

RETURN OF ELECTORATE CANDIDATE'S ELECTION EXPENSES AND DONATIONS FOR THE 2011 BOTANY BY-ELECTION

If you were a candidate at the 2011 Botany by-election, the law requires you to complete this return and have it in the hands of the Electoral Commission by the due date.

The law requires all returns to be available for public inspection. All candidates returns will be available on the Electoral Commission website.

It is an offence not to file a return or to file a false return.

THIS RETURN CONTAINS A DECLARATION AND TWO PARTS.

PART I — Candidate donations

PART II — Candidate election expenses

Information on completing this form is set out at the back of this form. If you have any problems please contact your party secretary or the Electoral Commission.

THE DEADLINE FOR FILING THIS RETURN IS WEDNESDAY 15 JUNE 2011.

Reference: sections 205K and 209 of the Electoral Act 1993.

RETURN OF ELECTORATE CANDIDATE'S ELECTION EXPENSES AND DONATIONS FOR THE 2011 BOTANY BY-ELECTION

Send to Electoral Commission, PO Box 3220, Wellington no later than Wednesday 15 June 2011.

Declaration

I _____ of _____
(insert name) (insert address)

an electorate candidate for the Botany Electoral District at the 2011 by-election,
make the following return of candidate donations made to me or to any person
on my behalf and of election expenses incurred by me or on my behalf.

Candidate's Signature / / 2011

PART I Candidate Donations

Instructions

- Complete sections A to C.
- Write 'nil' if you have no donations to declare in a section.
- Include only candidate donations (money, goods or services) donated to you for your election campaign, that either on their own or when aggregated with all other donations made by or on behalf of the same donor exceed \$1,500 (including GST) in sum or value. Do not include donations of \$1,500 or less.
- If there is insufficient space in any section, attach a separate sheet with the details.

A: Candidate donations

Donor's name		Address	
Description of donation (<i>Money, goods or services</i>)			
Date received		Donation value \$ (<i>Incl GST</i>)	
Donor's name		Address	
Description of donation (<i>Money, goods or services</i>)			
Date received		Donation value \$ (<i>Incl GST</i>)	
Donor's name		Address	
Description of donation (<i>Money, goods or services</i>)			
Date received		Donation value \$ (<i>Incl GST</i>)	

Donor's name Address

Description of donation (*Money, goods or services*)

Date received Donation value \$ (*Incl GST*)

Donor's name Address

Description of donation (*Money, goods or services*)

Date received Donation value \$ (*Incl GST*)

Donor's name Address

Description of donation (*Money, goods or services*)

Date received Donation value \$ (*Incl GST*)

Donor's name Address

Description of donation (*Money, goods or services*)

Date received Donation value \$ (*Incl GST*)

If any of the above donations include a contribution from another person of more than \$1,500, please also complete the next section

Contributor's name Address

Date of donation Amount of contribution (*Incl GST*)

Donation contributed to (*Name of donor*)

Contributor's name Address

Date of donation Amount of contribution (*Incl GST*)

Donation contributed to (*Name of donor*)

B : Anonymous candidate donations

Description of donation

Date received Date payment made

Donation Value \$ Amount paid back \$
 (*Money, goods or services, incl GST*) (*To the Electoral Commission*)

C: Overseas candidate donations and contributions

Overseas person's name Address

Description of donation/contribution

Date received Date payment made

Donation Value \$ Amount paid back \$
 (*Money, goods or services, incl GST*) (*To the overseas person or forwarded to the Electoral Commission, incl GST*)

INFORMATION ON CANDIDATE DONATIONS AND ELECTION EXPENSES

Who must file a return?

All candidates in the by-election must file a return of candidate donations and election expenses. Even if a candidate has no donations or expenses to declare, he or she must still complete and file the candidate return recording 'nil' donations and expenses.

What is the deadline?

Candidate returns must be filed with the Electoral Commission by Wednesday 15 June 2011 [within 70 working days of polling day]. Candidates who fail to comply with these requirements commit an offence and may be referred to the Police.

Keeping records of expenses and donations

Candidates must keep good records of all candidate election expenses and candidate donations (it is an offence not to). Candidates must obtain and retain an invoice and a receipt for all election expenses of \$50 or more. Records have to be retained for three years after polling day.

PART I Candidate Donations

What are candidate donations?

A candidate donation includes any money, goods or services that are donated to a candidate, or a person on the candidate's behalf, for use in the candidate's campaign for election. The following are candidate donations:

- free goods or services that have a reasonable market value greater than \$300;
- discounted goods or services where the reasonable market value of the goods or services is greater than \$300 the difference between the contract or agreed price and the reasonable market value of those goods and services is a donation;
- the purchase of goods or services from the candidate at a value that exceeds their reasonable market value;
- extending credit to a candidate on favourable terms.

The provision to a candidate of volunteer labour is not a candidate donation. Nor is money provided by the candidate for his or her own campaign.

Candidate donations return

Candidates are required to include in the candidate return every candidate donation or contribution to a candidate donation of more than \$1,500 (including GST), including a series of donations or contributions made by one person that adds up to more than \$1,500 (section 209).

For donations of more than \$1,500 (other than anonymous donations or overseas donations), the candidate will need to provide the following details:

- the name and address of the donor; and
- the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
- the date that the donation was received or, in the case of aggregated donations, the date each donation was received; and
- whether the donation is made up of contributions from another person of more than \$1,500; and if so:
 - the name and address of each contributor; and
 - the amount of each contribution made by the contributor; and
 - the date on which the donation to which the contribution forms part was made.

Anonymous donations

An anonymous donation is a donation made in such a way that the candidate who receives the donation does not know the identity of the donor and could not, in the circumstances, reasonably be expected to know the identity of the donor (section 207).

If a candidate receives an anonymous candidate donation greater than \$1,500, he or she may retain \$1,500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the Electoral Commission for payment into a Crown bank account. In the candidate return, the candidate must disclose:

- the date the donation was received; and
- the amount received; and
- the amount paid to the Electoral Commission and the date payment to the Electoral Commission was made.

Overseas donations

An overseas person is:

- an individual who resides outside New Zealand and is not a New Zealand Citizen or registered elector; or
- a body corporate incorporated outside New Zealand; or
- an unincorporated body that has its head office or principal place of business outside New Zealand.

If a candidate receives a candidate donation from an overseas person exceeding \$1,500, he or she may retain \$1,500 of that donation. The balance of the donation must, within 20 working days of receipt, either be returned to the overseas person who made the donation, or if this is not possible, be paid to the Electoral Commission (section 207K). In the candidate return, the candidate must disclose:

- the name and address of the overseas person; and
- the amount of the donation or contribution or, in the case of aggregated donations, the total amount of the donations; and
- the date that the donation or contribution was received or, in the case of aggregated donations, the date each donation was received; and
- the amount returned to the overseas person or paid to the Electoral Commission, and the date that such payment was made.
- whether the donation is made up of contributions from another person of more than \$1,500; and if so:
 - the name and address of each contributor; and
 - the amount of each contribution made by the contributor; and
 - the date on which the donation to which the contribution forms part was made.

PART 2 Candidate Election Expenses

What are election expenses?

Election expenses are the costs of **advertising or publicity**, published during the regulated period, that runs from the day after the notice of the vacancy of the by-election is published in the Gazette until the close of the day before polling day, that –

- may reasonably be regarded as encouraging or persuading voters to vote, or not to vote, for a constituency candidate (whether or not the name of the candidate is stated); and
- is carried out by the candidate or with the candidate's authority.

Election expenses include –

- the costs incurred in the preparation, composition, printing, postage and publication of the advertisement; and
- the reasonable market value of any material used or applied towards the advertisement provided to the candidate for free or below reasonable market value.

But a candidate's deposit or the costs of food, hall hire, the conduct of surveys or opinion polls, volunteer labour, the framework that supports hoardings (other than a commercial framework) or replacing materials that have been destroyed through no fault of the candidate **are not election expenses**.

If a person or organisation gives or pays for goods or services that would otherwise be candidate election expenses, or a candidate's party gives or pays for expense items, the reasonable market value of those items, whatever their value, should be recorded as an election expense. If the reasonable market value of the items exceeds \$300 it should also be recorded as a donation in Part 1 of the return.

None of the following will count towards a candidate's election expenses:

- Contact information published in any medium by a member of Parliament that satisfies certain requirements as set out in section 3A of the Electoral Act 1993.
- Editorial content of:
 - a periodical
 - a radio or television programme, or
 - a publication on a new media internet site.
- Personal political views published on the internet or other electronic medium by an individual who does not make or receive a payment in respect of the publication of those views.

Expenditure limit

The amount electorate candidates can spend on their election expenses in a by-election is limited to \$50,000 (including GST). It is a serious offence to exceed this limit.

Payment of expenses

Invoices for election expenses must be sent to a candidate within 20 working days of the declaration of the official result. The candidate must pay any invoices for election expenses within 40 working days of the declaration. It is an offence not to. The Electoral Act sets out a procedure to be followed where an invoice is disputed (sections 205H and 205I).

Apportionment of expenses

Expenses cannot be apportioned between elections. If materials such as banners are purchased and then re-used in subsequent elections, at each subsequent election you must account for the reasonable market value of the materials as an election expense. We recommend that candidates either use the price that was originally paid for the item, or if this is not known, what the item would cost to purchase now based on two quotes.

Expenses cannot be apportioned with third party promoters. If you authorise someone else to publish advertising encouraging people to vote for you, the cost of the advertising will form part of your candidate election expenses. The same costs will also be an election expense of the third party.

Expenses paid for before the commencement of the regulated period before polling day must be included in the return to the extent to which they relate to election advertisements published during the regulated period. Where a candidate advertisement is published before and during the regulated period, the candidate is responsible for apportioning the election expenses so that only a fair proportion of the expense is attributed to the regulated period.