

CONFIDENTIAL MEMORANDUM

TO: Council

MEETING DATE: 28 October 2020

TITLE: By-Election considerations

PRESENTED BY: Hannah White, Democracy and Governance Manager

APPROVED BY: David Murphy, Acting General Manager - Strategy and Planning

It is recommended that this report be considered with the public excluded, as permitted by the Local Government Official Information and Meetings Act 1987 under clause:

s7(2)(b)(ii) Third Party Commercial - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information

RECOMMENDATION FOR PUBLIC RELEASE

Once the associated companies and Electoral Officer have been informed of the resolution.

RECOMMENDATIONS TO COUNCIL

1. To receive the report By-election considerations dated 28 October 2020.
 2. To note a by-election for one vacant seat will be held 17 February 2021.
 3. To approve an unbudgeted expense to run the by-election of up to \$155,000 +GST
 4. To confirm Warrick Lamm of Electionz as Electoral Officer for the 17 February 2021 by-election.
 5. To authorise the Chief Executive to negotiate a contract with DX Mail.
 6. To publicly release the decisions and report "By-Election considerations" to Council, 28 October 2020 once associated companies have been informed of resolutions 1-4 inclusive.
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1. ISSUE

- 1.1 As a consequence of the result of the general election of 17 October, the Chief Executive has received the resignation of Deputy Mayor Tangi Utikere. This opens an extraordinary vacancy on Council.
- 1.2 The Local Electoral Act 2001 117(1) states that should an extraordinary vacancy become available more than one year before the next local election that a by-election must be held to fill the vacancy.

2. BACKGROUND

Date of By-Election

- 2.1 The Local Electoral Act (LEA) 2001 holds that should a resignation be received between 28 September and 20 November in a given year, that the subsequent by-election will be held 17 February the following year.
- 2.2 Noting that, while the [Epidemic Preparedness \(COVID-19\) Notice 2020](#) is in force, the Chief Executive may defer giving notice of the vacancy to the electoral officer should sufficient public health needs arise or by Order in Council (LEA 2001, 73AB), which may be used to defer dates within the process should there be reason outside of the Notice period.
- 2.3 If only one candidate expresses interest in the position no election will be required.

Cost of By-Election

- 2.4 The costs of a by-election are made of electoral services (including electoral officer, vote processing and subcontracting of printing voter packs), postal services, other minor costs such as electoral insurance, public notices, and the encouragement of voter participation.
- 2.5 Council's contracted Electoral Officer is Warwick Lampp of Electionz.
- 2.6 A significant part of the cost of a by-election is due to the nature of the postal ballot in an at-large system. For this reason, officers have considered postal service alternatives and propose negotiating a direct contract with DX Mail. DX Mail have worked with Council for over a decade and are specifically contracted to deliver rating advice. Their proposal provides assurance that the necessary service will be provided at a significant discount to the previously subcontracted service through NZ Post.
- 2.7 Noting that the Chief Executive has the responsibility under the Local Government Act 2002 42(2)(da) to facilitate and foster representative and substantial

participation in elections and polls held under the Local Electoral Act 2001, there are also costs of advertising to encourage candidate nominations and to get out the vote. This has been estimated internally at \$14,000. The plan focuses on ensuring a diverse range of electors and candidates are reached at limited cost

3. NEXT STEPS

- 3.1 Public notice of a by-election will be placed with a call for candidates on 24 November 2020.
- 3.2 Candidate nominations will close 22 December 2020.
- 3.3 Voting papers will be to electors by 31 January, for postal ballot until 17 February 2021.
- 3.4 The result of the election to be declared 20 February 2021.

4. COMPLIANCE AND ADMINISTRATION

Does the Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council’s policies or plans?	No
The recommendations contribute to Goal 5: A Driven and Enabling Council	
The recommendations contribute to the outcomes of the Driven and Enabling Council Strategy	
The recommendations contribute to the achievement of action/actions in Choose an item. The action is: n/a	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	Filling of the extraordinary vacancy is a requirement of the Local Electoral Act 2001. Ensuring electors and candidates are aware of the by-election contributes to a representative Council.

ATTACHMENTS

Nil