

## APPENDIX 2 – TIMEFRAMES AND STATUTORY PROVISIONS

### Timeframes for change of electoral system

By 12 September 2023	Local authority resolution on electoral system – optional (sections 27, 32 Local Electoral Act (LEA))
By 19 September 2023	Public notice on electoral system – mandatory (sections 28, 32 LEA)
By 21 February 2024	Last date to receive a demand for a poll on the electoral system for the 2025 elections (sec 30 LEA)  Last date for local authority to resolve to hold poll on electoral system for the 2025 and 2028 elections (sec 31, LEA)
By 21 May 2024	Last date to conduct a poll on the electoral system for the 2025 elections (sec 33, LEA)

Section 27(4): added, on 25 December 2002, by section 9(4) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 27(4): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 27(4)(b): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

## **28 Public notice of right to demand poll on electoral system**

- (1) Every local authority must, not later than 19 September in the year that is 2 years before the year in which the next triennial general election is to be held, give public notice of the right to demand, under section 29, a poll on the electoral system to be used for the elections of the local authority and its local boards or community boards (if any).
- (2) If the local authority has passed a resolution under section 27 that takes effect at the next triennial election, every notice under subsection (1) must include—
  - (a) notice of that resolution; and
  - (b) a statement that a poll is required to countermand that resolution.
- (2A) Despite subsections (1) and (2), if, on or before the date referred to in subsection (1), the local authority has passed a resolution under section 31 and has specified a date for the holding of the poll that is on or before 21 May in the year before the next triennial general election, subsection (1) does not apply.
- (3) This section is subject to section 32.

Section 28(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 28(1): amended, on 25 December 2002, by section 10(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 28(2): amended, on 25 December 2002, by section 10(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 28(2A): inserted, on 25 December 2002, by section 10(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

## **29 Electors may demand poll**

- (1) A specified number of electors of a local authority may, at any time, demand that a poll be held on a proposal by those electors that a specified electoral system be used at the elections of the local authority and its local boards or community boards (if any).
- (2) This section is subject to section 32.
- (3) In this section and sections 30 and 31,—

**demand** means a demand referred to in subsection (1)

**specified number of electors**, in relation to a local authority, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous general election of the local authority.

Section 29(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 29(1): amended, on 25 December 2002, by section 11 of the Local Electoral Amendment Act 2002 (2002 No 85).

### **30 Requirements for valid demand**

- (1) A demand must be made by notice in writing—
  - (a) signed by a specified number of electors; and
  - (b) delivered to the principal office of the local authority.
- (2) An elector may sign a demand and be treated as one of the specified number of electors only if—
  - (a) the name of that elector appears,—
    - (i) in the case of a territorial authority, on the electoral roll of the territorial authority; and
    - (ii) in the case of any other local authority, on the electoral roll of any territorial authority or other local authority as the name of a person eligible to vote in an election of that local authority; or
  - (b) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a),—
    - (i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and
    - (ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the local authority; or
  - (c) the address given by the elector who signed the demand is—
    - (i) confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector; and
    - (ii) within the district of the local authority; or
  - (d) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the local authority.
- (3) Every elector who signs a demand must state, against his or her signature,—
  - (a) the elector's name; and
  - (b) the address for which the person is qualified as an elector of the local authority.
- (3A) If a valid demand is received after 21 February in the year before the next triennial general election, the poll required by the demand—

- (a) must be held after 21 May in that year; and
  - (b) has effect in accordance with section 34(2) (which provides that the poll has effect for the purposes of the next but one triennial general election of the local authority and the subsequent triennial general election).
- (4) The chief executive of the local authority must, as soon as is practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with section 29 and this section.
- (5) This section is subject to section 32.

Section 30(1)(b): substituted, on 25 December 2002, by section 12(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 30(2)(b)(i): amended, on 1 July 2012, by section 58(5) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 30(2)(c)(i): amended, on 21 March 2017, by section 114 of the Electoral Amendment Act 2017 (2017 No 9).

Section 30(3A): inserted, on 25 December 2002, by section 12(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 30(3A): amended, on 26 March 2015, by section 6 of the Local Electoral Amendment Act 2015 (2015 No 19).

Section 30(4): amended, on 25 December 2002, by section 12(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

### **31 Local authority may resolve to hold poll**

- (1) A local authority may, no later than 21 February in the year immediately before the year in which the next triennial general election is to be held, resolve that a poll be held on a proposal that a specified electoral system be used for the elections of the local authority and its local boards or community boards (if any).
- (2) A resolution may, but need not, specify a date on which the poll is to be held.
- (2A) The date specified for the holding of a poll must not be a date that would require deferral of the poll under section 138A.
- (3) The chief executive of the local authority must give notice to the electoral officer of any resolution under subsection (1),—
  - (a) if no date for the holding of the poll is specified in the resolution, as soon as is practicable;
  - (b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that enables the poll to be conducted in accordance with section 33(3).
- (4) This section is subject to section 32.

Section 31(1): substituted, on 25 December 2002, by section 13(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 31(1): amended, on 26 March 2015, by section 7 of the Local Electoral Amendment Act 2015 (2015 No 19).

Section 31(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 31(2): substituted, on 25 December 2002, by section 13(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 31(2A): inserted, on 25 December 2002, by section 13(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 31(3): substituted, on 25 December 2002, by section 13(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

### **32 Limitation on change to electoral systems**

Sections 27 to 31 do not apply if—

- (a) a poll on the proposal described in section 29 or section 31 held under section 33 took effect at the previous triennial general election of the local authority or takes effect at the next triennial general election of the local authority;
- (b) another enactment requires a particular electoral system to be used for the election of members of a local authority.

Section 32(a): substituted, on 25 December 2002, by section 14 of the Local Electoral Amendment Act 2002 (2002 No 85).

### **33 Poll of electors**

- (1) If the electoral officer for a local authority receives notice under section 30(4) or section 31(3), the electoral officer must, as soon as is practicable after receiving that notice, give public notice of the poll under section 52.
- (2) Despite subsection (1), if an electoral officer for a local authority receives 1 or more notices under both sections 30(4) and 31(3), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that the result of those polls would take effect at the same election, and if it is practicable to combine those polls, be combined.
- (3) A poll held under this section must be held not later than 89 days after the date on which—
  - (a) the notice referred to in subsection (1) is received; or
  - (b) the last notice referred to in subsection (2) is received.
- (3A) Subsection (3) is subject to subsection (2), section 30(3A) and section 138A.
- (3B) Voters at a poll held under this section decide the proposal or proposals that are the subject of the poll by voting for one of the electoral systems named in the voting document or, as the case may require, expressing a preference in respect of each of the electoral systems named in the voting document.
- (4) Every poll under this section that is held in conjunction with a triennial general election or held after that election but not later than 21 May in the year immediately before the year in which the next triennial general election is to be held determines whether the electoral system to be used for the next 2 triennial general elections of the local authority and its local boards or community boards (if any) and any associated election is to be—

- (a) the electoral system used at the previous general election of the local authority; or
  - (b) the electoral system specified in any resolution under section 27; or
  - (c) the electoral system specified in any demand submitted within the appropriate period of which the electoral officer has received notice under section 30(4) and, if notice of more than 1 such demand is received, one of the systems specified in those demands and, if so, which one; or
  - (d) the electoral system specified in any resolution of which the electoral officer has received notice under section 31(3).
- (5) Every poll under this section that is held at some other time determines whether the electoral system to be used at the next but one triennial general election of the local authority and its local boards or community boards (if any) and any associated election is to be—
  - (a) the electoral system used at the previous general election of the local authority; or
  - (b) the electoral system specified in any resolution under section 27; or
  - (c) the electoral system specified in any demand submitted within the appropriate period of which the electoral officer has received notice under section 30(4) and, if notice of more than 1 such demand is received, one of the systems specified in those demands and, if so, which one; or
  - (d) the electoral system specified in any resolution of which the electoral officer has received notice under section 31(3).

Section 33(2): substituted, on 25 December 2002, by section 15(1) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(3): amended, on 26 March 2015, by section 8 of the Local Electoral Amendment Act 2015 (2015 No 19).

Section 33(3A): inserted, on 25 December 2002, by section 15(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(3B): inserted, on 25 December 2002, by section 15(2) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(4): substituted, on 25 December 2002, by section 15(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(4): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 33(5): added, on 25 December 2002, by section 15(3) of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 33(5): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

## **34 Effect of poll**

- (1) If a poll is held under section 33 in conjunction with a triennial general election or held after that election but not later than 21 May in the year immediately

before the year in which the next triennial general election is to be held, the electoral system adopted or confirmed must be used—

- (a) for the next 2 triennial general elections:
  - (b) for any associated election:
  - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 27 takes effect or a further poll held under section 33 takes effect, whichever occurs first.
- (2) If a poll is held under section 33 at some other time, the electoral system adopted or confirmed must be used—
- (a) for the next but one triennial general election and the following triennial general election:
  - (b) for any associated election:
  - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 27 takes effect or a further poll held under section 33 takes effect, whichever occurs first.

Section 34: substituted, on 25 December 2002, by section 16 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 34(1)(c): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 34(2)(c): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

### *Electoral systems for polls*

## **35 Electoral systems for polls**

- (1) Every poll conducted for a local authority must be conducted using an electoral system adopted by resolution of the local authority—
- (a) for the purposes of the particular poll; or
  - (b) for the purposes of 2 or more polls that are to be conducted at the same time.
- (2) If a poll is to be conducted for a local authority and there is no applicable resolution, that poll must be conducted using the electoral system commonly known as First Past the Post.