

Terms of Reference for the Justice and Electoral Select Committee Inquiry into the 2004 Local Authority Elections

The Justice and Electoral Committee has resolved to initiate an inquiry into the 2004 local authority elections with the following terms of reference:

That the Justice and Electoral Select Committee inquires generally into the 2004 local authority elections, including specifically the following matters:

1. Assessment of the Local Electoral Act 2001 and regulations

Undertake an analysis of whether the principles of the Local Electoral Act 2001 and regulations have been achieved. On the basis of that, identify any aspects of the legislation which could require reform prior to the 2007 local authority elections. Specifically:

- Review and report on the process and outcome of the representation reviews undertaken in 2003/04 under the 2002 amendment to the Act;
- Consider current arrangements for agency oversight of local authority and district health board elections, and whether other arrangements would be more effective;
- Assess the integrity of the postal voting system; assess whether current mechanisms for making and considering complaints for alleged/actual breaches of electoral law are sufficiently robust;
- Review the law relating to the order of listing of candidates on the ballot paper;
- Assess the desirable length of the postal voting period;
- Given the “community of interest” feature of the Act, consider whether or not there should be any limitations on numbers of positions individuals can be nominated for in one local authority election period and whether or not residency in a community board area/ward/city/district/region should be a prerequisite to candidacy;
- Review the effects and levels of campaign spending limits.

2. Participation and elector turnout

- Consider the implications of local authority election turnout figures, and the trends in those figures;
- Undertake a comprehensive analysis of elector turnout, including comparisons between local authorities and with previous elections, and an assessment of informal votes and returned blank forms;
- Obtain feedback from voters (through qualitative research, including focus groups) about their participation or otherwise in the elections, the nature of the ballot paper

and the material included with the ballot paper;

- Identify what factors influenced elector turnout (including the extent to which particular factors affect turnout, such as the use of Single Transferable Vote (STV), the impact of a vigorous mayoral contest or a controversial local issue);
- Identify the approach of local authorities and others in New Zealand and overseas in encouraging elector turnout, and the effectiveness of those approaches;
- Assess whether voting was sufficiently accessible for all groups (for example, people with disabilities);
- Review the effectiveness of the STV public education programmes, and co-ordination between the various programmes;
- Consider whether the public information (including advertising) for electors was adequate, and whether one agency should be responsible for all voter education;
- Review the effectiveness of advertising in raising voter awareness of the elections;
- Review the impact of the media coverage of the elections;
- Report on other forms of voting and assess their merits on a comparative basis with postal voting;
- Assess whether a school civics education programme might affect election turnouts and encourage greater participation in our democracy.

3. Electoral systems

- Review the means available to local authorities and electors to review the electoral system which they utilised in 2004;
- Analyse the operation of STV for district health boards and for local authority elections, including the adequacy of preparation for the use of STV for all district health board and some local authority elections;
- Assess the responsibilities and accountabilities of electoral officers for the conduct of local elections;
- Assess the management and impact of different electoral systems (STV and First Past the Post) being operated through the same ballot paper, including the desirability of separate ballot papers. Compare the level of spoiled ballot papers, especially in those areas that only used STV and those that only used STV for district health board elections. Consider whether there should be only one electoral system at local level or whether voter education and ballot paper design could overcome the potential confusion of having two systems operating at once;

- Assess the impact of STV on representation, including of population groups and different geographic areas;
- Assess the impacts of the electoral systems on election outcomes, including cohesion, operational effectiveness, continuity and party affiliation.

4. Election management

- Identify which agency, agencies, individual or individuals were responsible for the various aspects of the management of the election, and comment as appropriate on how they exercised their responsibility;
- Consider whether the process used by the Department of Internal Affairs to license the use of the STV calculator to count votes was adequate and could be improved;
- Review the level of scrutiny and the extent of trialling of the STV processing and counting systems prior to election day;
- Review and report on the delays in completing the election count in some areas, and the operation of the processing and counting systems (including whether there were contingency plans in place in case of systems failure);
- Consider the role of local authorities in contracting out vote processing and counting (including any performance targets and sanctions in the contracts). Investigate the difference in methodology used in the processing of votes between different organisations;
- Assess the quality and accessibility of the voting data that is made publicly available after elections.

Please forward 20 copies of your submission by **Friday, 25 February 2005**. If you wish to appear before the committee, state this clearly with your submission, providing a contact name and daytime phone number. Submissions to select committees generally become public. Please contact the committee secretariat before sending information of a private or personal nature.