

// SUBMISSION



THE INTERIM REPORT OF THE INDEPENDENT ELECTORAL REVIEW

// Local Government New Zealand's submission

// JULY 2022



Ko Tātou LGNZ.

Local Government New Zealand (LGNZ) provides the vision and voice for local democracy in Aotearoa, in pursuit of the most active and inclusive local democracy in the world. We support and advocate for our member councils across New Zealand, ensuring the needs and priorities of their communities are heard at the highest levels of central government. We also promote the good governance of councils and communities, as well as providing business support, advice, and training to our members.

Key points

Local Government New Zealand (LGNZ) welcomes the opportunity to submit on the interim report of the Independent Electoral Review. LGNZ's vision is for local government in Aotearoa New Zealand to be the world's most active and inclusive local democracy so we're actively thinking about what we can do to strengthen local democracy and increase diverse participation. Removing barriers to people voting and participating helps build a thriving democracy – as does creating genuinely safe environments for people to meaningfully contribute.

Local Government is a critical layer of our democratic landscape, which means local government elections are just as important as parliamentary elections. While local electoral legislation is out of scope of this review, the legislation, arrangements, and conventions that govern parliamentary elections have much in common with those for local government elections. Aligning both systems would improve participation in all elections, as well as reducing confusion for voters and system administrators. It is crucial that local government elections are recognised and supported, so that councils reflect and are relevant to the communities they serve. This will grow trust and participation in all our democratic systems. We want to see this need for alignment explicitly recognised in the final report of the review.

These are key areas where the draft report's recommendations and local electoral legislation and arrangements should be aligned:

- // Any modernisation of electoral law needs to include local electoral law. Common approaches should be preferred as much as possible.
- // Requirements for decision-makers to give effect to Te Tiriti should be consistent across general elections and local elections.
- // LGNZ strongly supports a shift to a four-year electoral term for both central and local government.
- // Improving voter participation should focus on both general and local elections.

Our submission

Any modernisation of electoral law needs to include local electoral law

Although this review excludes direct consideration of local elections, there is a high degree of commonality between the architecture of the Electoral Act 1993 and the Local Electoral Act 2001, as well as related secondary legislation. Any modernisation of the drafting of the Electoral Act should aim to maintain this commonality in architecture, such as what is determined by primary or secondary legislation, unless there was good reason for taking a different approach in the Local Electoral Act.

Redrafting the Local Electoral Act could be done at the same time as implementing policy changes proposed by this review. However, any changes must also align with policy changes adopted in the response to the Future for Local Government Review.

Changes to both the Electoral and Local Electoral Acts need to take account of the timing of general and local elections.

Requirements to give effect to Te Tiriti should be consistent for parliamentary and local elections

Any explicit requirement to give effect to Te Tiriti o Waitangi in parliamentary election arrangements should apply equally to decision-makers under local electoral legislation, including the Local Government Commission. This would be consistent with and support current changes being made through the Local Government Electoral Legislation Bill to arrangements for Māori Wards and Constituencies.

This would also be consistent with our wider call for a review of all statutes pertaining to local government's obligations under Te Tiriti o Waitangi, to develop a clear and consistent legislative framework that directs councils on how to give effect to the principles of Te Tiriti.

This would provide a wider context and support the current changes being made

Any change to the parliamentary term should be replicated for local government

LGNZ strongly supports a shift to a four-year electoral term – for both local government and parliament. This will help governments and local governments to implement longer-term, strategic policies – rather than current short-term decision-making. We think this will help to build stronger interest in the outcomes of elections, as longer terms will enable central and local government to get more done and deliver better outcomes for communities.

The report helpfully points out the challenge of having two different terms for local government and central government and seeks that any proposed changes to a parliamentary term, including a referendum, should provide for consistent arrangements for local government. We support that.

Voter eligibility criteria should remain consistent

Our members have diverse views on the appropriateness or otherwise of lowering the voting age, and the age of eligibility to be a candidate. Our members do agree that any change in the voting age needs to be supported with good civics education. If the voting age is lowered to 16, most young people will still be at school, making civics education more immediately relevant. This could also provide opportunities for the voting process to be embedded into the curriculum.

Regardless of what gets determined around the eligible voting age, LGNZ supports maintaining consistency between general elections and local government elections. This is currently the approach in the Local Electoral Act.

Changes to the age of eligibility for candidates could have implications for candidacy for Licensing Trusts, where there may be a need to maintain consistency with the legal age of purchase of alcohol.

Split roll registration needs to be implemented carefully

While LGNZ does not have a view either way on the proposed recommendation to allow anyone of Māori descent to be registered simultaneously on one roll for general elections and a different roll for local elections (recommendation 26), this could result in increased complexity, confusion, and administration requirements. These implications, including on the administration of local elections, need to be carefully thought through and appropriate mitigations may need to be put in place.

Improving voter participation should focus on both general and local elections

We strongly support improving voter participation – and this should focus on both general and local elections. To achieve this, we strongly support the proposed expansion of community-led initiatives (with funding support from central government) to support citizens to understand why voting is important in a democratic system.

Local government and organisations such as LGNZ that have a strong interest in this area should be eligible for such funding, and should be involved in the design of the model.

The Electoral Commission should administer local elections

Local and regional councils are responsible for administering their own local elections. Councils appoint an electoral officer to conduct elections under the provisions of the Local Electoral Act. Most local authorities currently employ independent contractors in the role of electoral officers to run their election process. Councils are also responsible for communicating and promoting their local elections.

We recommend that alongside other changes to their settings, the Electoral Commission should be made responsible for the administration of local elections. That should include design and oversight, standard setting, promotion of elections (while allowing local councils to customise campaigns to suit local needs), specific initiatives to encourage diversity of candidates, determination of the election method, and conduct of the election process.

If this recommendation is adopted, then it's critical that the Electoral Commission's board is specifically required to collectively have knowledge and experience of local government.



Proposed changes to central government boundary reviews can have problematic impacts for local government

LGNZ notes the earlier submission on this review from the Local Government Commission on the potential implications of changes to central government representation reviews on representation reviews for local government. While we defer to them on this matter, we urge that these impacts are avoided if possible, or mitigated if not.

Safeguards for electoral system's integrity must be consistent between local and general elections

The integrity of elections is critical – and general elections and local elections should have consistent approaches. In implementing recommendations relating to chapter 18: Electoral Offences, Enforcement and Dispute Resolution, and Chapter 19: Security and Resilience, thought should also be given to any changes needed to the local electoral system to maintain consistency.



Conclusion

We welcome the opportunity to work with the review on the recommendations and issues raised in our submission. We think our recommendations will help to ensure that the good work of the review can enhance the local electoral system as well as further meet the wider objectives of the review. We hope that successive Governments will seriously consider and adopt the recommendations that this review makes. For further information or if we can be of any assistance, please contact Simon Randall, Policy and Advocacy Manager, simon.randall@lgnz.co.nz.