16. 12. 99

REPORT OF THE RETURNING OFFICER

**1.   BANKS PENINSULA/CHRISTCHURCH CITY AMALGAMATION POLL:
POSTAL VOTING AND PROCESSING OF VOTING PAPERS
BEFORE CLOSE OF VOTING**   RR 9947

Officer responsible	**Author**
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Corporate Plan Output: Public Accountability: Elections	

1.   **REASON FOR REPORT**

The purpose of this report is to seek the Council's approval to employ postal voting and permit the processing of voting papers before the close of voting at the forthcoming poll to be held regarding the final scheme issued by the Local Government Commission providing for the union of Christchurch City and Banks Peninsula District. Following consultation with the Local Government Commission and the Banks Peninsula Returning Officer, it has been decided that polls will be held in both Christchurch City and Banks Peninsula on Saturday 18 March 2000.

2.   **POSTAL VOTING**

Section 66 of the Local Elections and Polls Act 1976 requires the Council to pass a separate resolution when it wishes to conduct postal voting in respect of any specified election or any poll on any issue to be taken by that local authority.

Postal voting has been almost universally employed for all local authority elections since the 1989 reforms, and will probably continue to be the preferred method of voting for future elections. Postal voting has some well recognised advantages, and one or two inevitable disadvantages, ie:

Advantages

1.   Postal voting encourages a fuller participation by electors, and is simpler to administer.

2.   Because of its almost universal use by Christchurch City and other local authorities at past elections, electors are now more familiar with the postal voting system.

3.   In respect of the current poll, I understand that the Banks Peninsula District Council has given or will be giving its approval for the use of postal voting for the Banks Peninsula poll.

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Disadvantages

1. There is a risk that some voting papers may be completed and returned by a person other than the elector to whom the voting paper has been sent.

2. Where voting papers are received by several electors in the same household, the secrecy of the ballot may be compromised by the completion of the voting papers en masse, with some attendant possibility of coercion being applied by the perceived head of the household.

Recommendation: **That the following resolution be adopted:**

> **"That the Christchurch City Council resolves that the poll to be held on Saturday 18 March 2000 regarding the final scheme issued by the Local Government Commission providing for the union of Christchurch City and Banks Peninsula District shall be conducted by postal vote."**

3. **PROCESSING OF VOTING PAPERS BEFORE CLOSE OF VOTING**

Members will recall that the Council previously decided to take advantage of the new legislation which came into effect just before last year's triennial elections, to allow the voting papers to be processed in the 84 hours before the close of voting.

Main Provisions of Legislation Permitting Early Processing of Voting Papers

Key points of this new legislation include:

- The number of hours during which processing may occur has been limited to 84 hours before the close of voting. Therefore, processing cannot commence any earlier than Wednesday 15 March.

- The scrutiny of the roll has been separated out of any processing thereby allowing scrutineers to observe the scrutiny of the roll, as they have been able to in the past. The scrutiny is carried out throughout the voting period. Scrutineers will not be able to observe the progressive processing of votes.

- Once the Council has provided the Returning Officer with the authority to use progressive processing, it is at the Returning Officer's discretion as to which and when any of the following processes are to be undertaken:

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- Opening the envelope
- Checking validity of voting papers
- Preparing batches of voting papers
- Processing the voting paper electronically (only where an electronic as distinct from a manual count is being carried out).

- A minimum of one Justice of the Peace must be appointed to observe any processing prior to the close of voting. This Justice of the Peace must be nominated by the Royal Federation of New Zealand Justices' Association. In addition to this, the Justice of the Peace cannot be a candidate, a member or employee of the local authority or cannot have nominated a candidate.

Security of the Voting Process

The legislation aims to protect the secrecy of voting during the polling period in three ways:

(a)   Through the appointment of JPs to supervise the processing of voting papers.

(b)   The requirement that votes that are manually processed are not counted before the close of polling, and for votes that are electronically processed, the total is not accessible before the close of polling.

(c)   The imposition of higher fines on electoral officials and others who disclose for whom an elector has voted, or give or pretend to give information which may let the state of the election be known.

Code of Practice

The New Zealand Society of Local Government Managers has developed a *Code of Practice* for the use of Returning Officers adopting processing of voting papers before close of voting. The Code of Practice is separated into four key sections. and covers *premises, systems, staff* and *general.* The purpose of the Code of Practice is to set out practices and procedures which, as far as practicable, will be observed by the Returning Officers concerned. Provisions included in the Code include:

- *Premises* – the premises to be used should be lockable, private (so that processing cannot be viewed through windows or open doors), and be clearly signposted so that only authorised persons will enter.

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- *Systems -* the relevant electoral software will operate in isolation within the mainframe system, and only the Returning Officer and authorised staff will have access to it. Progressive backups will be taken at regular intervals and the software used will include:

  (a)   A timelock to prevent access to any calculation of votes prior to the close of voting.

  (b)   Dual passwords, one of which is allocated to the Returning Officer and to some other suitable person, for example a Justice of the Peace or a Principal Deputy Returning Officer.

  (Note: These software safeguards only apply where the votes are being counted electronically. This will not apply to the poll because a manual counting method is being used and no counting will therefore be permitted before 12.00 noon on election day.)

- *Staff* – Will complete a comprehensive statutory declaration, will be chosen because of their experience of elections wherever possible, and will be chosen to avoid any potential conflict of interest such as being a close associate or relative of any person who is a candidate.

Advantages and Disadvantages of Early Processing

Advantages

There will be two main advantages of early processing of voting papers. The first will be a quicker provisional result after the close of polling. The handling of voting papers will be significantly reduced. This will address the public pressure for an early announcement of the results of the poll and will enhance the accuracy of the preliminary count.

The second advantage is that processing of votes before the close of voting will require significantly fewer resources, as votes can be processed over a period of days rather than hours.

Disadvantages

The two principal disadvantages of early processing of voting papers include:

- The inability for scrutineers to observe the early processing. However, scrutineers will be able to observe the preliminary count after 12.00 noon on election day and the subsequent official count, which, of course is the count that finally matters.

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- The possibility that results or trends may, either intentionally or unintentionally, become public knowledge. As the time available for early processing of voting papers is limited to only 84 hours, the opportunity for this occurring is greatly diminished. Further, approximately 70% of electors will have exercised their votes before any processing begins.

Procedures Proposed for Poll

Because a manual count will be employed for the poll, the early processing of votes (if approved by this Council) would be limited to:

- Carrying out the roll scrutiny from the returned voting papers (ie marking off on the roll the names of those electors who have voted).
- Opening the envelopes and extracting the voting papers.
- Putting to one side votes classed as informal (ie the electors' intentions not clear).
- Assembling the opened voting papers in batches, ready for counting

The actual counting of the votes would not take place until after the close of the poll at 12 noon on polling day.

As previously noted, in order that voting trends are not released, it is proposed that candidates' scrutineers will be replaced with Justices of the Peace. In addition, heavy penalties will apply to anyone (including the Returning Officer) disclosing the state of the election prior to 7.00pm on election day, ie:

- Fines of $5,000 for the Returning Officer or any other election staff.
- $2,000 for any other person.

Decision Required by the Christchurch City Council

A decision is now sought confirming or otherwise that the votes in the poll are to be processed before the close of voting.

My preferred choice is to permit the early processing of voting papers, for the reasons set out in this report.

If the Council decides that the early processing of voting papers should be permitted, a Council resolution to that effect is required.

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    Recommendation: **1.**   **That, pursuant to Section 66(1A) of the Local Elections and Polls Act 1976, voting papers for the poll of electors regarding the final scheme issued by the Local Government Commission providing for the union of Christchurch City and Banks Peninsula District be processed in the 84 hours before the close of voting.**

    2.   **That when recommendation 1 has been adopted by the Council, public notice of it be given.**

CONSIDERED THIS 16TH DAY OF DECEMBER 1999

MAYOR