; or
   (b) for the purpose of obtaining his or her election; or
   (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
2) Every holder of a licence under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision—
   (a) to any person, if the supply is demanded for 1 or more of the purposes specified in subsection (1); or
   (b) to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.
3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.
4) Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.
5) Every person who commits the offence of treating is liable on conviction to imprisonment for a term not exceeding 2 years.

127 Undue influence

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

128 Personation

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

129 Infringement of secrecy

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

4) No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.
5) Every person commits an offence who contravenes or fails to comply with this section.
6) Every person who commits an offence against subsection (5) is liable on conviction to imprisonment for a term not exceeding 6 months.

130 Disclosing voting or state of election or poll

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

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

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

General Provisions

137 Property may be stated as being in electoral officer

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

138 Duty to take action in respect of offences

1) Subsection (2) applies if an electoral officer—
   (a) receives a written complaint that an offence has been committed under—
      (i) Part 5; or
      (ii) Part 5A; or
      (iii) this Part; or
   (b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).
2) If this subsection applies, the electoral officer must—
   (a) report the complaint or belief to the Police; and
   (b) provide the Police with the details of any inquiries that he or she considers may be relevant.
3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.
4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

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