

**REPORT OF THE LEGAL SERVICES MANAGER**

**1. ELECTION OF THE DEPUTY MAYOR**

RR 8676

1. Section 101U(1) of the Local Government Act 1974 provides that every local authority **shall** elect one of its members to be its Deputy Mayor.

2. Method of Election

Section 101P(2) provides that for the election of the Deputy Mayor the election shall be on the basis of open voting with one vote by each member (and no person having a casting vote) unless the Council resolves to use the voting system described in Section 114K.

3. Before considering nominations the Council should decide whether to utilise open voting or the alternative method.

4. Description of Alternative Method in Section 114K

Section 114K empowers the Council to adopt a specified alternative voting system for the election of the Deputy Mayor.

The Council may, **by resolution**, determine that the person be elected by a “system of voting that requires...the person to be elected...to receive the votes of a majority of the members of the Council present and voting, and that requires that, where more than one round of voting is required, the least successful candidate in a round of voting shall not be a candidate in the next round of voting.”

There is no casting vote and every equality of votes that are not to be determined by a further round of voting shall be determined by lot in such manner as the Council decides.

What Section 114K envisages is that nominations for the position of Deputy Mayor would be called for.

The Mayor and Councillors are then asked to vote on each candidate and the candidate polling the lowest number of votes would not go into the next round.

The following examples may be useful to illustrate the system:

**Example A**

4 nominations are received and upon the votes being counted for each candidate the result is:

A (10)

B (8)

C (4)

D (3)

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### 1 Cont'd

Candidate D would not be a candidate in the next round.

A second round of voting would then be held for candidates A, B and C. The result may then be:

A (11)                      B (9)                      and C (5)

C would not be a candidate in the next round.

A third round of voting is held between candidates A and B. The result may be:

A (13)                      B (12)

and as A has received the votes of the majority of the Council present and voting, A is elected to the position.

### **Example B**

A situation may arise where the first round of voting results in:

A (10)                      B (9)                      C (3)                      and D (3)

Section 114K does not expressly provide for this situation of how to resolve whether C or D go to the next round of voting.

However the explanatory notes to the Bill when Section 114K was enacted in 1986 suggest that whether C or D goes to the next round of voting be resolved by lot. It is recommended that the Council adopt this if this situation should arise.

If at the final round of voting there was an equality of votes, eg A (12), B (12) then Section 114K expressly provides that the election shall be determined by lot.

### **Example C**

The situation may arise where after a round of voting the result is:

A (10)                      B (5)                      C (5)                      D (5)

In this case it would be necessary to have a decision by lot amongst the three candidates with 5 votes each to determine who was **not** to be a candidate in the next round. The two remaining 5-vote candidates would then go into the next round of voting with A.

**1 Cont'd**

5. This alternative method **may** also be adopted to elect representatives on other bodies, the Chairperson or Deputy Chairperson of Committees, and the Chairperson and Deputy Chairperson of Community Boards.

P W Mitchell  
**LEGAL SERVICES MANAGER**

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