

27 February 2020

Committee Secretariat  
Select Committee Services  
Parliament Buildings  
WELLINGTON 6160

Email: [ju@parliament.govt.nz](mailto:ju@parliament.govt.nz)

**Christchurch City Council submission on the Inquiry into the Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections.**

**Introduction**

Christchurch City Council (the Council) thanks the Justice Committee (the Committee) for the opportunity to provide comment on the Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections.

The Council's submission attached is focussed on the 2019 local elections.

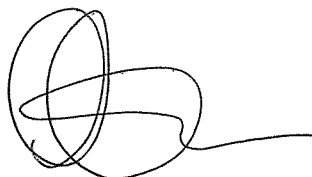
This submission has regard to the Council's strategic priorities, with particular reference to the priority: *Enabling active and connected communities to own their future.*

The Council's submission has considered aspects related to local elections as included in the terms of reference for the Inquiry, the recommendations from the Justice Committee's report into the 2016 elections and matters of interest to and related to Christchurch.

The Council would like the opportunity to make an oral presentation to the Committee in support of this submission.

For any clarification on points within this submission and with advice of hearings to be held please contact Jo Daly, Council Secretary, phone 03 941 8581 or email [jo.daly@ccc.govt.nz](mailto:jo.daly@ccc.govt.nz)

Yours sincerely



Andrew Turner  
**ACTING MAYOR OF CHRISTCHURCH**

## **Christchurch City Council Submission**

### **Inquiry Terms of Reference**

The Council makes the following submissions and comments on the terms of reference for the Inquiry, additional points related to these are also elsewhere in this submission.

#### **Low voter turnout at local elections**

- The Council supports changes to legislation to address voter turnout. There are opportunities for legislation to require increased communication, information and to support promotion applicable to parliamentary and local elections.
- The Council supports the Committee recommendation for central government initiatives to increase civic education and information nationally. The Council submits central government should partner with local government in relation to existing and future initiatives. A number of councils already deliver initiatives in this area and central government should learn and build on these. For example the Council's *Learning Through Action* programme includes a Have your say programme, covering how youth can be involved in local government, including mock elections and the youth democratic voice.
- Legislation needs to allow for opportunities to modernise voting and remove barriers to voting. The Council supports the Committee's recommendation that the government investigate what is the best voting method (or combination of methods) as an enduring solution for increasing turn out at local elections and recommends that this should happen with urgency. The recommendation that manual or paper based voting systems be retained for the foreseeable future because of security concerns is acknowledged, however legislation needs to allow for barriers to be removed, for example in considering overseas voters.
- The Council supports the Electoral Commission having an increased role and responsibility for increasing voter turn outs in local elections. Further points related to the Electoral Commission role are addressed later in this submission.
- The Council submits that central government should give consideration to the lowering of the voting age to 16. This will provide an opportunity to increase the number of young people voting and start the habit at a younger age. However, any lowering of the voting age must be supported by a greater focus on delivering civics education that increases understanding and supports participation.

#### **The role of council staff during election periods around decisions to release or not release information or any public statements that may be construed to affect the election outcome.**

- The Council supports amendments to legislation to provide clarity to councils, council staff and elected members around council communication, resources and the release of information in the pre-election period.
- The Office of the Auditor General (OAG) has advised that it is withdrawing the *Good Practice for Managing Public Communications for Local Authorities* document, but indicated that principles 12 and 13 relating to council-funded communications in the pre-election

period were still relevant to the 2019 local elections. These provide good guidance but the Council considers that legislation provides an opportunity to formalise requirements, and introduce consistency regionally and nationally. The principles of the Local Electoral Act 2001 (LEA) may be an area where this can be clarified.

### **Irregularities or problems that could have compromised the fairness of elections.**

- The Council acknowledges that external factors, unable to be regulated or resolved by the LEA or Local Electoral Act Regulations (2001) (LER) can have an impact upon elections. Opportunities for local election legislation to provide additional methods to address these are supported. The Committee has made several recommendations that may provide opportunities to do so.

### **The recommendation to give responsibility for running all aspects of local elections to the Electoral Commission**

- The Council supports an increased role for the Electoral Commission in local elections, with particular regard to participation, promotion and consistency in election activity.
- Further consideration and research needs to be undertaken on whether all aspects of local elections should be run by the Electoral Commission. Each Council operates independently within legislative requirements and regulations, with different representation and governance structures, unlike Parliament as a central body. A single approach to all aspects of a local election would remove local or regional aspects of an election.
- An unknown is the cost to a council for the Electoral Commission to run elections. While some supplier costs are consistent across all local elections, there are various factors that a council takes into consideration and incorporates within a long term plan.
- A detailed analysis of services, and advantages and disadvantages, and costs of a single body taking responsibility for local elections must be undertaken before further progression of this recommendation.
- That said, with regard to the role of the Electoral Commission, the Council considers that there are opportunities for increased responsibilities that can be put in place for the next local election. In particular these relate to regulations or guidance to councils, on matters such as guidance on council promotion and activity, use of resources and the sharing of information. One example would be identification of an amount a council should spend, per head of population, to promote participation in local elections. National consistency relating to council resources, guidance to candidates and similar would add value to the local election processes.
- Local elections and those responsible for administration of these are supported by national bodies, Society of Local Government Managers (SOLGM) and Local Government New Zealand (LGNZ). The Council considers that this support is necessary and offers more opportunity for local government to work with the Electoral Commission. The Council currently works in partnership with the local Electoral Commission Registrars and considers that this relationship is key to the success of local elections.

- In general the Council supports an increased role and national consistency guidelines for the Electoral Commission, but considers that investigation and significant consultation with councils is required before responsibility for the running of elections is progressed further. Increased responsibilities must be supported by clear definitions, legislation and guidelines.

### **Recommendation that the Government consider encouraging or requiring the same voting system to be used for all elections**

- The Council submits in support of requirements that the same voting system be used for all elections. The Council has previously used the first past the post voting system, but has not yet considered the voting system to be used for the 2022 elections.
- The Council has submitted previously, and continues to advocate that District Health Board elections should be held separately from local body elections.

### **Feedback on committee's recommendations on foreign interference**

- The Council supports a consistent national and local approach to foreign involvement and interference in elections.
- The Council acknowledges that candidates and groups involved in local elections may not be as well-resourced or informed as those involved in national elections, and all requirements will need to be clear in legislation and regulations.

### **Matters raised by the Council**

#### **Electoral term**

- The Council submits that the term of local government, and central government, should be increased from three to four years.
- The Council acknowledges that following a referendum in 1990, prior to the introduction of the mixed-member proportional system (MMP) electoral system, the Government declined to change the term. However some time has passed and the electoral system has been in place since 1993. It is appropriate that this be considered and New Zealand consulted.

#### **Polling day**

- The Council supports a polling day for local government election, and increased opportunities for booth voting. This is an opportunity for increased responsibility for the Electoral Commission with the requirements of a polling day and booth voting.

#### **Definitions in legislation**

- The Council considers that the Inquiry offers an opportunity to clarify definitions in local election legislation and regulations. Several suggestions are below. The Council acknowledges that these and a number of others, will be considered and may be addressed specifically in alignment of legislation for local elections and general elections:

- Definition: Electoral Advertising section 113 – support expanding the definition of electoral advertising to include all mediums. This is consistent with the Committee recommendation to align this with general election legislation.
- Definition: Elector – support this to be clearly defined relating to an election. Clarification of the qualification as relates to ‘current’ address enrolled on parliamentary electoral roll.
- Definition: Address - address requirements, outside of elector/candidate qualifications.

### **Guidelines for local authorities, officials and candidates**

- As mentioned throughout this submission, the Council submits that clear guidelines and regulations must be provided to local authorities regarding local election activity, regulations and conduct for local elections.
- SOLGM and LGNZ are sources of resource and information and, the Council submits that this Inquiry into the 2019 local elections provides an opportunity to add value to the legislation and regulations to assist councils and officials in delivering elections and council activity during an election period.
- This point supports an increased role for the Electoral Commission to provide guidance and frameworks to councils to complement the legislation and regulations. Acknowledging that further work and investigation is required regarding any centralisation of responsibility for local elections.

### **Enrolment on the electoral roll**

- For local elections new electors, or electors with out of date information, must enrol or update their details before 5pm on the Friday before polling day. The Council submits that electors should be able to enrol on the electoral roll any time up until the close of voting to remove as many barriers as possible. It is noted that an increased use of booth voting may be able to support last minute enrolments.

### **Voting age**

- As detailed above, the Council submits that consideration should be given to the lowering of the voting age, in local and general elections, to 16. This must be supported by activity to increase and support civics education and participation in local and central government.

### **Justice Committee Report: Chapter 2. 2016 Local Elections - recommendations**

- The Council makes the following comments on the Justice Committee’s report on the Inquiry into the 2017 General Election and 2016 Local Elections, and the recommendations within it. These comments are supported by points elsewhere in this submission.

## **Centralising the running of local and general elections**

- The Council's comments relating to the Electoral Commission role in local elections are above. The Council supports an increased role for the Electoral Commission, but submits that detailed investigation and consultation is required before consideration is given to all aspects of local elections being centralised.
- The Council supports the recommendation that consideration be given to encouraging or requiring the same voting system to be used in all local elections, acknowledging that this can happen independently from the centralisation of the running of local and general elections.

## **DHB Elections**

- The Council submits that elections for District Health Boards should not be held with local elections. The splitting of these elections would remove any issues related to boundaries not aligning.

## **Voting method**

- The Council supports and considers it should be a matter of priority that the Government investigate what is the best voting method (or combination of methods) as an enduring solution for increasing turnout at local elections.
- The Council considers that clear security protections should be put in place for vote collection boxes in public areas. The Council acknowledges that the placement of ballot boxes in public places require consideration of multiple matters not just security. When considering placement of ballot boxes outside Council facilities, careful consideration must be given to ensure locations are independent and not seen to advantage, or disadvantage any particular candidate or groups of candidates.
- The Council supports a trial of advance booth voting at the 2022 local elections. In 2019 the Council had eight Council locations across Christchurch and Banks Peninsula for the issuing and completion of special votes. These locations were available Monday to Friday from the date voting opened until the close of voting, and special voting was also available at the Council's Te Hononga Civic Offices on polling day, Saturday 12 October 2019. The Council supports opportunities to make voting as accessible as possible to all members of the community.
- The Council supports the recommendation that local election information is required to be provided in accessible formats. It would be helpful if the requirements for this are clearly communicated to ensure national consistency. For the 2019 elections, Council engagement with external groups resulted in promotion of the availability of electoral official assistance for disabled voters, and election information provided in larger text format and multiple languages.
- The Council supports a funding support model, similar to that being proposed in the Election Access Fund Bill, being available to provide support for disability-related costs of standing for election, education and accessible materials and to support access needs of

people. The Council considers that administration of this fund for local elections could be a responsibility given to the Electoral Commission.

- The Council supports amendments to legislation to enable voting options, other than post, to be available to voters overseas, either by alignment with general election overseas voting processes, or by other methods, acknowledging security requirements.
- The Council supports that the Government expand the Electoral Commission's role in local elections, with a responsibility for leading and coordinating triennial, nationwide campaigns to encourage and support people standing for and voting in local elections. This would be supported with input and involvement from local authorities with knowledge specific to their constituents, and could include guidelines and regulations to support councils in doing so.

### **Improving information about local election issues**

- The Council supports legislation to improve information about local election issues.
- Matters regarding candidate affiliations have not been a recent issue of concern in Christchurch, however it is acknowledged that strengthened legislation in this area would align local election requirements with general elections.
- The Council supports that local election advertising align with general election advertising rules. It is considered that if these are introduced the requirements, direction and implications of any non-compliance are clearly set out in the legislation.

### **Disclosure regimes should be consistent.**

- The Council supports that elected members of local authorities be required to disclose financial and other interests. Since 2015 the Council has had in place a register of pecuniary and other specified interests for elected members of the Christchurch City Council, and for the Chief Executive and Executive Leadership Team. The process of requirements and return are modelled, with necessary modifications, on the process required of members of Parliament at that time.
- The Council submits that any change to local elections legislation must be considered alongside the requirements in the Local Authorities (Members' Interests) Act 1968. Legislation should be clear, for candidates and for elected members as to the requirements and implications of any non-compliance.

### **Local election timeframes**

- The Council supports, as it did in its submission to the 2016 local elections, that the government shift the local election polling day to avoid school holidays.

### **Updating local election processes**

- The Council supports amendments to the legislation to allow for electronic receipt of nomination documentation and that candidates be required to provide evidence of citizenship. Processes used for the 2019 Christchurch elections accepted nomination

documents electronically and requested that all candidates provide evidence of New Zealand citizenship. These processes worked well and were accepted by candidates. However, formalising these requirements in legislation and alignment between general election requirements would be desirable.

- The Council considers, that if the ratepayer elector franchise is to remain, then enrolment on the ratepayer roll should be made continuous. The requirement to re-enrol every three years results in numerous queries and confusion for electors. Changes to the legislation may offer an opportunity to provide clarity on or simplify the definition of the entitlements of these electors.
- The Council supports amendments to legislation to give electoral officers access to the supplementary electoral roll and the deletions file held by the Electoral Commission. This information should be provided to electoral officers, and electoral officials responsible for election delivery rather than local authorities.
- The Council submits that electoral officers should be given access to the unpublished roll. The current requirement of unpublished roll electors being required to request special voting documents is an unnecessary barrier to voting. In Christchurch in 2019, 2,249 electors were recorded as being on the unpublished roll and received a letter from the Electoral Commission advising them of the requirement to request a special vote. Of the 2,256 special voting documents issued only 635 were issued to electors who indicated they were on the unpublished roll.
- The Council does not support legislation that requires a non-mayoral vacancy within 12 months of a triennial local election to be filled by the next highest polling candidate at the triennial election. The intent of reducing costs by holding a by-election is acknowledged, but the Council considers this does not serve democracy, and that the priorities of a candidate and a community can change significantly in a 12 month period.

### **Probity in the 2016 local elections**

- The Council supports, that consistent with broader recommendations for alignment with general elections and a greater role for the Electoral Commission, that amendments be introduced to the local election legislation to provide better mechanisms for the investigation and resolution of complaints related to the conduct of local elections. Amendments to legislation must make requirements and responsibilities for candidates and officials clear, and be supported by regulations where appropriate.

### **Justice Committee Report: Chapter 1: 2017 General Election – related matters**

- The Council generally supports alignment between the Electoral Act and the Local Electoral Act. It is submitted that requirements and regulations within legislation must be clear, and acknowledge the differences between central and local government. In particular support is provided for accessibility (recommendation 9) and due diligence (recommendation 14), noting as referenced elsewhere in this submission that candidates and groups involved in local elections may not be as well-resourced or informed as those involved in national elections, and requirements must take this into consideration.



### **Justice Committee Report: Chapter 3: Foreign interference**

- The Council makes a number of comments regarding this chapter of the Committee's report. It is acknowledged that a number of these recommendations could become the responsibility of, or administration by, the Electoral Commission. Again it is considered that legislation and regulations must be clear to take into account the differences between candidates and groups involved in local body and central elections.
- The Council supports the recommendations of the Committee that protective advice be proactively available for politicians and officials. Support for provision of this advice may be a responsibility that could be given to the Electoral Commission.
- The Council supports the Committee's recommendations relating to the types of interference as detailed in recommendations 38 and 39, and considers this is a responsibility that could be given to the Electoral Commission.
- The recommendation that government retain manual or paper based voting systems in local and general elections for the foreseeable future because of security concerns is noted. The Council submits, as mentioned elsewhere that consideration must be given to modernising or offering alternative solutions to address situations that cannot be covered by postal voting or the issuing of special voting documents in local body elections.
- The Council supports amendments to legislation to strengthen requirements as they apply to hacking and interference in local body elections and processes. It is noted that for most local elections, third party providers manage a number of the electronic, voting counting and result processes.
- The Council generally supports additional points relating to chapter 3 recommendations, and submits that legislation and regulations must be clear on how they apply to local elections and guidelines must be provided to support these. The points relating to disinformation and social media and election advertising are of significant interest. There needs to be clear mechanisms in local election legislation to enable these matters to be addressed.