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REPORT OF THE GENERAL MANAGER REGULATION AND DEMOCRACY SERVICES

1. ELECTION OF DEPUTY MAYOR

INTRODUCTION

1. The Local Government Act 2002 provides that every local authority **shall** at the inaugural meeting, elect one of its members to be its Deputy Mayor.
2. Clause 25 of Schedule 7 of the 2002 Act requires that the Council must, **by resolution**, determine that the person be elected by a *“system of voting that requires that:*
 - (a) *...the person to be elected...receive the votes of a majority of the members of the (Council) present and voting; and*
 - (b) *if more than one round of voting is required, the least successful candidate in a round of voting may not be a candidate in the next round of voting.”*
3. 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.

PRACTICAL APPLICATION OF CLAUSE 25

4. What Clause 25 envisages is that nominations for the position of Deputy Mayor would be called for.
5. If there is only one candidate then the Council can resolve that that person be elected as the Deputy Mayor.
6. If there is more than one candidate, 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.
7. 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)

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.

1 Cont'd

Example B

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

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

Clause 25 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 the predecessor to Clause 25 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 Clause 25 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.

8. This method of voting must also be adopted to elect representatives on other bodies and the Chairperson and Deputy Chairperson of Community Boards.
9. The Local Government Act requires that the Deputy Mayor chair the Council's meetings when the Mayor is absent.