

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 16 Post Election Tasks

Produced by the
SOLGM Electoral Working Party

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Introduction

16.1 After the completion of the election count, there are a number of legislative tasks that the electoral officer must complete. There are also some non-legislative tasks that are recommended as good practice. The following tasks are identified in this Part of the Code:

- refund of candidate deposits where required
- securing of electoral records and depositing these with the Registrar of the nearest District Court
- post election reporting.

Objective

To ensure that electoral officers are aware of requirements relating to post election tasks of refunding candidate deposits and securing and lodging electoral records, and of good practice relating to the post election reporting.

Legislative requirements

16.2 The key provisions relating to post election tasks are:

Local Electoral Act 2001

Section 59	Forfeiture of deposit and refund of deposit
Section 89	Electoral records

Local Electoral Regulations 2001

Postal voting and FPP (STV)

Regulation 49 (94)	Forfeiture of deposit
Regulation 64 (110)	Containers for voting documents
Regulation 65 (111)	Electoral records
Regulation 66	Electoral officer's certificate
Regulation 67 (112)	Security of voting documents

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

Recommended practices

Forfeiture and refund of candidate's deposit

16.3 Section 59(1) of the Act provides that if the number of votes received by any candidate is less than the minimum prescribed number for the forfeiture of the candidate's deposit, the deposit is forfeited and paid into the general fund of the local authority. Regulations 49 and 94 prescribe the minimum number of votes under FPP and STV respectively.

16.4 Section 59(2) provides that the deposit must be returned to the person who paid it if:

- section 59(1) does not apply to the candidate;
- or
- the candidate
 - withdraws or retires,
 - is elected without an election,
 - dies before the close of voting,
 - becomes incapable under this or any other Act of holding office;
- and
- the candidate complies with the requirement to file a return of election expenses (under section 109).

1 Recommended good practice is that electoral officers are familiar with the provisions relating to the forfeiture and refund of candidates' deposits and these requirements are implemented as soon as possible during or following the election.

Securing and depositing of electoral records

- 16.5 Section 89 requires the electoral officer, as soon as practicable after the completion of the count, to secure all voting documents and specified materials in the prescribed manner. These records must be deposited with the Registrar of the District Court nearest to the principal offices of the local authority. The Registrar is required to keep the records for a period of 21 days after public notice of the result of the election or poll or until the completion of any recount or inquiry, and then to destroy them.
- 16.6 The electoral records (voting documents and specified materials) to be deposited with the Registrar of the District Court are prescribed in regulations 65 and 111 which provide that:
- the voting documents (including special voting documents) must be made up into parcels and placed in secure containers
 - the electoral officer must endorse and sign a memorandum on each container which states:
 - the name of the local authority and the local government area
 - the voting period
 - the number of used voting documents in the container
 - in the case of an FPP election, the number of votes in the container received by each candidate
 - the specified materials which must be secured with the voting documents are:
 - copies of electoral rolls (other than the roll(s) used for scrutiny purposes)
 - special voting declarations
 - any other documents used in connection with the election
 - in all cases, the materials must be placed in secure containers, and the electoral officer must endorse and sign a memorandum on the containers giving a general description of the contents of each container.

- 2 Recommended good practice** is that electoral officers arrange with the deputy electoral officer and electoral officials for all the voting documents and other specified materials to be made up into parcels, labelled, signed and deposited with the Registrar at the nearest District Court promptly following the completion of the count.

Post election reporting

- 16.7 The Chief Executive of a local authority is required to convene the first meeting of members, following a triennial election, as soon as practicable after the results of the election are known. To enable Chief Executives to comply with the meeting requirements in clause 21 of Schedule 7 of the Local Government Act 2002, electoral officers will need to ensure that Chief Executives are provided with the official results in a timely manner. Electoral officers also need to provide Chief Executives with the results of any by-election or poll as soon as they have been finalised.
- 16.8 Electoral officers should compile information about a variety of aspects of each triennial election to enable them to complete the statistical questionnaire circulated by the Department of Internal Affairs at the time of triennial elections. This data is important for identifying national trends, such as voter turnout, and can also form the basis of a report to the local authority on key local electoral issues that the local authority may wish to address. The information will also provide a useful record for future electoral officers.

- 3 Recommended good practice** is that electoral officers work with their Chief Executive to agree a reporting framework for elections and polls that not only facilitates legal compliance, where appropriate, but also provides statistical data that can contribute to enhanced understanding of and participation in local elections and polls.