



Inquiry into the 2010 local authority elections

Report of the Justice and Electoral
Committee

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Inquiry into the 2010 local authority elections

Summary of recommendations

The Justice and Electoral Committee makes the following recommendations to the Government:

- that it amend the Local Electoral Regulations in order to extend the time between the closing of nominations and the delivery of voting documentation from four weeks to five weeks (p. 4)
 - that it consider a trial of internet voting in the 2013 local authority elections (p. 4)
 - that it give local authorities greater flexibility around the timing of the public release of candidate profiles and information (p. 5)
 - that it ensure that the order of candidate names on all voting papers in local authority elections is completely randomised (p. 5)
 - that it examine the issue of candidates serving on multiple local boards (p. 6)
 - that it explore the option of making the Electoral Commission responsible for the oversight of local authority elections. (p. 6)
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Introduction

By convention, the Justice and Electoral Committee inquires into the conduct of local authority elections. On 11 November 2010 we initiated an inquiry into the 2010 local authority elections. The terms of reference for the inquiry were

to examine the law and administrative procedures for the conduct of local authority elections in the light of the 2010 local authority elections, with specific focus upon the trends in voter turnout and on the safeguards to protect postal voting and voter registration and against voter fraud.

Local authority elections are conducted under the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Central Government has a limited role in the running of local body elections, which is mainly confined to monitoring their conduct, implementing the election framework, and the provision of information to electoral officers and the public.

The majority of councils and community boards use the first-past-the-post system to elect members, while all district health boards and six local councils use the single transferable voting system. Postal voting has been used in virtually all local authority elections since 1989.

In total, 3,917 people stood for 1,895 positions on local councils, community boards, district health boards, and licensing trusts nationwide. Overall voter turnout was 48.6 percent, an increase of 5 percent on turnout for the 2007 local body elections. This increase has been attributed to high public interest in Auckland, as a result of the formation of the new Auckland Council, and in Canterbury, as a result of high interest in local government issues after the September 2010 earthquake.

Non-delivery of voting documents

We were particularly concerned to hear about two incidents, in south Auckland and Rotorua, where mail bags containing voting documents were dumped by postal workers. Any instance where people may not receive their voting papers is worrying. While these were isolated incidents, they highlight a potential vulnerability of the postal voting system. We understand that in Mangere up to 1,000 people may not have received voting papers. We heard from both the company responsible for delivering voting documents, New Zealand Post, and the Department of Internal Affairs, which administers the Local Electoral Act and Local Electoral Regulations, that steps were taken quickly to ensure voters in affected areas were not disenfranchised. People who did not receive their voting papers were able to cast special votes at sites within the immediate area concerned. New Zealand Post dealt with the staff involved through its disciplinary procedures, and the postal workers responsible were dismissed. However, we heard other concerns that the discarding of mail containing voting papers was not publicised early enough, and it took the involvement of the local member of Parliament and revelations in the media for this incident to be widely known and for people to become aware they would need to cast a special vote.

We were pleased to hear that New Zealand Post has introduced a risk mitigation and contingency plan for the 2013 local authority elections to reduce the likelihood of the non-delivery of voting packs. We recognise that these incidents are isolated and appear to be the result of irresponsible behaviour rather than direct attempts to prevent people from casting a vote. Nonetheless, we consider them to be serious incidents that have the potential to undermine public confidence in the election process and believe that the people concerned should have faced criminal charges. While we accept that New Zealand Post dealt with the incidents internally, we were surprised that the company decided there were insufficient grounds to refer the matter to the New Zealand Police.

Postal voting

A large proportion of the submissions we received to this inquiry concerned the security and integrity of the postal voting system. Postal voting has been in operation for local authority elections almost exclusively since 1989. The only exception to this was in 1992, when the Hutt City Council reverted to booth voting. The voter turnout for this election was 26 percent, down on that region's 1989 turnout of 46 percent, and well below the national average for 1992 of 54 percent. While we acknowledge concerns about the potential risks surrounding postal voting, we believe they are well managed by the relevant agencies. Since its inception, postal voting has significantly increased voter participation in local authority elections, which has typically been far lower than that in general elections. Similar trends have been seen in other countries, such as the United Kingdom, and we do not see any reason for postal voting to be abandoned.

We heard that, for the 2010 elections, 2.95 million postal voting packs were delivered securely and on time by 2,100 staff, with the exception of the two previously mentioned incidents. We note that this includes deliveries to people in the Canterbury region who were affected by damage and dislocation caused by the September earthquake, and we were pleased to see that contingency measures worked well to ensure people received their voting documents.

Preparing the documentation for the 2010 elections required the printing of 475 types of voting documents and 96 types of candidate information booklets. This work was carried out by a New Zealand Post subsidiary, Datam Limited. At the moment, New Zealand Post has a four-week window from the closing of nominations until it must begin delivering voting packs. However, in its submission New Zealand Post expressed concern that this timeframe leaves little margin for error or disruption. This was highlighted by the need to transfer the document preparation to Auckland from the Datam centre in Waimakariri, North Canterbury, as operations there were disrupted by the September earthquake. While we were impressed with the manner in which Datam coped with the disruption caused by the earthquake, we believe it would be sensible to amend the Local Electoral Regulations in order to extend the timeframe between nominations closing and delivery, to allow providers to deal more easily with any unforeseen logistical difficulties.

Recommendation

1 We recommend to the Government that it amend the Local Electoral Regulations in order to extend the time between the closing of nominations and the delivery of voting documentation from four weeks to five weeks.

Internet voting

We heard several suggestions that internet voting should be considered in the future. As has already been discussed, all voting is conducted by postal ballot at present, although local authorities have the discretion to revert to booth voting. However, several councils submitted that they receive complaints after each election from voters who were overseas during the election period and therefore did not receive their voting documents.

It was submitted that allowing votes to be cast online would alleviate this problem and could also increase voter turnout. We think this suggestion could have merit, given that the internet is becoming a regular part of modern society, with an increasing number of services and functions becoming available online.

We also note that the launch of the igovt system, an online identity information management service that allows people to confirm their identity securely when dealing with Government service providers online, could facilitate online voting and allay concerns about the security of personal information. We understand that trials of online voting have been run in the United Kingdom but have not led to a full uptake of an internet voting option in elections.

We believe that the possibility of online voting in New Zealand should be considered for local authority elections and recommend to the Government that it consider trialling internet voting in the future.

Recommendation

2 We recommend to the Government that it consider a trial of internet voting in the 2013 local authority elections.

Distribution of candidate information

Candidates for election have the option of supplying a profile of themselves and a short statement, which are compiled and sent out with voting packs to help people decide who to vote for. Under the existing regulations, candidate profile statements may not be published by the electoral officer until the start of the voting period (four weeks after nominations close).

We heard that shifting the release date to immediately after the close of nominations would assist voter's decision-making, through having the candidate information available for longer, and end confusion about when the profiles may be made available publicly, particularly on the internet. We believe it would be sensible to give local authorities greater flexibility to release candidate information earlier. This would be in line with recommendations by the Electoral Working Party and by the Justice and Electoral Committee inquiries into both the 2004 and 2007 local elections.

During the election, there were isolated examples of voting papers issued that were not randomised, with candidates listed alphabetically. We are concerned that such instances could disadvantage candidates unfairly by virtue of the letter with which their surname begins. We believe it is important to reinforce the need for all voting papers to be completely randomised to ensure all candidates are treated fairly.

Recommendations

- 3 We recommend to the Government that it give local authorities greater flexibility around the timing of the public release of candidate profiles and information.
 - 4 We recommend to the Government that it ensure that the order of candidate names on all voting papers in local authority elections is completely randomised.
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Election to multiple positions

We were made aware of a situation during the elections for the new Auckland Council where a candidate successfully stood for election to three separate local boards, a district health board, and a local licensing trust. We do not want to make any comment on this particular person's suitability or competency for these positions, as the concerns around this situation were about the legislative framework which permitted this to occur, rather than the suitability of the individual concerned.

The restructure of the Auckland councils created a second tier of 21 local boards below the Auckland Council, intended to assist local decision-making and representation on behalf of the communities they represent. While several other territorial authorities also have a system of community boards, our focus on this issue was on Auckland, as the local boards in that region are more widespread and have a greater mandate than the community boards in other areas.

Our main concern about this situation is whether a person on several local boards would face conflicts of interest and be able to advocate properly and effectively for each area. One of the primary roles of a person representing a geographical area is as an advocate for the interests of that particular region. We note that people are barred from serving on a regional council and city or district council to avoid conflicts of interest, while in general

elections it is not possible to be elected to represent multiple constituencies in Parliament. Also, people who stand for a mayoralty and a position as a councillor must choose which position they would like to take if their campaigns for both roles are successful.

We do not have any issue with candidates standing for and being elected to both a council and a district health board or licensing trust. We also do not believe people should be barred from standing as a candidate for multiple boards; however, we believe consideration needs to be given as to whether a person should have to nominate which board they would like to serve on if more than one candidacy is successful.

We heard from the Department of Internal Affairs that, in its view, it was a matter for voters to decide. The department referred to previous recommendations suggesting that candidates be required to publicise whether they were seeking election to any other positions so that the electorate would be well informed about a candidate's intentions. Some of us agree with this view and believe that electors are in the best position to choose which candidates are best suited to represent them and that any concern about a person standing for multiple positions is a matter for the electorate to resolve. If voters do not think it appropriate for a person to be on more than one local board, they can then act accordingly when casting their vote.

Recommendation

5 We recommend to the Government that it examine the issue of candidates serving on multiple local boards.

Supervision of local authority elections

Local authority elections are overseen by an electoral officer appointed by the relevant local authority. Central government has a limited role in the running of local authority elections and is responsible only for monitoring the conduct of the elections, the provision of information to the public and electoral officers, and the implementation of the framework under which the elections operate. Given that the Government has recently established a new Electoral Commission, which is responsible for the administration and oversight of parliamentary elections and referenda, we believe consideration should be given to whether the Electoral Commission should play a role in the running of local authority elections. While we do not have any concerns about the performance of local electoral officers, we believe it would be worthwhile investigating whether involving the Electoral Commission would bring any benefit to the running of local elections.

Recommendation

6 We recommend to the Government that it explore the option of making the Electoral Commission responsible for the oversight of local authority elections.

Appendix A

Committee procedure

We called for public submissions on the inquiry. The closing date for submissions was 1 February 2011. We received 23 submissions from the organisations and individuals listed in Appendix B, and heard 13 of the submissions orally. We met between 14 October 2010 and 19 May 2011 to consider the inquiry.

Committee members

Chester Borrowes (Chairperson)
Amy Adams (from 13 April 2011)
Jacinda Ardern (until 9 February 2011)
Kanwaljit Singh Bakshi
Carol Beaumont (from 9 February 2011)
Simon Bridges
Charles Chauvel (from 9 February 2011)
Dr Kennedy Graham
Hon Hekia Parata (until 13 April 2011)
Hon David Parker (until 9 February 2011)
Lynne Pillay (until 9 February 2011)
Paul Quinn
Carmel Sepuloni (from 9 February 2011)

Sue Kedgely replaced Dr Kennedy Graham for this item of business.

Appendix B

List of submitters

Andrew Sheldon
Carl Heenan
Caroline Conroy and Colleen Brown
Carterton District Residents and Ratepayers Association
David Farrar
Department of Internal Affairs
Electoral Enrolment Centre
Hamilton City Council
Horizons Regional Council
Local Government Commission
Local Government New Zealand
Miramar Progressive Maupuia Association
New Zealand Post Group
Palmerston North City Council
Phil Twyford MP
Peter Keith Wakeman
Pirate Party New Zealand
Professor Walter C Clark
Rangitikei District Council
Rod Young
Society of Local Government Managers
Su'a William Sio MP
Woodend Community Association Incorporated