



JUSTICE AND ELECTORAL COMMITTEE

18 December 2001

Chief Executive
Wellington Regional Council
PO Box 11-646
WELLINGTON

Dear Sir/Madam

INQUIRY INTO THE 2001 LOCAL ELECTIONS

The Justice and Electoral Committee is conducting an inquiry into the 2001 local and health board elections, which took place on 13 October 2001. The committee decided to conduct this inquiry when it considered the Local Electoral Bill earlier this year because of the complexity of the issues involved and the innovative nature of some of the provisions.

The terms of reference for the inquiry are:

To examine the law and administrative procedures for the conduct of the 2001 local elections, with particular reference to the Local Electoral Act 2001.

Also relevant are the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for Management of Local Authority Elections and Polls. Copies of the Act and regulations can be obtained from Bennetts Government bookshops or ordered from other booksellers.

The main changes made by the Local Electoral Act 2001 and regulations for the 2001 local elections were:

- providing for **150-word** candidate profile statements containing information concerning candidates and their policies and intentions if elected to office
- providing for limits on candidates' electoral expenses and disclosure of expenses and donations
- increasing the postal voting period from two to three weeks
- providing for early announcement of results after the close of the poll
- generally prohibiting local authority chief executives from being electoral officers
- increasing nomination deposits from \$100 to \$200
- reviewed fines for existing offences and creating a new offence in regard to the new electoral expense provisions
- making greater use of regulations for setting out detailed procedural matters.

While the committee's focus is on provisions in the new Local Electoral Act that were implemented for this year's local elections, you may also be interested in matters relating to provisions of the Act that were not changed for this year's elections.

In addition, a local government bill is expected to be introduced shortly and referred to the Local Government and Environment Committee. This is expected to address the representation and basis of election provisions currently contained in the Local Government Act 1974 and to bring these provisions into the Local Electoral Act in time for the 2004 elections. This may provide an opportunity for any amendments recommended by the Justice and Electoral Committee in its inquiry to be incorporated in this bill.

A list of specific issues the committee has so far identified relating to the conduct of this year's local elections is attached, as well as a list of more general issues. Please feel free to raise and comment on any other issues.

If you or your organisation wish to make a submission on the bill, you should forward 20 copies to me by Friday 15 February 2002. Please indicate clearly at the top of your submission if you or members of your organisation wish to appear before the committee to present your submission. If this is the case, you should provide names, addresses and daytime contact telephone numbers for all persons wishing to appear.

A submission received by a select committee generally becomes public when it is released by the committee, or when it is presented orally before the committee, or when the committee makes its report to the House. If you do not want your address and telephone number released, such details should be omitted from your submission and provided in a separate covering letter. You may apply for any or **all** of your evidence to be heard in private or secret. Committees normally require sound reasons before agreeing to such requests. Please contact me **before** submitting such evidence if you wish to make such an application. For further information, ring (04) 4719539 or e-mail SC-JE@parliament.govt.nz.

Should the committee decide to hear submissions orally, hearings will be arranged-at the committee's discretion. Hearings are expected to commence in late February 2002. You will be contacted regarding dates for the hearing.

Please feel free to forward a copy of this letter to other individuals, groups or organisations.

Yours sincerely



Wendy Proffitt
Clerk of the Committee
Justice and Electoral Committee

Specific issues

- Candidate profile statements. Issues identified by the Justice and Electoral Committee include: word **limit**; provision in Maori or other languages; administrative requirements/feasibility; accuracy; when these are provided to electors; references to in voting documents; explanation of skills involved in positions up for election.
- Limits on candidates' electoral expenses and disclosure of expenses and donations. These include: levels expenses are set at; what is an 'electoral activity' in terms of expenses, including possible loopholes; use of trusts.
- Advertising, including signs. Issues include: accuracy; authorisation; lack of offence provisions re s.135; when advertising is permitted; Internet advertising.
- Increased postal voting period from two to three weeks.
- Early announcement of results after the close of the poll
- Fines and offences, including requirement for electoral officers to report complaints to Police.
- Increase in nomination deposits from \$100 to \$200, including issues about refunds and return of deposits.
- Legality of collecting votes from households.
- Filling extraordinary vacancies: requirement for by-elections.
- Definition of 'local authority'.
- Voting documents, including format and use of honorifics.
- Role of, and requirements regarding, scrutineers, including appointment and provision of rolls..
- Opinion polling during the voting period.

General or overall issues

- The balance achieved between statutory provisions and the use and extent of the regulation-making powers.
- Overall, whether the principles and purposes expressed in sections 3 and 4 of the Act have been met.
- Enrolment.
- Postal voting, in particular issues about integrity and systems of collecting votes.
- Voter participation rates and turnout, and does this affect the legitimacy of the mandate of the local authority.
- Whether voting should be compulsory.
- Whether the size of wards is too big.
- Any effects of the new campaign spending limits and offence provisions surrounding communication with voters on the intensity, quality and the media coverage, of election debate and on the turnout.
- Whether STV would have increased voter participation, success rates of **Maori** or Pacific Island candidates, young candidates etc.
- For local authorities, an early indication of which areas may introduce STV for 2004.
- Whether there should be a national body promoting local elections.
- New technologies for voting and counting.