

#### 4. ELECTION OF CHAIRPERSON

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services
<b>Officer responsible:</b>	Legal Services Manager
<b>Author:</b>	Chris Gilbert, Legal Services Manager

##### PURPOSE OF REPORT

1. The purpose of this report is to explain the process for Community Boards to elect their chairpersons and deputy chairpersons, as required by the Local Government Act 2002.

##### EXECUTIVE SUMMARY

2. The Act prescribes the processes by which Community Boards must elect their chairpersons and deputy chairpersons, which is the same as the process the Council must use to elect the deputy mayor. This report describes the alternative processes available, one of which must be adopted.

##### FINANCIAL IMPLICATIONS

3. Not applicable

##### DO THE RECOMMENDATIONS OF THIS REPORT ALIGN WITH 2009-2019 LTCCP BUDGETS?

4. Not applicable

##### LEGAL CONSIDERATIONS

###### Introduction

5. Section 54 of the Local Government Act 2002 specifies that the provisions of Schedule 7 of the Act apply to Community Boards (with some minor exclusions), with necessary modifications as if the boards were local authorities. Schedule 7 requires that each Community Board, at its first meeting, must elect one of its members to be its chairperson and another to be deputy chairperson (see clauses 17, 21 and 37 of Schedule 7 of the Act).
6. The manner in which a Community Board is to elect these positions is prescribed in clause 25 of Schedule 7. It provides that the Community Board must determine by resolution that the chairperson and deputy chairperson be elected or appointed by using one of the following systems of voting:

*“System A—*

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
- (b) has the following characteristics:*
  - (i) there is a first round of voting for all candidates; and*
  - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
  - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*
  - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.*

*System B—*

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*

- (b) *has the following characteristics:*
- (i) *there is only 1 round of voting; and*
  - (ii) *if 2 or more candidates tie for the most votes, the tie is resolved by lot."*

7. In simpler terms, under System A a candidate is successful if he or she receives the votes of the majority of the members of the Community Board present and voting. If no candidate is successful in the first round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded. If no candidate is successful in the second round there is a third and if necessary subsequent round of voting from which each time the candidate with the fewest number of votes in the previous round is excluded until a candidate is successful. In any round of voting if two or more candidates tie for the lowest number of votes the person to be excluded from the next round is resolved by lot.
8. System B is first past the post except that a tie for the most votes is resolved by lot.

### **Practical application of clause 25**

9. Each Community Board must first determine, by resolution, which system of voting it will use, that is System A or System B.
10. Nominations for the position of chairperson and deputy chairperson are called for.
11. If there is only one candidate then the Community Board may resolve that that person be elected.
12. If there is more than one candidate the Community Board must then put the matter to a vote according to the system it has adopted. The Community Board members are then asked to vote on each candidate.
13. The following examples may be useful to illustrate two of the systems:

### **System A**

#### **Example 1**

Three nominations are received and upon the votes being counted the result is:  
A (4) B (2) C (1). In this case A is elected to the relevant position.

#### **Example 2**

Three nominations are received and upon the votes being counted the result is:  
A (3) B (3) C (1). In this case no candidate is successful so a second round of voting is held for candidates A and B. The lowest polling candidate, C, is excluded.

Upon the votes being counted in the second round the result is:  
A (4) B (3). In this case A is elected to the relevant position.

### **System B**

#### **Example 1**

Three nominations are received and upon the votes being counted the result is:  
A (4) B (2) C (1). In this case A is elected to the relevant position.

#### **Example 2**

Three nominations are received and upon the votes being counted the result is:  
A (3) B (3). In this case a lot is held to determine who between A and B will be elected to the relevant position.

### **HAVE YOU CONSIDERED THE LEGAL IMPLICATIONS OF THE ISSUE UNDER CONSIDERATION?**

14. This report covers the obligations as prescribed in Schedule 7 of the LGA 2002.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

15. Not applicable

**Do the recommendations of this report support a level of service or project in the 2009-2019 LTCCP?**

16. Not applicable

**ALIGNMENT WITH STRATEGIES**

17. Not applicable

**Do the recommendations align with the Council's strategies?**

18. Not applicable

**CONSULTATION FULFILMENT**

19. Not applicable

**STAFF RECOMMENDATION**

It is recommended that the Community Board:

- (a) Receive this report
- (a) Adopt by resolution, which system of voting it will use to elect a Chairperson and Deputy Chairperson, that is System A or System B.
- (c) Proceed to elect a Chairperson and Deputy Chairperson.