

REPORT 1
(1215/11/IM & 1225/05/01/2013)

ELECTIONS 2013: PROCESSING OF VOTING DOCUMENTS AND ORDER OF CANDIDATES NAMES

1. Purpose of Report

To provide Councillors with the timetable for the 2013 triennial local authority elections and to:

- (a) seek approval for the retention of postal voting for the 2013 elections
- (b) 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 23 September to Saturday 12 October 2013)
- (c) seek a decision on the order in which the candidates' names are to be listed on the voting documents at the 2013 local authority elections.

2. Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Agree that the 2013 local authority elections be held by postal vote.*
3. *Agree that, in the event the legislation currently before the House is not enacted in time, the Electoral Officer be given approval to process returned voting documents for the 2013 local authority elections during the three week voting period prior to 12 noon on election day (i.e. from Monday 23 September to Saturday 12 October 2013).*
4. *Agree that the names of the candidates standing for the Council and its community boards at the 2013 local authority elections be listed in random order on the voting document.*

3. Background

The 2013 triennial local authority elections will be held on Saturday 12 October under the STV electoral system.

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.

The legislation currently allows local authorities to consider and adopt, by resolution, various voting options when conducting elections. These options relate to:

- the early processing of voting documents; and
- the order in candidates' names will appear on the voting documents.

4. Discussion

4.1 Election Timetable

The timetable for the elections is set out in the LEA and the LER.

A Government Bill, the Local Electoral Amendment Bill No. 2, amending the Act and Regulations has recently been reported on by the Justice and Electoral Select Committee. It is envisaged that the Bill will be enacted in time for its provisions to apply to the 2013 triennial local authority elections. As it is currently drafted, the Bill proposes a number of amendments that would affect the current timetable for the 2013 elections.

A copy of the timetable for the 2013 elections is included as **Appendix 1** to this report. The dates of principal interest to prospective candidates and members of the public are shown in bold; the dates that may change in the event that the Bill is passed in its current form are also identified.

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 its introduction and although the voter turnout has declined since 1995, 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 1995 and the indication at this stage is that they will all be using that method again in 2013.

It is recommended that postal voting be retained for the 2013 elections in Wellington.

4.3 Early processing of voting documents

The current legislation (Sec 79 LEA) allows the Electoral Officer, subject to Council resolution, 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.

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 significant cost savings.

The ability to process voting documents in the three week period prior to election day was introduced in 1998 and is now standard practice for all local authority elections throughout the country.

The amendment to the LEA currently before the House will, if passed, empower the Electoral Officer to determine if and when early processing of voting documents can take place, rather than by Council resolution. This legislation is likely to be enacted in late May/early June to take effect on 1 July 2013.

In the unlikely event that the legislation is not enacted in time, it is recommended that the Council agree that the Electoral Officer be given approval to process voting documents during the three week period prior to the 2013 local authority 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 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 receptacle) mixed together, and then drawn out of the receptacle, with the candidates' names being listed on all voting documents for that election in the order in which they are drawn.

The Regulations provide that if a local authority decides that pseudo-random order is to be used, the electoral officer must state 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 entitled to attend and witness the draw take place.

Option 3 Random order

Under this option, the names of the candidates for each election are shown in a different order on each voting document, utilising software which permits the names of the candidates to be laser printed in a different order on each paper.

Cost of each option

Unlike previous elections, the cost of printing the voting documents under any of the three options will be the same.

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 defined as local authorities under the LEA, both authorities can opt for a different name order option.

The Greater Wellington Regional Council and the Capital and Coast District Health Board have already resolved that its candidates will be listed in random order on the voting document. The Hutt Mana Charitable Trust has decided to retain the alphabetic option.

Decisions taken by other authorities within the Wellington region

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

Local Authority	Order of Candidate Names
Carterton District	Alphabetic
Hutt City	Still to decide
Kapiti Coast District	Alphabetic
Masterton District	Alphabetic
Porirua City	Random
South Wairarapa District	Alphabetic
Upper Hutt City	Still to decide
Greater Wellington Regional	Random
Capital and Coast DHB	Random
Hutt Mana Charitable Trust	Alphabetic

Comments on various options

Alphabetical order

This is the simplest method for the elector. It is the method that they are familiar with and is the system used at the parliamentary elections.

However, there is research to suggest 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

This system could possibly be more difficult for the elector to locate the candidate they wish to vote for, especially if there are a large number of candidates standing for election.

Although it might resolve the issue (if there is one) of 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, that advantage would then be given to the first few candidates whose names are drawn out of the hat.

Random order

This option presents the same difficulty for the elector as described under the “pseudo random” method.

However it is generally agreed that this option is the fairest to candidates. It ensures that each candidate has an equal chance to be listed at or near the top of the election issue on each voting document.

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 used the random order option for the 2007 and 2010 local elections and, before that, for the three community board by-elections held since November 2005. The fact that the candidates were not listed in alphabetic order did not appear to cause any voter confusion and no complaints were received against its use.

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 2013 local elections has been provided for in the 2013/2014 annual plan. The Greater Wellington Regional Council, Capital and Coast DHB and the Hutt Mana Charitable Trust will 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 Plan Considerations

The Council is required to hold its next election in October 2013 and provision has been made for this in the Council's LTP.

5. Conclusion

The Council is required to pass a resolution to determine the order in which candidates names are to be listed on the voting document.

In the event the legislation currently before the House is not enacted in time, it is recommended that the Council agree that the Electoral Officer be given approval to process returned voting documents for the 2013 local authority elections during the three week voting period prior to 12 noon on election day.

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) LTP/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 2013 TRIENNIAL ELECTION TIMETABLE 12 OCTOBER 2013

2 March 2013 – 30 April 2013	Ratepayer roll enrolment confirmation forms sent out [Reg 16 LER]
2 March 2013 – 30 June 2013* *(6 July 2013 if no legislative change)	Preparation of ratepayer roll [Reg 10 LER]
1 May 2013 – 31 May 2013	National ratepayer roll qualifications and procedures campaign [Sec 39 LEA]
1 July 2013	ES enrolment update campaign commences
17 July 2013* *[24 July 2013 if no legislative change]	Public notice of election, calling for nominations, roll open for inspection [Sec 42, 52, 53 LEA]
19 July 2013* *[26 July 2013 if no legislative change]	Nominations Open/Roll Open for Inspection [Sec 42, LEA]
16 August 2013* * [23 August 2013 if no legislative change]	Nominations Close (12 Noon)/ Electoral Roll Closes [Sec 5, 42, 55 LEA]
21 August 2013 [28 August 2013 if no legislative change]	Public Notice of Day of Election, Candidates' Names [Sec 65, LEA]
By 16 September 2013	Electoral Officer certifies final electoral roll [Sec 51 LEA , Reg 22 LER]
20 September 2013	ES letter sent to unpublished roll electors
20 September 2013 – 25 September 2013	Delivery of Voting Documents [Sec 5, LEA]
20 September 2013 – 12 October 2013	Progressive roll scrutiny [Sec 83, LEA] Special voting period Early processing period
By 12 noon, 11 October 2013	Appointment of Scrutineers (12 noon [Sec 68, LEA]
12 October 2013	Election Day [Sec 10, LEA] Voting Closes 12 Noon – counting commences [Sec 84, LEA] Preliminary Results available as soon as practicable after close of voting [Sec 85, LEA]
After 12 noon, 12 Oct 2010 – 13 Oct 2013	Official Count [Sec 84, LEA]
17 October 2013 – 23 October 2013	Declaration of Result/Public Notice of Results [Sec 86, LEA]
By Mid December 2013	Return of election expenses and donations form [Sec 109, LEA]

Notes

These dates are based on proposed legislation changes expected to be enacted in June 2013.

LEA = Local Electoral Act 2001 LER = Local Electoral Regulations 2001 ES = Enrolment Services, Electoral Commission

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 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).

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.

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.