



## **CHRISTCHURCH CITY**

**Candidate Information Booklet**

**2006 Banks Peninsula Elections**

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# Contents

	Page No
Contents.....	2
1 Introduction .....	3
2 Electoral Principles.....	4
3 Electoral Systems and Voting Documents .....	5
4 Election Issues .....	6
5 Election Timetable .....	7
6 Candidate Qualifications .....	8
7 Nominations and Candidate Profile Statements .....	9
8 Campaigning.....	13
9 Election Expenses.....	15
10 Advertising by or on behalf of Candidates and use of Council logos .....	21
11 Requirements for Election Hoardings .....	24
12 Electoral Rolls and Provision of Names of Persons Returning Completed Voting Documents.....	26
13 Voting and Special Voting .....	28
14 Early Processing of Returned Voting Papers .....	29
15 Scrutineers .....	30
16 Preliminary Count and Release of Preliminary Results.....	31
17 Community Boards.....	32
18 Ward/Community Map .....	34
19 Election Offences.....	35
20 Remuneration .....	42
21 Governance Issues .....	43
22 Requirements and Time Commitments of Members.....	44
23 Management Structure and Council Staff .....	45
24 Accountability .....	46
25 Members' Interests and Disqualifying Contracts .....	47
26 Post-Election Processes .....	48

# 1 Introduction

This booklet outlines information which may be of interest to you as a candidate in the 2006 elections to elect one Christchurch City Councillor and the elected members of the Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards.



The elections are being conducted by postal vote with election day being Saturday 25 February 2006.



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

- Local Electoral Act 2001
- Local Electoral Regulations 2001
- Local Government Act 2002



Relevant key dates for your diary are:

- |                                 |                                                                            |
|---------------------------------|----------------------------------------------------------------------------|
| • Nominations Open              | Friday 9 December 2005                                                     |
| • Nominations Close             | Noon, Friday 6 January 2006                                                |
| • Delivery of Voting Papers     | Friday 3 February to<br>Wednesday 8 February 2006                          |
| • Election Campaigning Close    | Midnight, Friday 24 February 2006                                          |
| • Close of Voting               | Noon, Saturday 25 February 2006                                            |
| • Preliminary Results Available | As soon as practicable after close of voting,<br>Saturday 25 February 2006 |
| • Official Declaration          | About Saturday 4 March 2006                                                |



For additional copies of this booklet or general electoral enquiries contact:

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Christchurch

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*Prepared by Max Robertson, Electoral Officer, November 2005*

## 2 Electoral Principles

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

### 4 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.

# 3 Electoral Systems and Voting Documents

## Electoral Systems

- The FPP (First Past the Post) electoral system will be used for the election.

## Voting Documents: Order of Candidates' Names

The names of the candidates will be arranged in random order on the voting documents. This means that the names of the candidates will appear in a different order on each and every voting document. Random order will be used because of a perception that alphabetical order unfairly favours candidates whose surnames are at or near the beginning of the alphabet. However, candidate profile statements submitted by candidates will be arranged in alphabetical order in the candidate profile booklet posted to electors with the voting documents.

## 4 Election Issues

- In these elections, persons may stand as:
  - A member of the Christchurch City Council representing the Banks Peninsula ward and/or
  - A member of the following community boards:

Akaroa/Wairewa  
Lyttelton/Mt Herbert

## 5 Election Timetable

**CHRISTCHURCH CITY COUNCIL**  
**ELECTION OF ONE COUNCILLOR AND TWO COMMUNITY BOARDS**  
(Timetable under current legislation - November 2005)

**ELECTION DAY - SATURDAY 25 FEBRUARY 2006**

Fri 9 December and Thurs 15 December 2005	Public Notice of Election, Calling for Nominations, Roll Open for Inspection [Sec 42, 52, 53, LEA]
<b>Fri 9 December 2005</b>	<b>Nominations Open/Roll Open for Inspection</b> [Sec 42, LEA]
<b>Fri 6 January 2006</b>	<b>Nominations Close (12 noon)/Roll Closes</b> [Sec 5, 42, 55, LEA]
Wed 11 January 2006	Public Notice of Election and Candidates' Names [Sec 65, LEA]
By Mon 30 January 2006	Electoral Officer Certifies Final Electoral Roll [Sec 51, LEA, Reg 22, LER]
Fri 3 February 2006	EEC letter sent to Unpublished Roll electors
<b>Fri 3-Wed 8 February 2006</b>	<b>Delivery of Voting Documents</b> [Sec 5, LEA]
Fri 3-Sat 25 February 2006	Progressive Roll Scrutiny [Sec 83, LEA] Special Voting Period Early Processing
By 12 noon Fri 24 February 2006	Appointment of Scrutineers [Sec 68, LEA]
<b>Sat 25 February 2006</b>	<b>Election Day</b> [Sec 10, LEA] Voting Closes 12 noon - counting commences [Sec 84, LEA] Preliminary Results (FPP) available as soon as practicable after close of voting [Sec 85, LEA]
Sat 25 February-Wed 1 March 2006	Official Count [Sec 84, LEA]/Declaration of Result
Sat 4 March-Wed 8 March 2006	Public Notice of Results [Sec 86, LEA]

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

*Prepared by Max Robertson, Electoral Officer, November 2005*

## 6 Candidate Qualifications

1. A candidate **must** be:

- Enrolled on a parliamentary electoral roll somewhere in New Zealand; and
- A New Zealand citizen (either by birth or citizenship ceremony) (Section 25 Local Electoral Act 2001)

2. **Restrictions on a candidate:**

- A candidate need not be an elector of the local authority for which he or she is standing. Any New Zealand citizen who is enrolled as a parliamentary elector may be elected to any territorial authority and community board and to any number or combination of territorial authorities or community boards. However, an individual cannot be a candidate for more than one ward of the same authority.

In the case of the present elections, this means:

1. A person **can** stand for election both as Councillor and as a Community Board member (although if elected to both positions they will then be required to relinquish the Community Board position in favour of the next highest polling Community Board candidate - see page 33).
2. A person **can** be a candidate for election as a Community Board member in both the Akaroa/Wairewa and Lyttelton/Mt Herbert communities, and, if elected, can retain both positions.

(Sections 57A and 58 Local Electoral Act 2001)

- A candidate **cannot** be a person concerned or interested in contracts over \$25,000 with the territorial local authority (Section 3(1) Local Authorities (Members' Interests) Act 1968). This restriction is waived if prior approval from the Audit Office is obtained. (Please see page 47 for further information regarding disqualifying contracts, and the provisions of the Local Authorities (Members' Interests) Act 1968.
- An employee of a local authority who is elected to be a member of the local authority's governing body must resign from his or her position as an employee of the local authority before taking up his or her position as a member of the local authority. (Section 41(5) Local Government Act 2002)
- Therefore, a staff member can stand for election to the Council, but must resign if elected. However, staff members can be elected as community board members and still continue as staff members following their election to the board.



# 7 Nominations and Candidate Profile Statements

## 1. Key Dates

- Nominations open on Friday 9 December 2005
- Nominations close at noon, Friday 6 January 2006
- Public notices calling for nominations will appear in the local newspapers on Wednesday 7 December and Friday 9 December 2005.

## 2. Availability of Nomination Papers

- Each nomination must be made on the appropriate nomination paper. A separate nomination paper is required for each issue or position. Nomination forms for the positions of City Councillor and Community Board member will be available from Friday 9 December 2005 at the following places:

- |                                           |                                                                                         |
|-------------------------------------------|-----------------------------------------------------------------------------------------|
| - Civic Offices                           | 163 Tuam Street, Christchurch (first floor reception desk)                              |
| - Beckenham Service Centre                | 66 Colombo Street, Beckenham                                                            |
| - Banks Peninsula District Council Office | Level 2, Lyttelton Port Company Building, cnr Norwich Quay and Dublin Street, Lyttelton |
| - Lyttelton Library                       | 35-37 London Street, Lyttelton                                                          |
| - Little River Service Centre             | Main Road, Little River                                                                 |
| - Akaroa Service Centre                   | cnr Rue Lavaud and Rue Balguerie, Akaroa                                                |

or by telephoning (03) 941-8533.

## 3. Candidate Profile Statement

- Every candidate may provide the electoral officer with a candidate profile statement with their nomination. This is a statement of up to 150 words containing information about the candidate and his or her policies and intentions if elected to office. The profile may include a recent passport size photograph. The candidate profile statement must be true and accurate. The electoral officer is not required to verify or investigate any information included in this statement.
- The candidate profile statements are required to be included with the voting documents sent to electors by the electoral officer.
- The candidate profile statement may be in English or Maori, (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, it is required that this be provided in an electronic graphic file.

*Specifications (from printer): All translations must be supplied as a single image. If there is more than 1 language translated, then these are to be all supplied together in a single image.*

The image to be supplied as a file with the following criteria:

1. EPS Bit map
2. Black and white
3. 600 dpi
4. 1 mm white space included around the head and left hand side of the image
5. The image being 55 mm high and 85 mm wide

Translations in the required format can be provided by the following company (at the candidate's cost), for those candidates who are unable to prepare the translation image themselves or do not know of anyone else able 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: Ruth Jasmal

- Section 61 of the Local Electoral Act 2001 provides:
  - (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 contact details), and the candidate's policies and intentions if elected to office; and
    - (d) must comply with any prescribed requirements; 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) 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.*

#### 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 in a specific ward, then that person must be nominated by two electors in that ward).
- If a candidate is unable to sign the nomination paper (eg 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 (eg 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 claim 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 elect to be identified 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 should have authority to adopt the affiliation from the organisation or group concerned (ie letter from group confirming its consent to use affiliation). This is a safety measure to avoid any unjustified claims of affiliations.
- No affiliation that might cause offence or is likely to confuse or mislead electors will be accepted.

The relevant extracts from sections 55 and 57 of the Local Electoral Act are set out below:

#### **55**

- (4) *A nomination under subsection (1) must state---*
- (a) *the name under which the candidate is seeking election:*
  - (b) *any organisation or group with which the candidate claims to be affiliated for the purposes of identifying that affiliation in the voting documents at the election:*
  - (c) *whether or not a candidate who does not claim any affiliation referred to in paragraph (b) wishes to be identified in the voting documents at the election as an independent candidate.*

#### **57 Affiliation of Candidate**

- (1) *If an electoral officer is in any doubt about a candidate's eligibility to claim an affiliation, the electoral officer may require the candidate to produce evidence sufficient to satisfy the electoral officer of the candidate's eligibility to claim that affiliation.*

- (2) *If an electoral officer considers that the candidate is not eligible to claim an affiliation or that the affiliation claimed might cause offence to a reasonable person or is likely to cause confusion to or mislead electors,---*
- (a) *the electoral officer must, after consultation with the candidate, allow the affiliation that the electoral officer and the candidate agree on to appear on voting documents in place of the affiliation specified in the notice of nomination; or*
- (b) *if the consultation referred to in paragraph (a) does not result in agreement or is not reasonably practicable to undertake, the electoral officer must not allow any affiliation in respect of that candidate to appear on voting documents.*
- (3) *In this section, an affiliation is an endorsement by any organisation or group (whether incorporated or unincorporated).*

## 6. Return of Nomination Papers

Nomination papers for both the **City Council and Community Board issues** must be lodged with the electoral officer at the election office, which is located on the first floor of the Civic Offices, 163 Tuam Street, Christchurch or posted to:

Max Robertson  
Electoral Officer  
Christchurch City Council  
P O Box 237  
Christchurch

***In all cases, nominations must be lodged no later than 12 noon, Friday 6 January 2006***

- Once lodged, nomination papers for election as a Councillor are checked to ensure that the candidate is eligible (name appears on a parliamentary roll) and that the nominators are two electors whose names appear on the electoral roll for the Banks Peninsula ward. In the case of nominations for the Lyttelton/Mt Herbert Community Board, nominators must be electors of that community. In the case of the Akaroa/Wairewa Community Board (which is divided into two separate subdivisions for electoral purposes) candidates must be nominated by two electors of the relevant subdivision, ie:
  - Akaroa Subdivision: Candidates must be nominated by two electors of the Akaroa Subdivision
  - Wairewa Subdivision: Candidates must be nominated by two electors of the Wairewa Subdivision
- Each nomination paper lodged requires a deposit of \$200 (including GST). Deposits are refundable if the votes cast for the candidate exceed:
  - 25% of the votes cast for the successful candidate (in the case of the election of a Councillor, where only one vacancy is to be filled)
  - 25% of the votes cast for the lowest polling successful candidate (this applies in the case of the Community Board elections, where two or more candidates are to be elected in each case)
- 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 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***

- Payment of the nomination deposit can be made by cash, bank cheque or personal cheque. Should a personal cheque be used and subsequently dishonoured, the nomination becomes invalid as the deposit has not lawfully been made.
- Cheques should be made payable to the Christchurch City Council.
- Nomination papers, the deposit and the candidate profile statement, can be mailed, but should they be received after the close of nominations, the nomination is invalid.

# 8 Campaigning

## Campaigning

- Election campaigning can start at any time and can continue up to and including election day.
- Election offences are set out in section 19 of this booklet. Please refer to them for your own protection. In particular, note that 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 are not permitted to be collected from electors by candidates or their assistants. Each elector is required to 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 the advertisements have been placed.**

The requirements relating to election advertising are found in clause 113 of the Local Electoral Act 2001, which provides:

### 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<sup>1</sup>.*
- (2) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—*
  - (a) *the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and*
  - (b) *the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.*
- (3) *A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.*
- (4) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—*
  - (a) *the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and*
  - (b) *the advertisement contains a statement setting out—*
    - (i) *the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and*
    - (ii) *the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.*

<sup>1</sup> Contravention of this subsection is an offence (see s135 (1)).

- (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.*

- For campaigning information, the approximate number of households, electors and population for the Banks Peninsula ward/communities is as follows:

**Banks Peninsula Ward Summaries**

Source: Statistics New Zealand, 2001 Census of Population and Dwellings

	<b>Usually Resident Population 2001</b>	<b>Number of Households 2001</b>
<b>Community Boards/Wards</b>		
Lyttelton-Mount Herbert	5,208	2,178
Akaroa-Wairewa	2,619	1,179
<b>Akaroa-Wairewa Subdivisions</b>		
Akaroa	1,665	795
Wairewa	954	384
<b>Total Banks Peninsula</b>	<b>7,827</b>	<b>3,357</b>

## 9 Election Expenses

### Campaign Expenditure Limits

- Candidates should be aware that 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

[NOTE: Expenditure limits are inclusive of GST.]

- If a candidate is standing for more than one position (eg Mayor and Council) then the higher limit applies (not both combined).
- Therefore, the total electoral expenses (including GST) of each candidate must not exceed the following amounts:

<b>Candidates</b>	<b>Expenditure Limit</b>
Council candidates	\$7,000
Lyttelton-Mt Herbert Community Board candidates	\$7,000
Akaroa/Wairewa Community Board candidates	\$3,500

### Period During Which Limits Apply

- The period during which campaign expenditure limits apply (referred to in the Act as “the applicable period”) is three months before election day (ie 25 November 2005 to 25 February 2006).
- A Return of Electoral Expenses and Electoral Donations form is located at the end of this booklet.

### Timing of Expenses Return

- Every candidate must file an electoral expenses return with the electoral officer within 55 days of the day on which the successful candidates are declared to be elected. A form for declaring electoral expenses and donations is attached as Appendix A. Further copies of this form may be obtained from the electoral officer. For those candidates elected unopposed this will be 55 days from the day of the electoral officer's public notice under Section 63 of the Act. For those candidates contesting the election this will be 55 days after the day of the public notice of the official result. For candidates out of New Zealand at the time they are declared elected, the return must be filed within 21 days of their return to New Zealand. Section 59 of the Act requires compliance with s109 before the election deposit is refunded.

## Apportionment of Electoral Expenses

- Section 112 of the Act governs the apportionment of a candidate's election expenses prior to and during the three month period ending on polling day (ie the applicable period).
- Potentially, how candidates apportion their electoral expenses could become a public issue given that the election expenses return is open for public inspection. Also, the filing of a false return is an offence under Section 134 of the Act. Furthermore, under Section 138, where the electoral officer believes that an electoral expenses offence may have been committed, the matter must be reported to the police. An exception to s138 is the failure to file a return provided that it is filed promptly when requested by the electoral officer. Accordingly, it is important for candidates to clearly understand the requirements relating to the apportionment of their election expenses.
- Electoral activity, in respect of which electoral expenses may be incurred, is defined in Section 104 as an activity:
  - (a) *that is carried out by the candidate or with the candidate's authority; and*
  - (b) *that relates to the candidate solely in the candidate's capacity as a candidate and not to the candidate -*
    - (i) *in his or her capacity as a member of the local authority or community board, or as the holder of any other office; or*
    - (ii) *in any other capacity; and*
  - (c) *that comprises -*
    - (i) *advertising of any kind; or*
    - (ii) *radio or television broadcasting; or*
    - (iii) *publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards, etc*
    - (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 is also defined in Section 104, and in relation to a candidate at an election:
  - (a) *means expenses that are incurred by or on behalf of the candidate in respect of an 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.*
- Nomination deposits should not be included in a candidate's return of electoral expenses. Electoral expenses are defined in s104 of the Act as specifically relating to electoral activity, which is also defined as (amongst other things) relating exclusively to the campaign for the election of the candidate. The definition of electoral activity neither includes nor excludes nomination deposits. However, it does exclude such things as the preparation of candidate profile statements, certain vehicle costs and donated labour. The inference is that these costs do not relate exclusively to the campaign for the election of a candidate and therefore, may be excluded. The nomination deposit is also not exclusively related to the election campaign and similarly should also be excluded. It is also noted that in the majority of cases the deposit is refunded so that any effect on costs is neutral.



- The definition of electoral expenses is important. It specifically 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. Likewise, Section 112 provides that for any electoral activity, in relation to a candidate at an election, which is carried on "both before and within" the applicable period before 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.*”
- It is recommended that candidates apportion their electoral expenses on the following basis:
  - (a) where an election activity is carried on both before and within the "applicable period" then its costs must be apportioned in terms of Section 112. An example could be the costs associated with the development, preparation and production of hoardings or a website, before the three months prior to polling day, but which will be used throughout the applicable period (ie three months leading up to polling day). A fair proportion of these pre applicable period costs would contribute towards the expenditure limits applicable to the candidate.
  - (b) where an election activity is carried on before the three months prior to polling day and is finite or completed, then it would not need to be accounted for against the expenditure limit. An example could be the costs for developing and placing an advertisement in the media prior to the three months prior to polling day, which is not used again through the "applicable period".

### **Returns Available for Public Inspection**

- Section 110 of the Act provides that the electoral officer shall keep all electoral expense returns for seven years, during which period the returns must be open for public inspection and thereafter destroyed.
- The intention of Section 110 is that members of the public (including the media) have the right to satisfy themselves that candidates have not breached the campaign expenditure provisions of the Act.

### **Electoral Offences Relating to Expenses Returns**

- The Local Electoral Act contains several provisions dealing with electoral offences related to candidates' expenses returns.
- The maximum penalties contained in the Act are quite large and include possible imprisonment for a term not exceeding two years and a \$10,000 fine for filing a return knowing it is false in any material particular.

### **Duty to Take Action in Respect of Offences relating to Expenses Returns**

- Section 138 of the Act is a general offence provision which also applies to electoral expense returns. If an electoral officer receives a written complaint or otherwise believes that an offence relating to a candidate expense return has been committed, the electoral officer must report that matter to the Police together with the result of any enquiries conducted by the electoral officer.
- However, section 138(3) provides that an electoral officer is not required to report the failure to file a return if the candidate files that return promptly after being required to do so by the electoral officer.

- The full provisions of the Local Electoral Act 2001 relating to electoral expenses are set out below:

**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 –

- (a) that is carried out by the candidate or with the candidate's authority; and
- (b) that relates to the candidate solely in the candidate's capacity as a candidate and not to the candidate –
  - (i) in his or her capacity as a member of the local authority or community board, or as the holder of any other office; or
  - (ii) in any other capacity; and
- (c) that comprises –
  - (i) advertising of any kind; or
  - (ii) radio or television broadcasting; or
  - (iii) publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; or
  - (iv) any electronic communication to the public, including (without limitation) the establishment or operation of a website or other method of communication to the public using the Internet; and
- (d) that relates exclusively to the campaign for the 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 judgment or order of the Court in any action referred to in **subsection (1)** is to be treated as paid within the time allowed by this Act.

**107 Leave to pay claim after time limited**

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

**108 Payments to be vouched by bill**

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

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

**109 Return of electoral expenses**

- (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.

**(NB anonymous, in relation to an electoral donation, means a donation that is made in such a way that the candidate concerned does not know who made the donation.)**

- (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 9 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.

**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 19 of this booklet.

# 10 Advertising by or on behalf of Candidates and use of Council logos

- Election advertising, of all types, must now identify the person under whose authority they have been produced.
- Section 113(1) of the Act provides that “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”.
- Subsection (2) allows such advertisements **if the publication is authorised in writing by the candidate or the candidate’s agent and the advertisement contains a statement setting out the true name of the person for whom or at whose direction the advertisement was published and the address of his or her place of residence or business.** The intention of this provision is to allow the public to be aware from whom candidate advertising originates and make their own judgement about the credibility of the information and views expressed.
- Subsection (4) authorises the publication of advertisements that are endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published. **Advertisements by residents or ratepayers’ organisations need not be authorised by the candidate or candidate’s agent provided:**
  - **the true name and address of the person(s) that directed its publication; and**
  - **the true name of the organisation that endorsed the publication of the advertisement and its place of business,****are stated in the advertisement.**
- Subsection (5) makes it clear that this section does not restrict the publication of any news or comments relating to an election in any media.
- Section 113 is included within the Part of the Act dealing with electoral expenses. The advertising to which it relates may take place at any time – not only during the three months prior to the election.
- A breach of subsection (1) constitutes an offence under section 135 of the Act which is punishable by a fine of up to \$1,000.

The full provisions of Sections 113 and 135 are set out below:

### **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<sup>2</sup>.*
- (2) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—*
  - (a) *the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and*
  - (b) *the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.*
- (3) *A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.*
- (4) *A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—*
  - (a) *the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and*
  - (b) *the advertisement contains a statement setting out—*
    - (i) *the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and*
    - (ii) *the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.*
- (5) *This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.*

### **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.*

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<sup>2</sup> Contravention of this subsection is an offence (see s135(1)).

## Use of Council Logos

- (i) The square Christchurch Garden City logo set out below is available to anyone who wishes to use it:



- (ii) The round corporate visual identity logo for the Christchurch City Council set out below is **not** available for use by any group or individual, except the Council as a whole under the terms of its copyright. This **excludes** its use by either sitting members or other candidates in any context which could reasonably be construed as campaigning for elections.



- (iii) The formal Council crest shown below can only be used with the prior approval of the Council. Again, it is **not** available for use by either sitting members or other candidates in any context which could reasonably be construed as campaigning for elections.



# 11 Requirements for Election Hoardings

The requirements relating to election signs are as follows:

1. Signs, three square metres or less, and mounted no higher than three metres, may only be erected on private property or with the prior consent of the Banks Peninsula Roding Engineer (see clause 9 for contact details), on road reserves not maintained by the Council.
2. A building consent must be obtained before signs are attached to buildings. (NB - This does not apply to banners, etc.)
3. Advertising signs or banners may be erected on any road structure such as poles or cabinets, or trees in parks and reserves, on footpaths, formed roads or any other land owned or controlled by the Council where the prior consent of the Banks Peninsula Roding Engineer has been obtained.
4. Signs erected in the vicinity of road and street intersections must be placed so that they can be viewed by drivers leaving rather than entering the intersection; signs erected in these locations shall be parallel to the street boundary of the property on which they are erected.
5. Trailer signs and other mounted signs are not permitted unless associated with a street meeting on that day or attached to a parked caravan with people in attendance.
6. Signs erected in residential areas shall be so located so not to create an obtrusive feature when viewed from any adjoining property.
7. Signs must not be displayed for more than three months, and must be removed within seven days after the election.
8. Signs erected contrary to these requirements or in a location or manner likely to cause distraction or danger to road users may be removed by the Council without prior notice. Where a sign is removed by the Council in these circumstances, the candidate(s) will then be advised of the action taken and the sign may be recovered from the Council following the payment of a fee of \$50 to cover part of the removal costs.
9. **Any questions or complaints regarding signs (including requests for consent pursuant to clauses 1 and 3 of this policy) should be directed to the Banks Peninsula District Council's Roding Engineer (Ronald Klok) whose contact details are set out below:**

ph: (03) 328-9819  
mobile: (027) 435-3108  
email: ronald.klok@bpdc.govt.nz

10. **Signs on, or adjacent to state highways**

- (a) Transit New Zealand controls the following State Highways within and approaching Banks Peninsula:
  - State Highway 74, comprising the Lyttelton Tunnel Road and Lyttelton Tunnel
  - State Highway 75, comprising the main road to Akaroa from Christchurch City via Motukurara



- (b) The following restrictions will apply to election signs erected on or adjacent to State Highways:
- Signs shall not be located on the road reserve in either rural or urban sections of the State Highways (urban sections being generally defined as areas where the speed limit is 70km/h or less). In exceptional situations Transit New Zealand may permit the erection of signs within the road reserve, but this must not be done without the written approval of Transit New Zealand.
  - Signs erected on private property should have the permission of property owners and the City Council. Signs on private property should not exceed 3m<sup>2</sup> in area.
  - Signs must not be reflectorised or erected in such a location that they will create an obvious conflict with existing road signs. Signs must not imitate or be of a form similar to any traffic signs (this is a legal requirement of the Traffic Regulations 1976).
  - The location of signs must give consideration to visibility and other traffic safety aspects.
  - Signs will not be permitted on or adjacent to motorways.
  - Signs erected on rural State Highways in a location or manner likely to cause distraction or danger to road users may be removed by Transit New Zealand or its agents without prior notice. Where a sign is removed by Transit New Zealand the party will then be advised of the action taken and the sign may be redeemed for a fee of \$50 to cover Transit New Zealand costs.
  - For the above noted safety reasons, vehicle mounted signs situated on State Highways are also discouraged by Transit New Zealand.
- (c) **Where any individual candidate or party organisers have any questions about these State Highway requirements, they should make contact with:**

**James Park**  
**Opus International Consultants**  
**P O Box 1482**  
**Christchurch**  
**ph: (03) 363-5400**  
**fax: (03) 365-7858**  
**email: james.park@opus.co.nz**

# 12 Electoral Rolls and Provision of Names of Persons Returning Completed Voting Documents

- The preliminary electoral roll will be available for public inspection from Friday 9 December 2005 to 4pm Friday 6 January 2006 at the following places:

Civic Offices	163 Tuam Street, Christchurch (first floor reception desk)
Beckenham Service Centre	66 Colombo Street, Beckenham
Banks Peninsula District Council Office	Level 2, Lyttelton Port Company Building, cnr Norwich Quay and Dublin Street, Lyttelton
Lyttelton Library	35-37 London Street, Lyttelton
Little River Service Centre	Main Road, Little River
Akaroa Service Centre	cnr Rue Lavaud and Rue Balguerie, Akaroa

- Those eligible to vote are:
  - all residents enrolled on the Parliamentary Electoral Roll;
  - all non-resident ratepayers enrolled on the Ratepayer Electoral Roll.
- Persons are qualified to be enrolled on the Parliamentary Electoral Roll if they:
  - are a New Zealand citizen or a permanent resident of New Zealand; and
  - are 18 years of age or over; and
  - have at some time resided continuously in New Zealand for one year or longer; and
  - are not disqualified under the Electoral Act 1993.
- Residents are enrolled automatically on the Residential Electoral Roll if they are registered as Parliamentary electors. Therefore, there is no need to enrol separately for the Banks Peninsula elections.
- Ratepayers who pay rates on property within Banks Peninsula, but who live elsewhere, 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 Christchurch City.
- Alterations or corrections to the residential roll can be made:
  - (i) by completing the appropriate form parliamentary elector's enrolment at any Post Shop; or
  - (ii) by telephone 0800 ENROLNOW (0800-367-656); or
  - (iii) by accessing the Electoral Enrolment Centre website on [www.elections.org.nz](http://www.elections.org.nz).

- Alterations or additions to the ratepayer roll can be made through the Electoral Office (phone (03) 941-8533).
- Copies of the preliminary electoral roll may be purchased from the electoral officer for \$5 (incl GST).
- The final electoral roll is produced once the preliminary electoral roll closes on Friday 6 January 2006. The final electoral roll is the roll used for issuing voting documents. Copies of this final roll will also be available for purchase.
- Details appearing in the electoral rolls are electors' names (surname, then first names) listed alphabetically. The qualifying address of the elector is shown alongside. No postal addresses or occupations will be shown.
- 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.

#### **SUPPLY OF ELECTORAL ROLL DATA IN ELECTRONIC FORM**

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 is met). An application form is required to be completed, and these are available on request at the Electoral Enrolment Centre (EEC). The EEC contact person is Bob Chandler, phone (04) 801-0700 or fax (04) 801-0709.

#### **PROVISION OF NAMES OF PERSONS RETURNING COMPLETED VOTING DOCUMENTS**

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 hard copy or electronic copy, but a reasonable charge may be made for this. (Section 68(6) Local Electoral Act 2001.)

# 13 Voting and Special Voting

- 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 on Friday 3 February 2006, and all electors should have received their voting documents by Wednesday 8 February 2006.
- For all issues, the names of the candidates will be arranged in random order on the voting documents, ie, rather than being shown alphabetically by surname, the names of the candidates will appear in a different order on each individual voting document. This arrangement is being used because of a perception that an alphabetical arrangement unfairly favours those candidates whose surnames are at or near the beginning of the alphabet.
- 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 in the ballot bag which will be located immediately adjacent to the reception desk on the ground floor of the Civic Offices, 163 Tuam Street, Christchurch.
- If posting completed voting documents back, it is recommended these be posted no later than 5pm on Thursday 23 February 2006 to guarantee delivery before the close of voting (12 noon, Saturday 25 February 2006).
- Special votes are available to electors:
  - whose names do not appear on the final electoral roll, but who qualify as electors
  - who have not received a voting document previously posted to them
  - who spoil or damage a voting document previously posted to them
- Special votes will be available from Friday 3 February 2006 until noon on Saturday 25 February 2006 at the following places:

Civic Offices, 163 Tuam Street, Christchurch

Banks Peninsula District Council office, Level 2, Port Company Building, Norwich Quay, Lyttelton  
Akaroa Service Centre, cnr Rue Lavaud and Rue Balguerie, Akaroa  
or by phoning (03) 941-8533

- Special votes can be posted directly out to applicants. The completed voting document must be returned to 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.
- If an elector requests a special vote and is not on the parliamentary roll (eg just turned 18 years of age), the person must enrol by Friday 24 February 2006. An application for registration as a parliamentary elector may be obtained:
  - (i) from any Post Shop; or
  - (ii) by telephoning 0800 ENROLNOW (0800-367-656); or
  - (iii) by accessing the Electoral Enrolment Centre website on [www.elections.org.nz](http://www.elections.org.nz).

After voting closes, Special Vote Declarations are forwarded to Registrars of Electors for verification that the elector is eligible and has enrolled as a parliamentary elector, or forwarded change of address details.

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

# 14 Early Processing of Returned Voting Papers

- Returned voting documents 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 documents involve the following functions:
  - opening envelopes
  - extracting voting documents
  - checking for informal or duplicate votes
  - electronic capture of valid votes
- No tallying of votes is undertaken until after the close of voting (12 noon, Saturday 25 February 2006).
- 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, in full compliance with the strict legal requirements.
- Candidate scrutineers are not permitted to observe the early processing functions.

# 15 Scrutineers

- Candidates may appoint scrutineers to oversee various functions of the election. These functions are:
  - the scrutiny of the roll
  - the preliminary count (after 12 noon on election day)
  - the official count

A standard letter for the appointment of a scrutineer is attached as Appendix B.

- Each candidate may appoint one or more scrutineers for each of the above functions, **but only one scrutineer for each candidate may be present at any one time.**
- A scrutineer cannot be:
  - a candidate;
  - a member or employee of any local authority or community board for an election being conducted;
  - under 18 years old.
- Each scrutineer must be appointed by a candidate, such appointment to be submitted in writing to the electoral officer. For a person to be appointed a scrutineer, the letter of appointment must be received by the electoral officer no later than 12 noon on Friday 24 February 2006). A sample letter of appointment is attached as Appendix C.
- Each appointed scrutineer must report initially to the electoral officer or deputy electoral officer, when 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 leaving 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 work is being carried out, **but it is an offence** 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 12 noon on election day
- The scrutiny of the roll will be undertaken at the premises of electionz.com Ltd, 1, 506 Wairakei Road, Christchurch during normal office hours between Friday 3 February 2006 and noon, Friday 25 February 2006.
- The preliminary count of votes will commence once voting closes at 12 noon on Saturday 25 February 2006.
- The official count of votes will commence once the preliminary count is concluded and the official declaration will be made on or about Saturday 4 March 2006.
- The role of scrutineers is to ensure that the election procedures where they are permitted to be present are undertaken correctly. **It is not a means to obtain progress reports on how well certain candidates or parties are polling.**
- Scrutineers should not distract, annoy, linger close by or talk loudly to one another so as to disrupt or upset election staff. All communication should be through the electoral officer or one of his assistants.
- Scrutineers are requested to make their own provision for refreshments and meals.
- The use of mobile phones is prohibited. Scrutineers will be required to hand their mobile phones in on arrival at the election processing office.

# 16 Preliminary Count and Release of Preliminary Results

- The returned voting documents will be processed on return throughout the three week voting period. This will involve:
  - Marking the elector's name off the roll as having voted (called the Roll Scrutiny).
  - Checking for informal votes, and rejecting as informal any voting documents or parts thereof where the elector has not made his or her intention clear.
  - Recording by electronic means the votes on the voting document.

Votes recorded electronically during the voting period will not be totalled or released until after 12 noon on election day.

- The preliminary count will take place from 12 noon Saturday 25 February 2006 at the premises of electionz.com Ltd, located on Level 1, 506 Wairakei Road, Christchurch.
- Preliminary results will be emailed or faxed to candidates and the news media as soon as practicable on election day. The results will also be available on the Council's internet site ([www.ccc.govt.nz](http://www.ccc.govt.nz)) or by telephoning the electoral officer on (03) 941-8533 or (027) 229-1735.

**The electoral officer and his staff will do all in their power to complete the preliminary count in a reasonable time. However, no guarantee can be given as to the time when the preliminary results will be available, although it is expected they should be available by approximately 5pm on election day.**

# 17 Community Boards

## Status of Community Boards

A community board:

- (a) is an unincorporated body; and
- (b) is not a local authority; and
- (c) is not a committee of the relevant territorial authority

## Christchurch Community Boards

As a result of the dissolution of Banks Peninsula District, Christchurch City will have eight communities and Community Boards, as follows

Akaroa/Wairewa  
Burwood/Pegasus  
Fendalton/Waimairi  
Hagley/Ferrymead

Lyttelton/Mt Herbert  
Riccarton/Wigram  
Shirley/Papanui  
Spreydon/Heathcote

## Membership of Community Boards

<i>Board</i>	<i>Membership</i>
Akaroa/Wairewa	Six members, comprising five elected members (three members representing the Akaroa subdivision and two members representing the Wairewa subdivision), and one appointed member, being the Councillor representing the Banks Peninsula Ward
Burwood/Pegasus	Seven members, comprising five elected members and two appointed members, being the two Councillors representing the ward in which the community is located
Fendalton/Waimairi	Seven members, comprising five elected members and two appointed members, being the two Councillors representing the ward in which the community is located
Hagley/Ferrymead	Seven members, comprising five elected members and two appointed members, being the two Councillors representing the ward in which the community is located
Lyttelton/Mt Herbert	Six members, comprising five elected members and one appointed member, being the Councillor representing the Banks Peninsula Ward
Riccarton/Wigram	Seven members, comprising five elected members and two appointed members, being the two Councillors representing the ward in which the community is located
Shirley/Papanui	Seven members, comprising five elected members and two appointed members, being the two Councillors representing the ward in which the community is located
Spreydon/Heathcote	Seven members, comprising five elected members and two appointed members, being the two Councillors representing the ward in which the community is located



## **Standing for Both Council and a Community Board**

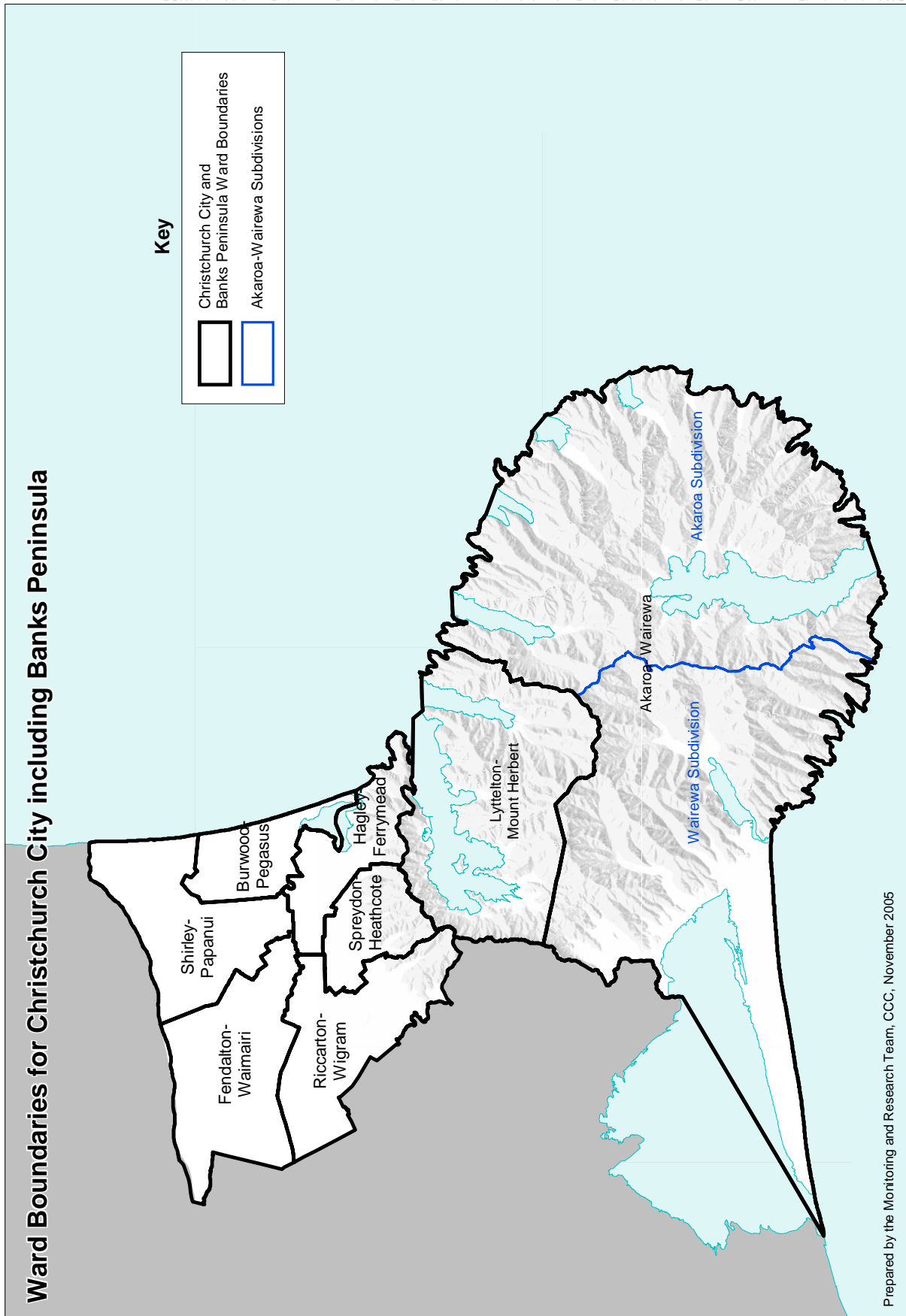
A person elected as a Councillor and a Community Board member is deemed to be elected as a Councillor and a Community Board member but is then deemed to have vacated the office as a Community Board member, and the next highest polling Community Board candidate is deemed elected. (If there is no highest polling unsuccessful candidate, in this instance, an extraordinary vacancy occurs and a by-election is required.) (sections 88A, 88B, Local Electoral Act 2001.)

## **Role of Community Boards**

The role of a community board is to:

- (a) represent, and act as an advocate for, the interests of its community; and
- (b) consider and report on all matters referred to it by the Christchurch City Council, or any matter of interest or concern to the community board; and
- (c) maintain an overview of services provided by the Christchurch City Council within the community; and
- (d) prepare an annual submission to the Christchurch City Council for expenditure within the community; and
- (e) communicate with community organisations and special interest groups within the community; and
- (f) undertake any other responsibilities that are delegated to it by the Christchurch City Council.

# 18 Ward/Community Map



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# 19 Election Offences

Electoral officers have a duty, under the Local Electoral Act, to report offences to the police (except failure to file a return of electoral expenses under s109 as set out in s138(2)). This applies to the receipt of any written complaint that an offence, under the Act, has been committed or where the electoral officer becomes aware for any other reason that an offence may have been committed.

The following table summarises the offence provisions of the Local Electoral Act. This is a general summary only and is intended to give a broad idea of the types of offences. The full provisions of the Act relating to election offences are set out on pages 36 to 41.

Summary of Offences Relating to Elections and Polls				
Item	Offence		Maximum Penalty	Ref.
	Type	Description		
1	Illegal nomination	<ul style="list-style-type: none"> <li>• Nominated as candidate while incapable</li> <li>• Nominating candidate who is incapable</li> <li>• Nominator not qualified</li> </ul>	\$2,000	s121 LEA
2	Interfering with or influencing voters	<ul style="list-style-type: none"> <li>• Interfering with voters</li> <li>• Imitation voting document</li> <li>• Unauthorised instructions to voter(s)</li> </ul>	\$5,000	s122 LEA
3	Official documents	<ul style="list-style-type: none"> <li>• Intentional alteration to voting or other official document</li> <li>• Forged document(s) or marks</li> <li>• Unauthorised supply of voting document</li> <li>• Unauthorised possession of voting document</li> <li>• Intentional interference with ballot box or box/parcel of voting documents</li> </ul>	Electoral officer or electoral official – 2 years imprisonment Other person – 6 months imprisonment	s123 LEA
4	Voting	<ul style="list-style-type: none"> <li>• More than once at same s124 election or poll LEA</li> <li>• Interference with vote already cast</li> </ul>	2 years imprisonment	s124 LEA
5	Bribery	Influencing behaviour to vote or refrain from voting by offering: <ul style="list-style-type: none"> <li>• Money or valuable consideration</li> <li>• Employment or office</li> <li>• Gifts, loans, promises, agreements</li> </ul>	2 years imprisonment	s125 LEA
6	Treating	Offering and/or accepting food, drink, entertainment or provision	2 years imprisonment	s126 LEA
7	Undue Influence	Use or threaten: <ul style="list-style-type: none"> <li>• Force</li> <li>• Violence</li> <li>• Restraint</li> </ul> Abduction, duress or fraudulence	2 years imprisonment	s127 LEA
8	Personation	<ul style="list-style-type: none"> <li>• Vote in the name of another person</li> <li>• Multiple voting at the same election or poll</li> </ul>	2 years imprisonment	s128 LEA
9	Infringement of Secrecy	Failing to maintain secrecy	6 months imprisonment	s129 LEA

Summary of Offences Relating to Elections and Polls				
Item	Offence		Maximum Penalty	Ref.
	Type	Description		
10	Disclosing voting or state of election or poll	Unauthorised disclosure of information by official, JP or scrutineer	Electoral officer or deputy electoral officer - \$5,000 Other person - \$2,000	s130 LEA
11	Contravention of LEA or LER by official	Intentional or reckless act of commission or omission	\$2,000	s131 LEA
12	Claiming and Paying Expenses	Breaches of s105 LEA	\$5,000	s132 LEA
13	Return of Electoral Expenses	<ul style="list-style-type: none"> <li>• Failure by candidate to transmit return</li> <li>• False return</li> </ul>	\$1,000 + If elected - \$400 per day until compliance  2 years imprisonment or \$10,000	s133 LEA  s134 LEA
14	Unauthorised advertising	Contravention of advertising prohibition in s113(1) LEA	\$1,000	s135 LEA
15	Excessive expenditure	Exceeding prescribed maximum amount	Intentionally – 2 years imprisonment or \$10,000  Other circumstances - \$5,000	s136 LEA

### Full Provisions of Local Electoral Act 2001 relating to Election Offences

#### 121 **Illegal nomination, etc**

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

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

#### 122 **Interfering with or influencing voters**

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

- (a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote:
- (b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be in imitation of any voting document to be used at the election or poll that,-

- (i) *in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote:*
  - (ii) *in the case of a poll, includes a statement or indication as to how any person should vote:*
  - (iii) *in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes:*
  - (c) *prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.*
- (2) *Despite **subsection (1)(b)**, it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed-*
- (a) *the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and*
  - (b) *nothing else.*
- (3) *Nothing in this section applies to-*
- (a) *any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or*
  - (b) *any candidate profile statement, published, displayed or distributed under the authority of this Act or regulations made under this Act.*

### **123 Offences in respect of official documents**

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

### **124 Voting offences**

- Every person commits an offence, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years, who-*
- (a) *votes or applies to vote more than once at the same election or poll; or*
  - (b) *without authority removes, deletes, or otherwise interferes with any voting document, or other record of a vote that has been cast.*

## 125 Bribery

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

## 126 Treating

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

- (3) *Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating-*
- (4) *Despite **subsections (1) to (3)**, the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.*
- (5) *Every person who commits the offence of treating is liable on conviction or indictment to imprisonment for a term not exceeding 2 years.*

**127 Undue influence**

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

**128 Personation**

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

**129 Infringement of secrecy**

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

- (3) Every person present at the counting of votes must-
  - (a) maintain and assist in maintaining the secrecy of the voting; and
  - (b) must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom or proposal for or against which any vote is cast by a particular voter.
- (4) No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.
- (5) Every person commits an offence who contravenes or falls 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 98**

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

**133 Failure to transmit return**

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



- 134 False return**
- (1) Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000.
- (2) Every candidate commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who transmits a return of electoral expenses that is false in any material particular unless the candidate proves –
- (a) that he or she had not intention to mis-state or conceal the facts; and
- (b) that he or she took all reasonable steps to ensure that the information was accurate.

**135 Unauthorised advertisements**

- (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 the Part may have been committed,-
- the electoral officer must report that matter to the police together with the results of any enquiries made by the electoral officer that he or she considers appropriate.
- (2) **Subsection (1)** does not prevent any person from reporting an alleged offence to the police.
- (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 s.section 109, if the candidate files that return promptly after being required by the electoral officer to file the return.

# 20 Remuneration

## Members Remuneration and Expenses

The Remuneration Authority has now assumed responsibility for approving elected member remuneration for individual city, district and regional councils. Each council is required to submit a proposed remuneration structure to the Authority for its approval, within a total pool amount established for that council by the Authority. While not available at the time this booklet was prepared, it is expected that an indication will be available prior to the election of the salaries likely to apply in the case of the Banks Peninsula Ward Councillor and the Chairs and members of the two Banks Peninsula Community Boards.

# 21 Governance Issues

## **The Purpose of Local Government**

The Local Government Act 2002 outlines the purpose of local government in New Zealand.

The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act---

- (a) states the purpose of local government; and
- (b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- (c) promotes the accountability of local authorities to their communities; and
- (d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.

## **Treaty of Waitangi**

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Maori to contribute to local government decision-making processes, Parts 2 and 6 of the Local Government Act provide principles and requirements for local authorities that are intended to facilitate participation by Maori in local authority decision-making processes.

## **Territorial Authorities (City or District Councils)**

These focus on providing local services and on detailed land use planning and subdivisional control in response to the needs of the local community. Their functions are:

- regulatory – they issue and enforce laws in their district
- providing community services

## **Community Boards**

Community boards can be set up as an additional council structure in any city or district in New Zealand, primarily to ensure the interests of smaller groupings within the overall community are represented. Boards operate within city or district councils and exercise powers delegated by that council.

## 22 Requirements and Time Commitments of Members

- There is no defined job description for Mayors, Chairpersons, Councillors or Community Board members. However, members must know or learn:
  - Their council's administrative system as it applies to elected members (e.g. Standing Orders; Council and Committee procedures; services and facilities for Councillors; finance);
  - The organisation of, and services provided by the Council;
  - The roles of members and officers respectively;
  - How to handle complaints and enquiries from constituents; and
  - The essential requirements of the relevant law.
- Each Community Board elects a Chairperson and Deputy Chairperson at its inaugural meeting.
- The duties of Councillors and Community Board members, as established by practice and custom, include:
  - Attending and participating at meetings.
  - Reading agendas and other material before meetings.
  - Attending to enquiries from members of the public.
  - Attending or hosting functions.
  - Representing the Council or Board on related organisations, where appointed.
  - Attending and participating at conferences and seminars.
- Before commencing their duties, Councillors and Community Board members are required to make a declaration at the inaugural meeting.
- The amount of time which each elected member devotes to Council or Community Board affairs is personal and depends on their own particular circumstances. However, candidates should not underestimate the demands which will be made on their time if elected. Depending on the role (Councillor, Community Board Chair or Community Board member) the time commitment can be significant. Candidates need to be aware that election to public office can have a significant effect on family life, and on their personal circumstances. This can range from needing to take time off work to attend meetings, to attending night meetings, receiving telephone calls at all times of the day and night, or being asked by constituents to discuss issues when shopping at the supermarket, watching sport, attending cultural or entertainment events or even walking the dog. Some members of the community see elected representatives as being available 24 hours a day, seven days a week.

The following list gives a rough guide as to the time requirements involved in the positions shown:

Councillors	- between 20 and 40 hours or more per week
Community Board members	- approximately 10 hours per week

## 23 Management Structure and Council Staff

- Staff are headed by the Chief Executive who is directly responsible to the elected members for:
  - Implementing decisions of the Council or Board
  - Advising members
  - Ensuring all functions, duties and powers are properly performed
  - Ensuring the effective, efficient and economic management of the activities of the Council or Board
- The Chief Executive is the only staff member appointed by the elected members. All other staffing responsibilities are conferred on the Chief Executive. Elected members cannot *reach down* to appoint middle level staff, or tell those staff what to do.
- The key role of staff is to implement decisions of the Council, to provide advice to the Council and Community Boards; to ensure that all functions, duties and powers are properly performed, and to ensure the effective, efficient and economic management of the activities of the Council and Community Boards.

## 24 Accountability

- Under the Local Government Act 2002, a local authority, in performing its role, must act in accordance with the following principles:
  - (a) a local authority should---
    - (i) conduct its business in an open, transparent, and democratically accountable manner; and
    - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner;
  - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
  - (c) when making a decision, a local authority should take account of---
    - (i) the diversity of the community, and the community's interests, within its district or region; and
    - (ii) the interests of future as well as current communities; and
    - (iii) the likely impact of any decision on each aspect of well-being referred to in section 10:
  - (d) a local authority should provide opportunities for Maori to contribute to its decision-making processes;
  - (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
  - (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
  - (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
  - (h) in taking a sustainable development approach, a local authority should take into account---
    - (i) the social, economic, and cultural well-being of people and communities; and
    - (ii) the need to maintain and enhance the quality of the environment; and
    - (iii) the reasonably foreseeable needs of future generations.
- Councils are required by the Local Government Act to prepare and adopt a **Long Term Council Community Plan**. Members of the public have an opportunity for input into these plans and other major policies and projects through consultation processes, including the special consultative procedure prescribed by the Local Government Act. Under this procedure, public notice is given of council proposals, following which members of the public have one month to make written submissions and, if they wish, appear before a council committee to be heard in support of their submissions.
- Councils are also required to prepare an **Annual Report**. This is a public report which sets out how well the council has carried out its stated policies and objectives, as set out in the corresponding Council Community Plan.
- Accountability of a council is also maintained through:
  - Triennial local authority elections.
  - The Local Government Official Information and Meetings Act 1987 which promotes the open conduct of local authority meetings and prescribes rights of access to information.
  - Scrutiny of council decisions and activities by the Ombudsman, the Controller and Auditor-General, the Parliamentary Commissioner for the Environment, and the Privacy Commissioner.
  - Scrutiny by a review authority appointed by the Minister of Local Government, where it is considered that there has been serious mis-management.

# 25 Members' Interests and Disqualifying Contracts

- Prospective candidates should be aware of the requirements of the Local Authorities (Members' Interests) Act 1968.
- This Act provides that a person is ineligible to be elected or appointed to an authority if they have a disqualifying contract or contracts exceeding \$25,000 in aggregate in the financial year in which the election or appointment takes place. When payments exceed \$25,000 the elected member concerned is automatically disqualified from office. He or she also commits an offence if he or she continues to act as a member. These basic rules apply equally to candidates, and sitting members. Every candidate for election or appointment to an authority should consider whether they might be ineligible under this rule.

## Exceptions

Certain types of contracts will not disqualify a candidate from election or appointment. A candidate will not be disqualified who has a contract with the authority that falls within either of the following two categories:

- Before the election or appointment, all of the candidate's obligations in respect of the contract have been performed *and* the amount to be paid by the authority has been fixed.
- Although the candidate's obligations under the contract may not have been performed before the election or appointment, the amount to be paid by the authority (or the method of determining the amount to be paid) has been fixed in the contract, *and*:
  - \* the contract is for a period of not more than one year, or
  - \* with the authority's consent, the candidate relinquishes the contract within one month of election or appointment and before starting to act as a member.

In all other cases a person is ineligible to be a member, unless the person terminates or surrenders the contract. The Audit Office cannot give either prior or retrospective approval for contracts between a candidate and an authority.

## What if you are re-elected or re-appointed?

If you are:

- re-elected to the authority at a general election; or
- re-appointed to the authority at any time,

your membership is considered unbroken under the Act. If you have been granted an approval for a disqualifying contract, and you are re-elected or re-appointed to the authority during the financial year to which the approval relates, the approval remains valid.

Re-election or re-appointment also overcomes a disqualification from the previous term. However, you could still be prosecuted for acting as a member while disqualified during the previous term.

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

## 26 Post-Election Processes

### Mayor, Council, Community Boards and Regional Councils

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 before making a declaration.

In the case of the two Banks Peninsula Community Boards, members will make their declarations at the inaugural Board meetings. In the case of the Councillor representing the Banks Peninsula Ward, his or her declaration will be made at the first meeting of the Christchurch City Council following the declaration of the official result of the election.

The business to be conducted at the inaugural Community Board meetings is as follows:

- (a) The making and attesting of the declarations required of members.
- (b) The election of the Chairperson and the making and attesting of the declaration required of the Chairperson.
- (c) A general explanation of:
  - (i) The Local Government Official Information and Meetings Act 1987; and
  - (ii) Other laws affecting members including the appropriate provisions of the Local Authorities (Members Interests) Act 1968, sections 99, 105, and 105A of the Crimes Act 1961, and the Secret Commissions Act 1910.
- (d) The fixing of the date and time of the first ordinary meeting of the Board, or the adoption of a schedule of ordinary meetings.

Once members have been sworn in, a series of briefings, training and induction processes will be provided to assist them to settle into their duties as quickly and efficiently as possible.

This process will enable briefings to be given on key projects and issues and the Long Term Council Community Plan process.

Specific skill training will be offered in some areas, such as the hearing of applications for resource consent under the Resource Management Act.









**CHRISTCHURCH CITY ELECTIONS**

**25 FEBRUARY 2006**

***APPOINTMENT OF SCRUTINEER***

The Electoral Officer  
Christchurch City Council  
P O Box 237  
Christchurch  
Fax: (03) 941-8696

I ....., a candidate for the  
office of ..... for the election being held on Saturday  
25 February 2006 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 12 noon on Friday 24 February 2006.*