

Local Electoral (Abolition of the Ratepayer Roll) Amendment Bill

Member's Bill

Explanatory note

General policy statement

Local government plays a key role in our democratic system. It gives people a voice in the leadership of their communities and in the governance of services and publicly owned assets. All eligible New Zealanders deserve the right to vote and to have an equal say in local government. This Bill intends to level the playing field of local democracy by ensuring all those eligible to vote in New Zealand get equal representation in local government elections by abolishing the ratepayer roll. Currently, the two-tier voting system of residential and ratepayer electors give those that own multiple properties the right to extra votes depending on the location of those properties. For example, someone that owns a property in Wellington and a property in Auckland would be able to vote in each of the Auckland Council, Wellington City Council, and Greater Wellington Regional Council elections. This results in people with the means to own multiple properties having more of a say in who represents them across the country. While the practice of voting in multiple electorates was abolished for general elections in the 1890s, this has not been extended to local elections. This Bill fixes this and ensures equal representation at local body elections.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides that this Bill will come into force on the day after the date on which it receives the Royal assent.

Part 1

Amendments to the Local Electoral Act 2001

Clause 3 provides that Part 1 of the Bill amends the Local Electoral Act 2001 (the **principal Act**).

Clause 4 amends section 20 of the principal Act by replacing the reference to ratepayer electors in favour of electors generally and removes the right to vote as a ratepayer elector.

Clause 5 repeals section 24 which sets out the qualifications to vote as a ratepayer elector.

Clauses 6 to 9 amend sections 24A, 24D, 30 and 38 of the principal Act by removing references to ratepayer electors.

Clause 10 repeals section 39 which sets out the requirement to publicise the procedure for enrolment on the ratepayer roll.

Clause 11 repeals section 41 which sets out the requirement that the Electoral Commission supply certain information to an electoral officer for the purpose of determining whether a person is enrolled as a ratepayer elector.

Clause 12 removes the requirement for the electoral officer to use applications from ratepayer electors to complete the electoral roll by replacing the text of section 45 of the principal Act to refer only to the computer-compiled list.

Clause 13 amends section 46 of the principal Act which allows the electoral officer discretion to remove ratepayer electors from the electoral roll for failing to meet the qualifications.

Clause 14 amends section 47 of the principal Act to remove the ability of the electoral officer to amend the roll to allow any person who was a ratepayer elector to be included as a residential elector as ratepayer electors will no longer be included on the roll.

Clause 15 repeals section 48 which gives the ability to object to the roll on the basis of a person's qualifications as a ratepayer elector.

Clause 16 repeals section 49 which gives a consequential ability to appeal a decision made under section 48 to the District Court.

Clause 17 amends section 142 of the principal Act to remove references to ratepayer electors.

Part 2

Consequential amendments

Subpart 1—Amendments to the Local Government Act 2002

Clause 18 provides that this subpart of the Bill amends the Local Government Act 2002 (the **principal Act**).

Clause 19 replaces the text of section 132 of the principal Act to remove ratepayer electors from the list of those eligible to vote in referenda regarding small water services.

Clause 20 amends the definition of affected elector to include only those qualified under section 23 of the Local Electoral Act 2001.

Subpart 2—Amendment to the Local Government Act 1974

Clause 21 provides that this subpart of the Bill amends the Local Government Act 1974 (the **principal Act**).

Clause 22 amends the definition of elector in clause 2 of schedule 3 of the principal Act to include only those eligible under section 23 of the Local Electoral Act 2001.

Subpart 3—Amendments to the Local Electoral Regulations 2001

Clause 23 provides that this subpart of the Bill amends the Local Electoral Regulations 2001 (the **principal Regulations**).

Clause 24 removes administrative closing dates for inclusion on the ratepayer roll by amending regulation 10 of the principal Regulations.

Clause 25 amends regulation 11 which sets out the requirement to include certain details on the electoral roll that relate to ratepayer electors.

Clause 26 repeals regulations 15 to 20 which set out the administrative and procedural requirements for enrolment as a ratepayer elector.

Clause 27 amends regulation 30 which sets out the notice requirements to electors of an election or poll to remove the reference to ratepayer electors.

Clause 28 repeals regulation 41 which allows the electoral officer to consider the qualification to vote of an elector whose residential address is outside the local government area.

Clause 29 repeals schedule 1 which sets out the application form for enrolment as a ratepayer elector.

Greg O'Connor

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**Part 2
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The Parliament of New Zealand enacts as follows:

- 1 Title**
- This Act is the Local Electoral (Abolition of the Ratepayer Roll) Amendment Act **2024**.
- 2 Commencement** 5
- This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1
Amendments to the Local Electoral Act 2001**

- 3 Principal Act** 10
- This Part amends the Local Electoral Act 2001.
- 4 Section 20 amended (Right to vote in election or poll)**
- (1) In section 20(1), after “residential elector” delete “or a ratepayer elector” at each instance.

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- (2) Repeal section 20(3).
- 5 Section 24 repealed (Ratepayer electors)**
Repeal section 24.
- 6 Section 24A amended (Electors of Māori wards)**
Repeal section 24A(2) and (4). 5
- 7 Section 24D amended (Electors of Māori constituencies)**
Repeal section 24D(2) and(4).
- 8 Section 30 amended (Requirements for valid demands)**
Repeal section 30(2)(d).
- 9 Section 38 amended (Compilation of electoral roll)** 10
In section 38(3)(a) after “residential elector” delete “and ratepayer elector”
- 10 Section 39 repealed (Public notice of procedures for enrolment as ratepayer on electoral roll)**
Repeal section 39.
- 11 Section 41 repealed (Supply of information by Electoral Commission)** 15
Repeal section 41.
- 12 Section 45 repealed (Completion of electoral roll)**
Repeal section 45.
- 13 Section 46 amended (Removal of names from electoral roll)**
In section 46(1), delete “if, to the knowledge of the electoral officer, that 20
person is no longer qualified in respect of the property for which that person
was enrolled”.
- 14 Section 47 amended (Amendments to the roll)**
Repeal section 47(3).
- 15 Section 48 repealed (Objections to roll)** 25
Repeal section 48.
- 16 Section 49 repealed (Appeals to the District Court in respect of roll)**
Repeal section 49.
- 17 Section 142 amended (Electoral rolls)**
- (1) Replace section 142 (1)(b) with: 30

- (b) requirements for electors to complete and deliver specified information (whether as a condition of enrolment or otherwise):
- (2) Repeal section 142(1)(d) and (e).

Part 2 Consequential amendments

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Subpart 1—Amendments to Local Government Act 2002

18 Principal Act

This subpart amends the Local Government Act 2002.

19 Section 132 replaced (Eligibility to vote in referendum)

Replace section 132 with:

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132 Eligibility to vote in referendum

A person is eligible to vote in a referendum conducted under section 131(2)(d) if the person is qualified as a residential elector under section 23 of the Local Electoral Act 2001 and the address in respect of which the person is registered as a parliamentary elector is a property serviced by the water service that is the subject of the referendum.

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20 Schedule 3 amended (Reorganisation of local authorities)

In schedule 3, clause 2, replace the definition of **affected elector** with:

affected elector means a person who is an elector (within the meaning of section 23 of the Local Electoral Act 2001), if the address in respect of which the person is registered is in an affected area

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Subpart 2—Amendment to Local Government Act 1974

21 Principal Act

This subpart amends the Local Government Act 1974.

22 Section 2 amended (Interpretation)

In section 2(1), definition of **elector**, delete “or section 24”.

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Subpart 3—Amendments to Local Electoral Regulations 2001

23 Principal regulations

This subpart amends the Local Electoral Regulations 2001.

24 Regulation 10 amended (Relevant date for inclusion of electors on roll)

Repeal regulation 10(2) and (4).

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- 25 Regulation 11 amended (What electoral roll must include)**
- (1) Repeal regulation 11(1)(b) and regulation 11(2)(b).
 - (2) In regulation 11(3) replace “residential electors and ratepayer electors” with “electors”.
- 26 Regulations 15 to 20 repealed** 5
- Repeal regulations 15 to 20.
- 27 Regulation 30 amended (Further notice to electors of election or poll)**
- In regulation 30, replace “either a residential elector or a ratepayer elector” with “an elector”.
- 28 Regulation 41 repealed (Residential address outside local government area)** 10
- Repeal regulation 41.
- 29 Schedule 1 repealed (Enrolment form for ratepayer electors)**
- Repeal schedule 1.