

Mā tō tātou takiwā
For our District

Council

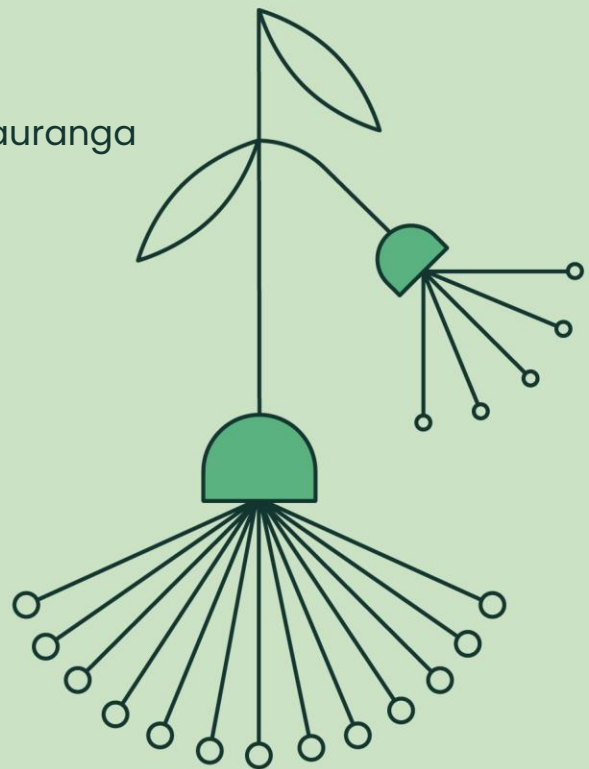
Te Kaunihera

Late Reports

CL24-3

Thursday, 4 April 2024, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



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14 REPORTS

14.1 APPOINTMENT OF ELECTORAL OFFICER

File Number: A6093921

Author: Greer Golding, Governance Manager

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

The purpose of this report is for Council to appoint a new Electoral Officer.

RECOMMENDATION

1. That the Governance Manager's report dated 4 April 2024 titled 'Appointment of Electoral Officer' be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That Western Bay of Plenty District Council appoints Warwick Lampp of Electionz.com as the electoral officer, as provided for under section 12 of the Local Electoral Act 2001.

BACKGROUND

1. Section 12 of the Local Electoral Act 2001 ('the Act') requires all councils to have an Electoral Officer 'at all times'. The Electoral Officer, unless he or she dies, resigns, is dismissed from office, or becomes incapable of acting, remains in office until his or her successor comes into office.
2. Section 13 requires that every electoral officer must appoint a deputy electoral officer. The deputy electoral officer must act as electoral officer if the electoral officer dies, resigns, is dismissed from office, or becomes incapable of acting, and must continue to act until the electoral officer is again capable of acting or a new electoral officer is appointed and comes into office. The deputy electoral officer has all the powers of the electoral officer and must carry out the duties of the electoral officer while the deputy is acting as the electoral officer.
 - Once the Electoral Officer has been appointed, it is anticipated that the Governance Manager will be appointed as the Deputy Electoral Officer.
3. Council has previously had a contract in place with Election Services New Zealand Limited where the director Dale Ofsoske was appointed as the Electoral Officer.
4. The contract came to an end in June 2023, and at that time Council went out to the market to procure an election services provider to take necessary steps for the

conduct of the triennial general election of the District's members to be held October 2025, conduct any by-election, if required, and to provide any general electoral consultancy services during the period early 2024 to 30 June 2026.

5. Electionz.com has been appointed as the election services provider until 30 June 2026.
6. Section 14(5) provides that the Chief Executive of a local authority must not be appointed as an electoral officer, deputy electoral officer or an electoral official unless the local authority is satisfied that no other course of action is reasonably practicable in the circumstances.
7. It is important for Council to note that section 14(1) of the Local Electoral Act provides that, once appointed, the electoral officer and other electoral officials are not subject to the direction of the Council in the exercising of powers or the carrying out of duties.
8. Apart from the above requirements, there are no other restrictions on the appointment of an electoral officer. The appointee may be a local authority officer but does not have to be.
9. General Duties and Responsibilities of an Electoral Officer are set out in section 15 of the Act which states the general duties and responsibilities of an electoral officer as:
 - the compilation and certification of electoral rolls;
 - the publication of any public notice relating to elections and polls and the calling of nominations, required to be given;
 - receiving nominations, candidate profile statements, and deposits required to be paid;
 - issuing and receiving ordinary and special votes and other official documents;
 - the processing and counting of votes;
 - the declaration of results;
 - receiving returns of electoral expenses; and
 - investigating possible offences and reporting alleged offences to the police.

SIGNIFICANCE AND ENGAGEMENT

10. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

11. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
12. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because while the election service effects the whole community, the requirements for the election process is set out in the Local Electoral Act 2001.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

13. Statutory requirement of section 12 of the Local Electoral Act 2001, therefore no engagement or consultation is required.

ISSUES AND OPTIONS ASSESSMENT

Council appoints Warwick Lamm of Electionz.com as the electoral officer	
Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002	Legislative or other reference
There is a legislative requirement to appoint an Electoral Officer under section 12 Local Electoral Act 2001.	Section 12 Local Electoral Act 2001

STATUTORY COMPLIANCE

14. Requirement to appoint an Electoral Officer is outlined in the background of this report.

FUNDING/BUDGET IMPLICATIONS

15. This contract is budgeted for in the Long Term Plan.