

House of Representatives

Supplementary Order Paper

Tuesday, 25 July 2023

Local Government Electoral Legislation Bill

Proposed amendments to SOP No 358

Golriz Gharaman, in Committee, to move the following amendments:

Clause 4

In the amendment to *clause 4*, after *new subclause (2)* (page 1), insert:

- (3) In section 5(1), replace the definition of **electoral system** with:
- electoral system** means any of the following prescribed electoral systems:
- (a) for use at an election, the system commonly known as Single Transferable Voting (STV) using the New Zealand method of counting single transferable votes:
 - (b) for use in a poll,—
 - (i) the system commonly known as First Past the Post:
 - (ii) the system commonly known as Single Transferable Voting (STV) using the New Zealand method of counting single transferable votes

New clause 4A

After the amendment to *clause 4* (page 2), insert:

New clause 4A

After *clause 4* (page 5, after line 13), insert:

4A Section 5A replaced (General description of First Past the Post electoral system)

Replace section 5A with:

5A General description of First Past the Post electoral system

For local electoral purposes, in the case of a poll, the First Past the Post electoral system has the following features:

- (a) voters may cast as many votes as there are polls being conducted at the same time:
- (b) the position that receives the highest number of votes in each poll is successful.

New clauses 23A, 24A to 24G, and 29A

After the amendment to *clause 16* (page 3), insert:

Clauses 23A to 23E

Replace *clauses 23A to 23E* (page 12, line 11 to page 12, line 32) with:

23A Sections 27 to 34 and cross-heading replaced

Replace sections 27 to 34 and the cross-heading above section 27 with:

Electoral system for elections

27A Electoral system for elections

- (1) Every triennial general election of a local authority and its local boards or community boards (if any), and any associated election, must be conducted using the electoral system commonly known as Single Transferable Voting.
- (2) In this section, **associated election**, in relation to any 2 successive triennial general elections of a local authority (and its local boards or community boards (if any)), means—
 - (a) any election to fill an extraordinary vacancy in the membership of the body concerned that is held—
 - (i) between those elections; or
 - (ii) after the second of those elections but before the subsequent triennial general election:
 - (b) an election of the members of the body concerned called under section 258I or 258M of the Local Government Act 2002 that is held—
 - (i) between those elections; or
 - (ii) after the second of those elections but before the subsequent triennial general election.

New clauses 24A to 24G

After *clause 24* (page 12, after line 34), insert:

24A Section 71 amended (Death, incapacity, or invalid or cancelled nomination of candidate)

- (1) Repeal section 71(5).
- (2) In section 71(6), replace “If the electoral system used at the election is Single Transferable Voting, any” with “Any”.

24B Section 75 amended (What voting documents for election must contain)

- (1) Repeal section 75(1)(b).
- (2) In section 75(1)(c), replace “if the Single Transferable Voting electoral system is being used at the election,” with “necessary directions on the process of voting under the Single Transferable Voting electoral system, including”.

24C Section 84 amended (Counting of votes)

- (1) In section 84(2), delete “using either the Single Transferable Voting electoral system or the First Past the Post electoral system”.
- (2) In section 84(5A), delete “using either the Single Transferable Voting electoral system or the First Past the Post electoral system”.

24D Section 88 amended (What happens if same person elected as mayor and another member)

- (1) Repeal section 88(2).
- (2) In section 88(3), delete “and the elections were conducted using the Single Transferable Voting electoral system”.

24E Section 88B repealed (Amended declaration if election under First Past the Post electoral system)

Repeal section 88B.

24F Section 88C amended (Amended declaration if election under Single Transferable Voting electoral system)

- (1) In the heading to section 88C, delete “**if election under Single Transferable Voting electoral system**”.
- (2) In section 88C, delete “and the elections were conducted using the Single Transferable Voting electoral system”.

24G Section 88D amended (Application of provision relating to petition for inquiry)

In section 88D, delete “section 88B or”.

New clause 29A

After *clause 29* (page 14, after line 33), insert:

29A Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)

- (1) In section 138A(1), delete “section 33(3) and”.
- (2) In section 138A(1)(a),—
 - (a) delete “section 30(4), section 31(3), or”:
 - (b) replace “for the poll under section 33, or for the election under section 120(1),” with “for the election under section 120(1)”.
- (3) In section 138A(1)(b),—
 - (a) delete “section 30(4), section 31(3), or”:
 - (b) replace “for the poll under section 33, or for the election under section 120(1),” with “for the election under section 120(1)”.
- (4) In section 138A(1)(c),—
 - (a) delete “section 30(4), section 31(3), or”:
 - (b) replace “for the poll under section 33, or for the election under section 120(1),” with “for the election under section 120(1)”.

Explanatory note

This Supplementary Order Paper amends Supplementary Order Paper No 358 amending the Local Government Electoral Legislation Bill. It would provide that the electoral system to be used in local elections is the Single Transferable Voting method. Currently, different local areas may use either Single Transferable Voting or First Past the Post. This will create consistency nationwide, in favour of the more proportional of the two methods.