

Local Elections (Single Transferable Vote Option) Bill

Member's Bill

Explanatory note

General policy statement

The purpose of this Bill is to establish an optional alternative voting procedure to the first-past-the-post (FPP) system provided by the Local Elections and Polls Act 1976. It enables the single transferable vote (STV) system to be used for elections of members of local authorities.

There has been a growing level of interest in alternative voting systems to FPP since the Royal Commission on the Electoral System reported in December, 1986. Some local authorities and lobby groups have expressed support for the use of the STV electoral system in local elections. Local Government New Zealand has indicated that it generally supports the objective of the Bill.

The Bill provides for the use of STV to be optional, by resolution of a territorial authority, regional council, or licensing trust, but also makes provision for not less than 5% of the number of electors of a territorial authority, regional council, or licensing trust to demand a public poll be held on the voting system to be used at the next 2 triennial general elections of the local authority. A simple majority in favour of the proposal that is put to electors will be sufficient to ensure the adoption of a different voting system from the one used at the last election.

The STV System

STV is a form of proportional representation under which voters choose their representatives from a number of candidates in multi-member districts. (Where elections are conducted in single member

districts, or for the office of Mayor of a territorial authority, STV reduces to the majority-preferential vote (PV.) The several members of a local authority may be elected at-large, or in multimember wards or constituencies, as the case may be.

The STV system operates in the following manner:

- a Each voter votes by listing some or all of the candidates in order of preference:
- b Each voter is treated as having one vote which is assigned initially to that voter's first-preference candidate:
- c A quota is calculated as the minimum number of votes needed by a candidate to secure election. The quota is reduced during the count, if the circumstances so dictate:
- d Any candidate whose votes equal or exceed the current quota is elected, and any surplus votes (above the quota) are transferred to other candidates in accordance with the later preferences of the relevant voters, as expressed on their voting papers:
- e If, at any point in the count, no surplus remains to be transferred, but the number of candidates elected so far falls short of the number of vacancies to be filled, then the candidate who currently has fewest votes is excluded from the count. Votes assigned to that candidate are then transferred to other candidates in accordance with the later preferences of the relevant voters:
- f Transfers of surpluses and exclusions continue until the desired number of candidates is elected.

Candidates must attain a quota of valid votes (or, where the election is to fill a single vacancy, an absolute majority of valid votes) in order to be elected. The quota is the smallest number of votes such that the number of candidates who achieve a quota cannot be greater than the number to be elected. The quota is found by dividing the total number of valid votes, less non-transferable votes (if any), by a number that is 1 greater than the number to be elected, and adding a tiny fraction to the quotient so obtained, even if the quotient is an exact whole number.

As alluded to above, the rationale for this formula is to ensure that the required number of candidates only are elected. When just 1 vacancy is being filled, for example, a candidate needs barely more than half the votes remaining in the count to be assured of election. If a candidate has more than half the votes, then no other candidate can

have as many votes. Similarly, if 2 vacancies are being filled, then any candidate with more than one-third of the votes remaining in the count ought to be assured of election on the basis that there can be at most 1 other candidate (who can fill the other vacancy) who will receive as many votes. If 3 vacancies are being filled, the total number of valid votes, less non-transferable votes, is divided by 4 and a tiny fraction added to the quotient so obtained, thereby ensuring that only 3 candidates can attain the requisite number of votes, and so on.

STV ensures that all votes have equal value, and that nearly all voters have an equal effect on the election outcome. The system gives effective representation to all significant points of view within the electorate and, because votes are transferable, it allows voters to vote for their preferred candidates without fear of wasting their votes. This means that as many votes as possible will count towards the election of local authority members. STV eliminates safe seats for individual members, thereby ensuring the accountability of all elected members to the voters.

STV is neutral in terms of whether voters support candidates because of their personal attributes, or because of their party or opinion-group affiliation. Because of this neutrality, STV is an appropriate form of proportional representation to apply to local authority elections where many candidates in some local authority areas belong to political parties and to other, less formal, groupings, while such party and opinion-group affiliations are entirely absent in other areas. STV is a more appropriate system to afford voters fair and proportional representation at the local authority level than is the mixed member proportional (MMP) system, because MMP's use of list candidates is suited only to elections centred around formal political parties.

The use of PV to elect the Mayors of territorial authorities, along with other local representatives in single member districts, will enable voters to vote for the candidate they really want, without fear of wasting their vote. Equally importantly, it will ensure that all candidates are elected at such contests with a majority of votes, or at least with majority acquiescence within the local government area. By contrast, at the 1998 local elections, 40 out of 54 city and district council Mayors, elected in contests where there were 3 or more candidates standing, were elected with less than 50% of the valid

votes cast, including 11 who were elected with less than one-third of the votes.

Counting of votes

The counting rules contained in *Schedule 2*, together comprise an algorithm commonly referred to as “Meek’s method” of counting votes by the single transferable vote system. When STV was developed in the nineteenth century, it was thought right to observe certain rules such as ignoring preferences given for candidates who were already elected, and transferring only the last parcel of votes received when distributing a candidate’s consequential surplus, rather than using all the voting papers credited to the candidate. Even if those features had not been thought right, they would have been necessary in those days to reduce as much as possible the number of voting papers that needed to be re-examined for later preferences, and to speed up the conduct of a count generally. With the now widespread availability and use of computers, and the consequent development of the Meek algorithm, however, arbitrary rules such as these are not only unnecessary, but can in fact be shown to be undesirable.

The Meek algorithm was devised by Brian Meek, M. Sc, FRAS, C. Eng, FBCS (1934–1997), and first proposed by him in two papers originally published in French in 1969 and 1970 when he was at Queen Elizabeth College, London. Following its initial invention in 1819, STV was developed and improved in various ways over the years but, by the late 1960s, it needed to be re-thought from scratch to take advantage of the computer age and to improve its mathematical basis. Meek’s papers did this.

The Meek rules retain all the essential features and aims of STV, but use, of necessity, the power of modern computers to get a closer realisation of the voters’ wishes, better meeting all the traditional STV virtues. The Meek rules differ from traditional hand-counting rules in four main respects—

- a Votes are transferred to the next preference in the exact order indicated by the voter on the voting paper, unless the candidate has already been excluded:
- b The total value of the surplus is shared equally across both transferable and non-transferable voting papers:
- c If a candidate is elected later in the count, or an elected candidate receives further votes, the surplus to be transferred

is shared across all voting papers credited to that candidate in appropriate proportions, not just across the voting papers which gave immediate rise to the surplus:

- d As votes are credited to the non-transferable total, the quota is recalculated to reflect the smaller total of votes remaining active.

Under the Meek rules, therefore, when a candidate attains the quota, that candidate retains a calculated proportion of every vote received, the total of which equals the quota. The remainder is transferred to the next non-excluded candidate indicated by the voter, including candidates who have previously attained the quota. The surplus votes of the one or more elected candidates are transferred away again in due proportion from all relevant votes, not just from those which gave immediate rise to the surplus or surpluses.

The procedure required to conduct a Meek count is based on each candidate being assigned a scaling factor representing the proportion of each vote that will actually be credited to each candidate, out of the votes that are potentially available to each candidate. Because the calculations necessary to produce these scaling factors (called “keep values”) would be far too tedious for election staff to perform by hand, especially later in the count as progressively more candidates attain the quota, Meek counts must necessarily be carried out using computer technology.

The advantages of using the Meek rules are that the number of wasted votes are kept to an absolute minimum; as far as possible, the opinion of each voter is taken equally into account; and there is no incentive for voters to engage in tactical (insincere) voting.

Minimum number of members to be elected in each ward

STV is recognised as being a system of proportional representation in *multimember* districts. It ensures that any significant group of voters choosing candidates by the same criteria will secure representation roughly in proportion to their size within the multimember district/ward. If, for example, in a 7-member ward one-eighth, or 12.5%, of voters were to choose candidates of opinion group A as their leading preferences (in whatever order each voter chooses), then at least 1 candidate of opinion group A would be elected. If 25% were to give their leading preferences to candidates of opinion group B, then at least 2 candidates of that opinion group would be elected, and so on. As with any voting system that seeks to equate

seats with votes, however, there is a trade-off between the number of seats in a ward and the proportionality likely to be achieved; results will be more proportional in wards returning 6 or 7 members than in those returning 2 or 3.

STV, being a highly sophisticated and flexible voting system, can produce proportionality by whatever criterion voters choose to prioritise, e.g. gender, age, ethnicity, political philosophy, community of interest, local issues, personal qualities, etc. Because STV allows voters to express their preferences for candidates both within and across any of the criteria of importance to them, STV results will tend towards proportionality by whatever criteria significant numbers of voters prioritise.

It can be seen, therefore, that territorial authority wards need to elect several members together to ensure that a balance of representation between groups or viewpoints contesting the election, is achieved. On the other hand, it is recognised that wards in lesser populated districts cannot be so large that ongoing contact between citizens and their elected representatives is made unnecessarily difficult.

Consequently, the Bill contains provisions in *Schedule 4* amending the Local Government Act 1974 to provide that the type of voting system used, will be considered in determining the size and membership of territorial authority wards and regional council constituencies; and that, so far as is practicable, the number of members to be elected in any territorial authority ward is no fewer than 3. This latter provision affords councils and, where appropriate, the Local Government Commission the latitude to establish wards in rural areas, for example, that return fewer than 3 members.

Filling of extraordinary vacancies

Under both the Local Government Act 1974 and the Sale of Liquor Act 1989, a local authority or licensing trust can resolve to fill an extraordinary vacancy in the office of an elected member, by appointment. Both Acts require that any person appointed to fill an extraordinary vacancy must be a person who is qualified to be elected to be a member of the territorial authority (or community board), or regional council, or licensing trust, as the case may be. In most cases where an appointment is made, the person appointed to the vacancy is the highest polling unsuccessful candidate at the original election.

In STV elections, however, the equivalent of the highest polling unsuccessful candidate, known as the runner-up candidate, is not necessarily the correct candidate to be appointed to fill the vacancy (see below). In order to determine which unsuccessful candidate is the correct candidate to appoint, it is necessary to conduct a recount of all the voting papers used in the original election.

In cases where a local authority resolves to fill an extraordinary vacancy by appointment, it is considered to be more democratic and transparent for the resolution to identify the person to be appointed, and for the public notice of that resolution also to state the basis on which he or she was selected. A further reason for the necessity of conducting a recount, therefore, is to determine which person is to be named in the resolution.

If a local authority resolves to fill an extraordinary vacancy in an office that was filled by an election held under *Part 2*, by appointment, a recount of all the voting papers used in the original election, as if to fill all vacancies originally filled, is the proper method of ascertaining the appropriate candidate to name in the resolution. Contrary to elections held under a first-past-the-post system, where there is a highest polling unsuccessful candidate, the obvious candidate to fill a vacancy in an office elected by STV is not necessarily the last formally excluded candidate. A natural corollary to this assertion is that there can be no case for arbitrarily appointing candidates who were excluded earlier in the count, and whose votes were used to help elect other candidates, either.

When the first preference votes of the vacating member (and of any unsuccessful candidates at the original election who are not consenting candidates in respect of the recount) are transferred to the second or subsequent preferences indicated on them, a sufficient number might well be transferred to a candidate who had been excluded early in the original election, to enable that candidate to remain in the count and receive transfers he or she would not otherwise have received, and thereby to attain the quota and be named in the resolution to fill the vacancy.

If the vacancy were to be filled by repeating the election count with the voting papers of only the vacating member, i.e. by conducting a PV count, the vacancy would be filled by a candidate attaining only half the original quota, and those voters who had voted for the last formally excluded candidate would almost certainly remain without

representation. By recounting all the voting papers cast at the original election, the entire electorate participates in determining which candidate should fill the vacancy, just as it did at the original election.

Rather than provide that the name of a candidate to be appointed to a vacancy be included in a resolution only in respect of vacancies in the office of members elected under *Part 2*, however, the Bill, in *clause 29* and in *Schedule 4*, amends the appropriate sections of the principal Act, the Local Government Act 1974 and the Sale of Liquor Act 1989, respectively, to require a resolution in respect of a vacancy to identify the person to be appointed to fill the vacancy, regardless of which voting system was used at the original election.

Extraordinary vacancies will still be filled by means of by-elections (see *clause 11 (d)*), if local authorities (or their electors) so wish. Moreover, by-elections must still, of course, be held in respect of vacancies in the office of Mayor of territorial authorities.

Timeline for changing voting method

The Bill provides for a local authority to adopt the STV electoral option by resolution (see *clause 5 (1)*). In order to allow an opportunity for electors to demand a poll on that decision (see *clause 8*), and for that poll to be held (under *clause 9 (3)*) before the triennial review of ward/constituency boundaries and membership, the deadline for such resolutions must be 28 February in the year immediately preceding an election year. Unless a poll is held on the issue (see below), the resolution will be binding in respect of that election and, once adopted, STV will continue to be used unless or until there is a resolution (see *clause 5 (2)*) or poll (under *clause 9 (4)*) to change to FPP at a subsequent election.

Whether or not a local authority resolves to adopt STV, it is required, not later than 8 March in the year immediately preceding an election year, to give public notice of the right to demand (under *clause 8*) a poll on the voting method to be used for the next 2 triennial general elections of the local authority (see new *section 3B (1)* of the principal Act at *clause 28*).

Any local authority, not having resolved to adopt STV and not having received a public demand under *clause 8* that a poll be held on the voting method to be used for the next 2 elections, or being a local authority which has used the voting method adopted at a poll

under *clause 9* for two elections may, not later than 8 May in the year immediately preceding an election year, resolve that a poll be held under *clause 9*. The principal administrative officer must notify the Returning Officer pursuant to *clause 6 (2)*, as soon as is practicable, of any such resolution.

A notice under *clause 8* demanding a poll, must be signed by at least 5% of electors and delivered at the principal office of the local authority not later than 22 working days after the date of the public notice required to be given by new *section 3B (1)* of the principal Act. In those years where Easter intervenes, the latest date for delivering the demand would be 11 April. Within 30 days of receiving a demand bearing the required number of signatures, the principal administrative officer must give notice to the Returning Officer that a poll is to be held (see *clause 8 (6)*). The latest date for giving this notice would be 11 May.

The Returning Officer then has 7 days from receipt of the notice (under *clause 6 (2)* or *clause 8 (6)*), i.e. usually not later than 18 May, to give public notice of the date of the poll, which must be a date not later than 75 days after the day on which the public notice of the poll was published (see *clause 9*). The latest possible date on which a poll could be held, therefore, would be 1 August. (The latest possible date on which a poll could be held in the year immediately preceding the next three election years would be 29 July 2000, 26 July 2003 and 29 July 2006.)

The proposal to be put to electors is that the next 2 general elections of the territorial authority, regional council, or licensing trust be held using either STV, or the method known as the FPP system, as the case may be. Where more than 50% of the valid votes at the poll support the adoption of a different voting system to the one used at the last election, that different system must be used (see *clause 10*).

The result of the poll overrides a resolution made by a local authority regarding the electoral system (see *clause 5 (5)*). In order to avoid the uncertainty and expense of conducting a poll prior to each election, the voting method adopted following a poll of electors cannot be changed until after two elections have been held using that method (see *clauses 7, 10 and 28*).

Clause by clause analysis

Clause 1 relates to the Title.

Clause 2 provides for the bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 is a purpose provision.

Clause 4 relates to interpretation. It contains the definitions of terms used in *Part 2* of the Bill that are peculiar to the STV and PV systems, such as “absolute majority of votes”, “first preference”, “keep value”, “quota” and “transferred vote”, and defines the term “total number of votes”.

Part 1

Decision to use single transferable vote system

Part 1 contains provisions relating to a decision of a local authority to use STV at the next triennial general election. Such decision will be made either by resolution or by a poll of electors.

Clause 5 provides that a territorial authority, regional council, or licensing trust may, not later than 28 February in the year immediately preceding an election year, resolve whether or not to hold the next triennial general election under *Part 2*, and sets out the information to be included in the public notice required by the new *section 3B (1)* of the principal Act (see *clause 28*) in respect of the resolution.

Clause 6 provides that a territorial authority, regional council, or licensing trust may resolve, not later than 8 May in the year immediately preceding an election year, that a poll be held under *clause 9* on the proposal that the next 2 general elections be held using either the single transferable vote system or the first-past-the-post system.

Clause 7 provides that nothing in *clause 5* or *clause 6* applies where a poll of electors was held under *clause 9* in respect of the voting method that was to be used at the immediately preceding triennial general election of members of the territorial authority, regional council, or licensing trust. The effect of this clause is to make it clear that the voting method adopted following a poll of electors must be used for the next 2 elections of members.

Clause 8 provides that not less than the specified number of electors (5% of those eligible to vote in the immediately preceding general election of the local authority) may demand a poll be held on the

voting method to be used for the next 2 triennial general elections of the territorial authority, regional council, or licensing trust. Such demand must be made by signed notice in writing and delivered at the principal office of the local authority not later than 22 working days after the date of the public notice required by the new *section 3B (1)* of the principal Act. The principal administrative officer then has 30 days to give notice to the Returning Officer that a poll is to be held.

Clause 9 provides that within 7 days of receiving a notice from the principal administrative officer under *clause 6 (2)* or *clause 8 (6)*, the Returning Officer must give public notice of the date of the poll of electors, which must be a date not later than 75 days from when the public notice is first published. Every poll under this clause must be held on the proposal that the next 2 general elections be held using either the single transferable vote system or the first-past-the-post system.

Clause 10 provides that where more than 50% of the valid votes cast at any poll held under *clause 9*, are cast for one or other of the 2 proposals, the voting method for which the majority voted must be the method to be used for the next 2 general elections of the local authority. The purpose of this clause is to avoid the uncertainty and expense of conducting a poll prior to each election.

Part 2

Single transferable vote system

Part 2 relates to the application and use of STV by a territorial authority, regional council, or licensing trust.

Clause 11 provides that this Part applies to elections required to be held under this Part because of a resolution of a local authority, or as a result of a poll of electors, in favour of STV; to elections of community boards held in conjunction with the election of a territorial authority where STV is being used; to elections of any other local authority held in conjunction with the election of a territorial authority where STV is being used; and to elections to fill an extraordinary vacancy in an office that was filled by an election held under this Part.

Clause 12 provides that, except as provided by this Part, the provisions of the principal Act relating to the election of a member or

members of a local authority apply in relation to any election held under this Part.

Clause 13 provides for the form of voting paper (set out in *Schedule 1*) to be used at any election under this Part. The names of the candidates are required to be listed in computer-generated pseudo-random order of surnames to ensure that no candidate obtains an advantage by virtue of being placed at or near the top of the list of candidates. Randomising the names of candidates in this way is an effective, cost-free method of nullifying, as much as possible, the effects of “alphabetical” or “proximity” voting.

Under *subclause (2)*, the Returning Officer may combine the voting paper to be used at any election under this Part with the voting paper to be used at any other election or poll to be conducted simultaneously with an election held under this Part.

In recognition of the fact that situations are likely to arise where combined voting papers will apply to elections in respect of which different voting systems are being used, *subclause (3)* provides that, where the Returning Officer combines voting papers pursuant to *subclause (2)*, the combined voting paper must bear a prominent notice warning voters that different methods of voting are required for different voting papers on the combined voting paper.

Clause 14 provides for the method of voting, and states that each elector has a single transferable vote. The meaning of this term is set out in *subclause (1)*. *Subclause (2)* provides that an elector must exercise his or her vote by placing on the voting paper the figure “1” opposite the name of the candidate for whom he or she votes and in addition, if he or she wishes, by placing the figure “2” opposite the name of the candidate of his or her second choice, etc.

Clause 15 provides that when applying sections 39 and 77 of the principal Act to any election held under this Part, the expression “number of votes” is to be read as “number of first preference votes”. In STV/PV elections, an elector votes for a candidate by giving that candidate his or her first preference. Second and subsequent preferences are not votes, they are contingency choices, which come into play only if the first preference choice does not need all of the vote to attain the quota for election, or is excluded from the election for lack of support. The Returning Officer ascertains the number of votes recorded for each candidate by tallying the number of first preference votes received by each candidate.

Similarly, informal voting papers are not simply those that do not clearly indicate the candidate for whom the voter desired to vote. In STV/PV elections, voting papers are set aside as informal if the voter has not clearly indicated a first preference for one of the candidates. *Paragraph (b)* provides that section 39 (1)(c) and section 77 (6) of the principal Act are to be read accordingly, when those provisions are applied to any election held under this Part.

Clause 16 provides that, in cases where a person is a candidate for Mayor as well as being a candidate at an election of a member or members of a local authority held on the same day, and the Returning Officer is satisfied, after the close of voting, that the candidate will be declared to be elected to be the Mayor, the Returning Officer must deem the candidate to have withdrawn from the election of a member or members.

The purpose of this provision is to enable the first preference votes for the Mayoral winner in the election of a member or members, to be transferred under *clause 17* to the second preferences indicated on them, instead of becoming void (as under the present FPP system), so that the voters who voted for the Mayoral winner are not, as a consequence, prevented from participating in the election of a member or members.

Clause 17 provides that first preference votes cast for candidates who retire or withdraw from an election must, instead of becoming void, be transferred to and counted as first preference votes for the candidate shown as the elector's next preference on the voting papers.

Under the present first-past-the-post system, most voters cast as many (or very nearly as many) votes as they are allowed to, and consequently, can still be represented by one or more candidates for whom they voted, even if one of their votes becomes void. Under the single transferable vote system, however, each voter has only one vote, which the voter exercises by giving the candidate for whom he or she votes, his or her first preference. If that vote were to be regarded as void if the candidate who receives it subsequently withdraws from the election, the voter has no possibility of being represented by someone whom he or she helped to elect. Furthermore, if the candidate who withdraws is a popular choice, a high proportion of voters could find themselves arbitrarily excluded from the electoral process. The purpose of this provision, therefore, is to ensure that voters who have voted for a candidate who subsequently withdraws

from the election, can still have an equal effect on the election result by having their vote transferred to, and counted for, their next preference.

This provision applies both to candidates who withdraw from an election during the polling period, and to persons who are candidates for council at a territorial authority election as well as for the office of Mayor of that territorial authority, and who win the Mayoral election. In this latter case, the Mayoral winner is deemed to have withdrawn from the council election (pursuant to *clause 16*), requiring his or her first preference votes to be transferred to the next preference indicated on them.

Subclause (2) provides that first preference votes cast for retired or withdrawn candidates and on which no next preference has been given, are void.

Clause 18 sets out a number of procedures relating to the conduct of official counts at elections held under this Part by supervising Returning Officers pursuant to section 5C (1) of the principal Act and section 194 (5) of the Sale of Liquor Act 1989. *Subclause (7)* provides that the official count at every election held under this Part must be conducted in accordance with the procedures set out in *Schedule 2*.

Clause 19 provides that, on completion of the official count, the Returning Officer must prepare and sign a certificate, essentially being the official result sheet of the election. A copy of the certificate must be sent to each candidate at the election; must be kept in every public office of the local authority; and must be available for public inspection.

Subclause (3) provides that, as soon as practicable after the completion of the official count, the Returning Officer must, by public notice, declare the result of the election. The public notice under this subclause essentially constitutes a summary of the result of the election.

Clause 20 provides for the immediate filling of a vacancy in cases where a candidate, other than a mayoral candidate, dies or becomes incapable of holding the office to which he or she would, but for his or her death or incapacity, have been declared to be elected, and the death or incapacity occurred before the result (or the amended result) of the election is declared.

Under the present first-past-the-post system, the death or incapacity of a candidate in these circumstances would mean that an extraordinary vacancy in that office had thereby occurred (pursuant to section 44 of the principal Act). Under the single transferable vote system, however, where each voter exercises his or her vote by ranking the candidates in preferential order, it is possible to fill the vacancy immediately by recounting the votes cast at the election to ascertain the candidate who would otherwise have been declared to be elected had the deceased or incapacitated candidate not stood at the election.

The transfer of first preferences for the deceased or incapacitated candidate to the second choices marked on his or her voting papers, ensures that any recount under this clause is carried out without excluding any voter from the electoral process who, by having marked a second (and perhaps, later) preference (or preferences), had thereby indicated a desire to participate in the election as fully as possible.

Clause 21 provides that deposits by candidates are forfeited if the total number of votes (as defined in *clause 4*) of a candidate in an election to fill a single vacancy is less than one-eighth of the number of valid votes at that election, or is less than one-quarter of the final quota in an election to fill multiple vacancies.

Where the election is to fill multiple vacancies, the forfeiture level has been set at one-quarter of the final quota, which is the STV equivalent of one-quarter of the total number of votes received by the successful candidate with the fewest votes of the candidates elected under the present FPP system. It is also equivalent to the level required at local elections in Northern Ireland and at elections for the Australian Senate, which are conducted by STV. With the average number of candidates elected in each ward of a territorial authority in elections held under this Part expected to be about four, the average final quota can be expected to be a little less than 20% of the votes cast.

Where the election is to fill a single vacancy, the forfeiture level has been set at one-eighth of the valid votes cast, rather than one-quarter of the votes given for the successful candidate, as for single-member elections under the present FPP system.

As stated earlier, when conducted in single-member districts, STV reduces to the majority-preferential vote (PV). As in STV elections, voters have a single vote, which is transferable. In PV elections, however, it is not sufficient for the successful candidate merely to obtain a plurality, or a relative majority, of valid votes cast (which could be as few as 20% of all votes) in order to win the election. He or she must obtain an absolute majority (equal to or greater than 50%) of the valid votes remaining in the election. As such, it is more meaningful to express the forfeiture level as a percentage of total valid votes, rather than as a fraction of a (percentage) figure it is known the successful candidate will attain. The forfeiture level of one-eighth of all valid votes cast, therefore, is the PV equivalent of one-quarter of the votes cast for the winning candidate in an FPP election, acknowledging that, in such elections, some winning candidates obtain more than 50% of the total votes, and some obtain less.

Clause 22 provides that any packets containing voting papers or other records used at an election held under this Part are to be kept until public notice is given of the next general election of members of the local authority. The retention of such packets beyond the current requirement of six months is necessary to ensure that the election records, especially the computer records, are available for the purpose of conducting an indicative recount under *clause 24*.

Clause 23 provides that preferential voting information pertaining to individual candidates or groups of candidates must be made available on request, for no more than a reasonable charge. The purpose of this clause is to ensure that candidates and other interested parties have access to non-private, non-sensitive information such as, but not limited to, the number of first, second, third, etc. preferences given for each candidate, and the distribution of the second preferences on each candidate's first preference voting papers.

Extraordinary vacancies

Clause 24 provides for local authorities to hold an indicative recount of the voting papers used in the election in respect of the office in which an extraordinary vacancy has occurred, in accordance with the procedures set out in *Schedule 3*. The purpose of an indicative recount is to ascertain which candidate would otherwise have been declared to be elected had the vacating member, and those unsuccessful candidates who do not consent to be appointed to the

extraordinary vacancy, not stood at the original election (see *clause 29*).

Subclause (3) provides that the Returning Officer must invite every unsuccessful candidate at that election to give his or her written consent to be appointed to the extraordinary vacancy if the local authority so wishes.

Part 3

Amendments to principal Act

Part 3 contains certain amendments to the principal Act to give effect to the provisions of this Bill. They relate particularly to a decision of a local authority to adopt the STV voting method; to the use of computer technology; and to the appointment of named persons, following indicative recounts, to fill extraordinary vacancies in the offices of elected members of local authorities.

Clause 25 amends section 2 of the principal Act by inserting a definition of the term “licensing trust”. This amendment reflects the fact that licensing trusts are separate and independent local authorities, specifically empowered by this Bill to adopt STV independently of any territorial authority whose boundaries they may overlap.

Clause 26 amends the principal Act by repealing section 3 (relating to elections and polls to be held under that Act) and substituting new *sections 3 and 3AA*. New *section 3* provides that every local authority election must be held and taken in the manner provided by that Act or, where *clause 11* applies, in the manner provided by *Part 2*. New *section 3AA* provides that every local authority poll on a proposal to be submitted to the vote of the electors must be held and taken in the manner provided by the principal Act.

Clause 27 amends the principal Act by adding two subsections to section 3A (relating to the method of conducting elections or polls in certain cases). New *subsection (3)* states that the term “method”, as used in this section, relates solely to the matters dealt with in sections 32 to 34, i.e. the issuing of voting papers, the procedure when a second voting paper is applied for in the same name, and the method of voting (meaning what the voter actually does during the act of exercising his or her vote); section 66, to do with a resolution by any local authority that a specified election or poll must be conducted by postal vote; section 80, to do with a resolution by any local authority

that a specified election or poll must be conducted over a number of consecutive days, not exceeding 11; and section 88 of that Act, to do with a resolution by any local authority authorising the Returning Officer to use one or more mobile polling places at any specified election or poll, not being an election or poll conducted by postal vote.

For the avoidance of doubt, it is declared in the new *subsection (4)* that nothing in this section of that Act determines whether or not any election of any local authority is to be conducted in accordance with the provisions of this Bill.

Clause 28 amends the principal Act by inserting, after section 3A, a new *section 3B* relating to the giving of public notice of the right to demand a poll on the voting method. *Subclause (1)* provides that the local authority must give public notice by 8 March in the year immediately preceding an election year, of the right to demand a poll on the voting method to be used for the next 2 triennial general elections.

Subclause (2) provides that where the local authority has made a resolution under *clause 5* to use STV at the next election, every public notice under *subsection (1)* must include notice of that resolution and a statement that a poll is required to countermand that resolution.

Subclause (3) provides that nothing in this clause applies where a poll of electors was held under *clause 9* in respect of the voting method to be used at the immediately preceding election of members of the territorial authority, regional council, or licensing trust.

Clause 29 amends section 51 of the principal Act to provide that where an extraordinary vacancy has occurred in the office of an elected member of the local authority, the local authority may, by resolution, determine that the vacancy is to be filled by the appointment of the person named in that resolution. The person named in the resolution will normally be the highest polling unsuccessful candidate at the original (first-past-the-post) election.

Clause 30 amends the principal Act by inserting a new *section 116A*, specifically providing for the use of computer technology to facilitate the performance of any procedure or function required by that Act.

Clause 31 repeals section 123 of the principal Act and substitutes a new *section 123*, that provides for additional purposes for which the

Governor-General may make regulations. These additional purposes include prescribing forms and making additional provision for the use of computer technology.

Clause 32 amends the Third Schedule of the principal Act, dealing with modifications to that Act where elections are taken by postal vote, by inserting a new item pertaining to this Bill, that substitutes *clauses 7 to 10* of the Directions to Voter on the voting paper, for *clauses 7 to 9*.

Part 4

Amendments to other enactments

Part 4 contains consequential amendments to other Acts.

Clause 33 states that the Acts specified in *Schedule 4*, namely the Local Government Act 1974 and the Sale of Liquor Act 1989, are consequentially amended in the manner indicated in that schedule. The amendments specified in that schedule relate to the requirement that councils, when determining the size and membership of territorial authority wards or regional council constituencies, must have regard to the voting method to be used; to the minimum number of members to be elected in any territorial authority ward; and to the filling of an extraordinary vacancy by the appointment of the person named in the resolution to fill the vacancy. Local authorities elected under STV/PV will also be required to use these voting systems when electing the Chairperson and Deputy Chairperson of a regional council or committee, the Deputy Mayor, the president of a licensing trust, local authority representatives and, if necessary, committees or subcommittees.

Subclause (2) provides that where, before the commencement of this clause, a territorial authority or regional council is notified of an extraordinary vacancy, the provisions of sections 101ZC (1) and 101ZD of the Local Government Act 1974 apply to that extraordinary vacancy as if those sections had not been amended by *sub-clause (1)*.

Rod Donald

Local Elections (Single Transferable Vote Option)

Member's Bill

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Schedule 1 Form of voting paper at an election	Schedule 3 Indicative recount
Schedule 2 Counting of votes	Schedule 4 Enactments amended

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Local Elections (Single Transferable Vote Option) Act **2000**.
- (2) In this Act, the Local Elections and Polls Act 1976¹ is called “the principal Act”).
- ¹ RS Vol 28, p. 683

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose

The purpose of this Act is to establish the single transferable vote form of proportional representation as an optional alternative voting procedure to that provided by the Local Elections and Polls Act 1976.

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4 Interpretation

- (1) In this Act, unless the context otherwise requires,—
- Absolute majority of votes** has the meaning given to it by **clause 1 of Schedule 2**
- Final absolute majority of votes** has the same meaning given to the term **absolute majority of votes** by **clause 1 of Schedule 2**, and refers to the final determination of the number so calculated
- Final keep value** has the same meaning given to the term **keep value** by **clause 1 of Schedule 2**, and refers to the final determination of the fraction calculated in accordance with **clause 3 (9) of Schedule 2**
- Final quota** has the same meaning given to the term **quota** by **clause 1 of Schedule 2**, and refers to the final determination of the number so calculated

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- First preference** means the figure “1” or any mark or word that clearly indicates a first (or only) preference
- Initial absolute majority of votes** has the same meaning given to the term **absolute majority of votes** by **clause 1 of Schedule 2**, and refers to the initial determination of the number so calculated 5
- Initial quota** has the same meaning given to the term **quota** by **clause 1 of Schedule 2**, and refers to the initial determination of the number so calculated
- Keep value** has the meaning given to it by **clause 1 of Schedule 2** 10
- Next preference** has the meaning given to it by **clause 1 of Schedule 2**
- Quota** has the meaning given to it by **clause 1 of Schedule 2**
- Total number of votes**, in relation to a candidate, means the total number of votes, including first preference votes and transferred votes, credited to any candidate at the point in the count at which he or she is excluded from the election, or at the completion of the count, as the case may be 15
- Transferred vote** means a vote or part of a vote transferred from 1 candidate to another candidate for whom the voter has indicated a second or subsequent preference 20
- Vacating member** has the meaning given to it by **clause 6 of Schedule 3**.
- (2) Terms used in this Act have the meanings given to them by the principal Act, unless the context otherwise requires. 25

Part 1

Decision to use single transferable vote system

- 5 **Territorial authority, regional council, or licensing trust may resolve to change voting method**
- (1) Any territorial authority, regional council, or licensing trust may, not later than 28 February in the year immediately preceding the year in which the next triennial general election is to be held, resolve that that triennial general election of the territorial authority, regional council, or licensing trust be held under this Act. 30 35
- (2) Where the immediately preceding general election of any territorial authority, regional council, or licensing trust was

- held under this Act, the territorial authority, regional council, or licensing trust may, not later than 28 February in the year immediately preceding the year in which the next triennial general election is to be held, resolve that that triennial general election of the territorial authority, regional council, or licensing trust not be held under this Act. 5
- (3) Where the territorial authority, regional council, or licensing trust makes a resolution under this section, every public notice required by **section 3B (1)** of the principal Act must include— 10
- (a) notice of that resolution; and
 - (b) a statement that a poll is required to countermand that resolution.
- (4) Every resolution under this section must— 15
- (a) take effect from the next triennial general election of members of the territorial authority, regional council, or licensing trust; and
 - (b) continue in effect until a further resolution under this section.
- (5) Where, subsequent to any resolution under this section, a poll of the electors of any territorial authority, regional council, or licensing trust is held under **section 7**, that resolution ceases to have any effect. 20
- 6 Territorial authority, regional council, or licensing trust may resolve to hold poll**
- (1) Any territorial authority, regional council, or licensing trust may, not later than 8 May in the year immediately preceding the year in which the next triennial general election is to be held, resolve that a poll be held under **section 9**. 25
- (2) The principal administrative officer must, as soon as is practicable, give notice to the Returning Officer of any resolution under **subsection (1)**. 30
- 7 Limitation on resolutions**
- Nothing in **section 5** or **section 6** applies where a poll of electors was held under **section 9** in respect of the voting method to be used at the immediately preceding triennial general election of members of the territorial authority, regional council, or licensing trust. 35

8 Electors may demand poll

(1) In this section,—

Demand means a demand to which **subsection (2)** refers

Specified number of electors, in relation to a territorial authority, regional council, or licensing trust, means a number equal to 5% of the number of electors who were enrolled as eligible to vote in the immediately preceding general election of members of the territorial authority, regional council, or licensing trust. 5

(2) Not less than the specified number of electors of a territorial authority, regional council, or licensing trust may demand that a poll be held on the voting method to be used for the next 2 triennial general elections of that territorial authority, regional council, or licensing trust. 10

(3) A demand must be made by signed notice in writing delivered at the principal office of the territorial authority or regional council or licensing trust, not later than 22 working days after the date of the public notice required to be given by **section 3B (1)** of the principal Act. 15

(4) An elector may sign a demand and be counted as 1 of the specified number of electors only if— 20

(a) the name of that elector appears,—

(i) in the case of a territorial authority, on the roll of the territorial authority; or

(ii) in the case of a regional council or a licensing trust, on the roll of any territorial authority as the name of a person eligible to vote in an election of that regional council or licensing trust; or 25

(b) where the name of that elector does not appear on a roll in accordance with **paragraph (a)**,— 30

(i) the name of the elector is included on the most recently published electoral roll for the Parliamentary electorate; and

(ii) the address in respect of which the elector is registered as a Parliamentary elector is within the relevant territorial authority district, region, or licensing trust district; or 35

(c) a Registrar of Electors under the Electoral Act 1993 confirms that the elector who signed the demand is registered as a Parliamentary elector in respect of an 40

- address that is within the relevant territorial authority district, region, or licensing trust district; or
- (d) in the case of a territorial authority or regional council, the elector has enrolled, or been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the territorial authority or regional council. 5
- (5) Every person who signs a demand must clearly state, against the signature,—
- (a) the person's name; and 10
- (b) the address in respect of which the person is qualified as an elector of the territorial authority, regional council, or licensing trust; and
- (c) in the case of a demand relating to a regional council or licensing trust, the territorial authority district within which that address is situated. 15
- (6) Within 30 days after receiving a demand bearing the signatures of not less than the specified number of electors, the principal administrative officer must give notice to the Returning Officer that a poll is to be held. 20
- 9 Poll of electors**
- (1) Where the Returning Officer for a territorial authority, regional council, or licensing trust receives a notice under **section 6 (2) or section 8 (6)**, the Returning Officer must, not later than 7 days after receipt, give public notice of the date of the poll. 25
- (2) The date appointed for the poll must be a date not later than 75 days after the day on which the public notice under **subsection (1)** is first published.
- (3) Every poll under this section must be held under the principal Act and, except as provided in **subsection (4)**, must be held on the proposal that the next 2 general elections of the territorial authority, regional council, or licensing trust be held using the voting method known as the single transferable vote system as provided in this Act. 30 35
- (4) Where the immediately preceding general election of the territorial authority, regional council, or licensing trust was held under this Act, the proposal on which the poll is to be held must be that the next 2 general elections of the territorial

authority, regional council, or licensing trust be held using the voting method known as the first-past-the-post system as provided in the principal Act.

10 Effect of poll

- (1) Where more than 50% of the valid votes cast at any poll held under **section 9** are cast for the proposal that the next 2 general elections of a territorial authority, regional council, or licensing trust be held using a different voting method from that used for the immediately preceding such general election, that different voting method must be used for those general elections and must continue to be used until a resolution under **section 5** takes effect or a further poll is held under **section 9**, whichever occurs first. 5 10
- (2) In every other case where a poll is held, the voting method used for the immediately preceding general election of the territorial authority, regional council, or licensing trust must be used for the next 2 general elections thereafter and must continue to be used until a resolution under **section 5** takes effect or a further poll is held under **section 9**, whichever occurs first. 15 20

Part 2

Single transferable vote system

11 Application

This Part applies to—

- (a) any general election of a territorial authority, regional council, or licensing trust, required to be held under this Part by **section 5 (4)** or **section 10 (1)**; and 25
- (b) any general election of a community board held in conjunction with the general election of a territorial authority to which **paragraph (a)** relates; and 30
- (c) any general election of any other local authority held over an area within the district of a territorial authority and in conjunction with an election of that territorial authority to which **paragraph (a)** relates; and
- (d) every election to fill an extraordinary vacancy in an office for which the immediately preceding general election was held under this Part. 35

- 12 Conduct of single transferable vote election**
 Except as provided by this Part, the provisions of the principal Act relating to the election of a member or members of a local authority apply in relation to any election held under this Part.
- 13 Form of voting paper** 5
- (1) The voting paper to be used at any election held under this Part must—
- (a) be in the form in **Schedule 1**; and
 - (b) set out the names of the candidates in computer-generated pseudo-random order of surnames; and 10
 - (c) list the candidates either in 1 continuous column or in 2 or more columns in such manner as, in the opinion of the Returning Officer, is best for marking and counting; and
 - (d) show party accreditations or other designations (if claimed and not disallowed); and 15
 - (e) show such additional description as may be necessary to identify the candidates or any of them.
- (2) The Returning Officer may combine the voting paper to be used at any election held under this Part with the voting paper or papers to be used at any other election or elections or poll or polls to be conducted simultaneously with the election held under this Part. 20
- (3) Where the Returning Officer combines voting papers under **subsection (2)**, the combined voting paper— 25
- (a) may be of the 1 colour; and
 - (b) must have 1 counterfoil only; and
 - (c) must bear, on any part that can be detached from any other part, the consecutive number and the official mark; and 30
 - (d) must be combined in such a manner as to enable the Returning Officer to detach the voting paper to be used at the election held under this Part from any other voting paper; and
 - (e) must, where the voting paper is combined with the voting paper for 1 or more elections or polls not held under this Part, bear or be accompanied by a prominent notice— 35

- (i) warning electors that different methods of voting are required for different voting papers included on the combined voting paper; and
 - (ii) advising electors to read carefully the Directions to Voter for each voting paper before exercising their votes. 5
- (4) Section 25 (2) to (5) of the principal Act applies to every voting paper to be used at any election held under this Part.
- (5) Where any voting paper to which this section applies is used at an election held under Part III of the principal Act, section 68 (4)(b) of that Act apply as if the reference to clauses 3 to 5 of the “Directions to Voter” section of the voting paper were a reference to **clauses 7 to 9** of the voting paper under this section. 10
- 14 Method of voting** 15
- (1) Each elector has a single transferable vote, being a vote which is—
 - (a) capable of being given so as to indicate the elector’s preference for the candidates in order; and
 - (b) capable of being transferred to the next choice— 20
 - (i) when the vote is not wholly required to give a prior choice the necessary quota of votes; or
 - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is excluded from the election. 25
- (2) The elector, on receiving the voting papers forwarded by the Returning Officer, must alone and secretly on each voting paper exercise his or her vote—
 - (a) by placing on the voting paper the figure “1” opposite the name of the candidate for whom he or she votes and in addition, if he or she wishes, by placing the figure “2” opposite the name of the candidate of his or her second choice, the figure “3” opposite the name of the candidate of his or her third choice and so on, in the order of his or her preference; and 30
 - (b) in accordance with the instructions on the voting paper and in accordance with any additional instructions that the Returning Officer may consider it advisable to give to the elector. 35

- (3) Nothing in this section detracts from the application of section 36 or section 69 (2) and (3) of the principal Act to voting in an election held under this Part.

15 Procedure after close of voting

In their application to any election held under this Part, sections 39 and 77 of the principal Act are to be read as if,— 5

(a) for each occurrence of the expression “number of votes“, there were substituted the expression “number of first preference votes”; and

(b) the words— 10
 (i) after the word “papers” in section 39 (1)(c); and
 (ii) between the words “papers” and “shall” in section 77 (6),—

were “on which the voter has not clearly indicated a first preference for 1 of the candidates”. 15

16 Candidate both at election for Mayor and at election of members

Where, at elections held under this Part, a person is a candidate both at an election for the office of Mayor and at an election of a member or members held on the same day, and the Returning Officer is satisfied, after the close of voting, the candidate will be declared to be elected to be the Mayor, the Returning Officer must deem the candidate to have withdrawn from the election of a member or members. 20

17 Votes cast for retired or withdrawn candidates 25

(1) Where, at an election of a member or members held under this Part, a candidate—

(a) has retired or withdrawn from the election pursuant to section 21 or section 23 of the principal Act; or

(b) is deemed to have withdrawn from the election under section 16 of this Act,— 30

the Returning Officer must, unless the election has become unnecessary through the application of these provisions, cause the first preference votes that have been cast for the retired or withdrawn candidate or candidates, to be transferred to and counted as first preference votes for the candidate shown as the elector’s next preference on the voting papers. 35

- (2) Voting papers to which the provisions of **subsection (1)** apply and on which no next preference has been given, are void.

18 Official count

- (1) In this section, the term **supervising Returning Officer** means,— 5
- (a) in the case of an election to which section 5C (1) of the principal Act applies, the supervising Returning Officer appointed under that subsection; or
 - (b) in the case of an election to which section 194 (5) of the Sale of Liquor Act 1989 applies, the Returning Officer 10 for the licensing trust.
- (2) Where any election held under this Part—
- (a) is an election to which section 5C (1) of the principal Act applies; or
 - (b) is an election to which section 194 (5) of the Sale of 15 Liquor Act 1989 applies,—
- the official count must be conducted by the supervising Returning Officer.
- (3) In any case to which **subsection (2)** applies, each of the Returning Officers responsible for conducting the election 20 must, as soon as practicable after completion of the scrutiny of the roll, forward all voting papers used at the election to the supervising Returning Officer in accordance with **subsections (4) and (5)**.
- (4) Where voting papers are required to be forwarded under **sub-** 25 **section (3)**, they must be forwarded—
- (a) by such secure method as is agreed between the Returning Officer and the supervising Returning Officer; and
 - (b) in the parcels referred to in section 39 (2) or section 77 30 (9) of the principal Act, as the case may be, together with such other parcels as the Returning Officer considers appropriate, which must be sealed and certified in the same manner as the parcels referred to in section 39 35 (2) or section 77 (9) of the principal Act.
- (5) Where voting papers are forwarded under **subsection (4)**, the Returning Officer must forward separately to the supervising Returning Officer an inventory of the parcels so forwarded.

- (6) Before commencing the official count under **subsection (7)(a)**, the Returning Officer must reject as informal any voting paper on which the voter has not clearly indicated a first preference for one of the candidates.
- (7) The official count at every election held under this Part— 5
- (a) must be conducted in accordance with the procedures set out in **Schedule 2**; and
- (b) must not be conducted in accordance with the procedures set out in section 42 of the principal Act or section 194 (6) of the Sale of Liquor Act 1989, as the case may be. 10
- 19 Official results**
- (1) On completion of the official count under **section 18**, the Returning Officer must prepare and sign a certificate stating—
- (a) the total number of voting papers, other than spoilt voting papers and papers rejected under section 41 (2) of the principal Act, used at the election; and 15
- (b) the number of voting papers rejected as informal; and
- (c) the number of first preference votes for each candidate, whether elected or not; and 20
- (d) where the election was to fill multiple vacancies,—
- (i) the initial quota; and
- (ii) the quota at each point in the count at which a candidate was elected or excluded from the election; and 25
- (iii) the number of votes for each candidate, including first preference votes and transferred votes, at each point in the count at which a candidate was elected or excluded from the election; and
- (iv) the keep value for each candidate at each point in the count at which a candidate was elected or excluded from the election; and 30
- (v) the names of the candidates declared to be elected in descending order of election; or
- (e) where the election was to fill a single vacancy,— 35
- (i) the initial absolute majority of votes required for election; and
- (ii) the absolute majority of votes required for election at each point in the count at which a candidate was excluded from the election; and 40

- (iii) the number of votes for each candidate, including first preference votes and transferred votes, at each point in the count at which a candidate was excluded from the election; and
 - (iv) the name of the candidate declared to be elected. 5
- (2) A copy of the certificate prepared under **subsection (1)** must—
 - (a) be sent to each candidate at the election; and
 - (b) be kept in every public office of the local authority; and
 - (c) be available for public inspection during the hours that office is open to the public, for a period of not less than 10 30 days after the declaration under **subsection (3)**.
- (3) As soon as practicable after the completion of the official count, the Returning Officer must, by public notice, declare the result of the election.
- (4) Where the election was to fill multiple vacancies, the public 15 notice under **subsection (3)** must—
 - (a) list—
 - (i) the names and political accreditations (if any) of the candidates declared to be elected, in descending order of election; and 20
 - (ii) the number of first preference votes for each such candidate; and
 - (iii) the total number of votes for each such candidate; and
 - (b) list— 25
 - (i) the names and political accreditations (if any) of the unsuccessful candidates; and
 - (ii) the number of first preference votes for each such candidate; and
 - (iii) the total number of votes for each such candidate; 30 and
 - (c) state—
 - (i) the initial quota; and
 - (ii) the final quota; and
 - (iii) the final keep value for each candidate; and 35
 - (d) give notice that the certificate prepared under **subsection (1)** is available for public inspection, and the places and times at which it can be inspected.
- (5) Where the election was to fill a single vacancy, the public 40 notice under **subsection (3)** must—

- (a) state—
 - (i) the name and political accreditation (if any) of the candidate declared to be elected; and
 - (ii) the number of first preference votes for the elected candidate; and 5
 - (iii) the total number of votes for the elected candidate; and
- (b) list—
 - (i) the names and political accreditations (if any) of the unsuccessful candidates; and 10
 - (ii) the number of first preference votes for each such candidate; and
 - (iii) the total number of votes for each such candidate; and
- (c) state— 15
 - (i) the initial absolute majority of votes required for election; and
 - (ii) the final absolute majority of votes required for election; and
- (d) give notice that the certificate prepared under **subsection (1)** is available for public inspection, and the places and times at which it can be inspected. 20
- (6) In **subsection (1)(d)**, **point in the count** means any point at which the processes that are performed using computer technology, that— 25
 - (a) determine the number of first preference votes for each candidate; or
 - (b) transfer the surpluses of elected candidates and the votes of excluded candidates,—
 culminate in a candidate being elected or excluded from the election. 30

20 **Death or incapacity of elected candidate before declaration of result of election**

- (1) Where, after the close of voting at an election held under this Part, the Returning Officer is satisfied that any candidate, other than a candidate for the office of Mayor, has died or become incapable under any Act of holding the office for which he or she is a candidate and the death or incapacity occurs— 35

- (a) before the declaration of the result of the election in accordance with **section 19 (3)**; or
- (b) where a recount is applied for and an amended declaration of the result of the election is ordered under section 43 (8) of the principal Act, before that amended declaration has been given,—

and that candidate would, but for his or her death or incapacity, have been declared to be elected, the Returning Officer must, unless the election has become unnecessary through the death or incapacity of the candidate, cause a recount to be made of the voting papers used in the election to ascertain the candidate who would otherwise have been declared to be elected had the deceased or incapacitated candidate not stood at the election.

- (2) Every recount under **subsection (1)** must be held in accordance with the procedures set out in **Schedule 3**, except that those candidates excluded from the election are deemed to be consenting candidates (as defined in **clause 6 of Schedule 3**) for the purposes of the recount.
- (3) After the completion of the recount under **subsection (1)**, the Returning Officer must declare to be elected the other successful candidates (if any) at the election and the candidate whom the recount determined would otherwise have been declared to be elected, under **section 19 (3)** of this Act or section 43 (8) of the principal Act, as the case may be.

21 Forfeiture of deposit, and refund of deposit

- (1) If the total number of votes of a candidate is less than,—
- (a) in an election to fill a single vacancy, one-eighth of the number of valid votes at that election; or
- (b) in an election to fill multiple vacancies, one-quarter of the final quota,—
- the deposit made under section 14 of the principal Act is forfeited and paid into the general fund or account of the local authority.
- (2) The deposit must be returned to the person who paid it or, as the case may require, to his or her personal representatives,—
- (a) where **subsection (1)** does not apply; or
- (b) where any candidate—

- (i) withdraws or retires under section 16 or section 21 of the principal Act; or
 - (ii) is elected without a poll; or
 - (iii) dies before the close of nominations; or
 - (iv) being a candidate for the office of Mayor of a territorial authority, dies, or becomes incapable under any Act of holding that office, in such circumstances that a new election is required to be held under section 22 of the principal Act; or 5
 - (v) not being a candidate for the office of Mayor of a territorial authority, dies before the close of voting or becomes, before the close of voting, incapable under any Act of holding the office for which he or she is a candidate. 10
- (3) Nothing in section 15 of the principal Act applies in relation to any election held under this Part. 15

22 Disposal of voting papers and other records

- (1) Sections 45 and **116A (4)** of the principal Act apply in relation to every election held under this Part.
- (2) Section 45 (2) of the principal Act is to be read, in relation to any packets containing voting papers or other records used at an election held under this Part, as if— 20
- (a) the words “for 6 months thereafter” were omitted, and the words “until public notice is given under section 11 of the principal Act of the next general election of members of that local authority” were substituted; and 25
 - (b) after the words “Court of competent jurisdiction” were added the words “or for the purposes of an indicative recount under **section 24**”.

23 Access to preferential voting information

- (1) Notwithstanding anything in **section 22 (1)** of this Act, the Returning Officer must, subject to **section 116A (2)** of the principal Act, make available on request information derived from the application of computer technology to elections held under this Part, that can readily be retrieved, relating to preferential voting patterns in respect of individual candidates or groups of candidates. 30 35

- (2) Information must be made available under **subsection (1)** for no charge or for no more than a reasonable charge.

Extraordinary vacancies

24 Indicative recount

- (1) Where— 5
- (a) the immediately preceding general election of members of any local authority was held under this Part; and
 - (b) an extraordinary vacancy has occurred in the office of any member of the local authority; and
 - (c) the local authority is empowered under any Act to fill that extraordinary vacancy by appointment,— 10
- the local authority may direct that an indicative recount of the voting papers used in the election in respect of the office in which the extraordinary vacancy has occurred be held to ascertain the candidate who would otherwise have been declared to be elected (being a candidate who has given his or her written consent to appointment in accordance with **subsection (3)**) had the vacating member, and any candidate at that election who has not given his or her written consent to appointment in accordance with **subsection (3)**, not stood at that election. 15 20
- (2) Every indicative recount must be held in accordance with the procedures set out in **Schedule 3**.
- (3) Before commencing an indicative recount under this section, but without undue delay, the Returning Officer must give written notice to every unsuccessful candidate at that election inviting that candidate to give, by a date not earlier than 7 days and not later than 14 days after the date of that notice, his or her written consent to be appointed to the extraordinary vacancy if the local authority so wishes. 25 30

Part 3

Amendments to principal Act

25 Interpretation

Section 2 of the principal Act is amended by inserting, after the definition of **inner compartment**, the following definition: 35

“Licensing trust—

- “(a) means a licensing trust constituted under section 185 of the Sale of Liquor Act 1989; and
- “(b) includes any licensing trust deemed to be so constituted under section 241 of that Act.”

5

26 New sections substituted

The principal Act is amended by repealing section 3, and substituting the following sections:

“3 Elections to be held under this Act or Local Elections (Single Transferable Vote Option) Act 1999

10

Subject to any Act by which this Act or any former Local Elections and Polls Act is or has been made to apply, or by or under which any local authority is constituted, every election must be held and taken in the manner provided by this Act or, where **section 11 of the Local Elections (Single Transferable Vote Option) Act 2000** applies, in the manner provided by **Part 2** of that Act.

15

“3AA Polls to be held under this Act

Subject to any Act by which this Act or any former Local Elections and Polls Act is or has been made to apply, or by or under which any local authority is constituted, every poll on a proposal to be submitted to the vote of the electors under any such Act must be held and taken in the manner provided by this Act.”

20

27 Method of conducting election or poll in certain cases

25

Section 3A of the principal Act (as substituted by section 3 (1) of the Local Elections and Polls Amendment Act 1992) is amended by adding the following subsections:

- “(3) In this section, **method**, in relation to the conduct of an election, relates solely to the matters dealt with in sections 32 to 34, 66, 80, and 88.

30

- “(4) For the avoidance of doubt, it is declared that nothing in this section determines whether or not any election of any local authority is to be conducted in accordance with the **Local Elections (Single Transferable Vote Option) Act 2000**.”

35

28 New section 3B inserted

- (1) The principal Act is amended by inserting, after section 3A, the following section:

“3B Public notice of right to demand poll on voting method

- “**(1)** Every territorial authority, regional council, and licensing trust must, not later than 8 March in the year immediately preceding the year in which the next triennial general election is to be held, give public notice of the right to demand, under **section 8 of the Local Elections (Single Transferable Vote Option) Act 2000**, a poll on the voting method to be used for the next 2 triennial general elections of that territorial authority, regional council, or licensing trust. 5 10

- “**(2)** Where the territorial authority, regional council, or licensing trust has made a resolution under **section 5 of the Local Elections (Single Transferable Vote Option) Act 2000**, every public notice under **subsection (1)** of this section must include— 15

“(a) notice of that resolution; and

“(b) a statement that a poll is required to countermand that resolution.

- “**(3)** Nothing in this section applies where a poll of electors was held under **section 9 of the Local Elections (Single Transferable Vote Option) Act 2000** in respect of the voting method to be used at the immediately preceding triennial general election of members of the territorial authority, regional council, or licensing trust.” 20 25

29 Election to fill extraordinary vacancy in local authority

- (1) Section 51 (1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:

“(b) that the vacancy is to be filled by the appointment of a person named in that resolution, who must be a person qualified to be elected to be a member of the local authority who has given his or her written consent to that appointment.”. 30

- (2) Section 51 (5) of the principal Act (as substituted by section 14 (4) of the Local Elections and Polls Amendment Act 1992) is amended by omitting the words “an appointment to be made by the local authority”, and substituting the words “the appointment of a person named in the resolution”. 35

- (3) Section 51 of the principal Act is amended by inserting, after subsection (5), the following subsection:
- “(5A) Where a local authority gives public notice under subsection (5) of an appointment under **subsection (1)(b)**, that public notice must include the name of the person appointed and a statement of the basis on which that person was selected.” 5
- (4) Section 51 (7) of the principal Act (as amended by section 14 (5) of the Local Elections and Polls Amendment Act 1992) is amended by omitting the words “make an appointment to fill the vacancy”, and substituting the words “confirm the appointment of the person named in the resolution under **subsection (1)(b)**”. 10
- (5) Section 51 of the principal Act is amended by inserting, after subsection (7), the following subsection:
- “(7A) Where, before the meeting referred to in subsection (7), any person named in a resolution under **subsection (1)(b)**— 15
- “(a) dies or becomes incapable under any Act of holding the office to which he or she is to be appointed; and
- “(b) would, but for that death or incapacity, have been confirmed in that appointment at that meeting,— 20
- the provisions of this section apply as if a fresh extraordinary vacancy had occurred in that office.”
- (6) Notwithstanding anything to the contrary in this section, where, before the commencement of this section, a local authority has been notified of an extraordinary vacancy under section 51 (1) of the principal Act, that section applies to the extraordinary vacancy as if it had not been amended by **subsections (1) to (5)**. 25
- 30 New section 116A inserted**
- The principal Act is amended by inserting, after section 116, the following section: 30
- “116A Use of computer technology**
- “(1) Notwithstanding anything to the contrary in this Act but subject to this section, computer technology may be used to facilitate the performance of any procedure or function required by this Act. 35
- “(2) It is the responsibility of the officer responsible under this Act for the performance of any procedure or function to take all

reasonable steps to ensure that any use of computer technology referred to in **subsection (1)** is consistent with the purposes of the procedure or function and does not detract from the principles governing the conduct of elections and polls laid down by this Act, including, but not limited to,— 5

“(a) the timely issue of voting papers to all eligible electors:

“(b) maintenance of the secrecy of the ballot:

“(c) the prevention of unauthorised disclosure of the state of the election to any person or persons:

“(d) the accuracy of the count. 10

“(3) An election or poll may not be disputed by reason only of the use of computer technology in accordance with this section.

“(4) Where computer technology is used in accordance with this section, sections 45 and 46 apply, in the same manner as they apply to the items specified in those sections but with any necessary modifications, to all computer records created in the course of the conduct of the election or poll.” 15

31 New section 123 substituted

The principal Act is amended by repealing section 123, and substituting the following section: 20

“123 **Regulations**

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

“(a) prescribing forms for the purposes of this Act: 25

“(b) prescribing procedures and facilities for the issue, exercise, and allowing of special votes:

“(c) making additional provision for the use of computer technology in accordance with **section 116A**:

“(d) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.” 30

32 Amendment to Third Schedule

The Third Schedule of the principal Act is amended by inserting, after the item relating to the First Schedule, the following item: 35

Local Elections (Single Transferable Vote Option) Act 2000

By omitting **clauses 7 to 9** of the Directions to Voter in the form in **Schedule 1**, and substituting the following clauses:

- “(7) After voting, fold the voting paper and seal it in the enclosed envelope addressed to the Returning Officer. 5
- “(8) Post or deliver the envelope to the Returning Officer or any Deputy Returning Officer.
- “(9) The voting paper must be in the hands of the Returning Officer before [*Insert ‘12 noon’ or ‘5 p.m.’, as the case may require. See section 65 of the Local Elections and Polls Act 1976.*] on [*Date of election*]. 10
- “(10) If you spoil this voting paper, you may return it to the officer who issued it and apply for a special voting paper.”

Part 4**Amendments to other enactments** 15**33 Consequential amendments**

- (1) The Acts specified in **Schedule 4** are consequentially amended in the manner indicated in that schedule.
- (2) Notwithstanding anything to the contrary in this section, where, before the commencement of this section, a territorial authority or regional council has been notified of an extraordinary vacancy under section 101ZC (1) of the Local Government Act 1974, that section and section 101ZD of that Act apply to that extraordinary vacancy as if those sections had not been amended by **subsection (1)**. 25

Schedule 1

s13(1)

Form of voting paper at an election

Directions to Voter

(Read carefully before voting)

1. Vote by placing a “1” beside the name of the candidate who is your first preference, a “2” beside your second preference, a “3” beside your third preference and so on. 5
2. You should continue to express preferences **only** as long as you are able to place successive candidates in order. You may express as many or as few preferences as you wish. You **do not** have to include **all** the candidates in your preference list if you do not wish to do so. 10
3. It is not only which candidates you choose to mark that is important. Which candidate gets which preference number matters a great deal also. 15
4. Under no circumstances can a later preference count against an earlier preference.
5. The voting paper will be set aside as informal if the figure “1” is omitted from your list of preferences or is placed opposite more than one name. 20
6. Do **NOT** vote with a “✓”.
7. After voting, fold the voting paper so that its contents cannot be seen and place it in the ballot box.
8. If you spoil this voting paper, you may return it to the officer who issued it and apply for a fresh one. 25
9. This voting paper must not be taken out of the polling booth.

[Name of local government area]

Election of Mayor (or of [Insert number] Members, or as the case may be)

Candidates appear in random order

MARK ORDER OF PREFERENCE IN SPACE BELOW	CANDIDATES	
	SMITH, Jane	CITIZENS AND RATEPAYERS
	RATAHI, David	INDEPENDENT
	CHOTE, Jill	INDEPENDENT
	SEARANKE, John	ALLIANCE
	INCHAM, Mary	INDEPENDENT
	NIGHTINGALE, Kenneth	LABOUR
	PHILLIPS, Joshua	CITIZENS AND RATEPAYERS
	HATCH, Keith	INDEPENDENT
	RANGI, Henare	PROGRESSIVE COMMUNITY
	ARNOLD, Kristeena	LABOUR
	CHRISTENSEN, Christopher	CITIZENS AND RATEPAYERS
	BABBINGTON, Santaana	ALLIANCE
	HEPI, Koro	LABOUR
	HIGGINSON, Florence	PROGRESSIVE COMMUNITY
	COOPER, Geoffrey	ALLIANCE
	O'SULLIVAN, Samantha	PROGRESSIVE COMMUNITY
	CAPSTEEN, Timothy	INDEPENDENT

NOTES*

1. In relation to the insertion of party accreditations or other designations, see **section 13 (1)(d)** of the Act.
2. Where two candidates with the same, or very similar, names are standing, an additional description may be added following the name of the candidate, as provided for by **section 13 (1)(e)** of the Act.
3. When the election is held by postal vote, the *Directions to Voter* are modified as provided in the Third Schedule of the principal Act.

*Not to be printed as part of the form.

Schedule 2
Counting of votes

s18(7)(a)

Part A
General

- 1 Interpretation** 5
- (1) In this Schedule, unless the context otherwise requires,—
- absolute majority of votes**, means the number calculated in accordance with **clause 3 (10)**
- elected** means elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the election 10
- keep value** means that fraction of every vote or part of a vote that is retained by the candidate for whom it is given
- next preference** means a preference that is the second or, as the case may be, subsequent preference recorded in consecutive order for a non-excluded candidate (any candidate who is excluded thereby being ignored) 15
- non-transferable vote** means a voting paper on which no next preference for a non-excluded candidate is indicated or can be identified by the Returning Officer 20
- quota** means the number calculated in accordance with **clause 3 (5)**
- remaining value** means the value of a voting paper that remains after the necessary fraction of a vote to be retained by each candidate whom, at the current point in the count, it has helped to elect, has been subtracted 25
- surplus** means the number of votes by which the total number of votes for any candidate exceeds the quota.

Part B
Elections

30

- 2 Preamble**
- (1) This Part sets out the processes, that must necessarily be performed using computer technology, to elect 2 or more candidates together.
- (2) The processes set out in **clauses 3 to 5**, together comprise Algorithm 123 (with minor modifications), as published in 35

The Computer Journal (UK), Vol 30, No 3, 1987, pp 277–281. This algorithm is commonly referred to as “Meek’s method” of counting votes by the single transferable vote system.

- (3) The processes set out in **clauses 3 to 5** also apply, with all necessary modifications, to elections to fill a single vacancy. 5

3 General instructions

- (1) If any candidate has withdrawn, that candidate’s keep value is set to 0.0, and that candidate is excluded from the election. Non-transferable votes are set to 0.0. 10
- (2) For each candidate who has not withdrawn, that candidate’s keep value is set to 1.0.
- (3) If the number of candidates remaining in the election is less than or equal to the number of vacancies, all remaining candidates are elected and the election terminated. 15
- (4) Where **subclause (3)** does not apply, the votes are counted as specified in **clause 4** of this schedule.
- (5) Where the election is to fill multiple vacancies, the quota is calculated by dividing the total number of valid votes, less non-transferable votes, by a number that is 1 greater than the number of members to be elected, and the quotient so obtained (which must be calculated to 9 decimal digits after the point) is increased by 0.000000001 (any remainder after the ninth decimal digit being disregarded). 20
- (6) Each candidate whose votes equal or exceed the quota is elected. That candidate’s surplus is calculated as that candidate’s current votes less the current quota, and all such surpluses are summed to get the total surplus. 25
- (7) If there is a non-excluded candidate the sum of whose votes and the total surplus is less than the votes of any other non-excluded candidate, that candidate is excluded from the election and his or her keep value is reset to 0.0. If a candidate has been excluded by the operation of this subclause, the counting process returns to **subclause (3)**. 30

**Local Elections (Single
Transferable Vote Option)**

- (8) If the total surplus is greater than or equal to 0.0001, the counting process proceeds to **subclause (9)**. Otherwise, the lowest candidate, as specified in **clause 5** of this schedule, is determined and excluded from the election. The excluded candidate's keep value is reset to 0.0 and, if that candidate already has zero votes, and the number of candidates with positive votes is at least enough to fill all vacancies, every other candidate having zero votes is excluded from the election. The counting process then returns to **subclause (3)**. 5
- (9) If the number of elected candidates is equal to the number of vacancies, the election is terminated. Otherwise, each elected candidate's keep value is recalculated by his or her current keep value being multiplied by the current quota and the result being divided by his or her current votes, both the multiplication and the division being taken to 9 decimal digits after the point and rounded up if not exact. The counting process then returns to **subclause (3)**. 10 15
- (10) Where the election is to fill a single vacancy, the absolute majority of votes required for election is calculated by dividing the total number of valid votes, less non-transferable votes, by 2. If the quotient so obtained is not exact, it is increased to the next whole number. 20
- (11) A candidate who obtains an absolute majority of votes is elected. If there are 2 remaining candidates with an equality of votes, the candidate who had the greater number of votes the first time they were different, is elected. If there remains an equality of votes, a random (or pseudo-random) process is used to choose the elected candidate. 25

4 Counting of votes

- (1) The votes credited to each candidate are set to 0.0. Non-transferable votes are set to 0.0. 30
- (2) The information is taken from the first voting paper.
- (3) The voting paper's remaining value is set to 1.0. The current candidate is set to the first preference shown.
- (4) The product of the current candidate's keep value and the voting paper's remaining value is calculated to 9 decimal digits after the point, and rounded up if not exact. The result is added to the votes credited to the current candidate and subtracted from the remaining value. 35

**Local Elections (Single
Transferable Vote Option)**

- (5) If there is a next preference, and the remaining value exceeds 0.0, the current candidate is reset to that preference and the counting process returns to **subclause (4)**.
 - (6) The remaining value is added to the total of non-transferable votes. 5
 - (7) If there is a next voting paper, the information is taken from that voting paper and the counting process returns to **subclause (3)**.
- 5 Lowest candidate**
- (1) Considering only those candidates who are neither excluded nor elected, if a candidate currently has fewer votes than any other candidate, then that candidate is the lowest. 10
 - (2) If there is a tie for fewest current votes, the lowest candidate is taken to be that one, among those forming the tie, who had the fewest the first time they were different. 15
 - (3) If, after the processes specified in **subclause (2)** are completed, there remains a tie, a random (or pseudo-random) process is used to choose one of those tying candidates.
-

Schedule 3
Indicative recount

s24(2)

Part A
General

- 6 Interpretation** 5
- (3) In this Schedule, unless the context otherwise requires,—
- consenting candidate** means a candidate not elected at the relevant election who has given his or her written consent to appointment in accordance with **section 24(3)**:
- Consent period** means the period within which written consent is required under **section 24(3)**: 10
- Relevant election** means the election last held to fill the office of the vacating member:
- Vacating member** means a member who is vacating the office to which he or she was elected at the relevant election 15
- 7 One consenting candidate**
- (1) If there is only 1 consenting candidate, the Returning Officer must notify the local authority that there was only 1 consenting candidate and of the name of that candidate.
- 8 Void votes** 20
- Voting papers to which the provisions of **clause 10 (2) or clause 13 (2)** apply and on which no next preference has been given, are void.

Part B

Original (excluding Mayoral) election for a single member 25

- 9 More than one consenting candidate**
- If there are 2 or more consenting candidates, the Returning Officer must, within 7 days after the end of the consent period, ascertain in accordance with this schedule which consenting candidate would otherwise have been elected. 30

- 10 Recounting of votes**
- (1) The Returning Officer must cause a recount to be made of all the votes counted at the relevant election in accordance with the procedures set out in **Part B of Schedule 2** of this Act, as if to fill the vacancy originally filled. 5
- (2) In the recounting, the Returning Officer must cause all first preference votes for the vacating member, and for those candidates who were excluded at the relevant election and who are not consenting candidates in respect of a recount under this Part, to be transferred to and counted as first preference votes for the consenting candidates first or next in the order of the voters' respective preferences. 10
- 11 Notification of result**
- The Returning Officer must prepare and sign a certificate, in respect of the indicative recount, containing the information required by **section 19(1)**, and must forward that certificate to the local authority. 15

Part C

Original election for more than one member

- 12 More than one consenting candidate** 20
- (1) If there are 2 or more consenting candidates, the Returning Officer must, within 7 days after the end of the consent period, ascertain in accordance with this schedule which consenting candidate would otherwise have been elected.
- (2) Where, either during or subsequent to the consent period, but before an indicative recount is carried out under this Part, the Returning Officer receives notice of a requirement to conduct a further indicative recount in respect of a further extraordinary vacancy, the recount must be conducted to find which 2 consenting candidates would otherwise have been elected. 25
30
- 13 Recounting of votes**
- (1) The Returning Officer must cause a recount to be made of all the votes counted at the relevant election in accordance with the procedures set out in **Part B of Schedule 2**, as if to fill all vacancies originally filled. 35
- (2) In the recounting, the Returning Officer must cause all first preference votes for the vacating member or members, and for

**Local Elections (Single
Transferable Vote Option)**

those candidates who were excluded at the relevant election and who are not consenting candidates in respect of a recount under this Part, to be transferred to and counted as first preference votes for the remaining members elected at the relevant election and for the consenting candidates first or next in the order of the voters' respective preferences. 5

- (3) Subject to the requirement that no remaining member elected at the relevant election is excluded, the Returning Officer must cause the votes to be recounted until a number of consenting candidates equal to the number of vacancies to be filled would, had the count been conducted in respect of an election, be elected. 10

14 Notification of result

The Returning Officer must prepare and sign a certificate, in respect of the indicative recount, containing the information required by **section 19(1)**, and must forward that certificate to the local authority. 15

s 33(1)

Schedule 4 Enactments amended

Local Government Act (1974 No 25)

Insert in section 101L, after subsection (3), the following subsections:

5

“(3A) In making any determination under subsection (1) or subsection (2) or subsection (3), the council and, where appropriate, the Commission must have regard to the voting method to be used at the next general election of the territorial authority or regional council.

10

“(3B) In **subsection (3A), voting method** means—

“(a) the first-past-the-post system as provided in the Local Elections and Polls Act 1976; or

“(b) the single transferable vote system as provided in the **Local Elections (Single Transferable Vote Option) Act 2000**.

15

“(3C) Subject to subsections (2), (3) and **(3A)** and except as provided in subsection (4), the council and, where appropriate, the Commission must ensure that, so far as is practicable, the number of members to be elected by the electors of any ward at elections held under the **Local Elections (Single Transferable Vote Option) Act 2000** is no fewer than 3.”

20

Insert in section 101P, after subsection (2), the following subsection:

“(2A) Notwithstanding anything to the contrary in subsection (2), where the immediately preceding triennial general election of the regional council was held under the **Local Elections (Single Transferable Vote Option) Act 2000**, the election of a Chairperson under subsection (1) must be conducted, with all necessary modifications, in accordance with **Part 2** of that Act.”

25

Insert in section 101U, after subsection (3), the following subsection:

30

“(3A) Where the immediately preceding triennial general election of the territorial authority or regional council was held under the **Local Elections (Single Transferable Vote Option) Act 2000**, the election required by subsection (1) or subsection (2), as the case may be, must be conducted, with all necessary modifications, in accordance with **Part 2** of that Act.”

35

Repeal paragraph (b) of section 101ZC (1), and substitute the following paragraph:

Local Government Act—continued

“(b) that the vacancy is to be filled by the appointment of a person named in that resolution, who must be a person qualified to be elected to be a member of the territorial authority or regional council who has given his or her written consent to that appointment; or”.

Omit from section 101ZC (5) the words “an appointment to be made by the local authority”, and substitute the words “the appointment of a person named in the resolution”.

Add to section 101ZC the following subsection: 10

“(6) Where a territorial authority or regional council gives public notice under subsection (5) of an appointment under **subsection (1)(b)**, that public notice must include a statement of the basis on which the person to be appointed was selected.”

Omit from section 101ZD (2) the words “make an appointment to fill the vacancy”, and substitute the words “confirm the appointment of the person named in the resolution under **section 101ZC (1)(b)**”.

Insert in section 101ZD, after subsection (2), the following subsection:

“(2A) Where, before the meeting referred to in subsection (2), any person appointed under **section 101ZC (1)(b)**— 20

“(a) dies or becomes incapable under any Act of holding the office to which he or she is to be appointed; and

“(b) would, but for that death or incapacity, have been confirmed in that appointment at that meeting,— 25

the provisions of this Act apply as if a fresh extraordinary vacancy had occurred in that office.”

Insert in section 101ZR, after subsection (2), the following subsection:

“(1) Where an extraordinary vacancy occurs in respect of an elected member of a community board elected under the **Local Elections (Single Transferable Vote Option) Act 2000**, the board may direct that an indicative recount pursuant to **section 24** of that Act be held to ascertain the candidate to be appointed under subsection (2) to fill the vacancy.” 30 35

Add to section 114K the following subsection:

“(3) Notwithstanding anything to the contrary in subsection (1), where the immediately preceding triennial general election of the local authority was held under the **Local Elections (Single Transferable Vote Option) Act 2000**, the local authority or the 40

Local Government Act—continued

committee, as the case may be, must conduct any election held under subsection (1), with all necessary modifications, in accordance with **Part 2** of that Act.”

Insert in section 114P, after subsection (2), the following subsections: 5

“(2A) A local authority or committee, as the case may be, may, if necessary, conduct an election for the purpose of appointing any committee or subcommittee, or any member or members to a committee or subcommittee, under this section. 10

“(2B) Notwithstanding anything in section 114J, the voting method to be used at any election held under **subsection (2A)** must either,—

“(a) in cases where the immediately preceding triennial general election of the local authority was held under the Local Elections and Polls Act 1976, be the first-past-the-post system as provided in that Act; or 15

“(b) in cases where the immediately preceding triennial general election of the local authority was held under the **Local Elections (Single Transferable Vote Option) Act 2000**, the single transferable vote system or the majority-preferential vote system, as the case may be, as provided in that Act.” 20

Sale of Liquor Act (1989 No 25)

Insert in section 196, after subsection (4), the following subsection: 25

“(4A) Where the immediately preceding triennial general election of the licensing trust was held under the **Local Elections (Single Transferable Vote Option) Act 2000**, the election of a president under subsection (1) must be conducted, with all necessary modifications, in accordance with **Part 2** of that Act.” 30

Omit paragraph (c) of section 202 (1), and substitute the following paragraph:

“(c) that the vacancy is to be filled by the appointment of a person named in that resolution, who must be a person qualified to be elected to be a member of the licensing trust who has given his or her written consent to that appointment.” 35