

**Wellington Regional Council Submission**  
**on**  
***The Electoral Way Forward***

1. *Should there continue to be a “general electoral uniformity” for all local authorities (territorial and regional) throughout New Zealand*

General electoral uniformity is important for both public understanding and participation in the electoral system and should therefore continue (but there should, nevertheless, be a system that is sufficiently flexible to cope with some diversity where appropriate).

2. *Should there continue to be a division of decision-making between Councils and Returning officers on mechanical issues relating to election administration?*

It is important that candidates and the public have maximum confidence in the electoral process. This requires a division of responsibility between the policy decisions exercised by a council and the operational decisions made by a clearly independent Returning Officer.

3. *If so, should these responsibilities be allocated?*

The present policy and operational division, prescribed by Parliament, works reasonably well.

4. *Should there continue to be a uniform electoral term and common election day for all local authorities in New Zealand?*

A common election day encourages public participation in local authority elections and should be retained. However a change to the date to September would be useful (following adoption of Annual Plan but providing more time to install the new Council before Xmas).

5. *Should new electoral legislation allow for possible changes to electoral terms within the next thirty years?*

It is not necessary for new electoral legislation to provide for changes to electoral term as any change would be made as a consequential amendment to any future change at central government level.

6. *What alternatives should be considered?*

The discussion document usefully lists a number of possible changes to the electoral term. While this Council is not uncomfortable with the present 3 year term, we consider other terms could be evaluated and a 4 year term with revolving elections of half the Council every two years may prove acceptable to the general public. However, it would have the obvious disadvantage of breaking the linkage between central and local government timing of elections. This is so important that it should be given primacy if possible.

7. *Should provisions covering the review of local authority membership and electoral boundaries remain in the Local Government Act or be included in new electoral legislation?*

Consolidation of all legislation relating to local government membership elections and membership into a single piece of legislation is desirable. Legislation should be not only functional but also easily read by the public.

8. *What changes to the present provisions and processes are desirable?*

Regional councils should have the ability to set regional constituencies that don't necessarily coincide with territorial authority or ward boundaries (but of course do not divide meshblocks).

9. *Should there be special provisions for Maori representation on local authorities?*

This Council supports greater Maori involvement in the decision-making processes of local government. The Council is currently in discussion with its iwi on the various dimensions of the question of representation on this body. What seems clear at this stage is that the issue of Maori representation will not be resolved with a single option. Local communities should have the flexibility to adopt mechanisms that provide for effective representation.

10. *If so, what form or forms should it take?*

The form of representation should be tailored to local circumstances, including the wishes of local iwi.

11. *If discretion is to be provided who should exercise it and how?*

If discretion is exercised it should be done by local authorities, as the elected body, in agreement with local iwi.

*12. Should local authorities and/or local communities be able to choose to adopt the “First Past the Post” (FPP) electoral system or the “Single Transferable Vote” (STV) system?*

Council is supportive of consideration being given to different voting systems for the election of local authorities. However the Council anticipates that allowing local communities to choose the electoral system in their district will pose the following practical difficulties:

- Two electoral systems in one district due to different system being chosen by territorial authorities and the regional council.
- Elector confusion from two sets of voting papers with different instructions.
- Logistical problems with the printing of voting papers and the counting of votes.

For these reasons the Council supports a local government single electoral system to apply nation-wide.

*13. Are there (or could there be in the future) other voting systems appropriate for local elections in New Zealand?*

There are many different forms of representation operating around the world. Clearly the Mixed Member Proportional system (MMP), with its emphasis on party lists, is inappropriate for local government in New Zealand, where a large proportion of candidates are independent.

The Council would favour a comprehensive review of the different electoral systems to firmly establish which is the most suitable for local government and most acceptable to the general public.

*14. To what extent should different local authorities have access to a range of recognised or newly emerging voting technologies (eg. postal voting, telephone voting, Internet voting, combinations or these)?*

Different local authorities should have access to a range of technologies. This would enable councils to decide on the level of technology, including a mix of methods, which is appropriate to their circumstances. Councils could also come together to trial systems and share the cost of new technologies.

*15. Should communities, councils or Returning officers make these choices?*

The introduction of new technologies inevitably involves considerable expense and planning. It is therefore necessary that councils make those choices, however they should do so on the recommendation of Returning Officers.

*16. What criteria should apply?*

SOLGM might like to consider a triennial forum for information showing and assessment of new electoral technologies to assist officers and councils to determine effective technologies for their situations.

*17. Should the ratepayer franchise be abolished?*

The Council appreciates the effort and expense that goes into the production of a ratepayer roll and that participation is very low. However, the idea of “no taxation without representation” remains an important principle and therefore the ratepayer franchise should continue. It should be noted that for central government elections it is residency, not taxpayer status, that entitles a person to vote.

*18. If not, what responsibilities should councils have for promoting and facilitating ratepayer franchises desirable?*

The onerous notification requirements associated with the ratepayer roll should be relaxed. Councils should be required to do no more than facilitate the ratepayer franchise with a note on the rates assessment. Councils should not be actively required to promote the franchise, as at present.

*19. Are other changes to either residential or ratepayer franchises desirable?*

No other changes are appropriate.

*20. Should the requirement that local authority candidates be New Zealand citizens be relaxed?*

The Council supports the continued requirement that candidates in local authority election be New Zealand citizens.

*21. Should the “grandparented” qualifications of non-citizens who were eligible in 1982 be discontinued?*

This provision is outdated and should be discontinued.

*22. What other restrictions on candidates eligibility are desirable/ - eg. should council employees be precluded from being candidates or members?*

All persons qualified as electors should be able to stand election to a local authority. However, a council employee standing for the local authority which employs them

should be required to take leave, with or without pay, from the close of nominations and shall be deemed to have resigned their job if elected.

*23. Should there be a limit on the number of consecutive terms a person can serve on a local authority?*

The length of a councillor's term is best left to the electors.

*24. If yes, what should this be?*

Not applicable.

*2.5. Should the existing prohibition on persons standing for both a regional council and a territorial authority or community board within a region continue?*

This Council supports a change in the legislation to permit persons to stand for both a territorial authority and a regional council. The workload of a regional council and a territorial authority councillor, and the possibility of conflicts of interest, suggests that the legislative prohibition on dual membership should continue.

In the case of dual candidacy, candidates should be required to register with the respective Returning Officers which positions they would accept if elected to both. This information should be publicly available prior to the election.

It is noted that there is no legislative prohibition on a councillor taking on other duties with public bodies, including becoming a Member of Parliament. This merits urgent examination.

*26. Should the same person be able to be an elected member of both a territorial authority and a community board?*

In most territorial authorities the elected ward members are appointed to the community board. Double election therefore just means one less member on a community board and does not present the same issues as dual membership on territorial and regional authorities.

*27. Should such restrictions apply to candidacy, or to membership of two bodies?*

As stated in answer to question 25, the restriction should be on membership of two bodies not candidacy.

28. *Should all dual candidacy (except mayor and councillor) or dual membership be prohibited?*

Only dual membership of territorial authority and regional council should be prohibited.

29. *Should local authorities be precluded, or discouraged from appointing their Chief Executive as Returning Officer?*

As the Chief Executive is the only person employed directly by the Council and is closely associated with the sitting council, it is not appropriate for that person to be the Returning Officer. While it is important that the public have confidence in the independence of the Returning Officer, there may be good reasons in small local authorities, why the Chief Executive should act as Returning Officer.

30. *Should regional councils be permitted to appoint a Returning Officer who is neither their own Chief Executive nor a territorial authority Returning Officer?*

The present provision requiring a regional council to appoint its Chief Executive to be the Supervising Returning Officer should be abolished. The same flexibility that a territorial authority has in appointment of its Returning Officer should also apply to a regional council.

31. *Should the existing \$100 candidate deposit be.*

- *Left as it is?*
- *Increased? – if so by how much?*
- *Abolished?*
- *Changed to a non-refundable fee?*
- *Or modified in some other way? – eg. should the deposit be uniform between types of local authorities and community boards?*

The purpose of the candidates' deposit is to discourage frivolous candidates and therefore should be retained. The Council considers that the candidates' deposit should continue to be a \$100 refundable charge.

32. *Should an election be suspended and nominations reopened on the death or incapacity of a candidate?*

- *In mayoral elections only (as at present)?*
- *In all elections?*
- *In no circumstances?*

The current provisions providing to the suspension of an election in the case of the death or incapacity of a mayoral candidate should continue..

33. *In what, if any, circumstances should the retirement of a candidate require the suspension of an election?*

No other circumstances.

34. *Should new electoral legislation make any provision for the introduction of campaign expenditure limits, now or in the future?*

The Council recognises that excessive campaign expenditure is not a national issue, concentrated as it is in the major metropolitan councils. There would also be difficulties in policing compliance and setting limits across local authorities which differ greatly in size and geographic characteristics. Expenditure limits would also place new candidates at a disadvantage as incumbents tend to be better known in the community and therefore don't have to advertise as much.

However, the Council considers that the introduction of campaign expenditure limits should be encouraged.

35. *Should there be provision for campaign expenditure limits to be adopted at the discretion of individual councils, by community initiative, or have agreement between candidates in an election?*

Campaign expenditure limits should be codified by Parliament. Further study is required to ensure that any system developed provides flexibility to take into account local electorate and geographic characteristics.

36. *Should new electoral legislation require or authorise the dissemination by Returning Officers of "official information" relating to candidates in the election?*

The Council approves the inclusion provisions permitting Returning Officers to issue a short profile of each candidate (say up to 200 words and a passport sized photo). Candidate profiles are used widely in the election of other public bodies (e.g University councils, trust boards) and would enhance public participation in the electoral process. Responsibility for the content should largely be with the candidate and the returning officer's role should only related to issues such as misrepresentation, defamation and good taste.

37. *If candidate information is disseminated in a postal election, should this be separate from or accompany the actual voting papers?*

Disseminating information with the voting papers would maximise its impact

*Other Issues*

The Council notes that many of the existing legislative provisions dealing with local authority election are written for elections conducted by booth voting. This includes requirements for candidate advertising billboards to be removed prior to election day. Now that local authorities have moved to postal voting these provisions need to be reconsidered.

Consideration should also be given to a system of representation involving a mix of wards/constituency seats and up to one third of the council elected from the whole local authority area. This may include constituencies based, for example, on the rural community or other characteristics eg. Maori constituencies.

Councils should also be given greater powers to provide election material in other languages as appropriate to their local electoral context.