SHARE YOUR VOICE. SHAPE YOUR CITY.

Ka tuu! 參選市議員

Stand for Council!

YOUR NEIGHBOURHOOD

Hamilton.govt.nz/elections

Hamilton City Council
Te kaunihera o Kirikiriroa
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Letter to appoint scrutineer  
Return of electoral donations and expenses form  
Notes
This handbook provides information which may be of interest to you as a candidate in the 2019 local government elections.

More information specific to Hamilton City Council’s current work programme and financial position is included in the council’s pre-election report, available at www.hamilton.govt.nz in July 2019.

The triennial elections of elected members to Hamilton City Council are being conducted by postal vote concluding on Saturday 12 October 2019.

The elections will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Other legislative references are found on page 8 of this handbook.

Key dates for a candidate

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nominations open</td>
<td>Friday 19 July 2019</td>
</tr>
<tr>
<td>Nominations close</td>
<td>Noon, Friday 16 August 2019</td>
</tr>
<tr>
<td>Delivery of voting documents</td>
<td>From Friday 20 September 2019</td>
</tr>
<tr>
<td>Appointment of scrutineers</td>
<td>By noon, Friday 11 October 2019</td>
</tr>
<tr>
<td>Close of voting</td>
<td>Noon, Saturday 12 October 2019</td>
</tr>
<tr>
<td>Progress results available</td>
<td>As soon as practicable after close of voting, Saturday 12 October 2019 (around 2:00pm)</td>
</tr>
<tr>
<td>Preliminary results available</td>
<td>By noon, Sunday 13 October</td>
</tr>
<tr>
<td>Official declaration of results</td>
<td>Thursday 17 October 2019</td>
</tr>
<tr>
<td>Return of electoral donations &amp; expenses form</td>
<td>By Friday 13 December 2019</td>
</tr>
</tbody>
</table>

Contact us

Electoral officer:

Dale Ofsoske, Independent Election Services Ltd
Level 2, 198 Federal Street, Auckland 1010
PO Box 5135, Wellesley Street, Auckland 1141
Phone - 0800 922 822
Email - dale.ofsoske@electionservices.co.nz
Website - www.electionservices.co.nz

Deputy electoral officer:

Becca Brooke, Governance Team Leader,
Hamilton City Council
Elections Office, Municipal Buildings,
Garden Place, Hamilton
Private Bag 3010, Waikato Mail Centre,
Hamilton 3240
Phone - 07 838 6439
Email - elections@hcc.govt.nz
Website - www.hamilton.govt.nz
Elections

Elections required

Elections will be held for:

- mayor
- councillors
- Waikato Regional Council members

Hamilton City Council area is divided into two wards, these being:

<table>
<thead>
<tr>
<th>Ward</th>
<th>Councillors</th>
<th>Resident electors</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Ward</td>
<td>6</td>
<td>50,238</td>
</tr>
<tr>
<td>West Ward</td>
<td>6</td>
<td>55,267</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>105,505</strong></td>
</tr>
</tbody>
</table>

Number of electors as at 31 March 2019.

The Waikato Regional Council is divided into six General constituencies and two Māori constituencies, these being:

<table>
<thead>
<tr>
<th>Constituency</th>
<th>Members</th>
<th>Resident electors</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamilton</td>
<td>4</td>
<td>93,108</td>
</tr>
<tr>
<td>Taupō-Rotorua</td>
<td>1</td>
<td>23,436</td>
</tr>
<tr>
<td>Thames-Coromandel</td>
<td>1</td>
<td>27,732</td>
</tr>
<tr>
<td>Waihou</td>
<td>2</td>
<td>42,283</td>
</tr>
<tr>
<td>Waikato</td>
<td>2</td>
<td>42,703</td>
</tr>
<tr>
<td>Waipā-King Country</td>
<td>2</td>
<td>44,770</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>274,032</strong></td>
</tr>
</tbody>
</table>

Māori

<table>
<thead>
<tr>
<th>Constituency</th>
<th>Members</th>
<th>Resident electors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ngā Hau e Whā</td>
<td>1</td>
<td>19,274</td>
</tr>
<tr>
<td>Ngā Tai ki Uta</td>
<td>1</td>
<td>15,425</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>34,669</td>
</tr>
<tr>
<td></td>
<td><strong>14</strong></td>
<td><strong>308,731</strong></td>
</tr>
</tbody>
</table>

Number of electors as at 31 March 2019

There will be no election for the Waikato District Health Board due to the recent appointment of a commissioner.
General

Triennial elections for elected members of all local authorities throughout New Zealand are to be conducted, by postal vote, on Saturday 12 October 2019.

The elections will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001 and will be undertaken by Election Services, under contract to Hamilton City Council.

Positions

Elections will be required for the following positions:

- mayor (elected 'at large')
- councillors (12)
  - East Ward (6)
  - West Ward (6)
- Waikato Regional Council Members (either 1 member from the Hamilton General Constituency, or 1 member from the Ngā Hu e Whā Māori Constituency)

Nominations

Nominations for the above positions will open on Friday 19 July 2019 and close at noon on Friday 16 August 2019.

Nomination papers will be available during this period:

- from the Elections Office, Municipal Building, Garden Place, Hamilton;
- by accessing www.hamilton.govt.nz/elections
- by telephoning the electoral office on 0800 922 822.

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

- a New Zealand citizen (by birth or citizenship ceremony); and
- enrolled as a Parliamentary elector (anywhere in New Zealand); and
- nominated by two electors whose names appear on the electoral roll within the respective area that a candidate is standing for.

Electoral roll

Those eligible to vote in the election are all resident electors and non-resident ratepayer electors whose names appear on the electoral roll when it closes on Friday 16 August 2019. The preliminary electoral roll will be available for public inspection from Friday 19 July 2019 to Friday 16 August 2019 at the following locations:

- The Election Office, Municipal Building, Garden Place, Hamilton;
Resident Roll: All parliamentary electors, including those on the Māori Electoral Roll, are automatically enrolled on the Resident Roll, at the address where they live.

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

- completing the appropriate form at any post shop;
- phoning 0800 ENROLNOW (0800 367 656)
- accessing the Electoral Commission website on www.elections.org.nz

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

Electoral system

The first past the post (FPP) electoral system will be used for all elections.

Voting period

Voting documents will be sent to all eligible electors, by post, from Friday 20 September 2019.

The voting period is three weeks (Friday 20 September 2019 to noon Saturday 12 October 2019). Electors may post their completed voting documents back to the electoral officer using the orange pre-paid envelope sent with their voting document. A polling place for the issuing of special voting documents and for the receiving of completed voting documents will be available from Friday 20 September 2019 to noon Saturday 12 October 2019 at the Elections Office.

To be counted, all completed voting documents must be in the hands of the electoral officer, or an electoral official, by noon Saturday 12 October 2019.

Progress results will be known early afternoon on Saturday 12 October 2019 and preliminary results will be known early on Sunday morning, 13 October 2019. These will be accessible on council’s website: www.hamilton.govt.nz/elections

Contact us

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

Dale Ofsoske, Electoral Officer
Hamilton City Council
C/o PO Box 5135, Wellesley Street,
Auckland 1141
Email: info@electionservices.co.nz
Phone: 0800 922 822
# Timetable

## Triennial Election

### Hamilton City Council

### 12 October 2019

## Saturday 12 October 2019

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday 2 March - Tuesday 30 April 2019</td>
<td>Ratepayer roll enrolment confirmation forms sent [Reg 16, LER]</td>
</tr>
<tr>
<td>Saturday 2 March - Saturday 6 July 2019</td>
<td>Preparation of ratepayer roll [Reg 10, LER]</td>
</tr>
<tr>
<td>May 2019</td>
<td>National ratepayer roll qualifications and procedures campaign [Sec 39, LEA]</td>
</tr>
<tr>
<td>Monday 1 July 2019</td>
<td>Electoral Commission’s enrolment update campaign commences</td>
</tr>
<tr>
<td>Wednesday 17 July 2019</td>
<td>Public notice of election, calling for nominations, rolls open for inspection [Sec 42, 52, 53, LEA]</td>
</tr>
<tr>
<td><strong>Friday 19 July 2019</strong></td>
<td><strong>Nominations open / roll open for inspection</strong> [Sec 42, LEA]</td>
</tr>
<tr>
<td><strong>Friday 16 August 2019</strong></td>
<td><strong>Nominations close (12 noon) / roll closes</strong> [Sec 5, 42, 55 LEA, Reg 21, LER]</td>
</tr>
<tr>
<td>Wednesday 21 August 2019</td>
<td>Public notice of day of election, candidates’ names [Sec 65, LEA]</td>
</tr>
<tr>
<td>by Monday 16 September 2019</td>
<td>Electoral officer certifies final electoral roll [Sec 51, LEA, Reg 22, LER]</td>
</tr>
<tr>
<td><strong>Friday 20 September - Wednesday 25 September 2019</strong></td>
<td><strong>Delivery of voting documents</strong> [Reg 51, LER]</td>
</tr>
</tbody>
</table>
| Friday 20 September - Saturday 12 October 2019 | Progressive roll scrutiny [Sec 83, LEA]  
Special voting period [Sec 5 LEA, Reg 35, LER]  
Early processing period [Sec 80, LEA] |
| by Friday 11 October 2019 | Appointment of scrutineers (12 noon) [Sec 68, LEA] |
| **Saturday 12 October 2019** | **Election day** [Sec 10, LEA]  
Close of voting (12 noon) [Sec 84, LEA]  
Progress and preliminary results available as soon as practicable after close of voting [Sec 85, LEA] |
| Saturday 12 October (pm) - Thursday 17 October 2019 | Official count [Sec 84, LEA] |
| Thursday 17 October - Wednesday 23 October 2019 | Declaration of result/public notice of declaration [Sec 86, LEA] |
| by Friday 13 December 2019 | Return of electoral donations & expenses form [Sec 112A, LEA] |

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

Key message

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

Principles

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

a. fair and effective representation for individuals and communities

b. all qualified persons have a reasonable and equal opportunity to:

i. cast an informed vote;

ii. nominate 1 or more candidates;

iii. accept nomination as a candidate.

c. public confidence in, and public understanding of, local electoral processes through:

i. the provision of a regular election cycle;

ii. the provision of elections that are managed independently from the elected body;

iii. protection of the freedom of choice of voters and the secrecy of the vote;

iv. the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes;

v. the provision of impartial mechanisms for resolving disputed elections and polls.

(2) Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.

(3) This section does not override any other provision in this Act or any other enactment.
**Key message**

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

**Legislation to be followed**

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

Full copies of the above legislation are available online at [www.legislation.govt.nz](http://www.legislation.govt.nz)
Electoral system

Key message
Organisations using the First Past the Post (FPP) electoral system are:

- Hamilton City Council
- Waikato Regional Council

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

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

If there is one vacancy, you can vote for one candidate.

If there are three vacancies, you can vote for up to three candidates.
Candidate eligibility

Key message

A candidate for Hamilton City Council must be:

- a New Zealand citizen; and

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

- nominated by two electors whose names appear on the electoral roll for the district or subdivision of the district.

Candidate restrictions

Restrictions on a candidate for the Hamilton City Council are:

- a candidate may seek nomination for mayor and council but if elected as mayor and councillor, the mayoral position is taken and the councillor position is filled by the next highest polling candidate.

- a candidate may seek nomination for one ward only (not multiple wards).

- a candidate may seek nomination for mayor and council but cannot also seek nomination for the Waikato Regional Council i.e. a candidate may stand for Hamilton City Council or the Waikato Regional Council, but not both. [Section 58 Local Electoral Act 2001].

- a candidate for mayor or council (or candidate’s spouse) cannot be a person concerned or interested in contracts over $25,000 with the Hamilton City Council [Section 3(1) Local Authorities (Members’ Interests) Act 1968]. This restriction may be waived, and it is recommended that advice from Audit New Zealand is sought.

- an employee of the Hamilton City Council who is elected as mayor or councillor must resign from their position as an employee of the Hamilton City Council before taking up their position. An employee will need to alert their manager of the intention to stand for office prior to any nomination being lodged. [Section 41(5) Local Government Act 2002].

- a person cannot be an elected member if that person has a permanent court order, or that person will be suspended if that person has a temporary order.
Nominations open on Friday 19 July 2019 and close at 12 noon, Friday 16 August 2019.

Availability of nomination papers

A public notice calling for nominations will appear in the Waikato times on Wednesday 17 July 2019.

Each nomination must be made on the appropriate official nomination paper. A separate nomination paper is required for each issue or position and these are available from 19 July 2019 from:

- the Elections Office, Municipal Building, Garden Place, Hamilton;
- by telephoning 0800 922 822;
- by accessing www.hamilton.govt.nz/elections

Nomination papers for the Waikato Regional Council are also available from 19 July 2019 from:

- constituent territorial authority offices in the Waikato region;
- Waikato Regional Council offices, 401 Grey Street, Hamilton East;
- by telephoning 0800 800 401;
- by accessing www.waikatoregion.govt.nz

Candidate profile statement

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

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

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

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

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

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

These will be included with the voting document sent to each elector by the electoral officer, as well as being placed on the council’s website.

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

The candidate profile statement may be in English or Māori or both (maximum 150 words in either language) or in any other language (not exceeding 150 words in total). Should all or part of a candidate profile statement be provided in a language other than English or Māori, it is required that this be provided in an electronic graphic file.
If submitting an electronic graphic file containing other languages, the specifications (from the printer) are: all translations must be supplied as a single image. If there is more than one language translated, then these are to be all supplied together in a single image.

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

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

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

Pacific International Translations (NZ) Ltd
Level 4, City Fitness Building, 203 Queen Street,
Auckland 1010.
PO Box 7067, Wellesley Street, Auckland 1141
Phone: 0508 872675
Email: info@pactranz.com
Web: www.pactranz.com

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

i. whether or not the candidate’s principal place of residence (where the candidate is registered as a parliamentary elector) is/is not in the area (e.g. ward) the candidate is seeking election for [Section 61(2)(ca) Local Electoral Act 2001]; and

ii. each position the candidate is seeking election for (e.g. mayor and councillor) [Section 61(2)(cb) Local Electoral Act 2001].

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

1. Every candidate may, provide to the electoral officer a candidate profile statement that complies with subsection (2) and, if applicable, subsection (3).

2. A candidate profile statement -

   a. if -
      
      i. in English or Māori or both, must not exceed 150 words in each of the languages used in the statement;

      ii. in a language other than English or Māori, must not exceed 150 words, or the equivalent, if the language uses symbols rather than words (including any translation of those words into another language provided by the candidate); and

   b. must be provided to the electoral officer together with the nomination paper and other things referred to in section 55(2)(f); and

   c. must be confined to information concerning the candidate (including any group or organisation with which the candidate claims under section 55(4) to be affiliated, or their status as an independent candidate, and the candidate’s contact details), and the candidate’s policies and intentions if elected to office; and

   ca. must state whether or not the candidate’s principal place of residence, being the address in respect of which the candidate is registered as a parliamentary elector, is in the local government area for which the candidate seeks election (for example, either “My principal place of residence is in the Lambton Ward” or “My principal place of residence is not in the Lambton Ward”); and

   cb. if the candidate is seeking election to any other positions in elections to which this Act applies (under section 7), must specify each position and state that the candidate is seeking to be elected to the positions; and

   d. must comply with any prescribed requirements; and

   e. may include a recent photograph of the candidate alone.

2A. The information required by subsection (2)(ca) and (cb) does not count for the purposes of the word limit under subsection (2)(a).

3. If a candidate profile statement is submitted in Māori and English, the information contained in each language must be substantially consistent with the information contained in the other language.
(4) If the electoral officer is not satisfied that a candidate profile statement complies with subsection (2) or, if applicable, subsection (3), the electoral officer must, as soon as practicable, return the statement to the candidate and must—

a. specify the concerns of the electoral officer and the reasons for those concerns; and

b. unless the candidate profile statement does not comply with subsection (2)(b), specify a period, which must not be less than 3 days from the date of return of the statement, during which the candidate may submit an amended candidate profile statement to the electoral officer.

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

a. fails to submit an amended candidate profile statement within the period specified in subsection (4)(b); or

b. submits an amended candidate profile statement that, in the opinion of the electoral officer, does not comply with subsection (2) or, if applicable, subsection (3).

(6) An electoral officer -

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

b. may include, in or with any candidate profile statement that is published, displayed, or distributed, any disclaimer concerning the accuracy of the information contained in the statement that the electoral officer considers appropriate;

c. is not liable in respect of -

i. any statement contained in or omitted from the candidate profile statement or the work of a translator prudently selected by the electoral officer; or

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

Completion of nomination paper

Each nomination paper must have the consent of the candidate and be nominated by two electors whose names appear on the electoral roll for the district or subdivision of the district (e.g. if a person wishes to stand for election to a specific ward, then that person must be nominated by two electors from the specific ward).

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

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

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

Affiliation

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

Individual candidates, not part of an organisation or group, may wish to nominate their affiliation as ‘Independent’ or leave as blank (if left blank, nothing will show alongside the name on the voting document).

A candidate claiming a specific affiliation must supply with their nomination paper an authority to adopt the affiliation for the organisation or group concerned (i.e. letter of consent to use the affiliation from the organisation or group). This is a safety measure to avoid any illegal adoption of affiliations.
Affiliations that will not be accepted are ones:

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

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

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

**Return of nomination paper**

Completed nomination papers can be lodged at the:

The Elections Office, Municipal Building, Garden Place, Hamilton;

or posted to:

The Electoral Officer
Hamilton City Council
C/- Independent Election Services Ltd
PO Box 5135
Wellesley Street
Auckland 1141

_in time to be received no later than noon, Friday 16 August 2019._

All nomination material:

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

is required to be lodged together.

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

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

Once lodged, nomination papers are checked to ensure the candidate’s name appears on the Parliamentary Roll and the nominators are two electors whose names appear on the electoral roll for the district or subdivision of the district (e.g. ward).

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

Payment of the nomination deposit can be made by electronic bank transfer, eftpos or cash. Evidence of an electronic bank transfer will be required to accompany the nomination.

Electronic bank payment details are:

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

Cheques will be accepted but not preferred (should they be dishonoured and the nomination invalidated).
Should a cheque payment be made, cheques should be payable to: Independent Election Services Ltd.

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

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

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

**Cancellation of nomination**

A candidate is able to withdraw their nomination up until the close of nominations (noon, Friday 16 August 2019). After the close of nominations, a candidate is not able to withdraw their nomination. [Section 69, Local Electoral Act 2001].

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

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

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

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

Election signs are permitted on private property only, (with the land owners consent) within three months preceding election day (from 12 July 2019) but must be removed by midnight, 11 October 2019.

Election signs are not permitted on any council property, including road reserve, parks, or places controlled by the council.

The maximum number of signs permitted, is on a 'per site' basis, not for each candidate (including other non-election temporary signs). Two signs are permitted per site, or two signs per frontage in the case of a corner site.

Campaigning

Election material cannot contain:

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

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

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

Use of council resources

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

Social media

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

Council’s social media channels are council resources and must remain politically neutral at all times. Council will promote elections and the importance of voting but will not associate these posts with any candidates.

Council social media accounts will not follow any candidates. This may result in your account being unfollowed.

Council’s social media accounts are not permitted to be used as a communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. This also applies to all social media accounts owned by council-controlled organisations.

Candidates should not post on council’s social media channels, nor should they comment on, share or otherwise use council social media channels for electioneering. You may not rate, review, check-in or tag the council’s social media channels in your own posts or comments.
Council’s social media accounts are constantly monitored, and any campaign related or electioneering content, (including posts related to nominations and candidacy), will be removed immediately.

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

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

**Offences**

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

Election offences are detailed for your information on page 44 of this handbook. Please refer to them for your own protection.

**Election advertising**

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

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

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

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

**113 Advertisements for candidates**

1. No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.

2. A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if:
   - a. the publication of that advertisement is authorised in writing by the candidate or the candidate’s agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and
   - b. the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of their place of residence or business.

3. A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.

4. A person may publish or cause to be published an advertisement of the kind described in subsection (1) if:
   - a. the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and
   - b. the advertisement contains a statement setting out:
      - i. the true name of the person or persons for whom or at whose direction it is published and the address of their residence or place of business; and
      - ii. the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.

5. This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.

6. A person who willfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $1,000.
Electoral donations and expenses

**Key message**

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

Every candidate must, by law, complete an Electoral Donations and Expenses Return declaring all donations and expenses and forwarded to the electoral office by Friday 13 December 2019.

**Electoral expenses**

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

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

* Plus 50 cents for each elector

[NOTE: Expenditure limits are inclusive of GST].

These electoral expenses are generally funded by the candidate and are not reimbursable from the organisation the candidate is standing for.

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

The population distribution for Hamilton City Council (population estimates as at 30 June 2018) is:

<table>
<thead>
<tr>
<th>Ward</th>
<th>Population</th>
<th>Expenditure Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Ward</td>
<td>89,300</td>
<td>$50,000</td>
</tr>
<tr>
<td>West Ward</td>
<td>80,100</td>
<td>$50,000</td>
</tr>
<tr>
<td>Mayoral Issue</td>
<td>169,400</td>
<td>$60,000</td>
</tr>
</tbody>
</table>

source: Statistics New Zealand as at 30 June 2018

For example, estimated expenditure limit for the mayor is $60,000 (including GST), based on 169,400 population (as at 30 June 2018).

The period for which campaign expenditure limits apply is three months before election day (i.e. 12 July 2019 to 12 October 2019). However legislation further specifies that all expenses incurred before the three month period for campaign expenditure and used during the three month period, must be fairly apportioned and included in the Return of Electoral Donations and Expenses.

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

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

a. Candidate donations

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

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

A candidate donation includes:

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

The following are not deemed a donation:

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

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

b. Donations made up of contributions

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

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

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

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

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

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

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

- that the donation is being transmitted on behalf of a donor;
- the name and address of the donor;
- whether the donation is made up of contributions;
- the total amount of contributions of $1,500 or less; and
- in the case of contributions greater than $1,500, the name, address, and contribution of each contributor.

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

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

d. Anonymous donations

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

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

Return of Electoral Donations and Expenses

A Return of Electoral Donations and Expenses form (a copy of this is located at the rear of this handbook) is required to be supplied to the electoral officer within 55 days after the official declaration (by 13 December 2019). This can be supplied to the electoral officer within 76 days after the official declaration if a candidate is overseas when successful candidates are declared elected.

The Return of Electoral Donations and Expenses must set out —

- the details of every electoral donation received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds $1,500 in sum or value; and
- the details in respect of every anonymous electoral donation received by the candidate that exceeds $1,500; and
- details of the candidate’s electoral expenses.

The details of every electoral donation are -

- the name of the donor; and
- the address of the donor; and
- the amount of the donation or in the case of aggregated donations, the total amount of the donations; and
- the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
The details of every anonymous donation exceeding $1,500 are —

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

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

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

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

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

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

### Relevant legislation

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

#### Subpart 1—Electoral donations

**103A Interpretation:**

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

- **anonymous**, in relation to an electoral donation, means a donation that is made in such a way that the candidate who receives the donation—
  a. does not know the identity of the donor; and
  b. could not, in the circumstances, reasonably be expected to know the identity of the donor

- **contribution** means any thing (being money or the equivalent of money or goods or services or a combination of those things) that makes up a donation or is included in a donation or has been used to wholly or partly fund a donation, and that—
  a. does not know the identity of the donor; and
  i. to the donor; or
  ii. to a person who was required or expected to pass on all or any of its amount or value to the donor, whether directly or indirectly (for example, through one or more intermediaries, trustees, or nominees); and
  b. would have been a donation if it had been given directly to the candidate; and
  c. was given in the knowledge or expectation (whether by reference to a trust, an agreement, or an understanding) that it would be wholly or partly applied to make up, or to be included in, or to fund, a donation

- **contributor** means a person who makes a contribution and who immediately before making the contribution—
  a. beneficially holds any money, or the equivalent of money, or any goods that make up the contribution or are included in the contribution; or
  b. provides any services that make up the contribution or are included in the contribution or pays for those services out of money that the person beneficially holds

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

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

a. includes,—

i. where goods or services are provided to a candidate, or to any person on the candidate’s behalf, under a contract or an arrangement at a value that is less than their reasonable market value, the latter being a value that exceeds $300, the amount of the difference between the former value and the reasonable market value of those goods or services; and

ii. where goods or services are provided by a candidate under a contract or an arrangement at a value that is more than their reasonable market value, the amount of the difference between that value and the reasonable market value of those goods or services; and

b. excludes—

i. where goods or services are provided by a candidate under a contract or an arrangement at a value that is more than their reasonable market value, the amount of the difference between that value and the reasonable market value of those goods or services; and

ii. where goods or services are provided to a candidate, or to any person on the candidate’s behalf, under a contract or an arrangement at a value that is less than their reasonable market value, the latter being a value that exceeds $300, the amount of the difference between the former value and the reasonable market value of those goods or services; and

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

a. the donor directly; or

b. the donor indirectly, via a transmitter

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

**103B Donations and contributions include GST**

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

**103C Donations to be transmitted to candidate**

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

**103D Contributors to be identified**

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

(1) This section applies to a donation (other than an anonymous donation) that is made up of, includes, or is wholly or partly funded from one or more contributions.

(2) If this section applies to a donation, the donor must, at the time of making the donation, disclose—

a. the fact that the donation is funded from contributions; and

b. the following information about any contribution that, either on its own or when aggregated with other contributions made by the same contributor to the donation, exceeds $1,500 in sum or value:

i. the name of the contributor; and

ii. the address of the contributor; and

iii. the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions; and

iv. the total of all of the amounts disclosed under paragraph (b)(iii) in relation to the donation; and

v. the total of all of the other contributions made in relation to the donation.

(3) A candidate must give back to the donor the entire amount of the donation, or its entire value, if the candidate knows, or has reasonable grounds to believe, that the donor has failed to comply with subsection (2) in any respect.

(4) For the purpose of section 112A, any amount given back by a candidate under subsection (3) is taken not to have been received by the candidate.

**103E Offence relating to contravention of section 103D**

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

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

(1) When a transmitter transmits a donation to a candidate on behalf of the donor, the transmitter must disclose to the candidate—

a. the fact that the donation is transmitted on behalf of the donor; and

b. the name and address of the donor; and
c. whether section 103D applies to the donation and, if so, all information disclosed by the donor under subsection (2) of that section.

(2) Where a transmitter does not disclose, or is unable to disclose, the information required by subsection (1), then the donation must be treated as an anonymous donation.

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

103G Offence relating to contravention of section 103F

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

103H Disclosure of identity of donor

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

103I Offence relating to contravention of section 103H

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

103J Anonymous donation

(1) If an anonymous donation exceeding $1,500 is received by a candidate in relation to an election campaign, the candidate must, within 20 working days of receiving the donation, pay to the electoral officer responsible for the campaign the amount of the donation, or its value, less $1,500.

(2) If an anonymous donation exceeding $1,500 is received by a candidate who is seeking election to more than one office, the candidate must—

a. designate one election campaign for election to one office for which the donation will be used; and

b. within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value, less $1,500.

(3) An electoral officer who receives an amount under subsection (1) or (2) must, within 20 working days of receiving that amount,—

a. issue a receipt to the candidate; and

b. pay the amount into the general fund of the local authority that appointed the electoral officer.

103K Offence relating to contravention of section 103J

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

(2) A candidate who contravenes section 103J(1) or (2) commits an offence and is liable on conviction to a fine not exceeding $5,000.

103L Records of electoral donations

(1) A candidate must keep proper records of all donations received by him or her.

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

Subpart 2—Electoral expenses

104 Interpretation:

In this subpart and subpart 3,—

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

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

a. that is carried out by the candidate or with the candidate’s authority; and

b. that relates to the candidate solely in the candidate’s capacity as a candidate and not to the candidate—

i. in their capacity as a member of the local authority or local board or community board, or as the holder of any other office; or

ii. in any other capacity; and

c. that comprises—

i. advertising of any kind; or

ii. radio or television broadcasting; or

iii. publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; or

iv. any electronic communication to the public, including (without limitation) the establishment or operation of a website or other method of communication to the public using the Internet; and

d. that relates exclusively to the campaign for the election of the candidate; and
electoral expenses, in relation to a candidate at an election—

a. means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and

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

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

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

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

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

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

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

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

105 Periods for claiming and paying expenses

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

(2) All electoral expenses incurred by or on behalf of a candidate must be paid within 60 days after the day on which the successful candidates are declared to be elected.

(3) A person who makes a payment in breach of this section commits an offence and is liable on conviction to a fine not exceeding $5,000.

106 Procedure if claim disputed

(1) If a candidate, in the case of a claim for electoral expenses sent in to him or her within the time allowed by this Act, disputes it, or fails to pay it within 60 days,—

a. the claim is a disputed claim; and

b. the claimant may, if they thinks fit, within a further 30 days, bring an action for the disputed claim in any court of competent jurisdiction.

(2) Any sum paid by the candidate to satisfy the judgment or order of the court in any action referred to in subsection (1) is to be treated as paid within the time allowed by this Act.

107 Leave to pay claim after time limited

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

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

108 Payments to be vouched by bill

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

a. a bill stating the particulars; and

b. a receipt.

111 Maximum amount of electoral expenses

(refer to page 18 in this handbook)

112 Apportionment of electoral expenses

(1) If any activity of the kind described in paragraphs (a) to (d) of the definition of the term electoral activity (as set out in section 104) is, in relation to a candidate at an election, carried on both before and within the applicable period before the close of polling day,—

a. the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the candidate) must be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in the applicable period before the close of polling day; and

b. the fair proportion of those expenses are electoral expenses.
(2) If any election activity relates exclusively to campaigns for the election of two or more candidates, any electoral expenses in respect of that electoral activity must be apportioned equitably in relation to each of those candidates.

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

(1) This section applies to any candidate or other person who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the relevant maximum amount prescribed by section 111.

(2) The candidate or person commits an offence and is liable on conviction—

a. to a term of imprisonment not exceeding two years, or a fine not exceeding $10,000, if they knew the payment was in excess of the relevant prescribed maximum amount; or

b. to a fine not exceeding $5,000 in any other case, unless they proves that they took all reasonable steps to ensure that the electoral expenses did not exceed the relevant prescribed maximum amount.

Subpart 3—Return of electoral donations and expenses

112A Return of electoral donations and expenses

(1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must file a return of electoral donations and expenses.

(2) However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (election result day), the return must be filed within 76 days after election result day.

(3) The return of electoral donations and expenses must set out—

a. the details specified in subsection (4) in respect of every electoral donation (other than a donation of the kind referred to in paragraph (c)) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds $1,500 in sum or value; and

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

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

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

a. the name of the donor; and

b. the address of the donor; and

c. the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
d. the date the donation was received or, in the case of aggregated donations, the date that each donation was received.

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

a. the name of the contributor; and

b. the address of the contributor; and

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

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

a. the date the donation was received; and

b. the amount of the donation; and

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

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

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

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

112B Nil return

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

112C Failure to file return of electoral donations and expenses

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

a. a fine not exceeding $1,000; and

b. if they has been elected to office, a further fine not exceeding $400 for every day that they continues to hold office until the return is filed.
**112D Filing a false return of electoral donations and expenses**

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

a. to a term of imprisonment not exceeding two years, or a fine not exceeding $10,000, if they filed the return knowing it to be false in any material particular; or

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

i. they had no intention to misstate or conceal the facts; and

ii. they took all reasonable steps in the circumstances to ensure the information in the return was accurate.

**112E Obligation to retain records necessary to verify return**

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

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

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

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

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

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

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

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

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

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**Part 5A—Electoral advertising**

**113 Advertisements for candidates**

(1) No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.

(2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—

a. the publication of that advertisement is authorised in writing by the candidate or the candidate’s agent or, in the case of an advertisement relating to more than one candidate, the candidates or an agent acting for all of those candidates; and

b. the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of their place of residence or business.

(3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.

(4) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—

a. the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and

b. the advertisement contains a statement setting out—

i. the true name of the person or persons for whom or at whose direction it is published and the address of their residence or place of business; and

ii. the true name of the organisation or body who has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.

(5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.

(6) A person who willfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $1,000.

**114 Use of public money**

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

Council has a policy around election signs and candidates should familiarise themselves with this.

Elections signs are permitted within the three months preceding the election day (from Friday 12 July 2019) but must be removed by midnight, Friday 11 October 2019.

All election material, including signs and hoardings, must show an authorisation statement (name and physical address of the candidate or the candidate’s agent). Not to do so is an electoral offence.

**Campaign guidance**

Election signs can be referred to as hoardings, posters, signs or other similar types promotion that are used to display information relating to the election of a candidate(s).

The council’s district plan provides information around the installation of election signs as temporary signs within Hamilton.

**General**

The maximum area per sign in residential, special character, future urban and community facilities zones is 1.8m².

Temporary election signs shall not be more than 2.5m in height or the maximum sign height for permanent signs on the site under zone rules, whichever is greater.

Signs related to elections shall be displayed for no more than three months before election day (Friday 12 July 2019) and must be removed before election day (by midnight, Friday 11 October 2019).

Election signs are to display the true name and physical address (place of residence or business) of the person authorising them.

If a proposed election sign exceeds the district plan rules, resource consent is required together with payment of the appropriate fee. An application for resource consent must be made and granted prior to installing the sign.

**Billboard signs**

There is a number of existing billboard signs in Hamilton that have already been granted resource consent for the structure when it was installed.

Election signs on these billboards may be displayed up to three months before an election. Election signage must be removed before election day (before midnight Friday 11 October 2019).

Please ensure consent is obtained from the billboard owner.

New billboards will require a resource consent if the billboard will be permanent or does not utilise an existing billboard structure.

**Guidelines for signs on private property**

Please ensure the consent of the person responsible for the property has been obtained before installing signs on private property.

The maximum number of signs permitted is on a ‘per site’ basis, not for each candidate. Two signs are permitted per site, or two signs per frontage in the case of a corner site. Please ensure alternative sites are used if the maximum number of signs per site (including other non-election temporary signs) has already been met.

Where signs on private property are found to exceed the size or quantity limits outlined in the district plan, these must be reduced in size or excess signage removed within 24 hours following notification.

Please note should any non-complying signage on private property not be removed as requested it can result in the issuing of a $300 infringement notice. Continuing non-compliance can result in subsequent infringement notices being issued for each day the offence continues.
Hamilton City Parks, Domains and Reserves Bylaw 2012, Hamilton City Public Places Bylaw 2016, Hamilton Traffic Bylaw 2015 and Public Places Policy

No elections signs are permitted on any council property including road reserve, parks or public places controlled by the council.

Candidates will be asked to remove any non-complying or unsafe signs within 24 hours following notification.

If the council is required to remove signs, the cost incurred in removing the sign will be recovered from the owner of the sign.

Any sign recovered by the council will be returned to the owner once payment has been received by council to remove and store the sign.

Any sign that remains unclaimed or not returned within one month may be disposed of by the council.

Sign recovery

Any sign on public property that poses an immediate safety risk will be removed and the candidate informed.

Where other non-complying signage occurs on public property, the candidate will be contacted and advised to remove the signs within 24 hours.

Where a candidate has been contacted previously about non-complying signage on public property, any subsequent signs will be removed without further notification.

Any signs recovered by council staff can be collected at Hamilton City Council’s Duke St Depot – 44 Duke St during normal business hours. Signs must be collected within one month or they will be disposed of.

Further information

Please contact us on 838 6699 or email us at info@hcc.govt.nz

State highways

Please refer to New Zealand Transport Agency (NZTA). They can be contacted on telephone 07 958 7229 or at www.nzta.govt.nz

Social media requirements

Candidates standing for council must understand and be aware of their social media presence for campaigning purposes at all times to view the requirements visit www.hamilton.govt.nz/our-council/elections/Pages/Candidate-Social-Media-Requirements.aspx
25.10.5 Rules - Specific Standards

25.10.5.1 Low Intensity Signs

Illuminated, Low Intensity signs shall meet the following intensity standards:

a) Subject to Rules 25.10.5.1(b) and (c) below, no illuminated sign shall produce:

i. More than 1000 candela/m² for signs less than 10m² in area.

ii. More than 800 candela/m² for signs equal to or greater than 10m² in area.

b) No illuminated sign located in the Future Urban, Large Lot Residential, Residential, Special Character and Open Space zones, shall produce:

i. 600 candela/m² for signs less than 10m² in area.

ii. 400 candela/m² for signs equal to or greater than 10m² in area.

c) Any sign shall conform to the luminance levels in Rule 25.10.5.1(b) if the face of the sign is:

i. At a 90-degree axis to any transport corridor or railway line, or

ii. Within 20m of a transport corridor and 20 degrees of either side of a motorist’s or train driver’s line of sight, or

iii. At a transport corridor intersection or railway level crossing.

d) The lighting filament used to light any sign shall not be visible from any point measured within 2m of ground level.

25.10.5.2 Future Urban Zone

a) All signs shall be associated with the activity on the site, and shall be located on the site to which they relate.

b) Signs may provide only the property name, or the name, logo and contact information for a home-based business or other activity carried out as a permitted activity on the site, or relate to site access or safety.

c) Signs shall not advertise goods or services, other than as inherent in a business name.

d) Signs in the Future Urban Zone shall comply with the following standards:

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum dimension (height or width)</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>0.6m²</td>
<td>1m</td>
<td>2m</td>
</tr>
</tbody>
</table>

25.10.5.3 Open Space Zones

a) All signs shall be associated with the activity on the site, and shall be located on the site to which they relate.

b) Signs in the Open Space Zones shall comply with the following standards:

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum dimension (height or width)</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. One directional sign at each entrance to the site</td>
<td>0.6m² per sign</td>
<td>-</td>
<td>1.5m</td>
</tr>
<tr>
<td>ii. One single-sided sign at each entrance to the site</td>
<td>3m² per sign</td>
<td>2.5m</td>
<td>2m</td>
</tr>
<tr>
<td>iii. One park development sign for the purpose of providing proposed park development information</td>
<td>2m²</td>
<td>2m</td>
<td>-</td>
</tr>
</tbody>
</table>
25.10.5.4 Major Facilities Zone

a) Signs in the Major Facilities Zone shall comply with the following standards.

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum dimension (height or width)</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One double-sided sign at each entrance to the site</td>
<td>3m²</td>
<td>3m</td>
<td>3m</td>
</tr>
</tbody>
</table>

b) Seddon Park – the rules in 25.10.5.4(b) to vii below are in addition to Rule 25.10.5.4(a).

   i. Signs that are “inset” or attached to the exterior of buildings providing sponsors names shall not exceed an area of 40m² per building.
   
   ii. Signs relating to activities within each building shall not exceed an area of 20m² per building.
   
   iii. Signs under Rule 25.10.5.4(b) or ii shall not exceed an area of 10m² on any building with frontage to Seddon Road that is directly opposite dwellings in any Residential Zone.
   
   iv. Event advertising and City happenings signs on transport corridor frontages shall be limited to four signs, with no sign exceeding an area of 6m².
   
   v. Venue naming signs shall be limited to one per transport corridor frontage, with no sign exceeding an area of 12m².
   
   vi. No standards shall apply to signs located in the site that are directed primarily at patrons inside the venue, including signs on the perimeter of playing arenas (painted, illuminated, static, electronic scrolling).
   
   vii. The area and height of signs shall be calculated in accordance with Figures 25.10.4a and 25.10.4b.

c) Waikato Stadium – the rules in 25.10.5.4(c) to vii below are in addition to Rule 25.10.5.4(a).

   i. Signs that are “inset” or attached to the exterior of buildings providing sponsors names shall not exceed an area of 40m² per building. These signs may be back lit or surface lit.
   
   ii. Signs relating to activities within each building shall not exceed an area of 20m² per building.
   
   iii. Signs under Rule 25.10.5.4(c) or ii shall not exceed an area of 10m² on any building with frontage to Seddon Road that is directly opposite dwellings in the Residential Zone.
   
   iv. Event advertising and City happenings signs on transport corridor frontages shall be limited to four signs with no sign exceeding an area of 6m².
   
   v. Venue naming signs shall be limited to one per transport corridor frontage, with no sign exceeding an area of 12m².
   
   vi. No sign area standards shall apply to signs located in the site that are directed primarily at patrons inside the venue including signs on the perimeter of playing arenas (painted, illuminated, static, electronic scrolling).
   
   vii. The area and height of signs shall be calculated in accordance with Figures 25.10.4a and 25.10.4b.

d) Te Rapa Racecourse Thoroughbred Business Park.

   i. For activities in the Thoroughbred Business Park the standards in Rule 25.10.5.7 Business and Industrial Zones shall apply.

e) Waikato Hospital – rule 25.10.5.7(e) below is in addition to Rule 25.10.5.4(a).

   i. No sign area standards shall apply to signs located internally on the Waikato Hospital site that are directed at visitors inside the site, including naming and directional signs. For the purposes of this rule signs visible on Pembroke Street, between the intersection with Ohaupo Road/Selwyn Street and the second intersection with Ohaupo Road, are deemed to be internal to the Waikato Hospital site.

f) Te Awa Lakes Adventure Park – Rule 25.10.5.4(f) Iii below replaces Rule 25.10.5.4(a)

   i. Free standing entrance signs shall comply with the following standards

<table>
<thead>
<tr>
<th>Maximum Number of Signs per entrance</th>
<th>Maximum Sign Area</th>
<th>Maximum Width</th>
<th>Maximum Sign Height from Ground Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>One free standing double sided sign per road entrance</td>
<td>3m²</td>
<td>6m</td>
<td>16.5m</td>
</tr>
</tbody>
</table>

   ii. No sign standards shall apply to signs that are directed primarily at patrons inside the Adventure Park.

   iii. Signs shall not exceed 6m² on any building facing and visible from the Te Awa Lakes Medium Density Residential Zone.
25.10.5.5 Community Facilities Zone

a) All signs shall be associated with the activity on the site, and located on the site to which they relate.

b) Signs in the Community Facilities Zone shall comply with the following standards.

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum dimension (height or width)</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. One access or safety sign at each entrance to the site</td>
<td>0.6m² per sign</td>
<td>-</td>
<td>1.5m</td>
</tr>
<tr>
<td>ii. Either One other sign at each entrance to the site, or</td>
<td>0.6m² per sign</td>
<td>1m</td>
<td>2m</td>
</tr>
<tr>
<td>One other sign per site</td>
<td>3m² (single sided)</td>
<td>2.5m</td>
<td>2m</td>
</tr>
</tbody>
</table>

25.10.5.6 Residential and Special Character Zones

a) All signs shall be associated with the activity on the site, and located on the site to which they relate.

b) Signs may only provide the property name, or the name, logo and contact information for a home-based business or other activity carried out as a permitted activity on the site, or relate to site access or safety.

c) Signs shall not advertise goods or services, other than as inherent in a business name.

d) Signs shall comply with the following standards.

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum dimension (height or width)</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>0.6m²</td>
<td>1m</td>
<td>2m</td>
</tr>
</tbody>
</table>

Note
1. Standard 25.10.5.6 only has immediate legal effect for activities located in the Special Heritage Zone or the Temple View Zone Heritage Area, as shown on Planning Map 60B.
### 25.10.5.7 Central City, Business 1 to 7 and Industrial Zones

**a) Signs in the Central City, Business 1 to 7 and Industrial zones shall comply with the following standards.**

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.  One directional sign may be displayed at each entrance to the site</td>
<td>1.2m² each</td>
<td>2m</td>
</tr>
<tr>
<td>ii. Any sign, whether attached to the face or roof of the building or protruding from the face of the building</td>
<td>1m² for every metre of site frontage. For rear sites 1m² for every metre of any single site boundary.</td>
<td>A maximum sign height equal to the building height of the relevant zone provided that it does not exceed the height of the parapet or facade of the building</td>
</tr>
<tr>
<td>iii. Free-standing signs: One double-sided sign for each frontage</td>
<td>1m² for every metre of site frontage to a maximum of 10m²</td>
<td>A maximum sign height equal to the building height of the relevant zone</td>
</tr>
</tbody>
</table>

**b) Electronic signs shall also comply with the following standards:**

i. Sign content shall be limited to static displays only.

ii. Sign content shall not change at intervals greater than once every 8 seconds.

iii. Changes to sign content shall be limited to a maximum transition time of 1 second between two messages/images. There must be no scroll, flash, type or fade between the messages/images.

iv. Maximum Electronic Luminance shall have the following limits:
   - Day Time Luminance: when full sunlight directly strikes the face of the sign 8000cd/m² and otherwise 6000cd/m²
   - Day Time Luminance Morning/Evening Twilight and Inclement Weather: 600cd/m²
   - Night Time Luminance: 350cd/m²

**Note**

1. All electronic signs must also have a facility for automatically adjusting the sign luminance so that the sign brightness is always comparable with the surrounding luminance conditions and restrictions above.
2. A consent condition may be appropriate to require the review of conditions to ensure luminance levels are appropriate.

**v. Minimum letter size shall comply with the following standards.**

<table>
<thead>
<tr>
<th>Posted speed limit (km/h)</th>
<th>Letter height (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Main message</td>
</tr>
<tr>
<td>50</td>
<td>150</td>
</tr>
<tr>
<td>60</td>
<td>175</td>
</tr>
<tr>
<td>70</td>
<td>200</td>
</tr>
<tr>
<td>80</td>
<td>250</td>
</tr>
<tr>
<td>100</td>
<td>300</td>
</tr>
</tbody>
</table>

**vi. Minimum forward sight distance to the sign shall comply with the following standards.**

<table>
<thead>
<tr>
<th>Posted speed limit (km/h)</th>
<th>Minimum Visibility (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>80</td>
</tr>
<tr>
<td>60</td>
<td>105</td>
</tr>
<tr>
<td>70</td>
<td>130</td>
</tr>
<tr>
<td>80</td>
<td>175</td>
</tr>
<tr>
<td>100</td>
<td>250</td>
</tr>
</tbody>
</table>

**vii. A Maintenance Plan shall be developed to address procedures for maintenance and repair of any faults. The Maintenance Plan shall include provisions for automatic shutdown of the sign in the event of a fault which affects the signs performance.**
25.10.5.8 Knowledge Zone

a) Signs in the Knowledge Zone shall comply with the following standards.

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Two signs affixed to the face of the tenancy or department building</td>
<td>10m² per tenancy/department</td>
<td>A maximum sign height equal to the building height of the zone provided that it does not project beyond the top of the façade of the building</td>
</tr>
<tr>
<td>ii. Any directional signage</td>
<td>2m² per tenancy/department</td>
<td>2m</td>
</tr>
<tr>
<td>iii. One double-sided sign at each entrance to the site</td>
<td>3.4m² per face of the sign</td>
<td>3m</td>
</tr>
</tbody>
</table>

b) University of Waikato – the rules 25.10.5.8(b)i and ii below are in addition to Rule 25.10.5.8(a):

i. No standards shall apply to signs located in the site that have been approved as part of a concept plan.

ii. No standards shall apply to signs located in the site that are located outside the Interface Area.

25.10.5.9 Ruakura Logistics and Ruakura Industrial Park Zones

a) Signs in the Ruakura Logistics and Ruakura Industrial Park Zones shall comply with the following standards.

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum dimension (height or width)</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Free-standing signs: One double-sided sign for each road frontage</td>
<td>24m²</td>
<td>6m</td>
<td>16m</td>
</tr>
<tr>
<td>ii. One sign attached to the face of a building</td>
<td>24m²</td>
<td>6m</td>
<td>A maximum sign height equal to the building height of the relevant zone provided that it does not exceed the height of the parapet or façade of the building</td>
</tr>
</tbody>
</table>

b) Security and directional signage shall be excluded.

25.10.5.10 Veranda Signs Above the Transport Corridor Zone

a) Signs attached beneath verandas shall leave a clearance of 2.75m to the footpath.

b) Signs attached beneath verandas shall be set back not less than 0.6m from a vertical line measured from the edge of the carriageway kerb (refer to Figure 25.10.5a).

c) Signs located on top and on the fascia of a veranda shall not extend beyond the fascia of the building and shall be set back not less than 0.6m from a vertical line measured from the carriageway kerb (refer to Figure 25.10.5a).

d) Veranda signs shall be restricted to signs advertising businesses, services or products located on the site associated with the sign.

e) Signs located on top or beneath verandas shall be structurally sound and affixed to the veranda in a safe manner.
25.10.5.11 Scheduled Historic Heritage Buildings and Sites listed in Schedule 8A and 8B of Volume 2, Appendix 8: Historic Heritage

a) All signs shall be associated with the activity on the site.

b) Signs on sites identified in Schedule 8A and 8B of Volume 2, Appendix 8: Historic Heritage shall comply with the following standards.

<table>
<thead>
<tr>
<th>Maximum number of signs</th>
<th>Maximum sign area</th>
<th>Maximum dimension (height or width)</th>
<th>Maximum sign height (from ground level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two</td>
<td>Maximum total area per sign is 0.5m2</td>
<td>1m</td>
<td>2m</td>
</tr>
</tbody>
</table>

*Note*
1. Signage should be consistent with the Heritage New Zealand guidelines for signage on Historic Heritage.
### 25.10.5.12 Temporary Signs

a) **Temporary signs** shall comply with the following standards.

<table>
<thead>
<tr>
<th>Zone or specific site</th>
<th>Maximum number of signs</th>
<th>Maximum area per sign</th>
<th>Maximum total area of signage per site</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Residential, Special Character, Future Urban and Community Facilities zones</td>
<td>Two signs per site, or two signs per frontage in the case of a corner site</td>
<td>1.8m²</td>
<td>3.6m²</td>
</tr>
<tr>
<td>ii. Business 1-7, Central City, Industrial, Ruakura Logistics, Ruakura Industrial Park and Knowledge (Precinct C only) zones</td>
<td>Two signs per site, or two signs per frontage in the case of a corner site</td>
<td>3m²</td>
<td>6m²</td>
</tr>
<tr>
<td>iii. Open Space, Major Facilities and Knowledge (excluding Precinct C) zones</td>
<td>Two signs per site, or two signs per frontage in the case of a corner site</td>
<td>6m²</td>
<td></td>
</tr>
<tr>
<td>iv. Scheduled historic heritage building or site identified in Schedule 8A or 8B of Volume 2, Appendix 8: Historic Heritage</td>
<td>Two signs per site, or per frontage in the case of a corner site</td>
<td>1.8m²</td>
<td>3.6m²</td>
</tr>
</tbody>
</table>

b) Temporary signs shall not exceed the height permitted for permanent signs on the site under zone rules, except in the case of signs related to elections which may be up to 2.5m in height or the maximum sign height for permanent signs on the site under zone rules, whichever is the greater.

c) Temporary signs shall be displayed for the following time periods.

i. Real estate signs shall be removed within 14 days after the transfer of property ownership has been completed.

ii. Signs that advertise construction projects shall be located on the site to which they relate and shall be removed no later than two weeks after construction has been completed.

iii. Signs related to elections shall be displayed for no more than three months before an election and must be removed before polling, or such lesser time as may be prescribed by legislation.

iv. Signs that advertise a temporary retail activity (refer to Rule 25.3.5.11 of Chapter 25.3: City-wide – Events and Temporary Activities) shall be displayed only for the duration of that activity and must be within the site where the activity is taking place.

v. Signs for the purpose of public notification shall be displayed as prescribed by legislation.

vi. Signs that advertise any other event shall be displayed within a period of up to four weeks before to three days after the event.

**Note**
1. The Electoral Act 1993 and its associated regulations also specifies controls on election signs.
2. Standard 25.10.5.12(a)(ii) only has immediate legal effect for activities located in the Special Heritage Zone or the Temple View Zone Heritage Area, as shown on Planning Map 60B.
Key message

The preliminary electoral roll, containing both resident and non-resident ratepayer electors, will be available for public inspection from 19 July 2019 to 16 August 2019. All registered electors (as at 16 August 2019) whose name is on the final election roll will be issued voting packs.

Resident electors

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

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

Residents of the Hamilton City Council area are enrolled automatically on the residential electoral roll if they are registered as Parliamentary electors. Therefore, there is no need to enrol separately for these elections.

Non-resident ratepayer electors

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

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

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

Preliminary electoral roll

A copy of the preliminary electoral roll for Hamilton City Council will be available for public inspection from Friday 19 July 2019 to Friday 16 August 2019 at:

- The Elections Office, Municipal Building, Garden Place, Hamilton;
- Central, Chartwell, Dinsdale, Glenview, Hillcrest and St Andrews libraries;
Those eligible to vote are:

• all residents enrolled on the Parliamentary electoral roll within the Hamilton City Council area; and

• all non-resident ratepayers enrolled on the ratepayer electoral roll.

The preliminary electoral roll will be contained in two books, one book for each ward, with the residential roll located in the front and the ratepayer roll located in the rear.

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

Any alterations to the residential electoral roll should be made:

• by completing the appropriate form at any NZ Post agency; or

• by telephoning 0800 ENROLNOW (0800 36 76 56); or

• by accessing the Electoral Commission website - www.elections.org.nz

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

Copies of the hardcopy preliminary electoral roll may be purchased from the electoral office for $75.00 (inc GST).

Final electoral roll

The final electoral roll is produced once the preliminary electoral roll closes on 16 August 2019. The final electoral roll contains the details used for issuing voting documents. Copies of this roll will also be available for purchase.

Roll data requests

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

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

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

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

Key message

The three-week voting period is Friday 20 September to noon Saturday 12 October 2019. Voting packs are posted to electors from Friday 20 September 2019. Special votes are available to those who have not received an ordinary vote during the voting period.

Postal voting

The election is being conducted by postal vote. Voting documents are posted to all electors whose names appear on the final electoral roll with delivery commencing Friday 20 September 2019. All electors should have received their voting documents by Wednesday 25 September 2019.

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

If hand delivered, completed voting documents can be lodged at:

• The Elections Office, Municipal Building, Garden Place, Hamilton;

• in addition ballot boxes will also be located in each council library for hand delivered votes during the voting period;

• the Anglesea Street council entrance drive through voting drop off (on the last day only).

When posting voting documents back, it is recommended these be posted by 5pm, Tuesday 8 October 2019 to guarantee delivery before the close of voting (noon, Saturday 12 October 2019).

There is currently no online voting option for these elections.

Special votes

Special votes are available to electors:

• whose names do not appear on the final electoral roll, but who qualify as electors;

• who do not receive a voting document previously posted to them;

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

Special votes are available from Friday 20 September 2019 to noon, Saturday 12 October 2019 from:

• The Elections Office, Municipal Building, Garden Place, Hamilton;

• by telephoning the electoral office on 0800 922 822.

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

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

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

• from any NZ Post agency; or

• telephoning 0800 ENROLNOW (0800 36 76 56); or

• by accessing the Electoral Commission website - www.elections.org.nz
After voting closes, special vote declarations are forwarded to Registrars of Electors for verification that the elector is eligible and has enrolled as a Parliamentary elector.

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

**Election day**

On election day, ordinary votes can be returned, and special votes issued and returned, from 9 am to noon at:

- The Elections Office, Municipal Building, Garden Place, Hamilton.
Early processing of returned voting documents

Key message

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

Processing of votes

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

The early processing of voting documents involves the following functions:

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

No tallying of votes is undertaken until after the close of voting (noon, Saturday 12 October 2019).

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

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

**Key message**

Candidates are able to appoint scrutineers to observe certain functions. Appointment of scrutineers must be made by noon, Friday 11 October 2019.

**Appointment of scrutineers**

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

These functions are:

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

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

A scrutineer cannot be:

- a candidate;
- a member or employee of any local authority or community board for which an election is being conducted;
- under 18 years old.

Each scrutineer must be appointed by a candidate, such appointment to be in writing to the electoral officer. For a person to be appointed as a scrutineer, the letter of appointment must be received by the electoral officer no later than noon Friday 11 October 2019 [Section 68, Local Electoral Act 2001].

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

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

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

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

The scrutiny of the roll only will be undertaken at the electoral office (Level 2, 198 Federal Street, Auckland), during normal office hours between Monday 23 September 2019 and to noon, Saturday 12 October 2019.

The preliminary count of votes will commence once voting closes at noon on Saturday 12 October 2019 at the electoral office.

The official count of votes will be undertaken once the preliminary count is concluded and the final result will be known on Thursday 17 October 2019. The official count will also occur at the electoral office.

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

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

Key message

Election results will be released on three occasions:

Progress results around 2pm on election day, Saturday 12 October 2019.

Preliminary results on Sunday morning, 13 October 2019.

Final results on Thursday afternoon, 17 October 2019.

Progress results

The counting of votes will commence from noon Saturday, 12 October 2019 at the offices of Independent Election Services Ltd, Level 2, 198 Federal Street, Auckland.

As soon as practicable following the close of voting, progress results will be made available, these are likely to reflect approximately 95% of the votes cast. Once all sealed ballot boxes have been received from the council office and libraries, these will be processed and included to form the preliminary results.

Progress results will be available at approximately 2pm on election day.

Each candidate will be phoned by Hamilton City Council electoral staff prior to the progress results being placed on the website.

Preliminary results

Preliminary results will be available once all votes that are hand-delivered on election morning have been received and processed. This is expected to be on Sunday morning 13 October 2019.

Both progress and preliminary results will be available:

• by accessing council’s website
  www.hamilton.govt.nz/elections

• by telephoning the electoral office on 0800 922 822.

Final results

Once all special votes have been validated by the Electoral Commission, a final result is able to be announced. This is expected late afternoon on Thursday 17 October 2019.

Release of results

Where email addresses have been provided, candidates will be emailed both the progress and preliminary results, once available.

All results will also be placed on council’s website:
www.hamilton.govt.nz/elections
**Term of membership**

**Key message**

All members leave office and come into office on the day after the declaration of results is publicly notified.

**Term of membership**

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

All members leave office for the Hamilton City Council when the members elected at the next election come into office. [Section 116, Local Electoral Act 2001]

If at the close of nominations, the number of candidates is less than the number of vacancies, the unfilled vacancies become extraordinary vacancies and are treated as occurring on polling day (12 October 2019). [Section 64, Local Electoral Act 2001]

Any such extraordinary vacancy is required to be filled by an election, which cannot occur any earlier than 17 February 2020. [Section 138, Local Electoral Act 2001]

A member is disqualified from holding office in a local authority under the following provisions:

"Disqualification of members"

1. A person’s office as a member of a local authority is vacated if the person, while holding office as a member of the local authority, -
   a. ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993; or
   b. is convicted of an offence punishable by a term of imprisonment of 2 years or more.

2. If subclause (1)(b) applies:
   a. the disqualification does not take effect -
      i. until the expiration of the time for appealing against the conviction or decision; or
      ii. if there is an appeal against the conviction or decision, until the appeal is determined; and
   b. the person is deemed to have been granted leave of absence until the expiration of that time, and is not capable of acting as a member during that time.

3. person may not do an act as a member while disqualified under subclause (1) or while on leave of absence under subclause (2)*

[Clause 1, Schedule 7, Local Government Act 2002]


**Local Electoral Act 2001**

### 121 Illegal nomination, etc

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

a. consents to being nominated as a candidate for an elective office, knowing that they is incapable under any Act of holding that office; or

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

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

### 122 Interfering with or influencing voters

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

a. interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how they should vote;

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

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

   ii. in the case of a poll, includes a statement or indication as to how any person should vote;

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

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

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

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

b. nothing else.

(3) Nothing in this section applies to-

a. any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or

b. any candidate profile statement, published, displayed or distributed under the authority of this Act or regulations made under this Act.

### 123 Offences in respect of official documents

(1) Every person commits an offence who-

a. intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll;

b. intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll;

c. forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document;

d. supplies, without authority, a voting document to any person;

e. obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording their vote, without authority;

f. intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.

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

a. in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years;

b. in the case of any other person, to imprisonment for a term not exceeding six months.
124 Voting offences

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

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

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

125 Bribery

(1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,-

a. gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or

b. gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any other 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

(2) Every holder of a license under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-

a. to any person, if the supply is demanded for one or more of the purposes specified in subsection (1); or

b. to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.

(3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.

(4) Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.

(5) Every person who commits the offence of treating is liable on conviction to imprisonment for a term not exceeding 2 years.

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,-

a. 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

(2) Every holder of a license under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision-

a. to any person, if the supply is demanded for one or more of the purposes specified in subsection (1); or

b. to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.

(3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.

(4) Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.

(5) Every person who commits the offence of treating is liable on conviction to imprisonment for a term not exceeding 2 years.

127 Undue influence

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

a. who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person-

i. in order to induce or compel that person to vote or refrain from voting;
(2) Every person who commits the offence of undue influence is liable on conviction to imprisonment for a term not exceeding 2 years.

128 Personation

(1) Every person commits the offence of personation who, at any election or poll,-

a. votes in the name of some other person (whether living or dead), or of a fictitious person;

b. having voted, votes again at the same election or poll;

c. having returned a voting document, applies for or returns another voting document with the intention of returning an additional valid voting document or invalidating a vote already cast at the same election or poll (whether or not any voting document they returns is valid).

(2) Every person who commits the offence of personation is liable on conviction to imprisonment for a term not exceeding 2 years.

129 Infringement of secrecy

(1) Every electoral officer, deputy electoral officer, and other electoral official-

a. must maintain and assist in maintaining the secrecy of the voting; and

b. must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.

(2) 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.

(3) Every person present at the counting of votes must-

a. maintain and assist in maintaining the secrecy of the voting; and

b. must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom or proposal for or against which any vote is cast by a particular voter.

(4) No person may, directly or indirectly, induce any voter to display or provide access to their voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.

(5) Every person commits an offence who contravenes or fails to comply with this section.

(6) Every person who commits an offence against subsection (5) is liable on conviction to imprisonment for a term not exceeding six months.

130 Disclosing voting or state of election or poll

(1) Every electoral officer, deputy electoral officer, other electoral official, Justice of the Peace, or scrutineer commits an offence who-

a. makes known for what candidate or candidates or for which proposal any particular voter has voted for or against, except as provided by this Act or regulations made under this Act; or

b. before the close of voting, makes known the state of the election or poll or gives or pretends to give any information by which the state of the election or poll may be known.

(2) Subsection (1)(b) does not prevent an electoral officer from disclosing the total number of voting documents so far returned at an election or poll at any time during the voting period.

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

b. not exceeding $2,000 for any other person.

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

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

General provisions

137 Property may be stated as being in electoral officer

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

138 Duty to take action in respect of offences

(1) Subsection (2) applies if an electoral officer—

a. receives a written complaint that an offence has been committed under—

i. Part 5; or

ii. this Part; or

b. believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).

(2) If this subsection applies, the electoral officer must—

a. report the complaint or belief to the Police; and

b. provide the Police with the details of any inquiries that they considers may be relevant.

(3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.

(4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

138AA Time limit for prosecutions

(1) A prosecution under section 112C must be commenced within six months of the date on which the return was required to be filed.

(2) A prosecution under section 103K or 112D must be commenced—

a. within six months of the date on which the prosecutor is satisfied that there is sufficient evidence to warrant the commencement of the proceedings; but

b. not later than 3 years after the offence was committed.
**Key message**

Elected members are entitled to be paid for the work undertaken. This remuneration is generally by way of a base salary and allowances for such things as mileage etc.

**Member remuneration**

The Remuneration Authority is a statutory body that establishes remuneration for local government. In 2018 the Remuneration Authority reviewed the remuneration of elected members, moving from a “partial pool” approach to a “full pool” approach.

The new approach will take effect following the elections and is based on the following remunerations levels, subject to the Remuneration Authority’s confirmation expected late June/early July:

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<tr>
<th>Position</th>
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<tr>
<td>Mayor*</td>
<td>$166,786</td>
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<tr>
<td>Deputy mayor</td>
<td>$102,020</td>
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<tr>
<td>Committee chairperson</td>
<td>$94,172</td>
</tr>
<tr>
<td>Deputy committee chairperson</td>
<td>$86,324</td>
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<tr>
<td>Councillor</td>
<td>$78,476</td>
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*There is a deduction from the mayor’s salary for any private use of a council provided vehicle.

Council will provide technology to enable elected members to undertake their roles and elected members will be reimbursed for council related communication costs at a rate established by the Remuneration Authority.

Remuneration for members of the Waikato Regional Council is available from the Waikato Regional Council electoral officer, Mali Ahipene on (07) 859 0507.
Key message

All elected members of the Hamilton City Council are required to comply with the duties and obligations of the Health and Safety at Work Act 2015.

Health and Safety at Work Act 2015

Under the legislation an officer is someone who holds a position which allows them to exercise significant influence over the whole of council. At Hamilton City Council, elected members and the chief executive (and possibly others) are ‘Officers’. The boards of council-controlled organisations and their chief executives are also officers.

As a PCBU (persons conducting a business or undertaking), council holds the primary duty to ensure people’s safety. An officer’s responsibility is to exercise due diligence to ensure that council complies with its duties and obligations under the Health and Safety at Work Act – similar to the responsibility councillors and local boards have to exercise due diligence over council’s financial matters.

An officer’s duty is important because leadership contributes to council’s safety culture, and elected members need to have an understanding of what is required to manage council’s risks.

Officers can rely on information provided to them by staff and experts so long as that reliance is reasonable. However, elected members and the chief executive must test and assess the advice provided to them to ensure they are confident their decisions have sufficiently considered health and safety factors. Officers must demonstrate that they have carefully considered health and safety.

There are six key aspects of officer due diligence. The legislation requires officers take reasonable steps to:

1. Acquire and keep up to date with health and safety knowledge and health and safety matters for council.
2. Understand council’s operations and the associated hazards and risks.
3. Ensure council has appropriate resourcing and processes to eliminate or minimise risks to health and safety.
4. Ensure council has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information.
5. Ensure council has, and implements, processes for complying with any duty or obligation.
6. Verify the provision and use of resources and processes through reviews and audits.

Liability

Whilst officers do not have the same primary duty as the PCBU to directly ensure health and safety they must exercise due diligence to ensure that the PCBU is meeting its duties.

Elected members acting in their capacity as elected members (as distinguished from elected members acting in a governance role for another entity) are excluded from liability for the most serious offences under the new Act. However they may still be liable under some of the other requirements in the legislation – for example in some circumstances WorkSafe NZ could still serve an improvement notice on them.

Further information can be found at: https:// worksafe.govt.nz/managing-health-and-safety/businesses/guidance-for-business-leaders/
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<tbody>
<tr>
<td>East</td>
<td>0</td>
<td>775</td>
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<td>875</td>
<td>725</td>
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<td>700</td>
<td>2300</td>
<td>1775</td>
<td>2300</td>
<td>1000</td>
<td>2034</td>
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<tr>
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<td>7500</td>
<td>8175</td>
<td>8875</td>
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<tr>
<td>Returns %</td>
<td>0.0%</td>
<td>1.5%</td>
<td>3.0%</td>
<td>4.5%</td>
<td>6.2%</td>
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<td>15.8%</td>
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<tr>
<td>West</td>
<td>0</td>
<td>800</td>
<td>800</td>
<td>700</td>
<td>750</td>
<td>625</td>
<td>1600</td>
<td>725</td>
<td>700</td>
<td>500</td>
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<td>Returns %</td>
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<td>14.9%</td>
<td>16.3%</td>
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<td>22.9%</td>
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<tr>
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<td>1575</td>
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<td>1625</td>
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<td>3150</td>
<td>4625</td>
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<td>7600</td>
<td>11125</td>
<td>12675</td>
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<td>33555</td>
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<tr>
<td>Returns %</td>
<td>0.00%</td>
<td>1.58%</td>
<td>3.15%</td>
<td>4.63%</td>
<td>6.2%</td>
<td>7.61%</td>
<td>11.14%</td>
<td>12.69%</td>
<td>14.22%</td>
<td>15.40%</td>
<td>16.77%</td>
<td>20.90%</td>
<td>24.03%</td>
<td>28.11%</td>
<td>29.96%</td>
<td>33.60%</td>
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</tr>
<tr>
<td>Daily %</td>
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<td>1.58%</td>
<td>1.58%</td>
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<td>1.63%</td>
<td>1.35%</td>
<td>1.35%</td>
<td>1.53%</td>
<td>1.53%</td>
<td>1.18%</td>
<td>1.388%</td>
<td>4.13%</td>
<td>3.13%</td>
<td>4.08%</td>
<td>1.85%</td>
<td>3.63%</td>
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<tr>
<td>2010 Returns</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.1%</td>
<td>6.9%</td>
<td>9.0%</td>
<td>10.8%</td>
<td>12.6%</td>
<td>16.4%</td>
<td>18.2%</td>
<td>19.6%</td>
<td>22.1%</td>
<td>22.3%</td>
<td>26.7%</td>
<td>29.7%</td>
<td>34.3%</td>
<td>37.8%</td>
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</tr>
<tr>
<td>2013 Returns</td>
<td>0.0%</td>
<td>0.1%</td>
<td>3.2%</td>
<td>5.0%</td>
<td>6.7%</td>
<td>9.4%</td>
<td>9.8%</td>
<td>12.9%</td>
<td>14.8%</td>
<td>16.5%</td>
<td>19.3%</td>
<td>20.1%</td>
<td>24.9%</td>
<td>29.5%</td>
<td>33.6%</td>
<td>38.3%</td>
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</tr>
</tbody>
</table>
# 2016 election results

## DECLARATION OF RESULTS OF ELECTION
for the Hamilton City Council 2016 elections

I hereby declare the results of the elections held on 8 October 2016 for the following offices:

<table>
<thead>
<tr>
<th>MAYOR (one vacancy)</th>
<th>Votes Received</th>
<th>Votes Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASSON, James (Independent)</td>
<td>4237</td>
<td>PASCOE, Rob (Independent)</td>
</tr>
<tr>
<td>CHATHA, Arshad</td>
<td>497</td>
<td>SIMPSON, Chris</td>
</tr>
<tr>
<td>GIELEN, Jack (Independent)</td>
<td>461</td>
<td>SOUTHGATE, Paula (Independent)</td>
</tr>
<tr>
<td>KING, Andrew (lovehamilton)</td>
<td>6728</td>
<td></td>
</tr>
</tbody>
</table>

Informal votes received: 114
Blank votes received: 599
I therefore declare Andrew KING to be elected.

## COUNCIL

### East Ward (six vacancies)

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARMITAGE, Russell (Independent)</td>
<td>2710</td>
</tr>
<tr>
<td>BUNTING, Mark (Independent)</td>
<td>5206</td>
</tr>
<tr>
<td>CASEYCOX, Anna (Community Voice)</td>
<td>4249</td>
</tr>
<tr>
<td>CASSON, James (Independent)</td>
<td>6280</td>
</tr>
<tr>
<td>CHATHA, Arshad</td>
<td>1153</td>
</tr>
<tr>
<td>CHAUD-HRV, Javel</td>
<td>2378</td>
</tr>
<tr>
<td>DIXON, Tony (Independent)</td>
<td>2207</td>
</tr>
<tr>
<td>GIELEN, Jack (Independent)</td>
<td>1069</td>
</tr>
<tr>
<td>HAINA, Snowy</td>
<td>867</td>
</tr>
<tr>
<td>HALSE, Allan (Independent)</td>
<td>1768</td>
</tr>
<tr>
<td>HAMILTON, Ryan (Independent)</td>
<td>4576</td>
</tr>
<tr>
<td>HENNEBRY, Roger (Rates Control)</td>
<td>4444</td>
</tr>
<tr>
<td>HENNEBRY, Tanio (Independent)</td>
<td>4078</td>
</tr>
</tbody>
</table>

Informal votes received: 178
Blank votes received: 205
I therefore declare Mark BUNTING, James CASSON, Garry MALLET, Rob PASCOE, Paula SOUTHGATE and Philip YELING to be elected.

### West Ward (six vacancies)

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOS, Peter (Independent)</td>
<td>4213</td>
</tr>
<tr>
<td>COYLE, Max (No Water Meters)</td>
<td>4614</td>
</tr>
<tr>
<td>CURTIS, Robert (Independent)</td>
<td>1725</td>
</tr>
<tr>
<td>GALLAGHER, Martin (Independent)</td>
<td>8663</td>
</tr>
<tr>
<td>HENRY, Siggi (Independent)</td>
<td>5280</td>
</tr>
<tr>
<td>HOLLAND, Cathy (Independent)</td>
<td>2500</td>
</tr>
<tr>
<td>HUMPHREYS, Peter (Community Voice)</td>
<td>3566</td>
</tr>
<tr>
<td>JORDAN, Chris (Independent)</td>
<td>2080</td>
</tr>
</tbody>
</table>

Informal votes received: 52
Blank votes received: 200
I therefore declare Martin GALLAGHER, Andrew KING, Dave MACPHERSON, Angela O’LEARY, Geoff TAYLOR and Lee TOOMAN to be elected. However, as Andrew KING has been declared elected as Mayor, his name has been withdrawn and the next highest polling candidate, Siggi HENRY is declared elected.

Dated at Hamilton, 14 October 2016

Dale Ofoske
Electoral Officer
Hamilton City Council
Municipal Building
Garden Place
Hamilton
(Phone: 0800 266 624)
AMENDED DECLARATION OF RESULT OF 2016 MAYORAL ELECTION

Following a Judicial Recount of the Hamilton City Council Mayoral election held on 28 October 2016, I declare the amended results of the above election (held on 8 October 2016):

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes received</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASSON, James</td>
<td>4237</td>
</tr>
<tr>
<td>CHATHA, Arshad</td>
<td>496</td>
</tr>
<tr>
<td>GIELEN, Jack</td>
<td>458</td>
</tr>
<tr>
<td>KING, Andrew</td>
<td>8726</td>
</tr>
<tr>
<td>PASCOE, Rob</td>
<td>3774</td>
</tr>
<tr>
<td>SIMPSON, Chris</td>
<td>6425</td>
</tr>
<tr>
<td>SOUTHGATE, Paula</td>
<td>8720</td>
</tr>
</tbody>
</table>

114 Informal votes, 605 Blank votes

This amended declaration confirms Andrew KING as Mayor of Hamilton City Council.

Dated at Hamilton, 28 October 2016
Dale Ofosoke, Electoral Officer
Hamilton City Council
DECLARATION OF RESULT
EAST WARD BY-ELECTION

I declare the result of the by-election held on 17 February 2018 for the position of Councillor of the East Ward of the Hamilton City Council to be as follows:

Candidate: ALLEN, Possum
Votes Received: 849
BURGESS, Meleane
1,071
CURTIS, Robert (Independent)
286
FISHER, Deborah
432
HAMILTON, Ryan
1,944
HENDERSON, Horiana (Independent)
729
HUMPHREYS, Peter (Independent)
1,027
LAING, Garrick (People Count)
495
MACLEOD, Ross
783
MANOHARAN, Mano
566
MOHAMMAD, Sarkaw (Independent)
784
ROLLITT, Chris (Independent)
790
SMALL, Matthew (Independent)
193
VAN OOSTEN, Maxine (Independent)
1,360
WEST, Michael
1,537
(44 informal votes and 21 blank votes)

I therefore declare Ryan HAMILTON elected.
Dated at Hamilton, 21 February 2018

Dale Ofososke, Electoral Officer
Independent Election Services Ltd
for Hamilton City Council

phone 0800 922 822
Maps

Hamilton City Council 2019

<table>
<thead>
<tr>
<th>WARD No.</th>
<th>WARD NAME</th>
<th>No. of COUNCILLORS</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>West Ward</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>East Ward</td>
<td>6</td>
</tr>
</tbody>
</table>

Hamilton City Council 2019 Triennial Elections

Graphical Scale (km)
West Ward 2019

Hamilton City Council
2019 Triennial Elections

<table>
<thead>
<tr>
<th>WARD No.</th>
<th>WARD NAME</th>
<th>No. of COUNCILLORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>West Ward</td>
<td>6</td>
</tr>
</tbody>
</table>

Graphical Scale (km)
The council

Key message

Ultimate responsibility for all the city council's activities rests with the council. The council decides the range of services and activities to be provided, sets the policy for these services and activities, delegates the implementation of these to the staff and monitors their performance.

Following law

While the council has at times considerable freedom and opportunity to exercise its initiative in deciding its aims and policies, it must do this within the laws, regulations, and requirements set down by central government. A local authority may only undertake those activities which are permitted by central government.

As well as providing services itself, the council may contract with outside entities for services to be provided, and assist many other organisations through membership, technical services, advice and financial grants.

To fulfil these responsibilities, the mayor and councillors interact with a wide range of contacts, representing the city on many organisations.

Decision-making for council policy and general control of city operations occurs through a programme of formal meetings. The council, its standing committees and some subcommittees meet regularly, and special purpose working parties and advisory groups meet as required.

Jointly, elected members have the responsibility for making decisions to be implemented by the staff. As a general rule, members will be concerned with matters of policy and principle. Staff are involved with the day-to-day administration of the council's affairs. Staff will be accountable to the authorities for effective and efficient performance.
### Services of council

<table>
<thead>
<tr>
<th>Activity Group</th>
<th>Activities</th>
<th>Activity Group</th>
<th>Activities</th>
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</thead>
<tbody>
<tr>
<td><strong>Arts &amp; Culture</strong></td>
<td>- Theatres</td>
<td><strong>Parks &amp; Green Spaces</strong></td>
<td>- Hamilton Gardens</td>
</tr>
<tr>
<td></td>
<td>- Libraries</td>
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<td>- Community Parks</td>
</tr>
<tr>
<td></td>
<td>- Museum</td>
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<td>- Sports Parks</td>
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<tr>
<td></td>
<td>- Arts</td>
<td></td>
<td>- Cemeteries &amp; Crematorium</td>
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<td></td>
<td>- Active Communities</td>
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<tr>
<td><strong>Recreation</strong></td>
<td>- Pools</td>
<td><strong>Rubbish &amp; Recycling</strong></td>
<td>- Refuse Collection</td>
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<tr>
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<td>- Indoor Recreation</td>
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<td>- Waste Minimisation</td>
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<td></td>
<td>- Zoo</td>
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<td>- Landfill Site Management</td>
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<tr>
<td><strong>Planning &amp; Development</strong></td>
<td>- City Planning</td>
<td><strong>Stormwater</strong></td>
<td>- Stormwater Network</td>
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<tr>
<td></td>
<td>- Planning Guidance &amp; Compliance</td>
<td></td>
<td>- Catchment Management</td>
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<tr>
<td></td>
<td>- Building Control</td>
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<tr>
<td><strong>Economic Development</strong></td>
<td>- Economic Initiatives</td>
<td><strong>Transportation</strong></td>
<td>- Transport Network</td>
</tr>
<tr>
<td></td>
<td>- Strategic Property Investment</td>
<td></td>
<td>- Parking Management</td>
</tr>
<tr>
<td></td>
<td>- Claudelands</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>- Stadiums</td>
<td><strong>Sewerage</strong></td>
<td>- Sewerage Collection</td>
</tr>
<tr>
<td><strong>Safety</strong></td>
<td>- Animal Control</td>
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<td>- Sewerage Treatment &amp; Disposal</td>
</tr>
<tr>
<td></td>
<td>- Environmental Health &amp; Public Safety</td>
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<tr>
<td><strong>Community Support</strong></td>
<td>- Community Development</td>
<td><strong>Water Supply</strong></td>
<td>- Water Treatment &amp; Storage</td>
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<tr>
<td></td>
<td>- Emergency Management</td>
<td></td>
<td>- Water Distribution</td>
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<tr>
<td></td>
<td>- Housing</td>
<td><strong>Overhead &amp; Support Units</strong></td>
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<tr>
<td><strong>Democracy Services</strong></td>
<td>- Governance &amp; Public Affairs</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>- Partnership with Māori</td>
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</tr>
</tbody>
</table>

For a detailed description of each activity group, together with how we plan to measure service delivery performance and the cost of providing the service, please refer to our 10-year plan on our website [www.hamilton.govt.nz](http://www.hamilton.govt.nz)
Requirements of members

Key message

Before elections in October 2019, prospective candidates may find it useful to familiarise themselves with the work undertaken by the council or its committees. They are welcome to attend meetings or committees and can obtain copies of agendas from www.hamilton.govt.nz

All members must know or learn:

• the council’s administrative system as it applies to them. This includes meeting procedures, and services and facilities for councillors;

• the organisation of, and services provided by, the council;

• the roles of elected members and officers respectively;

• how to handle complaints and enquiries from constituents;

• a working knowledge of the relevant statutory law.
Key message

The mayor of Hamilton City is elected by all electors in Hamilton City.

The mayor is the presiding member of the council and is a member of all committees. They are also a Justice of the Peace during the time they hold office as mayor.

Role of the mayor

The role of mayor is as follows:

- represent the council in a strong, competent and articulate manner in the council area and to any external agencies or groups;
- ensure sufficient familiarity with council standing orders and procedures to be able to competently chair council meetings and other sessions of the council;
- work closely with other elected members to build an effective leadership team of council;
- carry out the civic and ceremonial responsibilities associated with the position of mayor ensuring familiarity with the processes and procedures of various civic functions;
- provide a leadership role to councillors’ activities;
- act as a principal spokesperson on council activities;
- liaise with the chief executive to help ensure co-ordination of the activities of the elected wing;
- represent, as appropriate, council at regional, national and international gatherings;
- keep the council fully informed of the activities of the office of the mayor;
- represent and promote the city;
- to represent council at Local Government New Zealand activities.

Authorities

- act as a Justice of the Peace;
- requisition a meeting of council;
- declare a Civil Defence emergency;
- authority of a chairperson in accordance with standing orders.
Local Government Act – new powers for mayors

The 2012 changes to the Local Government Act introduced changes to mayoral powers to apply from October 2013. This means the mayor can:

- lead the development of council plans, policies and budgets;
- appoint the deputy mayor;
- appoint chairs to council committees;
- establish the council committees.

Council is still able to disestablish a committee established by the mayor or remove from office a chairperson that the mayor has appointed.

The changes give the mayor a greater ability to lead the council but does not change the requirement for council decisions and policies to be made by the majority of council members.

In changing the legislation for the powers of mayors it was considered that the new role for mayors will enable them to build an effective leadership team and strengthen the leadership and capability of the council itself within the community.

Before commencing their duties, the mayor is required to make a declaration, outlined on page 68 of this handbook.

It is difficult to provide guidance on the time involved in being mayor. There is no legal requirement that a mayor should carry out their duties in the same manner as might be expected of a fulltime employee. The one legal obligation is to attend at least some council meetings. Should a mayor miss four consecutive ordinary council meetings in a row without leave of absence being granted, then they is deemed automatically to be no longer in office.
Councillors

Key message

The following role descriptions have been developed by the Remuneration Authority and used to set councillor salaries (See page 48):

Councillor – base role description

Collective duties of the council

• representing the interests of the council;

• formulating the council’s strategic direction and relative priorities through the Long Term Plan (LTP), which determines the services and activities to be undertaken by council over a ten-year period;

• determining the expenditure and funding requirements of council activities through the LTP and annual planning processes;

• overseeing, developing and/or approving all council policies, administrative, legal, financial and strategic, including formal city planning matters within the council’s geographical area of responsibility;

• monitoring the ongoing performance of council against its stated objectives and policies (including formal sign-off of the Annual Report);

• ensuring prudent use of council resources;

• law-making (bylaws);

• overseeing council compliance with any relevant Acts of Parliament;

• employing, setting performance requirements for, and monitoring the ongoing performance of the council’s chief executive. (Under the Local Government Act 2002, the local authority employs the chief executive who, in turn employs all other staff on its behalf – elected members of council have no responsibilities for, and cannot direct, any staff employed by the council other than the chief executive.

Representation and advocacy

• bringing the views of the community into council decision-making processes;

• being an advocate for community groups and individuals at council meetings;

• balancing the need to advocate for specific interests against the needs of the wider community;

• listening to the concerns of local residents and ratepayers on issues pertaining to the council;

• maintaining contact with community representatives and other local stakeholders;

• participating in any relevant consultative processes with the local community and/or other organisations;

• represent council at community activities where such representation is expected.

Governance

• participating constructively and effectively in the good governance of the council as a whole;

• understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the council;
• understanding and respecting the differing roles of mayor, deputy mayor, committee chairs and councillors;

• recognising that the governance role does not extend to operational matters or to the management of any implementation;

• having a good understanding of the council processes set out in the standing orders that determine how council meetings are run;

• developing and maintaining a working knowledge of council services, management processes, powers, duties and constraints;

• participating in the setting and monitoring of council policies, budgets, strategies and service delivery through annual and long-term planning processes;

• ensuring familiarity with agendas and other council reports before council meetings;

• being familiar with and complying with the statutory requirements of an elected councillor;

• complying with the code of conduct adopted by the council;

• identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature.

Before commencing their duties, councillors are required to make a declaration outlined on page 68 of this handbook.

Descriptions of positions of additional responsibilities

Committee chair

Responsibilities in addition to those of a councillor:

• chairing meetings of the committees in the areas of council activity and business within their area of responsibility;

• representing the council to a high standard in the areas of council activity and business within their area of responsibility, recognising that conduct in the role of committee chair reflects on council as a whole;

• promoting and supporting good governance by the council;

• developing a clear understanding of the terms of reference of their committees, and of the scope and range of the specific areas of council activities and business within their area of responsibility to allow them to carry out their role as committee chair;

• ensuring sufficient familiarity with council standing orders and procedures to be able to chair council committee meetings and any other sessions of council for which they have responsibility;

• undertaking sufficient preparation before meetings they are chairing to effectively carry out their role as committee chair;

• ensuring any meeting they chair act within the powers delegated by the council as set out in the council delegation manual;

• managing the progress of business during meetings, including ensuring adherence to the council code of conduct, standing orders and any other statutory obligations and requirements;
• ensuring that all meeting participants have an opportunity to make an appropriate contribution within the bounds of standing orders and due process;

• maintaining and ensuring due order and decorum throughout meetings they chair;

• commenting to the media (or other agencies) as the council spokesperson on issues arising that pertain to their committee or that are on the agenda in the areas of council activity and business within their area of responsibility, but only if delegated to do so by council;

• liaising with appropriate council staff in respect of the areas of council activity and business within the committee chair area of responsibility;

• providing political leadership in building a political consensus around council issues in the area of council activity and business that are within their area of responsibility;

• recognising and contributing to issues that cut across specific areas of council activity and business within the committee chair area of responsibility;

• working closely with other elected members of council to ensure smooth council decision-making;

• keeping abreast of all issues concerning council activity and business within their area of responsibility.

**Deputy mayor**

Responsibilities in addition to those of a councillor:

• supporting the mayor in their role and deputising for them in their absence;

• keeping abreast of all issues facing council, to allow for relative ease when deputising for the mayor, should that need arise;

• representing the council to a high standard, recognising that conduct in the role of deputy mayor reflects on council as a whole;

• representing the council in a strong, competent and articulate manner in the council area and to any external agencies or groups;

• ensuring sufficient familiarity with council standing orders and procedures to be able to deputise competently for the mayor in chairing council meetings and other sessions of council;

• representing the council in various local, regional and/or national settings, both formal and informal, as appropriate;

• working closely with other elected members of council to ensure smooth council decision-making;

• ensuring sufficient familiarity with the processes and procedures of various civic functions to be able to correctly follow the obligations of such civic functions in the event of deputising for the mayor, should that need arise.
Members' interests

Key message

Prospective candidates should be aware of the requirements of the Local Authorities (Members’ Interests) Act 1968:

Any member of a local authority is not to vote on or take part in the discussion of any matter where that person has a direct or indirect pecuniary interest.

Prior interests

Where an incorporated company has a pecuniary interest in any matter before a local authority, a member of the local authority is deemed to have a pecuniary interest if:

- that person or their spouse own 10% or more of the capital of the company; or
- the member or their spouse is a member of the company, and either of them is the general manager (similar positions in a controlling company have the same effect).

There are various exceptions to this rule, including the following matters:

- any payment to a member where it is legally payable and the amount has already been fixed;
- any contract or insurance insuring members against personal accident;
- an election or appointment of a member to any office;
- a formal resolution to seal or complete a contract in accordance with a resolution already adopted;
- matters relating to the district scheme under the Town and Country Planning Act;
- schemes under the Soil Conservation and Rivers Act; (note – these last two acts have been repealed by the Resource Management Act 1991);
- matters under the Public Works Act.

Under Section 3 of the Act, elected members may not be concerned or interested in contracts made by the council when payments for the contracts entered into during a particular year exceed $25,000 including GST. That amount may only be exceeded if the council has either obtained the prior approval of the Audit Office or, in special circumstances, obtained retrospective approval. When payments exceed $25,000 or any other approved amount, the elected member concerned is automatically disqualified from office, unless approval has been obtained. They also commits an offence if they continues to act as a member.

Any breach of the rule is an offence, which may be punished by a fine not exceeding $100.

Hamilton City Council maintains a register of members’ interests and makes a summary document available on the council’s website.
Key message

Current elected members of Hamilton City Council intending to stand as a candidate in the 2019 Triennial Elections, need to make themselves familiar with the requirements of The Controller & Auditor General publication: “Good Practice for Managing Public Communications by Local Authorities”.

Principle 12

Attention is drawn to Principles 12 and 13 from this publication, as follows:

4.45 Promoting the re-election prospects of a sitting member, directly or indirectly, wittingly or unwittingly, is not part of the proper role of a local authority.

4.46 A council would be directly promoting a member’s re-election prospects if it allowed the member to use council communications facilities (such as stationery, postage, internet, e-mail, or telephones) explicitly for campaign purposes.

4.47 Other uses of council communications facilities during a pre-election period may also be unacceptable. For example, allowing members access to council resources to communicate with constituents, even in their official capacities as members, could create a perception that the council is helping sitting members to promote their re-election prospects over other candidates.

4.48 For this reason, we recommend that mass communications facilities such as –

- council-funded newsletters to constituents; and;

- mayoral or members’ columns in council publications –

be suspended during a pre-election period.

4.49 Promoting the re-election prospects of a sitting member could also raise issues under the Local Electoral Act 2001. For example:

- local elections must be conducted in accordance with the principles set out in section 4 of the Local Electoral Act – see Appendix 1 on page 27. The principles apply to any decision made by a council under that Act or any other Act, subject only to the limits of practicality. A breach of the principles can give rise to an “irregularity” which could result in an election result being overturned;

- the publication, issue, or distribution of information, and the use of electronic communications (including web site and e-mail communication), by a candidate are “electoral activities” to which the rules concerning disclosure of electoral expenses apply.

4.50 “Electoral expenses” include:

- 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

- the cost of any printing or postage in respect of any electoral activity.

4.51 A member’s use of council resources for electoral purposes could therefore be an “electoral expense” which the member would have to declare – unless it could be shown that the communication also related to council business and was made in the candidate’s capacity as a member.
Principle 13

A council’s communications policy should also recognise the risk that communications by or about members, in their capacities as spokespersons for council, during a pre-election period could result in the member achieving electoral advantage at ratepayers’ expense. The chief executive officer (or their delegate) should actively manage the risk in accordance with the relevant electoral law.

4.52 Curtailing all council communications during a pre-election period is neither practicable nor (as far as mandatory communications, such as those required under the LGA, are concerned) possible. Routine council business must continue. In particular:

- some council’s publish their annual reports during the months leading up to an October election, which would include information (including photographs) about sitting members;

- council leaders and spokespersons need to continue to communicate matters of council business to the public.

4.53 However, care must be taken to avoid the perception, and the consequent risk of electoral irregularity, referred to in the commentary to principle 12. Two examples are:

- journalistic use of photographic material or information [See members’ personal profile No. 1 b] that may raise the profile of a member in the electorate should be discontinued during the pre-election period; and

- access to council resources for members to issue media releases, in their capacities as official spokespersons, should be limited to what is strictly necessary to communicate council business.

4.54 Even if council’s communications policy does not vest the power to authorise council communications solely in management at normal times, it should do so exclusively during the pre-election period.

Note: Pre-election period means the three months before the close of polling day for the purposes of calculating electoral expenses” [See Local Electoral Act 2001, Section 104].
Key message
The successful candidates will take office on the day after the electoral officer gives their official notification of the result of the election. However, no person is permitted to act as a member before making a declaration. This declaration will be made at the triennial meeting of council to be held at a date to be confirmed.

Business of triennial meetings
The business conducted at the triennial meeting is as follows:

a. the making and attesting of the declarations required of the mayor and councillors;

b. a general explanation of the Local Government Official Information and Meetings Act 1987 and other laws affecting elected members;

c. the confirmation of the date and time of the first ordinary meeting of the council;

d. items of urgent general business, if any.

Declaration required
The declaration required to be made by the mayor and councillors is as follows:

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

12 October 2019

APPOINTMENT OF SCRUTINEER

The Electoral Officer
Hamilton City Council
C/- Independent Election Services Ltd
PO Box 5135
Wellesley Street
Auckland 1141

Email: info@electionservices.co.nz

I ____________________________, a candidate for the office of ________________________________, for the election being on Saturday 12 October 2019, hereby appoint ____________________________ as my scrutineer.

________________________________________
Signature of candidate

________________________________________
Date

NOTE: This letter must be returned to the electoral officer or deputy electoral officer no later than 24 hours before the close of voting (i.e. by noon Friday 11 October 2019).
RETURN OF ELECTORAL DONATIONS AND EXPENSES
(Under section 112A of the Local Electoral Act 2001)

I, a candidate for Hamilton City Council at the election held on 12 October 2019, make the following declaration:

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

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

Set out the following details in respect of every electoral donation received (other than an anonymous electoral donation) that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds $1,500 in sum or value:

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

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

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<th>NAME and ADDRESS of DONOR</th>
<th>DESCRIPTION (include goods or services)*</th>
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* set out here if the donation is funded from contributions

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

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

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

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<th>ANONYMOUS DONATION</th>
<th>DESCRIPTION (include goods or services)</th>
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Please turn page for more Electoral donations, Electoral Expenses and Declaration

Total

Total
In the case of any \textit{electoral donation funded from contributions}, set out the following details in respect of each contribution that, either on its own or when aggregated with other contributions made by the same contributor to the donation, exceeds $1,500 in sum or value:
- the name of the contributor;
- the address of the contributor;
- the total amount of the contributor’s contributions made in relation to the donation.

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

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

\textbf{PART B: \ RETURN OF ELECTORAL EXPENSES} (inclusive of GST)

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

Set out the following details in respect of every electoral expense incurred by or on behalf of the candidate at the election in respect of any electoral activity:
- the name and description of every person or body of persons to whom any sum was paid;
- the reason that sum was paid.

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

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Total

Dated at \underline{this} \underline{day of} 2019.

Signature

\textit{THIS FORM IS REQUIRED TO BE COMPLETED (EVEN IF IT IS A NIL RETURN) AND PROVIDED TO THE ELECTORAL OFFICE, PO BOX 5135, WELLESLEY STREET, AUCKLAND 1141, BY 13 DECEMBER 2019.}

\textit{NOTE: RECEIPTS ARE NOT REQUIRED TO BE RETURNED WITH THIS FORM. PLEASE RETAIN THESE FOR YOUR RECORDS.}