

From: Geoff Swainson <Geoff.Swainson@uhcc.govt.nz>
Sent: Thursday, 7 August 2025 8:57 am
To: nzempowered@gmail.com
Subject: RE: Candidates Treating andnot having Authorisation on Campaign material.

Kia Ora Kate & Paul,

I have done a bit of digging around and ended up having to also seek some legal advice as I was struggling to have confidence in what I found. For what it is worth here is a summary below:

1. Warick Lampp has been appointed as the Electoral Officer for UHCC (by council resolution) which is a service provided by him and his organisation to the majority of councils. The role , and functions (including penalties) are all described in the Local Electoral Act 2001.
2. The Local Electoral Act 2001 Clause 14(1) makes it clear that the electoral officer or any other electoral official “is not subject to the directions of any local authority...”. Furthermore, Clause 14(5) specifically limits the appointment of the Chief Executive to be the Electoral Officer unless there are some specific circumstances which don’t prevail in our case.
3. Effectively this means the conducting of an election is removed from the control or influence of organisation, its officers and its elected members.
4. In terms of breaches of the rules it would seem that the Electoral Officer has significant discretion in how these are dealt with, noting that in some circumstances investigations and subsequent actions would be directed to others such as the Police.
5. This is a message from Electionz.com received yesterday and which will be going out to all candidates next week. It addresses matters relevant to your initial question:

Electoral Commission (EC), Ombudsman, LGOIMA

FYI, the Electoral Commission have no say or jurisdiction over council elections. EC’s only role is to provide us the electoral roll for us to send voting papers out to. There is no point anyone ringing the Electoral Commission about council elections, EC will just refer them back to us.

The same for the Ombudsman who has no jurisdiction over council elections. Council elections and the Electoral Officer are excluded from what the Ombudsman can investigate. There is no point anyone contacting the Ombudsman about council elections.

Likewise, we, electionz.com, are separate and independent from councils, so we won’t be responding to official information requests. Our process is entirely transparent and in the public domain, so just ask us if you wish to know anything.

The only person who can direct an Electoral Officer is a District Court Judge, ie recounts or petitions for enquiry.

I regret that I am unable to be more helpful in advising you how to pursue this matter further.

Nga mihi nui

Geoff

Geoff Swainson

Chief Executive Officer | Tumu Whakarae



Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council

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From: nzempowered@gmail.com <nzempowered@gmail.com>

Sent: Sunday, 3 August 2025 6:54 pm

To: Geoff Swainson <Geoff.Swainson@uhcc.govt.nz>

Subject: FW: Candidates Treating and not having Authorisation on Campaign material.

Kia ora Geoff.

As far as we understand Electionz.com are employed by the council to conduct the local body election process.

Recently we have raised a concern about 1 Upper Hutt candidate who we believe has been breaking the rules set out and advised in the Candidate Handbook and the Candidate Briefing. We do not want you to be on the back foot should this be raised so this is an informational email for you. (See attached emails regarding the concerns and outcome so far. Also email to Director of Electionz.com) What you choose to do with this information is up to you.. We don't require any action from you unless you choose to, or are required to do something.

We are not impressed at what appears to be, in our opinion, an inappropriate outcome/reply from our concerns raised with Warwick Lampp.

Our community, or at least the candidates should have, at least been made aware that the rules which are laid out on the Candidates Handbook, if broken will potentially only require a private apology to Warwick from the candidate, not even a public apology or apology to the other candidates.

We have included all correspondence and have also sent emails to all UH candidates with the current outcomes from our concerns so far.

We have been approached by some concerned about breaches of the candidate rule. So have forward the information so they do not worry and can be all on the same page.

Should this stance that Warwick has taken with Peri Zee change, we assume candidates will be informed and if not, all candidates running will fall under the same rules as this candidate does due to the precedence set by this current action.

Nga Mihi
Kate and Paul
NZ Empowered.

The information contained in this email and any attachments is confidential and intended for the named recipients only. If you are not the intended recipient, please notify the sender immediately and delete this email.