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**Title:** Electoral Systems

**Report to:** Kaipara District Council

**Author:** Dale Ofoske, Electoral Officer

**Date:** 11 June 2020

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## 1.0 Summary and conclusions

The Local Electoral Act 2001 provides for Council in 2020 to consider for the 2022 elections the electoral system to be used.

This review must be completed by 12 September 2020 and is to consider whether:

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

## 3.0 Narrative

### 3.1 Background

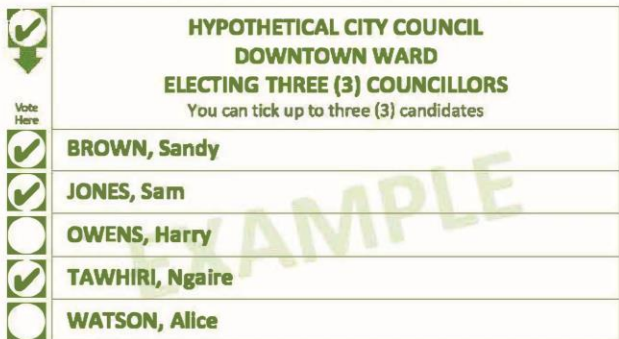
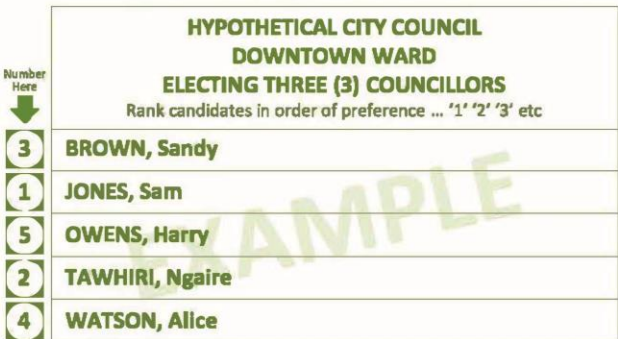
The Local Electoral Act 2001 (LEA) provides for greater flexibility and local choice in several electoral related matters, one being the choice of electoral system (STV or FPP) for the 2020 elections.

Consideration is required by 12 September 2020 and a public notice required by 19 September 2020.

## 3.2 Electoral System

Council has used the STV electoral system since 2004 and now has the opportunity to review the electoral system to be used for the 2022 elections.

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

COMPARING FPP AND STV	
<p><b>A typical FPP voting document could look like this</b></p> <div>  <p>The image shows a sample FPP voting document for the Hypothetical City Council Downtown Ward. It instructs voters to tick up to three candidates. The candidates listed are BROWN, Sandy; JONES, Sam; OWENS, Harry; TAWHIRI, Ngaire; and WATSON, Alice. The first three have been ticked.</p> </div>	<p><b>A typical STV voting document could look like this</b></p> <div>  <p>The image shows a sample STV voting document for the Hypothetical City Council Downtown Ward. It instructs voters to rank candidates in order of preference using numbers 1, 2, 3, etc. The candidates listed are BROWN, Sandy; JONES, Sam; OWENS, Harry; TAWHIRI, Ngaire; and WATSON, Alice. The rankings are: BROWN (3), JONES (1), OWENS (5), TAWHIRI (2), and WATSON (4).</p> </div>
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 eleven New Zealand Councils in 2019. 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 a required public notice;
- (ii) five per cent of electors can demand a poll at any time;
- (ii) Council can choose to hold a poll, 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 (STV) or resolve to change the electoral system to FPP. Such a resolution must be made no later than 12 September 2020 (two years prior to the next triennial election) unless it decides to hold a poll of electors prior to the 2022 elections.

Any such resolution changing the electoral system would take effect for the 2022 and 2025 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 2020, of the right of electors to demand a poll on the electoral system to be used for the 2022 elections. If Council passes a resolution under section 27 of the LEA to change the electoral system from STV to FPP 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 (790 electors) and can be made anytime, but to be effective for the 2022 elections, must be made by 21 February 2021.

If a valid demand for a poll is received after 21 February 2021, a poll must be held after 21 May 2021 (e.g. with the 2022 elections), the outcome effective for the 2025 and 2028 elections.

#### **(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 2022 elections, must decide no later than 21 February 2021, 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 2021 (to be effective for the 2022 elections).

The result of the poll is binding and will determine whether STV or FPP is to be used for at least the next two triennial elections (2022, 2025) and for all subsequent elections until either a further resolution takes effect or a further poll is held.

In the 16 years Council has used the STV electoral system, there appears to have been no issues, with voter turnout in 2019 (42.62%) being about the same as the national average (41.7%), although voter turnout in 2016 was up at 47.75% compared to the national average of 42%. The number of informal votes (votes unable to be counted) remained minimal for the 2019 mayoral election (17 or .25%) consistent with 11 or .16% for the 2016 mayoral election.

### 3.3 Timetable

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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### 2020/2021 ELECTORAL SYSTEM REVIEW TIMETABLE

#### LEGISLATIVE REQUIREMENTS

By 12 September 2020*	A local authority <b>MAY</b> resolve to change the electoral system (from the system it used at the 2019 general election) for the next two triennial elections.	Section 27 of LEA
By 19 September 2020*	A local authority <b>MUST</b> 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 2021. If a resolution has been made by a local authority by 12 September 2020, this must be included in the notice.	Section 28 of LEA
By 21 February 2021*	<b>IF</b> a demand for a poll that a specified electoral system be used for the next two triennial elections is received by 21 February 2021, a poll must be held by 21 May 2021.	Sections 29 and 30 of LEA
By 21 February 2021*	A local authority <b>MAY</b> 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 May 2021*	If a successful demand for a poll has been received by 21 February 2021, or a resolution for a poll has been made by a local authority by 21 February 2021 (that a specified electoral system be used for the next two triennial elections), then a poll <b>MUST</b> be held within 89 days of notification.	Section 33 of LEA

\* may be earlier than but not later than

Dale Ofsoske, November 2019