

NORTHLAND REGIONAL COUNCIL WHANGĀREI URBAN CONSTITUENCY BY-ELECTION

17 FEBRUARY 2021



CANDIDATE
INFORMATION
HANDBOOK

Northland
REGIONAL COUNCIL 
Te Kaunihera ā rohe o Te Taitokerau

Contents

Overview	2
Fact Sheet	3
Timetable	5
Electoral principles	6
Electoral legislation	7
Electoral system	7
Candidate eligibility	7
Nominations	8
Campaigning	12
Electoral donations and expenses	14
Council policy on election signs	23
Electoral rolls	29
Voting and special voting	31
Early processing of returned voting documents	32
Scrutineers	33
Results	34
Election offences	35
Map	39
2019 election results	40
Letter to appoint scrutineer	
Return of electoral donations and expenses form	
Notes	

Overview

As a result of a resignation, an extraordinary vacancy has occurred in the Whangārei Urban Constituency of the Northland Regional Council. A by-election is now required to be held for one vacancy for this constituency on Wednesday 17 February 2021.

The by-election will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Other legislative references are found on page 7 of this handbook.

This handbook provides information which may be of interest to you as a candidate for the 2021 Whangārei Urban Constituency by-election.

Key dates for a candidate

Nominations open	Tuesday 24 November 2020
Nominations close	Noon, Tuesday 22 December 2020
Delivery of voting documents	From Tuesday 26 January 2021
Close of voting	Noon, Wednesday 17 February 2021

Contact us

Electoral officer:

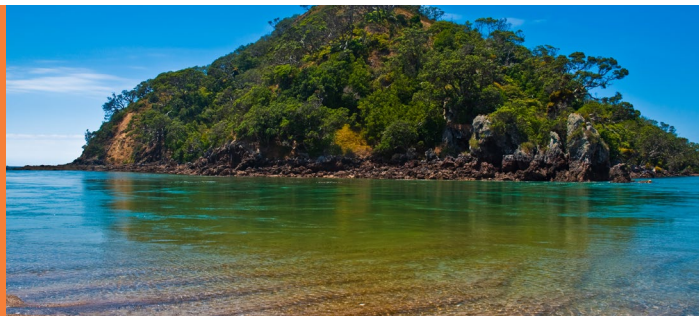
Dale Ofsoske, Independent Election Services Ltd
Level 2, 198 Federal Street, Auckland 1010
PO Box 5135, Victoria Street West, Auckland 1142
Phone - 0800 922 822
Email - dale.ofsoske@electionservices.co.nz
Website - www.electionservices.co.nz

Northland Regional Council liaison person:

Chris Taylor, Governance Support Manager
Northland Regional Council
36 Water Street, Whangarei
Private Bag 9021, Whangarei Mail Centre,
Whangarei 0148
Phone - (09) 470 1200
Email - christinet@nrc.govt.nz
Website - www.nrc.govt.nz

Fact Sheet

Northland Regional Council
Whangārei Urban Constituency
By-Election
17 February 2021



General

As a result of a resignation, an extraordinary vacancy has occurred in the Whangārei Urban Constituency of the Northland Regional Council. A by-election is now required to be held for one vacancy for the Whangārei Urban Constituency on Wednesday 17 February 2020.

The by-election will be conducted by postal vote under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001 and will be undertaken by Election Services, under contract to Northland Regional Council.

Nominations

Nominations for the one vacancy will open on **Tuesday 24 November 2020** and close at **noon** on **Tuesday 22 December 2020**.

Nomination papers will be available during this period from:

- Northland Regional Council's Whangārei Office, 36 Water Street, Whangārei;
- by accessing www.nrc.govt.nz
- by telephoning the electoral office on 0800 922 822.

To be eligible to stand for election, a candidate **must** be:

- a New Zealand citizen (by birth or citizenship ceremony); **and**
- enrolled as a Parliamentary elector (anywhere in New Zealand); **and**
- nominated by two electors whose names appear on the electoral roll in the Whangārei Urban Constituency of the Northland Regional Council.

Electoral roll

Those eligible to vote in the by-election are all resident electors and non-resident ratepayer electors whose names appear on the Electoral Roll for the Northland Regional Council Whangārei Urban Constituency by-election. The Preliminary Electoral Roll will be available for public inspection from Tuesday 24 November 2020 to Tuesday 22 December 2020 at the above location.

Resident Roll: All parliamentary electors, including those on the Māori Electoral Roll, are automatically enrolled on the Resident Roll, at the address where they live.

Any alterations to the Resident Roll (e.g. change of address details, including new postal addresses) should be made by:

- completing the appropriate form at any postal agency;
- phoning 0800 ENROLNOW (0800 367 656);
- accessing the Electoral Commission website on www.vote.nz

Ratepayer Roll: If a person is on the parliamentary roll in one area and pays rates on a property in another area, this person may be eligible to be enrolled on the non-resident ratepayer roll. A firm, company, corporation or society paying rates on a property may nominate one of its members or officers as a ratepayer elector (provided the nominated person resides outside the area). Ratepayer Roll enrolment forms are available at all territorial authority offices, or by phoning the electoral office on 0800 922 822.

Voting period

Should the number of candidates exceed the number of vacancies, voting documents will be sent to all eligible electors, by post, from Tuesday 26 January 2021.

The voting period is three weeks (Tuesday 26 January 2021 to noon Wednesday 17 February 2020). Electors may post their completed voting documents back to the electoral officer using the pre-paid envelope sent with their voting document.

A polling place for the issuing of special voting documents and for the receiving of completed voting documents will be available from Tuesday 26 January 2021 at the following location:

- Northland Regional Council's Whangārei Office, 36 Water Street, Whangārei;
- by telephoning 0800 922 822, where one will be posted out.

To be counted, all completed voting documents must be in the hands of the electoral officer or an electoral official, by noon on Wednesday 17 February 2020.

Preliminary results will be known as soon as they are available after the close of voting on by-election day, and final results (including approved special votes) will be available later that afternoon.

All results will be accessible on Council's website (www.nrc.govt.nz).

Contact us

For further information regarding this election, please contact the electoral office:



Dale Ofoske, Electoral Officer
Northland Regional Council
C/o PO Box 5135, Victoria Street West,
Auckland 1142
Email: info@electionservices.co.nz
Phone: 0800 922 822

Electoral principles

Key message

The electoral principles contained in section 4 of the Local Electoral Act 2001 are outlined below for candidate information. These principles must be taken into account in the conduct of any election or poll.

Principles

(1) The principles that this Act is designed to implement are the following:

- a. fair and effective representation for individuals and communities
- b. all qualified persons have a reasonable and equal opportunity to:
 - i. cast an informed vote;
 - ii. nominate 1 or more candidates;
 - iii. accept nomination as a candidate.
- c. public confidence in, and public understanding of, local electoral processes through:

- i. the provision of a regular election cycle;
- ii. the provision of elections that are managed independently from the elected body;
- iii. protection of the freedom of choice of voters and the secrecy of the vote;
- iv. the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes;
- v. the provision of impartial mechanisms for resolving disputed elections and polls.

(2) Local authorities, electoral officers, and other electoral 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.



Timetable

Northland Regional Council
Whangārei Urban Constituency
By-Election
17 February 2021



Wednesday 17 February 2021

Tuesday 24 November 2020	Public notice of by-election, calling for nominations, rolls open for inspection [Sec 42, 52, 53, LEA]
Tuesday 24 November 2020	Nominations open / roll open for inspection [Sec 42, LEA]
Tuesday 22 December 2020	Nominations close (12 noon) / roll closes [Sec 5, 42, 55 LEA, Reg 21, LER]
Thursday 24 December 2020	Public notice of day of by-election, candidates' names [Sec 65, LEA]
Tuesday 26 January - Monday 2 February 2021	Delivery of voting documents [Reg 51, LER]
from Tuesday 26 January 2021	Progressive roll scrutiny [Sec 83, LEA] Special voting period [Sec 5 LEA, Reg 35, LER] Early processing period [Sec 80, LEA]
by Tuesday 16 February 2021	Appointment of scrutineers (12 noon) [Sec 68, LEA]
Wednesday 17 February 2021	By-election day [Sec 10, LEA] Close of voting (12 noon) [Sec 84, LEA] Results available as soon as practicable after close of voting [Sec 85, LEA]
Saturday 20 February 2021	Declaration of result/public notice of declaration [Sec 86, LEA]
by Thursday 15 April 2021	Return of electoral donations & expenses form [Sec 112A, LEA]

LEA = Local Electoral Act 2001
LER = Local Electoral Regulations 2001

Electoral legislation & Electoral system

Electoral legislation

All local government elections are required to be conducted strictly following legislation.

Legislation to be followed:

- Local Electoral Act 2001;
- Local Electoral Regulations 2001;
- Local Government Act 2002;
- Local Authorities (Members' Interests) Act 1968.

Electoral system

The Whangārei Urban Constituency by-election will be conducted using the First Past the Post (FPP) electoral system.

When you vote in an FPP election, you tick the name of the candidate(s) you most prefer, up to the number of vacancies.

When the votes are counted, the candidate(s) with the most votes is/are elected.

For one vacancy, you can vote for one candidate only.

Candidate eligibility

Key message

A candidate for the Whangārei Urban Constituency by-election must be:

- a New Zealand citizen; and
- a parliamentary elector (anywhere in New Zealand); [Section 25, Local Electoral Act 2001]
- nominated by two electors whose names appear on the Whangārei Urban Constituency electoral roll.

Candidate restrictions

Restrictions on a candidate for the Northland Regional Council are:

- a candidate (or candidate's spouse) cannot be a person concerned or interested in contracts over \$25,000 with the Northland Regional Council [Section 3(1) Local Authorities (Members' Interests) Act 1968]

This restriction may be waived, and it is recommended that advice from Audit New Zealand is sought.

- an employee of the Northland Regional Council who is elected as councillor must resign from their position as an employee of the Northland Regional Council before taking up their position. An employee will need to alert their manager of the intention to stand for office prior to any nomination being lodged.
[Section 41(5) Local Government Act 2002].
- a person cannot be an elected member if that person has a permanent court order, or that person will be suspended if that person has a temporary order.

Nominations

Key message

Nominations open on Tuesday 24 November 2020 and close at 12 noon, Tuesday 22 December 2020.

Availability of nomination papers

A public notice calling for nominations will appear in the Northern Advocate on Tuesday 24 November 2020 and Whangarei Leader on Wednesday 25 November 2020.

Each nomination must be made on the official nomination paper, available from 24 November 2020:

- Northland Regional Council's Whangārei Office, 36 Water Street, Whangārei;
- by telephoning 0800 922 822;
- by accessing www.nrc.govt.nz

Candidate profile statement

Every candidate may provide the electoral officer with a candidate profile statement with their nomination. This statement must not exceed 150 words and can contain information about the candidate, their qualifications and skills applicable to the position for which they are standing and their policies/intentions if elected to office.

The candidate profile statement must be true and accurate and the electoral officer is not required to verify or investigate any information included in this statement.

The profile may include a recent passport-sized colour photograph.

The candidate profile statement and colour photo are required to be submitted in hardcopy, not electronically (except where information in another language is provided).

Candidate profile statements will be printed in plain text, without formatting ie:

- no bullet points;
- no bold or underlining;
- no italics;
- no quote marks.

These will be included with the voting document sent to each elector by the electoral officer.

Note that any spelling or grammatical errors will not be corrected, and candidates are therefore reminded to check their candidate profile statement prior to submitting their nomination.

The candidate profile statement may be in English or Māori or both (maximum 150 words in either language) or in any other language (not exceeding 150 words in total). Should all or part of a candidate profile statement be provided in a language other than English or Māori, it is required that this be provided in an electronic graphic file.

If submitting an electronic graphic file containing other languages, the specifications (from the printer) are: all translations must be supplied as a single image. If there is more than one language translated, then these are to be all supplied together in a single image.

The translation image file to be supplied must meet the following criteria:

- PNG format;
- black and white;
- 600 dpi;
- maximum file size 400kB;
- the image being 1300 pixels high and 2000 pixels wide.

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

Pacific International Translations (NZ) Ltd
 Level 4, City Fitness Building, 203 Queen Street,
 Auckland 1010.
 PO Box 7067, Victoria Street West, Auckland 1142
 Phone: 0508 872675
 Email: info@pactranz.com
 Web: www.pactranz.com

Candidates are also required to submit with their candidate profile statement:

- whether or not the candidate's principal place of residence (where the candidate is registered as a parliamentary elector) is/is not in the Whangārei Urban Constituency area [Section 61(2)(ca) Local Electoral Act 2001];

Section 61 of the Local Electoral Act 2001 states the following:

- (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 their 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.

Completion of nomination paper

Each nomination paper must have the consent of the candidate and be nominated by two electors whose names appear on the electoral roll for the Whangārei Urban Constituency.

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

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.

Once lodged, a nomination paper is available for public inspection at the electoral office. Candidate details not identified as confidential (e.g. mobile phone number) are made available to the media, placed on websites etc.

Affiliation

The nomination paper provides for a candidate to have an affiliation. An affiliation is described in section 57(3) of the Local Electoral Act 2001 as 'an endorsement by any organisation or group (whether incorporated or unincorporated).'

Individual candidates, not part of an organisation or group, 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 claiming a specific affiliation must supply with their nomination paper an authority to adopt the affiliation for the organisation or group concerned (i.e. letter of consent to use the affiliation from the organisation or group).

This is a safety measure to avoid any illegal adoption of affiliations.

Affiliations that will not be accepted are ones:

- that might cause offence or;
- are likely to confuse or mislead electors or;
- are elections slogans rather than the name of an organisation or group.

Should an affiliation be rejected for any of the above reasons, section 57(3) of the Local Electoral Act 2001 sets out a process for the electoral officer and candidate to follow. Should agreement not be reached, no affiliation will appear on voting documents.

Affiliations are not able to be 'pre-registered' with the electoral officer, before a nomination is lodged.

Return of nomination paper

Completed nomination papers can be lodged at:

Northland Regional Council's Whangārei Office, 36 Water Street, Whangārei;

or posted to:

The Electoral Officer
Northland Regional Council
C/- Independent Election Services Ltd
PO Box 5135
Victoria Street West
Auckland 1142

in time to be received no later than noon, Tuesday 22 December 2020.

All nomination material:

- nomination paper;
- candidate profile statement [if provided];
- nomination deposit;
- evidence of NZ citizenship;

- letter endorsing affiliation [if applicable];

is required to be lodged together.

[Section 55(2)(f) Local Electoral Act 2001].

A receipt will be issued to acknowledge that a nomination has been received. **This receipt does not constitute an acknowledgment that the nomination paper is in order.**

Once lodged, nomination papers are checked to ensure the candidate's name appears on the Parliamentary Roll and the nominators are two electors whose names appear on the electoral roll for the Whangārei Urban Constituency.

Each nomination paper lodged requires a deposit of \$200 (inclusive of GST). This is refunded if the candidate polls greater than 25% of the votes received for the successful candidate.

Payment of the nomination deposit can be made by electronic bank transfer, eftpos or cash. Evidence of an electronic bank transfer will be required to accompany the nomination. Cheques are no longer accepted.

Electronic bank payment details are:

Account name: Independent Election Services Ltd
Bank: ANZ
Account number: 01 0102 0437238 00
Particulars: your initials and surname
Code: NRC-WU
Reference: Nomination

The lodgement of nomination papers should not be left to the last minute. Should a nomination paper be lodged late on the morning nominations close, and be incorrectly completed or ineligible nominators are provided, there may be insufficient time to correct the situation and the nomination paper could be invalidated.

Please do not leave lodging your nomination to the last minute.

Nominations can be returned by mail, but should these be received by the electoral officer or electoral official after the close of nominations, the nomination is invalid.

Cancellation of nomination

A candidate is able to withdraw their nomination up until the close of nominations (noon, Tuesday 22 December 2020). After the close of nominations, a candidate is not able to withdraw their nomination.

[Section 69, Local Electoral Act 2001].

However, should a candidate become incapacitated after the close of nominations but before the close of voting, application may be made for the cancellation of the nomination of a candidate.

'Incapacitated' means that a candidate, because they are suffering from a serious illness or has sustained a serious injury, would be unlikely to be capable of performing the functions and duties of office if elected to office. [Section 69(7) Local Electoral Act 2001].

An application for the cancellation of the nomination of a candidate must be made to the electoral officer by submitting a prescribed form (available from the electoral office) together with a medical certificate.

Campaigning

Key message

Election campaigning can commence anytime and may continue up to and including the day of the by-election. However there are certain constraints candidates need to be aware of.

Whangarei District Council's Signs Policy applies for this by-election.

Election signs are permitted on private and public property, provided a permit is obtained.

Election signs are not permitted on council parks or reserves unless approved by the council's chief executive. All election signs can only be displayed two months before election day (from Thursday 17 December 2020) but must be removed by midnight, Tuesday 16 February 2021.

Any candidate wishing to place signs on council land should contact the council directly on 09 430 4200 to discuss.

All signs must be erected in a stable fashion, not being a hazard to public or traffic safety. Council policy on election signs is detailed on page 23 of this handbook.

Campaigning

Election material cannot contain:

- any untrue statement defamatory of any candidate (e.g. under the Defamation Act 1992);
- 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.

Voting documents should not be collected from electors by candidates or their assistants. Each elector should post or deliver their own voting document to the electoral officer. This also applies to rest homes and hospitals - voting documents should

not be collected from elderly or infirm electors by candidates or their assistants.

Use of council resources

Candidates are not permitted to use council resources for campaigning purposes. Council resources include, but are not limited to, the council's logo, crest or branding, website, Facebook page, Twitter account, any other forms of social media, tablets, computers, ipads, email, mobile phones, faxes, stationery, photocopiers, printers, stamps, cars, meeting rooms and venues (except those available for public hire). This applies to either sitting members, council staff or other candidates in any context that could reasonably be construed as campaigning for elections.

Social media

Social media can be a useful tool for candidates for campaigning purposes and electioneering. Candidates should however be aware of any council social media guidelines for candidates and should comply with these at all times.

Candidates should be aware that election advertising, using any media, including on social media, must identify the true name of the person under whose authority they have been produced and the physical address (not a PO Box) of the person under whose authority they have been produced [Section 113, Local Electoral Act 2001]. This may be details of the candidate or their agent, and may be included on a profile picture, or within the bio section of a page.

For example: 'All content/images contained on this social media page/channel are authorised by [name], [physical address]'.

Commenting on and sharing council posts

Northland Regional Council (NRC) and Northland Inc (NINC) web and social media channels may not be used by anyone (candidates or members of the public) for campaigning or electioneering. These channels include (but are not limited to) Facebook, Twitter, LinkedIn, Instagram and Youtube. Any such comments will be deleted immediately.

Any post (positive or negative) made on an NRC or NINC page by an individual specifically relating to their own (or someone else's) nomination, intention to run for council or election campaign, will be removed immediately.

Candidates cannot comment on NRC or NINC social media posts encouraging people to like or follow their own social media accounts (or their information on any other digital electioneering platform). Any posts or comments that do this will be removed immediately.

Candidates must not share or tag NRC or NINC social media pages.

Multimedia assets (e.g. images, videos and graphics) publicly available on the council website may be used to educate or inform people about what council does. However, original versions of these assets will not be supplied to candidates.

Working with staff

No candidate should approach NRC staff (in their capacity as a staff member) for advice or support with the set up or management of their social media accounts.

Candidates must not actively solicit social media sharing, posting or any other form of endorsement from staff (in their capacity as a staff member). Council staff must observe political neutrality when performing their duties as an employee of council. .

NRC and NINC channels will:

Unlike/unfollow all candidate pages for the pre-election and election period.

Remain neutral during the election process but will encourage people to stand for election and encourage the general public to vote in the elections. These posts will not be associated with any candidates.

Offences

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 that elector as to how they should vote. Candidates and their assistants should be mindful of this particularly if campaigning occurs in rest homes or hospitals.

Election offences are detailed for your information on page 35 of this handbook. Please refer to them for your own protection.

Election advertising

Election advertising, using any media, must show an authorisation statement. This statement must include:

- the true name of the person under whose authority they have been produced; and
- the physical address (not a PO Box) of the person whose authority they have been produced. [Section 113, Local Electoral Act].

This includes election advertising on signs, in newspapers, on flyers and posters, on a vehicle and on election websites.

Relevant criteria as contained in the Local Electoral Act 2001 are:

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 their 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.

Electoral donations and expenses

Key message

Candidates need to be aware to keep a record of all donations received and expenses incurred in their election campaign. Election expenditure limits will apply, these depending on the population size of the area of the election the candidate is standing for.

The expenditure limit for the Whangārei Urban Constituency by-election is \$30,000.

Every candidate must, by law, complete an Electoral Donations and Expenses Return declaring all donations and expenses and forwarded to the electoral office by Friday 15 April 2021.

Electoral expenses

Candidates should be aware that candidate campaign expenditure limits are applicable. This means a limit has been placed on how much a candidate may spend on their campaign, and this includes donations and joint campaigning. The maximum amount spent must not exceed the limits set out below where the election covers a population range as detailed:

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

* Plus 50 cents for each elector

[NOTE: Expenditure limits are inclusive of GST].

Electoral expenses are defined as relating to electoral activity which can comprise advertising, broadcasting or communicating material to the public (electronically or otherwise). These electoral expenses are generally funded by the candidate and are not reimbursable from the organisation the candidate is standing for.

The period for which campaign expenditure limits apply is three months before election day (i.e. 17 November 2020 to 17 February 2021). However legislation further specifies that all expenses incurred before the three month period for campaign expenditure and used during the three month period, must be fairly apportioned and included in the Return of Electoral Donations and Expenses.

Where an electoral expense relates to more than one candidate, an equitable apportionment between candidates is required.

Nomination deposits, voluntary labour and election sign framework are not electoral expenses and therefore should not be included in the Return of Electoral Donations and Expenses.

Electoral donations

a. Candidate donations

A candidate donation is a donation of money, goods or services that is made for use in the candidate's campaign.

Candidate donations, and contributions to donations, of more than \$1,500 (inc GST) are required to be declared in the candidate return of donations and expenses. A series of donations made by one person that adds up to more than \$1,500 must also be declared.

A candidate donation includes:

- where a candidate is provided with goods or services free of charge that have a reasonable market value greater than \$300;

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

The following are not deemed a donation:

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

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

b. Donations made up of contributions

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

The total proceeds of a collection are treated as a donation. The person who collects the money will normally be the donor. The

individuals who contribute to the collection are contributors.

If a candidate donation, other than an anonymous donation, is made up of contributions, the transmitter or donor must tell the candidate:

- the name and address of the donor;
- whether the donation is made up of contributions;
- the total amount of individual contributions of \$1,500 or less; and
- in the case of individual contributions greater than \$1,500, the name, address, and contribution of each contributor.

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

c. Transmitted donations

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

When transmitting a donation, the transmitter must tell the candidate:

- that the donation is being transmitted on behalf of a donor;
- the name and address of the donor;
- whether the donation is made up of contributions;

- the total amount of contributions of \$1,500 or less; and
- in the case of contributions greater than \$1,500, the name, address, and contribution of each contributor.

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

d. Anonymous donations

Candidates are not permitted to retain anonymous donations exceeding \$1,500. An anonymous donation is a donation made in such a way that the candidate who receives the donation does not know the identity of the donor and could not, in the circumstances, reasonably be expected to know the identity of the donor.

If a candidate receives an anonymous donation greater than \$1,500, they may retain \$1,500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the electoral officer for payment into the general fund of the local authority.

donor for use in the same campaign, exceeds \$1,500 in sum or value; and

- the details in respect of every anonymous electoral donation received by the candidate that exceeds \$1,500; and
- details of the candidate's electoral expenses.

The details of every electoral donation are -

- the name of the donor; and
- the address of the donor; and
- the amount of the donation or in the case of aggregated donations, the total amount of the donations; and
- the date the donation was received or, in the case of aggregated donations, the date that each donation was received.

The details of every anonymous donation exceeding \$1,500 are —

- the date the donation was received; and
- the amount of the donation; and
- the amount paid to the electoral officer and the date the payment was made.

Return of Electoral Donations & Expenses

A Return of Electoral Donations and Expenses form (a copy of this is located at the rear of this handbook) is required to be supplied to the electoral officer within 55 days after the official declaration (by 15 April 2021). This can be supplied to the electoral officer within 76 days after the official declaration if a candidate is overseas when successful candidates are declared elected.

The Return of Electoral Donations and Expenses must set out —

- the details of every electoral donation received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same

With respect to electoral expenses, the return must set out separately the name and description of every person or body of persons to whom or which any sum was paid, and the reason for which it was paid. Sums paid in excess of \$200 (GST inclusive) must be vouched by an invoice or a bill and a receipt.

Candidates are advised to retain all invoices and receipts relating to electoral expenses should these be required in the event of a challenge. They should not be submitted with the return.

Once the Return of Electoral Donations and Expenses forms have been received by the electoral officer they become public documents and are to be kept for a public inspection period of seven years.

During this period, the returns:

- are placed on council's website;
- can be inspected by any person;
- copies can be made available if requested.

This is a requirement under section 112F of the Local Electoral Act 2001.

Relevant legislation

Relevant definitions as contained in the Local Electoral Act 2001 are:

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. does not know the identity of the donor; and
 - 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 one 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 one 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. 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
 - ii. 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

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

- c. the donor directly; or
- d. 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

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.

- (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 one 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.

If any person involved in the administration of the affairs of a candidate in relation to their 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.

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 their 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

- (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 one office, the candidate must—

- a. designate one election campaign for election to one

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.

Subpart 2—Electoral expenses

104 Interpretation:

In this subpart and subpart 3,—

applicable period before the close of polling day, means the period beginning three 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 their capacity as a member of the local authority or local board 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 three 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 they 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.

111 Maximum amount of electoral expenses (refer to page 20 in this handbook)

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 two 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 two years, or a fine not exceeding \$10,000, if they 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 they prove that they took all reasonable steps to ensure that the electoral expenses did not exceed the relevant prescribed maximum amount.

Subpart 3—Return of electoral donations and expenses

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 they have been elected to office, a further fine not exceeding \$400 for every day that they continue 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 two years, or a fine not exceeding \$10,000, if they 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. they had no intention to misstate or conceal the facts; and
 - ii. they 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 seven 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 one or more returns filed under section 112A, subject to the payment of any charges that may be made under the Local Government Official Information & Meetings Act 1987.

Part 5A—Electoral advertising

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 one 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 their 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 their residence or place of business; and
 - ii. the true name of the organisation or body who 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 willfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.

114 Use of public money

Sections 111 and 112 do not validate any use of public money that would otherwise be unlawful.

Whangarei District Council policy on election signs

Key message

Whangarei District Council has a policy around election signs and candidates should familiarise themselves with this. Election signs are permitted two months before election day (from 17 December 2020) but must be removed by midnight 16 February 2021.

All election advertising, including election signs etc are to display the true name and physical address (place of residence or business) of the person authorising them [Section 113 (2) (b) Local Electoral Act 2001].

Council bylaw

Candidates must be familiar with council's Control of Advertising Signs Bylaw 2014. A copy of this bylaw is below.

1. Introduction

This bylaw is made in accordance with the Local Government Act 2002, the Land Transport Act 1998 and the Bylaws Act 1910.

2. Purpose

The purpose of this bylaw is to ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or danger to public safety. The bylaw recognises there is a need to advertise businesses and promote activities, events and commerce whilst also seeking to maintain aesthetic standards and preserve amenity values.

Notes:

The New Zealand Transport Agency as a road controlling authority has its own bylaws for the control of signs on state highways with the district.

Other bylaws, in addition to this bylaw, may also apply to signs.

3. Interpretation

For the purposes of this bylaw the following definitions shall apply:

Chief executive officer means the person appointed as the chief executive officer of council or such officer as they delegates to act on their behalf.

Display area means the area of the sign (not including its supporting structure) that is visible from any aspect.

Public amenity sign means a sign placed, painted, or erected by council, or by any other person with the prior consent of the chief executive officer, for purposes other than commercial advertising.

Road and/or street has the meaning given to these terms in Section 2(1) of the Land Transport Act 1998.

Sign means a temporary or permanent visual message or other notice conveyed to the public which is visible from a public place:

- i. to display, advertise or identify a product, business or service, or
- ii. to inform or warn the public; and
- iii. it includes any frame, supporting device and associated ancillary equipment

A "sign" includes, but is not limited to:

- a. Any mural, message or notice painted on, affixed to or otherwise incorporated to a building, structure, or property; or
- b. Any banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image whether or not it is affixed to or otherwise incorporated to a building, structure or property; or
- c. Any bunting that has symbols or messages

- d. Any vehicle on which a sign is displayed.

4. Offensive and discriminatory signs

No person shall:

- a. Erect or display any sign that explicitly or implicitly
 - i. Is discriminatory or advocates discrimination;
 - ii. Is objectionable, offensive, threatening or insulting; or
 - iii. Incites or counsels any person(s) to commit any offence.

5. Signs on council roads, parks and reserves

Notwithstanding any other provision in this bylaw, no person shall erect or display any sign including attaching a sign in any way to a pole, fence, street furniture or other public utility structure in a public place under the control of Whangarei District Council including a park or reserve, unless approved by the chief executive officer or delegate.

6. Real estate signs

Notwithstanding any other provision in this bylaw, the following signs advertising the sale, lease or auction of land or premises on which the sign is situated on the property being sold, leased or auctioned or on road reserve immediately adjacent to the property being sold, leased or auctioned are permitted:

- i. one sign up to 3m² in display area; or
- ii. up to a maximum of four signs, each not exceeding 1m² in display area.

No person shall erect or display or allow to be erected or displayed:

- i. Any sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee takes possession of that land or premises, or the date of that settlement, whichever is the earlier; or
- ii. any sign (other than a sign advertising land or premises for sale, auction or lease) for more than two days following completion of the event to which the sign relates; or
- iii. more than one sign on any land or premises (being a sign advertising that land or premises for sale, auction or lease) for each real estate agency involved in the sale, auction or leasing of that land or premises; or
- iv. any sign advertising an open home other than prior to the day of the event or after the event concludes.

7. Sign on or over roads, footpaths and public places

No person shall erect or display or allow to be erected or displayed any sign in such a position as to be on, or project over any road, private street, or public place other than the following:

- a. Signs affixed to any structure including any portable box or barrow where the sign advertises the product, service or event being offered from that structure; or
- b. Signs securely fastened and extending up to 100mm into a public place where fastened to the wall of a building in an area zoned as a business environment under Whangarei District plan; or

- c. Signs in an area zoned as a business environment under Whangarei District plan up to a maximum 1m² in display area, including any sandwich board or flag advertising commercial or industrial premises placed immediately outside or adjacent to such premises, provided that such sign shall not cause any obstruction, nuisance or danger to either pedestrian or vehicular traffic. Where any commercial or industrial premises has more than one street frontage then that premises may have one sign on each street frontage.

8. Signs on verandahs

No person shall erect or display or allow to be erected or displayed any sign on a verandah overhanging a road or a public place other than a sign that is:

- a. No less than 2.4m above the footpath beneath the sign; and
- b. Set back at least 600mm horizontally from an imaginary vertical line at the road kerb; and
- c. If located on a verandah fascia, be not more than 900mm in depth or protrude more than 200mm from the fascia; and
- d. If located under the verandah, at right angles to the fascia line, and be limited to one per site; and
- e. If located on top of the verandah, be not more than 1.2m high, not more than 1.8m² in area and no more than one per site; and
- f. Advertising only goods, services or products available on the site of the sign.

9. Signs affecting traffic safety

No person shall erect or display or allow to be erected or displayed a sign where in the opinion of the chief executive officer or delegate that sign would create a traffic hazard or a traffic safety issue having regard to whether it would:

- a. Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
- b. Distract unduly or be likely to distract unduly the attention of road users;
- c. Resemble or be likely to be confused with any traffic sign or signal;
- d. Give rise to excessive levels of glare, use flashing or revolving lights or, reflective materials or moving images that may interfere with a road user's vision;
- e. Invite drivers to turn so close to a turning point that there is no time to signal and turn safely;
- f. Constitute or be likely to constitute in any way a danger to road users.

10. Commercial signs

- a. No person shall erect or display or allow to be erected or displayed a sign for commercial purposes on any property other than on the property where the goods, services or products advertised for sale are available.
- b. A project sign to identify the nature of the project and the professional participants for the duration of the construction period is permitted. Such signs shall not exceed three square metres in display area and shall be erected on a construction site or the site of a project.

11. Signs on vehicles

No person shall display or allow to be displayed a sign on any vehicle which is stationary on any road, where that vehicle is being used primarily for the purpose of exhibiting the sign.

No person shall display a sign on any vehicle on any private property other than on any property at which the goods, services and products advertised on that vehicle are offered for sale where the vehicle is being used primarily for the purpose of exhibiting the sign.

12. Sign parks

Sporting, cultural, public amenity or community event signs may be erected in designated council sign parks only with the approval of the chief executive officer or delegate. Sites are available subject to any terms and conditions the chief executive officer or delegate may specify, including payment of a fee in accordance with council's current fees and charges schedule.

13. Banners in the Cameron Street Mall

Sporting, cultural, public amenity or community event banners may be erected in the Cameron Street Mall only with the approval of the chief executive officer or delegate. A site is available subject to any terms and conditions as the chief executive officer or delegate may specify, including payment of a fee in accordance with council's current fees and charges schedule.

14. Sporting, cultural, public amenity or community event signs

Signs advertising a forthcoming sporting, community or cultural event up to a maximum sized display area of 3m² may be placed on the council road reserve provided that such signs:

- a. Shall not be erected more than 21 days prior to the event
- b. Shall be removed within two days after the event concludes; and
- c. Shall not be placed within the vehicular carriageway or footpath.

15. Election signs

A sign or signs for general or local electioneering or referendum purposes, for a maximum period of two (2) months prior to polling day shall be permitted provided that the sign shall not exceed:

- a. 3m² in display area in areas zoned as living environments under Whangarei District plan, or
- b. 2m² in display area in areas zoned as the open space environment under Whangarei District plan, or
- c. 6m² in display area in all other zoned environments under Whangarei District plan.

Any election sign shall be removed the day before polling day.

16. General requirements for construction and maintenance of signs

All signs, other than signs permitted under clause 14 of this bylaw, shall be professional in presentation and be well constructed.

All signs must be fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and/or the owner of the land or building on which the sign is placed.

17. Exemptions

Where a sign lawfully existed prior to the coming into force of this bylaw, but it does not comply with this bylaw, it may remain in place and be repaired, or maintained, provided that such work does not increase the physical size or the extent of its non compliance with this bylaw.

Where the chief executive officer or delegate is satisfied that compliance with any requirement of this bylaw would be unreasonable or impractical, an exemption from compliance with the bylaw may be granted on such conditions as the chief executive officer or delegate considers appropriate.

In making a decision to exempt any sign from the provisions of this bylaw, the chief executive officer or delegate will have regard to:

- i. the purpose of the sign
- ii. the benefits to the community of that sign
- iii. the potential for proliferation of signs
- iv. the duration the sign will remain erected
- v. the effect on amenity in the area of the sign
- vi. the size of the sign
- vii. traffic safety

18. Application of this bylaw

This bylaw does not apply to any:

- i. public amenity sign; or
- ii. council sign containing, traffic or direction information; or
- iii. street or place naming sign;
- iv. sign indicating the presence of any hazardous substances and/or a hazardous facility; or
- v. signs erected pursuant to any statute or regulation; or
- vi. signs that have obtained a resource consent.

This bylaw does not affect any conditions placed on signs by a rule in the district plan or any resource consent.

19. Seizure of property not on private land

Council has powers of seizure of property not on private land under the Local Government Act 2002:

- a. An enforcement officer may seize and impound property that is not on private land if—
 - i. the property is materially involved in the commission of an offence; and
 - ii. it is reasonable in the circumstances to seize and impound the property; and
 - iii. before seizing and impounding the property, the enforcement officer—
 - directed (orally or in writing) the person committing the offence to stop committing the offence; and
 - has advised (orally or in writing) the person committing the offence that, if they does not stop committing the offence, the enforcement officer has power to seize and impound the property; and
 - provided the person with a reasonable opportunity to stop committing the offence.
- b. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with subsection 19 a.
- c. Council may recover the costs of removing or altering any non-complying sign from the person who committed the breach including from the proceeds of disposal by sale.

20. Seizure of property on private land

Council has powers of seizure of property on private land under the Local Government Act 2002. In accordance with 165 of the Local Government Act 2002, council may apply for a search warrant authorising an enforcement officer to enter private property involved in the commission of an offence, and seize and impound property.

21. Repair or removal of signs

The chief executive officer or delegate may, by notice in writing require the owner, occupier or lessee of any land where an unsightly, non-complying, unsafe or unauthorized sign is located to repair or remove that sign within a period stated in such notice.

Where the owner or user of a sign, or the owner of land over or on which a sign is located, receives a notice given under this clause, that person shall comply with the requirements of the notice within the time specified in the notice.

Where any person has been requested to alter or remove any non-complying, unsafe or unauthorized sign, that sign shall not be altered or replaced unless the altered or replacement sign complies with this bylaw.

Where any person fails to comply with any requirement to alter or remove any sign, the chief executive officer or delegate may have the sign altered or removed. The cost incurred in altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed

Any sign removed by the chief executive officer or delegate shall be released to the owner upon payment of the costs incurred in its removal and storage.

22. Offences

Every person who breaches this bylaw commits an offence.

23. Compliance with clauses

All signs, whether permitted or not must comply with clauses 4, 5, 6, 7, 8, 9, 10, 11 and 16.

Electoral rolls

Key message

The preliminary electoral roll, containing both resident and non-resident ratepayer electors, will be available for public inspection from 24 November 2020 to 22 December 2020. All registered electors (as at 22 December 2020) whose name is on the final electoral roll will be issued voting packs.

Resident electors

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

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

Residents of the Whangārei Urban Constituency area are enrolled automatically on the residential electoral roll if they are registered as Parliamentary electors. Therefore, there is no need to enrol separately for this by-election.

Non-resident ratepayer electors

Residents who pay rates on a property in another local authority area may be entitled to enrol on the ratepayer electoral roll for that local authority area.

Companies, businesses, trusts, corporations or societies which are ratepayers of a property in a local authority district may also nominate an elector to vote on their behalf, provided any such elector resides outside the district where the property is situated.

Partners, joint tenants and tenants in common who collectively pay rates on a property in a local authority district may also nominate one of the group who is an elector to vote on their behalf, provided any such elector resides outside the area where the property is situated.

Preliminary electoral roll

A copy of the preliminary electoral roll for the Whangārei Urban Constituency by-election will be available for public inspection from Tuesday 24 November 2020 to Tuesday 22 December 2020 at:

- Northland Regional Council's Whangārei Office, 36 Water Street, Whangārei.

Those eligible to vote are:

- all residents enrolled on the Parliamentary electoral roll within the Whangārei Urban Constituency area; and
- all non-resident ratepayers enrolled on the ratepayer electoral roll for the Whangārei Urban Constituency area.

The preliminary electoral roll will show the residential roll at the front and the ratepayer roll at the rear.

Details appearing on the preliminary electoral roll are electors names (surname, then first names) listed alphabetically. The qualifying address of the elector is shown alongside. No postal addresses or occupations are shown.

Any alterations to the residential electoral roll should be made:

- by completing the appropriate form at any NZ Post agency; or
- by telephoning 0800 ENROLNOW (0800 36 76 56); or
- by accessing the Electoral Commission website - www.vote.nz

Any alterations to the non-resident ratepayer electoral roll should be made through the electoral office (telephone 0800 922 822).

Copies of the hardcopy preliminary electoral roll for this by-election may be purchased from the electoral office.

Final electoral roll

The final electoral roll is produced once the preliminary electoral roll closes on 22 December 2020. The final electoral roll contains the details used for issuing voting documents. Copies of this roll will also be available for purchase.

Roll data requests

Information contained on the electoral roll is not available from the electoral office in an electronic form, but candidates or political parties may request an electronic listing of resident electors from 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.

Note however that elector details for the area a candidate is standing for only will be provided, and this data is unable to be passed on to any third-party and must be used for election purposes.

With regard to a listing of non-resident ratepayer electors, a candidate may purchase mailing labels and/or postal address lists from the electoral office.

Candidates or candidate scrutineers may request, **before the close of voting**, a listing of names of persons from whom voting documents have been returned. Such a request can be supplied in either hardcopy or electronic copy, and a reasonable charge will be made for this. [Section 68 (6) Local Electoral Act 2001].

Voting and special voting

Key message

The three-week voting period is Tuesday 26 January 2021 to noon Wednesday 17 February 2021. Voting packs are posted to electors from Tuesday 26 January 2021. Special votes are available to those who have not received an ordinary vote during the voting period.

Postal voting

The election is being conducted by postal vote. Voting documents are posted to all electors whose names appear on the final electoral roll with delivery commencing Tuesday 26 January 2021. All electors should have received their voting documents by Tuesday 2 February 2021.

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:

- Northland Regional Council's Whangārei Office, 36 Water Street, Whangārei.

When posting voting documents back, it is recommended these be posted by 5pm, Friday 12 February 2021 to guarantee delivery before the close of voting (noon, Wednesday 17 February 2021).

There is currently no online voting option for this by-election.

Special votes

Special votes are available to electors:

- whose names do not appear on the final electoral roll, but who qualify as electors;
- who do not receive a voting document previously posted to them;

- who spoil or damage a voting document previously posted to them.

Special votes are available from Tuesday 26 January 2021 to noon, Wednesday 17 February 2021 from:

- Northland Regional Council's Whangārei Office, 36 Water Street, Whangārei;
- by telephoning the electoral office on 0800 922 822.

Special votes can be posted directly to electors. The completed voting document however, must be returned to the electoral officer by noon on by-election day.

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 electoral roll (e.g. just turned 18 years of age), the person must enrol by Tuesday 16 February 2021 (the day before the close of voting). An application for registration as a Parliamentary elector may be obtained:

- from any NZ Post agency; or
- telephoning 0800 ENROLNOW (0800 36 76 56); or
- by accessing the Electoral Commission website - www.vote.nz

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

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

Early processing of returned voting documents

Key message

During the voting period, returned voting documents are able to be opened and processed, but not counted.

Processing of votes

Returned voting documents are able to be opened and processed during all or part of the voting period prior to the close of voting.

The early processing of voting documents involves the following functions:

- roll scrutiny (marking people off the roll);
- opening of envelopes;
- extracting of voting documents;
- checking for informal or duplicate votes;
- electronic capture of all valid votes (twice).

No tallying of votes is undertaken until after the close of voting (noon, Wednesday 17 February 2021).

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

Candidate scrutineers are not permitted to observe the early processing functions.



Scrutineers

Key message

Candidates are able to appoint scrutineers to observe certain functions. Appointment of scrutineers must be made by noon, Tuesday 16 February 2021.

Appointment of scrutineers

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

These functions are:

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

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 which an election is 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 as a scrutineer, the letter of appointment must be received by the electoral officer no later than noon Tuesday 16 February 2021 [Section 68, Local Electoral Act 2001].

A standard letter for the appointment of a scrutineer is located at the end of this handbook.

Each appointed scrutineer must report initially to the electoral officer or deputy electoral officer, where a declaration pledging not to disclose any information coming to their knowledge, will need to be signed and a name tag issued. When departing the premises, scrutineers are to return their name tag to the electoral officer or deputy electoral officer.

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

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

The scrutiny of the roll will be undertaken at the electoral office (Level 2, 198 Federal Street, Auckland), during normal office hours between Tuesday 26 January 2021 and to noon, Wednesday 17 February 2021.

The preliminary count of votes will commence once voting closes at noon on Wednesday 17 February 2021 at the electoral office.

The official count of votes will be undertaken once the preliminary count is concluded and the final result will be known later on the afternoon of Wednesday 17 February 2021. The official count will also occur at the electoral office.

The role of scrutineers is to ensure that election procedures are undertaken correctly and that the count of votes is done fairly and reasonably.

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



Key message

Election results will be released on the afternoon of Wednesday 17 February 2021.

Results will be accessible on council's website:
www.nrc.govt.nz

Final result

Once all special votes have been validated by the Electoral Commission, a final result is able to be announced. This is expected late afternoon on Wednesday 17 February 2021.

Release of results

Where email addresses have been provided, candidates will be emailed a copy of the results, once available.

All results will also be placed on council's website:
www.nrc.govt.nz

All members come into office on the day after the day the candidate is declared to be elected (i.e. the day after the first public notice declaring the result is made) [Section 115, Local Electoral Act 2001].

A public notice (declaration of results) will appear in the Northern Advocate on Friday 19 February 2021 and the Whangarei Leader on Wednesday 24 February 2021.

124 Voting offences

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

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

125 Bribery

- (1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,-
 - a. gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or
 - b. gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or
 - c. corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or
 - d. makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector; or
 - e. upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) obtains, or tries to obtain, the election of any person or the vote of any elector; or
 - f. advances or pays, or causes to be paid, any money to or for the use of any other person, intending that 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, they, directly or indirectly, on their 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, they, directly or indirectly, on their 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 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 their 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 license under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-
 - a. to any person, if the supply is demanded for one or more of the purposes specified in subsection (1); or
 - b. to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.
- (3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.
- (4) Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.
- (5) Every person who commits the offence of treating is liable on conviction to imprisonment for a term not exceeding 2 years.

127 Undue influence

- (1) Every person commits the offence of undue influence-
 - a. who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person-
 - i. in order to induce or compel that person to vote or refrain from voting;

Local Electoral Act 2001

121 Illegal nomination, etc

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

- a. consents to being nominated as a candidate for an elective office, knowing that they 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 they is not qualified to vote at the election of the person named in the nomination paper as the candidate.

122 Interfering with or influencing voters

- (1) Every person commits an offence, and is liable on conviction to a fine not exceeding \$5,000, who-
 - a. interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how they should vote;
 - b. prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be an imitation of any voting document to be used at the election or poll that,-
 - i. in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote;
 - ii. in the case of a poll, includes a statement or indication as to how any person should vote;
 - iii. in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes.
 - c. prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.
- (2) Despite subsection (1)(b), it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed-

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

- b. nothing else.

(3) Nothing in this section applies to-

- a. any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or
- b. any candidate profile statement, published, displayed or distributed under the authority of this Act or regulations made under this Act.

123 Offences in respect of official documents

(1) Every person commits an offence who-

- a. intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll;
- b. intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll;
- c. forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document;
- d. supplies, without authority, a voting document to any person;
- e. obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording their vote, without authority;
- f. intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.

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

- a. in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years;
- b. in the case of any other person, to imprisonment for a term not exceeding six months.

- (3) A person who commits an offence against subsection (1) is liable on conviction to a fine—
 - a. not exceeding \$5,000 for an electoral officer or deputy electoral officer;
 - b. not exceeding \$2,000 for any other person.

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

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

General provisions

137 Property may be stated as being in electoral officer

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, appliances, 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
 - c. 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 they 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 six 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 six 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.

- ii. on account of that person having voted or refrained from voting;
- b. who, by abduction, duress, or any fraudulent device or means,-
 - i. impedes or prevents the free exercise of the vote of any elector;
 - ii. compels, induces, or prevails upon any elector either to vote or to refrain from voting.
- (2) Every person who commits the offence of undue influence is liable on conviction to imprisonment for a term not exceeding 2 years.

128 Personation

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

129 Infringement of secrecy

- (1) Every electoral officer, deputy electoral officer, and other electoral official-
 - a. must maintain and assist in maintaining the secrecy of the voting; and
 - b. must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.
- (2) No person, except as provided by this Act or regulations made under this Act, may-
 - a. interfere with or attempt to interfere with a voter when marking, or recording their vote; or
 - b. attempt to obtain, in the building, or other place where the voter has marked or recorded their 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

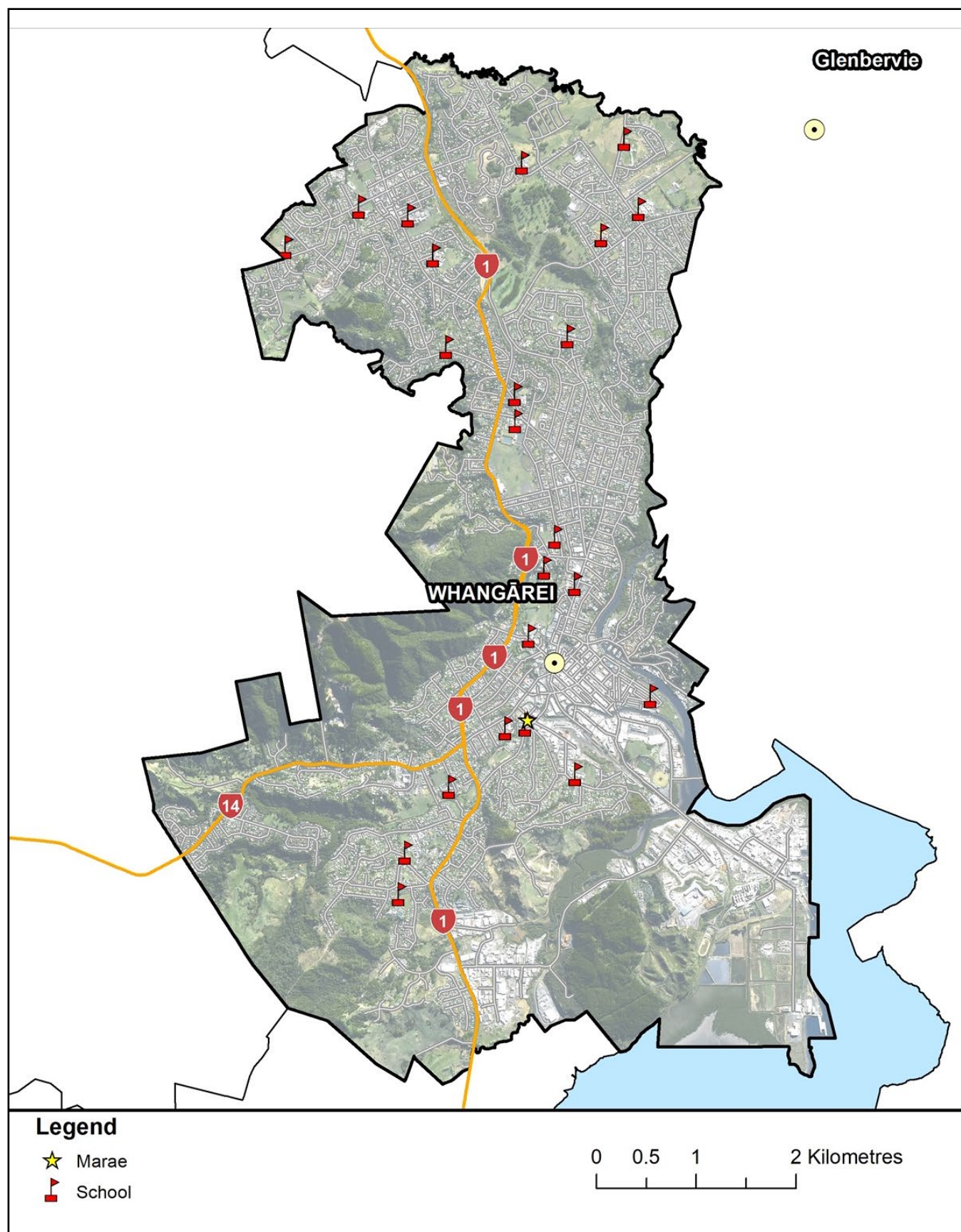
- c. communicate at any time to any person any information obtained in the building or other place where the voter has marked or recorded their vote and immediately before or after that vote has been marked or recorded, as to-
 - i. any candidate for whom, or the proposal for or against which the voter 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 their voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.
- (5) Every person commits an offence who contravenes or fails to comply with this section.
- (6) Every person who commits an offence against subsection (5) is liable on conviction to imprisonment for a term not exceeding six 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.

Northland Regional Council - Whangārei Urban Constituency



DECLARATION OF RESULTS OF ELECTION for the Northland Regional Council 2019 elections



I hereby declare the results of the elections held on 12 October 2019 for the following offices:

Northland Regional Council

Coastal Central Constituency (one vacancy) Votes Received

ADAIR, Maureen (Independent)	537
BUXTON, Maggie	829
DIMERY, Paul	1639
JONGEJANS, Jeroen	1354
MACDONALD, Amy	2182
THEW, Colin Peter	373

Informal votes received: 65

Blank votes received: 524

I therefore declare Amy MACDONALD to be elected.

Coastal North Constituency (two vacancies) Votes Received

ROBINSON, Marty (Independent)	6578
SAMUELS, Dover (Independent)	4229
SHEPHERD, Bill	5641
YEOMAN, Jocelyn	5678

Informal votes received: 8

Blank votes received: 1343

I therefore declare Marty ROBINSON and Jocelyn YEOMAN to be elected.

Coastal South Constituency (one vacancy) Votes Received

LOURIE, David	2250
STOLWERK, Rick	3522

Informal votes received: 71

Blank votes received: 542

I therefore declare Rick STOLWERK to be elected.

Te Hiku Constituency (one vacancy) Votes Received

FINLAYSON, Mike (Independent)	2652
KITCHEN, Colin Toss	3470

Informal votes received: 4

Blank votes received: 482

I therefore declare Colin Toss KITCHEN to be elected.

Whangārei Urban Constituency (two vacancies) Votes Received

BAIN, John (Independent)	5731
CRAW, Jack (Independent)	5647
SINCLAIR, David	4922

Informal votes received: 14

Blank votes received: 812

I therefore declare John BAIN and Jack CRAW to be elected.



Dated at Whangarei, 17 October 2019
Dale Ofoske, Electoral Officer
Northland Regional Council
36 Water Street, Whangarei

Phone 0800 922 822

WHANGĀREI URBAN CONSTITUENCY BY-ELECTION

17 February 2021

APPOINTMENT OF SCRUTINEER

The Electoral Officer
Northland Regional Council
C/- Independent Election Services Ltd
PO Box 5135
Victoria Street West
Auckland 1142

Email: info@electionservices.co.nz

I _____,

a candidate for the Whangārei Urban Constituency by-election being held on Wednesday 17 February 2021,
hereby appoint

as my scrutineer.

Signature of candidate

Date

NOTE: This letter must be returned to the electoral officer or deputy electoral officer no later than 24 hours before the close of voting (i.e. by noon Tuesday 16 February 2021).

RETURN OF ELECTORAL DONATIONS AND EXPENSES

(Under section 112A of the Local Electoral Act 2001)

I, a candidate for

at the by-election held on 17 February 2021, make the following declaration:

PART A: RETURN OF ELECTORAL DONATIONS (inclusive of GST)

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

Set out the following details in respect of every **electoral donation** received (other than an anonymous electoral donation) 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:

- the name of the donor;
- the address of the donor;
- the amount of the donation or, in the case of aggregated donations, the total amount of the donations;
- the date the donation was received or, in the case of aggregated donations, the date that each donation was received.

NB: Section 103A Local Electoral Act 2001 defines "donation" as money or the equivalent of money or of goods or services or of a combination of those things used in the candidate's election campaign over \$300 in value. It excludes labour and goods and services that are provided free of charge reasonably valued at \$300 or less.

NAME and ADDRESS of DONOR	DESCRIPTION (include goods or services)*	DONATION	
		<i>Date received</i>	<i>Amount</i>
* set out here if the donation is funded from contributions		Total	

Set out the following details in respect of every **anonymous electoral donation** received that exceeds \$1,500:

- the date the donation was received;
- the amount of the donation;
- the specific election campaign to which the donation was designated (see top of page);
- the amount paid to the electoral officer and the date the payment was made.

NB: Section 103A Local Electoral Act 2001 defines "anonymous" as a donation made in such a way that the candidate who receives the donation does not know the identity of the donor, and could not, in the circumstances, reasonably be expected to know the identity of the donor.

ANONYMOUS DONATION		DESCRIPTION (include goods or services)	PAID TO ELECTORAL OFFICER	
<i>Date received</i>	<i>Amount</i>		<i>Date paid</i>	<i>Amount</i>
Please turn page for more Electoral donations, Electoral Expenses and Declaration			Total	

In the case of any **electoral donation funded from contributions**, set out the following details in respect of each contribution that, either on it's own or when aggregated with other contributions made by the same contributor to the donation, exceeds \$1,500 in sum or value:

- the name of the contributor;
- the address of the contributor;
- the total amount of the contributor's contributions made in relation to the donation.

NB: Section 103A Local Electoral Act 2001 defines "contributions" as money or goods or services that have been given to a donor to fund, be applied to, or included in an electoral donation (for example, contributions to trust funds or a fundraising collection).

NAME and ADDRESS of CONTRIBUTOR	DESCRIPTION (include goods or services)*	DONATION <i>Date received</i>	CONTRIBUTION <i>Amount</i>
* set out here the electoral donation this contribution applies to.		Total	

PART B: RETURN OF ELECTORAL EXPENSES (inclusive of GST)

I make the following return of all electoral expenses incurred by me:

Set out the following details in respect of every electoral expense incurred by or on behalf of the candidate at the election in respect of any electoral activity:

- the name and description of every person or body of persons to whom any sum was paid;
- the reason that sum was paid.

Sums paid for radio broadcasting, television broadcasting, newspaper advertising, posters, pamphlets etc must be set out separately and under separate headings.

NAME and DESCRIPTION	REASON for EXPENSES	EXPENSES PAID
Total		

Dated at this day of 2021.

Signature

THIS FORM IS REQUIRED TO BE COMPLETED (**EVEN IF IT IS A NIL RETURN**) AND PROVIDED TO THE ELECTORAL OFFICE,
PO BOX 5135, WELLESLEY STREET, AUCKLAND 1141, **BY 15 APRIL 2021.**

NOTE: RECEIPTS ARE **NOT** REQUIRED TO BE RETURNED WITH THIS FORM. PLEASE RETAIN THESE FOR YOUR RECORDS.

