

# **SOLGM Electoral Working Party Newsletter**

## **July 2008**

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Since the Electoral Officers' Post-Election Debrief Forum last December, the SOLGM Electoral Working Party has been very active in planning how to assist the sector prepare for the 2010 elections. In this first newsletter since the last elections, we take the opportunity to advise Electoral Officers of the our planned work programme and other developments.

But first, let me introduce the Working Party, as there have been some change since the last elections. The current membership is:

- Peter Guerin, Rotorua DC (*Chairperson*)
- Dale Ofsoske, Independent Election Service (*Deputy Chairperson*)
- Gavin Beattie, DIA
- Jude Pani, Environment Canterbury
- Ross Bly, Wellington CC
- David Pannett, Ministry of Health
- Chris Chadwick, Waitemata DHB
- Mike Reid, *Local Government New Zealand*
- Graeme Cox, Christchurch CC
- Barry Rollo, New Plymouth DC
- Neville Hablous, Waikato DHB
- Jude Wadsworth, Kapiti Coast DC
- Susan Jones, Gore DC
- David Smith, SOLGM
- Pam Jordan, Dunedin CC
- Warwick Lamp, electionz.com

I was pleased to welcome two new members to the Working Party – Susan Jones and Jude Wadsworth. At the same time however, we have said goodbye to longstanding Working Party member Max Robertson, who has retired from Christchurch City. Over the years Max has made a significant contribution to the management and conduct of local elections and the Working Party has benefited greatly from his experience and sage advice. We wish Max all the best in retirement.

I am sorry to say that Warren Stevens, who was a Regional Council EO representative on the Working Party, has also left the sector. Warren has been replaced by Jude Pani from Environment Canterbury, who will attend her first meeting on 8 August.

### **Business Plan Through to 2010**

Following the Electoral Officers' Post-Election Debrief Forum, the Working Party has developed a comprehensive Business Plan through to the 2010 local elections. This Plan can be found in the Resources section of the SOLGM website – [www.solgm.org.nz](http://www.solgm.org.nz). As you will see, the Working Party has set some very tight deadlines for itself, with the aim of assisting the sector to prepare early for the 2010 local elections. One of these major tasks is a total review of the Code of Electoral Good Practice by the end of June 2009. There will be new material to add. We are also examining electronic voting, although this is unlikely to be introduced for 2010.

Members of the Working Party undertake considerable work on behalf of the sector in addition to their normal duties. At times it will be necessary to call on assistance of other Electoral Officers, whether to peer review particular work, or provide information, etc. In this regard I encourage you to assist the Working Party wherever you can.

## **Inquiry into the 2007 Local Authority Elections**

As you will be aware, in December last year the Justice and Electoral Select Committee initiated an Inquiry into the 2007 local authority elections.

SOLGM was appointed an 'advisor' to the Committee along side the Department of Internal Affairs. As part of this role, a substantive report to the Select Committee containing 44 recommendations was prepared by the Working Party. This report can be found in the Resources section of the SOLGM website – [www.solgm.org.nz](http://www.solgm.org.nz). Dale Ofoske, David Smith and myself attended the Select Committee on 14 February, and presented SOLGM's key recommendations.

The Justice and Electoral Committee has now reported to Parliament on its Inquiry. The report can be found by using the search facility in the 'Select Committees' then 'Select Committee Reports' section of Parliament's website [www.parliament.nz](http://www.parliament.nz), or type this link into your web browser:

[http://www.parliament.nz/NR/rdonlyres/36FE188E-969B-4C5E-9FB5-D30D306A5C90/84956/DBSCH\\_SCR\\_4080\\_6011.pdf](http://www.parliament.nz/NR/rdonlyres/36FE188E-969B-4C5E-9FB5-D30D306A5C90/84956/DBSCH_SCR_4080_6011.pdf)

Essentially, the Select Committee noted the work that DIA was undertaking in relation to the 2004 local authority elections Inquiry and that likewise, the Local Government Commission is reporting to the Minister of Local Government on the operation of the Local Government Act and the Local Electoral Act and that the Commission's review covered many of the matters referred to in the Committee's Terms of Reference. The Select Committee found that the submissions it received did not raise any significantly different issues from those received for the 2004 Inquiry and emphasised the need to implement many of that Inquiry's recommendations as soon as possible. The Committee said that it would monitor progress on work in this area and expect to see the outcomes implemented before the local authority elections in 2010.

It was very pleasing to note that the work of the SOLGM Electoral Working Party in reviewing the Code of Good Practice for the Management of Elections and Polls in time for the 2007 local elections was positively acknowledged by the Select Committee.

## **Local Government Commission Reports and Research**

As mentioned, the Local Government Commission, under section 32 of the Local Government Act, is required to report to the Minister on the operation of the Local Government Act and the Local Electoral Act as soon as practicable after the 2007 elections. In relation to representation and the conduct of elections, the Commission has reported to the Minister and these reports and associated research can be found under 'Legislative Review' section on the Commission's website at [www.lgc.govt.nz](http://www.lgc.govt.nz).

At its meeting on 13 June, the Electoral Working Party considered the Commission's recommendations and supported the majority of them. Many of the recommendations are actually the result of representations the Working Party has previously made to Select Committees and the Commission, eg, the need for an additional week between the close of nominations and the issue of voting documents, etc. Obviously some of these recommendations if approved by Government will require legislative action prior to the 2010 local elections. SOLGM will advise the Minister of Local Government of the Electoral Working Party's support for those recommendations of the Commission relating to the practical management and conduct of local elections and advocate the need for a Local Electoral Amendment Bill to be introduced as soon as possible.

## **Representation Review Forum**

Several of the Local Government Commission's recommendations to the Minister relate to the provisions governing the review of representation arrangements to be undertaken by local authorities. As many local authorities will be commencing their representation reviews early in 2009, it is imperative that, if approved by Government, the Commission's recommendations are enacted as soon as possible, otherwise they will not apply until the 2013 local elections.

Currently, SOLGM, in conjunction with *Local Government New Zealand* have a “Representation Forum” for elected members and officers scheduled for mid November 2008. At this stage it is not clear as to whether this Forum will also include legislative changes to the representation review procedures as well as learnings and case studies from the last representation review. We will keep everyone informed as this matter becomes clearer.

## Code of Good Practice Review

### *Part 2 – Elections Timetable*

The Working Party has reviewed and updated Part 2 of the Code relating to the timetable for the 2010 Local Elections. The updated Part has already been inserted into the Code in the Good Practice Toolkits section on [www.solgm.org.nz](http://www.solgm.org.nz) and in the Resource Library on Local Government Online [www.localgovt.co.nz](http://www.localgovt.co.nz).

The update is based on current legislation. If as a result of the recommendations of the Local Government Commission and the Justice and Electoral Select Committee the Local Electoral Act is amended to include provision for an extra week between close of nominations and lodgement of voting packs then Part 2 will be further updated.

### *Part 4 – Electoral Systems*

This Part is now being urgently reviewed due to the September 2008 deadline for requirements in the Act governing change of electoral systems. The Working Party is also arranging for the development of an independent and neutral explanation of the advantages and disadvantages of FPP and STV electoral systems. This explanation could be used by Electoral Officers in reporting to their councils.

In the meantime, if you are interested in the research the Local Government Commission commissioned on electoral systems following the 2007 local elections, the ‘Post (Local) Elections Survey 2007’ report can be found in the ‘Legislative Review’ section on [www.lgc.govt.nz](http://www.lgc.govt.nz).

## English Local Elections Study Trip

Three members of the SOLGM Electoral Working (Gavin Beattie, Dale Ofoske and Barry Rollo) visited England to observe a number of local authority elections held on 1 May 2008.

The following organisations were visited:

- Greater London Authority
- Liverpool City Council
- Sheffield City Council
- Walsall Metropolitan Borough Council
- Electoral Commission
- Ministry of Justice
- Rt Hon Bruce George MP
- Electoral Reform Society
- Association of Electoral Administrators

The visit was a follow up to an earlier visit made by members of the SOLGM Electoral Working Party in 2002 to observe ‘electoral innovations’ being piloted then (postal voting, kiosk voting, text voting, internet voting). The 2008 visit was to establish which, if any, ‘electoral innovations’ were currently being used, and why (or why not) these were used (or rejected).

The following comments form a brief summary of our findings:

- all elections held in 2008 used ballot box voting, with limited postal voting (by elector application);
- where postal voting was used, personal identifiers (date of birth, signature) were required from electors and validated before votes were counted;

- all other previous 'electoral innovation' pilots had been halted – to be re-assessed after the 2010 parliamentary elections;
- a fundamental problem is the electoral roll, which is compiled and maintained by each local authority on a 'household basis' (where the 'head of the house' nominates those living at the address for enrolment). This has resulted in some instances of fraudulent enrolment;
- a nationwide, standardised individual elector registration system is being investigated for post 2010 implementation;
- some fraudulent activity has damaged both public and political confidence in the electoral process;
- previous 'electoral innovations' lacked a clearly thought out strategy on longer-term objectives for electoral innovations and at times implemented with insufficient time and testing;
- strong reservations/concerns over e-counting and e-voting.

A full report on the findings will be submitted to the SOLGM Electoral Working Party in August 2008 and then will be made available to Electoral Officers.

### **Advertisements of a Specified Kind**

In the lead-up to the Parliamentary Elections later this year, the Chief Electoral Office has received several queries regarding advertisements of a specified kind.

Advertisements of a specified kind are election advertisements of three square metres and under. Section 69 of the Electoral Finance Act 2007 and the Electoral (Advertisements of a Specified Kind) Regulations 2005 apply.

Advertisements of a specified kind can be displayed for any length of time within the two month period commencing two months before polling day and ending with the close of the day before polling day. Any prohibitions or restrictions in any other enactments or local authority by-laws, or imposed by a local authority, which relate to the duration of display, or language or content, do not apply. Candidates and parties must still comply, however, with any other prohibitions or restrictions such as those relating to location, density of advertisements, or the procedures to be followed before such advertisements can be displayed.

Candidates and parties should address any queries to their relevant local authority, and, if necessary, Transit New Zealand in respect of advertisements which will be visible from or on a road.

### **Local Government Online Resource Library**

In the Governance section of the Resource Library on Local Government Online, [www.localgovt.co.nz](http://www.localgovt.co.nz), is a collection of documents relating to local elections (legal opinions, judgements reports and articles) which Electoral Officers may find interesting and helpful.

Regards



Peter Guerin  
Chairperson  
SOLGM Electoral Working Party