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Committee **Council**
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Procedure to elect the Council chairperson and deputy chairperson

1. Purpose

To advise the Council of the procedure to elect the Council chairperson and deputy chairperson.

2. Background

Under Schedule 7 of the Local Government Act 2002 (LGA), the Council must elect the Council chairperson and deputy chairperson at the first meeting of Council following the triennial general election. The first meeting of Council is on Thursday, 28 October 2004.

For each election the Council must choose one of two voting systems:

- (A) Election by the majority of members present and voting, or
- (B) Election by receiving a greater number of votes than any other candidate.

2.1 Characteristics of election by majority (voting system A)

- The person who is elected receives the votes of a majority of the members of the Council.
- There is a first round of voting for all candidates.
- If no candidate is elected in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded.
- If no candidate is successful in the second round there is a third, and so on. Each time the candidate with the fewest votes in the previous round is excluded.

- If, in any round, two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
- Rounds of voting will only be required where there are more than two candidates.

2.2 Characteristics of election by greatest number of votes (voting system B)

- A person is elected if they receive more votes than any other candidate.
- There is only one round of voting.
- If two or more candidates tie for the most votes, the tie is resolved by lot.

3. Comment

The Council can choose either of the two voting systems described above to elect the Council chairperson and deputy chairperson. The Council is entitled to adopt different systems for the election of the Council chairperson and deputy chairperson. However, for reasons of ease and practicality, it is suggested that Council adopt the same procedure for the election of both the Council chairperson and deputy chairperson.

3.1 Determining by 'lot' where there is a tie

Both voting systems require a resolution by 'lot' if two candidates receive an equal number of votes and no one else is elected. The most common procedure is for the names of the candidates with the same number of votes to be placed in a container and the name of the person drawn out by an independent person is deemed the winner i.e. elected or not excluded from the next round. It is recommended that this process be used in the event that there is a tie between candidates.

3.2 Which voting system is best?

If Council wants to guarantee that the Council chairperson and deputy chairperson receive the votes of a majority of the members of Council it should adopt voting system (A) i.e. election by majority. This is because the alternative voting procedure, where a candidate is elected by receiving the greatest number of votes, does not ensure that the winning candidate has the support of more than half the members of Council in every instance.

3.3 New Council chairperson to take the chair before deputy chairperson is elected

Once the voting procedure has been decided the Chief Executive will call for nominations for the office Council chairperson. Once elected, the Council chairperson must make and attest to the declaration required under clause 14 of Schedule 7 of the LGA. After being sworn in, the newly-elected Council chairperson shall take the chair for the rest of the meeting.

Election of the deputy chairperson will proceed after the Council chairperson takes the chair.

4. Recommendations

It is recommended that Council:

1. *Choose either*

(a) *voting system A (election by the majority of members)*

OR

(b) *voting system B (election by the greatest number of votes)*

for the election of the Council chairperson and deputy chairperson.

2. *Agrees that, in the event of a tie under voting system (B), the candidate to be elected is resolved by lot as described in section 3.1 of this report.*

3. *Agrees that, in the event of a tie under voting system (A), the candidate to be excluded from the next round of voting is resolved by lot as described in section 3.1 of this report.*

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