

Report 11.379
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Committee Council
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Electoral system for the 2013 triennial elections

1. Purpose

For the Council to consider the electoral system for the 2013 triennial elections.

2. The decision-making process and significance

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act).

2.1 Significance

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Officers recommend that the matter be considered to have medium significance.

2.2 The decision-making process

Officers advise that a decision-making process is explicitly prescribed for this decision by the Local Electoral Act (LEA). The LEA sets out the process to be followed by council in determining the electoral system to be applied in local elections. The process is set out in section 3 of the report.

3. Background

3.1 Legislative deadlines

The LEA outlines key processes and timeframes to be met by Council when choosing an electoral system. Some of these processes are mandatory while others are optional. The deadlines set out in sections 27 to 37 of the LEA have been applied to the 2013 elections:

- Council **may**, by 12 September 2011, resolve to change the electoral system (s.27).

- Council **must**, by 19 September 2011, give public notice of any resolution and the right of electors to demand a poll on the electoral system to be used (s.28).
- Council **may**, by 28 February 2012, resolve to conduct a poll of electors (s.31).

In addition, five percent (16,755) of electors enrolled at the previous triennial general election **may** demand a poll to decide which system to use (ss.29, 30 and 33).

If the public demands a poll by 28 February 2012 the results of the poll are effective for the next two triennial elections. If the public demands a poll after 28 February 2012 the results are effective for the next but one triennial election and the following triennial election. Such a demand for a poll could be in response to the Council not making any decision on an electoral system, resolving to change to STV, or resolving to retain the existing electoral system. The result of a poll, whether initiated by Council or demanded by electors, is binding; it continues to apply following the completion of two elections until the Council either resolves to change the electoral system or the electoral system is changed as the result of a further poll.

3.2 Choosing an electoral system

There are two options available to Council when deciding whether to change from FPP to STV. Council can either:

- Retain the status quo (FPP) - this would be achieved by the Council either not making a decision or resolving to retain the existing electoral system, or
- Resolve to change to an STV electoral system.

If the electoral system changes as a result of a local authority resolution, the new electoral system also takes effect for the next two triennial elections and any associated elections.

However that decision can be reversed, after the first triennial election has been held under the new system, by a subsequent local authority resolution or by a poll of electors.

4. Matters to consider

There are two key aspects for the Council to consider relating to the electoral system for Greater Wellington's 2013 and subsequent elections:

- Whether the Council will initiate a poll so the region's public can decide which electoral system should be used. This could be in addition to, or instead of, the Council passing a resolution to change the electoral system.
- Whether or not the Council will change to an STV electoral system.

4.1 Conducting a poll

4.1.1 Council may initiate a poll

Council can choose to initiate a poll on the electoral system for the 2013 elections up until 28 February 2012. Council can do this even if it has already decided which electoral system should be used for the 2013 elections.

A poll is a broad form of public consultation as it provides every elector with the opportunity to vote. However, there is the risk of low levels of voter participation, should a poll be conducted. This could result in misrepresentation of the wider community's preference. A communication plan for the region's public about the poll may help voter turnout for a poll, but there are no guarantees.

4.1.2 Public may demand poll

If no poll is initiated by the Council, five percent of the region's electors may still demand a poll to decide which electoral system should be used. The region's public would need to demand a poll by 28 February 2012 if the result of the poll is to take effect for the 2013 elections.

It is difficult to judge the likelihood of the public demand for a poll as there is limited information on what we know about the public's preferences. There are no obvious signals that the region's public are unhappy with the Council operating under an FPP electoral system.

While now somewhat dated, a survey undertaken by Local Government New Zealand following the 2004 local elections illustrated some interesting views of voters and non-voters on the two electoral systems.

The survey found that among those surveyed who had the opportunity to vote using STV, the preference for FPP was higher than STV (53% cf. 36%). Wellington City voters were more likely to prefer STV (56% compared to 36% overall). The survey also found that 66% of those surveyed who had the opportunity to vote using STV agreed that STV was a fairer system than FPP, as each elector could vote for as many or as few candidates as they wished.

It is, however, important to keep in mind that this survey was indicative only, and related to only one election. It used small sample sizes and more comprehensive studies would need to be undertaken to confirm any clear preference for one electoral system. Furthermore, electors' preferences are likely to vary according to region and district and may evolve with experience of and exposure to the different electoral systems. A survey of this type has not been repeated.

4.1.3 Cost of poll

In 2008 officers obtained an estimate of the cost of running a poll from an independent electoral services provider. At that time the estimated cost of conducting a poll on the electoral system was \$371,000 (GST excl.). With an increase in the number of electors and election processing costs, officers

estimate that current costs would be approximately 5% greater than the 2008 estimate. Currently, there is no provision in the budget to meet the cost of a poll.

There may also be additional costs to implement an education plan for the region's public on the differences between the two electoral systems.

4.2 Differences between FPP and STV

Each system is considered to have advantages and disadvantages. The Local Government Commission, in its February 2008 Special Topic Paper on Representation, outlines the following advantages and disadvantages for the two systems:

Electoral system	Advantages	Disadvantages
STV	<p>Provision of proportional representation in multi-member wards/constituencies which may result in increased voter turnout.</p> <p>Provision of majority preference results in single-member ward/constituency elections.</p> <p>Reduction in the number of "wasted" votes (i.e. votes that do not contribute to the election of any candidate).</p>	<p>STV's relative unfamiliarity to New Zealand electors.¹</p> <p>STV's perceived complexity in comparison to FPP.</p> <p>Less immediately available information on popularity of candidates from published election results (i.e. all successful candidates gain some quota of votes).</p> <p>The unavoidable need for computer counting (for NZSTV), requiring different risk mitigation strategies (i.e. manual counting cannot be used as a backup).</p>
FPP	<p>Electors' familiarity/understanding.</p> <p>Simplicity of the system.</p> <p>Immediately available information from published election results.</p>	<p>No proportional representation.</p> <p>Majority outcomes unlikely in single-member elections.</p> <p>Possible exaggeration of election majorities, particularly of parties or groups.</p> <p>More "wasted" votes.</p>

Further information on the advantages and disadvantages of each electoral system and discussion of relevant issues are contained in *The Local Government Electoral Option 2008* guide, attached as **Attachment 1**.

¹ This may be less of an issue now after three consecutive DHB elections held under STV.

4.2.1 Impact of electoral systems on voter turnout and informal votes

The Local Government Commission, in its Special Topic Paper on Representation, has analysed the turnout results for those councils that have utilised the STV electoral system compared to the overall national turnout figures. The Commission notes that some STV councils had turnout figures above the national average and some below, but considers that it is not possible to draw definitive conclusions on the impact of STV on voter turnout at the 2004 and 2007 elections.

The impact of the electoral system or mix of electoral systems on informal votes is another important consideration. The Commission notes that the incidence of informal voting documents increases significantly in certain circumstances and uses the results of the Greater Wellington elections as a case in point:

The incidence of blank and informal voting documents for Greater Wellington Regional Council (GWRC) reflected the impact of dual electoral systems even more graphically. GWRC's six constituencies can be divided into three groupings with one grouping (Wellington, Porirua, Kapiti Coast) being "mostly STV" (i.e. only the GWRC election being FPP) whereas the other two groupings (Hutt Valley and Wairarapa) were "mostly FPP" (i.e. only the DHB being STV).

4.2.2 Informal votes in Greater Wellington elections

Below is a table outlining the number of informal votes cast in Greater Wellington elections from 2004 to 2010. Please note that the constituencies in italics are areas where the current Territorial Authority uses FPP as its electoral system.

Constituency	2010 Informal	2010 Informal %	2007 Informal	2007 Informal %	2004 Informal	2004 Informal %
Kapiti Coast	1,227	6.8	2,106	11.3	Uncontested	
Porirua-Tawa	408	2.3	1,017	6.0	120	0.9 ²
Wellington	1,836	3.7	2,242	4.7	715	1.3 ³
<i>Lower-Hutt</i>	<i>11</i>	<i>0.04</i>	<i>18</i>	<i>0.06</i>	27	0.1
<i>Upper Hutt</i>	79	0.6	<i>Uncontested</i>		<i>Uncontested</i>	
<i>Wairarapa</i>	53	0.3	16	0.1	58	0.3

4.2.3 Comparing STV and FPP in terms of representation

While some, including the Local Government Commission in its Special Topic Paper on Representation, consider that STV has the potential to enhance

² Porirua constituency

³ Wellington constituency including Tawa

representation and engagement, there is an absence of qualitative information to show that STV has enhanced representation in any way.

5. **Communication**

The LEA states that the Council must give public notice by 19 September 2011 of the right of five percent of electors to demand a poll and any resolution of Council on the matter.

6. **Recommendations**

That the Council:

1. ***Receives the report.***
2. ***Notes the contents of the report.***
3. ***Either:***
 - ***Resolves to change to an STV electoral system for the 2013 elections***
or
 - ***Resolves to retain the existing electoral system (FPP) for the 2013 elections***
or
 - ***Does not make a decision on the electoral system for the 2013 elections, thus retaining the existing electoral system (FPP).***
4. ***Either:***
 - ***Resolves to hold a poll on the electoral system for the 2013 elections***
or
 - ***Resolves to not hold a poll on the electoral system for the 2013 elections***
or
 - ***Does not make a decision on the holding of a poll on the electoral system for the 2013 elections.***
5. ***Notes that a public notice of the right of five percent of electors to demand a poll and of any resolution made by the Council will be issued by 19 September 2011.***

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Attachment 1: Local Government Electoral Option 2008