

S O L G M

NZ SOCIETY OF LOCAL GOVERNMENT MANAGERS



CODE OF GOOD PRACTICE

For the Management of Local Authority
Elections and Polls

Part 15 Release of Results

Produced by the
SOLGM Electoral Working Party

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Introduction

15.1 Electoral officers are required to count votes twice in any election or poll and to publicly notify the official result. After completion of both counts a number of factors can affect the final result. Electoral officers need to be aware of these factors and take them into account before finalising the count and releasing the official results.

Objective

To help electoral officers understand the process for releasing the results of an election or poll and the factors that can influence the official result.

Legislative requirements

15.2 The legislative provisions relating to the release of results are:

Local Electoral Act 2001

Section 85	Preliminary results
Section 86	Declaration of result
Section 87	Death or incapacity of elected candidate before declaration of result of election
Section 88	What happens if same person elected as Mayor and another member
Section 88A	What happens if same person elected to both territorial authority and community board
Section 88B	Amended declaration if election under First Past the Post electoral system
Section 88C	Amended declaration if election under Single Transferable Voting electoral system
Section 88E	What happens if no amended declaration can be made
Section 88F	What happens if member of community board becomes member of territorial authority
Section 92	Conduct of recount

Local Electoral Regulations 2001

Postal voting and FPP (STV)

- Regulation 61A (105A) Preliminary results of elections
- Regulation 62 (106, 108) Public notice of official result of election

NOTE: Similar Regulations also apply for booth voting using FPP and STV and must be followed if this voting method is adopted

Recommended practices

Preliminary results

- 15.3 The preliminary results are determined by counting all the ordinary votes and may also include those special votes from valid special voting documents identified at that time.
- 15.4 Section 85 of the Act requires the electoral officer, in accordance with the prescribed requirements, to make any announcements required by Regulations concerning the preliminary results of an election or poll. The prescribed requirements are contained in Regulations 61A and 105A. Regulation 61A refers to FPP elections, while Regulation 105A refers to STV elections.
- 15.5 The preliminary results may be made available by any means the electoral officer considers appropriate (section 85). This could include a public notice, posting the preliminary results on the local authority's web site and emailing the preliminary results to key people (such as the candidates and media).
- 15.6 In the case of those issues where FPP is used, it is up to the electoral officer to decide whether or not progress results are periodically released following the close of voting at 12 noon, prior to the completion and release of the preliminary results. In the case of STV, the issue of progress results is more problematic given a very few votes can alter the result of an election by changing the order candidates are excluded and their votes are transferred. Electoral officers need to consider carefully whether the release of progress results when using STV is beneficial or will cause unnecessary confusion. The SOLGM Electoral Working Party recommends that progress results for STV elections be released only in the cases where it has not been possible to release a preliminary result before midday on the Sunday following polling day.
- 15.7 If it becomes apparent that there is likely to be an unexpected delay in the completion and release of the preliminary results, electoral officers are urged to post a note to this effect on their elections web site. This should greatly reduce the number of telephone calls from candidates and other interested parties asking when the results will be available.

1 Recommended good practice is that electoral officers familiarise themselves with Regulations 61A and 105A relating to preliminary results of elections and polls to ensure compliance with the prescribed requirements.

Declaration of result

- 15.8 Section 86 of the Act requires the electoral officer to give public notice declaring the official result of an election or poll, as soon as practicable after:
- the validity of all special votes has been determined; and
 - all valid votes have been counted.
- The content of the public notice is specified in the Regulations and varies depending upon the electoral system used (FPP or STV) and the method of voting (postal or booth voting). (See Regulations 62 and 108.)
- 15.9 Where the STV system is used there are also additional requirements set out in the Regulations relating to official results (Regulation 106).

- 2 Recommended good practice** is that electoral officers understand the requirements relating to the declaration of the official result of an election or poll and ensure that they comply with all of the statutory requirements.

Influences on official result

15.10 The Act contains provisions relating to the following situations that could arise, after the close of voting and before the official result is declared, that will affect the final result of an election. These are the:

- death or incapacity of a mayoral candidate (section 87);
- death or incapacity of a candidate other than a mayoral candidate (section 87);
- election of a candidate as mayor and another member (section 88);
- election of a candidate to both territorial authority and community board (section 88A).

In each case the Act sets out the procedure to be followed.

- 3 Recommended good practice** is that electoral officers be fully aware of the influences on election results and have in place plans for identifying and dealing with any eventuality.

Amended declarations

15.11 An amended declaration may become necessary, if after declaring the official result of an election:

- the same person is elected as mayor and another member;
- the same person is elected to both a territorial authority and a community board;
- a recount is ordered and the District Court Judge finds that the public declaration was incorrect.

The procedure for dealing with each situation is set out in the Act (sections 88 – 88F and 92).

- 4 Recommended good practice** is that electoral officers be aware of situations in which it may become necessary to issue an amended declaration.