This booklet is part of a series produced by the Chief Electoral Office.

The booklet is a general guide and reflects the Chief Electoral Office’s interpretation of the law and how it intends to apply the law.

The booklets do not cover every aspect of electoral law and procedure. For further information, you should consult the Electoral Act 1993 and the Electoral Regulations 1996, your party organisation, or seek legal advice. The Chief Electoral Office and your local Returning Officer are also happy to discuss any difficulties.

Other information is available

Other booklets available from the Chief Electoral Office or from www.elections.org.nz are:

- Information for Secretaries of Registered Political Parties
- Information for Scrutineers
- Voting in the 2005 General Election – The Easy Way
- Going to be overseas on Election Day?
- Unable to Get to a Polling Place on Election Day?

Forms

Forms are listed at Appendix D and can be obtained from your Returning Officer or direct from the Chief Electoral Office. You can deliver any form, notice or consent to the Returning Officer or the Chief Electoral Office by hand, post or fax (but not by e-mail).

Contact details for the Chief Electoral Office

Ministry of Justice, P O Box 3220, Wellington
Level 9, 180 Molesworth Street, Wellington
Tel: 04 495 0030
Fax: 04 495 0031
Email: chief.electoral.office@justice.govt.nz
Websites: www.elections.org.nz
          www.electionresults.govt.nz
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March 2005

Dear Candidate

2005 General Election

The Chief Electoral Office in the Ministry of Justice is responsible for conducting parliamentary elections and referenda. We have prepared this guide to explain your rights and obligations as a candidate in the 2005 general election.

This booklet has been written before the election date is known. As soon as the date is announced we will publish a detailed timetable of all key dates on www.elections.org.nz. The election sequence is set out at Appendix A.

If you have questions, please talk to your party secretary, your local Returning Officer or contact the Chief Electoral Office –we are happy to help.

Yours sincerely

David Henry
Chief Electoral Officer
PART 1: NOMINATION OF CANDIDATES

1.1 Types of candidate

There are two types of candidate under the MMP electoral system:

- electorate candidates who stand for election in electorates, and
- list candidates who are named on party lists and may be elected by reason of the party vote.

A candidate can stand for an electorate and be on a party list at the same election.

1.2 Who can be a candidate?

To be a candidate you must:

- be enrolled as a voter
- be a New Zealand citizen, and
- not be disqualified from enrolling.¹

If you were born overseas, you will be asked to provide evidence that you are a New Zealand citizen.²

1.3 Where can candidates stand?

You may:

- stand for a different electorate from the one that you are enrolled in
- stand for an electorate and, at the same time, be on a party list, or
- stand for either a Maori or a general electorate.

You may not stand for more than one electorate or be on more than one party list.

1.4 State servants, Board members of Crown entities and directors of Crown companies – implications of nominations

The Chief Electoral Office does not treat the nominations of state servants, board members of Crown entities and directors of Crown companies any differently from the nominations of other candidates.

However, section 52 of the Electoral Act contains special rules for any candidates who are state servants. In short, they are placed on leave from nomination day onwards and, in some cases, earlier than nomination day. If elected, a state servant is deemed to have

¹ For the grounds of disqualification, see Appendix B.
² Evidence such as a certificate of citizenship or a copy of your New Zealand passport.
vacated their position. The purpose of section 52 is to avoid the possibility of a real or perceived conflict of interest.

The term ‘state servant’ is widely defined to include most people who are employed by the Crown.

Prospective candidates who are state servants are recommended to discuss their nomination with their employer and consult the guidelines issued by the State Services Commissioner (SSC) (refer www.ssc.govt.nz).

Similarly, we suggest that board members of Crown entities should consult the SSC and directors of Crown companies should consult the Crown Company Monitoring Advisory Unit (CCMAU).

1.5 Nominating electorate candidates

There are two ways to nominate electorate candidates:

1. **Bulk nominations**
   - This is where the secretary of a registered party nominates all the candidates representing the party by lodging a bulk nomination schedule with the Chief Electoral Officer in Wellington. This is the simplest method for a registered party and most registered parties use it.

2. **Individual nominations**
   - This is where two voters in the electorate nominate a candidate by lodging an individual nomination paper with the Returning Officer in the electorate.

Nominations will be called for by newspaper advertisement.

A registered party can decide to use one method or the other but not both. An unregistered party may not use the bulk nomination method.

1.6 Nomination day

Nomination day is by law required to be in the period between 20 and 27 days before polling day. It is usually 25 days before polling day. The date will be publicly advertised and notified to party secretaries when polling day is known. It will also be published on www.elections.org.nz.

1.7 Bulk nominations

Party secretaries lodge bulk nomination schedules directly with the Chief Electoral Office in Wellington. The legal deadline for lodging a schedule is noon on the day before nomination day but nomination procedures are normally completed before that time to avoid problems.
If a party decides to nominate its candidates by bulk nomination, Returning Officers will not accept individual nominations for candidates representing the party.

You will need to liaise with your party secretary about:

- your details to be included on the nomination schedule\(^3\)
- providing your consent to be a candidate,\(^4\) and
- the deposit to be lodged with the schedule.\(^5\)

### 1.8 Individual nominations

This applies if you are an electorate candidate who is representing a party that is not making a bulk nomination or you are standing as an independent.

Two electors, enrolled to vote in the electorate where you wish to stand, must nominate you. You cannot nominate yourself.

Returning Officers can accept nominations from about 6 days before nomination day.

Your nomination must be:

- on Form M40-Nom (obtainable from the Returning Officer)
- lodged with a deposit of $300 (money, bank draft or bank cheque),\(^6\) and
- LODGED WITH THE RETURNING OFFICER BY NOON ON NOMINATION DAY.

*We recommend you submit your nomination as early as possible and not leave it until nomination day. This will allow time for the Returning Officer to check your nomination to make sure it is in order. There is no power for the Returning Officer to extend the legal deadline of noon on nomination day. Discuss any problems in advance with your Returning Officer.*

Returning Officers will advertise the deadline for nominations in local newspapers. The information will also be on [www.elections.org.nz](http://www.elections.org.nz).

If you are representing a party that is not contesting the party vote but the party has a logo registered with the Electoral Commission, you must lodge the logo with your nomination. This condition can be waived if the Returning Officer confirms that the Chief Electoral Office already holds the registered logo.

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3 The schedule records each candidate’s electorate to be contested, his or her full name, the name to appear on the ballot paper if different to the full name, and the electorate that the candidate is enrolled in.

4 The consent must be on Form M41-Cons. These forms are available from your party secretary who will include them with the bulk nomination.

5 The party secretary must lodge a deposit of $300 for every candidate listed on the schedule.

6 Personal cheques are not acceptable. See also Part 5 for information on returning deposits.
1.9 Nominating list candidates

Secretaries of registered parties must lodge party lists with the Chief Electoral Office no later than noon on nomination day.

If you are a list candidate, you should liaise with your party secretary about:

- your details to be recorded on the list, and
- providing your consent to be a list candidate.

1.10 Withdrawing Nominations or Consents

If you were nominated through the bulk nomination procedure or consented to be included in a party list through your party secretary, but wish to withdraw, you must do so before the deadline. Consult your party secretary urgently to complete the appropriate withdrawal form (M41-Cand Wd).

If you were nominated directly to the local Returning Officer you must:

- complete Form M40-Wd (obtainable from the Returning Officer)
- sign the form in the presence of a Justice of the Peace or solicitor, and
- return the signed form no later than noon on nomination day.

1.11 Death or incapacity of candidates

There are procedures in the Electoral Act that must be followed if a candidate dies or is incapacitated before nomination day, or between nomination day and the declaration of the result.

If this happens to a candidate nominated in a bulk nomination schedule, the party secretary should urgently contact the Chief Electoral Office.

If the candidate is an individual nomination, the electors who nominated the candidate should urgently contact the Returning Officer and fill in form M40-Canc (in the case of incapacity).

1.12 Order on ballot paper

Electorate candidates are arranged alphabetically on the right-hand side of the ballot paper (the electorate vote).

If the candidate’s party is contesting the party vote, the name of the party is printed opposite the candidate on the left-hand side of the ballot paper (the party vote).

If the candidate is an independent, the space on the left-hand side of the ballot, opposite the candidate’s name, is left empty.

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7 The list sets out the candidate’s order of preference in the list, name, address and phone number.
Parties contesting the party vote but not the electorate vote are listed alphabetically on the left-hand side of the ballot paper, after the other parties.

1.13 Media queries on nominations

When all nominations and all party lists have been processed after nomination day we will publish the information en bloc on www.elections.org.nz. We do not publish biographical information on candidates or on their policies. Nor do we publish candidates’ telephone numbers. It is common for the media to ask for the telephone numbers, in which case we will release them unless the party secretary or candidate tells us that they do not wish us to do so.

1.14 EasyVote pack for voters

About a week before polling day each voter enrolled will receive a personal information pack containing:

- an EasyVote card (or letter if enrolled late) to take to the polling place
- details of the polling places and advance vote facilities
- names of candidates for their electorate
- party lists for those parties contesting the party vote
- the contact details of the local Returning Officer
- an explanation of MMP prepared by the Electoral Commission.

It will be helpful if you encourage your supporters to use the EasyVote card. The card will save time.
PART 2: CAMPAIGNING BY ELECTORATE CANDIDATES

2.1 Introduction

There are detailed rules in the electoral legislation on what you can and cannot do when campaigning in the election. One of the key points you need to know is that campaigning on polling day is a criminal offence.

This part of the handbook explains the rules in some detail. Appendix C contains a ‘Quick Guide’ to what you can and cannot do. Part 5 explains your obligation to file, after the election, a return of election expenses and of donations received.

As an electorate candidate the maximum you can spend on election expenses is $20,000 (including GST) but not all expenses you incur when campaigning are counted as election expenses. Election expenses are primarily advertising and publicity costs. (See the definition at the bottom of this page.)

If you are representing a registered party, you are recommended to stay in touch with your party secretary on advertising and the expense limits. This is because there can be boundary problems between advertising by candidates and advertising by the party with consequential effects on the expense return to be filed by the candidate and on the expense return filed by the party.

2.2 Advertising and publicity

Limits

The amount electorate candidates can spend on their election expenses is limited to $20,000 (incl GST). It is a serious offence to spend more than this.

Candidates must authorise election advertising

Electorate candidates or their agents must give written authorisation before any advertisement promoting their election can be published. The advertisement must state the name and address (business or residential) of the person directing it to be published.

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8 The election expense regime does not apply to people who are list candidates only. Any spending by those candidates promoting the party is an election expense of the party and must be authorised by the party.

9 Election expenses are the costs of advertising or publicity undertaken by a candidate in the three months before polling day that:
   • encourages voters to vote for the candidate, or
   • discourages voters from voting for another candidate or party.
Election expenses include:
   • the reasonable market value of donated materials, and
   • the costs of printing and postage (even if paid for by someone else, eg by Parliamentary Services).
A candidate’s deposit or the costs of food, travel, hall hire, surveys or opinion polls, volunteer labour, or replacing materials destroyed through no fault of the candidate, are not election expenses.
A Post Office box or website address is insufficient. This rule applies to all forms of advertising.

**Radio or television advertising**

There are separate rules applying to radio or television advertising as distinct from other forms of advertising. Electorate candidates may advertise on radio or television to promote their election as an electorate candidate.\(^{10}\) Candidates cannot share television or radio advertising with another candidate or candidates. Candidates may include information about the party they represent and its policies, for the purpose of promoting their own election. But they cannot attack the policies of other parties or candidates.

*Candidates’ broadcasts must not encourage voters to give their party vote to the party since this would constitute a party broadcast to which special rules apply.*\(^{11}\)

For example, a radio or television advertisement could say:

“Tick Joe Bloggs, your Y Party candidate for Wellington Central.”

It must not say:

“Tick Joe Bloggs, your Y Party candidate for Wellington Central, and give the Y Party your party vote.”

Candidate advertisements may only be broadcast on television or radio within the three months before polling day.

**Press advertising**

Expenditure on press advertising and other forms of promotion such as hoardings are election expenses.

You may promote the party vote with the permission of your party secretary as well as promote yourself, but the costs then have to be apportioned between your election expense return and the party’s expense return. You should consult your party secretary in that situation. Similarly, the party may promote your candidature at the same time as it seeks the party vote. Again, you should consult your party secretary on the amount to be included in your return of expenses.

**Electoral signs**

Legislation passed by Parliament in late 2004\(^{12}\) provides for national standards in relation to electoral signs which may differ from the standards normally applied by a local authority. The national standards apply to signs up to a maximum of three square metres that are to be displayed in the 2 months before polling day.

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\(^{10}\) The cost of an advertisement is an election expense of the candidate.

\(^{11}\) Party political broadcasting is governed by a separate regime from candidates. Parties may only use time and money allocated by the Electoral Commission.

You should consult the relevant local authority, and if necessary Transit New Zealand, before erecting any electoral signs and follow their application procedures.

You must not pay an elector of a district for providing a place to exhibit a sign or hoarding in that district unless it is in the course of the elector’s business.

**Using schoolrooms for election meetings**

Electorate and list candidates are entitled to hold election meetings in public schoolrooms free of charge (apart from the cost of lighting, cleaning and repairing any damage). Three days notice must be given to the governing body of the school. Applications must be granted on a “first come first served” basis.

**2.3 Polling day activities**

**Campaigning on polling day is a criminal offence**

Any activities (including advertising) promoting the election of a candidate or party are prohibited on polling day and are a criminal offence. You should be particularly careful to avoid any grounds for complaints against you or your party. Apparent breaches of the law are reviewed by the Chief Electoral Officer and where appropriate referred to the New Zealand Police. The Chief Electoral Office or Returning Officer is happy to discuss any interpretation difficulties you face in respect of this prohibition.

Before polling day you must remove or cover all your election advertising that can be seen from a public place.

A statement, party name, logo, slogan or emblem on party or campaign headquarters may remain on polling day if it does not refer specifically to the election campaign. This exception does not apply to mobile headquarters.

Signs on vehicles, including bumper stickers, must be covered or removed.

Returning Officers are authorised to remove or cover advertising and charge the costs to the people responsible.

**Delivery of Election Material Prohibited**

You must not deliver election material through the post or directly to mailboxes. To avoid breaches, NZ Post will not accept mail for delivery after the Tuesday before polling day. If you hand-deliver election material directly to mailboxes on the Friday before polling day, you can expect complaints by voters who think the material arrived on polling day. Those complaints will be reviewed by the Chief Electoral Officer and where appropriate referred to the New Zealand Police.

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13 The full list of prohibited activities is set out in section 197 of the Electoral Act 1993 and effectively prohibits anything which can be said to interfere with or influence voters, including processions, speeches or public statements. Please consult section 197.
**Contacting Voters**

You may wish to offer voters assistance to get to the polling place. You are entitled to contact potential voters on polling day for that purpose. But you are not allowed to say or do anything which encourages them to vote for you or for your party.

**Websites**

Election material does not have to be removed from a website on polling day, so long as the material on the site is only made available to people who voluntarily access it. New material must not be posted on the website on polling day. Advertisements promoting the website must not be published on polling day.

**Party lapel badges**

You and your supporters may wear party lapel badges in public on polling day. A party lapel badge is a badge or rosette designed to be worn on the lapel and bearing the party’s name, emblem, slogan or logo. Do not display the lapel badge on vehicles or in other places on polling day. Do not show your name on the lapel badge.

**Clothing promoting the party or candidate**

Clothing (such as T-shirts) promoting the party or candidate must not be displayed on polling day.

**Streamers, rosettes, ribbons etc**

Streamers, rosettes, ribbons and similar items in party colours may be displayed on polling day but only on people or vehicles and must not contain party names, emblems, slogans, logos or your name.

**Presence in polling places**

Candidates may only enter a polling place to vote. After voting, they must leave. If a candidate wishes to be filmed or photographed voting, they must have the approval of the Returning Officer. Approval will be given on condition that:

- the filming or photographing does not disrupt the polling place, and
- no interviews are given in the polling place or in the area around it.

**2.4 Advance voting**

Advance voting for those who are unable to get to a polling place on polling day will be available from 17 days before polling day up to the day before polling day. The prohibitions applying to electioneering on polling day do not apply during the advance voting period. However, parties and candidates are asked to exercise restraint in the vicinity of advance voting facilities to avoid complaints. (Locations will be published on www.elections.org.nz.)
2.5 Contacts with public servants

Public servants serve the government of the day. In order to maintain the confidence of successive governments, they must act and be seen to act apolitically. Therefore, public servants, whether in national, regional or local offices, must not comment on:

- party political matters
- the merits of government policy, or
- alternatives to government policy.

If you have questions on these matters you should address them to Ministers.

You, like any other member of the public, may get information from public servants under the Official Information Act.

You can get more detailed information on contact with public servants from the State Services Commissioner’s website: [www.ssc.govt.nz](http://www.ssc.govt.nz).

2.6 Treating

Treating is the provision of food and drink to persons with the intention of corruptly influencing their vote and is a criminal offence. (Refer to section 217 of the Electoral Act for a full description.)

The consequences of being found guilty of treating are:

- you lose your seat if you have been elected
- you are not eligible to register as an elector for 3 years, and
- you may be sentenced to a year in prison and a $4,000 fine.

The Electoral Act states that the provision of a light supper after an election meeting does not constitute the offence of treating. The provision of a cup of tea or coffee and a light snack after a campaign meeting, therefore, is not an offence.

You should be cautious about providing refreshments that do not clearly fall within the above exception to avoid complaints being made during the election campaign that you have breached the treating provisions.

2.7 Imitation ballot papers

Do not print or distribute, on polling day or after midnight on the Tuesday before polling day, anything which imitates a ballot paper (or part of a ballot paper) to be used at the election and which contains any direction or matter likely to influence a voter. Do not print or distribute on polling day any card or paper showing the candidates or parties even if it is not an imitation of a ballot paper.

In the past the issue has arisen as to whether election advertising in newspapers offends the legislative provision against imitation ballot papers. Whilst each case depends on its facts the use in an advertisement of a tick against a party name or candidate name does not, of itself, offend the provision.
PART 3: APPOINTING SCRUTINEERS AND SPECIAL VOTING WITNESSES

3.1 Appointing scrutineers

Electorate candidates may appoint scrutineers to observe the conduct of the election in the following situations:

- the issue of votes during polling day and the preliminary count in polling places after 7pm\(^{14}\)
- the early count of advance votes in the Returning Officer’s headquarters from 3pm on polling day\(^{15}\)
- the checking of special vote declarations at the office of the Registrar of Electors\(^{16}\)
- the scrutiny of the rolls at the Returning Officer’s headquarters
- the official count\(^{17}\) at the Returning Officer’s headquarters, and
- any judicial recount of electorate votes.\(^{18}\)

Scrutineers need to be well briefed on their rights and obligations – in particular that they must not communicate with voters.

Local party organisations may, with the approval of the person in charge of a hospital or rest home, appoint scrutineers to accompany an electoral official issuing “hospital votes” on or before polling day.

Scrutineer appointments must be in writing and signed by the candidate. A candidate cannot be a scrutineer.

Before being allowed to serve as a scrutineer, all scrutineers must make a declaration that they will not compromise the secrecy of the poll.\(^{19}\)

See our booklet *Information for Scrutineers* for more details.

\(^{14}\) The number of scrutineers for a candidate in a polling place at any one time must not exceed the number of issuing officers for the polling place. Scrutineers may:

- require an issuing officer to question a voter who the scrutineer suspects of impersonation or double voting
- communicate to party officials the names of persons who have voted in the polling place
- observe the preliminary count.

Scrutineers must not talk to voters or help with the count.

\(^{15}\) Electorate candidates may appoint one scrutineer to attend the early count of advance votes. This will take place from 3pm on polling day in the Returning Officer’s headquarters. No scrutineers may leave the secured counting area in the Returning Officer’s headquarters before the poll closes at 7pm without the Returning Officer’s permission.

\(^{16}\) Scrutineers may attend the office of the Registrar of Electors to observe the checking of special vote declarations against the electoral rolls. Only one scrutineer per candidate may attend at any one time.

\(^{17}\) One scrutineer per candidate may attend unless the Returning Officer allows more.

\(^{18}\) One scrutineer per candidate may attend unless the Judge allows more.

\(^{19}\) The declaration must be on Form E20-S Dec (obtainable from the Returning Officer) and must be made before a Returning Officer, Justice of the Peace, a solicitor, a polling place manager, or an issuing officer.
3.2 Special voting witnesses

You may nominate people to be authorised by Returning Officers as witnesses of special voting declarations. These people may then witness the declarations of voters who cannot get to a polling place on polling day.

A Returning Officer may:

- reject a candidate’s nomination but must give reasons for doing so, or
- revoke an approval if the person nominated does not comply with the rules for witnessing special vote declarations.

Returning Officers will not approve special voting witnesses unless they have been trained to the Returning Officer’s satisfaction. This is to avoid voters being disenfranchised by incorrect procedures.
PART 4: GENERAL ELECTION RESULTS

4.1 Preliminary results – election night

After the polling place closes at 7pm on polling day and all voters have left, the manager of every polling place carries out the preliminary count of votes in the presence of scrutineers and polling place officials.

The ballot boxes are opened and the ballot papers, party votes and electorate votes are counted. Special votes are not opened and must wait for the Official Count. The result is phoned in to the Returning Officer and it is then input into the Chief Electoral Office’s National Election Results System. Results are displayed in real time on www.electionresults.govt.nz and at the same time are fed to television and radio media. The Chief Electoral Officer’s target is to have 50% of polling place results available by 10pm on election night and 100% of polling place results available by 11.30pm.

4.2 Advance votes

Advance votes are cast in the 3 weeks before polling day. Advance votes (other than advance special votes) may be counted from 3pm onwards on polling day at the Returning Officer’s headquarters if the Returning Officer can provide appropriate security. Officials and scrutineers in the secure area must stay there until 7pm. The Chief Electoral Officer’s target is to have advance vote results available by 8.30pm.

4.3 Official results

The official results are compiled in the Returning Officer’s headquarters by following a logical and meticulous process. All votes counted on election night are recounted and checked to ensure accuracy. The Returning Officer checks the names on all special vote declaration forms against the electoral rolls and the list of late enrolments for the district. If the voter’s name is found the vote will be counted.

If a name cannot be found, the declaration form is forwarded to the Registrar of Electors to check the voting qualification of the special voter. If the Registrar can confirm that the voter is enrolled in the electorate the vote will be counted.

The official results process starts on the Sunday after polling day but cannot be completed until after the last legal day for receiving special votes from other electorates and Returning Officers overseas (10 days after polling day).

Electoral rolls are scrutinised to identify voters who have voted more than once, and to compile a list of all people who have voted (the Master Roll).

The party votes of enrolled voters who voted on the wrong ballot paper are also included in the count.
4.4 Declaration of official results

The Chief Electoral Office expects to publish the official results about 14 days after polling day, subject to any recount applications. The Chief Electoral Officer will then publish a notice in the Gazette to formally declare the official results. The results will also be available at www.electionresults.govt.nz.

4.5 Judicial recounts

After the declaration of the official results electorate candidates can apply to a District Court Judge for a recount of the electorate vote.

The application to the Court must be:

- made within three working days of the declaration of the result, and
- accompanied by a deposit of $1,000 (inclusive of GST).

If you wish to seek a recount the Chief Electoral Office will advise you of the process to be followed.

4.6 Election of list candidates

The Chief Electoral Officer determines which list candidates are elected using a statutory formula. This is done after the results of any electorate recounts have been declared and the writ has been returned to the Clerk of the House.

The Chief Electoral Officer publishes a notice in the Gazette to declare the election of list candidates.

This declaration is likely to be made about 21 days after polling day, subject to any recount applications.

4.7 Election petitions

The only way to challenge the election of an electorate candidate is by election petition. A petition may be brought by a voter or a candidate and is heard by three High Court Judges. It must be brought within 28 days of the Chief Electoral Officer declaring the official results.

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20 Only party secretaries may apply for a recount of the party vote. For more information see Information for Secretaries of Registered Political Parties issued by the Chief Electoral Office.

21 The writ is the written notice from the Governor-General instructing the Chief Electoral Officer to arrange for the conduct of a Parliamentary election. The writ is returned with the names of the successful electorate candidates.

22 Only the party secretary of a party contesting the party vote can challenge the election of list candidates. To do this, they bring a petition to the Court of Appeal.
PART 5: RETURN OF ELECTION EXPENSES 
AND DONATIONS

5.1 Election expenses

All electorate candidates are required to declare their election expenses in a return filed 
with the Chief Electoral Officer. The return must be:

- made on Form M30-Cand Exp, and
- filed within 70 working days of polling day (this date will appear on the return).

See Part 2 of this booklet regarding what constitutes election expenses.

The return form (M30-Cand Exp) will be provided to you by the Chief Electoral Office or 
through your party secretary.

Candidates who fail to comply with these requirements commit an offence and may be 
referred to the Police.

The returns are open to public inspection.

Candidates representing registered political parties are recommended to consult closely 
with their party secretary about their expense returns. This is because boundary problems 
may arise between the candidate’s expense return and the party’s expense return.

5.2 Apportioning election expenses

When making a return it may be necessary to apportion election expenses if the total 
expenses relate partly to the promotion of the candidate concerned and partly for another 
purpose and there is no breakdown of the respective costs. Apportionment is a factual 
exercise determined by the circumstances of each case.

Examples where apportionment may be required are:

- an advertisement promotes two or more candidates. (However, if the coverage 
  provided to one candidate is less than 10%, no apportionment to that candidate is 
  required.)
- an advertisement promotes both the candidate and the party vote
- an advertisement promoting the candidate runs before and during the election 
  period (that is, more than 3 months before polling day and during the 3 months 
  prior to polling day).

Candidates sharing advertising costs with a party seeking the party vote should discuss 
apportionment arrangements with the party secretary.

Expenses cannot be apportioned between elections.

The Chief Electoral Office is happy to discuss any apportionment problems.
5.3 Donations received by candidates for their election campaign

Donations of $1,000 or more (inc GST) are required to be declared in the return form.23 There is no limit on the amount of donations that can be received. See the return form M30-Cand Exp for more detail.

5.4 List candidates only

A candidate who is on the list and does not contest an electorate is not required to file a return.

Election expenses incurred and donations received must be returned by the party.24

5.5 Keeping records of expenses

Candidates must keep good records of their election expenses. In particular, candidates must get and keep bills and receipts for all election expenses of $50 or more. It is an offence not to do this.

5.6 Paying expenses

Bills for election expenses must be sent to a candidate within 20 working days of the official result in the candidate’s electorate being declared.

The candidate must pay any bill within 40 working days of the declaration. It is an offence not to do this. Sections 207 and 208 of the Electoral Act set out a procedure to follow if a bill is disputed.

5.7 Election expenses paid for outside the 3-month period

Expenses paid for before the commencement of the 3-month period before polling day must be included in the return to the extent to which they relate to election activities (for example advertising) that took place within the 3-month period.

5.8 Return of nomination deposits

If you receive 5% or more of the votes cast for all candidates in the electorate you are entitled to a refund of the $300 deposit paid when you were nominated. A deposit cannot be refunded until you have filed your Return of Election Expenses and Donations. If you were nominated by a party on its bulk nomination schedule, the deposit cannot be refunded until all candidates on the schedule have filed their returns.

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23 Donations to be declared are money, goods or services of a value of more than $1,000 (including GST) that are donated to a candidate for his or her election campaign or paid for or on behalf of the candidate by any other person. It includes donations from persons whose identify the candidate does not know (anonymous donations). It includes a series of donations made by one person that adds up to more than $1,000. It does not include volunteer labour.

24 See the booklet *Information for Secretaries of Registered Political Parties* issued by the Chief Electoral Office.
APPENDIX A

ELECTION SEQUENCE FOR 2005

ANNOUNCEMENT (BY PRIME MINISTER) ↓
DISSOLUTION OF PARLIAMENT ↓
WRIT DAY (WRIT TO CHIEF ELECTORAL OFFICER FROM GOVERNOR-GENERAL) ↓
NOMINATION DAY ↓
POLLING DAY*/PRELIMINARY RESULTS ↓
OFFICIAL RESULTS DECLARED (INCLUDING SPECIAL VOTES) ↓
APPLICATIONS FOR RECOUNT ↓
OFFICIAL RESULTS OF RECOUNTS DECLARED ↓
RETURN OF WRIT ↓
ALLOCATION OF PARTY SEATS ↓
PARLIAMENT RESUMES ↓
Candidates’ returns of expenses & donations to Chief Electoral Officer

* The last possible polling day for the 2005 general election is Saturday 24 September 2005.
APPENDIX B

GROUNDS OF DISQUALIFICATION FOR ENROLMENT

The main grounds of disqualification for enrolment are:

- you are a New Zealand citizen who is outside New Zealand and has not been in New Zealand within the last three years, or
- you are a permanent resident of New Zealand who is outside New Zealand and has not been in New Zealand within the last 12 months.

There are exceptions to the above two rules. For example, public servants or members of the Defence Force who are on duty outside New Zealand, as well as members of their families.

There are other grounds of disqualification that affect a very small number of people. For more details see section 80 of the Electoral Act 1993.

Note that bankruptcy is not a ground for disqualification.
APPENDIX C

Quick guide for electorate candidates – common questions

The Quick Guide helps to answer the commonly asked questions during an election campaign and on polling day. It is not a comprehensive explanation of electoral law on campaigning. Readers should consult this Handbook, the electoral legislation and regulations and take their own legal advice when in doubt. The Chief Electoral Office is also willing to discuss any problems.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Electorate candidates can</th>
<th>Electorate candidates can’t</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radio and television election advertising</td>
<td>Promote their own election in the three months before polling day</td>
<td>Broadcast outside the three months before polling day</td>
</tr>
<tr>
<td></td>
<td>Identify the party they represent and its policies in order to promote their own election</td>
<td>Broadcast on polling day</td>
</tr>
<tr>
<td></td>
<td>Promote the party vote or attack other candidates or parties</td>
<td>Promote the party vote or attack other candidates or parties</td>
</tr>
<tr>
<td></td>
<td>Broadcast without including the name and street address of the person authorising the advertisement</td>
<td>Broadcast without including the name and street address of the person authorising the advertisement</td>
</tr>
<tr>
<td>Election advertising (other than television and radio)</td>
<td>Promote their own election</td>
<td>Publish without including the name and street address of the person authorising the advertisement</td>
</tr>
<tr>
<td></td>
<td>Promote the party vote (with permission of their party secretary)</td>
<td>Publish on polling day</td>
</tr>
<tr>
<td></td>
<td>Attack the policies of other candidates or parties</td>
<td>Display in view of a public place on polling day</td>
</tr>
<tr>
<td></td>
<td>Display on polling day fixed signs that do not refer to the election on party or campaign headquarters</td>
<td>Display on vehicles (including bumper stickers) in view of a public place on polling day</td>
</tr>
<tr>
<td></td>
<td>Operate a website on polling day</td>
<td>Display on polling day signs that refer to the election on party or campaign headquarters</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Put new material on a website on polling day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Advertise a website on polling day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Use systems on polling day that make website advertising available to persons who haven’t voluntarily accessed the website</td>
</tr>
</tbody>
</table>

25 Note – the cost is treated as an election expense of the party, not the candidate. For apportionment of expenditure relating to shared advertising promoting the candidate and the party vote consult your party secretary.
<table>
<thead>
<tr>
<th><strong>Topic</strong></th>
<th><strong>Electorate candidates can</strong></th>
<th><strong>Electorate candidates can’t</strong></th>
</tr>
</thead>
</table>
| Election expenses (promoting the candidate) | Spend without limit on printed advertising to promote their election up until three months before polling day  
Spend up to $20,000 (incl GST) on printed and broadcast advertising and publicity in the three months before polling day | Spend more than $20,000 (incl GST) on printed and broadcast advertising in the three months before polling day  
File their return of election expenses and donations later than 70 working days after polling day |
| Party lapel badges (a badge or rosette designed to be worn on the lapel) on polling day | Feature the party name, emblem, slogan or logo on a party lapel badge  
Wear the lapel badge themselves  
Have scrutineers, party officials, or supporters wear them | Display party lapel badges on vehicles or in other places  
Feature their name on a badge  
Permit clothing to be worn on polling day promoting the candidate or party |
| Streamers, rosettes, ribbons and similar items on polling day | Display these in party colours  
Have candidates, scrutineers, party officials or supporters wear them  
Display them on vehicles | Feature the party name, emblem, slogan or logo on the streamers etc  
Display them on anything other than people or vehicles |
## APPENDIX D

### List of forms for parliamentary candidates

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Page of Booklet</th>
</tr>
</thead>
<tbody>
<tr>
<td>M41-Cons*</td>
<td>Consent to Inclusion of Name in Bulk Nomination Schedule</td>
<td>7</td>
</tr>
<tr>
<td>M40-Nom</td>
<td>Candidate Nomination Paper (for candidates not included in a bulk nomination schedule from a party)</td>
<td>7</td>
</tr>
<tr>
<td>M41-Cand Wd</td>
<td>Withdrawal of Nomination from Bulk Nomination Schedule</td>
<td>8</td>
</tr>
<tr>
<td>M40-Wd</td>
<td>Notice of Withdrawal of Nomination</td>
<td>8</td>
</tr>
<tr>
<td>E20-S Dec</td>
<td>Declaration (of secrecy) by scrutineer</td>
<td>15</td>
</tr>
<tr>
<td>M40-Canc</td>
<td>Application to cancel a candidate’s nomination on the grounds of incapacity</td>
<td>8</td>
</tr>
<tr>
<td>M30-Cand Exp</td>
<td>Return of Electorate Candidate’s Election Expenses and Donations</td>
<td>19</td>
</tr>
</tbody>
</table>

* Obtainable from the secretary of the party.