

REPORT 3
(1215/52/IM & 0160/L6/IM)

SUBMISSION - LOCAL ELECTORAL AMENDMENT BILL (NO 2.)

1. Purpose of report

This report provides a Wellington City Council submission on the Local Electoral Amendment Bill (No 2), for the Committee's consideration and approval.

2. Executive summary

The Local Electoral Bill (No 2) was introduced into the House on 6 November 2012 and has been referred to the Justice and Electoral Committee for its consideration.

The purpose of the Bill is to:

- improve the provisions for the conduct of local elections;
- increase transparency and accountability in the provision, receipt, disclosure, recording, and reporting by candidates of electoral donations; and
- strengthen the integrity and efficiency of the local electoral system.

Given the Government's stated desire to have the amendments to the donations rules enacted in time for the 2013 local government elections, the consultation process is necessarily short. Submissions on the Bill close on 21 December 2012.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree that the attached submission on the Local Electoral Amendment Bill (No 2) (Appendix 1), be forwarded to the Justice and Electoral Committee for its consideration.*
3. *Agree to delegate to the Chief Executive and the Governance Portfolio Leader, the authority to amend the proposed submission from Wellington City Council to the Justice and Electoral Committee to include any amendments agreed by the Committee and any associated minor consequential edits.*

4. Background

There has been increasing public concern that the Local Electoral Act 2001 does not require candidates for local authority elections to provide the same degree of transparency and accountability in regard to donations as that required for parliamentary candidates. The Bill incorporates amendments to revise or introduce provisions for electoral donations. In summary, the proposals—

- limit the size of an anonymous donation that a recipient can retain;
- amend the definitions of ‘anonymous’ and ‘donation’;
- increase disclosure, reporting, and recording obligations;
- introduce penalties for non-compliance with the new obligations.

The Bill also incorporates amendments from a Local Electoral Amendment Bill that was introduced in 2011 but did not receive its first reading. Those amendments were based on decisions made after the Government considered the recommendations for legislative amendments of the Justice and Electoral Committee’s 2011 report on its inquiry into the conduct of the 2010 local authority elections and the Local Government Commission’s 2008 statutory review of the Local Electoral Act 2001.

Most of these amendments are of a technical and procedural nature and are changes that have been recommended by the Society of Local Government Managers to inquiries conducted by the Justice and Electoral Committee into the running of the 2004, 2007 and 2010 local authority elections. The prime focus of these recommendations has been to improve the efficient and effective management and conduct of future local government elections.

The Council has also supported a number of these amendments in submissions it has made to the Justice and Electoral Committee on recommended changes to local electoral legislation over a number of years.

5. Discussion

5.1 *Electoral Donations and Electoral Expenses*

The Bill tightens the rules around anonymous donations, and essentially aligns the local election requirements with those that apply to Parliamentary elections.

It is proposed that:

- candidates not be permitted to accept an anonymous donation of more than \$1500; any amount in excess of that must be paid to the electoral officer responsible for the conduct of the election who in turn must pay the amount into the general fund of the local authority that appointed them
- any person accepting a donation on behalf of a candidate, such as a campaign manager, must tell the candidate of the identity of the donor if this is known
- all electoral donations given or sent to any person must be transmitted to the candidate within ten working days of its receipt

- the definition of an anonymous donation has been amended – a donation is anonymous if the candidate does not know the identity of the donor, or could not be reasonably expected to know the identity of the donor
- the existing donation disclosure threshold of \$1,000 is increased to \$1,500
- candidates are required to file a nil return of electoral expenses and donations if they consider there is no relevant information to disclose
- candidates are required to retain proper records to enable verification of the donation details disclosed in their electoral return.

Comment:

The new definition of anonymous, in relation to an electoral donation means:

“a donation that is made in such a way that the candidate who receives the donation-

- (a) does not know the identity of the donor, and*
- (b) could not, in the circumstances, reasonably be expected to know the identity of the donor”.*

The Local Electoral Act 2001 (LEA) is broadly aligned with the Electoral Act 1993 (EA) under which the parliamentary elections are held. Both prescribe processes and rules for candidates’ electoral finances.

Although the EA has been revised three times in the last five years to strengthen and clarify its provisions for campaign financing, and to provide additional checks and balances, the LEA has not undergone a review on its donation provisions since 2001.

The LEA currently requires a candidate to declare an anonymous donation of a sum of more than \$1,000 and its provisions (particularly for anonymous donations) do not place the same control and obligations on candidates, third parties, donors or officials as the EA does.

For instance, the LEA:

- sets no limit on the amount of money that can be donated anonymously, which prevents a degree of transparency in financing;
- does not require a third party, such as a campaign staff member or a ‘go-between’, to disclose the identity of a donor to the candidate when the third party is given an anonymous donation from that donor; and
- does not oblige the candidates to keep good records and receipts of donations received.

The proposed amendments to the LEA will provide more transparency in the local electoral system, which is one of the Act’s main principles. They will also provide greater clarity for donors, candidates, officials and third parties about their obligations, and what they can and cannot do under the Act. Increasing disclosure and reporting obligations, and making campaign financing more

open will increase public confidence in the local electoral system. The amendments will achieve two of the LEA's principles: to achieve public confidence in local electoral processes and to provide transparent electoral systems.

It is therefore recommended that the proposed amendments be supported.

5.2 Representation Reviews

It is proposed that:

- territorial authorities are empowered to make minor alterations to boundaries of wards or communities in certain circumstances. The proposed boundary alterations must still be referred to the Local Government Commission for approval.
- the resolution determining the 'initial' representation review arrangements that will apply for the next triennial election of a territorial authority, regional council or community board must not be passed before 1 March of the year before the election
- two more exceptions where wards and subdivisions of a community may be defined, and membership distributed between them, in a way that does not comply with the fair representation requirement of the Act be added.

The exceptions are

- where compliance would limit effective representation of communities of interest either by dividing a community of interest between wards or subdivisions; or
- by uniting, within a ward or community, 2 or more communities of interest with few commonalities of interest
- public notice of the 'final' representation review proposal must specify the communities of interest considered in the review, the ratio of population per elected member, and the reasons for those proposals.

Comment:

The current legislation ensures that each elector's vote has approximately the same value and that wards, constituencies and subdivisions have about the same ratio of members per voters (known as the +/- 10% rule).

Some Councils' have had difficulty in the past in defining ward and constituency boundaries that achieve the fair representation requirement of the Act as well as the effective representation requirement of grouping communities of interest.

When preparing its 'initial' 2003 proposal, the Council had to divide a recognised community of interest between two wards in order to comply with the +/- 10% population rule. Although that split was not included in its final proposal the fact that it was even proposed as an option created some angst in the community concerned. The proposal was not supported by the Local Government Commission in its determination.

It is accepted that the +/- 10% rule is an important principle and every endeavour should be made to comply with it. However, the proposal to add 2 more exceptions where wards and subdivisions of a community may be defined in a way that does not comply with the fair representation requirement will help a number of Councils when undertaking their representation reviews. It is recommended that the proposed amendments be supported.

5.3 Procedural and Technical Amendments

It is proposed that:

- the nomination day be moved forward to the 57th day before election day (it is currently the 50th day before election day)
- a candidates nomination not be accepted unless the electoral officer receives a properly completed nomination paper, the required deposit and any candidate profile statement and photograph all at the same time
- candidates be required to specify in their candidate profile statement their principal place of residence in terms of the position for which they are standing and, if standing for more than one position, specify each position for which they are a candidate
- the adjournment of an election be permitted in circumstances where a national or local emergency has adverse effects that might deny voters a reasonable opportunity to vote, or to be nominated as a candidate
- voting documents be required to provide a warning of offences in relation to the completion of a voting document (e.g. filling out someone else's document without proper authority) or a related document
- the requirement for local authorities to authorise early processing of voting documents by resolution be repealed – the electoral officer to be empowered to make that decision on their own initiative
- the retirement of candidates after the close of nominations be prohibited – an application for a cancellation of a nomination can be made if the candidate becomes incapacitated after the close of nominations but before the close of voting
- the Electoral Officer be allowed to publish or display candidate profile statements at any time after the close of nominations
- all candidates at a triennial election who are declared to be elected come into office on the day after the day on which the official results of the election is declared.

Comment:

(a) Movement of nomination day

The three week period between the close of nominations and the lodgement of the voting documents with NZ Post is one of the busiest and most critical

periods of the whole election process, particularly for the electoral officer and the mail house.

It has become common practice now for candidates to lodge their nominations in the last two days before the close of nominations and this has caused significant administrative problems over the last 2-3 elections.

From an administrative perspective, the influx of information at the end of the nomination period would be of less concern if there was more time between the close of nominations and the despatch of the voting documents. Currently only a three week window is available to electoral officers and mail houses to prepare, print and pack the voting documents and candidate profile booklets for more than 2.95 million electors. To meet the timeframe electoral officers have been required to collate, proof-read and sign-off their information within 48 hours of the close of nominations. This pressure, and the high potential for making mistakes, could be relieved by lengthening the time available for processing nominations information and subsequent printing requirements.

The proposed amendment provides an additional seven days for this work to be carried out and its introduction is strongly recommended.

There is no proposal to reduce the length of the nomination period or the time that the electoral roll is available for public inspection. The opening dates for both these activities will also be brought forward by one week.

(b) Lodging of candidate nomination papers

Under the current legislation a candidate can lodge their nomination form, candidate profile statement and their deposit at different times during the nomination period.

The separate lodgement of these documents means electoral staff could potentially have to deal with candidates on four different occasions and more, if the documentation has not been completed correctly.

The requirement to lodge all the documents together would help to minimize the risk of candidates missing the nomination deadline (due to an incomplete or incorrectly completed nomination). It would also promote more efficient processing of nominations both for the candidate and the electoral officer.

It is recommended that this amendment be supported.

(c) Candidate profile statement

Anyone registered on the electoral roll for parliamentary elections is currently eligible for nomination as a candidate in any local authority district, and may stand for positions in more than one local authority, subject to certain conditions.

There is no proposal to change that provision however the amendment requires prospective candidates, who choose to submit a profile statement with their nomination papers, to also state whether they live in the local government or subdivision to which they are seeking election and, if the candidate is seeking election to more than one position, they must specify each position they are standing for. This additional information will not be included in the current 150 word maximum allowed for a candidate profile statement. The intention of the amendment is to inform electors, before they cast their vote, whether the candidate lives in the area of the election or not and how many other positions they may be standing for.

There is a conflict between the explanation of clause 15 in the explanatory note of the Bill, and the actual wording of clause 15 in the Bill proper. The explanatory note states that the candidate profile statement must “specify the candidate’s principal place of residence”, and Clause 15 requires that the candidate profile statement *“must specify whether the candidate’s principal place of residence is in the local government area or subdivision for which the candidate seeks election ...”*

It seems reasonable that candidates be required to disclose all positions for which they are standing. However some concern has been expressed that having to declare their residential address raises potential security issues for candidates and their families and that concern is understandable.

In order to achieve the intention of informing electors whether a candidate lives in the area of the election or not, and not disclosing the residential address of a candidate, it is recommended that Clause 15 of the Bill be amended to require candidates to state whether they live in the local government area to which they are seeking election (yes/no), and if not then which local government area they principally live in.

It is recommended that the amendment be supported subject to the suggested wording change outlined in the paragraph above.

(d) Adjournment of election

Under the current legislation if the Electoral Officer believes on reasonable grounds that electors are, or are likely to be, denied a reasonable opportunity to cast a valid vote at an election or poll because of:

- natural disaster; or
- adverse weather conditions; or
- the breakdown of communication or energy services; or
- riot or disorder; or
- any other event

he/she may adjourn the close of voting for a period not exceeding 14 days, and may continue to adjourn the close of voting, if necessary, until the election or poll can be held or taken.

A new clause is proposed to add a power to adjourn electoral processes, by Order in Council, in certain situations. The order may specify a later date for certain dates (such as nomination day or polling day) in respect of a triennial general election of members of 1 or more local authorities and community boards. Each date may be deferred by up to 6 weeks. Before recommending the making of an Order in Council, the Minister of Local Government must be satisfied that the order is necessary to ensure that the adverse effects of a local or national emergency do not deny electors a reasonable opportunity to cast a valid vote, nominate a candidate, or accept nomination as a candidate in relation to the election. The Minister also must have consulted every local authority and electoral officer that will be affected.

In view of earthquake that occurred in Christchurch in September 2010 and the problems that that caused in the running of the 2010 local authority elections in that area it is recommended that this amendment be supported.

(e) Warning of offences on voting documents

Although there is no current requirement for voting documents to contain a written warning describing certain offences that a person may commit in relation to the completion of a voting document or a related document, such wording has appeared on voting documents for the last two triennial elections as a matter of good electoral practice. This amendment ratifies the current practise and should be supported.

(f) Early processing of voting documents

The early processing of voting documents is now standard practice for all local authority elections and, despite the strict rules that must be adhered to, there have been no reported breaches since its introduction in 1998.

The benefits of early vote processing include, but are not limited to:

- better management of the workload associated with vote counting and lower staffing requirements (and therefore lower costs)
- improved security of the election process
- early identification of any technical issues
- reduction in the potential for human error
- faster announcements of preliminary results

Because of the outlined benefits and the fact that no issues have arisen since the practice was first introduced, the early processing of votes should now be regarded as the norm for local authority elections.

The proposed amendment removes the current provision which requires local authorities to determine by resolution that voting documents are to be processed during the voting period of an election or poll and provides the Electoral Officer with the authority to make this decision.

The procedures that must be followed are clearly set out in the legislation and these procedures must be strictly complied with by the Electoral Officer.

The legislation protects the secrecy of voting during the polling period in a number of ways; including the appointment of a Justice of the Peace to oversee the processing of voting documents at all times prior to the close of voting on election day.

It is recommended that this amendment be supported.

(g) Retirement of candidate after close of nominations

It is not uncommon for candidates to accept nomination for Mayor and Council positions with a view to the extra publicity that the mayoral candidacy gives to their chances of being elected councillor. At some point between the close of nominations and polling day they withdraw as a candidate for Mayor.

One of the problems that can occur is that the withdrawal occurs at a point when some electors have voted. This can create additional costs for the local authority specifically under section 71 of the Act which requires the electoral officer to:

- give public notice of the withdrawal
- take all practical steps to ensure voters do not vote for a candidate who has retired from the election (which might for example include, altering or reprinting voting documents, or placing explanatory inserts with the documents).

The proposed amendments are very similar to those which apply to parliamentary elections (i.e. withdrawal is not permitted, a person ceases to be a candidate if and only if they die or become incapacitated, or through invalidity of nomination) and their adoption would provide some consistency between parliamentary and local authority elections.

(h) Display of candidate profile statements

The current wording of section 29(2) of the Local Electoral Regulations limits the Electoral Officer's ability to publish or display candidate profile statements prior to the commencement of the voting period (i.e. 22 days before Election Day).

The results of many post election voter surveys undertaken after recent elections has shown that one of the main reasons why people do not vote is because they don't know enough about the candidates.

If Electoral Officers were permitted to display/release candidate information immediately after the close of nominations, it may help increase voter turnout.

(i) Coming into office

Under the current legislation any candidate at a triennial election who is declared elected before polling day (i.e. where an election is not required because insufficient candidates put themselves forward for election) comes into office on polling day. Any member elected on polling day takes office on the day after the day on which public notice of the official result is given.

It is proposed that all candidates who are declared elected at a triennial election, either before or after polling day, come into office on the day after the day on which public notice of the official result is given.

Standardising the date for assumption of office reduces the potential for confusion on the part of elected members (and the public) as to when they can act as an elected member. It is recommended that this amendment be supported.

5.4 Consultation and Engagement

The proposed amendments to the Bill are based on decisions made after the Government considered the recommendations for legislative amendments of the Justice and Electoral Committee's 2011 report on its inquiry into the conduct of the 2010 local authority elections and the Local Government Commission's 2008 statutory review of the Local Electoral Act 2001. Both these reviews were open to submissions from the public. No additional consultation is required.

5.5 Financial considerations

There are no financial considerations.

5.6 Climate change impacts and considerations

There are no climate change impacts and considerations.

5.7 Long-term plan considerations

There are no long-term plan considerations.

6. Conclusion

The Justice and Electoral Committee have invited submissions on the Local Electoral Amendment Bill (No 2).

The Bill seeks to amend the Local Electoral Act 2001 with regard to the provisions for the conduct of local elections; transparency and accountability around electoral donations; and the integrity and efficiency of the electoral system.

Submissions on the Bill close on Friday 21 December 2012.

Contact Officer: Ross Bly, Special Projects and Electoral Officer.

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The policy supports Council's overall vision of Wellington Towards 2040: Smart Capital. The policy supports Outcome 7.2.B – More actively engaged: Wellington will operate an open and honest decision making process that generates confidence and trust in the democratic system.

2) LTP/Annual Plan reference and long term financial impact

The project relates to C534: Elections, Governance and Democratic Process and has no long term financial impact.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

4) Decision-making

This is not a significant decision.

5) Consultation

a) General consultation

Council is not required to consult on this matter.

b) Consultation with Maori

Not required.

6) Legal implications

There are no legal implications.

7) Consistency with existing policy

The report is consistent with existing Council policy.

Appendix 1

Submission to: **Justice and Electoral Committee**

Bill: **Local Electoral Amendment Bill (No 2)**

From: **Wellington City Council**

Date: **14 December 2012**

1. INTRODUCTION

- 1.1 The Wellington City Council thanks the Justice and Electoral Committee for the opportunity to submit on the Local Electoral Amendment Bill (the Bill).
- 1.2 The Council notes that the purpose of the Bill is to:
 - improve provisions for the conduct of local elections;
 - increase transparency and accountability in the provision, receipt, disclosure, recording, and reporting by candidates of electoral donations; and
 - strengthen the integrity and efficiency of the local electoral system.
- 1.3 It supports any move by the Government to ensure that a fair, transparent electoral system is in place for the conduct of local authority elections. We therefore welcome the Bill and indicate our general support of its content.
- 1.4 A number of the proposed amendments are of a procedural and technical nature, many of which have been promoted by individual Councils and the Society of Local Government Managers to inquiries conducted by the Justice and Electoral Committee into the running of the 2004, 2007 and 2010 local authority elections.
- 1.5 Our submission has been divided into the following three categories:
 - Anonymous donations
 - Representation reviews
 - Procedural and technical amendments

2. ANONYMOUS DONATIONS

The Council agrees with comments in the Regulatory Impact Statement (RIS) which accompanies this Bill that the current provisions in the Local Electoral Act 'are not sufficiently robust to achieve electoral transparency' and that 'the Act needs to be amended to provide greater checks and balances concerning the receipt, disclosure, reporting and recording of donations'.

The issue of anonymous donations has been raised in the past and Council made a submission in this respect following the local authority elections in 2001.

The fact that the Electoral Act 1993 has been revised three times in the last five years to strengthen and clarify its provisions for campaign financing and that the Local Electoral Act has not undergone a review on its donation provisions since 2001, is noted.

It is accepted that the proposed amendments will provide more transparency in the local electoral system and will also provide greater clarity for donors,

candidates, officials and third parties alike about their obligations, and what they can and cannot do under the Act. By increasing the disclosure and reporting obligations, and making campaign financing more open will help increase public confidence in the local electoral system.

The Council therefore supports the proposed amendments.

3. REPRESENTATION REVIEWS

The Council accepts that the +/- 10% rule is an important principle and that every endeavour should be made to comply with it when undertaking a representation review.

Some Councils' (including Wellington City) have had difficulty in the past in defining ward and constituency boundaries that achieve the fair representation requirement of the Act as well as meeting the effective representation requirement of grouping communities of interest.

When preparing its 'initial' 2003 proposal, the Council divided a recognised community of interest between two wards in order to comply with the +/- 10% population rule. Although that split was not included in the final proposal approved by the Local Government Commission, the fact that it was even contemplated as an option created some angst in the community concerned.

The proposal to add 2 more exceptions where wards and subdivisions of a community may be defined in a way that does not comply with the fair representation requirement will help Councils better define their boundaries when undertaking a representation review. The Council therefore supports the proposed amendments.

4. PROCEDURAL AND TECHNICAL ISSUES

4.1 Movement of nomination day

The Council strongly supports this amendment.

The three week period between the close of nominations and the lodgement of the voting documents with NZ Post is one of the busiest and most critical periods of the whole election process, particularly for the electoral officer and the mail house.

It has become common practice now for candidates to lodge their nominations in the last two days before the close of nominations and this has caused significant administrative problems over the last 2-3 elections.

From an administrative perspective, the influx of information at the end of the nomination period would be of less concern if there was more time between the close of nominations and the despatch of the voting documents. The three week window currently available to electoral officers and the mail houses to prepare,

print and pack more than 2.95 million voting documents and candidate profile booklets nationwide is logistically difficult. In order to meet the existing timeframes, electoral officers have been required to collate, proof-read and sign-off on their voting documents and candidate profile booklets within 48 hours of the close of nominations. This pressure, and the risk making mistakes, would be greatly reduced by providing the additional seven days for this work to be carried out.

4.2 Lodging of candidate nomination papers

The Council supports the amendment that candidates be required to lodge their nomination forms, candidate profile statements and the deposit at the same time.

The fact that a candidate can currently lodge their nomination form, candidate profile statement and their deposit at different times during the nomination period means electoral staff could potentially have to deal with candidates on four different occasions and more, if the documentation has not been completed correctly.

The requirement that all the documents be lodged together would minimize the risk of candidates missing the nomination deadline (due to an incomplete or incorrectly completed nomination). It would also promote more efficient processing of nominations both for the candidate and Electoral Officer.

4.3 Candidate profile statement

Anyone registered on the electoral roll for parliamentary elections is currently eligible for nomination as a candidate in any local authority district, and may stand for positions in more than one local authority, subject to certain conditions.

The intention of the amendment is to inform electors, before they cast their vote, whether the candidate lives in the area of the election or not and how many other positions they may be standing for.

There appears to be a conflict between the explanation of clause 15 in the explanatory note of the Bill, and the actual wording of clause 15 in the Bill proper. The explanatory note states that the candidate profile statement must “specify the candidate’s principal place of residence”, and Clause 15 requires that the candidate profile statement “*must specify whether the candidate’s principal place of residence is in the local government area or subdivision for which the candidate seeks election ...*”

Some concerns have been expressed that by having to declare their residential address raises potential security issues for candidates and their families and that concern is understandable.

In order to achieve the intention of informing electors whether a candidate lives in the area of the election (or not), and not requiring the disclosure of the

residential address of a candidate, it is recommended that Clause 15 of the Bill be amended to require candidates to state whether they live in the local government area to which they are seeking election (yes/no), and if not then which local government area they principally live in.

The Council supports the amendment that requires candidates to disclose all positions for which they are standing.

4.4 Adjourment of election

The Electoral Officer has the ability under the current legislation to adjourn the close of voting for a period not exceeding 14 days if he/she believes on reasonable grounds that electors are, or are likely to be, denied a reasonable opportunity to cast a valid vote at an election or poll. They may continue to adjourn the close of voting, if necessary, until the election or poll can be held.

However, in view of earthquake that occurred in Christchurch in September 2010 and the problems that that caused in the running of the 2010 local authority elections, the power to adjourn electoral processes in certain situations that the proposed new clause provides is supported by the Council.

4.5 Warning of offences on voting documents

Although there is no current requirement for voting documents to contain a voting offence warning on it, such wording has appeared on voting documents for the last two triennial elections as a matter of good electoral practice.

The amendment proposes to elevate this from a matter of good practice to a legal requirement and the Council supports it.

4.6 Early processing of voting documents

The early processing of voting documents is now standard practice for all local authority elections and, despite the strict rules that must be adhered to; there have been no reported breaches since its introduction in 1998.

The benefits of early vote processing include, but are not limited to:

- better management of the workload associated with vote counting and lower staffing requirements (and therefore lower costs)
- improved security of the election process
- early identification of any technical issues
- faster announcements of preliminary results

Because of the outlined benefits and the fact that no issues have arisen since the practice was first introduced, the early processing of votes should now be regarded as 'business as usual' for local authority elections.

The early processing procedures that must be followed are clearly set out in the legislation and these procedures must be strictly complied with by the Electoral Officer.

The legislation protects the secrecy of voting during the polling period in a number of ways, including the appointment of a Justice of the Peace to oversee the processing of voting documents at all times prior to the close of voting on election day.

The Council therefore supports the amendments that repeal the current requirement for elected members to resolve that the local authority will process votes during the voting period, and provide the Electoral Officer with the authority to make this decision.

4.7 Retirement of candidate after close of nominations

The Council supports the proposed amendments.

It is not uncommon for candidates to accept nomination for both Mayoralty and Council positions because of the extra publicity that the Mayoral candidacy gives to their chances of being elected councillor. At some point between the close of nominations and polling day some of those candidates withdraw their nomination for Mayor.

One of the problems that can occur is that the notice of withdrawal occurs at a point when some electors have voted. This can create additional costs for the local authority specifically under section 71 of the Act which requires the Electoral Officer to:

- give public notice of the withdrawal
- take all practical steps to ensure voters do not vote for a candidate who has retired from the election (which might for example include, altering or reprinting voting documents, or placing explanatory inserts with the documents).

The proposed amendments are very similar to those which apply to Parliamentary elections and their adoption would provide some consistency between parliamentary and local authority elections.

4.8 Display of candidate profile statements

The current wording of section 29(2) of the Local Electoral Regulations limits the Electoral Officer's ability to publish or display candidate profile statements prior to the commencement of the voting period.

The results of many post election voter surveys undertaken after recent elections have shown that one of the main reasons why people do not vote is because they don't know enough about the candidates.

The amendment will allow the Electoral Officer to display/release candidate information immediately after the close of nominations which will hopefully help increase voter turnout.

The Council therefore supports the amendment.

4.9 Coming into office

The Council supports the proposed amendments.

Under the current legislation any candidate at a triennial election who is declared elected before polling day (i.e. where an election is not required because the same or fewer candidates than the number of positions available put themselves forward for election) comes into office on polling day. Any member elected on polling day takes office on the day after the day on which public notice of the official result is given.

The proposal will see all candidates who are declared elected at a triennial election, come into office on the day after the day on which public notice of the official result is given. This will reduce the potential for confusion on the part of elected members (and the public) as to when they can act as an elected member.