

Council Briefing Agenda

Date: Wednesday, 16 August, 2017
Time: 1:00 pm
Location: Council Chamber
Forum North, Rust Avenue
Whangarei
Attendees: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Jayne Golightly
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Apologies

2. Reports

2.1 Electoral Decisions

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3. Closure of Meeting

Electoral Decisions

Meeting: Council Briefing
Date of meeting: 16 August 2017
Reporting officer: Kathryn Candy (Senior Legal Adviser)
Dale Ofoske (Whangarei District Council Electoral Officer)

1 Purpose

To provide information on the decisions that Council is to make for the 2019 local elections.

2 Background

The Local Electoral Act 2001 (LEA) provides for Council to consider three matters in preparation for the 2019 local body elections. Those matters are:

- The electoral system to be used for the election;
- Whether Māori representation should be introduced; and
- The representation arrangements review.

3 Discussion

Attached is a report from Council's Electoral Officer, Mr. Dale Ofoske, which provides further information on these three matters. Mr. Ofoske will also be attending this briefing and will present to Council on these topics.

4 Attachments

Electoral Officer's Report on Electoral Decisions



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Title: Electoral Decisions

Report to: Whangarei District Council

Author: Dale Ofoske, Electoral Officer

Date: 16 August 2017

1.0 Summary and conclusions

The Local Electoral Act 2001 provides for Council, in 2017, to consider for the 2019 elections (i) the electoral system, (ii) whether Māori representation should be introduced and (iii) a representation arrangements review (a review is mandatory every six years, with the last representation review undertaken in 2012 for the 2013 elections).

The review of the electoral system must be completed by 12 September 2017 and is to consider whether:

- the First Past the Post (FPP) electoral system is retained; or
- the Single Transferable Voting (STV) electoral system is introduced; or
- a poll of electors is held on which electoral system is to be used for the next two triennial elections.

The introduction of Māori representation is optional, but if it is to be implemented for the 2019 elections, a decision is required by 23 November 2017. If introduced, and assuming a total of 13 councillors remain, there would be 2 councillors elected from one or more Māori wards, and 11 councillors elected from one or more general wards.

A representation arrangements review is required to be undertaken in 2018 for the 2019 elections. The electoral system and Māori representation decisions 'set the scene' for the following representation arrangements review.

2.0 Narrative

2.1 Background

The Local Electoral Act 2001 (LEA) provides for greater flexibility and local choice in several electoral related matters. The principal matters requiring consideration by local authorities in 2017/2018 for the 2019 elections are (i) the choice of electoral system (FPP or STV), (ii) whether or not to introduce Māori representation and (iii) to undertake a representation arrangements review.

Consideration of the electoral system is required by 12 September 2017; consideration of Māori representation is required by 23 November 2017 (optional); and the representation arrangements review is required by 31 August 2018.

The last representation arrangements review was undertaken in 2012 (for the 2013 elections) comprising of 6 wards electing a total of 13 councillors - plus the Mayor elected at large.

2.2 Legislative Requirements

The LEA requires a local authority, when considering certain electoral matters, to comply with set requirements and timeframes. These are detailed in **Appendix 1**.

The dates contained in Appendix 1 are generally the last compliance dates and it is anticipated that most of the matters can be completed prior to these dates.

2.3 Electoral System


Council is required under section 27 of the LEA to consider every three years the electoral system to be used for the 2019 elections, by 12 September 2017.

Council has adopted the FPP electoral system since the choice was made available to local authorities in 2001 and now Council has the opportunity to review the electoral system to be used for the 2019 elections.


A table comparing FPP and STV (as used in a territorial authority's 2015 electoral system poll, and approved by DIA) follows.

COMPARING FPP AND STV

A typical FPP voting document could look like this

 HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS You can tick up to three (3) candidates	
<input checked="" type="checkbox"/>	BROWN, Sandy
<input checked="" type="checkbox"/>	JONES, Sam
<input type="checkbox"/>	OWENS, Harry
<input checked="" type="checkbox"/>	TAWHIRI, Ngaire
<input type="checkbox"/>	WATSON, Alice

A typical STV voting document could look like this

 HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS Rank candidates in order of preference ... '1' '2' '3' etc	
3	BROWN, Sandy
1	JONES, Sam
5	OWENS, Harry
2	TAWHIRI, Ngaire
4	WATSON, Alice

FPP	STV
FPP has long been widely used in New Zealand, is familiar and is generally easy to understand.	STV is currently used in Australia, United States, Ireland and Malta. Along with all the DHBs it is also being used by seven New Zealand Councils in 2013. STV is also used by companies like Fonterra, to select board members.
Each voter is able to cast one vote for each vacancy to be filled. Voters place a tick beside the name of the candidate or candidates they wish to vote for.	Each voter gets one vote, no matter how many vacancies. Voters rank candidates in order of preference – "1" beside their most preferred candidate "2" beside the second-most preferred candidate, and so on. Voters do not have to rank all candidates, but must use consecutive numbers.
The candidate who receives the most votes is elected. Where there is more than one vacancy, the candidates (equal to the number of vacancies) who receive the most votes are elected.	A candidate must reach the quota to be elected. Where there is more than one vacancy, the candidates (equal to the number of vacancies) who reach the quota are elected.
FPP is not a form of proportional representation. Each tick is counted as a vote for that candidate and the candidate or candidates with the most votes are elected. A candidate may be elected by a small margin.	STV is a proportional electoral system. Proportional systems are intended to provide more effective representation for all significant points of view, although it cannot be guaranteed that STV will provide an increased diversity of representation.
A candidate may receive more votes than they need to get elected.	A candidate would not receive more votes than they would need to get elected, as surplus votes are transferred to the next preference.
Some voters may not have supported any of the candidates who get elected.	If voters rank every candidate, they are likely to have supported at least one successful candidate.
Where political parties or organised political groupings contest the elections, and there are say 3 vacancies, voters can vote for the 3 candidates representing a political party or organised political group ("block" voting). This can result in all candidates from a political party or organised political group being elected.	STV can moderate "block" voting as voters can rank every candidate therefore making it more difficult for all candidates from a political party or organised political group to be elected.

The process that Council can follow to determine its electoral system is:

- (i) Council can resolve 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 matter;
- (iii) Council can choose to hold a poll on the matter, irrespective of whether or not a poll is demanded by electors.

(I) COUNCIL TO RESOLVE WHICH ELECTORAL SYSTEM IS TO BE USED

Council can resolve to retain the current electoral system (FPP) or resolve to change the electoral system to STV. Such a resolution must be made no later than 12 September 2017 (two years prior to the next triennial election), unless it decides to hold a poll of electors.

Any such resolution changing the electoral system would take effect for the 2019 and 2022 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.

(II) ELECTORS' RIGHT TO DEMAND A POLL

Under section 28 of the LEA, Council **must** give public notice, by 19 September 2017, of the right of electors to demand a poll on the electoral system to be used for the 2019 elections. If Council passes 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.

Section 29 of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll be held on 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 (2,892 electors) and can be made anytime, but to be effective for the 2019 elections, must be made by 21 February 2018.

(III) COUNCIL MAY DECIDE TO HOLD A POLL OF ELECTORS

Council can decide to hold a poll of electors at any time (section 31 of the LEA), but to be effective for the 2019 elections, must decide no later than 21 February 2018, irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.

Public notice of the poll must be given as soon as practicable after the resolution and the poll itself must be completed by 21 May 2018 (to be effective for the 2019 elections).

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 (2019, 2022), and for all subsequent elections until either a further resolution takes effect or a further poll is held.

2.4 Māori Representation

Council may consider (it is optional), under section 19Z of the LEA, whether or not to introduce Māori representation for the 2019 and 2022 elections, by 23 November 2017.

Should Māori representation be introduced, a formula to determine the number of Māori and general councillors is contained in Schedule 1A of the LEA and is:

$$\text{nmm} = \frac{\text{mepd}}{\text{mepd} + \text{gepd}} \times \text{nm}$$

where nmm = number Māori ward members
 mepd = Māori electoral population
 gepd = general electoral population
 nm = total number members

For the Whangarei District Council, the Māori electoral population is 16,100 and the general electoral population is 71,500 (as at the 2013 Census, with estimations as at 30 June 2016).

Assuming a total of 13 councillors (plus Mayor) remain, the formula when populated would require two (2.39 rounded down to 2) councillors elected from one or more Māori wards and 11 councillors elected from one or more general wards.

The process that Council can follow to consider Māori representation for 2019 and beyond is:

- (ii) Council may make a decision to introduce Māori representation, but if it does, public notice must be given;
- (ii) five per cent of electors can demand a poll on the matter;
- (iii) Council may choose to hold another poll on the matter, irrespective of whether or not a poll is demanded by electors.

(I) COUNCIL TO RESOLVE TO ADOPT MĀORI REPRESENTATION

Council **may** resolve to introduce Māori representation for the next two triennial elections (2019, 2022). If it decides to introduce Māori representation in time for the 2019 elections, it must do so no later than 23 November 2017 (two years prior to the next triennial election), unless it decides to hold a poll of electors.

Any such resolution would take effect for the 2019 and 2022 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.

Council may also simply choose to do nothing, in which case no public notice is required.

(II) ELECTORS' RIGHT TO DEMAND A POLL

If Council resolves to adopt Māori representation by 23 November 2017, it **must** give public notice of the right of electors to demand a poll on the matter. If Council passes a resolution under section 19Z of LEA to introduce Māori representation, the public notice must include:

- (a) notice of that resolution; and
- (b) a statement that a poll is required to countermand that resolution.

Section 19ZB of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll to be held on a proposal whether or not Māori representation is to be introduced 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 (2,892 electors) and can be made anytime, but to be effective for the 2019 elections, it must be made by 21 February 2018.

(III) COUNCIL MAY DECIDE TO HOLD A POLL OF ELECTORS

Council can also decide to hold a poll of electors at any time (but must decide no later than 21 February 2018 to be effective for the 2019 elections), irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.

Public notice of the poll must be given as soon as practicable after the resolution and the poll itself must be completed by 21 May 2018 (to be effective for the 2019 elections).

The results of the poll are binding and will determine whether Māori representation is to be introduced for at least the next two triennial elections (2019, 2022), and subsequent elections until either a further resolution under section 19Z of the LEA takes effect or a further poll is held.


Consultation with Māori on whether Māori representation is desirable should be undertaken. For many local authorities, such consultation has resulted in Māori representation not being introduced, with many Māori believing there are better ways of achieving representation for their people (for example Māori Standing Committees or Iwi Partnership models e.g. Rotorua District Council/Te Arawa Partnership).

2.5 Representation Arrangements Review

A representation arrangements review must be undertaken at least once every six years (section 19H of the LEA). The last review was undertaken in 2012, and accordingly a review is required in 2018.

If Māori representation is introduced, a representation review is required, irrespective of when the last representation arrangements review was undertaken.

A recommended timetable is set out in Appendix 1.

	Name and title of signatory	Signature
Author	Dale Ofoske, Electoral Officer	

APPENDIX 1



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2017/2018 ELECTORAL SYSTEM, MĀORI REPRESENTATION & REPRESENTATION ARRANGEMENTS REVIEW TIMETABLE

LEGISLATIVE REQUIREMENTS

By 12 September 2017*	A local authority MAY resolve to change the electoral system (from the system it used at the 2016 general election) for the next two triennial elections.	Section 27 of LEA
By 19 September 2017*	A local authority MUST give public notice that electors may at any time demand that a poll be held on the future electoral system to be used by the local authority for the next two triennial elections, and if a poll outcome is to apply to the next triennial election, a demand for a poll must be received by 21 February 2018. If a resolution has been made by a local authority by 12 September 2017, this must be included in the notice.	Section 28 of LEA
By 23 November 2017*	A local authority MAY resolve to introduce Māori representation for the next two triennial elections.	Section 19Z of LEA
By 30 November 2017*	IF a resolution has been made by a local authority to introduce Māori representation, a local authority MUST give public notice that electors may at any time demand that a poll be held on Māori representation, and if a poll outcome is to apply to the next triennial election, a demand for a poll must be received by 21 February 2018.	Section 19ZA of LEA
By 21 February 2018*	IF a demand for a poll that a specified electoral system be used for the next two triennial elections is received by 21 February 2018, a poll must be held by 21 May 2018.	Sections 29 and 30 of LEA
By 21 February 2018*	A local authority MAY also resolve to undertake a poll of electors that a specified electoral system be used for the next two triennial elections.	Section 31 of LEA

By 21 February 2018*	IF a demand for a poll on Māori representation is received by 21 February 2018, a poll must be held by 21 May 2018.	Section 19ZC of LEA
By 21 February 2018*	A local authority MAY also resolve to undertake a poll on Māori representation.	Section 19ZD of LEA
From 1 March 2018	Period commences for formal consultation/resolution of initial proposal for Representation Arrangements Review by local authority.	Section 19K (1AA) of LEA
By 21 May 2018*	If a successful demand for a poll has been received by 21 February 2018, or a resolution for a poll has been made by a local authority by 21 February 2018 (that a specified electoral system be used for the next two triennial elections), then a poll MUST be held within 89 days of notification.	Section 33 of LEA
By 21 May 2018*	If a successful demand for a poll has been received by 21 February 2018, or a local authority has made a resolution by 21 February 2018 (on Māori representation), then a poll MUST be held within 89 days of notification.	Section 19ZF of LEA
By 31 August 2018*	Period concludes for consultation/resolution of initial proposal for Representation Arrangements Review by local authority.	Section 19H of LEA
By 8 September 2018*	A local authority MUST give public notice of resolution of initial proposal. One month submission period.	Section 19M of LEA
By 8 October 2018*	Submission period closes.	Section 19M of LEA
By 19 November 2018*	Submissions heard by local authority and resolution of final proposal made by a local authority.	Section 19N of LEA
By 19 November 2018*	A local authority MUST give further public notice of its resolution of final proposal. One month appeals/objection period.	Section 19N of LEA
By 20 December 2018*	Appeals/objections period closes.	Section 19O of LEA
By 15 January 2019*	Forward all Representation Arrangements Review material to LGC (if appeals/objections received).	Section 19Q of LEA
Before 11 April 2019*	Determination by LGC	Section 19R of LEA

* may be earlier than but not later than

Dale Ofsooske, January 2017