

## **Local Electoral Act - Statutory provisions and guidelines**

The Local Electoral Act (LEA) prescribes the process and timeline that councils are required to follow when undertaking a representation review. Part 1A of the LEA sets out the requirements for a review of the representation arrangements by a territorial authority. When establishing Māori ward(s), the provisions of Schedule 1A substitute the Part 1A provisions, as required.

In addition to the specific requirements of Part 1A and Schedule 1A LEA, territorial authorities must also consider other relevant provisions of the LEA, including the purpose of the Act (to allow diversity, through local decision-making) and the following principles specified in section 1 LEA:

- Representative and substantive electoral participation in local elections and polls;
- Fair and effective representation for individuals and communities;
- Reasonable and equal opportunities to vote and nominate, or be nominated as candidates;
- Public confidence in, and public understanding of, local electoral processes.

### **Considerations and principles**

The LGC has issued guidelines for local authorities to consider when undertaking representation of reviews. These guidelines identify the key principles to be considered when conducting a review. These key principles are:

- Identifying communities of interest;
- Effective representation of electors (the optimal number of councillors);
- Fair representation of electors (compliance with the +/- 10% rule).

#### Identifying Communities of Interest

The district's land use is predominantly rural with supporting service towns. The largest residential concentrations are Kaitiāia, Kaikohe and Kerikeri.

During the review process, Council has considered the following factors when identifying the districts communities of interest:

- Current and historic boundaries and whether these are still relevant to the district;
- Changes to communities over time;
- Housing and development patterns and urban growth;
- Physical, geographical and topographical features and the issues faced by the communities in relation to these features (urban vs coastal issues);
- Similarities in the demographic and socio-economic characteristics of the residents of a community;
- Provision of goods and services and support to communities.

#### Effective representation of electors

When considering effective representation, Council must determine:

- The number of councillors to be elected to the Council;
- The basis of election of councillors - whether councillors are elected by wards or by the district as a whole (at-large) or by a mixture of wards and at large voting;

- If elected by wards, the number, boundaries and names of these wards and the number of councillors that will represent each ward;
- Whether to have community boards, and if so, how many, their boundaries and membership.

Currently the district is represented by 9 councillors elected from three wards, plus the mayor elected at-large along with 19 community board members elected to subdivisions within the three wards. Traditionally, wards have been based on geographic boundaries and common community interests.

During the review process, Council has considered the following factors when determining effective representation:

- The physical size of the district and the current wards and subdivisions;
- The number of communities of interest;
- The need to meet operational workload requirements of both the Council and individual councillors in attending Council and committee meetings;
- Access by the community to its elected representatives and the ability of councillors to access and engage with the community through public and face-to-face meetings.

#### Fair representation of electors

Fair representation is defined as a democratic model with the following characteristics:

- There is a reasonable ratio of councillors and community board members per head of the population;
- There is an assurance that councillors and community board members are in reasonable geographic proximity to the community for easy contact;
- There is sufficient opportunity for representation and involvement of communities.

Once communities of interest and effective representation have been established, Council must apply the principles of fair representation and ensure the +/- 10% rule is met, if practicable. The +/- 10% rule requires that the population of each ward (if applicable) divided by the number of councillors to be elected by that ward must not exceed +/- 10% of the population of the district divided by the total number of councillors. The same rule applies for community boards at the subdivision level.