

Local Elections (Single Transferable Vote Option) Bill

Submission of the Wellington Regional Council

Introduction

The Wellington Regional Council welcomes the opportunity to make a submission to the Justice and Electoral Select Committee on the Local Elections (Single Transferable Vote Option) Bill.

This Council, in making this submission, is generally supportive of consideration being given to different voting systems for the election for local authorities. The Council, however, anticipates some difficulties associated with the adoption of this Bill and these observations are the subject of this submission.

The submission is divided into two parts. Part One addresses general issues that should be considered and Part Two and provides commentary on specific clauses of the Bill.

Part One

1. Review of Local Elections and Polls Act

It is generally accepted throughout local government that the Local Elections and Polls Act is in urgent need of a thorough review. The Minister of Local Government, Hon. Sandra Lee, has also committed herself to the introduction of amending legislation during this Parliamentary term.

For the last 18 months the sector has been conducting a major review process. This review has examined all aspects of local authority elections, including providing opportunity for councils to adopt electoral systems other than the current First Past the Post model. At the recent Local Government Conference a copy of a draft Local Government Electoral (LGE) Bill was presented to the Minister of Local Government. The purpose of the LGE Bill is to bring together all aspects of the local authority electoral process. It is anticipated that the new legislation, structured between the Act, Regulations and codes of practice, will provide a blue print for focal authority elections for many years to come.

It is noted that the Local Elections (Single Transferable Vote Option) Bill provides that councils will not be able to take advantage of the STV provisions until the 2004 triennial general elections. As it is anticipated that the Local Government Electoral Bill will be enacted within this timeframe, There seems little point in Parliament enacting this Bill. The introduction of STV, if it is to proceed, should therefore be considered part of this wider review. Local Government has had its fill of piecemeal legislation spreading its functions, duties and powers over a number of Acts.

Wellington Regional Council seeks the following:

That this Bill be referred to the Internal Affairs and Local Government Select Committee for consideration and possible incorporation into a review of the proposed Local Government Electoral Bill.

2. Voter Education

If Parliament insists on the introduction of STV for local authority elections, Central Government should contribute to the cost of explain to electors how STV works and the advantages it has in terms of local democracy. The cost to local authorities, either individually or in small groups, of carrying out voter education campaigns would be extremely high.

3. Is STV to best method of Proportional Representation?

At the beginning of this submission it was noted that the Wellington Regional Council is generally supportive of the adoption a system of proportional representation for the election for local authorities. It is noted that the proposed Local Government Electoral Bill provides for a council to choose its electoral system from a number of options provided for in Regulations. This empowers local communities to adopt the electoral system that best meets their particular circumstances. This more permissive regime is preferred

Part Two - Commentary

4. Clause 5 – Territorial authority, regional council, or licensing trust may resolve to change voting method

While the Council accepts that an important element of the Bill is that the use of STV is optional, this does create a number of difficulties. The Bill fails to take account of the fact that territorial authority and regional council boundaries overlap.

4.1 Two electoral systems in one district

Clause 5(1) states that any local authority may by resolution adopt STV provisions. With the STV system being optional the situation will almost certainly arise where a territorial authority located in a region adopts STV procedures and the regional council does not, or vice versa.

4.1.1 *Elector confusion*

Issuing and receipt of voting papers, and counting of votes is a function of the electoral process required to be carried out by territorial councils. The reasons for this are clear - the cost for regional councils to duplicate the systems territorial councils have in place would be considerable. The optional use of STV means that elector will potentially receive two sets of voting papers at the same time requiring different methods of voting.

This would almost certainly create considerable confusion for electors and leading to a high number of informal votes, or discourage voting altogether.

4.1.2 *Logistical problems*

The logistical problems created for territorial authorities, not only in printing and distributing two sets of voting papers, but also counting the votes under two completely different voting procedures, would be substantial.

4.2 Triennial Review of Constituencies/Wards and Representation

Section 101H of the Local Government Act requires that, in the year preceding the year in which an election is to take place, every local authority carry a review of its membership and basis of election.

It is important that any resolution adopting STV be passed in good time to be harmonised with the existing constituency/ward review process. The best way of achieving this is by requiring that the resolution adopting STV must be passed by the end of May in the year before the election is to be held. This will allow the electoral system to be considered when the local authority carries out its triennial review of constituencies/wards and representation.

The Wellington Regional Council therefore supports the requirement that a resolution adopting STV must be passed not later than 28 February in the year immediately preceding the triennial general election. This means that:

- the first election to which the provisions of the Bill could be applied is 2004, and
- the electoral system will form part of the environment in which the triennial review of wards and representation must take place.

5. Clause 8 – Electors may demand poll

5.1 Electoral petition

Clause 8 of the Bill provides that electors may raise a petition requiring the local authority to hold a binding poll on whether or not the Council should conduct its elections in accordance with the Bill. Such a poll would be binding on the council for the next two triennial general elections.

This petition has a 5% threshold for eligible voters to force a poll on whether or not to

adopt STV. This may allow the issue to be promoted in a particular area (without region wide support) and the Council would be required to hold a poll over the whole region. Such a poll would have to be conducted by the territorial authorities and carry a substantial cost.

The fact that polls over a region are both impractical and costly has long been recognised in legislation. The Local Authorities Loans Act exempted regional councils from the requirement to hold loan polls long before they were done away with for territorial authorities. The Wellington Regional Council considers that regional councils should also be exempt from the electoral petition provisions of this Bill.

Wellington Regional Council seeks the following amendment:

That reference to “regional council” be deleted from clauses 7 to 10.

6. Schedule 6

It is noted that the Bill proposes that the names of candidates appear in random order on the ballot paper. Now that printing software to enable such ballot papers to be printed is available, the Wellington Regional Council would support this innovation.

It has long been suggested by some that, for local authority elections in particular, the order in which a candidate’s name appears on the voting paper can significantly influence the likelihood of election. While evidence to support this theory is illusive, the form of ballot paper proposed in Schedule 6 to the Bill would eliminate this perceived problem with the present system.

Wellington Regional Council wishes to appear before the Select Committee to present its submission.