

INFORMATION BOOKLET FOR CANDIDATES

Local Government Elections

9 October 2010

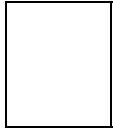


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1 INTRODUCTION

This booklet outlines information which may be of interest to you as a candidate for the 2007 local government elections.



The elections are being conducted by postal vote with election day on **Saturday 9 October 2010**



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

- Local Electoral Act 2001 (and amendments)
- Local Electoral Regulations 2001 (and amendments)
- New Zealand Public Health and Disability Act 2000 (and amendments)

Relevant key dates for your diary are:



- Nominations Open Friday 23 July 2010
- Nominations Close Noon, Friday 20 August 2010
- Delivery of Voting Documents Friday 17 September 2010 to Wednesday 22 September 2010
- Appointment of Scrutineers By Noon, Friday 8 October 2010
- Removal of Election Signs Midnight, Friday 8 October 2010
- **Close of Voting Noon, Saturday 9 October 2010**
- Preliminary Results Available As soon as practicable after close of voting, Saturday 9 October 2010
- Official Declaration Wednesday 13 October 2010
- Return of Expenses Form By mid December 2010



Electoral Officer:

CA (Colin) Tutty

Maniapoto St, Box 11, Otorohanga

Phone 07 873 4000 (Ext 772)

Direct Dial 07 873 4372 Fax 07 873 4300

Email – colin@otodc.govt.nz

Deputy Electoral Officer

K (Kat)Brown-Merrin

Maniapoto St, Box 11, Otorohanga

Phone 07 873 4000 (Ext 760)

Direct Dial 07 873 4360 Fax 07 873 4300

Email – kat@otodc.govt.nz

Disclaimer: Every effort has been made to ensure that the information contained in this booklet is accurate and consistent with the Local Electoral Act 2001 Otorohanga District Council takes no responsibility for any errors or omissions. It is recommended that candidates obtain a full copy of the Act, which can be purchased from any Bennett's Bookstore.

2 ELECTION ISSUES

- Elections will be held for:



- Mayor
- 7 Councillors
- 4 Otorohanga Community Board Members
- 5 Kawhia Community Board Members

- The District is divided into 6 wards and 2 communities. These are:

Ward	No Councillors	Community	No Members	No. Resident Electors as May 2010
Kawhia	1			635
Kawhia Community		Kawhia (sub division)	4	284
		Aotea (sub division)	1	37
Tihiroa	1			1109
Kio Kio / Korakonui	1			961
Otorohanga	2	Otorohanga	4	1865
Waipa	1			844
Wharepuhunga	1			431
	7		9	5845

Electoral System

The Council will be using the First Past the Post method (FPP)

3 ELECTIONS 2010 TIMETABLE

On/after 1 February 2010	Complete EO's declaration
2 March – 30 April 2010	Issue Ratepayer Roll Enrolment Confirmation Letters
May 2010	SOLGM Ratepayer Roll Campaign
12 May 2010	EEC test data sent to EO's
By 30 June 2010	<ul style="list-style-type: none"> • Optional early processing and order of Candidate's • Names resolutions
5 July 2010	EEC enrolment update campaign commences
9 July 2010	Receive residential roll data from EEC
12-21 July 2010	Compile preliminary electoral roll
No later than 23 July 2010	Public notice of election, calling for nominations, roll open for inspection
23 July 2010	Nominations open. Roll open for inspection
20 August 2010	<ul style="list-style-type: none"> • Nominations close – 12 noon • Rolls close – close of business
25 August 2010(as soon as practicable)	Public notice of day of election, candidates names and other information
By 27 August 2010	<ul style="list-style-type: none"> • Receive final data from EEC • Ratepayer roll insert with rates notice
By 13 September 2010	Final roll to be certified by the Electoral Officer
17 September 2010	EEC contact unpublished roll electors
17-22 September 2010	Delivery of voting documents
17 September to 9 October 2010	<ul style="list-style-type: none"> • Progressive roll scrutiny • Special voting period • Early processing period
By 12noon 8 October 2010	Deadline for appointment of scrutinisers
9 October 2010	<ul style="list-style-type: none"> • Election Day- voting closes at 12 noon • Preliminary results announced
9-13 October 2010	Qualification of special votes and official count
13-20 October 2010	Declaration/Public Notice of results
Mid December 2010	Return of election expense forms

4 CANDIDATE ELIGIBILITY

1. A candidate for a city/ district/ regional council must be:

- a New Zealand citizen; and
- a parliamentary elector (anywhere in New Zealand) [Section 25, Local Electoral Act 2001.]

2. Restrictions on a candidate for a city/ district/ regional council:

- a candidate may seek nomination for Mayor, Council and Community Board but cannot also seek nomination for the Regional Council, i.e. a candidate may stand for a District Council or the Regional Council (section 58 Local Electoral Act 2001).
- Members Interests - Prospective candidates should be aware of the requirements of the Local Authorities (Members' Interests) Act 1968.
 - Under Section 3 of the Act, elected members may not be concerned or interested in contracts made by the Council when payments made for the contracts entered into during a particular year exceed \$25,000 including GST. That amount may only be exceeded if the Council has either obtained the prior approval of the Audit Office or, in special circumstances, obtained retrospective approval. When payments exceed \$25,000 or any other approved amount, the elected member concerned is automatically disqualified from office. He or she also commits an offence if they continue to act as a member.
 - Under Section 6 of the Act, elected members may not discuss or vote on any matter in which they have a pecuniary interest when it is being considered by the Council or a committee. Elected members failing to observe this prohibition commit an offence and can be prosecuted. Conviction leads to disqualification from office.
 - When a matter is raised at a meeting of the Council or a committee in which a member has a pecuniary interest, the member prohibited from voting or discussing the matter must declare the pecuniary interest. The fact of that disclosure⁴ and abstention from discussion and voting on it is also recorded in the minutes. While it is not necessary to withdraw from the meeting, it is good practice to do so.
- An employee of a local authority who is elected as Mayor or Councillor must resign from his/her position as an employee of the local authority before taking up his/her position. This does not apply if an employee is elected to a Community Board (section 41 (5) Local Government Act 2002)
- A candidate may not seek nomination for more than one ward of Council (Section 57A Local Electoral Act 2001).

5 NOMINATIONS

1. Key Dates

- Nominations open on Friday 23 July 2010.
- Nominations close at **noon**, Friday 20 August 2010.
- A public notice calling for nominations will appear in the Waitomo News on Thursday 23 July 2010

2. Availability of Nomination Papers

- New Candidates are also encouraged to attend the information sessions provided by Council prior to the opening of nominations.
- Each nomination must be made on the appropriate official Nomination Paper. A separate Nomination Paper is required for each issue or position and these are available from 23 July 2010:
 - at the Council Office, Maniapoto Street, Otorohanga
 - by telephoning 0800 734 000
- Nomination Papers and Candidate Information Packs for the
 - **Waikato Regional Council**
 - **Waikato District Health Board**are also available from 23 July 2010 from the Council Office.

3. Candidate Profiles:

- The Electoral Act allows for candidate profiles to be provided by each candidate with the nomination paper. These are then collated by the Electoral Officer and forwarded to electors in an A5 booklet with the voting papers.
- Profile Statements are preferred to be provided electronically on a computer floppy disk, in a MS Word document that has been spell checked. As the Electoral Officer could well receive up to 100 profiles, consistent format of delivery and content will be necessary. Preferably photos should also be provided black and white electronically (scanned as jpegs (.jpg) onto a floppy disk, or by email).
- Candidate Profile Statements are governed by Sections 61 and 62 of the Act.

Candidate Profile Statements:

- if in English, or Maori, or both, must not exceed 150 words in each of the languages used in the statement. (i.e. 300 words in total)
- if in any other language or combination of languages, must not exceed 150 words or their equivalent if symbols are used rather than words. Where a CPS is in a language other than English or Maori, then the candidate must provide a translation of the CPS in English for verification of content. This translation is not published with the CPS.
- should accompany the candidate's nomination paper; and
- must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under section 55(4) to be affiliated, or his or her status as an independent candidate), and the candidate's policies and intentions if elected to office; and

- should comply with any prescribed requirements; (i.e. on computer floppy disk in a Word document) and
- may include a recent (i.e. less than 1 year old) black and white photograph of the candidate alone. (photos and profiles will be printed in black and white only and may not necessarily be passport size). Photos will not be returned to candidates.

N.B.

The total English text plus translations of the English text, other than a Maori translation, must not exceed 150 words.

In addition to the above languages, a candidate may have a Maori translation, which is limited to the same number of words as the English text, as per above.

If a candidate profile statement is submitted in Maori and English, the information contained in each language must be substantially consistent with the information contained in the other language.

If the Electoral Officer is not satisfied that a candidate profile statement complies with subsection (2) or, if applicable, subsection (3), the Electoral Officer will as soon as practicable, return the statement to the candidate and specify his/her concerns and the reasons therefore. The candidate will then have three (3) days to submit an amended candidate profile statement to the Electoral Officer.

A candidate is to be treated as having failed to provide a candidate profile statement, if subsection (4) applies to the candidate and the candidate:

- fails to submit an amended candidate profile statement within the three days, or
- submits an amended candidate profile statement that, in the opinion of the Electoral Officer, does not comply with the requirements.

The Electoral Officer is not required to verify or investigate any information included in a candidate profile statement. The Electoral Officer will take no responsibility for the accuracy of the content, however may suggest corrections to spelling or grammar if appropriate.

A disclaimer concerning the accuracy of the information contained in the statements will be published in the profile statement booklet.

Format of Profiles:

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

The English text must be plain text with no special formatting, eg:

- No Special Formatting (Bold, Italic, Underline etc)
- No Tabs
- No Quote marks
- No Accent marks (this restriction is in English text only)
- No Bullet points

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

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

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

“No Profile Statement or Photo provided.”

All typed “language images” supplied must have the following formatting:

- Font - Times New Roman (or Equivalent)
- Point Size - 9 point size, 11 Point line spacing

- No special formatting of text - eg: No Bolding, No Italics, No Underlines, No Quotes, etc
- No Candidate Name - This is already printed in the Profile book.
- No Pictures

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

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

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

Pacific International Translations (NZ) Ltd
 P O Box 8567, Symonds Street, Auckland
 Phone: 09 9135290 Fax: 09 9135291
 Email: info@pactrans.co.nz
 Contact: Lynda Heimsath

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 Maori or both, must not exceed 150 words in each of the languages used in the statement:*
 - (ii) *in a language other than English or Maori, 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 before 12 noon on nomination day; and*
 - (c) *must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under **section 55(4)** to be affiliated, or his or her status as an independent candidate), and the candidate’s policies and intentions if elected to office; and*
 - (d) *must comply with any prescribed requirement; and*
 - (e) *may include a recent photograph of the candidate alone.*
- (3) *If a candidate profile statement is submitted in Maori 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) *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.

4) Completion of Nomination Paper

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

5) 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 a political party may wish to nominate their affiliation as “Independent” or leave as blank (if left blank, nothing will show alongside the name on the voting document).

- A candidate requiring a specific party affiliation should have authority to adopt the affiliation from the party concerned (i.e. letter of consent to use affiliation from party). This is a safety measure to avoid any illegal adoption of party affiliations.
- An affiliation that might cause offence or is likely to confuse or mislead electors will not be accepted.

6) Return of Nomination Paper

- Completed Nomination Papers must be lodged

NO LATER THAN 12 NOON FRIDAY 20 AUGUST 2010 with

The Electoral Officer
Otorohanga District Council
17 Maniapoto Street
Otorohanga 3900

or posted *in time to be received no later than **12 noon, Friday 20 August 2010*** to:

The Electoral Officer
Otorohanga District Council
P O Box 11
Otorohanga 3940

- Once lodged, Nomination Papers are checked to ensure the candidate's name appears on a Parliamentary Roll and the nominators are two electors whose names appear on the Electoral Roll for the district or subdivision of the district (e.g. Ward).
- Each Nomination Paper lodged, requires a deposit of **\$200 (inclusive of GST)**. This is refunded if the candidate polls greater than 25% of the lowest successful candidate (for FPP elections)
- Payment of the Nomination Deposit can be made by cash, bank cheque or personal cheque. However should a personal cheque be dishonoured, the nomination becomes invalid as the deposit has not lawfully been made.

Cheques should be made payable to:

OTOROHANGA DISTRICT COUNCIL

- The lodgement of Nomination Papers and candidate profile statements 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.

- Nomination Papers, with the deposit and the candidate profile statement, can be returned by mail, but should the paper(s) be received by the Electoral Officer or Electoral Official after the close of nominations, the nomination is invalid.

6 CAMPAIGNING

- Election campaigning can commence anytime and may continue up to and including Election Day.
- Election signs are permitted on private property (with the owners consent) at any time during the election period. Signs must be erected in a stable fashion, not being a hazard to public or traffic safety and must be removed by Midnight on 8 October 2010.
- Election offences are detailed for your information in this guide (section 18). Please refer to them for your own protection. No election material can contain any untrue statement defamatory of any candidate and calculated to influence the vote of any elector. No election material may contain an imitation voting document which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contains such direction or indication likely to influence the voter.
- Voting documents should not be collected from electors by candidates or their assistants. Each elector should post or deliver his or her own voting document to the Electoral Officer.
- Election advertising, using any media, must now identify the person under whose authority they have been produced. Refer section 135, Local Electoral Act 2001.
- 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.¹
- (2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
 - (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and
 - (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.
- (3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.
- (4) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—*
 - (a) *the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and*
 - (b) *the advertisement contains a statement setting out—*
 - (i) *the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and*

¹ : Contravention of this subsection is an offence (see s135 (1)).

- (ii) *the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.*
- (5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.

135 *Unauthorised advertisements*

- (1) *Every person commits an offence who wilfully contravenes section 113(1).*
- (2) *Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$1,000.*

7. ELECTION 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 his or her 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:

<i>Local government area population</i>	<i>Expenditure limit</i>
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 or more	\$70,000

- If a candidate is standing for more than one position (e.g. Mayor and Council) then the higher limit applies (not both combined).
- The period for which campaign expenditure limits apply is 3 months before Election Day (i.e. 9 July 2010 to 9 October 2010). However legislation further specifies that all expenses incurred before the 3 month period for campaign expenditure used during the 3 month period, must be included in the return.
- A Return of Electoral Expenses and Electoral Donations form is required to be supplied to the Electoral Officer within 55 days after the official declaration (by mid December 2010)
- The Return of Electoral Expenses and Electoral Donations form once returned becomes a public document and can be inspected by any person for a period of 7 years after the date of the election.
- Relevant Definitions as contained in the Local Electoral Act 2001 are:

104 Interpretation:

In this Part, -

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

Electoral activity, in relation to a candidate at an election, means an activity –

- that is carried out by the candidate or with the candidate's authority; and*
- that relates to the candidate solely in the candidate's capacity as a candidate and not to the candidate –*

- (i) *in his or her capacity as a member of the local authority or community board, or as the holder of any other office; or*
- (ii) *in any other capacity; and*
- (c) *that comprises –*
 - (i) *advertising of any kind; or*
 - (ii) *radio or television broadcasting; or*
 - (iii) *publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; or*
 - (iv) *any electronic communication to the public, including (without limitation) the establishment or operation of a website or other method of communication to the public using the Internet; and*
- (d) *that relates exclusively to the campaign for the return of the candidate; and*
- (e) *that takes place within the applicable period before the close of polling day.*

Electoral donation, in relation to a candidate at an election, -

- (a) *means a donation (whether of money or the equivalent of money or of goods or services or of a combination of those things) of a sum or value of more than \$1,000 (such amount being inclusive of any goods and services tax and of a series of donations made by or on behalf of any one person that aggregate more than \$1,000) made to the candidate, or to any person on the candidate's behalf, for use by or on behalf of the candidate in the campaign for his or her election; and*
- (b) *includes, if goods or services are provided to the candidate, or to any person on the candidate's behalf, under a contract at 90% or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services; but*
- (c) *does not include the labour of any person that is provided to the candidate free of charge by that person.*

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.*

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

105 Periods for claiming and paying expenses

- (1) No claim against a candidate or against any agent of a candidate, in respect of any electoral expenses is recoverable unless it is sent to the candidate within 30 days after the day on which the successful candidates are declared to be elected.
- (2) All electoral expenses incurred by or on behalf of a candidate must be paid within 60 days after the day on which the successful candidates are declared to be elected.

106 Procedure if claim disputed

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

107 Leave to pay claim after time limited

- (1) A District Court may, on the application of the claimant or the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any electoral expenses, even though it is sent in after the time allowed by this Act, if the Court considers it in the interests of justice to grant that leave.
- (2) Any sum specified in the order granting that leave may be paid by the candidate, and when paid, is to be treated as paid within the time allowed by this Act.

108 Payments to be vouched by bill

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

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

109 Return of electoral expenses

- (1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must transmit to the Electoral Officer a return setting out-
 - (a) the candidate's electoral expenses; and
 - (b) the name and address of each person who made an electoral donation to the candidate and the amount of each electoral donation; and
 - (c) if an electoral donation of money or of the equivalent of money is made to the candidate anonymously and the amount of that donation exceeds \$1000,-
 - (i) the amount of that donation; and
 - (ii) the fact that it has been received anonymously.
- (2) Every return under subsection (1) must be in the form prescribed in Schedule 2 or to similar effect.

- (3) *If the candidate is outside New Zealand on the day on which the successful candidates are declared to be elected, the return must be transmitted by the candidate to the Electoral Officer within 21 days after the date of the candidate's return to New Zealand.*
- (4) *It is the duty of every Electoral Officer to ensure that this section is complied with.*

110 Return to be open for public inspection

*The electoral officer must keep every return under **section 109** in the electoral officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates, and-*

- (a) *during that period the return must be open to inspection by any person; and*
- (b) *at the expiry of that period the electoral officer must ensure that the return is destroyed.*

111 Maximum amount of electoral expenses (refer to section 8 in this booklet)

112 Apportionment of electoral expenses

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

113 Advertisements for candidates

- (1) *No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.*
- (2) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if-*
 - (a) *the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and*
 - (b) *the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.*
- (3) *A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.*
- (4) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if-*

- (c) *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*
- (c) *the advertisement contains a statement setting out-*
 - (i) *the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and*
 - (ii) *the true name of the organisation or body 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.*

114 Use of public money

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

For offence provisions relating to candidate expenditure limits, (sections 132-136 Local Electoral Act 2001) refer section 18 of this booklet.

8. COUNCIL POLICY ON ELECTION HOARDINGS



- Election signs are provided for as temporary signs under the District Plan. Election signs permitted adjacent to state highways and road reserves can be erected up to 6 weeks before election day but must be removed the day before election day (i.e. by 12 midnight Friday 8 October 2010).
- Signs may be erected as of right when the following standards are complied with:
 - a. Signs do not imitate approved official signs (e.g.: stop signs etc...);
 - b. Signs are not reflectorised;
 - c. Signs are not internally or externally illuminated;
 - d. The written consent of the Road Controlling Authority is obtained if signs are to be located on road reserve (NZTA for State Highways or Otorohanga District Council for other roads);
 - e. The written consent of the landowner (of the land where signs are to be erected) to be provided
 - f. Signs are not located on known archaeological sites;
 - g. Signs are sign written to a professional standard;
 - h. Signs contain no more than 30 characters (letters) and/or international symbols;
 - i. Minimum size of sign letters complies with the following:
 - 50kph – 100mm
 - 60kph – 125mm
 - 70kph – 150mm
 - 80kph – 175mm
 - 100kph – 200mm
 - j. Signs do not restrict visibility from vehicle entranceways. Visibility maintained in accordance with following:
 - 50kph – 45m
 - 60kph – 65m
 - 70kph – 85m
 - 80kph – 115m
 - 100kph – 170m
 - k. Signs do not restrict visibility from road intersections. Visibility maintained in accordance with following:
 - 50kph – 80m
 - 60kph – 105m
 - 70kph – 130m
 - 80kph – 175m
 - 100kph – 250m
 - l. Signs are able to be seen in advance by drivers in accordance with the following:

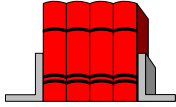
- 50kph – 80m
- 60kph – 105m
- 70kph – 130m
- 80kph – 175m
- 100kph – 250m

m. Signs are separated from other signs in accordance with the following:

- 50kph – No restriction
- 60kph – No restriction
- 70kph – 60m
- 80kph – 70m
- 100kph – 80m

- If one or more of these standards cannot be complied with resource consent will be required before the sign can be erected.
- NZTA has advised that they will not permit election signs on road reserve. If signs are erected they will be removed immediately by NZTA. Similarly any sign that is erected that does not comply with the standards (and a resource consent has not been granted) will be removed.
- The District Planner should be contacted by candidates and provided with proposed layout signage plans and owners written consents prior to the erection of signs to ensure compliance with these standards.

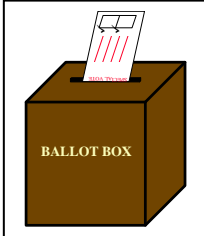
9. ELECTORAL ROLLS



A copy of the Preliminary Electoral Roll for the OTOROHANGA DISTRICT COUNCIL will be available for public inspection from Friday 23 July 2010.

- Otorohanga District Council Office, 17 Maniapoto Street Otorohanga
 - Otorohanga District Library, Turongo Street, Otorohanga
 - Post shop c/- Kings Paper Plus, 39 Maniapoto Street Otorohanga
 - Kawhia Public Library, Pouewe Street, Kawhia
 - Postal Agency, Kawhia General Store Jervois Street, Kawhia
 - Oparau Roadhouse, State Highway 31, Kawhia Rd, Oparau.
- Any alterations to the Residential Roll, should be made:
 - a. by completing the appropriate form at any Post Shop, Public Library or Council Offices or
 - b. by telephoning 0800 ENROLNOW (0800 367656) or
 - c. visiting the Elections website www.elections.org.nz
 - Any alterations to the Ratepayer Roll, should be made through the Electoral Officer Otorohanga District Council Maniapoto Street Otorohanga (telephone 07 873 4000).
 - The Final Electoral Roll is produced once the Roll closes on 20 August 2010. The Final Electoral Roll is the Roll used for issuing voting papers.
 - 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 *Otorohanga District Council* are enrolled automatically on the District's Residential Electoral Roll if they are registered as Parliamentary electors. Therefore, there is no need to enrol separately for the District's elections.
 - Ratepayers, who are not residents of *Otorohanga District Council* but pay rates on property within the District, may be entitled to enrol on the Ratepayer Roll. Companies, businesses and societies which are ratepayers, may also nominate an elector to vote on their behalf, provided any such elector resides outside of the *Otorohanga District*.
 - Details appearing in the Electoral Rolls are elector's names (surname, then first names) listed alphabetically by Community. The qualifying address of the elector is shown alongside. No postal addresses or occupations will be shown.
 - Information contained on the Electoral Rolls 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 Enrolment Centre (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 at the Electoral Enrolment Centre. Contact person is Bob Chandler on (04) 801 0703.
 - Candidates or candidate scrutineers' may now request, *before the close of voting*, the Electoral Officer to provide 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, but a reasonable charge will be made for this. (Section 68 (6) Local Electoral Act 2001).

10. SPECIAL VOTING



- Special Votes are available to electors:
 - whose names do not appear on the Final Electoral Roll, but who qualify as electors
 - who did not receive a voting paper previously posted to them
 - who spoil or damaged a voting paper previously posted to them
- Special votes are available from Friday 17 September 2010 to noon, Saturday 9 October 2010 at the District Council Office.
- Special Votes can be posted directly out to electors. The completed voting paper however, must be in the hands of the Electoral Officer by noon on 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.
- 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.
- The election is being conducted by postal vote. Voting documents will be posted out to all electors whose names appear on the Final Electoral Roll. Delivery by NZ Post will commence Friday 17 September 2010, and all electors should have received their voting documents by Wednesday 22 September 2010.
- 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 posting completed voting documents back, it is recommended these be posted no later than 5.00pm, Thursday 7 October 2010 to guarantee delivery before the close of voting (12 noon, Saturday 9 October 2010).

11. EARLY PROCESSING OF RETURNED VOTING PAPERS



- Returned voting papers are able to be opened and processed during all or part of the voting period before the close of voting.
- The early processing of voting papers involves the following functions:
 - opening of envelopes
 - extracting of voting papers
 - checking for informal or duplicate votes
 - electronic capture of valid votes
- No tallying of votes is undertaken until after the close of voting
- 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 scrutiners' are not permitted to observe the early processing functions.

12. SCRUTINEERS



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

- the scrutiny of the roll
- counting of the votes after 12 noon on Saturday 9 October 2010.

However, with the use of progressive processing, most voting papers will already have been processed by 12noon, using a sophisticated computer software system.

Council has systems in place to comply with the progressive processing legislation which allows voting papers to be processed as they are received. This includes dual passwords and time locks on the counting software so that no access to the results can be obtained, and the use of a Justice of the Peace to oversee the process. This means that come 12 noon, there will be very few voting papers that will need to be counted. The preliminary result will be produced and checked and then advised to candidates as soon as possible. Hence there is likely to be very little for scrutineers to observe. The role of scrutineers has for all intent and purposes been replaced by the presence of the JP.

Nevertheless, 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 candidate or a member of the local authority **cannot** be a scrutineer.

Each scrutineer must be appointed by a candidate, such appointment to be in writing to the Electoral Officer 24 hours before the close of voting, i.e. 12 noon on Saturday 9 October 2010. (Section 68, Local Electoral Act 2001). See attached form on page 44.

Each appointed scrutineer must report initially to the Electoral Officer, where a declaration pledging not to disclose any information coming to his or her 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.

Any scrutineer will not be permitted to leave or re-enter the place where election functions are being conducted until the preliminary result has been announced. However, **it is an offence** (and liable to 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 preliminary result is announced.

The scrutiny of the roll, progressive processing and counting of the votes will be undertaken at the Processing Centre, 163-167 Tuam St, Christchurch commencing daily at 8.30am until completed.

The role of scrutineers is to ensure that election procedures are undertaken correctly and that the counting of votes is done fairly and reasonably. It is **not** a means to obtain progress reports on how certain candidates or parties are fairing. As most of the counting will have been completed by 12 noon this matter becomes limited.

Progress results during Election Day will not be available to scrutineers until they are publicly released by the Electoral Officer.

During the preliminary count (after 12 noon on Saturday 9 October), scrutineers must not talk to any staff members and should not distract, annoy, or linger close by or talk loudly to one another so as to disrupt or upset any staff member. All communication must be through the Electoral Officer at all times.

No refreshments or meals will be provided to scrutineers. Scrutineers are reminded to make their own provision for refreshments. Use of mobile phones by scrutineers is prohibited from within the Counting Centre.

Copies of the scrutinised rolls will be available to candidates throughout the voting period.

13. PRELIMINARY RESULTS



The Preliminary Count will take place from 12 noon Saturday, 9 October 2010 at Christchurch.

Preliminary results will be made available to candidates, members of the public and media as soon as practicable from **12 noon** on Election Day (9 October 2010) at 163-167 Tuam St, Christchurch. It is expected that preliminary results will be announced at 4.30 pm.

Results will be posted on the Otorohanga District Council website, at 5 pm.

All candidates will be personally advised in writing or by phone/fax/email as soon as possible after this time.

Counting Process:

Processing of the voting papers will be carried out at a centralised processing centre setup at Christchurch by Council's vote processing contractor, electionz.com. Voting papers for most of the councils in the Waikato and BOP regions will be processed at this facility.

Votes will be processed on a computerised system using progressive processing from 17 September 2010, i.e. papers will be scrutinised on their return, opened, batched into lots of 100 papers into each ward, then processed via computer.

The legislation requires that a Justice of the Peace be present the whole time that voting papers are being processed prior to the close of voting. Dual passwords and time locks are in place to ensure that no access by any electoral staff to the results can be obtained until after 12 noon on Saturday 9 October 2010.

All voting papers are required to be counted twice to ensure complete accuracy of the count. The second count is carried out at the completion of the preliminary count. It is expected that both counts will be completed by Saturday 9 October 2010. However as special votes will still need to be verified, only a preliminary result will be issued on the day.

Further information on the exact process and systems for processing the voting papers can be obtained from the Electoral Officer.

It is expected that the Official Declaration of the final result will be made no later than Wednesday 20 October 2010, once all special votes have been verified by the electoral registrar and final checks and balances made.

14. COMMUNITY BOARD MEMBERSHIP

Relevant legislation relating to membership of community boards is found in the Local Electoral Act 2001.

- Each community board must consist of between 4 and 12 members; and is to include at least 4 elected members; and may include, as appointed members, up to half the total number of members (section 19, Local Electoral Act 2001).
- Appointed members to a community board must be appointed by Council from the elected Councillors representing the ward in which the community is situated (section 19F, Local Electoral Act 2001).
- A person elected as a Councillor and a Community Board Member within the same ward/community district, is deemed to be elected as a Councillor and a Community Board member but is then deemed to have vacated the office as a Community Board member, and the next highest polling Community Board candidate is elected. (If there is no highest polling unsuccessful candidate, in this instance, an extraordinary vacancy occurs and a new by-election is required) (sections 88A, 88B, Local Electoral Act 2001).
- If a person is elected as a Councillor and a Community Board Member (the community being in a different ward to the ward containing the community), that person is considered an elected member to both.

15. ELECTION OFFENCES

Local Electoral Act 2001

121 Illegal nomination, etc

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

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

122 Interfering with or influencing voters

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

- (a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote;*
- (b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be an imitation of any voting document to be used at the election or poll that,-*
 - (i) in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote;*
 - (ii) in the case of a poll, includes a statement or indication as to how any person should vote;*
 - (iii) in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes.*
- (c) prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.*

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

- (a) the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organizations or groups to which those candidates are affiliated, and including those who are independent); and*
- (b) nothing else.*

(3) Nothing in this section applies to-

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

123 Offences in respect of official documents

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

124 Voting offences

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

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

125 Bribery

- (1) *Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,-*
 - (a) *gives. lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or*
 - (b) *gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or*
 - (c) *corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or*

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

126 Treating

- (1) *Every person commits the offence of treating who corruptly before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person*
- (a) *for the purpose of influencing, that person or any other person to vote or refrain from voting; or*
 - (b) *for the purpose of obtaining his or her election; or*
 - (c) *on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.*
- (2) *Every holder of a license under the Sale of Liquor Act 1989 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-*
- (a) *to any person, if the supply is demanded for 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 or indictment to imprisonment for a term not exceeding 2 years.*

127 Undue influence

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

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

128 Personation

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

129 Infringement of secrecy

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

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

130 Disclosing voting or state of election or poll

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

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

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

Electoral expenses

132 Payments in breach of section 105

- (1) Every person commits an offence that makes a payment in contravention of **section 105**.
- (2) Every person who commits an offence against **subsection (1)** is liable on summary conviction to a fine not exceeding \$5,000.

133 Failure to transmit return

- (1) Every candidate commits an offence who fails to transmit a return of electoral expenses in the prescribed form to the electoral officer within the prescribed period.
- (2) Every person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$1,000, and, if he or she has been elected, to a further fine not exceeding \$400 for every day on which he or she continues to act until the return is transmitted.

134 False return

- (1) Every candidate commits an offence that transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on

indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000.

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

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

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

135 Unauthorized expenditure

(1) *Every person commits an offence who willfully contravenes section 113 (1).*

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

136 Excessive expenditure

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

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

General provisions

137 Property may be stated as being in electoral officer

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, 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) *If the electoral officer at any election or poll-*

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

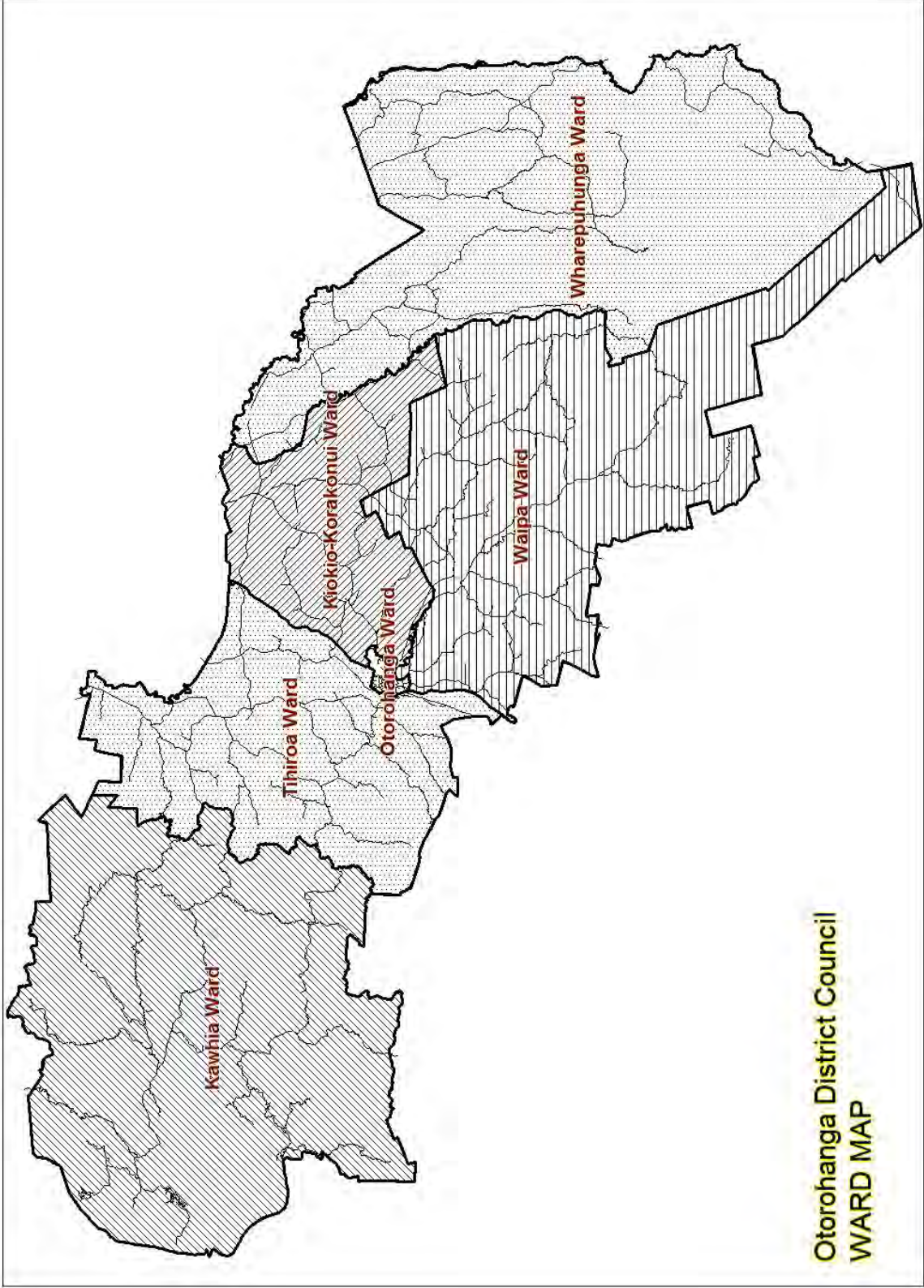
(b) *believes for any other reason that an offence under this Part may have been committed,-*

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

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

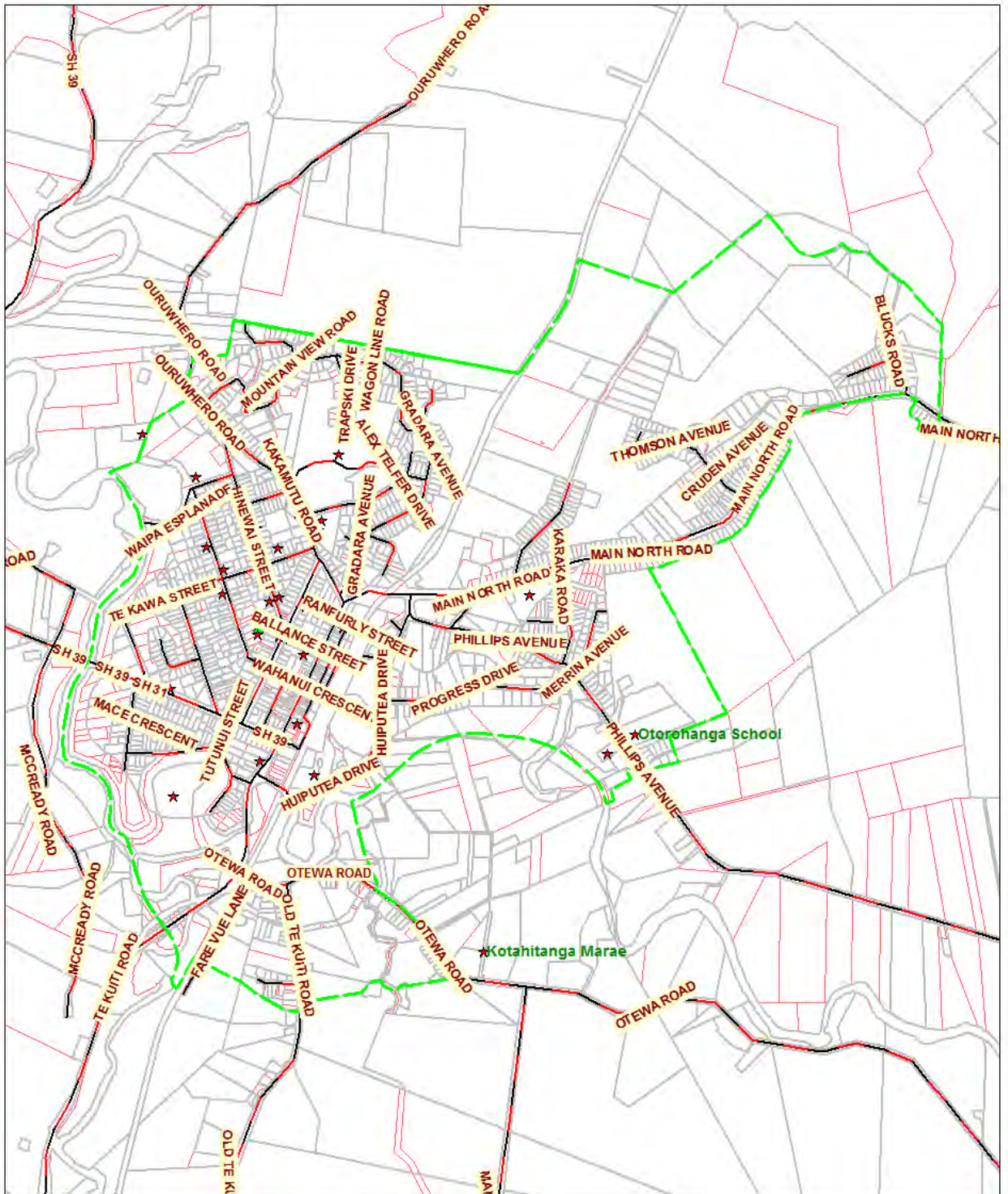
(3) *Despite subsection (1), an electoral officer is not required to report the failure by a candidate at an election to file the return required by section 109 (1) within the period prescribed in section 109, if the candidate files that return promptly after being required by the electoral officer to file the return.*

16. WARD/COMMUNITY MAPS

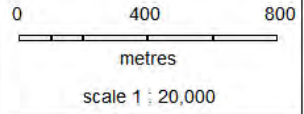




OTOROHANGA COMMUNITY BOUNDARY



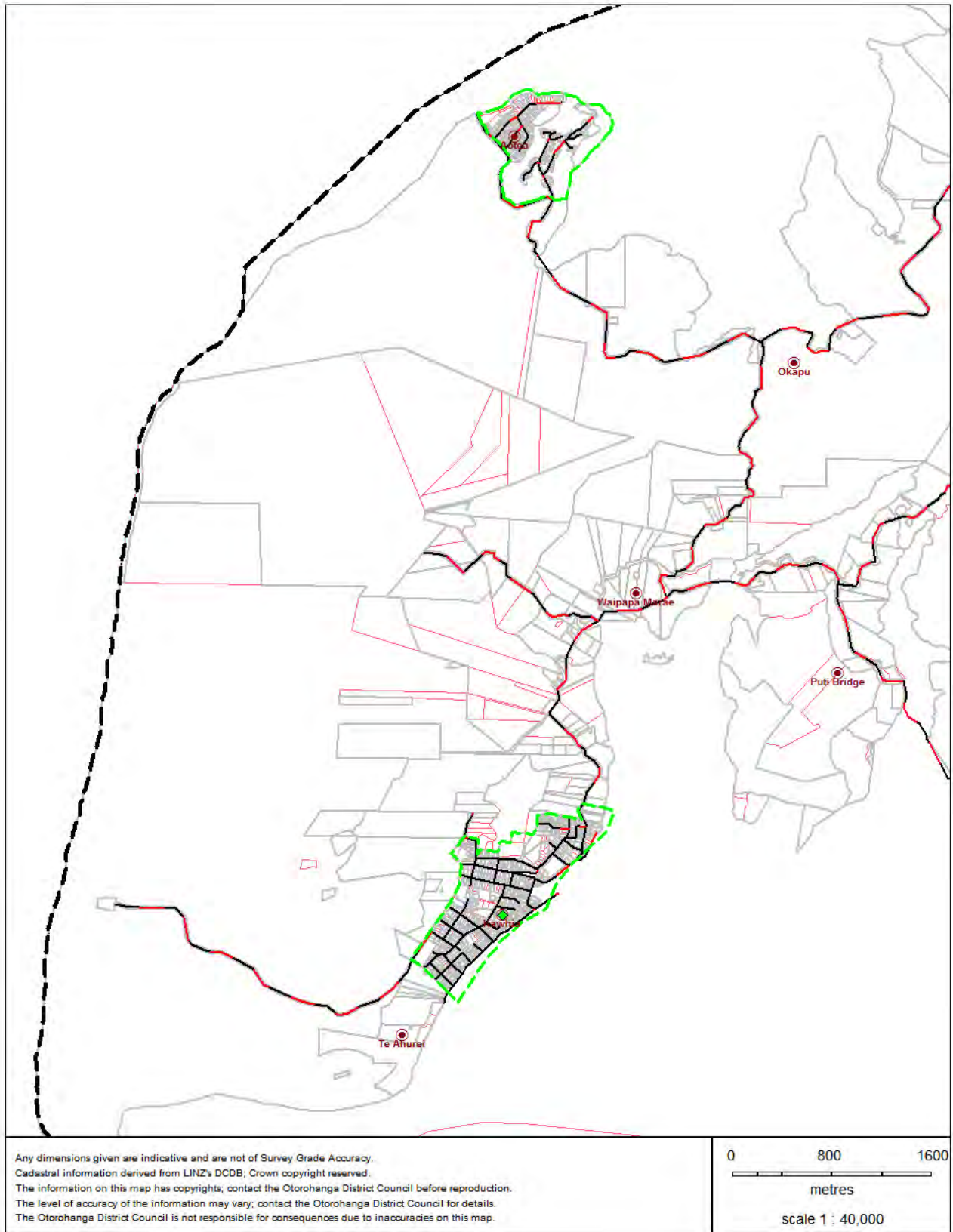
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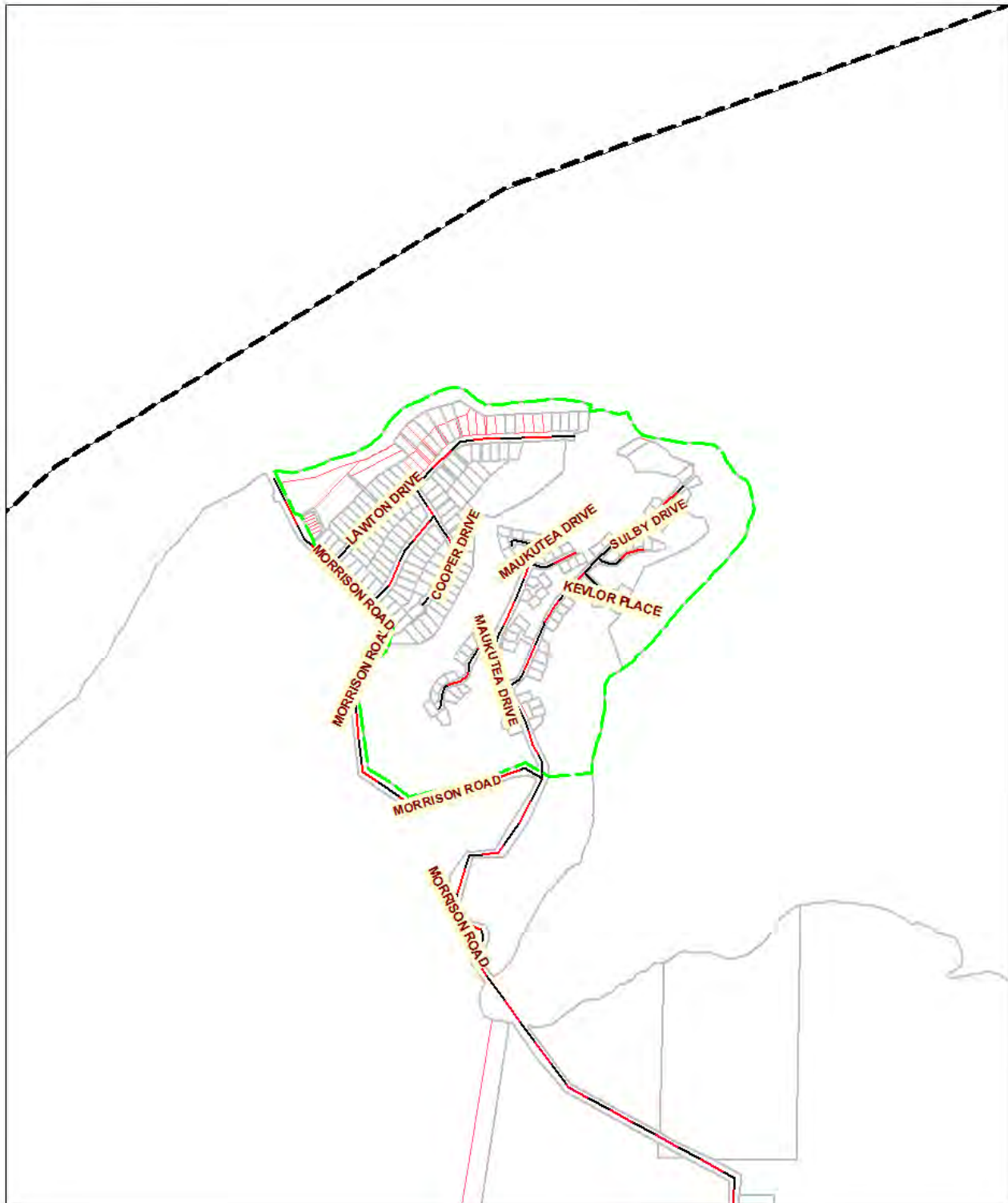
Otorohanga
District
Council
26/3/07

KAWHIA COMMUNITY BOUNDARY (INCLUDES AOTEA)

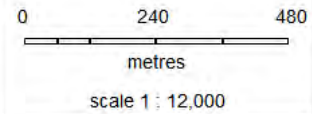




KAWHIA COMMUNITY BOUNDARY - AOTEA



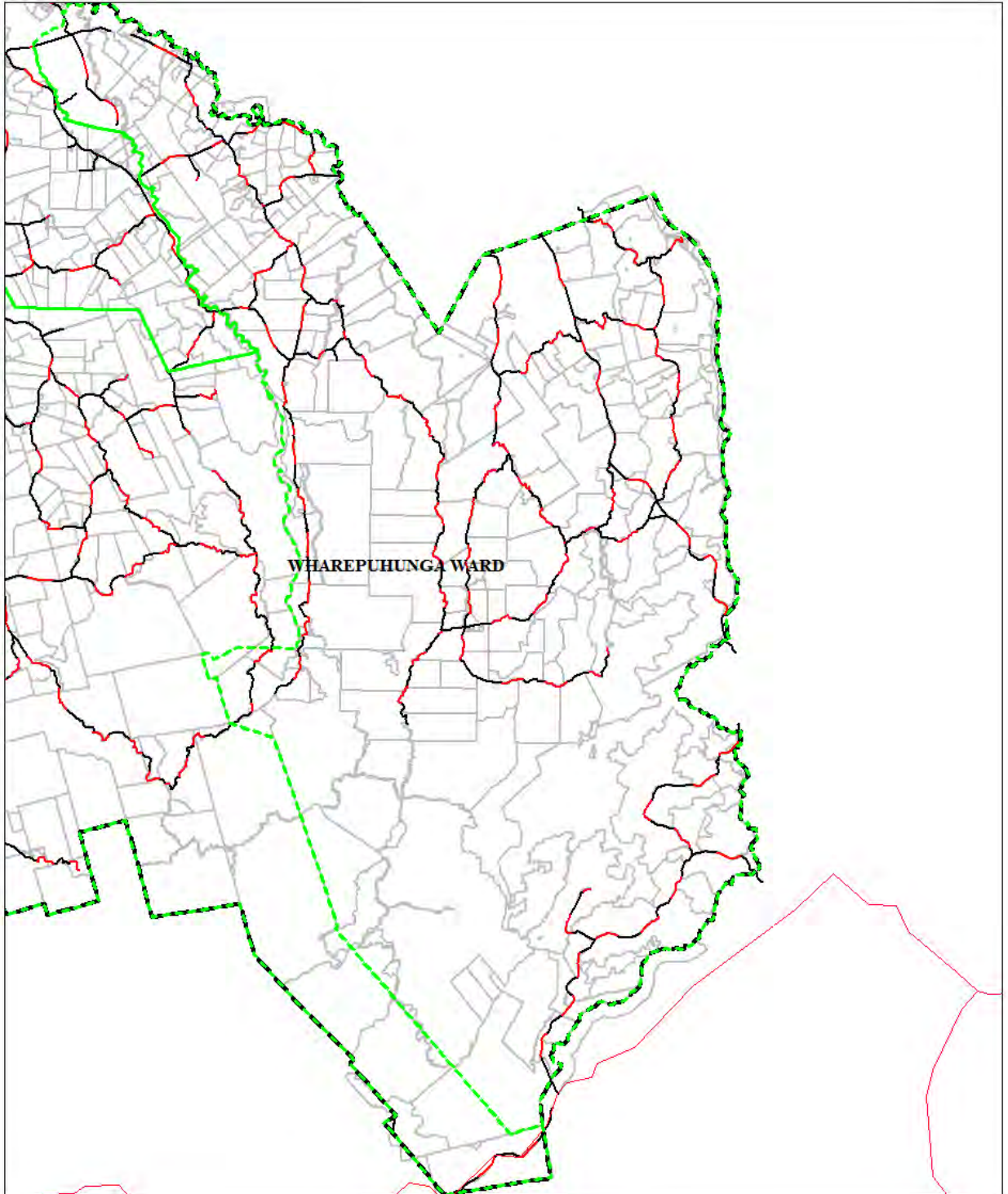
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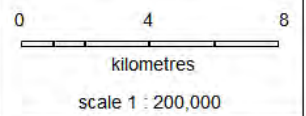


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Council
5/7/10

WHAREPUHUNGA WARD

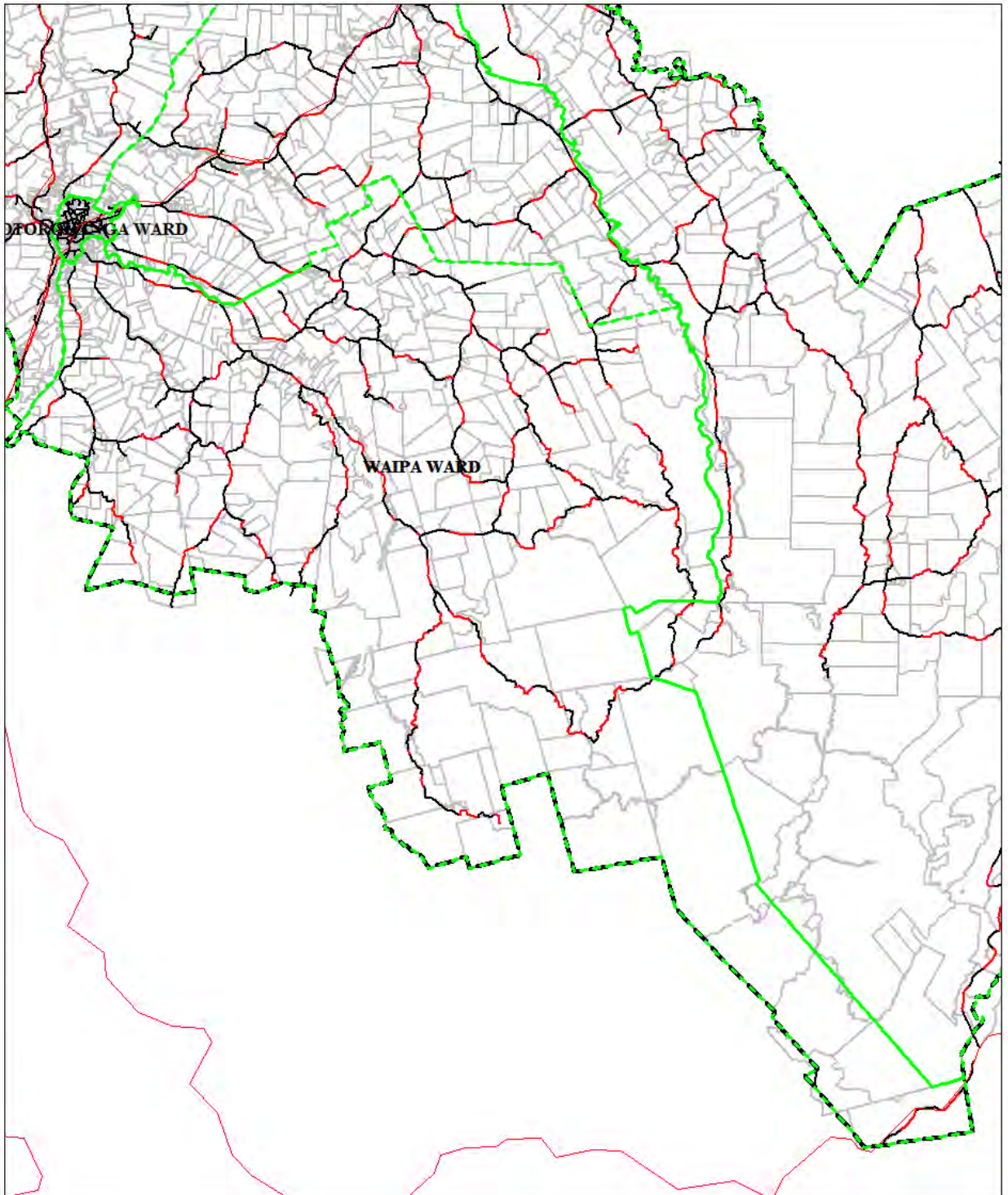


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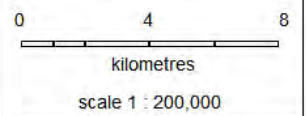




WAIPA WARD



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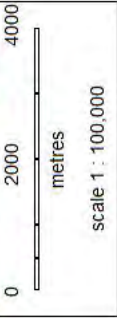
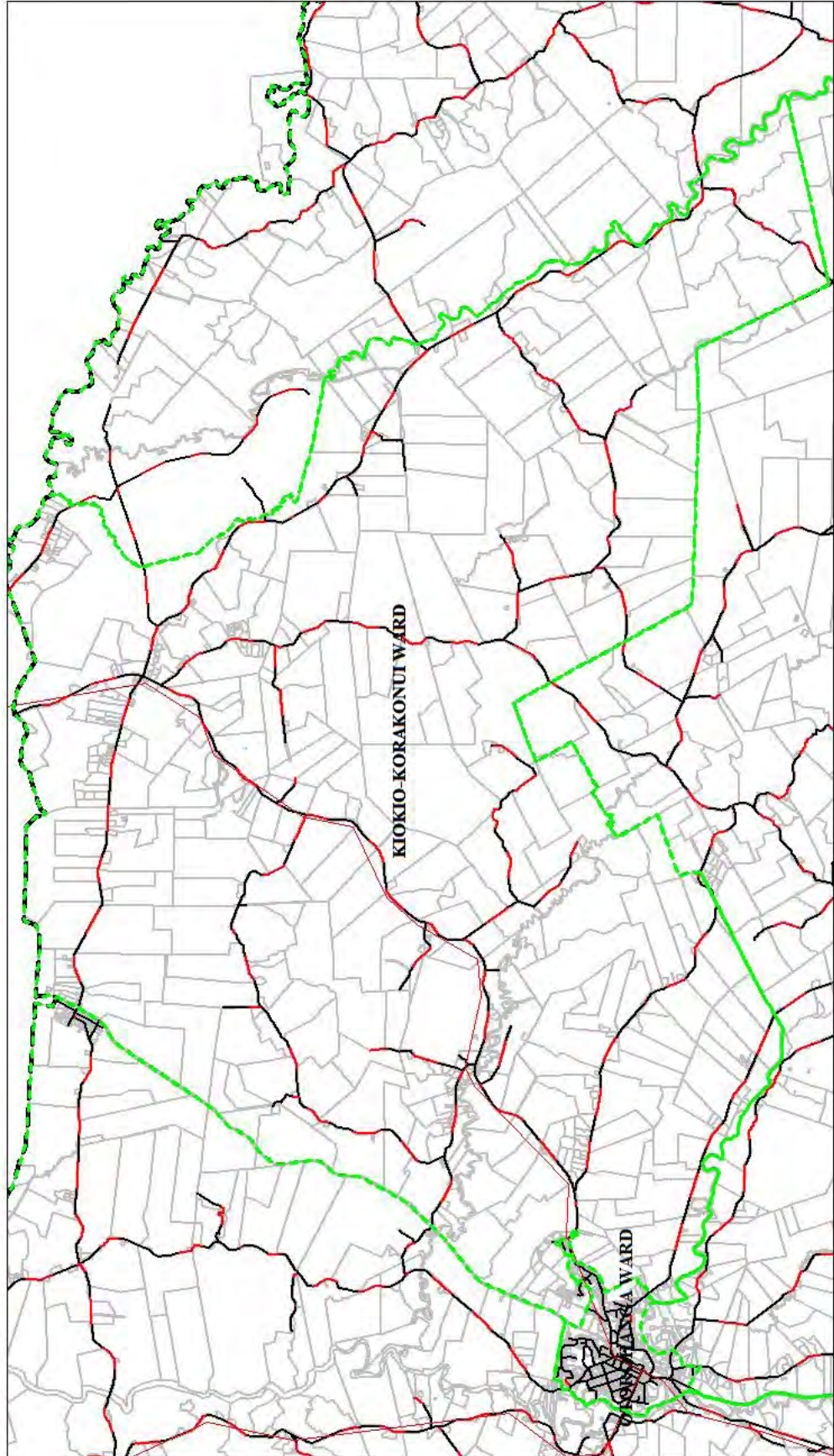




KIOKIO-KORAKONU WARD

Otorohanga District Council

5/7/10



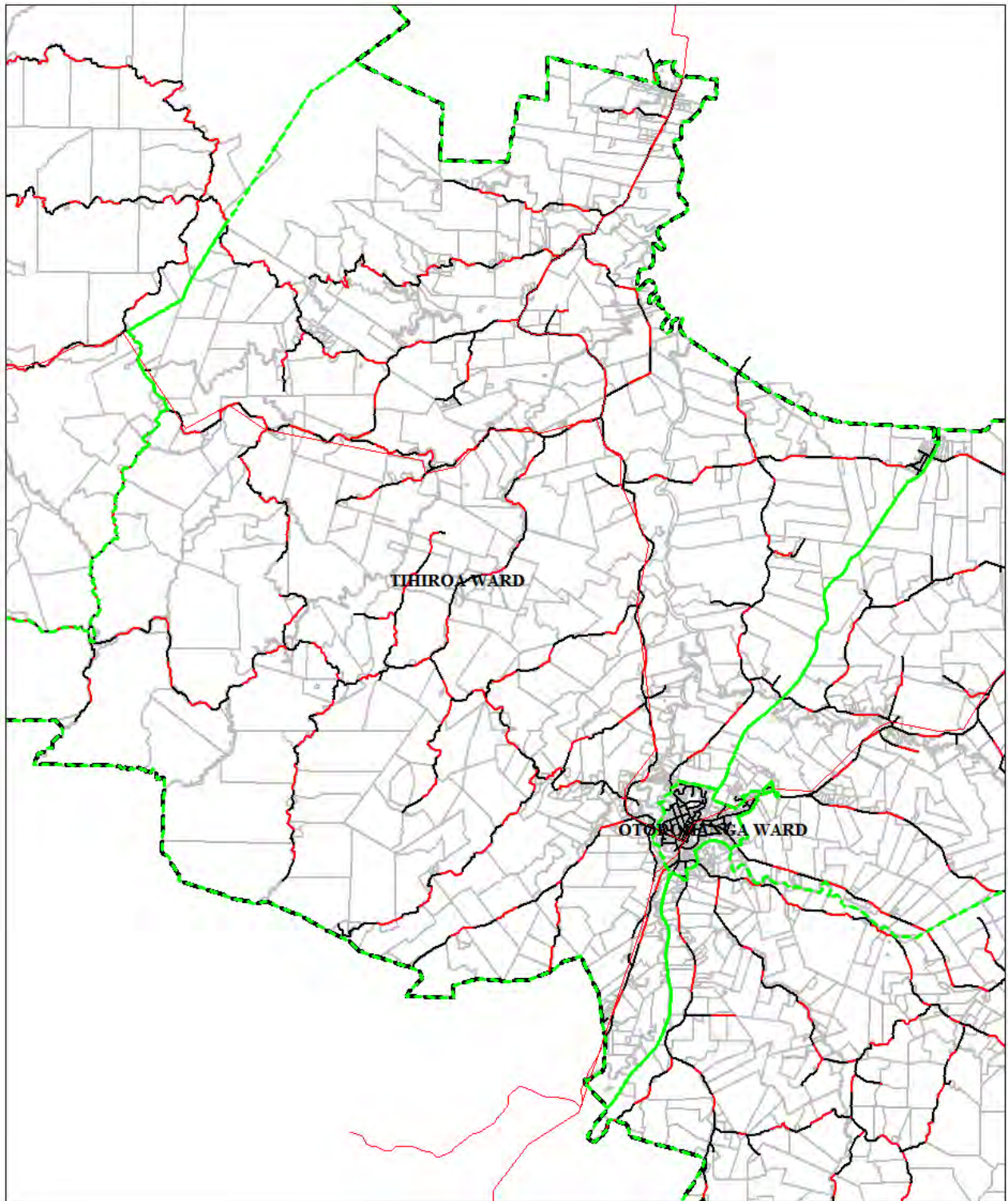
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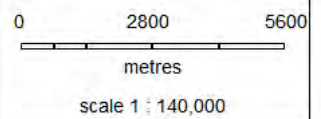
Otorohanga
District
Council

5/7/10

TIHIROA WARD

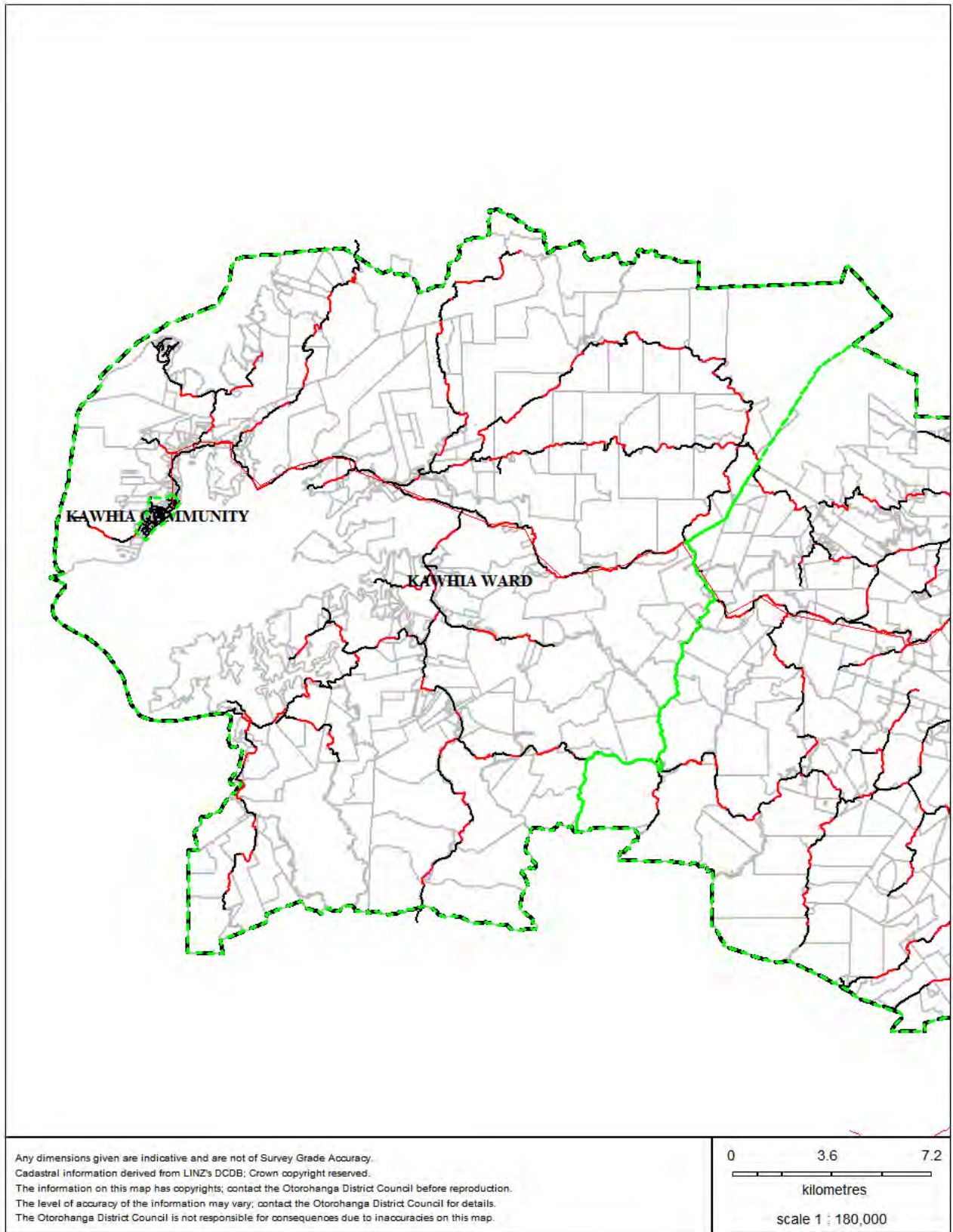


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KAWHIA WARD



17. ADDITIONAL INFORMATION

3. Legislation

The Local Government Act 2002 is the main piece of legislation that grants powers, duties and functions to the Council and Community Boards.

There are a significant number of other pieces of legislation that impact on the roles and duties of Elected Representatives in Auckland City, such as the Resource Management Act for the hearing of Resource Consents, and the Local Authorities (Members Interests) Act, which sets out rules governing such things as pecuniary interest.

4. Post Election Processes

No Elected Member can act until they have made their statutory declaration.

INAUGURAL MEETING

The successful candidates will take office on the day after the Electoral Officer gives his official notification of the result of the election. However, no person is permitted to act as a member of the Council before making a declaration. This declaration will be made at the inaugural meeting, which is expected to be held in late October 2010. Newly elected members will be contacted by staff with the key dates.

The business to be conducted at that meeting will include:

- The making and attesting of declarations required of the Mayor and Councillors. Traditionally, this has been a ceremonial occasion.
- A general explanation of the Local Government Official Information and Meeting Act 1987 and other laws affecting elected members.
- The fixing of the date and times of the first ordinary meeting of the Council, or the adoption of the Schedule of ordinary meetings.
- Election of the Deputy Mayor
- The declaration required to be made by the Mayor and Councillors is as follows -

DECLARE that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Otorohanga District Council, the powers, authorities, and duties vested in, or imposed upon me, as a Mayor/Councillor/Community Board Member, of the Otorohanga District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

This declaration is for the Mayor, Councillors and Community Board Members.

Once members have been sworn in, a series of briefings, training and induction processes have been planned to assist the new Elected Members in settling into their new duties as quickly and efficiently as possible.

This process will enable briefings to be given on key projects and issues, an update on key projects, and to lead into the annual plan process which gets underway in November.

Specific skill training is offered, particularly in the area of public speaking and Chairing of meetings.

6. Management Structure

Staff are headed by the Chief Executive who is directly responsible to the Council.



TRIENNIAL ELECTION

9 October 2010

APPOINTMENT OF SCRUTINEER

The Electoral Officer
Otorohanga District Council
Box 11
Otorohanga 3940
Fax (07)8734300

I, a candidate for the office of
..... for the election being held on Saturday 9
October 2010, hereby appoint as my scrutineer.

.....
Signature of candidate

.....
Date

NOTE: This letter must be returned to the Electoral Officer or Deputy Electoral Officer 24 hours before the close of voting (i.e. by noon Friday 8 October 2010)

