

## 5. 2001 TRIENNIAL CHRISTCHURCH CITY ELECTIONS

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The purpose of this report is to outline the key provisions of the recently enacted local government electoral legislation, and the implications of this, together with information relating to the election process.

### INTRODUCTION

#### Terms of Reference

Local elections are required to be conducted for all local authorities in New Zealand (except for Rodney District Council) on Saturday 13 October 2001.

New local government electoral legislation has just been passed by Parliament and most of the provisions of this new legislation are to be used for this year's elections. This report provides some background information on the legislation and seeks a decision on the use of its provisions permitting the early processing of the returned voting papers during the extended three week voting period.

#### Background

Local government elections are required to be conducted every three years.

Local government elections have been conducted in the past under the provisions of the Local Elections and Polls Act 1976, the Local Government (Electoral) Regulations 1992 and the Local Government Act 1974. For the 2001 elections (and all future local elections), the new Local Electoral Act 2001 and Local Electoral Regulations 2001 are to apply.

### NEW LEGISLATION AND ASSOCIATED ISSUES

#### Local Electoral Act 2001

The new Local Electoral Act 2001 was passed by Parliament on Thursday 24 May 2001. It was assented to on 29 May 2001 and becomes operative once the regulations are promulgated (expected early to mid-July 2001).

This means that new local government electoral legislation can be used for the 2001 elections.

The Christchurch City Council made both written and oral submissions on the Local Electoral Bill, and most of the Council's concerns have been addressed.

The Local Electoral Act 2001 provides for the following significant changes:

- flexibility for local government to choose an **electoral system** (FPP or STV) that is best suited to their community, including provision for a poll [STV would be an option from 2004 onwards];
- flexibility for local government to choose one or more **voting methods** (postal, ballot box, telephone, internet, kiosk etc) [postal and ballot box voting to be the only methods available for the 2001 triennial general elections];
- a longer **voting period** (3 weeks, up from 2 weeks);
- ability to use **early processing** during all or part of the voting period;
- **special votes** to be available for the full voting period;
- continuation of the **non-resident ratepayer electoral roll**, but with additional promotional requirements;
- introduction of **candidate campaign expenditure limits**;
- inclusion of **candidate profiles** and photographs with voting papers;
- increase in **nomination deposit** from \$100 (incl GST) to \$200 (incl GST);
- need for **by-elections to be held** for all elected positions (including Community Boards) where an extraordinary vacancy occurs more than 12 months prior to a triennial general election;
- if member **elected to both Council and Community Board** – member can resign from Community Board to assume appointed position and next highest polling candidate deemed elected;
- reclassification of Returning Officer to **Electoral Officer**;

- Electoral Officer responsible for **compiling the Electoral Roll** (rather than Principal Administrative Officer);
- Preliminary election results can be released at any time after the close of voting at 12 noon on election day, rather than having to wait until 7pm as previously.
- prohibition on Chief Executive Officers/General Managers from holding **Electoral Officer positions**.

The main areas of debate during the Justice and Electoral Select Committee deliberations appeared to be the choice of voting systems, provision of candidate profiles (sent out with the voting papers or issued a week earlier, the ability to include other languages), and the monitoring of and limits for candidate expenditure. These are dealt with in more detail as follows:

#### *Choice of Voting System*

First Past the Post (FPP) voting system is the only voting system that can be used for the 2001 triennial Council elections. For the 2004 triennial Council elections, Single Transferable Vote (STV) will become an option for councils to adopt if they wish, but mandatory for District Health Board elections. For councils, the timetable will be:

- (i) Any local authority may, by 12 September two years before a triennial election (i.e. 12 September 2002), resolve to use a specified electoral system other than the electoral system used for the last triennial election.
- (ii) A public notice is required, by 19 September two years before a triennial election (i.e. 19 September 2002), of the right to demand a poll on the electoral system to be used for the next two triennial elections, and include, if a resolution had been made under (i), a copy of that resolution. Thus, electors can initiate a change to the voting system by means of this poll mechanism, regardless of any decision made by the local authority.
- (iii) There is then a 90 day period in which a demand for a poll can be gathered.
- (iv) If more than 5% of the electorate demand that a poll be held, then a poll must occur. The outcome of the poll determines the specified electoral system to be used for the next two triennial elections.
- (v) If none of the above occur, a local authority may, however, by 28 February in the year before a triennial election (i.e. 28 February 2003), resolve to hold a poll on the specified electoral system. A poll is then held. The outcome of the poll determines the specified electoral system to be used for the next two triennial elections.

#### *Candidate Profile Statements*

Section 61 of the Act makes provision for candidates to submit profile statements which will be published and mailed out with the voting papers. The statements must not exceed 150 words in total, except where a candidate chooses to use both Maori and English in which case the statement may be up to 150 words in each language. Other languages or a translation into another language may be used but must not exceed 150 words in total.

The profile statement must be confined to information concerning the candidate (including party affiliations) and the candidate's policies and intentions if elected to office. If the electoral officer is not satisfied that a profile statement complies with these requirements then the electoral officer must return the statement to the candidate, specifying the concerns and the reasons for them. The candidate is then given a period of not less than three days from the date of return of the statement to amend and re-submit the statement. If in the opinion of the electoral officer the statement still does not comply, then the candidate will be treated as having failed to provide a profile statement.

Candidates may also submit a recent photograph for inclusion with the profile statement.

### *Candidates Elected to Both Council and Community Board*

Candidates will still be able to stand and be elected to both the Council and a Community Board. However, where the Council wishes to appoint as a member of a Community Board a person who has been elected as both a Councillor and a Community Board member, that person will not be able to be **appointed** to the Board unless he or she resigns from the Community Board, no later than the day after the date on which the appointment was made at the inaugural Council meeting. If a person in this situation does elect to resign from the Board to allow them to become an appointed member of the Board, then the next highest polling Community Board candidate is declared elected to fill the resulting vacancy.

This new provision is designed to overcome concerns expressed by some other councils, that the former legislation occasionally resulted in a reduction in the total number of Board members. This situation has not arisen previously in Christchurch, as although some present Councillors have also been elected as Board members, there have been sufficient remaining Councillors within each of the two affected wards to allow the appointment of three appointed members of each Board.

### *Candidate Expenditure Limits*

Candidate expenditure limits have been established and will be operative for the 2001 triennial elections. Limits are as follows:

<i>Local government area population</i>	<i>Expenditure limit</i>
up to 4,999	\$3,500
5,000 – 9,999	\$7,000
10,000 – 19,999	\$14,000
20,000 – 39,999	\$20,000
40,000 – 59,999	\$30,000
60,000 – 79,999	\$40,000
80,000 – 99,999	\$50,000
100,000 – 149,999	\$55,000
150,000 – 249,999	\$60,000
250,000 or more	\$70,000

*Note: These figures are inclusive of GST.*

If a candidate is standing for more than one position (eg Mayor and Council) then the higher limit applies (not both combined).

Therefore, the total electoral expenses (including GST) of each candidate must not exceed the following amounts in the case of this year's Christchurch City elections:

	\$	
Mayoral candidates	70,000	<i>(total city population limit applies)</i>
Council candidates	20,000	<i>(ward population limit applies)</i>
Community Board candidates	20,000	<i>(ward, rather than community population limit applies)</i>
Canterbury Regional Council candidates	40,000	<i>(population of three wards forming each regional council constituency applies)</i>
Canterbury District Health Board candidates	70,000	<i>(as DHB candidates are elected at large across the city, total city population limit applies)</i>

Electoral activity, for which expenses have to be accounted, does not include activities that relate to a candidate in his or her capacity as a member of a local authority, community board or as the holder of any other office. By way of example, elected members who customarily advertise their availability to meet with the public as part of their Council role, can continue to do so without accounting for these costs as part of their electoral return.

It should be noted that election expenses do not include the following types of expense:

- The expense of operating a vehicle on which election advertising appears if that vehicle is used in good faith as the candidate's personal means of transport;
- Expenses incurred by the candidate in preparing a candidate profile statement; and
- The labour of any person that is provided to the candidate free of charge.

Where two or more candidates run joint electoral campaigns, electoral expenses must be apportioned equally to each of those candidates.

All payments made in respect of any electoral expenses, except when it is less than \$200 inclusive of GST, must be vouched by a bill stating the particulars and a receipt. All candidates must lodge with the electoral officer a return of electoral expenses and details of electoral donations. This must occur within 55 days after the day on which the successful candidates have been declared elected. The final day for lodging returns for the 2001 triennial general election is expected to be Friday 14 December 2001, based on the declaration/public notice of the election results being published on Saturday 20 October 2001.

All returns are to be kept by the electoral officer for a period of six months after being received and must be open to public inspection during that time by any person. At the expiry of the six-month period the electoral officer must ensure the returns are destroyed.

Failure to lodge a return of electoral expenses within the prescribed period is an offence which upon conviction carries a maximum fine of \$1,000 and for those candidates elected, a further \$400 maximum for each and every day the person continues to act in office, until the return is lodged.

Any candidate who knowingly lodges a false return may be liable on conviction to a maximum two-year jail term or \$10,000 fine. False returns generally carry a maximum fine of \$5,000 upon conviction, unless candidates can prove that there was no intent to mis-state or conceal the facts and they took all reasonable steps to ensure the accuracy of the information.

### *General*

The new legislation is principles based and is designed to permit greater local choice and flexibility to embrace new technology and processes. Much of the detail in conducting local government elections will be contained in regulations and codes of best practice (still being drafted).

It should be noted that for the 2001 elections, the electoral rolls will be compiled under the provisions of the Local Elections and Polls 1976 as this process commenced in April, prior to the passage of the Local Electoral Act 2001.

### **Timetable**

Key functions and dates are:

- |   |                                 |
|---|---------------------------------|
| • Candidate Expenditure Commencement Date | Friday, 13 July 2001            |
| • Nominations Open                        | Friday, 27 July 2001            |
| • Roll Open for Public Inspection         | Friday, 3 August 2001           |
| • Nominations Close                       | 12 noon, Friday, 24 August 2001 |
| • Roll Closes                             | Friday, 31 August 2001          |
| • Commence delivery of Voting Mailers     | Friday, 21 September 2001       |
| • Election Day                            | Saturday 13 October 2001        |

### **Positions**

Elections will be required for the following positions:

- Mayor
- *Councillors* (24 City councillors, with two councillors elected for each of the 12 wards)
- *Community Board Members* (36 members, with three members elected for each of the two wards within each of the six communities)
- *Canterbury Regional Council Members* (8 Regional Councillors, with two members being elected for each of the four Christchurch City constituencies)
- *Canterbury District Health Board Members* (5 members for Christchurch City, elected at large across the whole of the city)

## **Electoral Roll Update**

### *Ratepayers' Electoral Roll*

During the month of April, all current non-resident ratepayer electors were sent either a confirmation form (requesting any changes to details) or a letter advising the elector that they were no longer eligible as a ratepayer elector (no longer have an interest in the property).

A national advertising campaign was undertaken by Electoral Officers during the month of May advising readers in all major daily newspapers of the criteria and qualifications required to be eligible for the ratepayer roll. A national 0800 helpline has been established for interested people to phone for an enrolment form.

### *Residential Electors Roll*

A national advertising campaign encouraging people to enrol and to check elector details is planned by the Electoral Enrolment Centre for August. Each parliamentary elector will be sent a confirmation form, requesting any changes to details to be advised.

The Electoral Enrolment Centre will be spending about \$2m on this process and this will directly benefit the local government elections by providing a more accurate list of residential electors.

The Electoral Officer will also actively assisting the Electoral Enrolment Centre by promoting the roll campaign in the City Scene and by other means.

The number of residential electors enrolled in Christchurch City at 11 May 2001 was 226,374 this being a 1.17% increase since the 1998 election.

## **Candidate Information Booklet**

A candidate information booklet, similar to that issued for the 1998 triennial elections, has been prepared and this will be made available to all potential candidates and other interested persons. The booklet will also be issued to all candidates at the time of lodging their nomination, if they have not previously obtained a booklet.

The booklet covers information relating to the election process and includes information relating to the new legislation. Particular emphasis has been given to candidate expenditure limits.

## **Canterbury District Health Board**

Elections for the new District Health Boards are required in 2001. Each health board in New Zealand is required to have up to 11 members, seven of which are to be directly elected by all residential electors and up to four appointed members (two of which must be Maori).

The Canterbury District Health Board has been split, for electoral purposes, into three constituencies, these being:

- 1 Member for the North Canterbury constituency, comprising Kaikoura District, Hurunui District and Waimakariri District,
- 5 Members for the Christchurch City constituency,
- 1 Member for the Mid-Canterbury constituency, comprising Banks Peninsula District, Selwyn District and Ashburton District.

The Canterbury District Health Board and the Canterbury Regional Council will be contributing their share of the total election costs.

## **0800 Participate**

Local Government New Zealand and the Ministry of Health have established an 0800 service for potential candidates wishing to know more information about becoming a candidate for local body elections. The service was launched by the Minister of Local Government on 10 May 2001.

The 0800 service (0800 PARTICIPATE) is receiving about five enquiries a day, but this is expected to increase once the nomination period commences.

Each enquirer is given basic information, contact details for their local Electoral Officer and a Local Government New Zealand Elected Members' Handbook.

### **Early Processing Resolution**

Section 79 of the Local Electoral Act 2001 permits a local authority to process (but not count) returned voting papers over the voting period.

Early processing of returned voting papers was introduced for the 1998 triennial elections (but restricted to the 84 hours before the close of voting) and was used very successfully throughout the country. Because of the success of early processing in 1998 and the great benefits which early processing provides, the early processing period has been increased to the whole voting period under the new legislation. The immediate benefit of adopting early processing is that much, if not all, of the cumbersome and time-consuming task of extracting and checking of voting papers is undertaken progressively over the voting period (under strict security and under the supervision of a Justice of the Peace). This means a quicker and more accurate result can be achieved on election day.

It is therefore recommended that the Council approve the early processing of the returned voting papers over the voting period for the 2001 triennial election as contained in section 79 of the Local Electoral Act 2001.

### **SUMMARY**

The Local Electoral Act 2001 modernises the provisions for the conduct of local elections and polls and provides sufficient legislative flexibility to accommodate new technologies and processes. The Act is intended to provide clarity and consistency for the conduct of local elections and polls with provision for local choice regarding electoral systems and voting methods.

Planning for the 2001 triennial elections is well under way and on target.

**Recommendation:** That the Christchurch City Council resolve that the returned voting papers for the 2001 triennial election be processed during the voting period, such early processing to be undertaken in accordance with section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Codes of Best Practice.

### **Chairman's**

**Recommendation:** That the above recommendation be adopted.