

SOUTH WAIRARAPA DISTRICT COUNCIL

22 JULY 2020

AGENDA ITEM C3

ELECTORAL AND REPRESENTATION ARRANGEMENTS REPORT

Purpose of Report

To inform Council about electoral and representation arrangements and the timetable for decision-making regarding changes to the electoral system and Māori representation, and for the proposed representation review to take effect for the 2022 local elections.

Recommendations

Officers recommend that the Council:

1. *Receives the Electoral and Representation Arrangements Report.*
2. *Considers the information provided and either makes decisions regarding the electoral system, Māori representation and the proposed representation review for the 2022 local election or agrees that further information and opportunity for discussion be provided prior to the deadlines for decision-making.*

1. Executive Summary

The next triennial local government elections will be held in October 2022. If Council wishes to change its electoral system for these elections, a resolution is required by 12 September 2020, followed by a public notice by 19 September 2020 advising the public of Council's preferred system and the right to request a poll.

The Local Electoral Act 2001 (LEA) provides for two electoral systems that can be used, either First Past the Post (FPP) or Single Transferable Vote (STV). The previous Council resolved on 27 August 2014 to use FPP for the 2016 election and this resolution continues in effect. However, the Council still has the option of considering this matter and either confirming the status quo (for 2022), resolving to change to STV (for both 2022 and 2025) or resolving to hold a poll (binding for both 2022 and 2025). Section 2 of the report sets out some of the advantages and disadvantages of each voting system and the details of the options for Council.

In 2018, as part of the last representation review, Council considered the establishment of a Māori ward for the 2019 triennial elections. The status quo — that there is no Māori ward — was retained. For the 2022 elections, Council has the option of passing a resolution by 23 November 2020 on whether or not to establish a Māori ward. If a

resolution is passed, Council has to provide a public notice to this effect by 30 November 2020, advising that the public has the right up until 21 February 2021 to demand a poll to countermand the decision, similar to the right to demand a poll on the electoral system. Council only has to provide public notice if it makes a resolution on the Māori ward option, i.e. if there is no Council resolution, there is no public notice. If no resolution is made, Council still has the option to resolve by 21 February 2021 to hold a poll. Any poll has to be completed by 21 May 2021.

If it is decided that a Māori ward is to be established for the 2022 triennial elections, a full representation review will need to be carried out and completed by 31 August 2021. There were no other changes to Council's representation arrangements as a result of the 2018 representation review. Council resolved to conduct another review prior to the 2022 elections.

2. Voting systems

The Local Electoral Act (LEA) offers the choice between two electoral systems for local elections:

- First Past the Post (FPP)
- Single Transferable Vote (STV)

A change of electoral system can be achieved by:

- Local authority resolution; or
- A favourable outcome of a poll of electors. This poll may be:
 - demanded by electors, or
 - the result of a local authority resolution.

South Wairarapa District Council has conducted all previous elections under the First Past the Post electoral system. The last review of the electoral system was in August 2014 when Council resolved to continue to use the FPP system for the 2016 local government election. Note that under section 27 of the LEA, a decision to change the electoral system takes effect for a minimum of two elections and continues in effect until a further resolution is made to change the electoral system or a poll of electors is held.

A poll of electors was last held in 2003; the preferred option was FPP, with 1,994 votes and STV received 1,207 votes.

In 2019, 11 local authorities used STV to elect members, including 3 for the first time. Under STV, electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes is declared the winner regardless of the proportion of votes that candidate(s) obtained.

STV has been mandatory for District Health Board elections since 2004. Electors rank as many candidates as they choose in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes cast. The necessary number of candidates to fill all vacancies is achieved first by the counting of first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

Council has the option to decide by 12 September 2020, whether to stay with the current electoral system of FPP, or to change to STV for the 2022 elections, or to hold a poll.

2.1 Timetable

The following is a full timetable for changing the electoral system.

Who	Provision	Timing	Section of LEA
Local authority	May resolve to change the electoral system to take effect for the next two elections	No later than 12 September 2020	27
Local authority	Must give public notice of the right for electors to demand an electoral system poll, and that notice must include a statement that a poll is required to countermand any local authority resolution made on the electoral system	By 19 September 2020	28
5% of electors	May demand a poll on a proposal that a specified electoral system be used at the election of a local authority	At any time but before 21 February 2021 for the 2022 election	29
Local authority	May resolve to hold an electoral system poll	No later than 21 February 2021 for the 2022 election	31
Local authority	Must hold a poll if a valid demand for a poll is received or a resolution made	No later than 21 May 2021 for the 2022 election	33

2.2 Advantages and Disadvantages of Electoral Systems

The *Local Government Electoral System Option* guide was prepared and updated for the 2019 elections and is included in the SOLGM Code of Good Practice for the Management

of Local Authority Elections and Polls 2019. The guide notes that no system is perfect, and different people will have different views on what is 'fair'. The guide states:

Overall the advantages of STV relate to the people who get elected using STV. STV potentially achieves:

- *Broad proportionality (in multi-member wards)*
- *Majority outcomes in single-member elections*
- *More equitable minority representation*
- *A reduction in the number of wasted votes*

The disadvantages of STV relate to:

- *The public are less familiar with the system and possibly find it harder to understand*
- *Matters of process such as the way votes are cast and counted (for example perceived complexity may discourage some voters)*
- *The information conveyed in election results*

The advantages of FPP relate to the simplicity of the process including the ways the votes are cast, counted and announced.

The disadvantages of FPP relate to:

- *Disproportional election results, including the generally "less representative" nature of FPP councils*
- *The obstacles to minority candidate election*
- *The number of wasted votes*

2.3 Options for Council

The process that a council can follow to determine its electoral system for 2022 is:

- 1) Make a decision and publicly notify it.
 - Council can make a decision to retain the status quo (FPP) or change to STV and give public notice of this decision and the public's right to demand a poll. Five percent of electors can demand a poll on the electoral system to be used in 2022.
- 2) Resolve to hold a poll.
 - Defer a decision and resolve to hold a poll of electors on the issue, irrespective of whether or not it is demanded by electors. This decision to hold a poll can be made any time up until 21 February 2021. If a decision is made now and a date nominated for the poll prior to 21 May 2021, a public notice of the right to demand a poll is not required.
- 3) Do nothing.

- Council could effectively do nothing and simply give public notice as required by 19 September 2020 that electors have a right to demand a poll on the electoral system. If no demand for a poll is received, the status quo remains; that FPP is used in 2022.

3. Establishment of Māori wards

The LEA enables local authorities to establish Māori wards. This can be achieved by resolution or a favourable poll of electors. A poll may be demanded by electors or by local authority resolution. A resolution to establish a Māori ward or to hold a poll has to be passed by 23 November 2020 for it to take effect in the 2022 election. Unless a poll is requested and held, the resolution takes effect for the next two elections.

If it is decided that Māori wards are to be established for the next election, a representation review must be carried out. See timetable below. The timeframes ensure the process for considering Māori wards follows the choice of electoral system, as the choice of electoral system may influence a decision on the establishment of Māori wards but precedes a representation review.

Council considered the issue of Māori representation during the representation review conducted in 2012. Council resolved on 4 April 2012 that there be no separate electoral representation for Māori. Council also considered the issue during the representation review conducted in 2018. The report to the 24 October 2018 Council meeting and hearing on the review noted that recommendations from the community boards and Māori Standing Committee supported the status quo. In addition, the Council at its workshops during the representation review agreed that more research should be done on separate electoral representation for Māori for further consideration prior to the next representation review. Officers are not aware that any further research on this issue has been undertaken. There has been no demand for a poll on this issue in relation to the 2022 elections.

3.1 Timetable

Who	Provision	Timing	Section of LEA
Local authority	May resolve to establish Māori wards	Any time but before 23 November 2020 for the 2022 election	19Z
Local authority	If resolution to establish Māori wards made by 23 November 2020 public notice of this fact must be given, including a statement that a poll is	By 30 November 2020	19ZA

	required to countermand that resolution		
5% of electors	May demand a poll on whether a district needs to be divided in to one or more Māori wards	At any time and if a valid demand is received by 21 February 2021 the poll must be held by 21 May 2021 for the 2022 elections	19ZB
Local authority	May resolve to conduct a poll on whether the district needs to be divided into Māori wards	At any time but before 21 February 2021 for the 2022 elections	19ZD

3.2 Considerations for establishing Māori wards

As part of the representation view, Council would need to consider and determine:

- the proposed total number of members of the local authority
- whether:
 - all members are to be elected from either Māori or general wards, or
 - some members are to be elected from either Māori or general wards, and some are to be elected at large
- the proposed number of members to be elected from the Māori wards and the number from the general wards
- the proposed name and boundaries of each ward
- the proposed number of members to be elected from each Māori and general ward.

The general and Māori electoral populations may limit options available in terms of the number of elected members from Māori wards, including that no members could be elected.

The process for determining the number of members to be elected from both Māori and general wards is set out in clause 2 of Schedule 1A of the LEA and involves:

- determining the total number of members of the local authority
- multiplying the total number of members by the ratio of the Māori electoral population to the total (Māori and general) electoral population.

In terms of what is possible for SWDC, based on 2018 Census population data and the assumption that the total membership of SWDC remains unchanged at 9 members (excluding the Mayor), one member could be elected, should a Māori ward be established.¹

¹ Obtained from: <http://www.lgc.govt.nz/assets/Uploads/mep-and-gep-statistics-2018-census.xls>

3.3 Options for Council

The options for Council are as follows:

- 1) Council can resolve prior to 23 November 2020 to establish a Māori ward. A full representation review would then need to be conducted.
- 2) Council can resolve prior to 28 February 2021 to hold a poll of electors.
- 3) The status quo can continue to apply for the 2022 elections, subject to the right to demand a poll being exercised at any point up until 21 February 2021.

4. Representation arrangements

4.1 Requirements

Local authorities are required to review their representation arrangements at least once every six years and have the option of a review every three years. Representation arrangements include the following:

- The number of Council elected members
- Whether the members are to be elected by wards, at large or a combination
- The boundaries and names of those wards and the number of members that will represent each ward
- Whether or not to have separate wards for the electors on the Māori roll
- Whether community boards should be established or retained and if so, the number of members (elected and appointed)

The LEA sets out a number of principles that electoral/representation arrangements must be consistent with:

- Fair and effective representation for individuals and communities
- Public confidence in and understanding of the electoral/representation system
- Reasonable and equal opportunity for any qualifying person to vote in, nominate a candidate for, or be nominated as a candidate in any local election.

Council's electoral and representation arrangements are set out in its Local Governance Statement available on the Council's [website](#).

4.2 Representation Review 2018

Council undertook a representation review in 2018, prior to the 2019 election. There were no changes to Council's representation arrangements as a result of the review.

However, eight submissions were received on the review and five of these made submissions to change the ward boundaries. The report to the 24 October 2018 Council meeting and hearings advised that, based on the 2013 census figures, proposed changes to the ward boundaries would likely exceed the permitted population per council member ratio. A proposed change would therefore need to be referred to the Local Government Commission. Council resolved to change the boundaries in response to submissions and delegated to a working party to decide and define the boundaries. The Council also resolved to conduct another representation review in three years' time. It is unclear the reason for the latter decision.

On 26 October 2018, the working party resolved, as follows:

COUNCIL WORKING PARTY RESOLVED (DCWP 2018/141):

- 1. To receive the information.*
- 2. To note the meshblock information provided by officers in map form along with the information regarding communities of interest.*
- 3. To note the more detailed analysis, including population numbers within Statistics NZ's meshblocks.*
- 4. To note that the meshblock boundaries defined by Stats NZ do not always reflect SWDCs communities of interest. As ward boundaries are defined by meshblocks this does not make it easy to change ward boundaries at this time.*
- 5. To note that a further representation review will occur in three years which will take into account the latest census figures and the spatial plan work.*
- 6. To retain the status quo regarding ward boundaries.*
- 7. To discuss with Statistics NZ the possibility of changing meshblocks boundaries in the future.*

(Moved Cr Colenso/Seconded Cr Vickery) Carried

It is unclear whether the issues raised around ward boundaries and the rationale for undertaking a representation review ahead of the 2022 election remain. Further consultation and research will need to be undertaken and reported back to the September 2020 Council meeting.

5. Financial Considerations

Initial costs include for public notices, which are covered by operational budgets. Estimated costs to hold a poll are around \$30,000 to \$40,000 based on the number of electors (8124 for the 2019 election). There will also be significant resource and cost implications attached to a full representation review, if this is required. Contract election services for a review are estimated to be \$15,000. No budget has been allocated in the 2020/21 Annual Plan for changes to the electoral or representation arrangements.

There are broader costs associated with representation. These are largely associated with:

- Elected member remuneration and administrative costs and facilities
- Compilation of electoral rolls and administration of the election

6. Legal Implications

The relevant LEA provisions are detailed in the report above. In addition, the Local Government Act 2002 requires that Council complies with decision-making procedures contained in Part 6 of that Act.

7. Conclusion

Council should consider the information provided and either make decisions regarding the electoral system, Māori representation and the proposed representation review for the 2022 election or agree that further information and opportunity for discussion be provided prior to the deadlines for decision-making.

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