

24. 10. 2007

REPORT OF THE LEGAL SERVICES MANAGER

1. ELECTION OF DEPUTY MAYOR

General Manager responsible:	General Manager Regulation Democracy Services, DDI 941-8549
Officer responsible:	Legal Services Manager
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PURPOSE OF REPORT

1. The purpose of this report is to explain the process to elect the Deputy Mayor as required by the Local Government Act 2002.

EXECUTIVE SUMMARY

2. The Act prescribes the processes by which the Council shall elect the Deputy Mayor and 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 2006-16 LTCCP BUDGETS?

4. Not applicable.

LEGAL CONSIDERATIONS

5. The Local Government Act 2002 requires the Council, at its first meeting, to elect one of its members to be its Deputy Mayor.
- 6.. The manner in which the Council is to elect its Deputy Mayor is prescribed in Clause 25 of Schedule 7 of the Act. It provides that the Council must determine by resolution that the Deputy Mayor 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.”*

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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 Council 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. The Council 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 Deputy Mayor are called for.
11. If there is only one candidate then the Council may resolve that that person be elected as the Deputy Mayor.
- 12.. If there is more than one candidate the Council must then put the matter to a vote according to the system it has adopted. The Mayor and Councillors 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

Four nominations are received and upon the votes being counted the result is:
A (5) B (4) C (2) D (2). In this case A becomes Deputy Mayor.

Example 2

Four nominations are received and upon the votes being counted the result is:
A (4) B (4) C (3) D (2). In this case no candidate is successful so a second round of voting is held for candidates A, B and C. The lowest polling candidate, D, is excluded.

Upon the votes being counted in the second round the result is:
A (5) B (4) C (4). In this case A becomes Deputy Mayor.

Example 3

Five nominations are received. Upon the votes being counted the result is:
A (4) B (4) C (3) D (1) E(1). In this case no candidate is successful so a second round of voting is held for candidates A, B, C and whoever of D or E is not excluded by lot.

Upon the votes being counted in the second round the result is:
A (5) B (4) C (3) E (1) (D having being excluded by lot). In this case A becomes Deputy Mayor.

SYSTEM B

Example 1

Four nominations are received and upon the votes being counted the result is:
A (6) B (5) C (1) D (1). In this case A becomes Deputy Mayor.

Example 2

Four nominations are received and upon the votes being counted the result is:
A (5) B (5) C (2) D(1). In this case a lot is held to determine who between A and B will become Deputy Mayor.

1 Cont'd

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

14. This report covers the obligations on Council as prescribed in Clause 7. 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 2006-16 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 Council receive this report.

C W Gilbert
LEGAL SERVICES MANAGER