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Report 02.465

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Report to Policy, Finance & Strategy Committee
from Amy Norrish, Policy Analyst

Choosing an Electoral System for the 2004 Local Elections

1. Purpose

- a) To assist Council in deciding whether or not to change from a First Past the Post (FPP) electoral system to a Single Transferable Vote (STV) electoral system for the 2004 local elections.
- b) To advise Council that public notification of the Council's decision and the right of 5% of electors to demand a poll must be made prior to 19 September 2002.
- c) To assist Council in choosing the best process to follow public notice.

2. Background

2.1 Previous Report on Electoral System Process Options

On 4 July 2002, the Policy, Finance and Strategy Committee considered the process options available to Council when selecting the preferred electoral system for the 2004 elections. At that meeting the Committee asked for information on the approach being adopted by the Region's territorial local authorities (TLAs).

2.1.1 Approaches of TLAs in the Region

The actions and decisions of TLAs have been canvassed and a summary of responses to date is included in the following table:

Wellington City Council	<ul style="list-style-type: none"> • Undertaking public consultation. • Workshop on STV for Councillors. • Council to decide at meeting on 3 September.
Porirua City Council	<ul style="list-style-type: none"> • Targeted public consultation prior to Council decision. • Council to decide at meeting likely to be held on 10 September.
Kapiti Coast District Council	<ul style="list-style-type: none"> • No public consultation. • Presentation on STV to Council.
Upper Hutt City Council	<ul style="list-style-type: none"> • Adopted FPP for consultation prior to 12 September. • Council to decide at Special meeting on 4 September.
Hutt City Council	<ul style="list-style-type: none"> • Council decided to do nothing (i.e. FPP), except publicly notify electors of their right to demand a poll.
Carterton District Council	<ul style="list-style-type: none"> • Met with other Councils in Wairarapa. • Providing general information on STV in newsletter in early August. • Council to decide in August/September.
South Wairarapa District Council	<ul style="list-style-type: none"> • No information received.
Masterton District Council	<ul style="list-style-type: none"> • Met with other Councils in Wairarapa. • Council meeting on 31 July. • May still consult prior to final decision on 28 August.
Tararua District Council	<ul style="list-style-type: none"> • No information received.

2.2 Legislative Deadlines

The Local Electoral Act 2001 (LEA) outlines key processes and timeframes to be met by Council when choosing an electoral system. Some of these processes are mandatory while others are optional.

The Act provides for a three-part mechanism for councils to decide which electoral system they wish to use for 2004 and beyond. Sections 27 to 37 of the LEA state that local authorities:

- **may** resolve to change the electoral system, on or before 12 September 2002 (s.27).
- **must** give public notice of any resolution and the right of electors to demand a poll on the electoral system to be used, on or before 19 September 2002 (s.28).
- **may** resolve to conduct a poll of electors, on or before 28 February 2002 (s.31).

In addition, 5% of electors enrolled at the previous triennial general election **may**, on or before 18 December 2002, demand a poll to decide which system to use (s.29). Such a demand could be in response to Council making no decision on an electoral system, or to Council resolving to either remain with FPP or change to STV. The result of a poll, whether initiated by Council or demanded by electors, is binding.

2.3 Choosing an Electoral System

There are three options available to Council when deciding whether or not to change from FPP to STV. Council can either:

- a) pass no resolution and the status quo (FPP) will remain; or
- b) resolve to change to an STV electoral system; or
- c) resolve to remain with an FPP electoral system.

Passing no resolution is, in effect, a decision to remain with the current system of FPP. Passing a resolution to remain with FPP would make the Council's position clearer to the public.

2.4 STV and FPP Electoral Systems

A resource document produced by the STV Taskforce¹ entitled "Choosing Electoral Systems in Local Government in New Zealand", is attached (**Attachment 1**). The text provides an overview of how STV works. Pages 20 - 26 compare FPP and STV electoral systems.

3. Comment

The last scheduled Policy, Finance and Strategy Committee meeting prior to the 12 September deadline is on 6 August. It is essential that two decisions be made at the meeting:

- 1) Which is the preferred electoral system for 2004 local elections.
- 2) What process, if any, will follow public notice.

3.1 Practical considerations in choosing an electoral system

Regardless of which electoral system is preferred by Councillors, there are a number of practical considerations. These may assist in determining which is the best option for Council at this stage.

¹ The STV Taskforce includes representatives from the Society of Local Government Managers, Local Government New Zealand, the Electoral Commission, the Ministry of Health and the Department of Internal Affairs.

3.1.1 *Approach of TLAs in the Region.*

Choosing an electoral system for the 2004 local elections on the basis of what the majority of constituent TLAs decide may reduce the level of confusion for voters and prevent a possible reduction in invalid votes.

However, the table in section 2.1.1 shows that only Hutt City Council has made a “decision” on their preferred electoral system at this stage. The Regional Council will, therefore, need to decide on an electoral system in the absence of a comprehensive understanding of TLAs’ decisions.

3.1.2 *Voter turnout*

Proponents of the STV system suggest that people are less likely to vote when they think their vote will not make a difference. They argue that under STV turnout may increase as voters feel their vote is not wasted. This is because voters are more likely to see at least one person they voted for get elected. Voters may also be more inclined to vote under STV if they consider that local government is more in touch, responsive and democratic.

It is difficult to assess these claims as there is little available analysis of why there are low voter turnouts at local government elections in New Zealand. However, in 2001 Local Government New Zealand produced a report, on a survey of electors in two city councils and three district councils. This survey assessed electors’ reasons for voting and not voting.

The report indicates that there are a variety of reasons why people do not vote. This would suggest that a change in electoral system alone would not be enough to influence voter behaviour and thereby increase voter participation.

It is also interesting to note that STV elections in five Ohio cities were expected to increase voter turnout. The result was that turnout was not demonstrably affected in most of the cities.²

3.1.3 *Understanding an STV electoral system and the importance of voter education*

Opponents of STV point out that its complexity make it difficult to understand, leading to invalid votes and poor voter turnout. It is difficult, however, to find conclusive evidence to illustrate this; Millions of voters in Australia and Ireland have not found STV elections too difficult to participate in, or too difficult to follow.³ In cases where it has been experimented with in ‘mock-ballot surveys’ in Britain, the respondents appear to have had little difficulty in mastering it.⁴

² Barber, Kathleen, *Proportional Representation and Election Reform in Ohio*, Ohio State University Press (1995)

³ Catt, Harris and Roberts, *Voter’s Choice – Electoral Change in New Zealand*, The Dunmore Press (1992)

⁴ Farrell, David, *Comparing Electoral Systems*, Prentice Hall/Harvester Wheatsheaf (1997)

MMP, however, provides an interesting comparison in the New Zealand context. A survey carried out prior to the general elections by the Electoral Commission indicated that many voters were still confused by MMP. Yet, as the adopted electoral system for the general election, MMP has a much higher profile than STV. Furthermore, a comprehensive and wide-reaching education programme is implemented at every election and voters have had more exposure to MMP through several elections.

It should be noted, however, that surveys carried out just after elections and after targeted education at election time, consistently show an increase in voter understanding of MMP. This highlights the need for a robust and ongoing education programme to help voters understand a new electoral system.

3.1.4 STV for regional councils compared to TLAs

Supporters of STV argue that one of its biggest benefits is that it is broadly proportional. Candidates with a significant degree of local support are able to be elected in STV elections and there is accurate representation of segments of the community. Multi-member constituencies provide a number of vacancies to be filled, therefore a lower threshold of votes is required by candidates for election. This leads to wider and fairer representation.

It is widely agreed that STV works best where there are 3-9 vacancies to fill. The idea is to provide reasonable proportionality without making the voters' task too onerous. Currently, the Regional Council has four multi-member constituents: one with 3 members, one with 5 members and one with 2 members. All other constituencies have just one member. Unlike TLAs, the Regional Council does not have the choice to hold elections 'at large'. This may reduce the effectiveness of proportionality in an STV system for the Regional Council.

There will, however, be a review of member representation in 2003. This provides the opportunity to reassess constituency boundaries and the number of elected members in each constituency.

3.1.5 Monitoring STV elections by District Health Boards

Remaining with FPP will provide the opportunity to monitor the progress of STV elections carried out by DHBs and will highlight any teething problems and issues that may arise.

3.2 Process Options

At this meeting Council may choose their preferred electoral system or decide to do nothing (thus remaining with FPP). After public notification, on or before 19 September, a number of process options remain. The Council could decide to either:

- do nothing further
- carry out limited public consultation up until 18 December

- conduct a poll of electors, or
- take a long-term approach to public consultation and education with a view to reconsidering this issue for the 2007 electoral system.

These options have been fully canvassed in **Report 02.398**. Due to time constraints, however, there is no longer the option of consultation prior to Council deciding their preferred electoral system.

4. Communications

Legislation stipulates that Council must give public notice of the right of 5% of electors to demand a poll and any resolution of Council on the matter on or before 19 September 2002. We suggest the notice be published in the Weekend Dominion Post and Wairarapa Times Age on Saturday 14 September. The aim is for the notice to appear at the same time as constituent TLAs.

5. Recommendation

That the Policy, Finance and Strategy Committee recommend that:

- 1) *Council either:*
 - *Resolve to remain with FPP; or*
 - *Resolve to change to an STV electoral system; or*
 - *Make no decision.*
- 2) *Council give public notice of the right of 5% of electors to demand a poll and of any resolution on or before 19 September 2002.*
- 3) *Following public notification on or before 19 September, Council either:*
 - *Do nothing further; or*
 - *Carry out limited public consultation up until 18 December; or*
 - *Conduct a poll of electors; or*
 - *Take a long-term approach to public consultation and education with a view to reconsidering this issue for the 2007 electoral system.*

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Attachment 1: Choosing Electoral Systems in Local Government in New Zealand – A Resource Document