



**CANDIDATE INFORMATION
HANDBOOK**

for

**Local Government Elections
8 October 2016**

Contents

1. INTRODUCTION	3
a. Key dates for the 2016 elections:	3
b. Key contact details	4
c. Information on election hoardings:	4
2. TRIENNIAL GENERAL ELECTIONS	5
a. Electoral Officer	5
b. 2016 election timetable	6
c. Electoral principles	7
d. Candidate qualifications	7
e. Nominations	10
f. Candidate profile statement	10
g. District health board conflict of interest statements	13
h. Completion of nomination form	14
i. Determination of candidate order on the voting document	17
3. CAMPAIGNING	18
a. Election signs	18
b. Authorisation of advertising	21
c. Electoral expenses and donations	24
d. Return of electoral expenses and electoral donations forms	25
e. Electoral rolls	30
4. VOTING AND VOTE PROCESSING	32
a. Voting and special voting	32
b. Processing voting documents during voting period	33
c. Scrutineers	33
d. Preliminary results	37
e. Official results	37
f. Electoral offences	37
5. ELECTION ISSUES FOR THE KĀPITI COAST DISTRICT	43
a. Representation review	43
b. Greater Wellington Regional Council	45
c. District Health Boards	45
d. Electoral system	46
e. Boundary maps	47
f. Election statistics	47
g. Websites	47
6. LOCAL AUTHORITY INFORMATION	48
a. Elected member roles, responsibilities and remuneration	48
b. Role of elected members and governance structures	49
c. Elected member remuneration	52
d. Members' interests	53
e. Coming into and vacation of office	54
f. Inauguration	55
g. Relevant legislation	56
h. Structure of the Kāpiti Coast District Council June 2016	60
APPENDIX 1 Kāpiti Coast District ward & community board boundaries	61
APPENDIX 2 Permitted election sign locations on council land	63
APPENDIX 3 Ratepayer enrolment flowchart	73
APPENDIX 4 Previous election result - 2013	74

1. INTRODUCTION

This handbook outlines information which you need to know as a candidate for the 2016 local authority elections.

The elections are being conducted by postal vote with voting closing at noon on Saturday 8 October 2016.

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

- *Local Electoral Act 2001 [LEA]*
- *Local Electoral Regulations 2001 [LER]*
- *Local Government Act 2002 [LGA]*
- *New Zealand Public Health and Disability Act 2000* (for district health board elections)
- *Crown Entities Act 2004* (for district health board elections)
- *Sale and Supply of Alcohol Act 2012* (for licensing trust elections¹).

Copies of legislation are available from www.legislation.govt.nz

a. Key dates for the 2016 elections:

- | | |
|-----------------------------------|--|
| • Nominations open | From 8am Friday 15 July |
| • Nominations close | Noon, Friday 12 August |
| • Election signs may be erected | From noon, Saturday 13 August |
| • Delivery of voting documents | Friday 16 September to Wednesday 21 September |
| • Appointment of scrutineers | By noon, Friday 7 October |
| • Removal of election signs | By midnight Friday 7 October |
| • Close of voting | Noon, Saturday 8 October |
| • Preliminary results available | As soon as practicable after close of voting, Saturday 8 October |
| • Official declaration of results | Approximately Thursday 13 October |
| • Return of expenses form | Approximately Wednesday 7 December |

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

¹ Not relevant to the Kāpiti Coast District Council

b. Key contact details

Kāpiti Coast District Council

Private Bag 60601
(175 Rimu Road)
PARAPARAUMU 5254

Tel (04) 296 4700

Fax (04) 296 4830

Electoral Officer Jude Wadsworth

Tel (04) 296 4604 or 027 5555 604

Jude.wadsworth@kapiticoast.govt.nz

Deputy Electoral Officer Vyvien Starbuck-Maffey

Tel (04) 296 4728 or 027 555 4728

Vyvien.starbuck-maffey@kapiticoast.govt.nz

Greater Wellington Regional Council

PO Box 11 646
(Shed 39, 2 Fryatt Quay
Pipitea, Wellington)
WELLINGTON 6142

Tel (04) 384 5708

Fax (04) 385 6960

Electoral Officer Margaret Meek

Tel (04) 830 4192

Margaret.meek@gw.govt.nz

Deputy Electoral Officer Francis Ryan

Tel (04) 830 4248

Francis.ryan@gw.govt.nz

Capital and Coast District Health Board

Electoral Officer Warwick Lampp

Mobile 021 498 517

wlampp@electionz.com

MidCentral District Health Board

C/- Palmerston North City Council
Private Bag 11034
(32 The Square)
PALMERSTON NORTH 4442

Electoral Officer John Annabell

Tel (06) 356 8199

John.annabelle@pncc.govt.nz

Deputy Electoral Officer Kyle Whitfield

Tel (06) 356 8199

Mob: 021 454 233

kyle.whitfield@pncc.govt.nz

c. Information on election hoardings:

For enquiries regarding approved sites and rules on erection of election hoardings and enforcement matters, please contact the Electoral Officer.

2. TRIENNIAL GENERAL ELECTIONS

a. Electoral Officer

The Electoral Officer is appointed by the local authority. The Kāpiti Coast District Electoral Officer was appointed by Council resolution on 24 January 2013. An Electoral Officer, unless he or she dies, resigns, is dismissed from office, or becomes incapable of acting, remains in office until his or her successor comes into office [Section 12 LEA].

Once appointed, the Electoral Officer (as well as the Deputy Electoral Officer and other electoral officials) is not subject to the direction of the local authority in exercising his or her legislative powers.

The general duties of the Electoral Officer are:

- The compilation and certification of electoral rolls;
- The publication of any public notice in relation to elections and polls;
- Receiving nominations, candidate profile statements and deposits required to be paid; and checking legal requirements are met;
- Issuing and receiving ordinary and special voting documents and other official documents;
- The processing and counting of votes;
- The declaration of results;
- Receiving returns of electoral expenses and donations;
- Investigating and reporting alleged electoral offences to the Police;
- Completing all necessary post-election and poll tasks, including necessary reports and statistics.

At triennial general elections, the territorial authority Electoral Officer is responsible for compiling and certifying electoral rolls, and the issuing and receiving of voting documents for all elections in the area (i.e. including for regional council, district health board and licensing trust elections). Other responsibilities such as the processing and counting of votes may also be delegated by other Electoral Officers to the territorial authority Electoral Officer.

b. 2016 election timetable

Key dates in the 2016 election process are set out in the following table:

KEY DATES	
March – 30 April	Ratepayer roll enrolment confirmation forms sent (regulation 16 LER)
2 March – 6 July	Preparation of ratepayer roll (regulation 10 LER)
10 April	Final representation review decisions from LGC
1 – 31 May	SOLGM national ratepayer roll qualifications and procedures campaign (section 39 LEA)
27 June	Electoral Commission's enrolment update campaign commences
8 July	Campaign expenditure monitoring period commences (section 104 LEA)
8 – 13 July	Compilation of preliminary electoral roll (section 38 LEA)
13 July	Public notice of election, call for nominations, roll open for inspection (sections 42, 52, 53 LEA)
15 July	Nominations open/roll open for inspection (section 42 LEA)
12 August	Nominations close (noon)/roll closes (sections 5, 42, 55 LEA)
13 August	Signs may be erected (see Section 3 of this booklet)
17 – 24 August	Public notice of candidate names (section 65 LEA)
By 31 August	Ratepayer roll insert with rates notice (section 39 LEA)
By 12 September	Electoral Officer certifies final electoral roll (section 51 LEA, regulation 22 LER)
16 September	Enrolment Services send letter to unpublished roll electors
16 – 21 September	Delivery of voting documents (section 5 LEA)
19 September – 8 October	Progressive roll scrutiny (section 83 LEA) Special voting period (section 5 LEA, regulation 35 LER) Early processing of voting documents (section 80 LEA)
By noon 7 October	Appointment of scrutineers (sections 66, 68 LEA)
8 October	Voting closes at noon – counting commences (section 84 LEA) Preliminary results available as soon as practicable after the close of voting (section 85 LEA)
9 – 13 October	Official count (section 84 LEA)
13 – 19 October	Declaration of result/public notice of results (section 86 LEA)
By 7 December (approx.)	Return of election expenses declarations (section 112A LEA)

LEA = Local Electoral Act 2001

LGC = Local Government Commission

LER = Local Electoral Regulations 2001 SOLGM = Society of Local Government Managers

c. Electoral principles

Section 4 of the *LEA* identifies electoral principles which must be taken into account for the conduct of any election or poll. These principles are set out below for the information of candidates.

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

d. Candidate qualifications

Territorial authority, community board and regional council

A candidate standing for a city/district/regional council or for a community board must be:

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

The following restrictions apply for candidates for a city/district council, community boards, and regional council:

- A candidate may stand for election for mayor, city/district council and a community board within the same territorial authority district, but may not also stand for election to a regional council of which the territorial authority is part i.e. a candidate may stand for either the city/district council/community board or the regional council but not both [*Section 58 LEA*].
- A candidate may not stand for more than one ward or more than one constituency of the same local authority or for more than one subdivision of a community board area [*Section 57A LEA*]. However, a candidate may stand for more than one community board within the same territorial authority.

- Where a territorial authority has a mixed at large and wards system of representation (as is the case for the Kapiti Coast District) a candidate may not stand for councillor both in a ward and at large for that territorial authority [*Section 57B LEA*].
- A candidate cannot be a person concerned or interested in contracts over \$25,000 with the local authority in any one year [*Section 3(1) Local Authorities' (Members' Interests) Act 1968*]. This restriction is waived if prior approval is obtained from the Office of the Controller and Auditor-General.
- An employee of a local authority who is elected as mayor or councillor of that local authority must resign as an employee before taking up his or her position as an elected member. This does not apply if an employee of a territorial authority is elected to a community board within the district of that territorial authority [*Section 41(5) LGA 2002*]. The rules of an individual local authority may require an employee to take leave of absence for campaigning purposes prior to the election.
- A person elected as a councillor and a community board member within the same district as the territorial authority, is deemed to have vacated the office of community board member, and the next highest polling community board candidate is elected. If there is no highest polling unsuccessful candidate, in this instance, an extraordinary vacancy occurs and a by-election is required [*Sections 88A, 88C, 88E, 88F LEA*].

Previously, an employee of the Police (constable, authorised officer or supervisor) who wished to stand for election to a local authority had to be placed on leave of absence for the purpose of his/her candidacy and if declared elected, treated as having vacated his or her position as a Police employee. These provisions were removed in 2010 and there are now no restrictions applying to Police employees wishing to stand in local authority elections.

District health board

A candidate for a district health board must be:

- A New Zealand citizen; and
- A parliamentary elector (anywhere in New Zealand).

A candidate for a district health board can also stand for mayor, city/district council, community board or regional council subject to the restrictions outlined above.

The following restrictions on a candidate for a district health board apply:

- A person cannot be a candidate for more than one district health board or more than 1 constituency within a district health board.
- A person cannot be a candidate if disqualified under *clause 17, Schedule 2 New Zealand Public Health and Disability Act 2000* and *section 30(2)(a) to (f) Crown Entities Act 2004* which state:

Certain persons disqualified from membership

- 1) *None of the following persons may be elected or appointed as a member of a board, or appointed as a member of a board committee of a District Health Board:*
 - a) *a person described in section 30(2)(a) to (f) of the Crown Entities Act 2004;*
 - b) *repealed*
 - c) *repealed*
 - d) *repealed*
 - e) *a person who has, since the date on which members of boards elected at the immediately preceding triennial general election came into office, been removed as a member of a board for any reason specified in clause 9(c) or (e) of Schedule 3;*
 - f) *a person who has failed to declare a material conflict of interest before accepting nomination as candidate for an election of a district health board held in conjunction with the immediately preceding triennial general election.*
- 2) *In addition to the grounds specified in subclause (1), a person may not be elected as a member of a board if the person is incapable of being elected as a member of a local authority because of Section 25 of the Local Electoral Act 2001.*
- 3) *However, subclause (1)(a) does not disqualify a person described in section 30(2) (f) of that Act who is elected (rather than appointed) to office as a member under any other Act.*

30 Qualifications of members

- 2) *The following persons are disqualified from being members:*
 - a) *a person who is an undischarged bankrupt;*
 - b) *a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993;*
 - c) *a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988;*
 - d) *a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's*
 - i) *competence to manage his or her own affairs in relation to his or her property, or*
 - ii) *capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare;*
 - e) *a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person;*
 - f) *a member of Parliament.*

For more information on standing for the MidCentral District Health Board or the Capital and Coast District Health Board please refer to the 2016 District Health Board Elections: Information for Candidates booklet produced by the Ministry of Health.

e. Nominations

A public notice calling for nominations will appear in the local newspaper no later than Friday 15 July 2016.

The following key dates then apply:

- **Nominations open (from 8am) on Friday 15 July 2016**
- **Nominations close at noon, Friday 12 August 2016**

Availability of Nomination Forms

Each nomination must be made on the appropriate official nomination form. A separate nomination form is required for each issue or position. Nomination forms for all positions will be available from **15 July 2016** as follows:

- By telephoning Council's Call Centre on (04) 296 4700 or 0800 486 486;
- At the Council Offices at 175 Rimu Road, Paraparaumu;
- At Council Service Centres at Waikanae (Mahara Place) and Ōtaki (Main Street);
- At District libraries (Paraparaumu, Waikanae, Ōtaki, Paekākāriki);
- By accessing the Kāpiti Coast District Council website www.kapiticoast.govt.nz.

PLEASE NOTE: Under recent legislative changes candidates are now required to submit ALL their paperwork AT THE SAME TIME. This includes:

- A nomination form
- Proof of citizenship
- A profile statement (optional)
- A photo (optional) Requirements for the photo are listed on the back of the nomination form.
- A deposit of \$200 (Inc. GST) or proof of deposit (Internet banking)

Also, a candidate can no longer withdraw after the close of nominations, unless incapacitated [*section 69 LEA*]

f. Candidate profile statement

Every candidate may provide the Electoral Officer with a candidate profile statement with his or her nomination. This is a statement of up to 150 words containing information about the candidate and his or her policies and intentions if elected to office. The profile may include a recent passport size photograph. The candidate profile statement must be true and accurate. The Electoral Officer is not required to verify or investigate any information included in this statement or to correct grammar or spelling.

The candidate profile statement must be included with the voting document sent to each elector by the Electoral Officer [*regulation 29 LER*].

If a candidate chooses not to supply a profile statement or photograph then a message will appear in the candidate profile booklet that a statement/photograph was not supplied by the candidate.

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

If a candidate is standing for more than one position, the candidate can amend their profile statement for each position they are standing for.

A profile written in any other language or combination of languages must not exceed 150 words in total, or their equivalent if symbols are used rather than words. Where all or part of a candidate profile statement is provided in a language other than English or Māori, the candidate must, when lodging his or her profile statement, provide the Electoral Officer with a translation of the profile into English or Māori for verification of the content. The translation is not printed in the profile. These provisions mean a total of 150 words can be used, for example, as follows: 50 words in Mandarin and 100 words in English or 150 words in Mandarin.

Typewritten copy of candidate profile statements is preferred, together with an electronic copy in MS Word if possible.

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

- EPS Bit map;
- black and white;
- 600 dpi
- 1mm white space included around the top and left hand side of the image

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

The Translation Service
Level 3, 109 Featherston Street
Wellington 6011
PO Box 805, Wellington 6140
Email: translate@dia.govt.nz
Phone 0800 872 675

Candidates must pay for their own translation costs.

In addition, the candidate profile statement –

- Must state whether or not the candidate's principal place of residence, being the address in respect of which the candidate is registered as a parliamentary elector, is in the local government area for which the candidate seeks election (for example, either "My principal place of residence is in the Ōtaki Ward" or "My principal place of residence is not in the Ōtaki Ward"); and
- If the candidate is seeking election to any other positions in elections to which the LEA applies, must specify each position and state that the candidate is seeking to be elected to the positions.

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

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

61 Candidate profile statements

- 1) *Every candidate may provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).*
- 2) *A candidate profile statement,—*
 - a) *if—*
 - i) *in English or Māori or both, must not exceed 150 words in each of the languages used in the statement;*
 - ii) *in a language other than English or Māori, must not exceed 150 words, or the equivalent, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate); and*
 - b) *must be provided to the electoral officer, together with the nomination paper and other things referred to in section 55(2)(f); and*
 - c) *must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under section 55(4) to be affiliated, or his or her status as an independent candidate, and the candidate's contact details), and the candidate's policies and intentions if elected to office; and*
 - ca) *must state whether or not the candidate's principal place of residence, being the address in respect of which the candidate is registered as a parliamentary elector, is in the local government area for which the candidate seeks election (for example, either "My principal place of residence is in the Lambton Ward" or "My principal place of residence is not in the Lambton Ward"); and*
 - cb) *if the candidate is seeking election to any other positions in elections to which this Act applies (under section 7), must specify each position and state that the candidate is seeking to be elected to the positions; and*
 - d) *must comply with any prescribed requirements; and*
 - e) *may include a recent photograph of the candidate alone.*
- 2A) *The information required by subsection (2)(ca) and (cb) does not count for the purposes of the word limit under subsection (2)(a).*
- 3) *If a candidate profile statement is submitted in Māori and English, the information contained in each language must be substantially consistent with the information contained in the other language.*

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

or

 - ii) *the exercise of the powers and functions conferred on the electoral officer by this section.*

g. District health board conflict of interest statements

All district health board nominations must be accompanied by a statement completed by the candidate that discloses any conflicts of interest that the candidate has with the district health board at the time of nomination or any conflicts of interest the candidate believes are likely to arise in the future.

The relevant legislation is *clause 6, Schedule 2 of the New Zealand Public Health and Disability Act 2000* which states:

Candidate to declare conflicts of interest

When a candidate gives the responsible electoral officer notice of the candidate's consent to being nominated as a candidate, the candidate must also give the electoral officer a statement completed by the candidate in good faith that-

- a) *discloses any conflicts of interest that the candidate has with the District Health Board as at the date of the candidate's notice of consent, or states that the candidate has no such conflicts of interest as at that date; and*

- b) discloses any such conflicts of interest that the candidate believes are likely to arise in future, or states that the candidate does not believe that any such conflicts of interest are likely to arise in the future.*

The conflict of interest statement is required to be included with the voting document sent to each elector by the Electoral Officer.

For more information on conflicts of interest statements and some sample statements, please refer to the 2016 District Health Board Elections: Information for Candidates booklet produced by the Ministry of Health.

h. Completion of nomination form

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

Except for candidates standing for licensing trust elections, a candidate does not need to reside within the district or the subdivision of the district in which he or she is standing for election.

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

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

121 Illegal nomination, etc.

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

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

Name of candidate

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

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

56 Name of candidate

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

Affiliation

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

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

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

No affiliation that might cause offence to a reasonable person, or is likely to confuse or mislead electors will be accepted.

ALL PAPERWORK IS REQUIRED TO BE SUBMITTED TOGETHER NO LATER THAN 12 NOON ON FRIDAY 12 AUGUST 2016.

Completed nomination forms along with other documentation (i.e. candidate profile statement, photograph, proof of citizenship, nomination deposit), must be delivered to:

The Electoral Officer
Kāpiti Coast District Council Office
175 Rimu Road Paraparaumu
Monday – Friday 8.00am – 5.00pm **(except on Friday 12 August when all paperwork must be received by the Electoral Officer no later than noon).**

Or posted to:

The Electoral Officer
Kāpiti Coast District Council
Private Bag 60601
PARAPARAUMU 5254

in time to be received no later than **noon on Friday 12 August 2016.**

Once lodged, nomination forms are checked to ensure the candidate's name appears on a parliamentary roll and the nominators are two electors whose names appear on the electoral roll for the District or subdivision of the District (e.g. ward) in which the candidate is standing.

Each nomination form lodged requires a deposit of \$200 (inclusive of GST). This is refunded if the candidate polls greater than 25% of the final quota as determined at the last iteration.

Payment of the nomination deposit can be made by cash, bank cheque or personal cheque, or Internet transfer. For the latter use the following information:

Account number: Westpac 03 0732 0306101 00

And quote the following code:

Issue	Code
Mayor	MY – Your name
Districtwide/At Large	DW – Your name
Ōtaki Ward	OTW - Your name
Ōtaki Community Board	OTCB - Your name
Waikanae Ward	WAIW - Your name
Waikanae Community Board	WAICB - Your name
Paraparaumu Ward	PRMW - Your name
Paraparaumu/Raumati Community Board	PRMRAUCB - Your name
Paekākāriki-Raumati Ward	PAERAUW - Your name
Paekākāriki Community Board	PAECB - Your name

You should include proof of having made an Internet deposit when lodging your paperwork.

Should a personal cheque be dishonoured, the nomination becomes invalid as the deposit has not been lawfully made.

Cheques should be made payable to the Kapiti Coast District Council.

Please do not leave lodging of nominations, proof of citizenship, candidate profile statements, photographs and deposits to the last minute.

Should a nomination form be lodged late on the morning nominations close, and be incorrectly completed or ineligible nominators are identified, there may be insufficient time to correct the situation and the nomination form could be invalidated. This also includes dishonoured cheques where a payment to correct this cannot be made before close of nominations.

Nomination paperwork can be returned by mail, but should the document(s) be received by the Electoral Officer or Deputy Electoral Officer after the close of nominations (noon, Friday 12 August 2016) the nomination is invalid and will not be accepted. (NZ Post delivery service levels have been changed recently.)

Once lodged with the Electoral Officer nomination forms (not candidate profile statements) are 'public information' and any person may inspect any nomination form without payment of any fee at any time during ordinary office hours, at the office of the Electoral Officer [section 55(5) LEA] and will also be available at the close of nominations on the Council's website www.kapiticoast.govt.nz.

Profile statements will be published on the Kapiti Council website once nominations close.

i. Determination of candidate order on the voting document

Candidates' names for the Kāpiti Coast District election are being listed on the voting document in Alphabetical order. This decision was made by Council at its meeting on 21 April 2016 in accordance with legislative requirements [regulation 31 LER].

3. CAMPAIGNING

Election campaigning can commence at any time and continue up to **noon on 8 October 2016**.

a. Election signs

The Council's District Plan has restrictions on the placement of election signs, including the size of the signs and the timings of when they can be displayed.

The positioning of signs

Council owned property

- The maps in Appendix 2 show areas of Council owned land where signs may be placed.

Private property

- Signs may be erected on private property or within 1 metre of the property boundary subject to the written consent of the owner. The sign must be erected in a stable fashion, not be a hazard to the public or to traffic safety, and must comply with the provisions of the current District Plan.

State Highway One

With regard to placing election signage adjacent to State Highways, the New Zealand Transport Agency (NZTA) has requirements which must be met by all candidates:

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

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

These criteria apply for road safety reasons. If in doubt about the size and/or placement of signs please contact the Electoral Officer in the first instance.

Trailer hoardings

The display of electoral signage (hoardings) on trailers within the legal road is permitted for the 2016 election year subject to the conditions set out below.

General compliance with:

- The provisions of section 9 – Hoardings, Posters and Notices of the Kapiti Coast District Council Public Places Bylaw 2010; and
- The standards in Part L of the Kapiti Coast District Plan 1999, until the rules and standards in the proposed Kapiti Coast District Plan 2012 become operative; and
- The Electoral Act 1993 and the Electoral (Advertisements of a Specified Kind) Regulations 2005; and
- The provisions of the Kapiti Coast District Council Traffic Bylaw 2010.

Compliance with the following specific restrictions which, where appropriate, take precedence over more general restrictions:

- Trailer hoardings may only be displayed a maximum of eight weeks before, and must be removed prior to, the election closing (polling) day i.e. by **midnight 7 October 2016**.
- Trailers must be readily moveable and must be road legal.
- Contact details of the candidate or an appropriate representative (who must be readily contactable) must be supplied to the Council prior to the display of any trailer hoarding.
- More than one sign is permitted (e.g. double sided or V-shape) per trailer, but the total area of all signage must not exceed three square metres.
- Trailer hoardings must not be parked directly in front of, or obstruct in any way, other trailer hoardings or approved sites for free standing electoral signs.
- Trailer hoardings must not be parked within any State Highway, any arterial corridor or road with high peak traffic volumes (refer to Prohibited Areas below).
- Trailer hoardings must not be parked on footpaths, road medians, roundabouts, traffic islands or any other traffic separation structure or kerbed projection, on or within six metres of any intersection, or in contravention of any other parking restrictions.
- Trailer hoardings must not restrict traffic visibility, obstruct traffic flow or cause a traffic hazard in any way. This includes vehicle accesses and pedestrian areas.
- Trailer hoardings must not be displayed (must be removed) during the legal hours of darkness, which are 30 minutes after sunset until 30 minutes before sunrise the following day.
- Trailer hoardings must be authorised by the candidate or the candidate's agent in the specified way (section 113 LEA).

Any trailer hoarding must be removed immediately upon direction from an authorized Officer.

Council reserves the right to remove any hazardous or non-compliant trailer hoarding without notice, and to recover from the owner or responsible person(s) all reasonable costs associated with the removal, storage and return (or disposal).

Prohibited Areas

The parking and display of electoral hoardings on trailers is prohibited within any part of the following arterial corridors or roads with high peak traffic volumes:

Paraparaumu	Kāpiti Road
	Arawhata Road
	Mazengarb Road
	Te Kupe Road
	Ngapotiki Street
	Manly Street
Raumati	Wharemauku Road
	Matatua Road
	Raumati Road
	Rosetta Road
	Poplar Avenue
Waikanae	Te Moana Road
Ōtaki	Mill Road
	Tasman Road
	Marine Parade
	Rangiuru Road
	Riverbank Road
	Waerenga Road

General

- Signs are not permitted on power, light, traffic control signs or other traffic fixtures that exist for road, traffic, or other infrastructural purposes; nor on bridges or any other road structures.
- The exact location of signs shall not restrict traffic visibility or form a traffic hazard in any way and shall be at the discretion of the Council's Environmental Standards Manager.
- The maximum size of an election sign is 3 square metres (if more than one sign on the site the 3 square metres is the combined total on the site)
- **The erection of election signs in the designated areas is limited to eight weeks before the election and must be removed prior to polling day. In the case of the 2016 election, signs are permitted from noon on 13 August and midnight 7 October inclusive (i.e. by midnight on the day before polling day).**
- All signs must now identify the person under whose authority the sign has been erected, and the address of their residence or business (**not a PO Box**) [section 113 LEA]. This means that at the foot of all signs (and all

advertising), each candidate must have a sentence, such as “This advertising has been authorised by Xxxxx XXXXXXXX (address).” Or “Authorised by Xxxxx XXXXXXXX (address).”

- No permit or licence is required for temporary election signs that meet the above criteria.
- If in any doubt as to the validity or placement of signs please contact the Council Compliance Team on (04) 296 4700 or 0800 486 486.

Compliance action

- Council reserves the right to remove any signs that are a traffic hazard, do not comply with the signage protocol, or where the written consent of the adjoining landowner has not been obtained.
- Any signs that are removed will be held by Kāpiti Coast District Council until after the election.
- To obtain the return of signs, contact the Environmental Standards Manager, Tel (04) 296 4700 or 0800 486 486. There is a \$50 (plus GST) charge for returned signs.
- Following the Elections, the Council reserves the right to dispose of any signs in its possession not uplifted within 14 days.

The approved sites for signs on public property are shown in Appendix 2

b. Authorisation of advertising

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

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

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.*

No election material may contain any untrue statement defamatory of any candidate and calculated to influence the vote of any elector. No election material may also contain an imitation voting document which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contains such direction or indication likely to influence the voter [section 122 LEA].

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

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

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

Number of households

To assist campaigning by candidates, the number of rateable dwellings (2015/2016) in each area of the District is provided below:

Ōtaki Rural	1,592
Ōtaki Urban	3,382
Waikanae Beach	2,091
Waikanae East	937
Waikanae Rural	833
Waikanae Garden	2,831
Paraparaumu Beach North	1,023
Paraparaumu Beach	1,960
Paraparaumu Central	2,825
Paraparaumu North	1,385
Paraparaumu East	827
Paraparaumu Highway	53
Paraparaumu Rural	243
Paekākāriki Urban	747
Paekākāriki Rural	51
Raumati Rural	44
Raumati Urban	1,064
Raumati Beach	2,735
Utilities	24
Total	24,647

c. Electoral expenses and donations

Expense limits

Candidates should be aware that expense limits apply for election campaigns as set out in *section 111 LEA*. This means there is a maximum limit on how much a candidate may spend on his or her campaign.

The maximum amount spent must not exceed the limits (GST inclusive) set out as follows:

Candidates		Expenditure limit \$ (inc. GST)	Population estimate June 2015*
Mayoral		\$30,000	51,400
Council	Ōtaki	\$7,000	8,540
	Waikanae	\$14,000	12,600
	Paraparaumu	\$20,000	20,000
	Paekākāriki-Raumati	\$14,000	10,300
	District Wide	\$30,000	51,400
Community Board	Ōtaki	\$7,000	8,540
	Waikanae	\$14,000	12,600
	Paraparaumu/Raumati	\$20,000	28,500
	Paekākāriki	\$3,500	1,820

NOTE: *These population figures are estimates provided by the Government Statistician as at 30 June 2015. Because the next population statistics are not available until end October 2016 these are the figures that expenses will be based on.

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

The 'applicable period' for which campaign expenditure limits apply is three months before Election Day (i.e. 8 July 2016 to 8 October 2016). However, *section 112 LEA* specifies that all campaign expenses incurred before the 3 month period but relating fully or in part to the 3 month period, must be included in the return (i.e. where an election activity is carried out "both before and within the applicable period" then its costs must be apportioned in terms of *section 112*).

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

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

d. Return of electoral expenses and electoral donations forms

Candidates are required to submit a return on electoral expenses incurred and electoral donations received to the Electoral Officer within 55 days after the official declaration (estimated to be by 7 December 2016) [section 112A LEA]. A copy of the required form (as prescribed in Schedule 2 LEA) is included with the nomination form and is available from the local authority's website www.kapiticoast.govt.nz

If an election is not required (i.e. for those candidates elected unopposed), the 55 days will apply from the date of the Electoral Officer's public notification of the candidate's election (estimated to be 13 October 2016).

For candidates out of New Zealand at the time they are declared elected, the return must be filed within 76 days after the election result day.

Responsibility for the accuracy of the return lies with the candidate and significant penalties apply for the making of false returns [section 112D LEA]. Failures to comply will be reported by the Electoral Officer to the Police.

Once returned the electoral expenses and donations form becomes a public document and can be inspected by any person for a period of 7 years after the date of the election. It will also be electronically displayed by the Electoral Officer and copies made available on request. **Candidates are responsible for keeping their receipts for this period as they should not be attached to your return.**

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

104 Interpretation

In this subpart and subpart 3,—

applicable period before the close of polling day means the period beginning 3 months before the close of polling day and ending with the close of polling day

electoral activity, in relation to a candidate at an election, means an activity—

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

electoral expenses, in relation to a candidate at an election,—

- a) means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and
- b) includes expenses that are incurred by or on behalf of the candidate, before or after the applicable period before the close of polling day, in respect of any electoral activity; and
- c) includes the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and
- d) includes the cost of any printing or postage in respect of any electoral activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the candidate; but
- e) does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used in good faith by the candidate as the candidate's personal means of transport; and
- f) does not include expenses incurred by the candidate in preparing a candidate profile statement; and
- g) does not include the labour of any person that is provided to the candidate free of charge by that person; and
- h) does not include the cost of any framework (other than a commercial framework) that supports a hoarding on which an advertisement is displayed

population means the population, as at the day that is 3 months before the close of polling day, of a local government area as specified in a certificate issued in respect of that area by the Government Statistician.

105 Periods for claiming and paying expenses

- 1) No claim against a candidate, or against any agent of a candidate, in respect of any electoral expenses is recoverable unless it is sent to the candidate within 30 days after the day on which the successful candidates are declared to be elected.
- 2) All electoral expenses incurred by or on behalf of a candidate must be paid within 60 days after the day on which the successful candidates are declared to be elected.
- 3) A person who makes a payment in breach of this section commits an offence and is liable on conviction to a fine not exceeding \$5,000.

106 Procedure if claim disputed

- 1) If a candidate, in the case of a claim for electoral expenses sent in to him or her within the time allowed by this Act, disputes it, or fails to pay it within 60 days,—
 - a) the claim is a disputed claim; and
 - b) the claimant may, if he or she thinks fit, within a further 30 days, bring an action for the disputed claim in any court of competent jurisdiction.
- 2) Any sum paid by the candidate to satisfy the judgment or order of the court in any action referred to in subsection (1) is to be treated as paid within the time allowed by this Act.

107 Leave to pay claim after time limited

- 1) A District Court may, on the application of the claimant or the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any electoral expenses, even though it is sent in after the time allowed by this Act, if the court considers it in the interests of justice to grant that leave.

- 2) Any sum specified in the order granting that leave may be paid by the candidate and, when paid, is to be treated as paid within the time allowed by this Act.

108 Payments to be vouched by bill

Every payment made in respect of any electoral expenses must, except when it is less than \$200 (inclusive of goods and services tax), be vouched by—

- a) a bill stating the particulars; and
- b) a receipt.

109 Return of electoral expenses

[Repealed]

110 Return to be open for public inspection

[Repealed]

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

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

- a) a fine not exceeding \$1,000; and
- b) if he or she has been elected to office, a further fine not exceeding \$400 for every day that he or she continues to hold office until the return is filed.

112D Filing a false return of electoral donations and expenses

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

- a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding \$10,000, if he or she filed the return knowing it to be false in any material particular; or
- b) to a fine not exceeding \$5,000 in any other case, unless the candidate proves that—
 - i) he or she had no intention to misstate or conceal the facts; and
 - ii) he or she took all reasonable steps in the circumstances to ensure the information in the return was accurate.

112E Obligation to retain records necessary to verify return

- 1) A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return under section 112A to be verified.
- 2) The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates.
- 3) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$5,000.

112F Return of electoral donations and expenses to be open for public inspection

- 1) *The electoral officer must keep every return filed under section 112A in the electoral officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates (the public inspection period).*
- 2) *During the public inspection period the electoral officer must—*
 - a) *publish, electronically or in any other manner the electoral officer considers appropriate, every return filed under section 112A; and*
 - b) *make available for public inspection a copy of every return filed under section 112A; and*
 - c) *provide to any person upon request a copy of 1 or more returns filed under section 112A, subject to the payment of any charges that may be made under the Local Government Official Information and Meetings Act 1987.*

e. Electoral rolls

Copies of the preliminary electoral roll for the Kāpiti Coast District will be available for public inspection during normal business hours from **Friday 15 July 2016 to Friday 12 August 2016** at the following locations:

- Ngarara Building, (Civic Administration Building) 175 Rimu Road Paraparaumu
- Paraparaumu Library, Iver Trask Place Paraparaumu
- Waikanae Library, Mahara Place Waikanae
- Ōtaki Library, Main Street Ōtaki
- Paekākāriki Library, Tennis Club, Wellington Road, Paekākāriki (opening hours Mon & Wed 1.30pm-4.30pm and Sat 9am-1pm)

Alternatively, individuals may check their details by telephone the Electoral Officer on:

- Kāpiti Coast District Council (04) 296 4700 or
Toll free 0800 486 486

Those eligible to vote are:

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

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

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

Residents of Kāpiti Coast District are enrolled automatically on the District's residential electoral roll if they are registered as Parliamentary electors. Therefore, there is no need to enrol separately for the District's elections.

Ratepayers, who are not residents of Kāpiti Coast District but pay rates on property within the district, may be entitled to enrol on the ratepayer roll. Companies, businesses, trusts and societies which are ratepayers, may also nominate an elector to vote on their behalf, provided any such elector resides outside of the Kapiti Coast District. The person who is nominating a nominee must also be registered as a parliamentary elector at an address outside of the district. See the Ratepayer Entitlement Flowchart at Appendix 3.

The Preliminary Roll will be contained in one book containing both the Residential Roll and the Ratepayer Roll.

Any alterations to the residential roll should be made by:

- Completing the appropriate form at any Post Shop; or
- Telephoning 0800 ENROLNOW (0800 367 656); or
- Accessing the Electoral Commission website on www.elections.org.nz.

Any changes, queries or omissions relating to the non-residential ratepayer electoral roll should be made by telephoning the Electoral Officer on (04) 296 4700 or 0800 486 486.

Hard copies of the preliminary electoral roll may be purchased from the Electoral Officer for \$100 (including GST). They will be available within 24 hours of a request.

The final electoral roll is produced once the preliminary electoral roll closes on **12 August 2016**. The final electoral roll is the roll used for issuing voting documents and comes into force on **12 September 2016**. Copies of this roll will also be available for purchase at the same price as the preliminary roll.

Information contained on the electoral rolls is not available from the Electoral Officer in an electronic form, but candidates or political parties may request an electronic listing of resident electors from the Enrolment Services at the Electoral Commission (provided the criteria of section 114 of the Electoral Act 1993 are met). An application form is required to be completed, and these are available upon request from the Electoral Commission on (04) 801 0710.

With regard to the non-residential ratepayer electors, a candidate may purchase mailing labels and/or postal address lists for the ratepayer roll from the Electoral Officer. This cost will be \$100 (including GST).

Candidates or candidate scrutineers may request, before the close of voting, the Electoral Officer to provide a listing of names of persons from whom voting documents have been received. Such a request can be supplied in either hard copy or electronic copy, but a reasonable charge may be made for this [*Section 68 (6) LEA*].

4. VOTING AND VOTE PROCESSING

a. Voting and special voting

The election is conducted by postal vote. Voting documents will be posted out to all electors whose names appear on the final electoral roll. Delivery by New Zealand Post will commence **Friday 16 September 2016**, and all electors should have received their voting documents by **Wednesday 21 September 2016** at the latest [regulation 51 LER].

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

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

- Civic Administration Building, 175 Rimu Road Paraparaumu
- Paraparaumu Library, Iver Trask Place Paraparaumu
- Waikanae Library, Mahara Place Waikanae
- Ōtaki Library, Main Street Ōtaki
- Paekākāriki Library, Beach Road, Paekākāriki

If posting completed voting documents back, electors should ensure they are posted in time to guarantee delivery to the Electoral Officer before close of voting (**noon, Saturday 8 October 2016**). Postal delivery times vary between city and rural delivery.

Special votes are available to electors:

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

Special voting will be available at the Paraparaumu Library Meeting Room as follows:

Monday to Friday	9am to 5pm	Friday 16 September to Friday 7 October
Saturday	9am to 12 noon	Saturday 8 October
Saturday	10am to 4pm	Saturday 24 September and 1 October
Sunday	10am to 2pm	Sunday 25 September and 2 October

Special votes can also be posted directly out to electors. The completed voting document however, must be in the hands of the Electoral Officer by noon on **Saturday 8 October 2016**.

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

If an elector requests a special vote and is not on the parliamentary roll (e.g. just turned 18 years of age), the person must enrol by Friday 7 October 2016 (the day before the close of voting). An application for registration as a parliamentary elector may be obtained:

- From any Post Shop; or
- By telephoning 0800 ENROLNOW (0800 367 656); or
- By accessing the Electoral Commission website on www.elections.org.nz

The same applies to ratepayers – forms must be received by the Electoral Officer to qualify by close of business on **Friday 7 October 2016**.

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

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

b. Processing voting documents during voting period

Returned voting documents are able to be opened and processed (but not counted) during all or part of the voting period prior to the close of voting [*section 80 LEA*].

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

- Opening of envelopes;
- Extraction of voting documents;
- Checking for informal or duplicate votes;
- Electronic capture of valid votes.

No tallying of votes is undertaken until after close of voting on Election Day (**noon, Saturday 8 October 2016**).

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

Candidate scrutineers are not permitted to observe the early processing function during the three week voting period but can be present from **12 noon on Saturday 8 October 2016** [*section 81 LEA*].

c. Scrutineers

Candidates may appoint scrutineers to oversee various functions of the election. (The appointment form can be found at the end of this section). These functions are:

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

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

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

A scrutineer cannot be:

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

Each scrutineer must be appointed by a candidate, such appointment to be in writing to the Electoral Officer. For a person to be appointed a scrutineer, the letter of appointment must be received by the Electoral Officer no later than noon, **Friday 7 October 2016** [section 68 LEA].

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

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

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

The scrutiny of the roll will be undertaken in the Coastlands Meeting Room, Paraparaumu Library during office hours (from 7.30am) between **Monday 19 September 2016** and **noon, Saturday 8 October 2016**.

The preliminary count of votes will commence once voting closes at **noon on Saturday 8 October 2016**, and this will occur at Coastlands Meeting Room, Paraparaumu Library. A preliminary result will be available as soon as practicable after noon, but it is unlikely to be before 4pm on Election Day. All voting papers collected from outlying collection points (e.g. libraries at Ōtaki, Waikanae and Paekākāriki) will be processed before the preliminary count. Note: best practice is that progress results are not provided for STV voting.

The official count of votes will commence once the preliminary count is concluded and the official declaration will be made in the week beginning **Monday 10 October 2016** but is unlikely to be completed before **Wednesday 12 October 2016**, when any late registrations for enrolment will have been received by the Registrar of Electors allowing them to advise whether a voter is on the electoral roll or not. The official count will occur at the Coastlands Meeting Room Paraparaumu Library.

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

Scrutineers are advised to make their own provision for refreshments. Mobile phones are prohibited from within the secure area where the count will take place.

Following is a scrutineer appointment form:

To the Electoral Officer
Kapiti Coast District Council
175 Rimu Road
Paraparaumu

I, *[name]* a candidate for the *[name of election]* appoint *[name]* to act as scrutineer at the following election processes.

or

We *[list the names of the 10 electors]* being electors of *[name of local authority]* appoint *[name]* to act as scrutineer at the following poll processes, at the Poll on *[name issue]*

Delete those election or poll processes below that the scrutineer is not appointed for

- 1 Scrutiny of the roll
- 2 Preliminary count
- 3 Official count
- 4 Recount

Signed _____
Candidate Name (or as the case may be), one of the ten electors

Notes for candidates, nominating electors and scrutineers

- 1 A copy of this letter of appointment must be given to the Electoral Officer no later than 24 hours before the close of voting (i.e. by 12 noon Friday 7 October 2016).
- 2 Scrutineers should carry this letter at all times when undertaking their scrutineering duties.
- 3 At any of the election processes only one scrutineer for each candidate may be present at any one time. The same limitation also applies in the case of scrutineers for a poll.

Declaration by scrutineers

I, _____
(Name)

(Address)

(Occupation)

solemnly and sincerely declare that

(i) I will well and truly serve in the office of scrutineer:

- (a) at any election or poll held by the (name of local government area)
- (b) at any election or poll held in the name (name of local government area) on (date)
- (c) at the (name of election or poll) on (date)

(ii) I am not a person to whom section 68(3) of the Act applies²; and

(iii) I will not, directly or indirectly, disclose any fact coming to my knowledge at any election or poll which I am required by the Local Electoral Act 2001 and the Local Electoral Regulations 2001, not to disclose.

Signature: _____

Declared at: _____ this _____ day of _____
2016

Before Me: _____

*Justice of the Peace or *Electoral Officer or

* Deputy Electoral Officer

* Delete which ever do not apply

² No person can be a scrutineer if that person is:

- a candidate in the elections; or
- a member or employee of any local authority or community board for whom the election is being held; or
- under 18 years of age.

d. Preliminary results

The preliminary count will take place from **noon Saturday 8 October 2016** at the Coastlands Meeting Room, Paraparaumu Library, Iver Trask Place, Paraparaumu.

As soon as practicable following the completion of the preliminary count, preliminary results will be:

Posted at District Libraries at Paraparaumu, Waikanae and Ōtaki

Uploaded to the Council website www.kapiticoast.govt.nz

Emailed to the media

Emailed to candidates

Available on the Local Government Online website www.localgovt.co.nz

e. Official results

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

The declaration of the official results is expected to be made towards the middle of the week following Saturday 8 October 2016, i.e. published in the Kapiti Observer on Thursday 13 October 2013.

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

Posted at District Libraries at Paraparaumu, Waikanae and Ōtaki and the Rimu Road Civic Building

Uploaded to the Council website www.kapiticoast.govt.nz

Emailed to the media

Emailed to candidates

Available on the Local Government Online website www.localgovt.co.nz

f. Electoral offences

Part 7 Offences

121 Illegal nomination, etc.

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

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

122 Interfering with or influencing voters

- 1) *Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who—*
 - a) *interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote:*
 - b) *prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be in imitation of any voting document to be used at the election or poll that,—*
 - i) *in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote:*
 - ii) *in the case of a poll, includes a statement or indication as to how any person should vote:*
 - iii) *in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes:*
 - c) *prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.*
- 2) *Despite subsection (1)(b), it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed—*
 - a) *the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and*
 - b) *nothing else.*
- 3) *Nothing in this section applies to—*
 - a) *any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or*
 - b) *any candidate profile statement, published, displayed, or distributed under the authority of this Act or regulations made under this Act.*

123 Offences in respect of official documents

- 1) *Every person commits an offence who—*
 - a) *intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll:*
 - b) *intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll:*
 - c) *forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document:*
 - d) *supplies, without authority, a voting document to any person:*
 - e) *obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority:*
 - f) *intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.*
- 2) *Every person who commits an offence against subsection (1) is liable on conviction on indictment,—*

- a) *in the case of an Electoral Officer or other electoral official, to imprisonment for a term not exceeding 2 years:*
- b) *in the case of any other person, to imprisonment for a term not exceeding 6 months.*

124 Voting offences

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

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

125 Bribery

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

126 Treating

- 1) *Every person commits the offence of treating who corruptly, before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person—*
 - a) *for the purpose of influencing that person or any other person to vote or refrain from voting; or*
 - b) *for the purpose of obtaining his or her election; or*
 - c) *on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.*
- 2) *Every holder of a licence under the Sale of Liquor Act 1989 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision—*
 - a) *to any person, if the supply is demanded for 1 or more of the purposes specified in subsection (1); or*
 - b) *to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.*
- 3) *Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.*
- 4) *Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.*
- 5) *Every person who commits the offence of treating is liable on conviction or indictment to imprisonment for a term not exceeding 2 years.*

127 Undue influence

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

128 Personation

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

129 Infringement of secrecy

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

130 Disclosing voting or state of election or poll

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

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

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

General provisions

137 Property may be stated as being in electoral officer

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

138 Duty to take action in respect of offences

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

138AA Time limit for prosecutions

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

5. ELECTION ISSUES FOR THE KAPITI COAST DISTRICT

a. Representation review

Every local authority is required by statute to review its representation arrangements at least every six years and in 2015 the Kāpiti Coast District Council undertook such a review. This involved consulting with the community on the number of Councillors, the basis of their election, and the need for community boards, with a view to ensuring fair and effective representation for individuals and communities.

This process included Council deciding on an initial proposal, hearing submissions, deciding on a final proposal which was then open to appeals and/or objections. No objections for appeals were received, but because the Council's final proposal had included a non-complying boundary change the matter had to be referred to the Local Government Commission for a final determination.

The Local Government Commission approved the final proposal that boundaries of the Ōtaki Ward and the Waikanae Ward be changed, to match those of the Ōtaki and Waikanae Community Boards. Additionally an area formerly in the Paraparaumu Ward was moved to now reside within the Waikanae Ward and Waikanae Community Board area.

The basis of election of Elected Members remains the same:

- Mayor
- Districtwide ('at large') Councillors - 5 Councillors
- Five Ward Councillors split between Four Wards as follows
 - Ōtaki Ward – 1 Councillor
 - Waikanae Ward -1 Councillor
 - Paraparaumu Ward – 2 Councillors
 - Paekākāriki-Raumati Ward – 1 Councillor
- Four Community Boards - each with 4 Elected Members
 - Ōtaki
 - Waikanae
 - Paraparaumu-Raumati
 - Paekākāriki

In 2016 Kāpiti Coast District will hold elections for positions on Council, Community Boards, the Greater Wellington Regional Council and two district health boards (DHBs) – Capital and Coast DHB and MidCentral DHB.

The total number of electors in the District is 39,114³ (This will be updated after the Enrolment Update activity).

The following summary describes how each of these elections will be held (i.e. at large, by ward, or by community), the number of positions and the numbers of electors in each area.

The Mayor is elected at large by those electors who are enrolled on the residential and ratepayer electoral rolls.

³ The difference in numbers between this and those in the tables is the electors in meshblock 194 who have electoral issues allocated manually.

The residential electoral roll comprises the names and addresses, listed in alphabetical order of surname, of every person who resides within the Kāpiti Coast District who has enrolled and is qualified to be an elector of the District in accordance with the LEA and LER. Data is supplied by Election Services which is responsible for the Parliamentary Electoral Roll.

The ratepayer electoral roll comprises the names and addresses, listed in alphabetical order of surnames, of those non-resident ratepayer electors who have made application for enrolment and are qualified to be entered on this roll in accordance with the LEA and LER. Below are two examples of ratepayer electors:

- A person who owns and pays rates on a property in the Kāpiti Coast District but who resides and is enrolled as a parliamentary elector at an address outside the boundaries of the area they are requesting the ratepayer enrolment for;
- A nominee of a company/organisation whose office is located in Kāpiti Coast District upon which rates are paid, provided both the nominator and the nominee are registered as parliamentary electors at addresses outside of the District.

For the election of the District Council, the District is divided into the following wards:

These will be updated after Enrolment Services have completed their update campaign

Ward	Number of councillors	Number of residential electors as at 31 March 2016*		Number of ratepayer electors as at 31 March 2016**
		General	Māori	
Paekākāriki-Raumati	1	7,207	351	33
Paraparaumu	2	14,396	591	39
Waikanae	1	8,830	237	94
Ōtaki	1	6,577	925	48
Totals	5	37,010	2,104	214

- Final roll closes on 16 August 2016 (after this date the Voting packs will be created from the list of electors)

The District is also divided into the following four communities (i.e. Community Boards):

Community	Number of members	Number of residential electors as at 31 March 2016**	Number of ratepayer electors as at 31 March 2016**
Paekākāriki	4	1344	10
Paraparaumu/Raumati	4	21,201	66
Waikanae	4	10,101	95
Ōtaki	4	6,468	50
Total	16	39,114	221

- *Final roll closes on 16 August 2016 (after this date the Voting packs will be created from the list of electors)

b. Greater Wellington Regional Council

The governance structure adopted by the present Regional Council is 13 Councillors and 6 constituencies:

- Kāpiti Coast (1 Councillor)
- Porirua-Tawa (2 Councillors)
- Wellington (5 Councillors)
- Lower Hutt (3 Councillors)
- Upper Hutt (1 Councillor)
- Wairarapa (1 Councillor)

The regional constituency of Kapiti has 37,010 electors on the General roll, and 2,104 on the Māori roll for a total of 38,134 electors. (This will be updated after the Enrolment Services update campaign has been completed)

c. District Health Boards

District health boards have responsibility for the provision of health services to the community. The board is the governing body setting the strategic direction of the organisation.

District Health Board members are elected by their Districts 'as a whole' (at large). Kāpiti Coast District electors will be voting for 7 board members for the appropriate DHB for their address as shown on the roll. Four other members may be appointed to the board by the Minister of Health.

Non-resident ratepayer electors are not entitled to vote in district health board elections.

For more information on district health board elections please contact the Electoral Officer for the specified DHB as shown at the front of this document.

District Health Board	Number of members	Number of residential electors as at 31 March 2016
MidCentral	7 + 4	6,447
Capital and Coast	7 + 4	32,667

(This will be updated after the Enrolment Services update campaign has been completed)

- *Final roll closes 16 August 2016 (after this date the Voting packs will be created from the list of electors)

d. Electoral system

Two electoral systems will be operating side by side for the 2016 elections. These are:

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

All Kāpiti Coast District voting papers will only contain STV voting including for Regional Council and the DHBs. For more information on understanding how the STV electoral system works, please access the Department of Internal Affairs website (www.dia.govt.nz). A comprehensive explanation on the New Zealand method of counting STV votes is found in *Schedule 1A, LER*.

Kāpiti District will use the STV electoral system for the following elections:

- Mayor
- All Councillors (Ward and Districtwide)
- Community Boards
- District health boards (both Capital Coast and MidCentral)
- Regional Council

Briefly, the STV electoral system consists of the following:

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

This process of counting preferences and transferring votes is performed by computer. The computer software - an STV ‘calculator’ - is provided by the Department of Internal Affairs.

A simple example of how the quota is established can be shown when just 1 vacancy is to be filled. Let us assume the total votes received are 1,000. Regardless of the number of candidates, for 1 candidate to win, the candidate must receive at least 501 of the 1,000 votes. Consequently, in this case the quota is 501, enough for only one candidate to be elected.

Consider now a more complex example. If there are 4 vacancies and 1,000 votes are received, the quota would be set at 201. As proof that 201 is the correct quota, when 4 candidates achieve the quota of 201 votes (a total of 804) of the 1000 votes, then there remains only 196 votes; not enough for another candidate to reach the quota.

The quota formula is:

$$\frac{\text{Total valid votes}}{\text{No. of vacancies} + 1} + 1^* = \text{the Quota}$$

(*this amount will be a fraction in order to provide the fairest result for each candidate)

So with the example above of 4 candidates chasing 1000 votes

$$\frac{1000}{4 + 1} + 1 = 201$$

Note: The quota amount reduces if, during the counting of preferences, the STV calculator discovers numbers are repeated on voting paper or gaps exist in the sequence of numbers. Both these situations cause a vote to become invalid at the point of discovery.

e. **Boundary maps**

Boundary Maps are shown in Appendix 1.

f. **Election statistics**

Election statistics from the previous election are shown as Appendix 4.

g. **Websites**

You can find out more about the upcoming Kāpiti Coast District Council elections on our webpage <http://www.kapiticoast.govt.nz/Your-Council/The-Role-of-Council/elections2/>

This will give you information on:

- Standing as a candidate for mayor, district or ward councillors or community board members
- Ensuring that you are on the electoral roll (including the non-resident ratepayer roll)
- When and how you will be able to vote.

The following websites will give you more information on:

- Enrolling on the residential electoral roll or checking you are currently enrolled: www.elections.org.nz
- Standing as a Greater Wellington Regional Councillor: www.gw.govt.nz
- The STV voting system: www.stv.govt.nz

6. LOCAL AUTHORITY INFORMATION

a. Elected member roles, responsibilities and remuneration

The Kāpiti Coast District Council is a body corporate constituted under the *Local Government Act 2002*. Its representation structure comprises a Mayor and ten Councillors, and 16 Community Board members.

The Council gets its authority from the various laws made by Parliament. The principal Acts under which the Council operates are:

- The Local Government Acts 1974 and 2002;
- The Local Government (Rating) Act 2002;
- The Local Authorities (Members' Interests) Act 1968;
- The Local Government Official Information and Meetings Act 1987;
- The Local Electoral Act 2001;
- The Building Act 2004;
- The Resource Management Act 1991;
- The Transit New Zealand Act 1989;
- The Health Act 1956; and
- Various other Acts of Parliament, including Regulations made under those Acts.

The *Local Government Act 2002* reflects a clear view that local authorities that are effective, responsible and accountable to the communities they represent are a fundamental part of our system of democratic governance, rather than merely a collection of assets and services.

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

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

- a) *To enable democratic local decision-making and action by, and on behalf of, communities; and*
- b) *To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.*

Good quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are-

- a) *efficient; and*
- b) *effective; and*
- c) *appropriate to present and anticipated future circumstances.*

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

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

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

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

b. Role of elected members and governance structures

The Health and Safety at Work Act 2015 (the Act) came into force on 4 April 2016.

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. The Chief Executive and Elected Members are Officers within Kapiti Coast District Council.

Officers have a due diligence obligation ensure the Council complies with its health and safety obligations at the governance level to see that it stays up to date with health and safety issues and that 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 the business has **appropriate resources** and **processes** for health and safety.

More detailed information will be provided to Elected Members following the elections at their Induction.

Councillors

Councillors are responsible for good governance, including:

- The development and adoption of council policy;
- Monitoring the performance of the council against its stated objectives and policies;
- Prudent stewardship of council resources;
- Employment of the chief executive;
- Adoption of a governance structure for the triennium (i.e. appropriate delegation of powers to committees and subcommittees);

Elected members are also responsible for representing the interests of the residents and ratepayers of the District.

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

Elected Members are expected to attend the meetings of Council, as well as those of other committees, subcommittees, working parties and external organisations to which they have been appointed. An Elected Member, unable to attend a meeting, should advise the Chair or the Chief Executive as soon as possible.

Elected members must comply with a code of conduct which must be adopted at the beginning of each triennium.

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 and ceremonial head of the Council;
- Providing leadership and feedback to other elected members on teamwork and chairing of committees;
- Fulfilling the responsibilities of a Justice of the Peace (while the Mayor holds office).

The Local Government Act was amended in 2012 to include additional powers for the mayor i.e. the power to appoint the deputy mayor, establish committees and the chairs of those committees, and to lead the development of the Council's plan, policies and budgets. The provisions for these new powers took effect in 2013.

The Deputy Mayor

The Deputy Mayor is appointed by the Mayor, or elected by the members of the Council at its first meeting. 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 described above). The Deputy Mayor may be removed from office by resolution of the Council.

Committee chairpersons

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

Community Board members

Community Boards provide a level of representation below city and district councils. The role of each Community Board includes:

- Representing the interests of its community;
- Considering and reporting on matters referred to it by the Council, of interest or concern;
- Maintaining an overview of Council services to the community;
- Preparing an annual submission to the Council for its annual plan;
- Communicating with community organisations and special interest groups;
- Undertaking any other responsibilities that are delegated to it by the Council.

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

District Governance structure

The governance structure adopted by the present Council includes seven Committees:

- Environment and Community Development (ECDC)
- Corporate Business (CBC)
- Regulatory Management (RMC)
- Appeals
- Chief Executive Performance and Employment
- District Licensing Committee
- Grants Allocation Committee

Three of these are 'committees of the whole' that is, every Councillor sits on each of these three Committees (ECDC, RMC and CBC). There are also a number of subcommittees. Further details on the current Council's governance arrangements can be found in the Governance Structure document available at <http://www.kapiticoast.govt.nz/Your-Council/The-Role-of-Council/Goverance-Structure/>. The new Council will decide on its own governance structure after coming into office.

A full description of the way Council operates is also available through its Governance Statement. Copies of the current Governance Structure and Governance Statement are available at: <http://www.kapiticoast.govt.nz/Your-Council/The-Role-of-Council/Governance-Statement/> or by contacting the Democratic Services Team on (04) 296 4700. Each council is required by law to adopt a Governance Statement at the beginning of each Triennium.

Regional councils

Elected members govern the region by participating in legally constituted meetings of the regional council and committees. The members thus collectively exercise the powers, duties, authorities and responsibilities vested in the regional council by the Local Government Act and other Acts. Individual members do not have any specific authority to act or make decisions as individuals. Actions of councillors are covered by an adopted code of conduct. The Council appoints a chairperson and deputy chairperson at its first meeting.

District Health Boards (DHBs)

The Kāpiti Coast District is covered by two District Health Boards:

- Capital and Coast covers Wellington City, Porirua, Kāpiti Coast District (excluding Ōtaki)
- Midcentral DHB – covers Ōtaki, Horowhenua District, Manawatu District, Palmerston North City

DHBs were created through the New Zealand Public Health and Disability Act 2000 with the primary responsibility for providing health services to the community. DHBs are governed by Boards as the governance body which sets the strategic direction of the organisation. Board membership is a combination of elected and appointed members and delegate's responsibility on decisions on management matters to the Chief Executive.

c. Elected member remuneration

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

The Remuneration Authority has determined that the following salaries will apply from 1 July 2016 and will remain in effect until June 2017.

The rates for the Kāpiti Coast District as appearing in the Authority's report are tabled below. Kāpiti Coast District Council members are paid an annual salary and also have their mileage reimbursed (if they meet a threshold).

Position	Base salary
Mayor	\$115,770
Councillor	\$32,742
Community Boards	
- Ōtaki	\$7,242
- Paekākāriki	\$3,774
- Paraparaumu/Raumati	\$9,486
- Waikanae	\$7,752

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

Following the election, the Remuneration Authority will issue an interim determination where all elected members, excluding the mayor, will be paid a uniform salary. This interim determination will remain in effect until the newly elected council has determined its governance structure for the 2016-2019 triennium and a new determination, based on that structure and the agreed additional responsibilities of elected members, has been issued by the Remuneration Authority.

District health boards

The remuneration for members of DHBs varies according to the size and assessed complexity of the DHB. Members are also reimbursed for actual and reasonable expenses incurred in carrying out their duties (e.g. mileage allowance). In addition, members are currently paid up to \$2,500 for each of the three statutory advisory committees (hospital advisory committee, community and public health advisory committee, and disability support advisory committee) on which they sit and may also be paid for the audit and finance committee. No additional fees are paid to board members who sit on other committees. If you require more information please contact the respective Electoral Officers.

d. Members' interests

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

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

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

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

A member is disqualified from office who is “concerned or interested” in contracts with their authority under which the total payments made, or to be made, by or on behalf of the authority exceed \$25,000 in any financial year. The \$25,000 limit is GST inclusive. This restriction is waived if prior approval is obtained from the Office of the Controller and Auditor-General.

Disqualification means that a person cannot:

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

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

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

e. Coming into and vacation of office

Elected members serve for a period of three years, known as a 'triennium'.

For local authority elections (including local and community boards but excluding district health boards):

- Where an election is required, a member comes into office on the day after the day on which the official result of the election is declared by public notice [*section 115 LEA*];
- Where an election is not required (i.e. because the number of candidates does not exceed the number of vacancies), those unopposed candidates are declared elected at the close of nominations [*section 63 LEA*] and they come into office at the same time as the other elected candidates (i.e. the day after the official result of the election is declared by public notice [*section 115 LEA*];
- If at close of nominations the number of candidates is less than the number of vacancies, the unfilled vacancies become extraordinary vacancies and are required to be filled by an election which cannot occur any earlier than 17 February 2017 [*section 138A LEA*];
- If a person appointed to fill an extraordinary vacancy, they come into office on the day on which the resolution confirming their appointment is made [*sections 115(3) and 118(2) LEA*].

It is important to note, however, that no person is capable of acting as an elected member until he or she has, at a meeting of the local authority, made a declaration as required by clause 14, Schedule 7, *LGA 2002*. This is done at the first meeting after the local authority elections. This meeting is called by the council's Chief Executive as soon as practicable after the results of the election are known.

For district health board elections:

- Elected members come into office on the 58th day after polling day [*clause 14, Schedule 2 New Zealand Public Health and Disability Act 2000*];
- An appointed member comes into office on the date specified in the notice appointing the member. If no date is specified in the notice, the member comes into office on the date which the notice is published in the Gazette [*clause 15, Schedule 2 New Zealand Public Health and Disability Act 2000*].

When members leave office

For local authority members (including community board members but excluding district health board members):

- In the ordinary course of events, the term of office ends and members leave office:
 - a) in the case of an election, when members elected at the next election come into office
 - b) in the case of an appointment, when the member's successor comes into office;
 - c) in the event of a member's resignation, on the date on which the member's resignation is delivered to the chief executive of the local authority concerned
 - d) for a member appointed or elected to fill an extraordinary vacancy, at the end of the unexpired portion of his or her predecessor's term.

- If a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election [section 116(2) LEA].

For district health board members

- An elected member services a three year term. This term begins on the 58th day after polling day and ends on the equivalent day three years later when the new board comes into office;
- Appointed members serve at the Minister of Health's pleasure, and have a term of up to three years. They may, however, be appointed for a shorter time. They may also be reappointed, subject to an upper limit of nine consecutive years on the board. Reappointment is not automatic and there is no guarantee that any appointed member will be reappointed to the board on the expiry of their term.

f. Inauguration

As noted in the preceding section no person can act as an elected member until he or she has made a verbal and signed public declaration. This inauguration is tentatively scheduled for **7pm Tuesday 25 October 2016** at the Kapiti College. Successful candidates are required to take and sign the following affirmation:

"I, [name] declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Kāpiti Coast District, the powers, authorities, and duties vested in, or imposed upon, me as [role] of the Kāpiti Coast District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act."

The declarations of newly elected Community Board members are slightly different in that they declare to serve as members of their respective boards.

The Deputy Mayor may be elected (through majority vote) at the inauguration and the new Council will also set its next meeting date, probably **Thursday 27 October 2016**.

New elected members will receive appropriate induction, training and development both at the commencement of, and throughout, the 2016-2016 Triennium. Local Government New Zealand has developed an extensive and diverse modular development programme for elected members – key modules are the following:

- New or Re-elected Mayors 27-28 October
- New Elected Members 1 November

In addition newly elected members will receive extensive briefing by senior Council management on key issues and projects as well as other role-relevant internal training.

g. Relevant legislation

Relevant legislation in the LEA relating to electoral expenses and electoral offences is set out below:

Part 5 - Electoral donations and expenses

Subpart 1—Electoral donations

103A Interpretation

In this subpart and subpart 3, unless the context otherwise requires,—

anonymous, in relation to an electoral donation, means a donation that is made in such a way that the candidate who receives the donation—

- a) does not know the identity of the donor; and
- b) could not, in the circumstances, reasonably be expected to know the identity of the donor

contribution means any thing (being money or the equivalent of money or goods or services or a combination of those things) that makes up a donation or is included in a donation or has been used to wholly or partly fund a donation, and that—

- a) was given—
 - i) to the donor; or
 - ii) to a person who was required or expected to pass on all or any of its amount or value to the donor, whether directly or indirectly (for example, through 1 or more intermediaries, trustees, or nominees); and
- b) would have been a donation if it had been given directly to the candidate; and
- c) was given in the knowledge or expectation (whether by reference to a trust, an agreement, or an understanding) that it would be wholly or partly applied to make up, or to be included in, or to fund, a donation

contributor means a person who makes a contribution and who immediately before making the contribution—

- a) beneficially holds any money, or the equivalent of money, or any goods that make up the contribution or are included in the contribution; or
- b) provides any services that make up the contribution or are included in the contribution or pays for those services out of money that the person beneficially holds

donation funded from contributions means a donation that is made up of, includes, or is wholly or partly funded from 1 or more contributions

donor means a person who makes an electoral donation

electoral donation or **donation** means a donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things) that is made to a candidate, or to any person on the candidate's behalf, for use in the candidate's campaign for election and—

- a) includes,—
 - i) where goods or services are provided to a candidate, or to any person on the candidate's behalf, under a contract or an arrangement at a value that is less than their reasonable market value, the latter being a value that exceeds \$300, the amount of the difference between the former value and the reasonable market value of those goods or services; and
 - ii) where goods or services are provided by a candidate under a contract or an arrangement at a value that is more than their reasonable market

value, the amount of the difference between that value and the reasonable market value of those goods or services; and

b) excludes—

i) the labour of any person that is provided to a candidate free of charge by that person; and

c) goods or services provided free of charge to a candidate, or to any person on the candidate's behalf, that have a reasonable market value of \$300 or less

receive, in relation to a donation, means to get a donation that has been given or sent by—

a) the donor directly; or

b) the donor indirectly, via a transmitter

transmitter means a person to whom a donor gives or sends a donation for transmittal to a candidate.

103B Donations and contributions include GST

All references to the amount or value of a donation or contribution are inclusive of any goods and services tax incurred by the donor or contributor in respect of the goods or services donated or contributed.

103C Donations to be transmitted to candidate

Every person, other than a candidate, to whom an electoral donation is given or sent must, within 10 working days after receiving the donation, transmit the donation to the candidate.

103D Contributors to be identified

- 1) This section applies to a donation (other than an anonymous donation) that is made up of, includes, or is wholly or partly funded from 1 or more contributions.
- 2) If this section applies to a donation, the donor must, at the time of making the donation, disclose—
 - a) the fact that the donation is funded from contributions; and
 - b) the following information about any contribution that, either on its own or when aggregated with other contributions made by the same contributor to the donation, exceeds \$1,500 in sum or value:
 - i) the name of the contributor; and
 - ii) the address of the contributor; and
 - iii) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and
 - c) the total of all of the amounts disclosed under paragraph (b)(iii) in relation to the donation; and
 - d) the total of all of the other contributions made in relation to the donation.
- 3) A candidate must give back to the donor the entire amount of the donation, or its entire value, if the candidate knows, or has reasonable grounds to believe, that the donor has failed to comply with subsection (2) in any respect.
- 4) For the purpose of section 112A, any amount given back by a candidate under subsection (3) is taken not to have been received by the candidate.

103E Offence relating to contravention of section 103D

A donor who fails to comply with section 103D with the intention of concealing the identity of any or all of the contributors commits an offence and is liable on conviction to a fine not exceeding \$5,000.

103F Identity of donor to be disclosed by transmitter, if known

- 1) *When a transmitter transmits a donation to a candidate on behalf of the donor, the transmitter must disclose to the candidate—*
 - a) *the fact that the donation is transmitted on behalf of the donor; and*
 - b) *the name and address of the donor; and*
 - c) *whether section 103D applies to the donation and, if so, all information disclosed by the donor under subsection (2) of that section.*
- 2) *Where a transmitter does not disclose, or is unable to disclose, the information required by subsection (1), then the donation must be treated as an anonymous donation.*

103G Offence relating to contravention of section 103F

A transmitter who fails to comply with section 103F(1) with the intention of concealing the identity of the donor or any or all of the contributors commits an offence and is liable on conviction to a fine not exceeding \$5,000.

103H Disclosure of identity of donor

If any person involved in the administration of the affairs of a candidate in relation to his or her election campaign knows the identity of the donor of an anonymous donation exceeding \$1,500, the person must disclose the identity of the donor to the candidate.

103I Offence relating to contravention of section 103H

A person who fails to comply with section 103H with the intention of concealing the identity of the donor commits an offence and is liable on conviction to a fine not exceeding \$5,000.

103J Anonymous donation may not exceed \$1,500

- 1) *If an anonymous donation exceeding \$1,500 is received by a candidate in relation to an election campaign, the candidate must, within 20 working days of receiving the donation, pay to the Electoral Officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less \$1,500.*
- 2) *If an anonymous donation exceeding \$1,500 is received by a candidate who is seeking election to more than 1 office, the candidate must—*
 - a) *designate 1 election campaign for election to 1 office for which the donation will be used; and*
 - b) *within 20 working days of receiving the donation, pay to the Electoral Officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less \$1,500.*
- 3) *An Electoral Officer who receives an amount under subsection (1) or (2) must, within 20 working days of receiving that amount,—*
 - a) *issue a receipt to the candidate; and*
 - b) *pay the amount into the general fund of the local authority that appointed the Electoral Officer.*

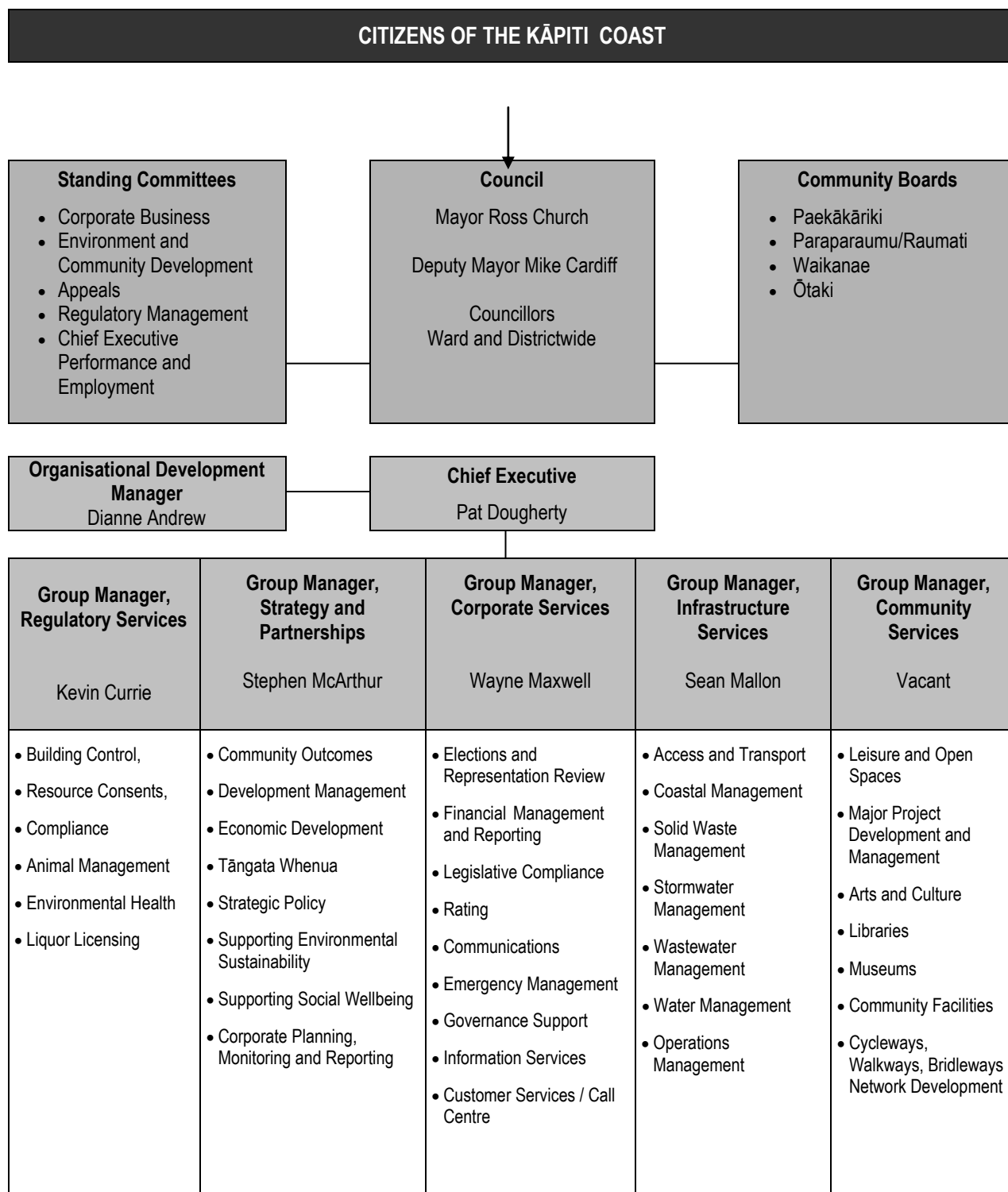
103K Offence relating to contravention of section 103J

- 1) *A person who enters into an agreement, arrangement, or understanding with any other person that has the effect of circumventing section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$5,000.*
- 2) *A candidate who contravenes section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$5,000.*

103L Records of electoral donations

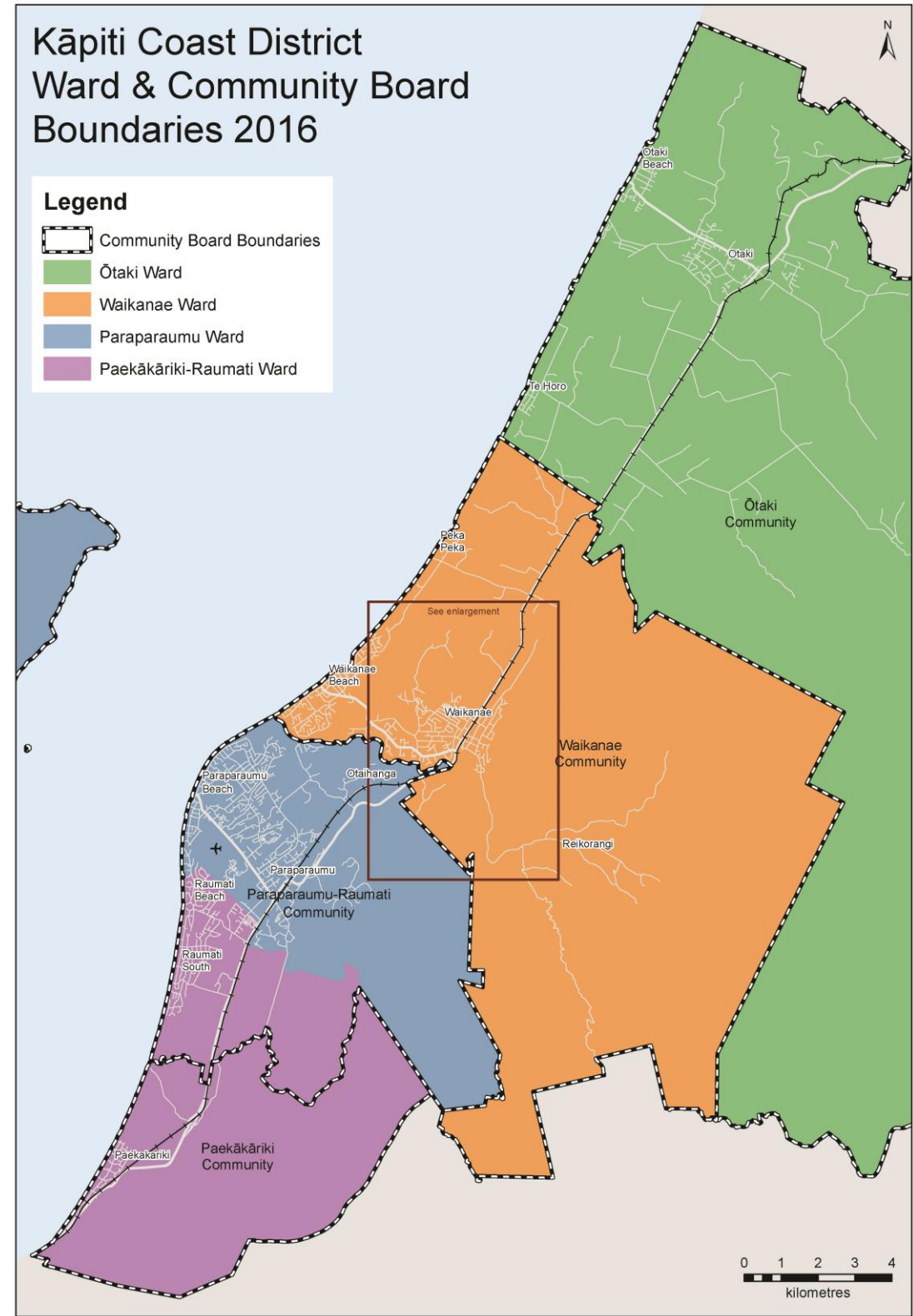
- 1) *A candidate must keep proper records of all donations received by him or her.*
- 2) *A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$5,000.*

h. Structure of the Kāpiti Coast District Council June 2016

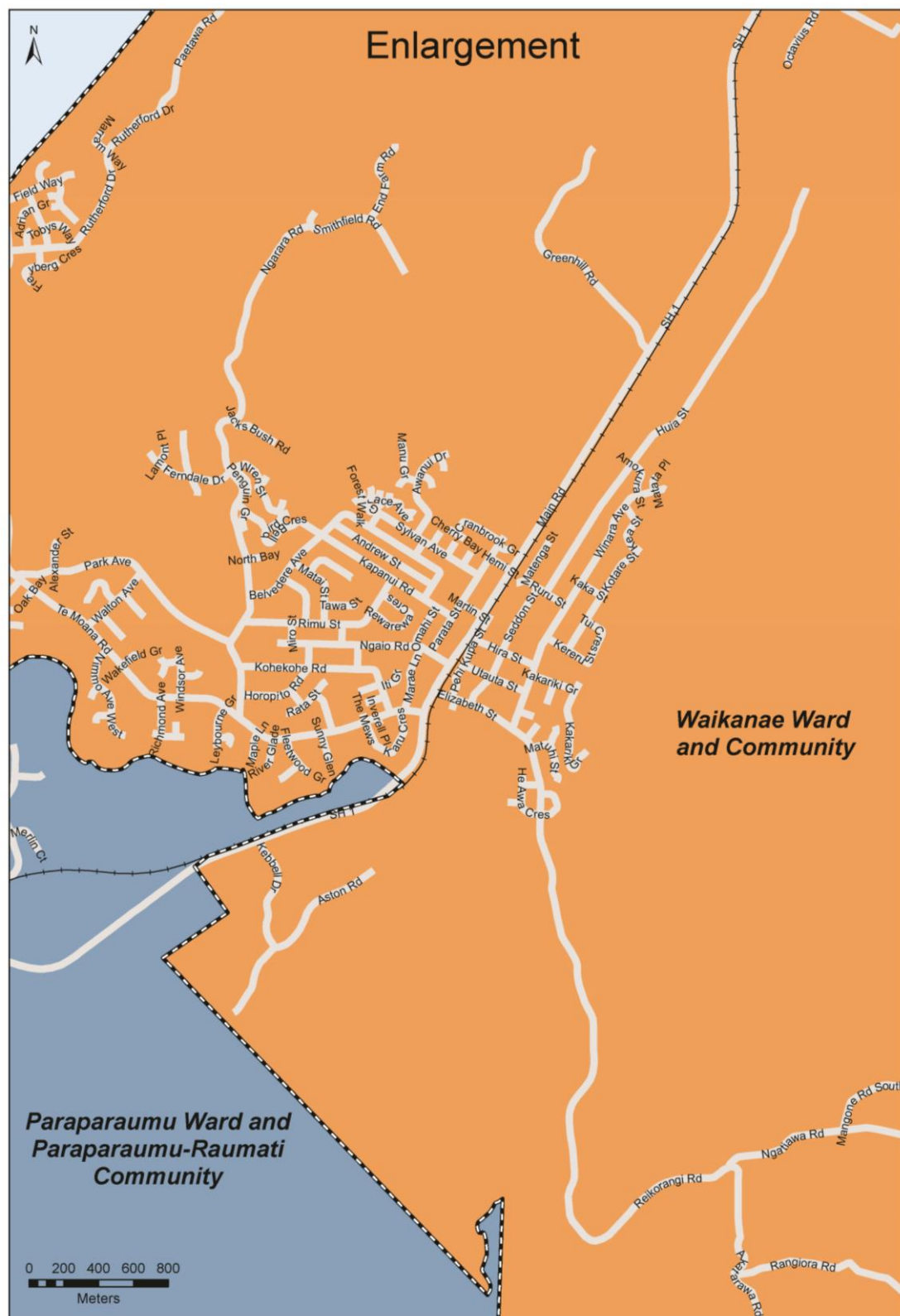


APPENDIX 1 KĀPITI COAST DISTRICT WARD & COMMUNITY BOARD BOUNDARIES

District Overview

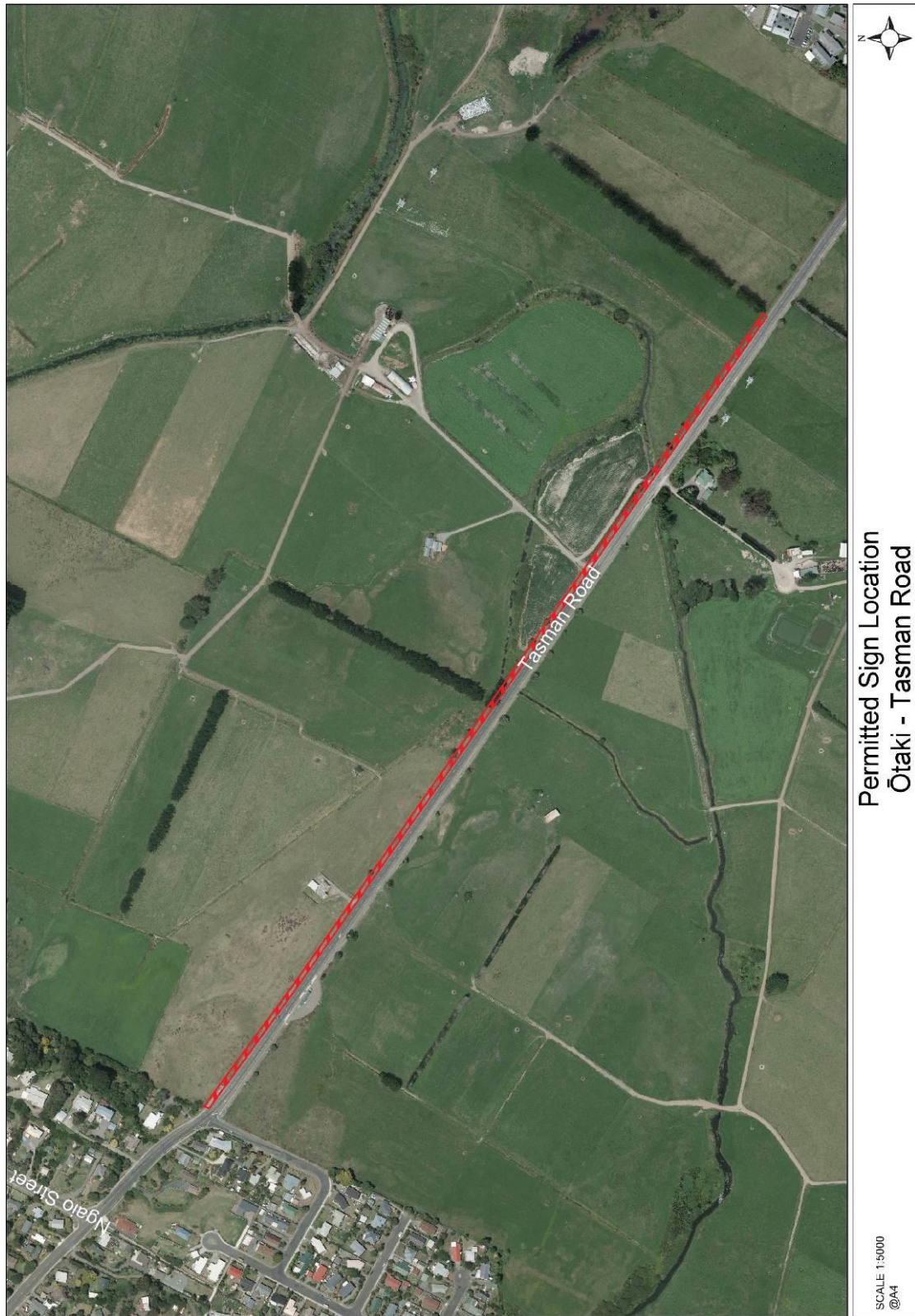


Waikanae - Paraparaumu/Raumati Boundary Adjustment 2016



APPENDIX 2 PERMITTED ELECTION SIGN LOCATIONS ON COUNCIL LAND

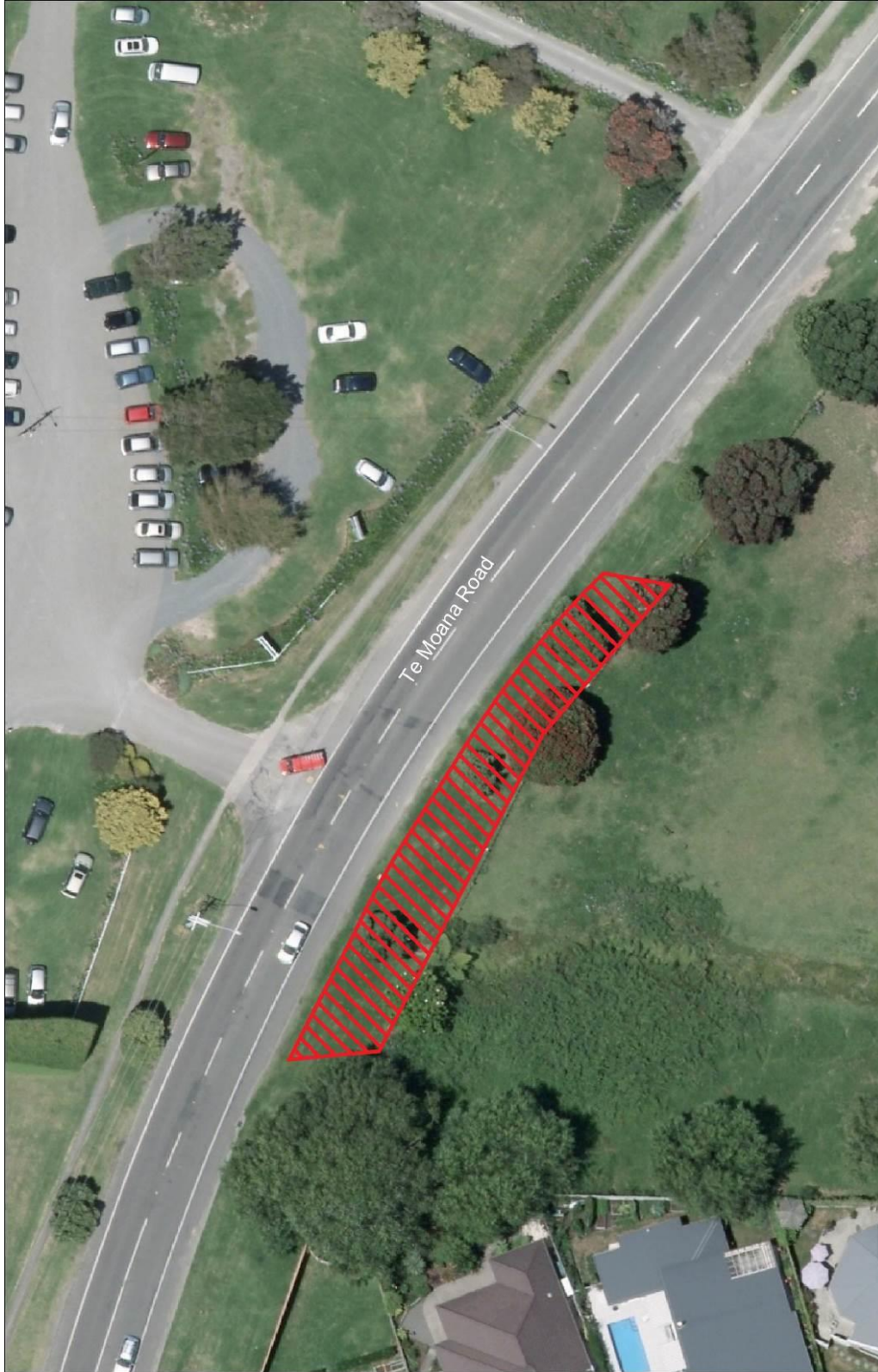






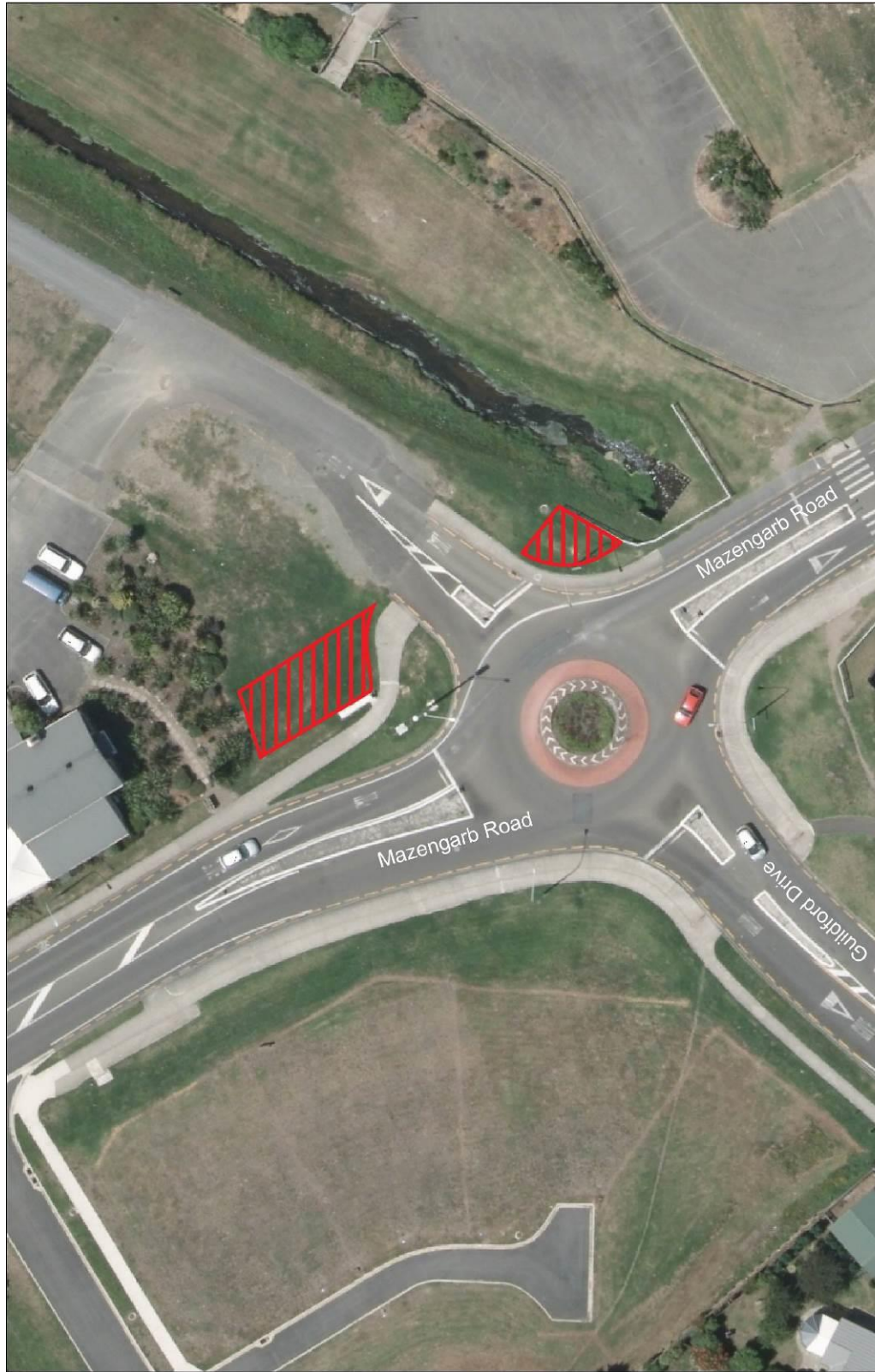
Permitted Sign Location
 Waikanae - Ngaio Road (adjacent to Motuiti Reserve)

SCALE 1:500
 @A4



Permitted Sign Location
Waikanae - Te Moana Road (opposite golf course)

SCALE 1:500
@A4



Permitted Sign Location
Paraparaumu - Mazengarb Road (next to the College)

SCALE 1:500
@M4



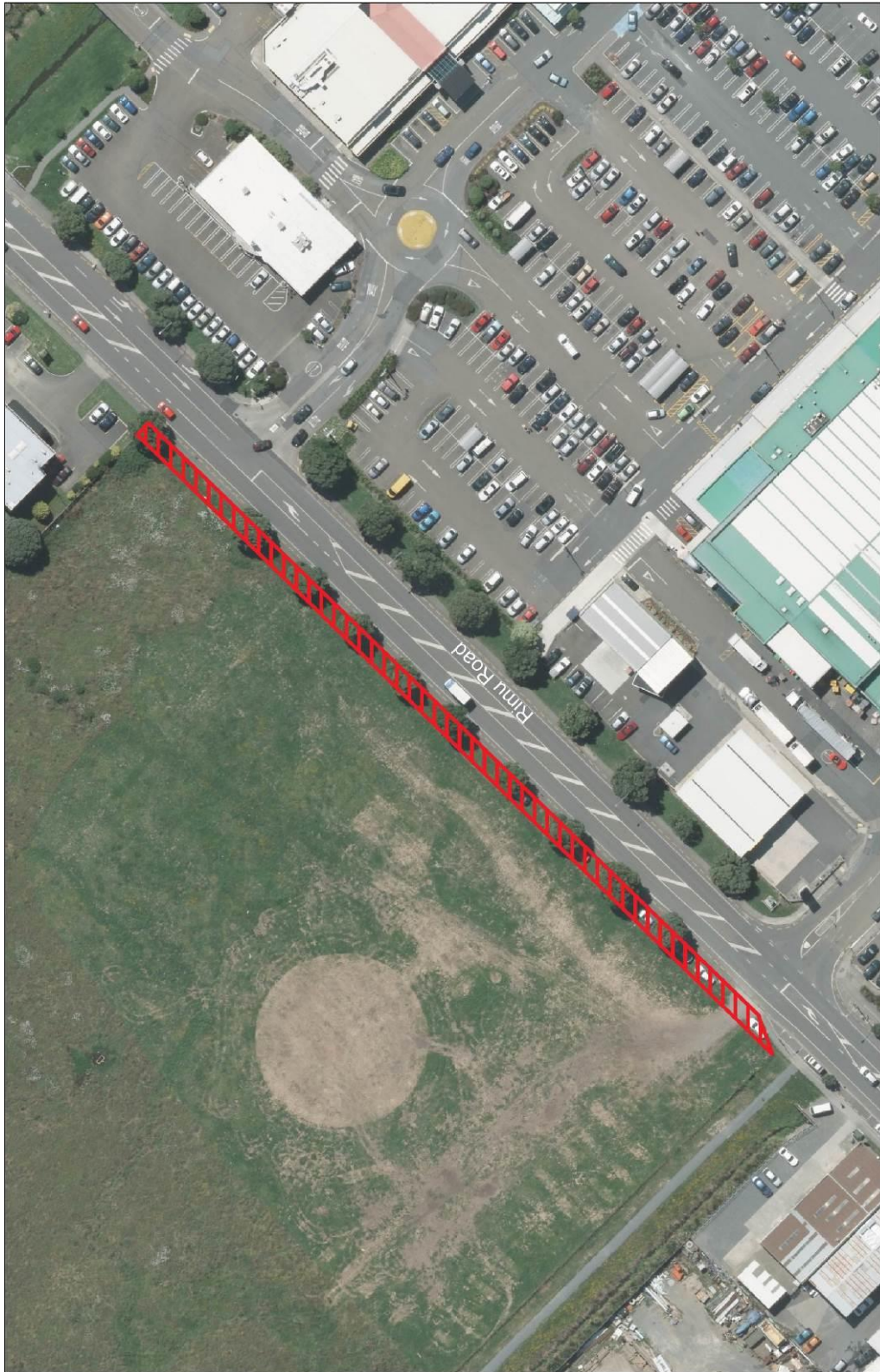
Permitted Sign Location
Paraparaumu - Te Atiawa Park

SCALE 1:500
@A4



Permitted Sign Location
Raumati - Corner Rata and Raumati Roads

SCALE 1:500
@A4



Permitted Sign Location
 Paraparaumu - Rimu Road (Council land)

SCALE 1:1000
 @A4



Permitted Sign Location
Paekākāriki - Corner Beach and Wellington Roads

SCALE 1:500
@A4

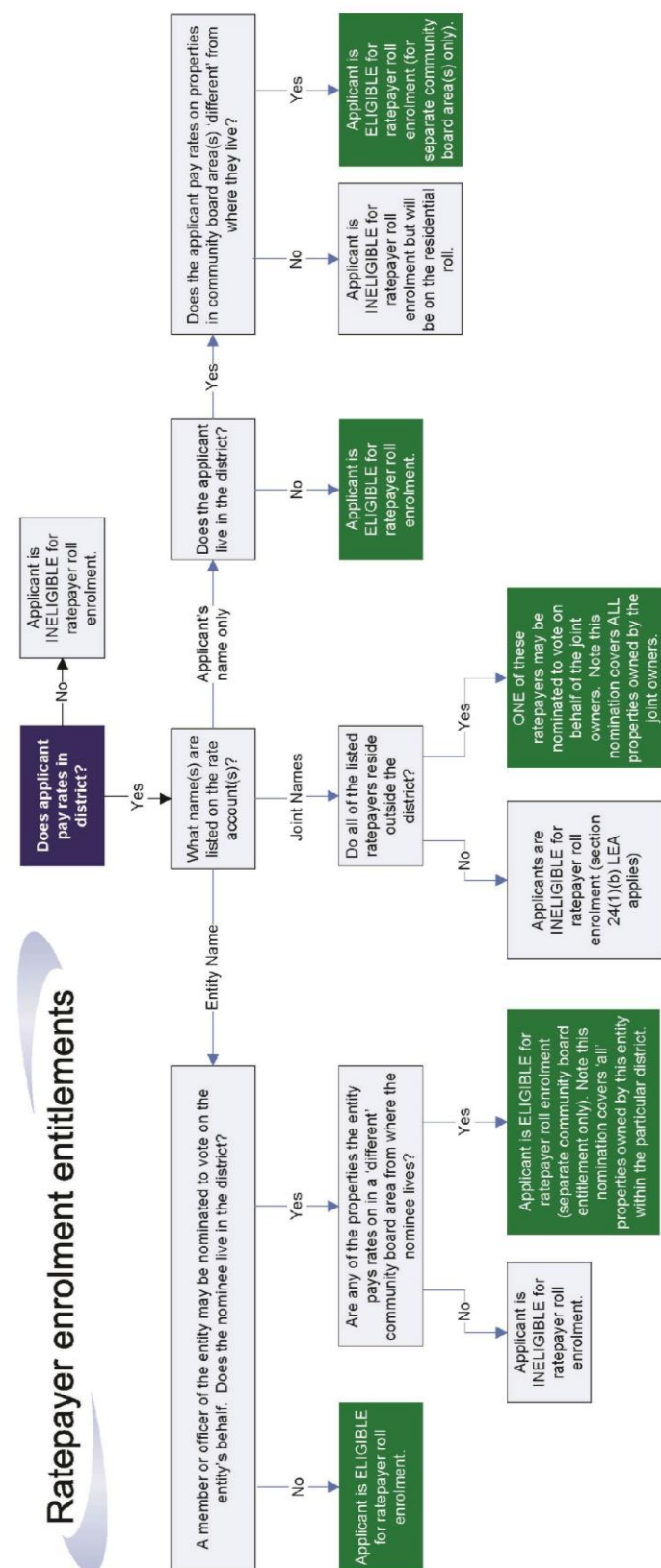


Permitted Sign Location
Paekākāriki - Wellington Road (opposite school)

SCALE 1:500
@A4

APPENDIX 3

RATEPAYER ENROLMENT FLOWCHART



Notes:
Section 40 of the Local Electoral Act 2001 (LEA) provides that the name of any person must not appear more than once in the same electoral roll. From this falls the basic principle that no person is entitled to vote more than once in any election.

However, for community boards, an elector living in one area in the district and owning a property in a different community board area of the same district is entitled to register as a ratepayer elector for the different community board area. Their voting entitlement as a ratepayer elector is limited to the community board election. They already have a vote in the other district elections through their residential roll qualification.

Some other examples are:

- In a district divided into wards, a person is not entitled to register as a ratepayer elector for a property owned in a different ward to his home. That person already has a vote in the council election.
- In a region, a person living in one district in the region and owning a property in a different district of the same region is entitled to register as a ratepayer elector for the property in the different district but does not get another region vote. That person already has a vote in the region election in their home district under their residential roll qualification. They will get all the other votes, e.g. mayor, council etc for the different district.

Ratepayer electors are not entitled to district health board or (where applicable) licensing trust votes.

APPENDIX 4 PREVIOUS ELECTION RESULT - 2013

Otaki Ward			
Daily	Accumulated	% to Posted	Date
		0.00%	20-Sep
15	15	0.21%	23-Sep
301	316	4.42%	24-Sep
94	410	5.74%	25-Sep
281	691	9.67%	26-Sep
131	822	11.50%	27-Sep
187	1,009	14.12%	30-Sep
131	1,140	15.95%	1-Oct
382	1,522	21.30%	2-Oct
162	1,684	23.56%	3-Oct
194	1,878	26.28%	4-Oct
157	2,035	28.47%	7-Oct
130	2,165	30.29%	8-Oct
189	2,350	32.88%	9-Oct
285	2,635	36.87%	10-Oct
609	3,244	45.39%	11-Oct
332	3,576	50.03%	12-Oct
	7,147		No. Posted
	50.03%		% Returned

Waikanae Ward			
Daily	Accumulated	% to Posted	Date
9	9	0.10%	20-Sep
25	34	0.39%	23-Sep
274	308	3.55%	24-Sep
379	687	7.91%	25-Sep
264	951	10.95%	26-Sep
172	1,123	12.93%	27-Sep
200	1,323	15.23%	30-Sep
427	1,750	20.15%	1-Oct
298	1,999	23.01%	2-Oct
260	2,259	26.00%	3-Oct
267	2,526	29.08%	4-Oct
202	2,728	31.40%	7-Oct
169	2,897	33.35%	8-Oct
426	3,323	38.25%	9-Oct
796	4,119	47.42%	10-Oct
375	4,494	51.73%	11-Oct
645	5,139	59.16%	12-Oct
	8,687		No. Posted
	59.16%		% Returned

Paraparaumu Ward			
Daily	Accumulated	% to Posted	Date
13	13	0.09%	20-Sep
53	66	0.45%	23-Sep
450	516	3.49%	24-Sep
522	1,038	7.03%	25-Sep
392	1,430	9.68%	26-Sep
235	1,665	11.27%	27-Sep
375	2,040	13.81%	30-Sep
580	2,620	17.73%	1-Oct
407	3,027	20.49%	2-Oct
338	3,365	22.78%	3-Oct
353	3,718	25.17%	4-Oct
325	4,043	27.37%	7-Oct
208	4,251	28.77%	8-Oct
490	4,741	32.09%	9-Oct
1,093	5,834	39.49%	10-Oct
663	6,497	43.98%	11-Oct
692	7,189	48.66%	12-Oct
	14,774		No. Posted
	48.66%		% Returned

Paekākāriki-Raumati Ward			
Daily	Accumulated	% to Posted	Date
5	5	0.07%	20-Sep
24	29	0.40%	23-Sep
105	134	1.85%	24-Sep
210	344	4.76%	25-Sep
177	521	7.20%	26-Sep
113	634	8.77%	27-Sep
134	768	10.62%	30-Sep
300	1,068	14.77%	1-Oct
237	1,305	18.04%	2-Oct
163	1,501	20.75%	3-Oct
143	1,644	22.73%	4-Oct
147	1,791	24.76%	7-Oct
104	1,895	26.20%	8-Oct
286	2,181	30.16%	9-Oct
608	2,789	38.56%	10-Oct
378	3,167	43.79%	11-Oct
429	3,596	49.72%	12-Oct
	7,232		No. Posted
	49.72%		% Returned

Totals			
Daily	Accumulated	% to Posted	Date
27	27	0.07%	20-Sep
98	125	0.33%	23-Sep
1,130	1,255	3.32%	24-Sep
1,205	2,460	6.50%	25-Sep
1,114	3,574	9.45%	26-Sep
651	4,225	11.17%	27-Sep
896	5,121	13.53%	30-Sep
1,418	6,539	17.28%	1-Oct
1,324	7,863	20.78%	2-Oct
923	8,809	23.28%	3-Oct
957	9,766	25.81%	4-Oct
831	10,597	28.00%	7-Oct
611	11,208	29.62%	8-Oct
1,391	12,599	33.30%	9-Oct
2,782	15,381	40.65%	10-Oct
2,025	17,406	46.00%	11-Oct
2,098	19,504	51.54%	12-Oct
	37,840		No. Posted
	51.54%		% Returned

Gone No Address			
Daily	Accumulated	% to Posted	Date
30	30	0.08%	20-Sep
0	30	0.08%	23-Sep
20	50	0.13%	24-Sep
34	84	0.22%	25-Sep
63	147	0.39%	26-Sep
29	176	0.47%	27-Sep
18	204	0.54%	30-Sep
19	205	0.54%	1-Oct
0	205	0.54%	2-Oct
1	206	0.54%	3-Oct
17	223	0.59%	4-Oct
1	224	0.59%	7-Oct
38	262	0.69%	8-Oct
5	267	0.71%	9-Oct
		0.00%	10-Oct
		0.00%	11-Oct
			12-Oct
	37840		No. Posted