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Title: Electoral Decisions

Report to: Kaipara District Council

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Date: 28 June 2023

1.0 Summary / Te Whakarāpopotanga

The Local Electoral Act 2001 provides for local authorities in 2023 to consider certain electoral matters for the 2025 triennial elections.

The first matter is consideration of the electoral system, which must be completed by 12 September 2023, to decide 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.

The second matter is consideration of Māori wards (where applicable). However, as Council established a Māori ward in 2020 (for the 2022 and 2025 triennial elections), no action is required regarding this in 2023.

The third matter is undertaking a representation arrangements review (where applicable). As a representation arrangements review was undertaken in 2021 (for at least the 2022 triennial elections), no action is required regarding this in 2024 unless Council wishes to undertake a further representation review (this may be undertaken after three-years if required) or make any minor boundary alterations to current ward boundaries.

2.0 Background / Te kōrero ā mua

The Local Electoral Act 2001 (LEA) provides for greater flexibility and local choice in several electoral related matters. The principal matters requiring consideration by most local authorities in 2023/2024 for the 2025 triennial elections are (i) the choice of electoral system (STV or FPP), (ii) for some whether or not to establish Māori wards (if not already established) and (iii) for some to undertake a representation arrangements review.

Consideration of the electoral system is to be made by 12 September 2023 with a public notice required by 19 September 2023; consideration of Māori wards is required by 23 November 2023 (not applicable to Council); and consideration of whether to undertake a further representation arrangements review or to make any minor boundary alterations should be made as soon as practicable.

3.0 The issues / Ngā take

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.


3.1 Electoral System

Council has used the STV electoral system since 2004 and has the opportunity every three-years to review the electoral system to be used for the next triennial election (2025).

For the 2022 triennial elections, 63 of 78 local authorities used the FPP electoral system, and 15 of 78 local authorities used the STV electoral system. Local authorities currently using the STV electoral system are:

Dunedin City Council, Far North District Council, Gisborne District Council, Greater Wellington Regional Council, Hamilton City Council, Kaipara District Council, Kapiti Coast District Council, Marlborough District Council, Nelson City Council, New Plymouth District Council, Palmerston North City Council, Porirua City Council, Ruapehu District Council, Tauranga City Council and Wellington City Council.

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	
A typical FPP voting document could look like this	
 Vote Here	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
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 fifteen New Zealand Councils in 2022. 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 2023 (two years prior to the next triennial election) unless it decides to hold a poll of electors prior to the 2025 triennial elections.

Any resolution that changes the electoral system would take effect for the 2025 triennial 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 2023, of the right of electors to demand a poll on the electoral system to be used for the 2025 triennial 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 (879 electors) and can be made anytime, but to be effective for the 2025 triennial elections, must be made by 21 February 2024.

If a valid demand for a poll is received after 21 February 2024, a poll must be held after 21 May 2024 (e.g. with the 2025 triennial elections), the outcome effective for the 2028 and 2031 triennial 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 2025 triennial elections, must decide no later than 21 February 2024, 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 2024 (to be effective for the 2025 triennial 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 (2025, 2028) and for all subsequent elections until either a further resolution takes effect or a further poll is held.


In the 19 years Council has used the STV electoral system, there appears to have been no issues, with voter turnout in 2022 (47.6%) being higher than the national average (45.58%). The number of informal votes (votes unable to be counted) remained minimal for the 2022 mayoral election (31 or .37%).

3.2 Representation Arrangements Review

A representation arrangements review must be undertaken at least once every six years (section 19H of the LEA). As the last review was undertaken in 2021 (following the establishment of a Māori ward) the next review is not required until 2027. However, Council is able to undertake a further representation arrangements review after three-years, or make any ward boundary adjustments, in 2024 if it so wishes.

Current representation arrangements are:

- mayor elected at-large
- nine councillors elected from four wards
 - Kaiwaka-Mangawhai General Ward (3)
 - Otamatea General Ward (2)
 - Wairoa General Ward (3)
 - Te Moananui o Kaipara Māori Ward (1)
- no community boards

	Name and title of signatory	Signature
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APPENDIX 1



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2023/2024 ELECTORAL SYSTEM & REPRESENTATION ARRANGEMENTS REVIEW TIMETABLE

CURRENT LEGISLATIVE REQUIREMENTS

By 12 September 2023*	A local authority MAY resolve to change the electoral system (from the system it used at the 2022 general election) for the next two triennial elections.	Section 27 of LEA
By 19 September 2023*	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 2024. If a resolution has been made by a local authority by 12 September 2023, this must be included in the notice.	Section 28 of LEA
By 21 February 2024*	IF a demand for a poll that a specified electoral system be used for the next two triennial elections is received by 21 February 2024, a poll must be held by 21 May 2024.	Sections 29 and 30 of LEA
By 21 February 2024*	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
From 1 March 2024	Period commences for formal consultation/resolution of initial proposal for Representation Arrangements Review by local authority.	Section 19K (1AA) of LEA
By 21 May 2024*	If a successful demand for a poll has been received by 21 February 2024, or a resolution for a poll has been made by a local authority by 21 February 2024 (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

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By 31 August 2024*	Period concludes for consultation/resolution of initial proposal for Representation Arrangements Review by local authority.	Section 19H of LEA
By 8 September 2024*	A local authority MUST give public notice of resolution of initial proposal. One-month submission period.	Section 19M of LEA
By 8 October 2024*	Submission period closes.	Section 19M of LEA
By 19 November 2024*	Submissions heard by local authority and resolution of final proposal made by a local authority.	Section 19N of LEA
By 19 November 2024*	A local authority MUST give further public notice of its resolution of final proposal (within six weeks of public notice). -One-month appeal/objection period.	Section 19N of LEA
By 20 December 2024*	Appeal/objection period closes.	Section 19O of LEA
By 15 January 2025*	Forward all Representation Arrangements Review material to LGC (if appeal/objection received).	Section 19Q of LEA
Before 11 April 2025*	Determination by LGC	Section 19R of LEA

* may be earlier than but not later than

Dale Ofoske, January 2023