

QLDC Council
3 September 2020

Report for Agenda Item | Rīpoata moto e Rāraki take : 4

Department: Corporate Services

Title | Taitara Local Electoral Act 2001: Choice of electoral system and potential for a Māori Ward in the Queenstown Lakes District

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to set out the requirements of the Local Electoral Act 2001 in relation to the choice of the electoral system employed for local elections and polls, namely, either First Past the Post or Single Transferable Vote and to consider the option for a Māori Ward in the Queenstown Lakes District. The report also summarises the process and critical dates for completion of the Representation Review in 2021.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Note** the key milestones for completion of the Representation Review in 2021;
3. **Agree** to retain the First Past the Post electoral system for election of the Council and the Wānaka Community Board for the next two elections, scheduled to take place in 2022 and 2025;
4. **Agree** not to establish a Māori Ward in the Queenstown Lakes District at present; and
5. **Agree** to establish an Advisory Group to assist in the development of options for the 2021 Representation Review and delegate the appointment of members to the Chief Executive and Mayor.

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CONTEXT | HOROPAKI

- 1 The choice of electoral system is not formally part of representation reviews, but the Local Government Commission recommends that it should be considered as part of the overall review of representation alongside a decision on the establishment of Māori wards.
- 2 The Local Electoral Act 2001 allows local authorities to choose either First Past the Post (FPP) or Single Transferable Vote (STV) for local elections. A change of electoral system can be achieved either by a Council resolution or by the favourable outcome of a poll, which can itself be as the result of a Council resolution or demanded by 5% of electors. A local authority's resolution to change the electoral system must occur no later than 12 September, two years before election year.
- 3 The Local Electoral Act 2001 allows Māori wards to be established, again, either by a Council resolution or as the result of a poll, that poll either directed by a Council resolution or as the result of a poll demanded by 5% of electors. Establishment of a Māori ward can happen at any time, via either of the methods described above, but to apply to the next election any Council resolution must be before 23 November, two years before the next election.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

Electoral System: First Past the Post or Single Transferable Vote

- 4 If the Council wishes to use the Single Transferable Vote ('STV') electoral system instead of First Past the Post ('FPP') for the next two elections, in the first instance it may do so by resolving as such before 12 September 2020.
- 5 Under STV, voters rank candidates in their order of preference using numbers. A voter would write "1" next to the name of their favourite candidate, "2" next to their second favourite candidate and so on. Voters may give preferences to as few or many candidates as they wish. Candidates who reach the quota (calculated by the number of valid votes, divided by one more than the number of vacancies) are declared elected.
- 6 Under FPP, the voter places a tick next to the name/s of the candidates they wish to vote for. The voter can vote for as many candidates as there are positions available to be filled. The winner is the candidate/s with the most votes.
- 7 FPP is a very simple method of electing candidates and is widely used throughout the world. Although FPP is very simple, some people argue that the results of an FPP election may not always reflect the wishes of the majority of voters. A further argument against FPP is that even when the winning candidate gets the majority of the votes, many people's votes are "wasted".
- 8 STV provides the greatest benefit in wards or constituencies of between three and nine representatives. If there are fewer than three, the benefits of the transferable vote in terms of proportionality are not likely to be evident. However, if there are a very large number of candidates to choose from, voters may find it a more difficult task to rank their preferred candidates (although there is no need to rank all candidates).

- 9 In New Zealand there are 78 councils and 11 use the STV electoral system (which equates to about 14%). Of these, three used STV for the first time in 2019.
- 10 A table comparing the relative advantages and disadvantages of FPP and STV is Attachment A.
- 11 Note that under the Local Electoral Act the Council must give public notice of the right for electors to demand an electoral system poll and this notice must be given by 19 September.

Māori Wards

- 12 A local authority resolution to establish a Māori ward, along with a resolution to undertake a poll on this question or a poll demanded by 5% of electors, can all occur at any time. However, to apply for the next election, the resolution must be made by 23 November.
- 13 The process for determining the number of members to be elected from both Māori and general wards is set out in the Local Electoral Act and involves:
 - Determining the total number of members of the local authority (at present: 10);
 - Multiplying the total number of members by the ratio of the Māori electoral population to the total (mayor and general) electoral population.
- 14 The Local Government Commission summarises the calculation as follows:

$$nmm = \frac{mepd}{mepd + gepd} \times nm$$

where:

nmm – number of Māori ward members

mepd – Māori electoral population of the district (936)*

gepd – general electoral population of the district (38,217)*

nm – proposed number of members of the territorial authority (except the mayor) (10)

*Figures provided by Local Government Commission from 2018 census and 2020 boundaries

- 15 This formula provides the following result for QLDC:
936 ÷ 39153 x 10 = 0.24
- 16 Based upon this result, the size of the Māori electoral roll in this district does not yet qualify for a Māori ward, but clearly the position could change with future population increases.

Representation Review 2021

- 17 Under the Local Electoral Act 2001, councils must undertake a review of their representation arrangements every six years, but may do so every three years. The 2018 review for the 2019 election involved little change from the status quo, and, more broadly,

it resulted in little change from the original arrangements established in 1989. In acknowledgement of this and the fact that the enlarged Arrowtown Ward still did not meet the population: member ratio required under the Local Electoral Act, QLDC resolved to undertake a review of its representation arrangements prior to the 2022 triennial election.

- 18 The process is commonly known as the ‘Representation Review’ and it enables the Council to take a fresh look at the structure of its membership and the way Councillors and Community Board members are elected. This includes the total number of members, whether they come from a ward or are elected ‘at large’ from across the wider district, where the boundaries of wards lie or ward names.
- 19 The review must also consider whether there needs to be community boards, what is their nature and structure and if a community board should be retained in its current form or at all.
- 20 The Local Government Commission’s guidelines for representation reviews highlight the value of undertaking preliminary consultation before beginning the formal statutory representation review process. The Commission also recommends that a council consider forming an independent panel or advisory group to undertake preliminary investigation. This avoids potential perceptions of self-interest if elected members are directly involved and allows the Council to seek specific expertise.
- 21 A panel of five is suggested, comprising three appointed/invited members and two selected from a public call for Expressions of Interest. It is suggested that the three appointed members be a political science academic, a representative of Aukaha and Te Ao Marama and a legal Counsel. Representatives from the Wakatipu, Arrowtown and Wānaka communities would be sought via an ‘Expression of Interest’ process.
- 22 The representation review procedure includes a full public consultation and hearing process and will cover much of next year. A timeline showing key milestones is Attachment B.
- 23 Submissions received in the 2018 Representation Review urged a ‘blue sky’ review of the district’s representation. The Council’s 2018 non-complying proposal was required by law to be referred to the Local Government Commission and was accepted on the basis that another review would be undertaken prior to the 2022 election. Based upon 2018 census population figures and the present ward boundaries, the Council’s representation model shows that in addition to the Arrowtown ward, the Wānaka ward also does not now meet the +/-10% requirement:

Ward	Population	Members	Population: member ratio	Difference from quota	% difference from quota
Queenstown-Wakatipu	22,998	6	3,833	-82	-2.09
Wanaka Ward	13,044	3	4,348	433	11.06
Arrowtown Ward	3,108	1	3,108	-807	-20.61
Total	39,150	10	3,915		

24 Option 1 Adopt the First Past the Post Electoral System

Advantages:

- 25 The population is familiar with First Past the Post and finds it easy to understand.
- 26 The results of a First Past the Post election are more immediate than an STV election and are generally easier for the public to understand.
- 27 Running an STV election marginally increases the cost over a FPP election because of additional vote processing complexity, but this is not a significant increase.
- 28 Electors still have the option to seek a poll on altering the electoral system.

Disadvantages:

- 29 Implementation of the STV electoral system is more likely to deliver a proportional result that reflects the make-up of the community.

30 Option 2 Introduce the STV electoral system for the next two elections to be undertaken in the Queenstown Lakes District

Advantages:

- 31 Potentially more diverse candidates elected under STV.
- 32 The additional cost of an STV election in the Queenstown Lakes District is not substantial and is estimated to be approximately \$3,000.
- 33 A progress result of an election would still be available on election day, albeit approximately two hours later than that of an FPP election.

Disadvantages:

- 34 STV is more difficult for the voting public to understand and can result in both a lower voter turnout and a higher number of spoiled votes.

35 Option 3 Do not establish a Māori ward in the Queenstown Lakes District

Advantages:

- 36 This position is in line with the result of the population-based calculation.
- 37 Electors still have the option to seek a poll on establishing a Māori ward.
- 38 Māori can be represented by all ward Councillors

Disadvantages:

39 A perception that Iwi are not represented in decision-making in the district.

40 Option 4 Establish a Māori ward in the Queenstown Lakes District

Advantages:

41 This would potentially enhance Māori representation in the district.

Disadvantages:

42 This would be contrary to the Local Government Commission's recommendations on proportionate representation, as the Māori electoral roll in this district does not meet the population figure necessary.

43 There may be a perception that Māori representation is not proportional.

44 This report recommends **Options 1 and 3** for addressing the matter because the Council will fulfil its statutory obligations, whilst leaving the matter open for electors to seek an electoral system change and/or the establishment of a Māori ward if 5% of voters wish to pursue these options.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

45 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it impacts how the community will vote in future local elections.

46 The persons who are affected by or interested in this matter are the electors of the Queenstown Lakes District.

47 The Council's representation review proposal will be subject to full public consultation for at least one month in 2021.

> MĀORI CONSULTATION | IWI RŪNANGA

48 There has been no expression of Iwi interest at present in pursuing the establishment of a Māori ward in the Queenstown Lakes District.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

49 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00031 – Ineffective management and governance over legislative compliance within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.

50 The approval of the recommended option will support the Council by avoiding the risk through making decisions in accordance with the requirements of the Local Electoral Act 2001.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

51 There are no financial implications arising from the decisions proposed in this report. Public notification of electoral options is covered in existing budgets.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

52 The following Council policies, strategies and bylaws were considered:

- Local Electoral Act 2001

53 The recommended option is consistent with the principles set out in the named policy/policies.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

54 The recommended option:

- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	STV and FPP benefits analysis
B	Timeline for 2020/21 Representation Review key milestones

Attachment A: Comparison of FPP and STV Electoral Systems

<p>FPP: casting votes</p> <ul style="list-style-type: none">• FPP is a straightforward system of voting.• FPP is familiar to most people. <ul style="list-style-type: none">• ‘Tactical’ voting is possible; votes can be used with a view to preventing a candidate from winning in certain circumstances. <p>FPP: counting votes</p> <ul style="list-style-type: none">• FPP is a straightforward system for counting votes.• Votes can be counted in different locations and then aggregated.• Election results are usually announced soon after voting ends. <p>FPP: election results</p> <ul style="list-style-type: none">• Official results show exactly how many people voted for which candidates.• Results are easy to understand.• A ‘block’ of like-minded voters can determine the election of multiple candidates in multi-member wards/constituencies, without having a majority of the votes, thereby ‘over-representing’ themselves.• The overall election results will not be proportional to voters’ wishes, and will not reflect the electoral wishes of the majority of voters, only the largest group of voters who may not be the majority.• In single-member elections, the winner is unlikely to have the majority of votes, just the largest group of votes.• There will be more ‘wasted’ votes (votes that do not contribute to the election of a candidate).	<p>STV: casting votes</p> <ul style="list-style-type: none">• STV is a less straightforward system of voting.• There is a need for more information for people to understand the STV ranking system of candidates. <ul style="list-style-type: none">• It is virtually impossible to cast a ‘tactical’ vote under STV. As a result, voters are encouraged to express their true preferences. <p>STV: counting votes</p> <ul style="list-style-type: none">• STV vote counting requires a computer program (the STV calculator).• Votes must be aggregated first and then counted in one location.• Election results will usually take a little longer to produce. <p>STV: election results</p> <ul style="list-style-type: none">• Official results will identify which candidates have been elected and which have not and in which order.• They do not show how many votes candidates got overall, as all successful candidates will have the same proportion of the vote (the quota). This information, at stages of the count, can still be requested.• Results can be easy to understand if presented appropriately.• STV moderates ‘block’ voting as each voter casts only one single vote, even in multi-member wards/constituencies.• The overall election results reflect the wishes of the majority of voters in proportion to their support for a variety of candidates.• In single-member wards/constituencies, the winner will have the majority of votes (preferences).• Every vote is as effective as possible (depending on the number of preferences indicated) meaning there are fewer ‘wasted votes’ and more votes will contribute to the election of a candidate than under FPP.
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Attachment B: Key Milestones for Representation Review 2020/21

