

CANDIDATE ELECTION GUIDELINES

2022 TRUSTEE BY-ELECTION

Each Nomination Form must be returned to Heretaunga Tamatea Settlement Trust Office by: **1.00pm Friday, 27 May 2022**

ELIGIBILITY

To be elected, a nominee for appointment must:

- a. As at the closing date for nominations, be recorded in the Heretaunga Tamatea Settlement Trust Register as an adult registered member; and
- b. not:
 - I. be an undischarged bankrupt;
 - II. have ever been convicted of an offence involving dishonesty as defined in section 2(1) of the crimes act 1961, or an offence under section 373(4) of the Companies Act 1993 (unless that person is an eligible individual for the purpose of the Criminal Records (Clean Slate) Act 2004);
 - III. be or have been disqualified from being a director of a company registered under the Companies Act 1995 or Companies Act 1993;
 - IV. be or ever have been removed as a trustee of a trust by order of Court on the grounds of breach of trust, lack of competence or failure to carry out the duties of a trustee satisfactorily;
 - V. be physically or mentally incapacitated to the extent that he or she is unable to perform the duties of a Trustee;
 - VI. be subject to a property order made under section 30 or 31 of the Protection of Personal Property Rights Act 1988;
 - VII. have been convicted in the last 10 years of an offence punishable by more than three years' imprisonment (unless the person is an eligible individual for the purposes of the Criminal Records (Clean Slate) Act 2004); or
 - VIII. have been removed as a Trustee under paragraph 6.3 of this schedule within the past three years.

RETURNING OFFICER

The role of the Returning Officer is to conduct the election in accordance with the requirements of the Trust Deed, as well as in accordance with standard election management practices.

Subject to the statutory regulations, the Returning Officer has complete and final control over how the election process is carried out. The Returning Officer is engaged by the Trust, but does not take direction from the Trust.

NOMINATIONS

Key Dates:

- Nominations for Candidates open on Monday 9 May 2022
- Nominations for Candidates close 1.00pm, Friday 27 May 2022
- Public Notices calling for nominations will appear in the following publications:
 - Thursday 5 May 2022 – Hawke's Bay Today and Dominion Post
 - Thursday 19 May 2022 – Hawke's Bay Today and Dominion Post

Candidate Nomination Forms:

- Nomination forms must be received by the HTST Office no later than 1.00pm, Friday 27 May 2022
- Any nominations received after 1.00pm Friday 27 May 2022 will be invalid.
- Nomination forms can be emailed to the Returning Officer: returningofficer@heretaungatamatea.iwi.nz in the first instance or hand delivered to the HTST office:
L1 BNZ Building, 117 Heretaunga Street West, Hastings.

Lodged nomination forms are checked to ensure candidate and nominators are adult registered members of the Trust.

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

The HTST Office will provide acknowledgement that the nomination has been received to the nominee.

PROCESSES AFTER NOMINATIONS CLOSE

- If more than one (1) nomination is received per Marae Electorate, an election will be required to determine the Trustees.
- A listing of the confirmed candidates and the subsequent election details will be listed on the Heretaunga Tamatea Settlement Trust website as soon as possible after the nominations have been confirmed.
- Candidates will be emailed a copy of that notice.

ELIGIBILITY TO VOTE

In the event an election is required, voting papers will be sent to all adult members of the Trust who are registered to the Marae Electorates that have candidate positions vacant in the by-election and who we have current contact details for.

To register or to update details, members can visit our website

www.heretaungatamatea.iwi.nz

Registration for this by-election can be accepted up to the Sunday, 8 May 2022

CAMPAIGNING AND VOTE PROCESSING

Campaigning

In the event an election is required, campaigning can be undertaken on the following basis:

Campaigning can commence at any time; If the candidate chooses to undertake advertising as part of their campaigning, those advertising costs are the responsibility of the candidate. There is no monetary limit for campaigning costs.

Advertising material should not include any Heretaunga Tamatea Settlement Trust logos or branding.

No election material can contain any untrue statement defamatory of any candidate and be calculated to influence the vote of any elector.

Voting forms are not permitted to be collected from electors by candidates or persons on their behalf. Each elector is required to post or deliver his or her own voting paper to the Returning Officer.

Any acts committed by candidates that constitute criminal offences will be referred to the Police for their action.

Electoral Rolls

The Electoral Roll (being the Heretaunga Tamatea Settlement Trust Registration Database) is not available to candidates for electioneering purposes.

Vote Processing and Election Results

If an election is required, the processing of the voting form papers will be carried out by the Returning Officer. Postal voting papers should be returned in the reply freepost envelope.

The election results will be available at the earliest convenience as indicated by the Returning Officer.

The Returning Officer will email the election results to the candidates. The results will then be posted on the HTST website and published in the Hawke's Bay Today.

Scrutineers

There is no provision in the Trust Deed rules for candidates to appoint scrutineers.

Confidentiality

Voting is by confidential ballot. Completed voting papers go directly to the Returning Officer. No other party will have access to the information on the papers. Voting papers will be destroyed by the Returning Officer, thirty (30) days after the close of voting

TRUST DEED

A full copy of the Heretaunga Tamatea Settlement Trust Deed is available at: www.heretaungatamatea.iwi.nz

QUERIES

Any queries can be directed to the HTST Office on 0800 825484.