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SUBMISSION ON THE INQUIRY INTO THE 2007 LOCAL ELECTIONS

To: Justice and Electoral Committee

From: Wellington City Council

Date: 20 December 2013

1. Introduction

The Council appreciates the invitation extended by the Justice and Electoral Committee to provide input into this Inquiry and hopes that this submission will provide useful information on the issues identified in the Committee's terms of reference for the inquiry.

The Council's submission is based on the Electoral Officer's records, together with information supplied to the Electoral Officer and other Electoral Officials by electors during the voting period.

2. The law and administrative procedures surrounding the conduct of the 2013 local authority elections

2.1 *Identification of factors behind the low voter turnout*

Wellington City Council was one of only 10 local authorities that experienced a significant increase in voter turnout in 2013 and although this was very encouraging the voter turnout was still only 41.11 %, which means the overwhelming majority of voters did not participate in the election.

2.1.1 *Factors behind the increased Wellington City Council Turnout*

Wellington City Council was the only major metropolitan city to experience a significant increase in turnout from 39.8% to 41.11%. Factors contributing to this success include:

- A strong Mayoral Race
- Reduction in voter confusion because for the first time all contested issues were conducted under STV
- A strong public awareness campaign with a simple message - "Use Your Voice Vote." Visuals included adshels and bus backs, supported by a radio campaign led by Greater Wellington Regional Council.
- Partnership in the public awareness campaign with Greater Wellington Regional Council, Hutt City Council, and Kapiti Coast District Council
- Access to the metropolitan rail network for display of visual material in partnership with Greater Wellington Regional Council.

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- Supporting partnerships with Wellington City Youth Council, Wellington City Multi- Cultural Council and Victoria University of Wellington Students Union , assisting in targeting under participating demographics.

2.1.2 Special Voting

Wellington City Council experienced an unprecedented increase in the number of Special votes requested and issued from 774 in 2010 (and 1400 in 2004) to 1569 in 2013.

The reasons for requesting special votes were as follows:

▪ Address change	466
▪ Not on roll/ Late/new enrolments	437
▪ No papers received	257
▪ Unpublished roll	190
▪ Damaged/ Lost original voting papers	140
▪ Ratepayer elector	39
▪ Overseas	37
▪ Replacement special votes due to errors on original requests	3

Issues arising from this analysis include:

- The large number of late/new enrolments and changes of address could indicate the success of the awareness campaign particularly the targeting of traditionally under participating demographics.
- While Councils did forward on miss-directed votes, there were no facilities to assist voters from other authorities who work in the City with special votes. Such an arrangement is possible by agreement between Electoral Officers, but would be best facilitated by amending the Local Electoral Regulations (LER).
- It took a considerable time for the Registrars of Electors to check the qualifications of special voters whose names did not appear on the printed rolls. This could be avoided by amending the Electoral Act to allow Registrars of Electors to issue supplementary electoral rolls to Councils for the purposes of qualifying special votes.
- The special voter declaration is very confusing, especially in relation to ratepayer electors and by the reference to parliamentary electorate rather than Council ward. The declaration form should be simplified with particular attention to the requirements for ratepayer electors and by reference to City/District and Ward (and/or community board if applicable).

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Submission:

1. The Electoral Act should be amended to allow Registrars to provide Electoral Officers with supplementary rolls to expedite qualification of special votes.
2. The Local Electoral Regulations to be amended to provide specifically for shared special voting facilities by agreement between Electoral Officers.
3. The special vote declaration should be simplified and modified to suit the requirements of ratepayer electors, in addition to residential electors and to refer to local electoral divisions rather than parliamentary electorates.

2.2.1 Voting methods and processes

No issues were experienced with voting processes and methods apart from disappointment at the lack of online voting facilities being expressed by three distinct groups:

- Overseas voters
- The Wellington City Accessibility Advisory Group
- The Wellington City Youth Council

2.3 Matters in regulations (including voting documents and informal votes)

2.3.1 Voting Paper Instructions

The Wellington City Electoral Office received a high volume of calls enquiring for clarification on the voting paper instructions under STV. Although the instructions stated that electors could vote for as many or as few candidates (above 1) as they liked, but this was overlooked by a large number of callers as this particular instruction was included within a number of other instructions and did not stand out.

2.3.2 Dual Column Errors.

Voter errors were significantly higher for the Capital and Coast District Health Board (CCDHB) than for the Wellington City Councillor Mayor and Councillors, despite the fact that all elections on the Wellington City Council Voting paper, except the uncontested Hutt Mana Charitable trust seat, were on STV. This is clearly illustrated by the statistics: 4.3% of all votes cast for the CCDHB were informal, as opposed to 1.24 % for the Mayor, between 0.25 and 0.67% for the ward Councillor seats and 0.17% for the contested community board seats. The solution is to redesign the voting paper so that the voting instructions are placed to the side of a single column of candidates names, instead of placing the instructions above a double column of candidates' names.

2.3.3 Accessible Voting Paper Design

The Wellington City Accessibility Advisory Group has expressed concern that the voting papers have not been designed with accessibility to the sight impaired in mind. While there are logistical and cost arguments against the use of large fonts, the voting papers should be redesigned to be machine readable.

2.3.4 Affiliations

The Electoral Officer received a number of telephonic and emailed queries plus one enquiry in person as to the use of affiliations, other than recognised political parties, to identify candidates on the voting papers. The Wellington City Council Electoral Officer did require documentary evidence of the existence of informal support groups using the name claimed as an affiliation by the candidate. However this did not satisfy enquiring voters. Clarification in the regulations around what can be claimed as an affiliation could overcome some of the strong reservations expressed by the electors concerned.

Submission:

4. Voting Papers should be redesigned with following factors in mind:
 - 4.1 STV voting to be in bullet points in bold type.
 - 4.2 Double column voting to be avoided
 - 4.3 Voting papers to be machine readable.
5. The LER should be amended to provide clarification around the naming of informal organisations or groups claimed as affiliations by candidates in terms of Section 57 (3) of the LEA.

2.4 *Methods of increasing voter participation in future local authority elections;*

2.4.1 *Statutory recognition of importance of increasing participation*

Wellington City Council was, however, unable to fully exploit the electoral awareness partnership with Victoria University due to the concerns raised that this might amount to unfair support for a certain group of electors, notwithstanding that these electors are an acknowledged under participating demographic. It is possible to amend the principles of the Local Electoral Act (LEA) in Section 4 by the inclusion of an additional principal to encourage participation. There is a risk that any action a Council takes (or declines to take) could lead to the perception of partisanship by Council. It is therefore suggested that it would be more appropriate to amend Section 15 (2) LEA by including a duty to increase voter participation as one of the responsibilities of the Electoral Officer. If initiatives to increase participation are led by the independent Electoral Officer, allegations of partisanship can be avoided.

2.4.2 *Direct Mailing to Unpublished Roll electors*

Many unpublished roll elector's raised the query as to why local authorities cannot be supplied with this information. One special voter reported concerns that the special voting list in another Council was open for all to see. This serves to indicate that by withholding this information the original purpose of confidentiality may be bypassed. All Electoral Officials are required make a confidentiality declaration and are advised of the names and addresses of unpublished roll electors seeking to cast a special vote. It would be a far simpler procedure for voting papers to be mailed directly to the elector. These votes can be coded so that the only information provided on scrutiny

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reports/marked rolls would be that an unpublished elector has voted without disclosing any name or address.

Submission:

6. That rather than amend the principles of the Local Electoral Act (LEA) in Section 4 to encourage participation, Section 15 (2) LEA should be amended by including a duty to increase voter participation as one of the responsibilities of the Electoral Officer.
7. That the Electoral Act be amended to allow direct mailing of local authority voting papers to unpublished roll electors.

2.5 The appropriateness of the three week voting timeframe:

While no issues relating to the three week timeframe were reported by ordinary voters, this was not the case with special voters. Electors temporarily and permanently overseas were not well served by the postal voting method. Seven votes of the 37 special; votes issued to electors overseas were returned late. Many irate voters declined to apply for special votes as they were travelling around and would have preferred to vote on line or before departure. Some objected to having to pay the postage from overseas. At least two additional weeks will be required to make sure overseas postal votes are returned on time.

Submission:

8. That the Local Electoral Act and Local Electoral Regulations be amended to allow special votes to be issued up two weeks prior to the commencement of the 3 week voting period.

2.6 The potential for voter confusion when voters are presented with two voting systems on the same ballot paper;

The potential for voter confusion caused by two voting systems on the same voting paper was greatly reduced for the Wellington City Council voting papers in 2013, due to the Wellington Regional Council adopting STV and the only FPP election, that for the Hutt Mana Charitable Trust, being uncontested. There was still some confusion, however, caused by the voting papers still indicating that there were elections under both systems, when in fact there was no FPP election as the Hutt Mana Charitable trust election was uncontested. Voting paper design needs to be amended to not refer to FPP elections if the only FPP issue is not contested.

Submission:

9. That voting paper format is re-designed so that there is no reference to FPP if the FPP issue is not contested.

2.7 The security of and potential for increased participation as a result of the introduction of, electronic voting

Wellington City Council has identified three demographics which would greatly benefit from electronic voting:

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- Overseas voters - electors temporarily overseas were not well served by the postal service. Seven votes of the 37 issued were returned late. Many irate voters declined to apply for special votes as they were travelling around and would have preferred to vote on line or before departure. Some objected to having to pay the postage from overseas. Similar issues were experienced by voters permanently overseas. (Electors remain on the roll for the first 3 years after they depart New Zealand)
- Voters with physical impairments – the Wellington City Accessibility Advisory Group is advocating for online voting as it will positively impact on accessibility to the electoral process by those with physical impairments.
- Youth voters – the Wellington City Youth Council is very supportive of online voting as it will provide a service that youth voters and potential youth voters are most familiar with.

Reassurances would of course be required as to voter security but the precedent has already been set with the census returns and elector registration updates.

A further positive benefit of online voting would be the elimination of informal votes as the voting programme will prevent common voter errors

The Regulations currently prevent the use of online methods despite the fact that this is provided for in the LEA.

Submission:

10. That the LER be amended as soon as practicable to allow for online voting so that this can be introduced for forthcoming By Elections and Polls.

2.8 Identification of other initiatives that would lift voter turnout

2.8.1 National awareness and Education Campaign

There is a strong case for a nationwide voter awareness and education campaign to support the initiatives of the individual authorities. Many electors expressed concerns that the Electoral Commission had been perceived as having failed in their perceived duty of campaigning for voter awareness and providing voter education. It may be argued that this is not the role of the EC, but it is public expectation that they support local elections. Voters reported confusion on receiving material in the mail from the Electoral Commission relating to the citizens initiated referendum, when they were still expecting to receive local authority voting papers.

A National awareness and education campaign would build on the moment created by the Electoral Commission pre-election enrolment awareness campaign. To ensure the effectiveness of this campaign and to meet public expectations, it should be under the auspices of and led by the Electoral

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Commission and include elements of voter education as well as awareness due to voter requests for clarification on New Zealand's voting systems.

2.8.2 Simplification of ratepayer enrolment procedures

Non resident ratepayer electors continue to express concern at:

- The confusing nature of the ratepayer enrolment form
- The requirement to re-enrol every three years, which is not the case for residential electors.

Submission:

11. That the Electoral Commission be tasked with leading a national voter awareness and education campaign for triennial local elections.
12. That the Local Electoral Act and Local Electoral Regulations be amended to simplify the enrolment procedures for ratepayer electors and that they should not be required to re-enrol every triennium, rather the onus should be on the Council to remove them from the roll if they or their nominator(s) cease to be a ratepayer.

2.9 Conduct and performance of the electoral institutions including the Electoral Commission

2.9.1 Electoral Commission Services

The Registrars of Electors provided a consistently good service supporting Council activities. However voters reported confusion by receiving enrolment confirmation letters which did not indicate that the voter had enrolled too late to receive an ordinary voting paper through the post and should apply for a special vote.

Wellington City Council had one incident of a 17 year old voter being included on the printed while an adult elector with the same name was omitted from the printed roll in Hutt City.

2.9.1 Trust Electoral Boundaries

The major issue with the electoral roll information as supplied by the Electoral Commission (EC) remains the issue of Hutt Mana Charitable trust Electors. While the EC matches electors to Council, wards and community boards they are not required to supply information in respect of the Hutt Mana Charitable Trust. They would have difficulty in assisting if they were so required as these boundaries (along with those of licensing trusts elsewhere) do not follow statistical mesh blocks as all other electoral boundaries do. These boundaries thus create "split mesh blocks" requiring a manual determination as to which elector's reside within or outside the mesh block. This can be further complicated because these electoral boundaries do not necessarily follow property boundaries.

This was not a major concern in Wellington City in the past as there was no residential development in the parts of the split mesh blocks outside the Hutt

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Mana Charitable Trust boundary. However the ongoing development of the Malvina Major residential care home has completely straddled the HMCT boundary “splitting” a mesh block, so that it has become an extremely difficult exercise to determine which residents of the home qualify to vote for the HMCT and which do not. It is proposed that the Local Electoral Act be amended to amend the electoral boundaries for all elections conducted under this Act to follow the mesh block boundaries. The Electoral act should be amended to require the EC to include trust electoral entitlements on the trolls supplied to Local authority Electoral Officers for local elections.

2.9.3 New Zealand Post

While NZ Post is not an electoral institution, its performance is critical to the success of the local elections as these are conducted by postal voting. Three concerns are raised:

- The significant number of applicants for special votes reporting non receipt of papers by raises concerns with around the efficiency of NZ Post services.
- The accumulation of unclaimed voter papers in an apartment building which became the subject of a complaint to the EO that this created an opportunity for electoral fraud. The Wellington City EO approached the responsible NZ Post project manager on this and action was taken after clarification as to the problem.
- Two households received candidate profile booklets for the wrong ward.

The problems experienced with the NZ Post mail house service were minor. NZ Post responded quickly to contain these problems.

Submission:

13. That the Local Electoral Act be amended to modify the electoral boundaries for all authorities, for whom elections are conducted in conjunction with the triennial local elections, to follow mesh block boundaries.
14. That the Electoral Act be amended to require the Electoral Commission to include trust electoral entitlements on electoral rolls supplied to local authorities.