TIMETABLE AND DECISIONS REQUIRED FOR 2007 LOCAL AUTHORITY ELECTIONS

1. Purpose of Report

The purpose of this report is to:

(a)   provide Councillors with the timetable for the 2007 local authority elections to be held on Saturday 13 October 2007

(b)   seek approval for the retention of postal voting for the 2007 elections

(c)   seek approval for the Electoral Officer to process returned voting documents during the three week voting period prior to 12 noon on election day (Saturday 13 October 2007)

(d)   seek a decision on the order in which the candidates' names are to be listed on the voting documents used at the 2007 local authority elections.

2. Recommendations

It is recommended that the Council:

1.   *Receive the information.*

2.   *Agree that the 2007 local authority elections be conducted by postal vote.*

3.   *Agree that the returned voting documents for the 2007 local authority elections may be processed during the three week voting period prior to 12 noon on election day (Saturday 13 October 2007).*

4.   *Agree that the names of the candidates standing for the Council and its community boards at the 2007 local authority elections be arranged on the voting document in random order.*

3. Background

The Local Electoral Act 2001 (LEA) and the Local Electoral Regulations 2001 (LER) set out the rules and requirements the Electoral Officer is required to follow and comply with when running a local authority election.

Whilst not mandatory, the above legislation allows local authorities to consider and adopt various voting options when conducting elections. These options relate to:

- voting methods
- the early processing of voting documents
- the order of candidates' names on the voting documents.

4.   Discussion

4.1   Election Timetable

The timetable the Electoral Officer is required to work to for the 2007 local authority elections is set out in the LEA and the LER. A copy of that timetable is attached (**Appendix 1**).

4.2   Voting method

The legislation currently allows the use of either booth or postal voting for local authority elections. In the absence of any Council resolution the election must be conducted by the postal voting method.

The Wellington City Council has used postal voting as its method of voting since its introduction in 1989. The voter turnout in Wellington City has increased significantly since its introduction and although the voter turnout at the 2004 elections was down on the previous six elections (all under postal voting) it is suggested that the voting numbers would have been down somewhat more had the election been held under the ballot box method.

All territorial authorities have used postal voting as the preferred method of voting since 1998 and all of them have indicated that they will be using that method again in 2007.

The last time a local authority used booth voting was in 1992 when (the then) Lower Hutt City Council decided to use that method rather than postal voting. That decision resulted in a 27% voter turnout.

It is therefore recommended that postal voting be retained for the 2007 elections in Wellington.

4.3   Early processing of voting documents

Section 79 of the LEA allows a local authority to process (but not count) returned voting documents over some, or all, of the three week voting period prior to 12 noon on election day. However, to do so requires a Council resolution.

The immediate benefit of adopting early processing is that much, if not all, of the cumbersome and time-consuming task of opening the envelopes and extracting and checking the voting documents can be undertaken over the three week voting period (under strict security and under the constant supervision of a Justice of the Peace). This means a quicker result can be achieved on polling day. It also means that less staff need to be employed overall which in turn will achieve some cost savings. If early processing is not adopted it would be impossible to release a provisional election result much before the Monday following election day at the earliest.

The early processing of voting documents is now standard practice for local authority elections and, as far as officers are aware, has now been adopted by all local authorities. There have been no reported breaches of the procedures by any of the authorities who have used the practice since its introduction in 1998.

If early processing is adopted the procedures that must be followed are clearly set out in the legislation and these procedures must be strictly adhered to by the Electoral Officer.

The legislation aims to protect the secrecy of voting during the polling period in the following ways:

(a)   Through 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.

(b)   The requirement that votes or preferences are not counted or totalled until after the close of voting. The totals are not accessible to any individual, including the Electoral Officer, before the close of polling.

(c)   The presence of scrutineers during the processing of voting documents, prior to the close of voting, is not permitted.

(d)   The imposition of significant fines on electoral officials and others who disclose for whom an elector has voted, or give or pretend to give information which may disclose the state of the election.

The New Zealand Society of Local Government Managers has developed a *Code of Good Practice for the Management of Local Authority Elections and Polls* which sets out practices and procedures which should be followed by Electoral Officers when processing voting documents prior to election day.

Specific provisions in the Code include:

- **Premises** – the premises to be used must be lockable, private (so that processing cannot be viewed through windows or open doors), and clearly signposted so that only authorised persons will enter.

- **Systems** – the relevant electoral software will operate independently of other applications within a mainframe system or on a stand alone system, and only the Electoral Officer and authorised staff will have restricted access to it. Progressive backups will be taken at regular intervals and the software used will include:

   (a) A time lock to prevent access <u>by anyone</u> to any calculation of votes prior to the close of voting.

   (b) Dual passwords, one of which is allocated to the Electoral Officer, the other to some other suitable person (e.g. a Justice of the Peace).

- **Staff** – will be required to complete a statutory declaration, will be selected because of their experience of elections wherever possible, and will be chosen to avoid any potential conflict of interest such as being a close associate or relative of any person who is a candidate.

The Council agreed that the early processing of voting documents could take place during the three week period prior to election day in 2004 and it is recommended that the full three week period be agreed to again for the 2007 elections.

4.4 Order of candidates' names on voting documents

Prior to the enactment of the LER in June 2001 candidates' names were required to be listed on the voting documents in alphabetical order, by surname.

Clause 31(1) of the LER now allows the Council to decide whether the candidates' names are to be listed in alphabetical order of surname, pseudo-random order or random order on the voting documents. In the absence of any Council resolution approving another arrangement, the candidates' names must be arranged in alphabetical order of surname.

The features of each arrangement are described as follows:

Option 1   Alphabetical order of surname

This is the order that was used at all local authority elections prior to 2004, and is self explanatory.

Option 2   Pseudo-random order

Under this option, the candidates' names for each election are placed in a hat (or similar receptacle) mixed together, and then drawn out of the receptacle, with the candidates' names being placed on all voting documents for that election in the order in which they are drawn.

If a local authority decides that candidates are to be listed in pseudo-random order, the Electoral Officer must include, in the public notice required to be

given, the date, time and place at which the order of the candidates' names will be drawn. Any person is then entitled to attend while the draw is in progress.

Option 3   Random order

Under this option, the order of candidates' names is randomly generated by computer for each individual voting document. The computer software permits the names of the candidates to be laser printed in a different order on each paper.

Comparative cost of each option

The cost of printing the candidates' names in either alphabetical or pseudo-random order will be the same as the voting documents can be pre-printed.

If the Council decides to adopt the random order option an additional printing cost of approximately $16,500 will be incurred. Because the order of the candidates will be different on each voting document they cannot be pre-printed. Each voting document will need to be individually laser printed with the order of candidates "randomly selected" for each document.

Decisions taken by other authorities within Wellington city

The legislation allows individual local authorities to choose the order in which the candidates' names for their particular election will appear on the voting document. Because regional councils and district health boards are local authorities, as defined under the LEA, both authorities can opt for a different name order option.

As a result the Greater Wellington Regional Council has determined that its candidates will be listed in alphabetical order on the voting document and the Capital and Coast District Health Board has advised that they want their candidates to be listed in pseudo-random order.

This means that the voting documents for the electors of Wellington city will have a combination of voting systems (i.e. STV and FPP) and also a different order of candidate names for each of the elections (i.e. alphabetic for the Regional Council, pseudo random for the DHB and, depending on the Council's decision, possibly random for the Council and its community boards).

Decisions taken by other authorities within the Wellington region

The decisions taken by the other local authorities within the Wellington region are as follows:

Local Authority	Order of Candidate Names
Carterton District	Alphabetic
Hutt City	Alphabetic
Kapiti Coast District	Alphabetic
Masterton District	Alphabetic
Porirua City	Pseudo-random
South Wairarapa District	Alphabetic
Upper Hutt City	Alphabetic
Greater Wellington Regional	Alphabetic
Capital and Coast DHB	Pseudo-random

Comments on various options

Alphabetical order

This is probably the simplest method for the elector. It is the method they are familiar with and is the system used at the parliamentary elections. If there are a significant number of candidates to be ranked for a particular issue, an alphabetical listing of candidates would be more user friendly for the voter, particularly under STV.

There is a suggestion that candidates with a surname starting at the top end of the alphabet have an unfair advantage over others with a "lower" alphabetic ranking. However no official research has been undertaken, that officers are aware of, which confirms this view.

Pseudo-random order

Under this option it could possibly be more difficult for the elector to locate the candidate they wish to vote for, particularly voting under STV and if there are a large number of candidates standing for election.

Although it would resolve the issue (if there is one) of those candidates with a surname starting with the letter "A" or "B" etc having an unfair advantage over those candidates whose surname starts with a middle or later letter of the alphabet, it could be argued that any perceived advantage would then be given to the first few candidates whose names are drawn out of the hat.

<u>Random order</u>

This option could possibly present the same difficulty for the elector as described under the "pseudo random" method.

It can be argued that this is option is the fairest to all candidates. It ensures that each candidate has an equal chance to be listed at or near the top of the election issue for each voting document.

In its submission (dated 22 February 2005) to the Justice and Electoral Committee on its inquiry into the 2004 local authority elections, the Council recommended that the current legislation be amended "so that all other options are removed and candidates' names are required to be listed on the voting document in random order".

The Council decided to use the random order option for both the Tawa and Makara/Ohariu community board by-elections held during the current triennium. Although there was obviously only one issue on the voting document and not a lot of candidates standing, the fact that the candidates were not listed in alphabetic order did not seem to cause any voter confusion.

It is therefore recommended that the Council agree to the candidates' names being listed in random order on the voting document.

5.   Conclusion

The legislation requires a Council resolution in order to implement the decisions outlined in this report.

A decision is therefore required by the Council to enable the necessary planning to be put in place.

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Supporting Information

1)Strategic Fit / Strategic Outcome
This project supports Outcome 7.2.B – More actively engaged: Wellington City Council will operate an open and honest decision making process that generates confidence and trust in the democratic system

2) LTCCP/Annual Plan reference and long term financial impact
Relates to C534: Elections, Governance and Democratic Process

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
This report is consistent with existing Wellington City Council policy.

APPENDIX 1

LOCAL GOVERNMENT 2007 TRIENNIAL ELECTION TIMETABLE
13 OCTOBER 2007

Fri 2 March 2007 – Mon 30 April 2007	Ratepayer Roll Enrolment Confirmation Forms sent out
Fri 2 March 2007 – Fri 6 July 2007	Preparation of Ratepayer Roll
Wed 14 March 2007	EEC Questionnaire sent to Eos
Wed 11 April 2007	Final Representation Review decisions from LGC
May 2007	SOLGM national Ratepayer Roll Qualifications and Procedures campaign
Thurs 10 May 2007	EEC test data sent to Electoral Officers
By Fri 29 June 2007	Optional Early Processing Resolution Optional Order of Candidate Names Resolution
Mon 9 July 2007	EEC Enrolment Update Campaign commences
Wed 11 July 2007	Electoral Roll closes
Fri 13 July 2007	Receive Residential Roll data from EEC
Mon 16 July 2007 - Wed 25 July 2007	Compile Preliminary Electoral Roll
Wed 25 July 2007 (no later than Fri 27 July 2007)	Public Notice of Election, Calling for Nominations, Roll Open for Inspection
Fri 27 July 2007	Nominations Open/Roll Open for Inspection
By Tues 31 July 2007	**Appointment of Justice(s) of the Peace**
Fri 24 August 2007	**Nominations Close** (12 Noon)/ **Electoral Roll Closes**
Wed 29 August 2007 (or as soon as practicable)	Public Notice of Day of Election, Candidates' Names
By Fri 31 August 2007	Receive final data from EEC Ratepayer Roll insert with Rates Notice
Mon 17 September 2007	Electoral Officer Certifies Final Electoral Roll
Fri 21 September 2007	EEC letter sent to Unpublished Roll electors
Fri 21 September 2007 – Wed 26 September 2007	**Delivery of Voting Documents**
Fri 21 September 2007 – Sat 13 October 2007	Progressive Roll Scrutiny Special Voting Period Early Processing Period
By 12 noon, Fri 12 October 2007	**Appointment of Scrutineers**
Sat 13 October 2007	**Election Day** Voting Closes 12 Noon – counting commences Preliminary Results available as soon as practicable after close of voting
Sat 13 October 2007 – Wed 17 October 2007	Official Count
Wed 17 October 2007 – Wed 24 October 2007 (or as soon as practicable)	Declaration of Result/Public Notice of Results
Mid December 2007	**Return of Election Expenses Forms**

Prepared by SOLGM Electoral Working Party