

Report No.	14-94
Decision Required	

VOTING SYSTEM FOR THE 2016 TRIENNIAL LOCAL BODY ELECTIONS

1. PURPOSE

- 1.1. This item requires a resolution by Council as to whether the First Past the Post (FPP) electoral system, or the Single Transferable Vote (STV) electoral system, should be used for the 2016 triennial elections.

2. RECOMMENDATION

It is recommended that Council:

- a. receives the information contained in Report No. 14-94 and Annex.
- b. adopts one of the following processes in relation to deciding the electoral system for the 2016 triennial elections: either
 - i retains the status quo First Past the Post electoral system for the next triennial election, with the decision being publicly notified by 19 September 2014; **or**
 - ii makes a preliminary decision to change to the Single Transferable Vote electoral system for the 2016 and 2019 triennial elections, with this decision being publicly notified by 19 September 2014; **or**
 - iii resolves, before 28 February 2015 to undertake a poll of electors on the electoral system to be used for the next two triennial elections.

3. FINANCIAL IMPACT

- 3.1. There are sufficient funds in the 2014-15 budget to review the process, but insufficient to hold a poll.
- 3.2. If Council is required to hold a poll (Option A – para 7.11), or separately chooses to hold a poll (Option B – para 7.11), the cost will be approximately \$250,000 which includes costs for advertising, vote processing, roll preparation, printing, postage, return postage and insurance. Again, any costs will need to be met from the 2014-15 budget.
- 3.3. If Council itself decides to change to STV voting for the 2016 elections, there is potential for additional election costs due to the specialised counting system required to be used for STV.

4. COMMUNITY ENGAGEMENT

- 4.1. Covered separately in this paper.

5. BACKGROUND

- 5.1. The Local Electoral Act 2001 (LEA) gives each local authority the opportunity to review the electoral system to be used for the election of Members. Consideration must be given by 12 September 2014, whether to retain the FPP electoral system or adopt the STV electoral system, although a final decision (to hold a poll) can still be made up until 28 February 2015.

- 5.2. Until the 2004 triennial elections, FPP was traditionally the only electoral system used for all local government and District Health Board (DHB) elections in New Zealand. The new legislation made the use of STV mandatory for DHB elections from 2004, using Meek's method of counting votes with certain modifications. Territorial authorities (TAs) are required to conduct the DHB elections on their behalf.

6. COMMENT

- 6.1. Council has, in the past, resolved to use the FPP electoral system. This system has also been used by the majority of territorial authorities in this Region. This form of voting is used in parliamentary elections, and is used by most local authorities. Electors vote by indicating their preferred candidate(s), and the candidate(s) who receives the most votes is declared the winner regardless of the proportion of votes that candidate(s) obtained.
- 6.2. The other option is STV which is used in district health board elections, and was used by seven TAs for the 2013 elections (there are approximately 85 TAs nationally). These TAs were Dunedin City, Kaipara District, Kapiti Coast, Marlborough District, Palmerston North City, Porirua City and Wellington City. With this system, electors rank candidates in order of preference. The number of votes required for a candidate to be elected depends on the number of positions to be filled and number of valid votes.
- 6.3. A fuller explanation of both electoral systems is provided in the *Local Government Electoral Option 2008* which is attached as Annex A to this report. Although this guide was prepared in 2008, the explanations about the two electoral systems remain current.

7. DISCUSSION

Legislative Timetable

- 7.1. The LEA requires a local authority to comply with the following timeline when deciding which electoral system will be used.

By 12 September 2014	A local authority MAY resolve to change the electoral system for the next two triennial elections, or resolve to do nothing.	Section 27 of LEA
By 19 September 2014	A local authority MUST give public notice of the right of 5% of the electors to demand a poll on the future electoral system for the next two triennial elections, and if a resolution has been made by a local authority by 12 September 2014, then this must be included in the notice.	Section 28 of LEA
By 28 February 2015	The public can demand a poll to decide which electoral system should be used. If demand is received prior to 28 February 2015, the poll is required by 21 May 2015. The results are effective for the next two triennial elections.	Sections 29, 30, 33 of LEA
By 28 February 2015	A local authority MAY resolve to undertake a poll of electors on a proposal that a specified electoral system be used for the next two triennial elections.	Section 31 of LEA

Process to Follow

- 7.2. The process that the Council can follow to determine its electoral system for 2016 and beyond is:
- i. Council can make a decision on which electoral system is to be used, with the required public notification to follow.
 - ii. Five per cent of electors can demand a poll on the issue.
 - iii. Council may choose, of its own volition, to hold a poll on the issue, irrespective of whether or not a poll is demanded by electors.

Ability of Council to Resolve which Electoral System is to be used

- 7.3. Section 27 of the LEA provides that the Council may resolve, of its own volition, to change an electoral system which is different to the system used at the previous triennial election. If it decides on a change, it must do so not later than 12 September, two years prior to the next triennial election, unless it decides to hold a poll of electors. Therefore, if the Council wishes to consider changing its system from FPP to STV for the 2016 elections, it must do so before 12 September 2014. (The LEA includes a provision that should a Council resolve to change its electoral system by resolution, and no poll is held, the new system must be used for the next two elections.)
- 7.4. A resolution to retain FPP will take effect for the 2016 elections and will continue in effect until either the Council resolves otherwise, prior to 12 September two years prior to the 2019 elections, or a poll of electors is held.

Electors' Right to demand a Poll

- 7.5. Prior to 19 September 2014, the Council must give public notice of the right to demand a poll on the electoral system to be used. If the Council has passed a resolution under Section 27 of the LEA to change the electoral system from FPP to STV, the public notice must include:
- a. notice of that resolution; and
 - b. a statement that a poll is required to countermand that resolution.
- 7.6. Section 29 of the LEA allows 5% of the number of electors enrolled at the previous triennial election to demand a binding poll to be held on a proposal to determine which electoral system is to be used for the next two triennial elections. The poll demand must be made in writing to the Chief Executive by a number of electors equal to or greater than 5% of the electors, and must be made no later than 28 February 2015.

The Council may decide of its own volition to hold a Poll of Electors

- 7.7. The Council can also decide of its own volition to hold a poll of electors at any time during the process (until 28 February 2015), irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.
- 7.8. Public notice of the poll must be given not later than 28 February 2015.
- 7.9. The results of the poll are binding and will determine whether FPP or STV is to be used for at least the next two triennial elections, and for all subsequent elections until either a further resolution under Section 27 LEA takes effect or a further poll is held.

Associated Issues for Consideration

7.10. Associated issues which should be considered by local authorities when debating the issue of choosing an electoral system, include:

- Additional election costs if STV is adopted;
- Public confusion with two electoral systems running simultaneously between local authorities on the same voting form; and
- Costs associated with public consultation/education/poll.

Process Options for Consideration

7.11. In summary, the Council must adopt one of the following options:

Option A: Make a Decision and Publicly notify it

Council could make its preliminary decision to retain the status quo (FPP) or change to STV. The decision will be publicly notified by 19 September 2014. The public notice will include notice of the resolution, the electoral system to be used, and that a poll will be required to countermand it.

Option B: Resolve to hold a Poll

Council could defer its decision and simply resolve to hold a poll of electors. The decision to hold a poll could be made at any time prior to 28 February 2015, but a public notice by 19 September 2014 would still be required. This option would need to be budgeted for, together with some public education costs.

8. SIGNIFICANCE

8.1. This is not a significant decision according to the Council's Policy on Significance.

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ANNEXES

A Local Government Electoral Options