ELECTIONS 2010: PROCESSING OF VOTING DOCUMENTS AND ORDER OF CANDIDATES NAMES

1. Purpose of Report

The purpose of this report is to:
(a) provide elected members with the timetable for the 2010 local authority elections
(b) seek approval for the retention of postal voting for the 2010 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 (i.e. from Monday 20 September to Saturday 9 October 2010)
(d) seek a decision from Council on the order in which the candidates' names are to be listed on the voting documents at the 2010 local authority elections.

2. Recommendations

Officers recommend that the Council:

1. Receive the information.

2. Agree that the 2010 local authority elections be held by postal vote.

3. Agree that the Electoral Officer may process returned voting documents for the 2010 local authority elections during the three week voting period prior to 12 noon on election day (i.e. from Monday 20 September to Saturday 9 October 2010).

4. Agree that the names of the candidates standing for the Council and its community boards at the 2010 local authority elections be listed in random order on the voting document.

3. Background

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

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

- the early processing of voting documents; and
- 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 2010 local authority elections is set out in the LEA and LER. A copy of that timetable is attached (**Appendix 1**).

4.2 Voting method

The legislation provides for 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 increased significantly with the introduction of postal voting and although the voter turnout at the 2010 elections was down on the previous six elections (all under postal voting) it is generally accepted that the voting numbers would have been even further reduced 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 the indication at this stage is that they will all be using that method again in 2010.

The last time a local authority used booth voting was in 1992 when (the then) Lower Hutt City Council decided to adopt that method rather than postal voting. That decision resulted in a 27% voter turnout and the Council reverted back to postal voting in 1995.

It is recommended that postal voting be retained for the 2010 elections in Wellington.

4.3 Early processing of voting documents

Section 79 of the LEA allows the Electoral Officer 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 envelopes and the extracting and checking of the voting documents can be undertaken over the

three week voting period (under strict security and the constant supervision of a Justice of the Peace). This means a quicker preliminary result can be achieved on polling day. It also means that less staff are employed overall which in turn achieves 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 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.

If early processing is adopted 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 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 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 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. the 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 2007 and it is recommended that the full three week period be agreed to again for the 2010 elections.

4.4   Order of candidates' names on voting documents

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

Clause 31(1) of 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 the candidates' names must be arranged in alphabetical order of surname.

The features of each option are described as follows:

Option 1   Alphabetical order of surname

This is the order in which all candidates were listed in all local authority elections prior to 2004, and is self explanatory.

Option 2   Pseudo-random order

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

If a local authority decides that candidates are to be listed in pseudo-random order for its election the electoral officer must include, in the public notice which is required to be given, the date, time and place at which the order of the candidates' names will be drawn. Any person, including a candidate, is entitled to attend and witness the draw take place.

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 allows for the names of the candidates to be laser printed in a different order on each paper.

Comparative cost of each option

Because the voting documents can be pre-printed under the alphabetical or pseudo-random order options, the printing costs will be the same for both.

If the Council decides to adopt the random order option an additional printing cost of approximately $21,300 will be incurred. Because the order of the candidates' names 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.

Because the Capital and Coast DHB has already resolved to use the random order option, half of the additional costs involved (i.e. $10,650) will be met by them if the Council chooses to go with random order.

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 already determined that its candidates will be listed in alphabetical order on the voting document and the Capital and Coast District Health Board resolved last week that they want their candidates to be listed in random order.

This means that the voting documents for the electors of Wellington City will not only have a combination of voting systems (i.e. STV and FPP) but also at least two different orders in which the candidates' names are listed (i.e. alphabetical for the Regional Council and random for the DHB).

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	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 perception however, that candidates with a surname starting at the top end of the alphabet have an unfair advantage over others with a "lower" alphabetic ranking.

Pseudo-random order

Under this option it may 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 perception that those candidates with a surname starting with the letter "A" or "B" etc have 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.

Random order

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

It can be argued that this 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 Local Government Commission undertook some analysis and research, including a review of international research, on this subject as part of its review of the Local Government Act 2002 and the Local Electoral Act 2001 in 2008.

A summary of their findings was included in their report to the Minister of Local Government in July 2008 and a copy of the relevant pages is attached as Appendix 2.

The Council choose the random order option for the 2007 Local Authority Election and also used that option for the three community board by-elections held since November 2005. The fact that the candidates were not listed in alphabetic order did not seem to cause any voter confusion and no complaints were received.

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

4.5   Consultation and Engagement

No consultation or public engagement is required.

4.6   Financial Considerations

The cost of running the 2010 local elections has been provided for in the 2010/2011 annual plan. The Greater Wellington Regional Council and the Capital and Coast DHB reimburse the Council for their share of the costs incurred following the election.

4.7   Climate Change Impacts and Considerations

There are no climate change implications and considerations.

4.8   Long-Term Council Community Plan Considerations

The Council is required to hold its next election in October 2010 and provision has been made for this in the Council's LTCCP.

5. Conclusion

The Council is required to pass the necessary resolutions in order to implement the decisions outlined in this report.

The issues are therefore referred to Council for consideration and a decision so that the necessary planning and arrangements can 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.*

LOCAL GOVERNMENT 2010 TRIENNIAL ELECTION TIMETABLE
9 OCTOBER 2010

Tues 2 March 2010 – Fri 30 April 2010	Ratepayer Roll Enrolment Confirmation Forms sent out
Tues 2 March 2010 – Tues 6 July 2010	Preparation of Ratepayer Roll
Fri 5 March 2010	EEC Questionnaire sent to Electoral Officers
Sun 11 April 2010	Final Representation Review decisions from LGC
May 2010	SOLGM national Ratepayer Roll Qualifications and Procedures campaign
Wed 12 May 2010	EEC test data sent to Electoral Officers
By Wed 30 June 2010	Optional Early Processing Resolution Optional Order of Candidate Names Resolution
Mon 5 July 2010	EEC Enrolment Update Campaign commences
Wed 7 July 2010	Electoral Roll closes
Fri 9 July 2010	Receive Residential Roll data from EEC
Mon 12 July 2010 - Wed 21 July 2010	Compile Preliminary Electoral Roll
Wed 21 July 2010 (no later than Fri 23 July 2010)	Public Notice of Election, Calling for Nominations, Roll Open for Inspection
Fri 23 July 2010	Nominations Open/Roll Open for Inspection
By Fri 30 July 2010	**Appointment of Justice(s) of the Peace**
Fri 20 August 2010	**Nominations Close** (12 Noon)/ **Electoral Roll Closes**
Wed 25 August 2010 (or as soon as practicable)	Public Notice of Day of Election, Candidates' Names
By Fri 27 August 2010	Receive final data from EEC
By Tues 31 August 2010	Ratepayer Roll insert with Rates Notice
By Mon 13 September 2010	Electoral Officer Certifies Final Electoral Roll
Fri 17 September 2010	EEC letter sent to Unpublished Roll electors
Fri 17 September 2010 – Wed 22 September 2010	**Delivery of Voting Documents**
Fri 17 September 2010 – Sat 9 October 2010	Progressive Roll Scrutiny Special Voting Period Early Processing Period
By 12 noon, Fri 8 October 2010	**Appointment of Scrutineers**
Sat 9 October 2010	**Election Day** Voting Closes 12 Noon – counting commences Preliminary Results available as soon as practicable after close of voting
Sat 9 Oct 2010 – Wed 13 Oct 2010	Official Count
Wed 13 October 2010 – Wed 20 October 2010 (or as soon as practicable)	Declaration of Result/Public Notice of Results
Mid December 2010	**Return of Election Expenses Forms**

Prepared by SOLGM Electoral Working Party

Extract from the Local Government Commission's Report on its Review of the Local Government Act 2002 and Local Electoral Act 2001

Candidate order on voting documents

The Local Electoral Regulations provide that local authorities may resolve that candidates' names be arranged in one of three ways on the voting document. The options are alphabetical order, pseudo-random order (one randomised order of candidates for all documents) or random order (all documents have a different candidate order). At the 2007 elections, the number of territorial authorities using each option was as follows:

- alphabetical: 56
- pseudo-random: 9
- random: 8

We received several submissions on the matter of local discretion on the choice of candidate order including proposals that the choice be removed and random order of candidates be prescribed. We also noted the recommendation of the Justice and Electoral Committee that further work be undertaken on the impact of candidate order on election outcomes, including overseas research, and that this work should include a further possible option of a 'rotational alphabetical' order.

We undertook some analysis and research, including a review of international research, on this issue.

Our analysis of results at the 2007 elections (from an incomplete set of data) [1] did show that the order of candidates on the voting document had an impact on election outcomes. Candidates whose names were early in the alphabet (and therefore early in the candidate profiles booklet) and early on alphabetically ordered voting documents were up to 4% more likely to be elected than those whose names were later in the alphabet.

Interestingly, this effect did not disappear, as might be expected, when candidates' names were listed in pseudo-random order or random order on the voting document. It is likely this is as a result of candidates' names still being listed alphabetically in the candidate profiles booklet.

To address fully the effect of being early in the alphabet and alphabetical ordering we believe it would be necessary to have the same order in the booklet as on the voting document. However, such a step is likely to hinder voters in finding their preferred candidates in the booklet and would be very expensive to implement as each booklet would have to be printed separately.

Our analysis also found there was a significant bias in favour of candidates in the left column of voting documents when there was more than one column of candidates. This needs to be considered in relation to the arguments for and against particular order options. Under the pseudo-random order option (i.e. one set random order), for example, the advantage for candidates being in the left column effectively replaces the advantage of having a name early in the alphabet, though at least it is not pre-determined.

In addition to the 'primacy' effect (i.e. positive effect of being early on the list of candidates) other research has identified a 'recency' effect (i.e. positive effect of being towards the end of the list in terms of voter recall of names). Yet other research has

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[1] The analysis was of election results for candidates from territorial authority and district health board elections where the order of candidates was known, with the exclusion, for statistical reasons, of candidates whose names began with the letter x, y or z. The analysis comprised in excess of 4,000 candidates.

identified the downsides of random ordering of candidates includes the possibility of this leading to 'donkey' voting (i.e. just ticking or ranking candidates from the top of the list).

We concluded that any analysis on this issue is unlikely to be definitive. A range of factors needs to be taken into account including such matters as the number of candidates, their profile or degree of name recognition, the amount of candidate information available, any dual candidacies and the electoral system (i.e. is the voter voting for candidates up to the number of vacancies or ranking a greater number of candidates). For example, the degree of name recognition may either in part compensate for the alphabetical order of the candidate's name (i.e. name is later in the alphabet) or reinforce the apparent advantage (i.e. name is early in the alphabet).

Our review of international research also confirmed that a definitive solution to this issue is unlikely. This research is limited and is often specific to the environment in which it is conducted. Some researchers have concluded that there are significant effects on electoral outcomes from the order of candidates while others say that much of the research leading to such conclusions is methodologically flawed and fails to take into account other explanations.

There are two levels of questions to be addressed on this issue:
• Should local authorities have discretion to choose the order of candidates?
• Which ordering should be adopted if there is to be no local discretion?
On the first question, our limited analysis revealed no significant impact from candidate order on voter turnout or the incidence of blank and informal votes in that particular election. More analysis is required to test this finding. This testing needs to include analysis of the impact candidate order in one election has on the other election issues on combined voting documents.

We believe, in principle, that the order of candidates should at least be consistent for all elections on combined voting documents.
However, we acknowledge that given the non-alignment of local authority and district health board boundaries, as we noted when considering the impact of choice of electoral system, it is possible to achieve such consistency on a regional basis in only a few areas of the country.
Given this, the next best option could be seen as one uniform order of candidates for all voting documents throughout the country. However, at this time given the limited research available that could be applied to New Zealand local elections, we are not in a position to recommend one uniform candidate order.

More analysis is required before such a recommendation could be made including the further option suggested by the Justice and Electoral Committee of an 'alphabetical rotational' order. We noted that this option would be cheaper than random order and has the advantage of maintaining alphabetical order to assist voters finding their preferred candidates without the downside of the 'primacy' effect.

We recommend more analysis be carried out on a preferred order of candidates for voting documents including the option of alphabetical rotational order.