

Local Government New Zealand
te pūtahi matakokiri

Wellington Regional Council
12 JAN 2005

23 December 2004

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- MEMORANDUM -

TO: Chief Executives
FROM: Mike Reid, Manager Governance
SUBJECT: Justice and Select Committee Review into the 2004 Local Authority Elections

FILE REF	
GM 103/03/01	
Doc No. 24-2506	
Referred to	Date/Int
B. Harris	09/01
W. Harker	

Please find attached *Local Government New Zealand's* draft submission to the Justice and Electoral Select Committee which is undertaking a review of the 2004 Local Authority Elections

The Select Committee has called for submissions by the end of February. To assist each council prepare their own submissions as well as develop a national view we have prepared this early response.

Given the lack of firm data in some areas - the post election survey is yet to be finalised and published - a number of our recommendations are far from definitive and we are seeking your views on a number of matters where we are not yet able to form a view.

You will also note that the Electoral Officers Working Party will be taking the lead on a number of technical issues. If your council has opinions on any technical matters please include them in your submission to us as well.

Can you please send your comments to Kylie Hawley at kylie.hawley@lgnz.co.nz by 5.00 pm on Monday, 14 February 2005.

Thanks

Mike Reid
Manager - Governance
Local Government New Zealand

effective local governance

23 December 2004

Tim Barnett
Chair
Justice and Electoral Select Committee
Parliament
Wellington

Dear Mr Barnett

Inquiry into the 2004 Local Authority Elections

Please find attached 20 copies of *Local Government New Zealand's* submission on the Justice and Electoral Committee's Inquiry into the 2004 Local Authority Elections. The *Local Government New Zealand* submission focuses primarily on those matters which are largely political in nature or have policy implications for councils. Matters which are primarily technical are being addressed by the submission from the SOLGM Electoral Working Party.

A draft of this submission has previously been sent to all 86 local authorities and their feedback and comments have been incorporated or acknowledged in this final version. We wish to speak to this submission in person.

Yours sincerely

Basil Morrison
President
Local Government New Zealand

Local Government New Zealand Submission on the Justice and Electoral Committee Inquiry into the 2004 Local Authority Elections

Local Government New Zealand's submission on the inquiry into the 2004 Local Authority Elections focuses primarily on those matters that have a political or policy component. Technical matters will be largely addressed by the Electoral Working Party and overlapping interests will be noted.

Overview

The recent local authority elections raised a number of issues with regard to electoral processes, organisation and the willingness of citizens to vote. The delay in confirming the election results in a number of councils was extremely concerning and the wait was unacceptable for the candidates affected, all of whom have our sympathy.

It is important to state at the outset that overall the organisation of the election went well and the cause of the delay does not indicate any systemic problem with the way in which local elections are organised. It is also important to note the range of changes that had to be accommodated in the organisation of the elections, such as:

- the introduction of STV for health boards and 10 local authorities
- the need to coordinate papers and instructions for two electoral systems with design and layout consequences
- the removal of DHB constituencies
- new population based wards and a reduction in the number of councillors in some local authorities
- two councils with a combination of "at large" and ward councillors

The range of new provisions affected the way in which electoral officers approached the running of elections and processing of votes, the appearance of voting papers and the relationship between electors and candidates. Critical issues that arose in the elections have so far been defined as:

- the capacity of some of the firms contracted to process votes
- the adequacy of monitoring and contracting practice by some council electoral officers
- the practice by some councils of contracting out their electoral officer functions to the companies processing the elections.
- some evidence of administrative "mix-ups" in the delivery of voting papers and information booklets in a few jurisdictions

The issues can be summarised into two broad categories – the capacity of councils, electoral officers and contractors to manage the additional complexity and the willingness of voters to invest the time necessary to read the additional material before voting.

Section 1: Assessment of the Local Electoral Act 2001 and Regulations"

- (a) *Review and report on the process and outcome of the representation reviews undertaken in 2003/2004 under the 2002 amendment to the Act*

The new representation review provisions are an improvement on their predecessors. The ability to undertake reviews once every 6 years instead of every 3 years can provide a significant saving. The LEA 2001 also provides councils with a greater range of tools with regard to the representation and electoral options, all of which should enhance democracy and participation.

While many of the 28 councils that undertook their reviews prior to the 2004 elections found the process to be positive, the experience of a number of those whose reviews were subject to hearings by the Local Government Commission. (23 councils were subject to review by the Commission) was far from satisfactory. There are two issues that are relevant to this Inquiry. These are:

1. the effect of the new population formula for setting wards and constituencies (+/-10%), and
2. the general approach of the Local Government Commission when determining appeals and objections

The Formula for setting wards and constituencies

With the passage of the LGA2002 the formula for determining the boundaries of wards and constituencies, previously a combination of area, value and community of interest, was replaced with a formula based on population. This formula requires councils to ensure that their wards and constituencies are set so that the ratio of electors and members is within a margin of +/-10%. The only exception is in the case of island or isolated communities.

Local Government New Zealand argued strongly against the introduction of the new formula on the basis that representation for communities of interest would be lost and as a result diversity would be diminished. Those views were expressed in our submission to the Local Government and Environment select Committee when it was considering the LGA Bill and more recently in relation to the LGA Amendment Bill (no,32). Our submission on the representation provisions in that Bill is attached.

While expressing disagreement with the new formula **Local Government New Zealand** took the view that most of the problems likely to be encountered should be resolved by use of the provision allowing for exceptions to ensure isolated communities have representation. It was with interest that we watched the way in which the Local Government Commission considered requests by councils to depart from the formula on the basis of this exception, and were greatly disappointed that no applications were approved. In our view it would appear that the commission is taking a very narrow view of the definition of an "isolated community" and if this is seen to be the case then that provision is of very little use to councils trying to respond to demands from communities for ward boundaries that will secure them guaranteed representation.

The approach of the Local Government Commission

Twenty eight councils undertook representation reviews under the new provisions of the LEA2001 and LGA2002. Twenty three of those reviews were subject to a determination by the Local Government Commission which considered appeals and objections.

Local Government New Zealand was extremely disappointed at a number of the determinations made by the Commission, in particular at the damaging effects

those determinations are likely to have on both representation and voter participation.

The aspects of the Commission's determinations (other than the $\pm 10\%$ formula discussed above) that were of concern to **Local Government New Zealand** and the local government sector were:

- a reduction of 59 councillors in those councils under review (23 councils)
- three local authorities reduced to only 6 councillors
- the Commission's willingness to consider a range of factors outside the LEA2001's principles of "fair and effective representation", such as the reference to achieving "efficient" representation
- in some areas a very significant divergence from proposals that had been the subject of council consultation with their communities. For example Opotiki proposed that the number of councillors on its councils be increased from 10 to 11. After considering three objections the Commission ruled that the council should be reduced to 6 councillors and a new community board established.

Local Government New Zealand is concerned about the capacity of councils with small numbers of elected members to provide effective representation. However we would like to point out that it is a continuation of a trend that has been occurring since 1989, see table

Table 1 Numbers of councillors

1992	1995	1998	2001	2004
1082	1054	1024	995	936

For the purpose of this review our concerns are primarily about the consequences of councils with small numbers of councillors and what this means for representation and voter participation. For the record we are also concerned at:

1. the tension between these decisions and the emphasis in the LGA 2002 on diversity and community engagement,
2. the decreasing role for elected members as the new "small council" models involve increasing managerialism and a reduction in the political sphere, and
3. generally because the shift has not been associated with any public debate about the relative benefits of council size.

Councils with fewer members are simply **less** able to reflect community diversity—there are simply **too** few places around the council table for demographic, gender and ethnic variation to occur.

Reducing the number of elected members also increases the ratio between members and voters and research shows that this ratio has an inverse relationship with voter turnout - the greater the ratio between electors and member the smaller the voter turnout. The factors are not hard to appreciate. **Larger** ratios are associated with less familiarity with voters feeling more distant from their candidates. In New Zealand this trend is indicated by the fact that

voter turnout is smaller in those authorities where the ratio is larger and higher in those authorities where the ratio is smaller, such as Waimate District.

Within the sector there is some confusion about the way in which the Commission is approaching its task under the new legislation and further guidance on the principles to be followed will be required before the remaining 58 undertake their representation review.

Local Government New Zealand recommends that the population formula for setting ward and constituency boundaries be reviewed (see attachment A for our specific proposal), and that the Local Government Commission consider the impact of its decisions on representation and voter turnout.

Consider arrangements for agency oversight of local authority and district health board elections, and whether other arrangements would be more effective

At a national level we would like to recognise the positive relationship between officials in the Ministry of Health and Local Government New Zealand and other national agencies. The running of the elections was helped by the willingness of all officials to work through issues and identify solutions. Memoranda of understanding, which set out the relative roles of each party, were developed between DHBs and 93% of electoral officers.

Feedback is sought from councils and electoral officers on whether or not the current arrangements for oversight of DHB elections should be continued, or whether alternative arrangements should be recommended.

(c) *Assess the integrity of the postal voting system; a mechanism for making and considering complaints for breaches of electoral law are sufficiently robust* whether for

(Due to the technical nature of this request the issue will be addressed in the submission of the Electoral Working Party.)

(d) *Review the law relating to the order of listing of candidates on the ballot paper*

The current legislation allows electoral officers to make local decisions as to whether or not names are listed in alphabetical order or in random order. There is some anecdotal evidence that where some random order was used it resulted in confusion due to the fact that the order of the names on the ballot paper was different to the order in which candidate profiles were published. Similarly families who jointly discussed the merits or otherwise of candidates were by the fact that the order in which they appeared on the ballot paper was different.

The anecdotes, based on media coverage, primarily indicate a lack of awareness that random ordering is a useful tool for equalising candidates' chances and countering the effect of alphabetical ordering. Two forms of random ordering

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were employed however there was a lack of community awareness about why they were being employed and the effect of the changes.

Local Government New Zealand recommends that the current law/regulation on ordering candidates be maintained and that publicity be prepared to explain random ordering to voters.

(e) *Assess the desirable length of the postal voting period*

The length of the voting period was extended from two to three weeks to take effect for the 2001 elections. We are aware of views that the additional week may have led to voters putting aside their voting papers in the expectation of returning to them later and consequently forgetting to vote. We are not aware however of any evidence that would support such a conjecture.

Surveys of voters and non-voters undertaken after the 2001 and 2004 elections suggest that "forgetting to vote in time" or "leaving it too late" is the second or third most common reason given for not voting. (The most frequent explanation is lack of knowledge about candidates). Following the 2001 elections 24% of people surveyed gave these reasons. That figure had increased following the 2004 elections. Both elections involved a three week voting period, no data is available for elections with a two week voting period to enable comparisons to be made.

A question was asked in the 2001 survey to identify views about the length of the voting period. Respondents were equally split as to whether it was too long or about right. On balance we believe that the three weeks should remain if only because reducing it will further increase confusion and probably lead to an increase in the number of people who miss the voting deadline in 2007.

Local Government New Zealand recommends that the three week voting period remain.

(f) *Given the "community of interest" feature of the Act, consider whether or not there should be any limitations on numbers of positions individuals can be nominated for in one local authority election period and whether or not residency in a community board area/ward/city/district/region should be a prerequisite to candidacy*

As the submission notes above the new population formula for setting wards and constituencies directly conflicts with the reference to a "community of interest". **Local Government New Zealand** believes that strengthening the focus on "community of interest" is vital to ensure that councils represent the diversity within their jurisdictions.

If community diversity is to be reflected at the level of democratic representation then the Local Electoral Act will need to be amended to ensure that candidates live within the wards, constituencies or community boards that they intend to stand for. A number of situations were brought to our attention before the 2004 elections that while they were legal, did not appear to be within the spirit of the

new local government policy framework, such as a single candidate standing for numerous community boards, and being elected to more than one.

Local Government New Zealand recommends that the LEA 2001 be amended to ensure that candidates live in the ward/constituency or community board area that they wish to stand for.

(g) Review the effects and levels of campaign spending limits

Campaign spending limits were introduced in the LEA 2001 and took effect for the first time in the 2001 elections. Issues that need to be considered are the current spending levels and disclosure requirements.

Council views on the effectiveness of campaign spending limits are sought.

Section 2: Participation and Elector Turnout

(a) Consider the implications of local authority election turnout figures, and the trends in those figures

It is important to note that voter turnout is only one factor in a healthy democracy. There are a range of factors by which we judge the "health" of a democratic system. For example:

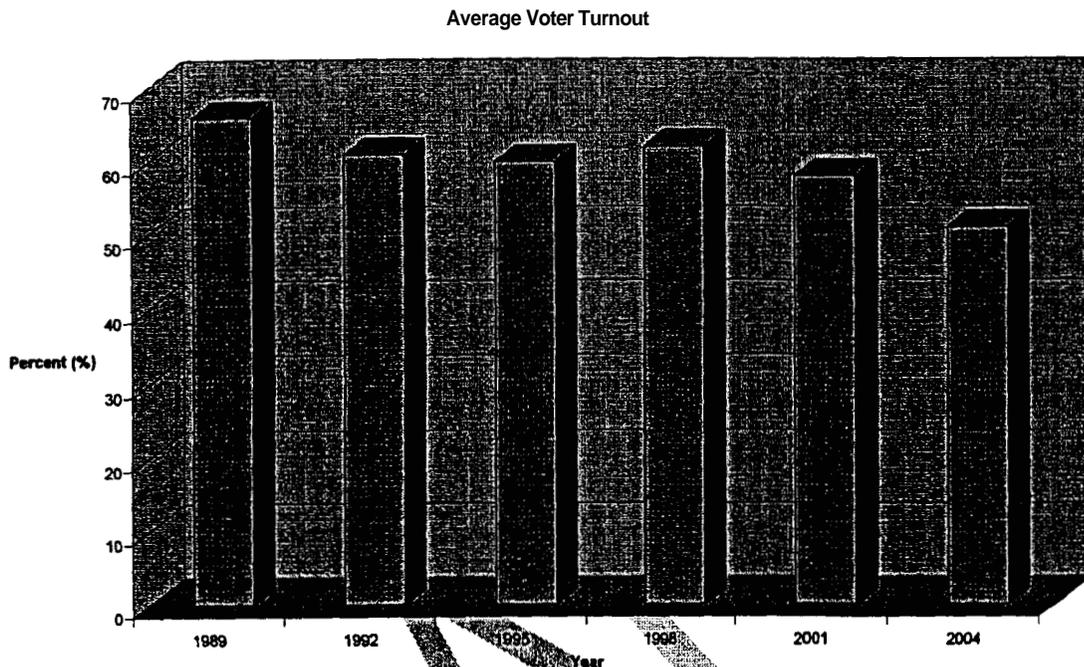
- The level of competition for seats indicates public interest in standing for local government and also a view that success is possible. Early indications are that the ratio of candidates for mayoral and council seats was 1:2.3 in the recent elections, virtually identical to the ratio in 2001. The ratio for the 1998 elections, including community boards, was 1:2.2.
- The ability of challengers to defeat incumbents is an important criteria as "democracy ... implies permanent insecurity for those in governing systems. The more truly democratic the governing system the greater the insecurity of the incumbent"¹. There was a significant turnover of elected positions in 2004 with 32 new mayors elected. This continues a trend that started in the early 1980's of greater interest and competition for seats.
- The number of seats not contested is also an indicator of political interest or dis-interest. The actual figures for 2004 are not yet available but initial research suggests little difference with the 2001 elections. The rate of uncontested seats has been gradually falling since 1992 and in 2001 stood around 13%. In city councils the rate for seats uncontested was only 2% in 2001.

The introduction of postal voting brought a significant and ongoing improvement in voter participation in local authority elections. Figure XX shows the trend in average voter turnout for each council since the 1989 elections. Apart from a surge of interest with the creation of the new amalgamated authorities in '89, turnout has been remarkably consistent at a level that is high by international

¹ Lipset et al quoted in Halligan and Harris, (1978) *Politics in New Zealand*.

standards and which only begins to decline with the 2001 elections, followed by an even greater decline in 2004.

Figure 1 Average Council Turnout 1989 - 2004



Since the adoption of postal voting and the re-organisation of councils in 1989 turnout in local authority elections in NZ has remained comparatively high by international standards. In making international it is important to note the high level of variety between local government systems. For example many of the northern European local government systems provide their local authorities with high levels of functional delegation, particularly with regard to social service and education. This contributes to a greater interest in local politics because of the range of decision councils are making that affect the daily lives of citizens.

In contrast while local government in the United Kingdom has extensive service delivery responsibilities it has very little discretion - services are provided according to nationally determined standards. That lack of discretion is regarded as one of the major causes of low voter turnout in that country. (See table 2).

Table 2 Comparative voter turnout in local elections

Sweden	79%
France	59%
Ireland	50%
Netherlands	47%
Great Britain	35%

- (6) Undertake a comprehensive analysis of elector turnout, including comparisons between local authorities and with previous elections, and an assessment of informal votes and returned blank forms

The full analysis of the 2004 election results (published every three years by **DIA**) is not yet available however various trends can be identified from the preliminary data. In line with previous elections the turnout rate is consistently higher in those councils where the ratio of electors to members is small. In short voter turnout is greater in smaller councils and also in councils located in the South Island where the populations are more homogenous, and older and therefore more likely to vote.

As the data in figure 1 shows, average turnout per councils is down by more than **5%** on the **2001** figure. Those councils that bucked this trend, such as Auckland, Wanganui and the councils on the West Coast all had significant mayoral contests and in most cases the incumbent was defeated. This suggests that the willingness of citizens to vote in local authority elections is heavily dependent on issues. Where communities are concerned about overall direction or particular decisions made by a previous councils they will exercise the franchise and vote. It suggests that one of the arguments that might explain the reduced turnout is not that residents are becoming apathetic rather they are simply complacent, particularly given the strong showing of regional economies in recent years.

Informal and blank votes for local authorities continue to be a very small fraction of returned voting papers and are not a matter of concern.

Local Government New Zealand notes that although voter turnout was consistently below levels for most councils, turnout remained high or even increased where local issues were known to exist.

(c) Obtain feedback from voters (through qualitative research, including focus groups) about their participation or otherwise in the elections, the nature of the ballot paper and the material included with the ballot paper

We have little information at this stage on how ballot papers were received, however the post-election survey asked respondents a number of questions about their voting papers and information booklet on candidates. Of the 71% of respondents who had read the booklet 79% agreed or strongly agreed that it was useful. The level of agreement amongst voters was 88%.

Electoral officers themselves (workshop November 2004) identified a number of shortcomings. These included:

1. The need for a more distinctive colour difference between **STV** and **FPP** voting papers,
2. The need to have **S W** papers on a separate form altogether
3. A suggestion that **DHB** voting papers listed too many candidates and that constituencies should be reintroduced
4. Bigger font size
5. The voting papers not following a rational order.

Local Government New Zealand recommends that if dual voting systems are to be used that the papers be marked or coloured in **such** a manner that the distinction between **STV** and **FPP** is much clearer.

(d) Identify what factors influenced elector turnout (including the extent to which particular factors affect turnout, such as the use of Single Transferable Vote (STV) the impact of a vigorous mayoral contest or a controversial local issue)

Trends in voter participation are not necessarily related to the way in which elections are managed and run. Declining voter turnout is a phenomenon that is a feature of most societies in the developed world, noting that particular events may reverse that trend for specific elections. Turnout in NZ parliamentary elections has also been declining over the last decade.

A range of factors influence electoral turnout. Those factors which are shown to encourage greater turnout are:¹

- The marginality of the seat at the previous election
- Multiple member wards
- The number of parties contesting an election
- The level of partisanship in a ward
- The stability of the population
- Smaller electorates

While the research this list of factors was drawn from is based on overseas local government experience, in which political parties play a more prominent role, it highlights a number of areas that may be playing a part in the declining voter turnout in New Zealand.

One factor concerns smaller electorates. The trend in NZ is away from small electorates to large ones. It is a trend that has been accelerated by the recent decisions of the Local Government Commission which reduced the number of elected members in many of the councils under review and consequently increased the ratio between the remaining elected members and voters. The increased size of wards due to the population formula and the shift to at large electorate also acts to increase the ratio between members and voters and will likely cause turnout to diminish over time.

In relation to the factors mentioned in the Select Committee's terms of reference, namely the effect of STV and a contested mayoral race on turnout, the data suggests that a high profile mayoral race is likely to attract greater media attention which appears to have the effect of increasing the interest of the population as a whole, Auckland city being a good example in 2004. There is no indication turnout in those councils using STV was any different to turnout in FPP local authorities.

Local Government New Zealand recommends that when making decisions on representation issues the Government and the Local Government Commission consider the impact of their decisions on likely voter turnout.

¹ Rallings and Thrasher (1994 & 2000) quoted the Links between the Finance and Non-Finance Elements of Local government – A Literature review, ODPM, London.

- (e) *Identify the approach of local authorities and others in New Zealand and overseas in encouraging elector turnout, and the effectiveness of those approaches*

It should be noted that there is no statutory responsibility on councils to undertake promotions in order to increase voter interest in local government elections. A large number of our members believe that this should be a national responsibility and smaller councils are simply not resourced to fund promotional campaigns.

Despite the lack of statutory obligations a large number of councils undertake promotional work. For the 2004 elections this included:

- Adverts in local papers
- Preparation of news articles
- Meet the candidate evenings
- Community briefings with minority groups
- Website promotions
- Radio advertising
- Television advertising
- Newsletters with rate notices
- Bus shelter advertising
- Post boxes in supermarkets (See Attachment B)

While it is appropriate and desirable for councils to undertake local communication it is not clear which agency has responsibility for taking a "national view" on the local elections. This role could also extend to increasing awareness about the role of local government in peoples' lives and why participating in democracy should be seen as part of being a good citizen. This might extend to promoting civics education.

Local Government New Zealand recommends that the Electoral Commission should be charged with the responsibility to oversee national education with regard to all public sector electoral processes – local and national, and that funding should be provided to enable this to occur.

- (f) *Assess whether a school civics education programme might affect election turnouts and encourage greater participation in our democracy*

Local Government New Zealand has long argued that too little is done in the formal education syllabus to prepare students for their life as participating citizens by introducing them to the role and nature of local political life. A number of councils, such as Wellington City, have developed interesting and innovative programmes for raising awareness amongst secondary students about local government and the role it plays in the community.

Auckland City, for example, assists schools to run "mock elections" to coincide with the local authority elections as a way of both increasing the awareness of students about civic responsibilities and also the awareness of their parents about the forthcoming elections.

Local Government New Zealand recommends that the Ministry of Education work with the Electoral Commission on the development of proposals for a

"civics" education programme for schools that would assist students to better understand the nature of civic life and their rights and responsibilities as New Zealand citizens.

- (g) *Review the effectiveness of the **STVpublic** education programmes, and co-ordination between the various programmes*

The best information available on the effectiveness of the STV publicity campaign is probably the responses of residents to the post election survey questions about their understanding of STV. Four fifths or 79% of respondents said it was easy to use STV to vote, and 73% said it was easy to fill in the form. It should also be noted that on average 34% of respondents recalled seeing the STV adverts on television. In Marlborough the number was 44% and in Wellington 41%.

Local Government New Zealand worked closely with the STV Office of the Department of Internal Affairs and other agencies. The overall view of those agencies involved in 2004 elections was that the coordination efforts worked well however in the future we would like to see such campaigns built into a broader strategy to encourage participation.

Local Government New Zealand is satisfied that the STV campaign achieved its target of informing voters about the nature of STV.

- (h) *Consider whether the public information (including advertising) for electors was adequate, and whether one agency should be responsible for all voter education*

As noted elsewhere in this submission *Local Government New Zealand* worked with other agencies to coordinate our various interests in promoting and organising the 2004 local authority elections.

Given the different statutory mandates of each agency additional value was able to be realised by sharing information on their relative promotional and advertising campaigns. For example, SOLGM undertakes a national campaign to inform non-resident ratepayers of their rights to enrol to vote and the Electoral Enrolment Centre runs a campaign encouraging resident voters to enrol. One effect of the coordinating committee was to get agreement amongst the various participating agencies, and the Electoral Officers Working Party, on a common branding for the elections.

While co-ordination went well we see value in a single agency having a statutory responsibility for taking an overview, especially with regard to national promotions. The agency best placed is the Electoral Commission. In our view the Electoral Commission should be seen as a source of objective and neutral advice on all matters associated with public understanding of electoral systems. Providing the agency with an overview responsibility would also ensure a level of continuity that is not present and enable better policy teaming over time. Naturally any additional responsibility would need to be separately resourced.

It should be important that any agency charged with taking a national role develops and maintains strong links closely with focal and regional bodies concerned with the operational and communication aspects of the elections.

Local Government New Zealand recommends that a single agency should be charged with a statutory responsibility to oversee the development of a national strategy for promoting all public elections in collaboration with local authorities.

(i) Review the effectiveness of advertising in raising voter awareness of the elections

The post-election survey questioned respondents on their awareness of the local authority elections. The replies were extremely positive and indicated a high awareness of the elections amongst all age groups. Seven cities and districts were surveyed and overall 97% of respondents were aware of the elections. In Marlborough District for example the awareness rate was 100%. However advertising is only part of any strategy to raise voter awareness of elections and needs to be considered in the context of other communication activities.

Local Government New Zealand worked with other agencies such as DIA, the Electoral Commission, SOLGM, The Electoral Enrolment Centre and the Ministry of Health on the development of a coordinated response to promoting the elections. While we believe that a coordinated response is the correct approach it would be useful if a single agency has statutory responsibility to ensure that at least minimum promotional standards are achieved.

In general terms while promotional campaigns increase awareness of elections there is no evidence to prove that they result in increased electoral turnout. An evaluation of a range of initiatives to encourage greater participation leading up to the 2002 local elections in the United Kingdom found 'no strong correlation between participation initiatives or election practices and voter turnout' (Office of the Deputy Prime Minister). Unlike the United Kingdom however all councils in NZ use postal voting and there may be some value in campaigns to remind people to fill in and post their voting papers.

While the Government funded television advertising to inform voters about STV there was no national funding available to remind people to fill in and post their envelopes. It is possible that a targeted campaign through the three week voting period might be necessary to maximise voter turnout. The resources needed to undertake such a campaign were well beyond the capacity of the agencies taking part in the coordinating committee.

Local Government New Zealand recommends that national funding be provided to encourage voters to fill in and return their voting papers during the three week voting period.

(j) Review the impact of the media coverage of the elections

The media plays a critical role not only in raising awareness about elections but also in profiling issues and candidates. The most frequently used explanation for not voting is "lack of information on candidates".

The recent elections attracted significant attention from the print and radio media, especially suburban papers, and we understand that regional television also provided in-depth coverage. The big gaps in coverage occurred in those areas of NZ not served by a regional television service. It is disappointing that the national television networks took little interest in local election campaigns and limited their coverage to a few high profile mayoral contests. In part the complexity of the election formats, that is the mix of electoral systems and local variations etc, were difficult to communicate in a commercial television format or indeed in other national media outlets.

Overall there was a lack of coverage in the national print media and television of the non-mayoral contests. Information on local elections and coverage of local and regional contests should be referenced in the public broadcasting charter.

Local Government New Zealand recommends that a strategy be developed to raise the awareness amongst media of the role they can play in enhancing interest and participation in local elections and understanding about the role of local government. As a result we recommend that the public broadcasting charter is amended to promote local democracy.

- (k) *Report on other forms of voting and assess their merits on a comparative basis with postal voting*

(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)

- (l) *Assess whether voting was sufficiently accessible for all groups (for example, people with disabilities)*

(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)

Section 3: Electoral Systems

- (a) *Review the means available to local authorities and electors to review the electoral system which they utilised in 2004*

The LEA 2001 provided councils and their communities with the means to be able to switch from a first past the post voting system to a single transferable vote system. The provisions enable a council to resolve to change the voting system as well as providing a capacity for communities to require a change by means of binding referenda. Ten councils switched to **STV** for the **2004** elections either by way of council resolution or a binding poll. A number of referenda seeking to introduce **STV** were lost. Having adopted a new voting system each council must maintain that system for at least *two* elections before being able to consider changing back. We understand the rationale for this *two* year period as it provides time for voters to learn how to apply the new system and allow time to evaluate the system's effectiveness in responding to voter preferences.

The process by which councils must resolve to either change or stay with the status quo and inform communities of their rights to hold a referenda appears to

have worked moderately well. **Local Government New Zealand** was initially concerned by the problem of which agency would provide "objective" electoral advice (and fund that advice) to enable communities to hold a meaningful debate on the merits or otherwise of the two electoral systems. In the end that role was **taken by** the Department of Internal Affairs. While we are very supportive of the role the Department has played, given its primary role as an adviser to the Government and Minister of Local Government it will always struggle to be seen as a neutral player in this area.

To ensure information is objective and that policy learning can take place over time we believe that the Electoral Commission should have a statutory responsibility to provide advice on all electoral systems. Such a duty would enable the Commission to build up a general expertise in this area in a manner which is entirely non-political.

Local Government New Zealand recommends that no change be made to the provisions governing the processes required to change electoral systems and further that in the situation where a poll of electors is taking place about whether or not to adopt an alternative electoral system that the Electoral Commission be charged, and resourced, to provide information on the relative advantages and disadvantages of each system.

- (b) *Analyse the operation of STV for district health boards and for local authority elections, including the adequacy of preparation for the use of STV for all district health board and some local authority elections*

(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)

- (c) *Assess the responsibilities and accountabilities of electoral officers for the conduct of local elections*

(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)

- (d) *Assess the management and impact of different electoral systems (STV and First Past the Post) being operated through the same ballot paper, including the desirability of separate ballot papers. Compare the level of spoilt ballot papers, especially in those areas that only used STV and those that only used STV for district health board elections. Consider whether there should be only one electoral system at local level or whether voter education and ballot paper design could overcome the potential confusion of having two systems operating at once*

Publicity surrounding the recent elections indicated that the lack of distinction **between STV** and **FPP** voting papers caused some confusion for voters. Many of **these** problems were technical, such as the problem in some areas with the colour (or lack of) of the **STV** voting papers. There is also an issue around the complexity of the voting process and **the** degree to which managing that complexity may have discouraged voters.

Understanding *STV* and how to vote did not appear to be a major issue amongst voters. Our post election survey revealed that **79%** agreed that it "was easy to understand how to vote using *STV*" Two thirds of voters found it simple to vote using *STV* and an equal number found it a "fairer system, as you can vote for as few candidates as you like". (2004 Post Election Survey – summary of findings)

Consistent with these views the rate of informal votes in those councils which used *STV* was not significantly greater than the level that occurred in the 2001 elections. In some cases it was in fact smaller. While the statistics can not be exactly compared (the 2001 data was collected differently) some comparisons are:

Table XX: Informal and blank votes (for council elections)¹

	2001	2004
Wellington	5.6%	3.58%
Papakura	.07%	4.69%
Kaipara	.15%	3.86%
Kapiti (Mayor)	3.00%	2.29%

In contrast to the relatively low percentage of informal votes in council *STV* elections the level was much higher in the District Health Board elections. Early statistics for example show the percentage of blank and informal votes for Auckland DHB to be around **24%**, Northland around **16%** and Taranaki around **12%**.

The different response in relation to DHBs is explained by the large number of candidates, the removal of constituencies and most of all their **lack of** autonomy. Research shows quite clearly that one of the factors behind the propensity to vote is the degree of autonomy or decision-making that an organisation possesses. DHBs have little autonomy which is a factor that will always reduce local voting interest. Given that DHBs are not local authorities we should be cautious before drawing conclusions from their experience with *STV* and applying them to local government.

The **Select Committee** wishes to **look** at the question of whether or not there should only be one electoral system for the local authority elections, and which on that should be. **Local Government** New Zealand believes that if participation is to be increased then the process of voting must be as "easy" as possible – which means that complexity must be reduced. There are three factors that contribute to complexity:

1. The placement of DHB voting papers along side local authority voting papers in the same envelope
2. The actual number of papers to be read and understood before the vote can proceed.
3. The existence of two electoral systems in the same envelope

Reducing this complexity, given current policy settings, will not be simple. Separating **DHB** and council voting papers and making **two** mail-outs is likely to

¹ Source Department of Internal Affairs.

create additional confusion and create an additional set of issues. Dealing with the number, colour and format of voting papers is a largely technical issue and Some improvements are likely to be made there.

The major issue confronting any attempt to reduce complexity is whether or not there should be a single electoral system and what that system should be, Particularly should DHB elections continue to run coterminously with council elections and be run under *STV*.

The views of councils are sought on the following:

- 1 *If there is to be a single electoral system for local authority elections should it be FPP or STV?*
- 2 *If the Government continues to require that DHB elections are run with council elections that STV is mandatory for DHB elections what electoral system should apply for councils?*

- (e) *Assess the impact of STV on representation, including of population groups and different geographic areas*

(At the time of preparing this draft submission we have not yet acquired the information to meaningfully consider this question. On completion of the survey of elected members, which is expected by the end of January, we will have a profile of each elected member and may be better placed to comment on whether or not STV has made any difference in the diversity etc of representation.)

- (f) *Assess the impacts of the electoral systems on election outcomes, including cohesion, operational effectiveness, continuity and party affiliation*

Local Government New Zealand is not aware of any implications of either STV or FPP on cohesion, effectiveness, continuity or party affiliation.

Section 4: Election Management

- (a) *Identify which agency, agencies, individual or individuals were responsible for the various aspects of the management of the election, and comment as appropriate on how they exercised their responsibility*

(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)

- (b) *Consider whether the process used by the Department of Internal Affairs to license the use of the STV calculator to count votes was adequate and could be improved*

(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)

- (c) *Review the level of scrutiny and the extent of trialling of the STV processing and counting systems prior to election day*

(Due to the technical nature of this request the **issue will be** addressed in the submission prepared by the Electoral Working Party.)

- (d) *Review and report on the delays in completing the election count in some areas, and the operation of the processing and counting systems (including whether there were contingency plans in place in case of systems failure) [maybe]*

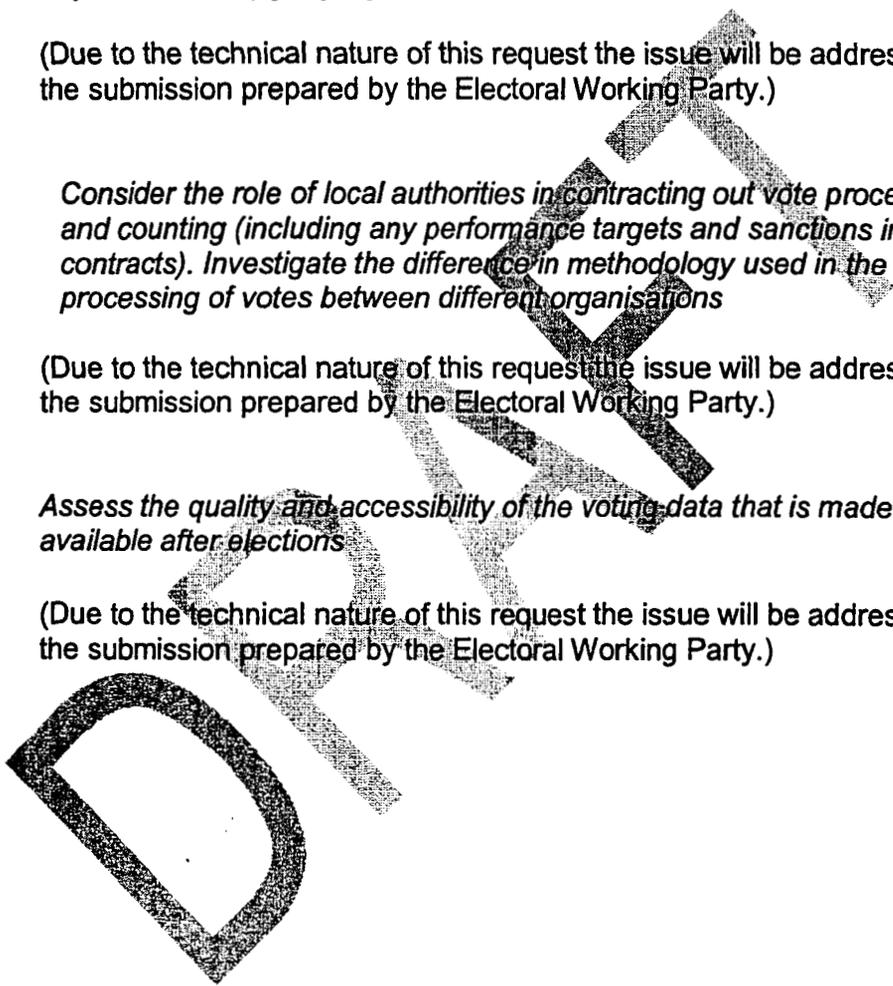
(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)

- (e) *Consider the role of local authorities in contracting out vote processing and counting (including any performance targets and sanctions in the contracts). Investigate the difference in methodology used in the processing of votes between different organisations*

(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)

- (f) *Assess the quality and accessibility of the voting data that is made publicly available after elections*

(Due to the technical nature of this request the issue will be addressed in the submission prepared by the Electoral Working Party.)



ATTACHMENT A:

Local Government New Zealand Submission on the LG Amendment Bill (No. 3), April 2004.

Calculating Ward and Constituency Boundaries

An issue that *is* not in the Local Government Law Reform Bill (No 3) concerns Section 19V - "requirement for fair representation and other factors in determination of membership for wards, constituencies and subdivision". This section of the Local Electoral Act requires that wards and constituencies be designed to be within a +/- 10% population ratio. The only exception to this ratio is for the 'effective representation of *island* communities or isolated communities."

Previously fair representation was based primarily on population, but other matters including area and rateable value could also be taken into account. The result has been less flexibility to design wards that match communities of interest. Manukau City for example has expressed concern that it can no longer have a "rural ward", even though they believe it represents a distinct community of interest. Under the new provisions rural residents have been incorporated into a primarily urban ward with consequent loss of "voice" around the council table.

Local Government New Zealand opposed the changes at the time of their introduction on the grounds that the exemptions were too narrowly defined and would diminish representation for small communities. We argued that councils needed greater discretion with regard to the factors that might be taken into account when determining ward boundaries and size.

The Local Government Commission's recent determinations have confirmed our concerns that the specific wording provides too little flexibility to recognise communities of interest. An example which shows the difficulties encountered by the inflexibility of the formula is the new Otaki ward. In order to get population parity the new Otaki ward has been expanded to the degree that it now contains four fifths of the former Waikanae ward. This is likely to mean that Waikanae residents will be required to take their political concerns to the Otaki Community Board while still being rated as part of the Waikanae ward, and of course sharing a community of interest with that township.

Recommendation

In order to ensure representation of small and isolated communities Local Government New Zealand recommends that clause 26 of the Bill be amended to provide the following:

- 26 Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions**
- (1) Section 19V(2) of the principal Act *is* amended by inserting, after the words "other than", the words "members elected by the electors of a territorial authority as a whole, if any, and".

(2) Section 19V(3) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph:

"(a) if the territorial authority or the Commission considers that the effective representation of communities of interest so requires, wards and subdivisions of a community may be defined and membership distributed between them in a way that does not comply with subsection (2)."

(3) Section 19V of the principal Act is amended by inserting, after subsection (3), the following subsection:

"(3A) Before making a decision under subsection (3)(a), the territorial authority or the Commission as the case may be, must have regard to the following considerations:

- (a) whether or not the community is an island community or isolated community; and
- (b) the size of the community; and
- (c) the land area of the community.

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ATTACHMENT B The Tauranga experiment

(Excerpt reprinted from *Cities and Towns Project Issue 23, December 2004*)

The only way to permanently turn voter apathy around is to actively engage the public in their local government. Fortunately some councils have already started on this approach.

As mentioned in Section One of this *Cities and Towns* Issue, a number of councils offered space on their websites for statements from candidates. And such approaches might be the way to address what appears to be a significant problem with local body elections, knowing the people you are voting for.....

Another approach tried during this year's election by the Tauranga City Council was to try and *bring the election to the public (ref 3a)*. Working with the Post Office and local supermarkets, the Tauranga City Council put mailboxes in the supermarkets specially for collecting postal votes.

The council argued that one factor affecting postal voting was the increasing impact of ICT. The popularity of e-mail, text messaging and automatic payments have meant most New Zealanders are moving away from traditional mail. Plus with an increasing reliance on motorcars we tend to drive past letterboxes that we once walked past.

Tauranga's response was, instead of expecting voters to go to the letterboxes they would bring the boxes to the public. One of the places most people frequent is the supermarket and so the council saw that as the best place to start. With the added advantage that over the three week voting period most people would visit their local supermarket more than once. The idea was having seen the boxes on one visit they would be more likely to bring their voting papers with them on a subsequent visit.

The scheme certainly had some positive effects. Due to budgetary decisions the boxes were only in the supermarkets for two weeks, but 1,500 votes (around 5%), were collected in them. And it could have been more, had that the boxes not been removed on Friday afternoon in the final week of the election. The supermarkets reported significant numbers of people turning up on Friday night and Saturday morning to try and post their votes. Unfortunately there is no way to find out if those people still voted after leaving the supermarkets, or simply went home.

Although Tauranga's overall voter turnout fell from 51% in 2001 to 46% this year, there was sufficient evidence from the trial to ensure it will be repeated in 2007. With the plan being to extend the scheme to the full three weeks and keep boxes in the supermarkets until as late as possible on the final day of voting.

Plus if the boxes in supermarkets become a permanent feature of future elections, their high visibility, constantly reminding people about the election, should eventually start encouraging people who have not voted in the past, to not miss out in the future. Hopefully having the effect Tauranga City had hoped for this year.

The key point is the planning for 2007 should start now. Councils need to put programmes into place now to keep their residents aware of their local body and its activities. If long term, low intensity promotions can be started now, come 2007 it should only be a matter of 'winding them up' to mobilise the public for the election.

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