



CANDIDATE  HANDBOOK





Prepared by *electionz.com* for the WEL Energy Trust 2020 Election of Trustees

Disclaimer: Every effort has been made to ensure that the information contained in this handbook is accurate and consistent with the Deed of Trust and the Local Electoral Act 2001. The Electoral Officer and WEL Energy Trust takes no responsibility for any errors or omissions. It is recommended that candidates familiarise themselves with the Deed of Trust and the Local Electoral Act 2001.

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INTRODUCTION

This handbook outlines information which may be of interest to you as a candidate in the 2020 WEL Energy Trust election of Trustees.

Every three years the seven Trustees of the WEL Energy Trust are required to stand down and nominations for Trustees are called. If more nominations are received than positions available, an election will be held to fill these vacancies by postal and online voting. This is scheduled to conclude at 12 noon, Friday 26th June 2020.

The conduct of the election is regulated by the WEL Energy Trust Deed of Trust. Where electoral procedures are silent in the Deed, the procedures contained in the Local Electoral Act 2001 are followed. A copy of the Deed of Trust is included in the nomination pack.

2020 KEY DATES

Nominations open	Thursday 16th April 2020
Nominations close	12 noon, Thursday 14th May 2020
Delivery of voting papers	Thursday 4th June 2020
Voting closes	12 noon, Friday 26th June 2020
Preliminary result announced	Approx 4pm Friday 26th June 2020
Final result released	Tuesday 30th June 2020

For further information please phone the Electoral Officer, Warwick Lampp or Deputy Electoral Officer, Anthony Morton at electionz.com toll free on **0800 666 031**.

WEL ENERGY TRUST

BACKGROUND

The WEL Energy Trust is a special purpose body consisting of seven (7) elected Trustees. The Trust was originally formed in 1993 and distributes surplus income at its discretion to energy related projects and regional or community projects or grants.

TRUST DISTRICT

The WEL Energy Trust district comprises all of the Hamilton City Council area, most of the Waikato District Council area and part of the Waipa District Council area (see map in this handbook).

Within the Trust district are approximately 134,000 electors.

RESPONSIBILITIES OF THE TRUST

The Trust has responsibilities to: manage its investment in WEL Networks Ltd (the Company); ensure WEL Networks Ltd operates as a successful business; have regard to customer interests in industry matters; distribute surplus income at its discretion and to be accountable to the community.

Income beneficiaries are the Company, customers, the community and energy related projects, at the Trust's discretion.

Capital beneficiaries are the Hamilton City Council (63%), Waikato District Council (35%) and the Waipa District Council (2%).

WEL Networks Ltd is a company wholly owned by the Trust, and has over 87,000 consumers connected to its network.

Candidates should familiarise themselves with the Trust and its activities and are advised to visit the Trust website: www.welenergytrust.co.nz

The Trust has adopted a Diversity Policy, and candidates should familiarise themselves with that document. A copy is available from the Trust's website or the elections resource page (see next paragraph for link details).

Candidates should also familiarise themselves with the provisions of the Trust Deed, the Trustees Act 1956 and the 2020 Pre-election Report. Copies of these documents can be viewed from the election resource page: www.electionz.com/wel2020resource

DUTIES OF TRUSTEES

1. WEL Energy Trust ('Trust') is established by a trust deed dated 26th May 1993 which has from time to time been varied.
2. WEL Networks Limited ('Company') is a company wholly owned by the Trust.
3. Trustees must become familiar with the terms of the Trust Deed.
4. Trustees must become familiar with the Company's Strategic Direction, Targets and Measures and information relating to its current performance, financial and otherwise.
5. The primary purpose of the Trust is for the Trustees to hold the shares in the Company for the benefit of the persons and objects described in the Trust Deed and for the Trustees to exercise their rights as shareholders in the Company to ensure that the Company operates as a successful business.
6. The Trustees must act as a diligent shareholder and monitor the performance of the directors of the Company with reference to the Company's Strategic Direction, Targets and Measures.
7. The Trust Deed imposes the following specific duties on Trustees:
 - i) To enhance their ability to administer the Trust by taking timely and competent advice.
 - ii) To assume the rights and responsibilities of the Trust under
 - a) those contractual arrangements (if any) in existence as at the 1993 vesting date of the Trust and which may still be in existence; and
 - b) the present contractual arrangements of the Trust
 - iii) To comply with the Guiding Principles in relation to the Trust and to encourage and facilitate the Directors of the Company to act in accordance with the Guiding Principles as defined in the Trust Deed.
 - iv) To appoint as Directors of the Company persons who, in the opinion of the Trustees, are qualified to ensure that the Company operates as a successful business.
 - v) To ensure that full and correct accounts of all the financial transactions of the Trust and its assets and liabilities are kept.
 - vi) Within three months after the end of each financial year, to have financial statements prepared including a statement of financial position, and a statement of financial performance showing a true and fair view of the financial affairs of the Trust for that financial year in accordance with accepted accounting standards.
 - vii) To appoint an auditor of the Trust at each annual general meeting or as required.
 - viii) To ensure that the financial statements are audited every year and at such other times as the Trustees require.
 - ix) Immediately upon completion of the audit of the financial statements, to give public notification that the statements are available for public inspection at the office of the Trust.
 - x) To adopt and follow a meeting procedure that complies with the Guiding Principles to the extent of Accountability and Transparency.
 - xi) To hold an annual general meeting within four months after the end of each financial year of the Trust, and at that meeting to report on the operation of the Trust during the financial year under review and on the financial statements of the Trust for that same year.
 - xii) To prepare an annual "intentions" plan for the public concerning the Trust's plans for the financial year to which it relates, and in general for the following financial year including the Trustees' intentions in respect of distributions from the Trust for the financial year to which the annual "intentions" plan relates. To issue an annual "intentions" plan in draft form and to invite and consider public submissions on the draft before issuing the annual "intentions" plan in final form.
 - xiii) To prepare an annual performance report to the public assessing the Trust's own performance and stating the results of the Trustees' review of the Trust's involvement in the Company and whether or not there have been any changes to the Trust Deed.
 - xiv) Review and comment on the Company's compliance with the Company's then current Strategic Direction, Targets and Measures and to consider and comment on any altered Strategic Direction, Targets and Measures intent delivered to the Trustees by the Company and within the time limits referred to in the Trust Deed.
 - xv) To maintain appropriate indemnity covers to the extent that insurance against loss or damage is available.

- xvi) To provide a pre-election report to the public not earlier than nine months and not later than three months prior to every election and to review the purposes of the Trust and report the results of that review publicly, as if it were an annual performance report. As part of such review to consider whether the rules and policies of the Trust provide adequate protection for customers, and whether the Trust should continue in its existing form or be amended or whether the Trust should be wound up.
- xvii) To comply with the standards of conduct under the Trust Deed. Specifically the requirements of Trusteeship protocol dealing with confidentiality and conflicts of interest. The Trust Deed sets out the requirements imposed upon Trustees relating to confidentiality and conflict of interest and the potential for removal from office in the event of non-compliance.

GENERAL DUTIES

In the administration of the Trust, the Trustees have the following general duties:

1. To act in the best interests of the beneficiaries of the Trust.
2. To act in an even handed manner between beneficiaries and between groups of beneficiaries.
3. Not to use knowledge, or influence, gained as a result of the Trusteeship, to derive a personal gain or profit.
4. To act personally and not to delegate the office to others except where expressly permitted by the Trust document.
5. To act honestly and with that level of skill and prudence which would be expected of the reasonable business person in the administration of his or her own affairs.
6. To develop, maintain and review an appropriate investment strategy, and in doing so, to exercise the care, diligence, and skill that a prudent person of business would exercise in managing the affairs of others.
7. To furnish beneficiaries with such information as they may from time to time be entitled to request about the operation and assets of the Trust.
8. To ensure that all tax returns are prepared and filed as necessary.
9. To exercise reasonable care in all matters affecting the Trust, its assets or the interest of the beneficiaries in the Trust property.

TRUST MEETINGS

The last Trust meeting to be held before the election will be held on 24th June 2020.

The first meeting for the new Trust will be scheduled once the new Trustees are known.

Further information on Trust meetings, roles of Trustees, governance issues, meeting agendas etc should be referred to the Chief Executive, Raewyn Jones on (07) 838 0093.

As a general rule, Trust meetings are held during the afternoon on the fourth Wednesday of the month. Additional meetings are held if the workload requires it, or if there are particular issues that need addressing.

As an indication of the amount of time involved – In 2019, 11 ordinary meetings, one special meeting, one extraordinary meeting and the AGM were held, as well as two workshops and a number of non-compulsory engagements. Some of the ordinary meetings include briefings from WEL Networks, investment and other updates. In addition, the Trust's Finance, Audit and Risk Sub-Committee and newly-formed Investment Committee, comprising three and two Trustees respectively, meet regularly throughout the year to develop and monitor these specific areas. The Grants Committee meets after each of the five annual Quick Response rounds, and this includes one Trustee at each meeting (on rotation).

Before each meeting agenda papers and supporting documents are circulated to Trustees.

TRUSTEE REMUNERATION

As per Trust policy, a pre-election review of Trustee remuneration has been conducted. The maximum remuneration levels for Trustees from 1 July 2020 will be:

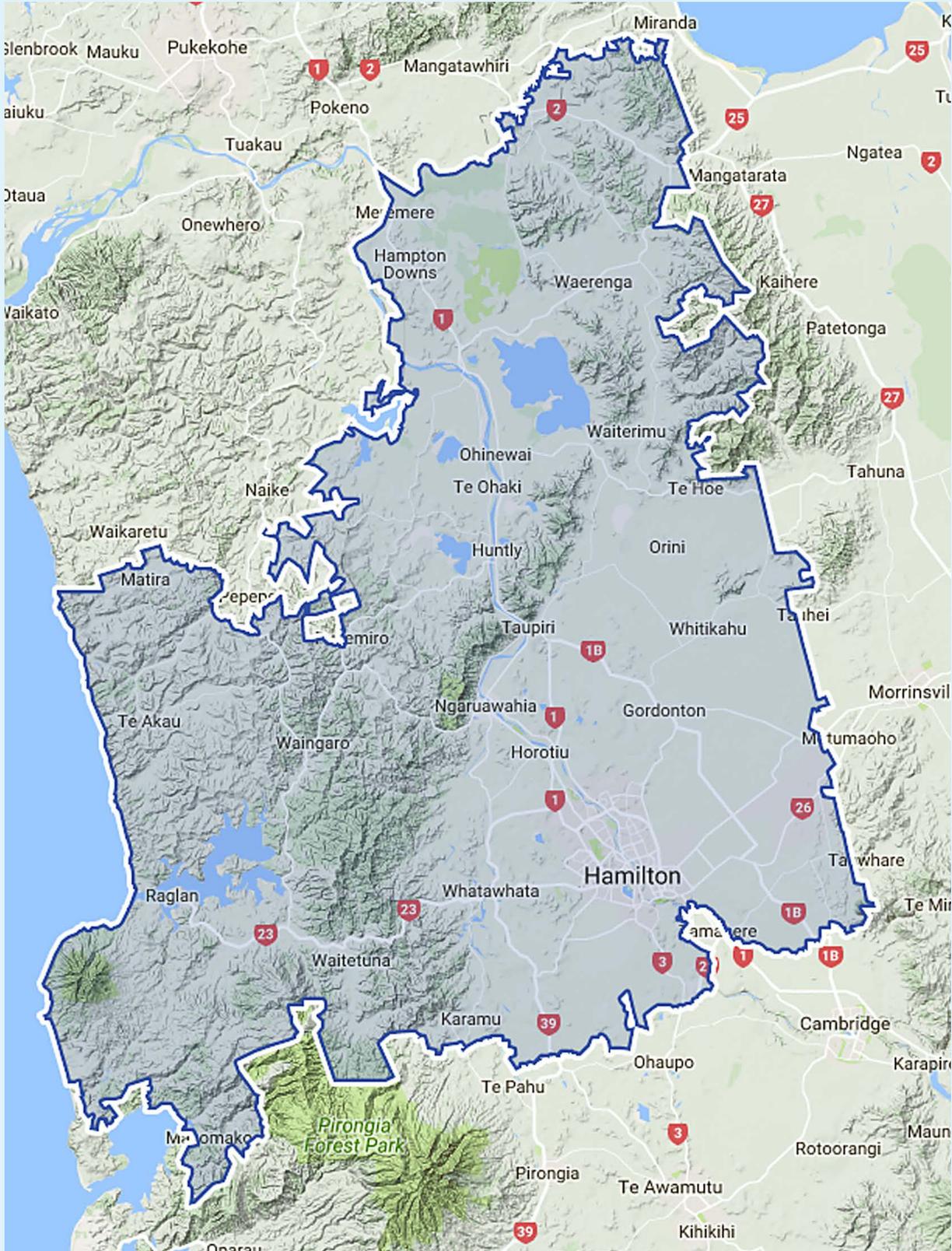
Chairperson	\$46,395
Deputy Chairperson	\$38,662
Trustees	\$30,930

All expenses incurred in the Hamilton City area by Trustees for the term are deemed for the purposes of the Trust as fully remunerated from within the salary assigned to Trustees.

Expenses claimed for outside the Hamilton City area are reimbursed on an actual and reasonable basis subject to pre-approval by the Chairperson.

All salaries are taxable. Trustees are considered to be self-employed for tax and ACC purposes.

MAP OF WEL ENERGY TRUST AREA



The Trust's area is located within the blue line.

ELECTION FAQs

Frequently asked questions about the WEL Energy Trust election.

What is the WEL Energy Trust and what does it do?

The WEL Energy Trust was established in 1993 to administer the community's one-third shareholding in WEL Energy Group.

Since then, the Trust has become the 100% owner of WEL Networks Ltd (formerly WEL Energy Group). WEL Networks Ltd in turn owns and maintains the power lines and equipment that deliver electricity to over 87,000 homes, farms and businesses in Hamilton, most of the Waikato District and a small part of the Waipa District.

The Trust operates under the terms of its Trust Deed, which sets out exactly what powers the Trustees have and what they must do.

Trustees: (1) are responsible for ensuring the Trust's 100% owned company WEL Networks Ltd, operates as a successful company, (2) have regard to customer interests in electricity industry matters and (3) distribute surplus income to the beneficiaries of the Trust.

The Trust appoints the directors of WEL Networks Ltd and monitors the Company's performance to ensure it is meeting the successful company test.

From its investment in WEL Networks Ltd, the Trust receives dividends and interest. It is from this income that the Trust at its discretion provides funding for energy efficiency initiatives and funding for community groups in the Trust's area.

Each year the Trust must prepare a Draft Annual "Intentions" Plan that is advertised for public submissions, prior to final consideration and sign off of an approved Annual "Intentions" Plan. The Trust must also prepare and publish an Annual Performance Report.

Who are the beneficiaries?

There are two classes of beneficiaries – capital and income.

The capital (or residual) beneficiaries are the Hamilton City Council (63%), Waikato District Council (35%) and Waipa District Council (2%). They will receive the assets of the Trust when it winds up in 2073 if not before then.

Income beneficiaries are variously the customers, the community, the three Councils and WEL Networks Ltd, at the Trust's discretion.

How often does the Trust meet?

The Trust meets once a month throughout the year. Meetings generally last between 3-4 hours each month, with the public welcome to attend from 2.30 pm for the Open Section. Trustees are expected to attend all monthly meetings.

Special meetings or workshops can be held to deal with matters that require action outside the normal meeting schedule, or require more time than is available at normal meetings. Additionally, the Trust operate a number of sub-committees. Trustees are expected to attend any sub-committee meetings they are appointed to.

What additional time commitments are expected?

As with all governance organisations, Trustees can expect to spend 2-3 hours prior to each meeting reading the agenda, background papers, and other material circulated.

Trustees also receive many invitations from organisations that have received a grant and are expected to attend these when they can.

How many Trustees are there?

There are seven Trustees, all elected on a three yearly cycle. Incumbent Trustees are eligible to re-stand and there is no restriction on the number of terms any Trustee may serve.

How do the Chairperson and Deputy Chairperson get elected?

The election of Chairperson and Deputy Chairperson is done on a majority vote of Trustees at the first meeting after the election and annually thereafter.

Do Trustees get paid?

A review of Trustee remuneration has been conducted. From 1 July 2020 the Chairperson will receive \$46,395, the Deputy Chairperson will receive \$38,662 and the Trustees will each receive \$30,930. The percentages of the median are as per Trust policy and can be reviewed once the new Trust is in place.

There are no meeting allowances. All expenses incurred in the Hamilton City area by Trustees for the term are deemed for the purposes of the Trust as fully remunerated from within the salary assigned to Trustees.

Expenses claimed for outside the Hamilton City area are reimbursed on an actual and reasonable basis subject to pre-approval by the Chairperson.

Who is eligible to stand for a Trustee of the WEL Energy Trust?

Any person who is a customer of WEL Networks Ltd (i.e. name singularly or jointly appears on an electricity account) and who is a resident within the Trust's district, aged 18 or older and is on the Parliamentary electoral roll, subject to the Eligibility criteria outlined in Section 6 (Page 12) or the Trust Deed Rule 2.2

Who is a customer?

Customer means a person determined by the Trustees to be connected to the electricity lines network of WEL Networks Ltd within the Trust's district.

If your name is not on the power account, either singularly or jointly, even though you may pay part of the bill, you are not eligible to be a Trustee.

Who is an elector?

An elector is a person who is on, or is eligible to be on, the Parliamentary electoral roll and is living within the area previously serviced by the Hamilton City Council's Municipal Electricity Department or the Central Waikato Electric Power Board. This later became the Waikato Electricity network area, and is the district of the Trust.

Who is eligible to nominate someone for the WEL Energy Trust?

Any person who lives in the Trust's district who is also on the Parliamentary electoral roll. There is no requirement for the nominator or seconder to also be a customer of WEL Networks Ltd.

Who is conducting the election?

The Electoral Officer in charge of the election is Warwick Lampp. Warwick is from *electionz.com*, of Christchurch. Warwick has considerable experience in elections management in New Zealand and has been the Trust's Electoral Officer for most elections since 2002.

Is there a nomination deposit to stand for the Trust?

No, there is no deposit required.

Can I stand as part of a ticket or group?

Yes. Candidates have a choice as to how they are shown on the voting paper. They can either show no affiliation, declare themselves as independent, or state that they are part of a group or ticket.

Is there any restriction on how much money I can spend on my election campaign?

No, there is no limit on the amount you can spend.

Is the Trust carrying out any general election publicity?

Yes. As well as the notices required as part of the statutory election process, the Trust will be issuing media releases alerting people to the call for nominations, the closing of nominations, the issuing of voting papers and the closing of the poll.

Will the Trust be publishing a Candidate Directory?

The Trust will be preparing a Candidate Profile booklet for which every candidate must contribute a statement of up to 150 words and a photograph taken within the last 12 months.

The 150 word statement will be subject to review by the Electoral Officer who will not accept any statement that is derogatory, defamatory or contains untrue statements.

Photographs must be of a suitable quality for publication and can be supplied either hard copy or jpeg file, to the Electoral Officer on email at nominations@electionz.com.

The Candidate Profile booklet will be included in the mailer to voters with the voting papers.

What must I send in with my nomination paper?

Nominations will only be accepted as being complete if the nomination form is accompanied by the 150 word statement, the photograph, and a copy of the candidate's latest electricity account indicating that the candidate is a customer.

You can submit the statement and photo by email, but your nomination will not be processed further until all other documents have been received by the Electoral Officer.

Can I erect election signs?

Yes, subject to the relevant bylaws of the Hamilton City Council, Waikato District Council and Waipa District Council, copies of which are included with the Candidate Information Pack.

Each has different rules, and compliance with those rules will be monitored by each of the Councils.

It is up to candidates to ensure they comply with the different Council bylaws.

From an electoral point of view, the only requirement is that the signs must all be removed immediately after the election closes at 12 noon on Friday 26th June 2020.

What happens if I change my mind and decide to withdraw my nomination?

A candidate can withdraw from the election at any time up until the voting papers are issued.

However, if a candidate withdraws after 29th May, it will be impossible to remove their name from the voting papers and candidate booklet.

Any votes received for a candidate who has withdrawn, but who is still on the voting paper, will be deemed invalid.

When will the votes be counted?

Actual vote processing will be carried out progressively over the voting period, with all votes to be tallied after noon on polling day, with a provisional result likely to be announced after 4 pm on election day.

Can I appoint a scrutineer for the official count?

Yes, scrutineers can be appointed to observe the scrutiny of the roll process and the counting of votes after 12 noon on election day. As progressive processing of the voting papers is being carried out by *electionz.com* in Christchurch, scrutineers will need to be in Christchurch on 26th June.

Is it possible to challenge the outcome of the election?

Yes, a recount of votes can be applied for after the final result is declared, by a candidate who believes that the vote count is incorrect. A District Court judge must decide whether a recount is to be carried out under Court supervision. Costs may be awarded against an applicant if the Judge so decides.

A candidate or 5 or more electors have the right to petition the Court for an enquiry into the conduct of an election if they believe they have grounds to do so.

Who can I talk to if I have any questions about the election or the Trust?

For questions about the actual election processes, call the Electoral Officer, Warwick Lampp toll free on 0800 666 031.

For questions about the Trust's operations, the Trust Deed, or general inquiries about the WEL Energy Trust, call the Chief Executive, Raewyn Jones on (07) 838 0093.

What do I need to know about Internet Voting?

The Trust has used internet voting for its elections since 2005. Internet voting gives electors another convenient and "easy to use" way of voting. Internet voting helps to increase participation, and makes the counting easier and faster by having all the internet votes already recorded by the close of voting.

Each elector will be provided with a unique PIN and password for use on the voting site which will be linked off the Trust's website, www.welenergytrust.co.nz

Instructions for how to vote by the internet will be provided on the voting paper, and on the website.

Candidate profiles will also be displayed on the voting site.

CANDIDATE ELIGIBILITY

A candidate for a TRUSTEE of WEL Energy Trust must be:

A customer of WEL Networks Ltd who is resident within the Trust district, aged 18 or older and is on the Parliamentary electoral roll.

Restrictions on candidates for a Trustee of WEL Energy Trust:

In accordance with clause 2.2 of the Trust Deed, the following persons are not eligible for election or appointment as a TRUSTEE and may not hold office as a TRUSTEE:

- (a) Bankrupt: A bankrupt who has not obtained a final order of discharge, has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled or to any order under section 111 of the Insolvency Act 1967.
- (b) Conviction: A person who has been convicted of any offence punishable by a term of imprisonment of 2 or more years unless that person has obtained a pardon or has served the sentence or otherwise suffered the sentence imposed upon that person.
- (c) Imprisonment: A person who has been sentenced to imprisonment for any offence unless that person has obtained a pardon or has served the sentence.
- (d) Prohibition Order: A person to whom an order made under sections 382, 383, or 385 of the Companies Act 1993 applies.
- (e) Mentally Disordered: A person who is mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992.
- (f) Property Order: A person who is subject to a property order made under section 30 or section 31 of the Protection of Personal and Property Rights Act 1988.
- (g) Parliamentary Elector: A person who is not a parliamentary elector for the purposes of the Electoral Act 1993.
- (h) Director or Employee of Company or any other Electricity Distribution or Supply Company: A person who currently holds office as a Director of, or is employed by, the COMPANY or any other electricity distribution or supply company.
- (i) Substantial Shareholder or Officer or Employee: A person who holds or has a relevant interest in more than 5% of the voting equity securities issued by the COMPANY or any other energy company, or who is an office holder, or is employed by, a shareholder who holds such an interest. For the purpose of this paragraph "relevant interest" has the meaning given to it by section 235 of the Financial Markets Act 2013.

Note – As the Hamilton City Council and Waikato District Council currently hold a substantial interest in shares, their elected members and staff (including the Mayors) are ineligible for election as Trustees of the WEL Energy Trust.
- (j) Not a Resident and Customer: A person who is not both a RESIDENT within the DISTRICT and a CUSTOMER.

NOMINATIONS

NOMINATIONS - KEY DATES

- Nominations open on Thursday 16th April 2020.
- Nominations close at 12 noon, Thursday 14th May 2020.
- Public notices calling for nominations will appear in the Waikato Times, Hamilton This Week, North Waikato News and Raglan Chronicle during April and May.

CANDIDATE BRIEFING

This year a candidate briefing is not being held. Any queries regarding the Trust and the election process should be made to the Electoral Officer, Warwick Lampp, in the first instance on 0800 666 031 or iro@electionz.com.

COMPLETION OF NOMINATION FORM

- Each nomination must be made on the official nomination form, enclosed with this information pack. Further copies of the nomination form can be obtained from the Trust office (07) 838 0093 or from the Electoral Officer on 0800 666 031.
- Each nomination must be accompanied by a candidate profile and photo (see the next section for further details).
- Each nomination must be accompanied by a copy of a recent power account in the name (singularly or joint) of the candidate.
- Each nomination form must have the consent of the candidate and be nominated by two electors whose names appear on the electoral roll for the Trust area. A candidate cannot nominate himself/herself. Nominators and seconders do not have to be consumers.
- If a candidate is unable to sign the nomination form (e.g. absent overseas), a letter of consent signed by the candidate is acceptable to attach to the nomination form.
- 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 paper.
- Titles (ie Dr, JP, Sir, Dame etc) are NOT permitted next to the candidate's name on the voting paper or profile statement, but can be used by candidates as part of their 150 word profiles.
- Each candidate must submit a written statement that he or she is aware of the responsibilities and obligations as a Trustee, under the Deed of Trust dated 26 May 1993, and under the Trustees Act 1956 (this forms part of the nomination form).

CANDIDATE AFFILIATIONS

- The nomination form provides for a party accreditation or other designation.
- Individual candidates not part of a political party may wish to nominate their designation as "Independent" or leave as blank (if left blank, nothing will show alongside the name on the voting paper).
- A candidate requiring a specific party accreditation must have authority to adopt the accreditation from the party concerned (i.e. use of party letterhead or letter of consent are acceptable). This is a safety measure to avoid any illegal adoption of party affiliations.
- No party accreditation or other designation that is offensive in nature or likely to confuse or mislead electors will be accepted.

LODGEMENT OF NOMINATION FORMS

- Nomination forms should be scanned and emailed to nominations@electionz.com. If a candidate is unable to email through their nomination forms they should ring the election helpline on 0800 666 031 to check on other delivery options.
- Once lodged, nomination forms are checked to ensure the candidate is eligible (name appears on a power a/c for an electricity connection within the WEL network area and the Parliamentary electoral roll) and the nominators are two electors whose names appear on the electoral roll.
- The lodgement of nomination forms should not be left to the last minute. Should a nomination form be lodged late on the morning nominations close, and be incorrectly completed or ineligible nominators provided, there may be insufficient time to correct the situation and the nomination form could be invalidated.

Nominations close at 12 noon, Thursday 14th May 2020.

- Candidates do NOT have to pay a candidate deposit for the WEL Energy Trust election.
- A candidate does NOT have to be a New Zealand citizen.
- Nomination forms should **not** be mailed to the Electoral Officer.
- Email or telephone confirmation of the accepted nomination will be given as soon as the nomination form is verified.
- After the close of nominations, the Electoral Officer will advise each candidate of the confirmed candidates and election arrangements. Email contact, if possible, is the preferred form of contact with the Electoral Officer in the first instance.
- **Late nominations will NOT be accepted.**

CANDIDATE PROFILE STATEMENTS AND CAMPAIGNING

The Trust Deed requires that each candidate must provide a candidate profile and photo with the nomination paper. These are then collated by the Electoral Officer and forwarded to electors in a DLE size booklet with the voting papers.

If a profile or photo is not supplied by a candidate, then the nomination is invalid.

Profile Statements must to be provided electronically by email with the nomination paper, in a Microsoft Word document that has been spell checked. As the Electoral Officer could receive many profiles, consistent format of delivery and content will be necessary. Photos should be provided in colour, and if possible electronically (scanned as jpegs (.jpg) and emailed to nominations@electionz.com

CAMPAIGNING

Election campaigning can commence anytime but must cease by the close of voting - 12 noon, Friday 26th June 2020.

Election signs are permitted on private property (with the owner's consent) at any time. Signs must be erected in a stable fashion, and not be a hazard to the public or traffic safety.

Election offences are detailed for your information in this guide on page 19. Please refer to them for your own protection. No election material can contain any untrue statement defamatory of any candidate calculated to influence the vote of any elector. No election material may contain an imitation voting paper 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 contain such direction or indication likely to influence the voter.

Voting papers are not permitted to be collected from electors by candidates or their assistants. Each elector is required by law to post or deliver his or her own voting paper to the Electoral Officer, or vote on the internet at www.welenergytrust.co.nz.

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

Candidates are NOT permitted to use the Trust logos or branding on any campaigning material.

Candidates are not permitted to use the Trust's website or social media channels for electioneering and campaigning. This includes the Trust's Facebook page.

CAMPAIGN EXPENDITURE LIMITS

There is no campaign expenditure limit for the WEL Energy Trust election.

COUNCIL POLICIES ON ELECTION HOARDINGS

A permit **MUST** be obtained for any election sign erected in the Trust area.

Each Council in the Trust area has different requirements, bylaws, and policies for the erection of election hoardings. Copies of the respective policies/bylaws from Hamilton City, Waikato District, and Waipa District are available from each council. These, and other relevant information can be accessed from these websites:

Hamilton City Council

www.hamilton.govt.nz
--

Waikato District Council

www.waikatodistrict.govt.nz
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Waipa District Council

www.waipadc.govt.nz
--

Signs on State Highways

www.nzta.govt.nz
--

ELECTORAL ROLLS

If Covid-19 restrictions allow, the preliminary electoral roll can be inspected at the Trust office during normal office hours (9am to 2.30pm) until 2.30pm on Thursday 14 May 2020. If Covid-19 restrictions don't allow personal inspection of the roll, enquiries can be made by phone to the election helpline or by email enquiry to iro@electionz.com.

The Preliminary electoral roll is printed in multiple booklets. There are approximately 134,000 parliamentary electors in the WEL Energy Trust area.

Any requests to correct changes required or omissions found to the Parliamentary electoral roll, should be made through any Post Shop or the Electoral Enrolment Centre. Residents can update their residential details on the Electoral Enrolment Centre's website www.elections.org.nz.

Copies of the Preliminary electoral roll (whole district) may be purchased from the Electoral Officer for \$125 plus GST. Copies of the rolls will be available in hard copy only. It is illegal for the Electoral Officer to provide the electoral roll electronically.

The Final electoral roll is produced once the Preliminary electoral roll closes on 14th May 2020. The Final electoral roll is the roll used for issuing voting papers.

SPECIAL VOTING

Special Votes are available to electors:

- whose names do not appear on the Final electoral roll, but who qualify as electors, ie the elector has enrolled after the closing of the roll
- who did not receive a voting paper previously posted to them
- who spoil or damage a voting paper previously posted to them
- who are on the unpublished roll

Special voter packs can be issued from Thursday 4th June to 12 noon Friday 26th June 2020. Requests for special voter packs can be made by phone to the 0800 666 031 election helpline or by email enquiry to iro@electionz.com.

Special Votes can be posted directly out to electors. The completed voting paper however must be returned to the Electoral Officer by noon on election day by delivering back to the Trust Office in Hamilton, or by post to the Electoral Officer, WEL Energy Trust, PO Box 3138, Christchurch.

Special Votes require the completion of a statutory declaration. This is a legal requirement and a protection for electors against possible duplicate voting. Application for a special vote must be made to an Electoral Official at the Special Voting Place at the Trust office.

If an elector requests a Special Vote and is not on the Parliamentary Roll (e.g. just turned 18 years of age), the person must enrol at any Post Shop during normal business hours up to and including Thursday 25th June 2020. Special Vote declarations are forwarded to Registrars of Electors for verification that the elector is eligible and has enrolled as a Parliamentary elector on or before that date.

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

SCRUTINEERS

Candidates may appoint scrutineers to oversee various functions of the election, ie:

- the scrutiny of the roll
- counting of the votes after 12 noon on Friday 26th June 2020.

However, with the use of progressive processing, most of the voting papers will already have been processed by 12 noon on the Friday.

electionz.com has systems in place to comply with the progressive processing legislation which allows voting papers to be processed as they are received. This includes dual passwords and time locks on the counting software so that no access to the results can be obtained. This means that come 12 noon on 26th June, there will be very few voting papers that will need to be counted. The preliminary result will be produced and checked and then advised to candidates as soon as possible. Hence there is likely to be very little for scrutineers to observe.

Nevertheless, each candidate may appoint one or more scrutineers for each of the above functions, but only one scrutineer for each candidate may be present at any one time. A candidate cannot be a scrutineer.

The voting papers will be returned in the post direct to the *electionz.com* office in Christchurch for processing. Therefore candidates should appoint a scrutineer in Christchurch who is able to attend the *electionz.com* office at 3/3 Pukaki Rd, Christchurch Airport.

Each scrutineer must be appointed by a candidate, such appointment to be in writing to the Electoral Officer 24 hours before the close of voting (ie by 12 noon on Thursday 25th June 2020, on the appropriate form available from the Electoral Officer).

ELECTION RESULTS

PROGRESS RESULT

A Progress Result can be made available to candidates, members of the public and media as soon as practicable from 12 noon on election day (26th June 2020). It is expected that preliminary results will be announced by 4pm.

Results will be posted on the Trust website, www.welenergytrust.co.nz at this time.

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

The final result will be announced on Tuesday 30th June 2020 once all postal votes received after the close of voting but postmarked prior have been processed.

The official declaration of result will be published in the Waikato Times on Saturday 4th July 2020 and in other regional publications across the following week.

COUNTING PROCESS

Processing of the voting papers will be carried out at the *electionz.com* office in Christchurch. Votes will be counted on a computerised system using progressive processing between the 4th and 26th of June 2020.

After 12 noon the internet votes will be downloaded and entered into the database with the paper votes.

All voting papers are required to be counted twice to ensure complete accuracy of the count. The second count is carried out simultaneously with the preliminary count. It is expected that both counts will be completed on the Friday.

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

It is expected that the Official Declaration of the final result will be made no later than Tuesday 30th June 2020, once all special votes have been verified by the Waikato Electoral Registrar and final checks and balances made.

ELECTION OFFENCES

Candidates are reminded that the following are all election offences pursuant to the Local Electoral Act 2001. These will be enforced by the Electoral Officer.

LOCAL ELECTORAL ACT 2001

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

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

122 Interfering with or influencing voters - (1) Every person commits an offence, and is liable upon summary conviction to a fine not exceeding \$5,000, who -

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

an imitation voting document) on which is printed---

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

(3) Nothing in this section applies to---

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

123 Offences in respect of official documents -

(1) Every person commits an offence who -

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

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

- (a) in the case of an Electoral Officer or other electoral official, to imprisonment for a term not exceeding 2 years:
- (b) in the case of any other person, to imprisonment for a term not exceeding 6 months.

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

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

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

- (a) gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or
- (b) gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or
- (c) corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or
- (d) makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector; or
- (e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b), obtains, or tries to obtain, the election of any person or the vote of any elector; or
- (f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that the money or any part of it will be used for bribery at any election or poll; or
- (g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.

(2) An elector commits the offence of bribery if,---

- (a) before or during the voting period at the election or poll, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to refrain from voting:

- (b) after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(3) Every person who commits bribery is liable on conviction on indictment to imprisonment for a term not exceeding 2 years.**126 Treating defined -**

- (1)** Every person commits the offence of treating who corruptly, before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person -

- (a) for the purpose of influencing that person or any other person to vote or refrain from voting; or

- (b) for the purpose of obtaining his or her election; or

- (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

- (2)** Every holder of a licence under the Sale of Liquor Act 1989 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision---

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

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

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

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

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

127 Undue influence -

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

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

- (i) in order to induce or compel that person to vote or refrain from voting:

- (ii) on account of that person having voted or refrained from voting:

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

128 Personation defined -

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

129 Infringement of secrecy -

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

- (3)** Every person present at the counting of votes must -
 - (a) maintain and assist in maintaining the secrecy of the voting; and
 - (b) must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom, or proposal for or against which, any vote is cast by a particular voter.
- (4)** No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.
- (5)** Every person commits an offence who contravenes or fails to comply with this section.
- (6)** Every person who commits an offence against subsection (5) is liable on summary conviction to imprisonment for a term not exceeding 6 months.

130 Disclosing voting or state of election -

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

