



Local Government Commission

Mana Kāwanatanga ā Rohe

Guidelines

on organising a petition seeking a poll on a final
reorganisation proposal

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Introduction

1. The Local Government Act 2002 sets out a process for the reorganisation of local authorities. When, as part of that process, the Local Government Commission issues a final reorganisation proposal, electors have the opportunity to petition for a poll on the proposal. A poll will be held if 10% or more of the affected electors of any one of the territorial authorities affected by the proposal submit a valid petition. If more than 50% of the votes in the poll support the Commission's final proposal the proposal will be implemented. If 50% or less of the votes support the proposal it will not be implemented.
2. These guidelines provide information for those who are considering organising a petition to seek a poll on a final reorganisation proposal issued by the Local Government Commission.
3. Anyone deciding to organise a petition should also familiarise themselves with the relevant parts of the *Local Government Act 2002* (in particular clause 24, Schedule 3) and the *Local Government (Prescribed Form for Petition to Require Poll to Determine Whether or Not Final Proposal for Local Government Reorganisation Scheme to Proceed) Regulations 2014*. Clause 24 and the Regulations are reproduced at the end of these guidelines (See Appendix A and Appendix B).
4. The statutory rules described in these guidelines are binding. These guidelines are not legally binding. They do, however, reflect the Commission's interpretation of the law.

Overview

5. When a final proposal has been issued by the Commission the electors of the areas affected by the proposal may petition for a poll to determine whether or not the final proposal is to proceed. The process is as follows:
 - A period of 60 working days after the first public notice of the final proposal is allowed for the lodging of petitions.
 - For a poll to be held, a petition must be signed by 10% or more of the affected electors of any one of the territorial authorities affected by the proposal.
 - Petitions must be lodged with the Local Government Commission. The petition will then be checked by the relevant electoral officer to see if it has been signed by 10% of affected electors in a particular area.
 - If 10% of the affected electors in any one district have signed a petition the Commission will begin the arrangements for the holding of a poll on the final proposal.

What can a poll be held for?

6. If the Commission issues a final proposal for any of the following matters the electors of the area affected by a proposal (“the affected area”) may petition for a poll to be held to determine whether or not the final proposal will be implemented:
 - the union of districts or regions
 - the constitution of a new district or region
 - the abolition of a district or region
 - the assumption by a territorial authority of the powers of a regional council, i.e. the territorial authority becoming a unitary authority
7. A poll cannot be sought where a final proposal deals solely with one or more of the following matters:
 - the alteration of boundaries
 - the transfer of a statutory obligation from one local authority to another
 - changes involving local boards

Who can sign a petition?

8. Only affected electors within the district of an affected territorial authority may sign a petition.
9. The Local Government Act 2002 (clause 2, Schedule 3) states that an affected elector is:
 - (a) *a person who is a residential elector (within the meaning of section 23 of the Local Electoral Act 2001), if the address in respect of which the person is registered is in an affected area:*
 - (b) *a person who is a ratepayer elector (within the meaning of section 24 of the Local Electoral Act 2001), if the person is qualified as a ratepayer elector in respect of a rating unit in an affected area*
10. Residential electors are those people who have enrolled on the parliamentary electoral roll for an address within a territorial authority district. Ratepayer electors are people who have been included on the ratepayer electoral roll after having submitted an enrolment form to a territorial authority.
11. The make-up of the affected area will depend on the nature of the final proposal. The public notice advising of the proposal will define the affected area. In some cases an affected area might cover only part of a territorial authority district.

Format of the petition

12. A petition must use the prescribed form set out in the *Local Government (Prescribed Form for Petition to Require Poll to Determine Whether or Not Final Proposal for Local Government Reorganisation Scheme to Proceed) Regulations 2014*. A copy of these Regulations is attached to these guidelines (Appendix B) and can also be found at www.legislation.govt.nz.
13. Variations to the form might risk a petition form becoming invalid. Additional information in the wording of a petition that misleads those signing a petition (e.g. suggesting that signing the petition is supporting various options for consideration rather than seeking a poll) may also make a petition invalid.
14. The Commission can provide advice on the wording and format of petitions. That advice, however, should not be considered to be a ruling or legal advice.

Collecting signatures

When can petitions be started?

15. Petitions may not be started before the Commission has issued a final proposal. This is to help ensure that electors signing the petition can be clear about what is being proposed by the Commission.
16. A period of 60 working days¹ after the first public notice of the final proposal is allowed for the lodging of petitions. The public notice advising of the final proposal will specify when the 60 working day ends.

Can several different organisations collect signatures from one district, and send them to the Commission with them all being counted towards the total?

17. Yes, more than one petition relating to the same proposal can be sent to the Commission and, as long as they are in the prescribed format, they will be treated as if they are one petition.

¹ A working day is defined as being other than:

- a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Queen's birthday, and Labour Day
- if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday
- a day in the period commencing with 25 December in a year and ending with 2 January in the following year
- if 1 January falls on a Friday, the following Monday
- if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday

Provincial anniversary days are counted as working days.

Can signatures from people in several affected territorial authority districts be collected together?

18. Yes, but they should be on separate pages as this will reduce the time taken by electoral officers to check petitions, and improve the accuracy of the checking process.

How many signatures are needed to trigger a poll?

19. 10% or more of the affected electors in one of the affected territorial authority districts are required to trigger a poll.

How much detail should a person signing a petition include?

20. Those signing a petition should include as much detail about their name and address as possible. For example it would be better to put - *Jordan Rangī Smith, 12 Awapuni Street, Northtown* than *J Smith, Northtown*.
21. The more detail a person includes with a signature the easier it will be for the electoral officer to determine whether or not that person is on the electoral roll and therefore is a valid signature.

How can I find out how many affected electors there are in a territorial authority district or part of a district?

22. The number of affected electors in a district is the total of the:
- residential electors; and
 - ratepayer electors
23. The number of residential electors in each district as at the end of each month can be obtained by looking at the Electoral Commission's website www.elections.org.nz/research-statistics/enrolment-statistics-council-voting-area.
24. The number of ratepayer electors can be obtained by contacting the electoral officer for the territorial authority concerned.
25. Where the affected area includes only part of a district the Electoral Commission (Enrolment Services) and the Electoral Officer should be requested to provide the number of electors for that part only. Anyone requesting information about part of a district will need to be very specific about the area involved, e.g. –
- By listing the meshblocks making up the area; or

- By referring to other defined areas, e.g. a ward of a district, or that part of a district within a region.

26. The number of electors used in the electoral officers' calculations will be as at the date of the lodging of a petition with the Commission, or where several associated petitions are lodged, the date of the last petition lodged.²

Who should a petition be sent to?

27. Petitions should be sent to the Local Government Commission's Chief Executive Officer. Delivery details are as follows:

Post:
Chief Executive Officer
Local Government Commission
PO Box 5362
Wellington 6140

Courier:
Chief Executive Officer
Local Government Commission
147 Lambton Quay
Wellington

e-mail:
info@lgc.govt.nz

28. When sending a petition to the Commission it is important to ensure that it is received by the Commission by the last day for receipt of petitions. The Commission is not able to accept petitions received after that date.

What happens to petitions?

What happens once a petition has been received?

29. The Local Government Commission will check that a petition is valid, i.e. that it relates to a final proposal for which polls may be demanded and is in the prescribed format.

² The number of electors obtained from the Electoral Commission and the electoral officer may differ slightly from the number of electors as at the date a petition is lodged. The difference is, however, likely to be very small.

30. After checking those things the Commission's Chief Executive Office will send a copy of the petition to the electoral officer of each affected territorial authority. The electoral officers will check the signatures on the petition and, within a timeframe required by the Commission, advise:
- the number of affected electors in each district
 - the number of those electors who have signed a petition
 - whether the number of those electors make up 10% or more of the affected electors enrolled in a particular district

What happens next?

31. The Commission will give notice of whether a petition has been successful in requiring a poll. If a poll is to be held the Commission will determine a date for the poll in consultation with the electoral officer appointed to conduct the poll. The poll will then be arranged by the electoral officer using the same procedure used for other local government polls or elections as appropriate.

Advertising

32. The Local Government Act contains a set of rules regulating advertising opposing or promoting proposals from the time a final proposal is publicly notified until the period to demand a poll has concluded and, if a poll has been demanded, the poll has been conducted. Therefore advertising encouraging electors to sign a petition seeking a poll will be subject to those rules.
33. The Commission has published guidelines on advertising and these are available at www.lgc.govt.nz.³

Key requirements for a petition

34. The key requirements for a petition are that:
- a petition must use the prescribed form
 - a petition must not be started before a final proposal is issued by the Commission
 - those signing a petition must state their name and address in enough detail for them to be identified on the electoral roll
 - the petition must be received by the Commission by the close of the 60th working day after the first publication of the public notice of a final proposal
 - to successfully require a poll to be held a petition must be signed by not less than 10% of the enrolled electors in the district or part of a district of one of the territorial authorities affected by a final proposal

³ "Guidelines for advertising after issue of a final reorganisation proposal"

Further information

35. The Commission may consider issuing supplementary or revised guidelines if it identifies a need to expand on any issues.
36. The Commission may, from time to time, also issue further information to assist local authorities and other participants in the reorganisation process.
37. Feedback on these guidelines is welcome. Comments may be sent to:

By post: Chief Executive Officer
 Local Government Commission
 PO Box 5362
 WELLINGTON 6140

By email: info@lgc.govt.nz

Clause 24, Schedule 3, Local Government Act 2002

24 Petition to require poll

- (1) If a final proposal has been issued under clause 21(1)(a) or (b), affected electors may demand a poll to determine whether or not the final proposal is to proceed and become a reorganisation scheme.
- (2) A poll may be demanded under subclause (1) by a petition of 10% or more of affected electors enrolled in the district of a territorial authority.
- (3) A petition must be in the prescribed form (if any).
- (4) The Commission must, in the public notice of a final proposal under clause 22(1)(a), advise electors of—
 - (a) the opportunity to demand a poll under this clause; and
 - (b) the requirements relating to the submission of a petition under this clause; and
 - (c) the date by which a petition must be received by the Commission, being the close of the 60th working day after the first publication of the notice under clause 22(1)(a); and
 - (d) the affected area.
- (5) Each person who signs a petition must state, against his or her signature, the person's name and address in sufficient detail to enable the person to be identified as an elector.
- (6) The chief executive officer of the Commission must send a copy of the petition to the electoral officer of each affected territorial authority, and the electoral officers must advise the Commission, within the time frame required by the Commission, of—
 - (a) the number of affected electors enrolled as eligible to vote in the district of the territorial authority; and
 - (b) the number of those electors who have signed the petition; and
 - (c) whether the number of those electors who signed the petition constitute 10% or more of the affected electors enrolled in the district of the territorial authority.
- (7) To avoid doubt, a petition may not be started before a final proposal is issued.
- (8) For the purposes of this subpart, petition means 1 or more petitions submitted to the Commission that relate to the same final proposal.

Local Government (Prescribed Form for Petition to Require Poll to Determine Whether or Not Final Proposal for Local Government Reorganisation Scheme to Proceed) Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 17th day of March 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 259(1)(d)(i) of the Local Government Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Local Government, makes the following regulations.

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Regulations

1 Title

These regulations are the Local Government (Prescribed Form for Petition to Require Poll to Determine Whether or Not Final Proposal for Local Government Reorganisation Scheme to Proceed) Regulations 2014.

2 Commencement

These regulations come into force on 17 April 2014.

3 Petition to require poll to determine whether or not final proposal for local government reorganisation scheme to proceed

Every petition made under clause 24 of Schedule 3 of the Local Government Act 2002 must be in the form set out in the Schedule of these regulations.

Schedule Form for petition to require poll to determine whether or not final proposal for local government reorganisation scheme to proceed

Form Petition to require poll Clause 24 of Schedule 3, Local Government Act 2002

To the Local Government Commission

Organiser of petition: *[full name]*

- 1 This petition demands a poll to determine whether or not the final proposal issued on *[date]* by the Local Government Commission as indicated below should proceed and become a reorganisation scheme.
[Provide a description of the main features of the final proposal. If the public notice under clause 22(1)(a) of Schedule 3 of the Local Government Act 2002 includes a suggested description of the final proposal for use in a petition to require a poll, it is recommended that you provide that description here.]
- 2 Following are the names, addresses, and signatures of affected electors who demand a poll.

Full name	Address (not a post office box)	Signature	Date
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Contact details

Address for service of organiser of petition:

Telephone:

Email:

Address:

Contact person: *[name and designation, if applicable]*

General notes

- 1 Under clause 24(1) of Schedule 3 of the Local Government Act 2002, if a final proposal has been issued under clause 21(1)(a) or (b) of that schedule, affected electors may demand a poll to determine whether or not the final proposal is to proceed and become a reorganisation scheme.
- 2 A poll may be demanded under clause 24(2) of that schedule by a petition of 10% or more of affected electors enrolled in the district of a territorial authority.
- 3 Under clause 24(7) of that schedule, a petition may not be started before a final proposal is issued.

Note to persons signing petition

- 1 Each person who signs this petition must state, against his or her signature, the person's name and the address in relation to which he or she qualifies as an affected elector in sufficient detail to enable the person to be identified as an elector. If a person qualifies as a residential elector, the address in respect of which the person is registered is in an affected area must be stated. If a person qualifies as a ratepayer elector, the address in respect of a rating unit in an affected area must be stated.
- 2 Each person who signs this petition must be an affected elector, as defined in Schedule 3 of the Local Government Act 2002 (*see* below).
- 3 In Schedule 3 of the Local Government Act 2002, **affected elector** means—
 - (a) a person who is a residential elector (within the meaning of section 23 of the Local Electoral Act 2001), if the address in respect of which the person is registered is in an affected area:
 - (b) a person who is a ratepayer elector (within the meaning of section 24 of the Local Electoral Act 2001), if the person is qualified as a ratepayer elector in respect of a rating unit in an affected area.

Note to organiser of petition

A petition to require a poll must be received by the Local Government Commission not later than the close of the 60th working day after the first publication of the notice under clause 22(1)(a) of Schedule 3 of the Local Government Act 2002.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 17 April 2014, prescribe the form that affected electors must use to demand a poll under clause 24 of Schedule 3 of the Local Government Act 2002 to determine whether or not a final proposal is to proceed and become a reorganisation scheme.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 20 March 2014.

These regulations are administered in the Department of Internal Affairs.
