

**Constituency  
Arrangements for DHB  
Elections under STV**  
*Analysis of submissions*

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# Outline of Consultation and Submissions Received

Elected members of District Health Boards (DHBs) will be elected using the Single Transferable Voting (STV) method from 2004 onwards.<sup>1</sup> STV is a preferential and proportional form of voting in which voters rank their desired candidates in order of preference.

Instead of the system of constituencies used to elect members under First-Past-the-Post (FPP) in 2001, the Ministry of Health (the Ministry) proposed that each DHB's current constituencies be merged to create 'at-large' electoral structures. Under at-large structures, all votes would count towards electing all of the board's seven elected members.

Cabinet accepted, in principle, the use of at-large structures for DHB elections under STV and directed the Ministry to consult with DHBs and local government representative groups on the issue.<sup>2</sup> A total of 131 submissions were received, including those from members of the public and community groups. Where submissions raised concerns about a move to at-large structures, these fell broadly into three areas:

- concerns around a loss of guaranteed rural representation on boards
- concerns over the conduct of at-large elections
- other issues raised in relation to the proposal.

This document details the Ministry's analysis of submissions. Submissions received highlighted several important issues with respect to the overall election cycle, many of which the Ministry believes can be effectively addressed in the build-up to the 2004 elections. This will be primarily achieved via in-depth voter and candidate education, and through comprehensive guidance to DHBs and their electoral officers.

<sup>1</sup> Pursuant to clause 9A of Schedule 2 to the New Zealand Public Health and Disability Act 2000.

<sup>2</sup> The consultation document referred to is *Constituency Arrangements for DHB Elections Under STV: Consultation document* (Ministry of Health 2003). This document outlines the potential benefits of moving to at-large structures in the DHB environment under STV.

# Concerns Around a Loss of Guaranteed Rural Representation

Many submissions expressed concern over the loss of guaranteed rural representation on boards that a move to at-large structures entails. Specific concerns included:

- rural areas with fewer voters becoming marginalised and the domination of boards by urban-based candidates
- a loss of members' local knowledge and lower levels of 'approachability' for members elected at-large
- the possibility of larger candidate numbers on voting documents overwhelming voters and making it difficult for rural voters to identify rural candidates
- that each district's unique characteristics be recognised and a nationally consistent approach to constituency structures is not warranted
- rural interests being disregarded in order to improve Māori and minority group representation
- that the Minister of Health's (the Minister's) ability to appoint up to four board members to each board (in this case for the purposes of balanced geographic representation) is an inadequate substitute for elected rural members.

## Areas with a smaller number of voters / urban domination

'The Mid Canterbury electoral constituency ... covers 14,000 square kilometres of Canterbury with a population of 67,000 in 50 small communities ..., the smallest ... with less than 100 each ... The voting power of Christchurch City with 227,000 people will swamp any rural candidates who stand for election.'

'... the Invercargill City Council ... abolished its constituencies in favour of an at-large electoral structure in 1992. No candidates from the peri-urban areas, which had previously had their own constituencies, attracted enough votes to be elected in the city-wide election.'

Some concerns were raised that large geographical areas, and those with special health needs, may have populations too small to ensure that a member from that area is elected without dedicated constituencies. Similarly, other submitters argued that at-large structures would increase a perceived existing tendency for urban interests to dominate DHB boards. In particular, one submitter noted that the abolition of wards (under FPP) in some local authorities had led to the loss of suburban representatives in favour of well-known personalities.

STV is a preferential and proportional electoral system. In the majority of cases, electors in each electoral district (as defined by DHB constituency boundaries) are sufficient in number to see the election of at least one member under at-large STV. Under at-large structures, electors are able to select those candidates from around the district who they believe will do the best job at representing their concerns on the board. If electors as a group feel that having a local representative is important to them then, as a whole, these preferences are likely to be reflected in the board's final make-up. Conversely, if electors feel that particular candidates who happen to live outside their local area would also represent their interests (whatever those interests may be), then they will be able to indicate a higher preference for them.

Under STV, voters from urban centres are unlikely to 'overpower' rural voters, as each group's contribution is preserved in the calculation of the election threshold (also known as the 'STV quota'). For DHBs in an at-large environment under STV, that threshold would be slightly over 12.5 percent of the vote from the whole district. Any votes candidates receive in excess of this threshold are transferred to other candidates in order of voter preference. The Ministry believes this will make it difficult for any single area to gain disproportionate representation (to the extent that voters vote for candidates who are local to their area).

STV at-large actually improves rural voters' influence because they are able to help elect all seven elected board members. This contrasts with the current arrangements where, in the vast majority of cases, they are only able to vote for one or two members.

Also, an analysis of voting patterns from 2001 indicates that some rural areas may be able to actually increase their representation on boards (if voters continue to express a preference for locally-based candidates). For example, on 2001 results, Lakes DHB's Taupo constituency (currently two members) has the potential to gain an extra member on the board under at-large STV (if Taupo voters continue to give higher preferences to Taupo candidates). This is because the number of votes cast in 2001 is close to three times the estimated district-wide threshold.

## **Loss of local knowledge / approachability of members**

'The ward system as is used at present enables smaller communities such as ours to elect members who are supportive of their community and are known and respected by the community.'

Submitters commented that one of the key benefits of electing members from specified areas was those members' local knowledge and availability to local people.

However, under STV held at-large, if voters continue to vote for local candidates it is likely that local representation will be maintained in the majority of cases. This is due to the election threshold under STV which, in an at-large DHB environment, would only require candidates to achieve 12.5 percent of the vote from across the district to be elected.

Under at-large structures, all votes cast would contribute to electing all seven elected board members. Therefore, prospective board members would need to demonstrate their awareness of issues affecting residents from around the district. Members who distanced themselves from the concerns of the district's voters would be less likely to be re-elected at future DHB elections.

## Large number of candidates on voting documents

‘The 2004 elections could attract 100 or more candidates across an at-large structure. Council believes that such a number would deter electors and would result in reduced voter participation.’

‘It is more likely that candidates will be chosen on a best guess basis, than when the voter is selecting from a smaller number.’

Many submitters noted that there had been a very large number of candidates in certain DHB constituencies in 2001. For example, voters in Canterbury DHB’s Christchurch constituency elected five members to the board from 75 candidates. Submitters argued that this may have caused confusion for voters and resulted in a reduced turnout, and that such situations would be exacerbated under at-large structures. There was, therefore, concern that a large list of candidates, who were unknown to voters, would result in uninformed and haphazard selection. This in turn might make it difficult for rural voters to recognise and give high preferences to the possibly small number of candidates from their area.

In 2001, successful elections were held in those constituencies which did have large candidate numbers. It is acknowledged that large numbers of candidates may be a disincentive for voters, as evidenced by the low turnout for Waitemata DHB’s North Shore and Waitakere constituencies (in which 50 and 40 candidates stood, respectively, with both achieving turnouts of only 38 percent). However, in Australian states where STV is used it is reported that voting documents often exceed 50 candidates.

Ministry officials are working with local government representative groups to achieve solutions to such issues. These include identifying suburb/city or locality of residence in candidate profile statements and ensuring that voting document formats are appropriately structured in districts where many candidates stand.

## Each district’s unique characteristics require recognition

‘STV is a voting method which may or may not be beneficial to metropolitan communities. It is not seen as advantageous for large geographic areas made up of widely distributed small communities.’

‘The area of the southern lakes in particular, has for some time been engaged in a period of rapid growth. The pressures that causes are quite different from the experiences of the metropolitan areas of the regions.’

Several submitters noted that the pros and cons of at-large arrangements may differ across districts. Therefore, they questioned whether a nationally consistent approach was necessary or whether each DHB’s electoral structure should be adapted to fit local circumstances. It was further suggested that a trial for the 2004 elections be conducted with a limited number of DHBs moving to at-large structures and the rest retaining their present constituencies.

Some submitters mentioned that DHB constituencies could be adjusted to ensure that between three and seven members from each were elected to the DHB. However, given that there are only seven elected members per board, and that the optimal number of vacancies for an STV election is between three and seven, this would entail dividing each DHB into two constituencies. In many DHBs, the division would necessarily take the form of one ‘urban’ and one ‘rural’ constituency. In predominately urban DHBs (such as Auckland) a meaningful division would be even more difficult to make. On the whole, board structures like this risk creating artificial divisions without properly addressing issues of effective community representation.

The general principle of consistency across DHBs applies to a wide range of aspects of DHB governance. The Ministry has reviewed potential impacts on representation that a move to at-large structures may bring using 2001 election data from all 21 DHBs as a guide. These figures suggest that, although a small number of constituency areas may lose direct representation, it is possible that others will make gains (as indicated in the Taupo example described earlier).

Constituencies, by nature, tend to group distinct communities together. With only seven elected members per DHB, many current constituencies span several different territorial authorities and their constituent wards. Rather than being grouped together to elect a small number of members, at-large structures allow voters to contribute to electing all seven elected board members.

Also, DHB board members are required to focus on the health needs of the whole region, rather than just on specific areas of individual interest in the district. Together, the board is collectively responsible for the delivery of high quality health services in its district.

## **Competing interests – rural / Māori and minority groups**

‘[The consultation document] refers to Māori and minority groups having improved chances under election at-large ... this may be so but is it proposed to disenfranchise rural New Zealand for this perceived advantage?’

‘I do not believe that Māori candidates would have a better chance of being elected under STV and believe that the Minister would rightly need to appoint Māori members to correct that imbalance.’

‘I’m sure the proposed at-large system will be much better in giving voters the chance to influence the board make-up ... Who knows, I might even stand again. I certainly would not have done so, if local wards were retained.’

One of the benefits identified in introducing at-large STV is the ability to improve opportunities for Māori and minority group candidates to be elected. Minority groups in this analysis include any defined communities of interest, be they based on ethnicity, gender, health status or any other dimension. Some submitters queried whether such benefits would actually occur in practice, particularly with the need for Māori and minority candidates to overcome challenges relating to district-wide campaigning and securing a high turnout among relevant voters.

Some submitters also wondered whether, under the proposal, rural interests were being neglected in order to improve the election chances of Māori and minority groups. Those submitters contended that the evidence for any improvement was at best theoretical, and that rural representation was too important to leave to chance.

The 2001 election results showed that in some DHB districts the constituency structure, combined with FPP voting, was clearly a barrier to Māori and other minority group candidates being elected (nationally, only five candidates identifying as Māori were elected to boards). This is because these groups were unable to assemble a ‘critical mass’ of electors from the relevant population (eg, at Counties Manukau DHB, the district’s large Māori and Pacific population is divided across the DHB’s five constituencies). In other DHBs, it may still be necessary for the Minister to use the power to appoint board members to ensure balanced representation for certain groups.

One submission, by a former board member who had stood unsuccessfully under FPP, supported at-large STV. It stated that he had good support amongst the district’s disabled community, many of whom had queried why they could not vote for him at the last election (in 2001, candidates were only permitted to stand in one constituency and constituency boundaries prevented those electors living outside that area from voting for those candidates).

While moving to at-large structures would remove guaranteed geographical representation on DHB boards, such representation would be likely to be maintained if local voters continue to express a preference for local candidates. A move to at-large structures also provides the opportunity for those voters to support Māori and minority group candidates if they so desire.

## **Use of Ministerial appointments to balance representation**

‘South Taranaki people want to choose who will represent them – not someone the Government thinks they should have.’

One of the mitigating factors for a loss of guaranteed local representation is the Minister of Health’s ability to appoint members to fill gaps in representation. Some submitters indicated that they did not regard ministerial appointments as adequate substitutes for elected members. Others queried whether, in addition to other currently considered selection factors such as skills, gender and Māori membership, the Minister would have the scope to address rural representation issues within the maximum four appointments available.

The implication that Māori representation needs are less than those of rural communities is concerning. Given the generally poor health status of Māori, and the responsibilities DHBs have in improving health outcomes for Māori, it is of critical importance that Māori have an equal opportunity to elect their own representatives to boards.

While rural representation factors may become an additional issue for consideration in the ministerial appointments process, the Ministry believes that at-large elections will result in boards with a broad representation of different characteristics (including broad community knowledge) among elected members.

The overall objective of elected representation on DHB boards is to provide a community voice in DHB decision-making. However, it is not the only mechanism for doing so; specific community representation on statutory advisory committees and community-focused committees are other possibilities. Transparent processes (such as open board meetings and publicly available agendas and minutes) will remain in place and are important principles of the DHB model. Unlike local authority representatives, elected DHB board members remain directly responsible to the Minister rather than to the public which elects them.

Many submitters referred favourably to the contribution made by appointed members. One submitter, arguing for the retention of a local constituency, appeared unaware that the local member mentioned as being highly capable was in fact appointed by the Minister, not elected.

# Concerns over the Conduct of At-large Elections

Submitters also raised issues relating to the conduct of at-large elections. These included:

- the potential for increased electioneering costs if candidates need to canvass across the district and a need for support from the whole district to be elected
- a lower voter turnout due to confusion caused by the combined STV and FPP elections.<sup>3</sup>

## Increased electioneering costs / need for support from whole district

‘... we are at the periphery of a large area and if the South Taranaki candidates are expected to campaign in New Plymouth the chances against a bigger population would result in a no-win situation.’

There was a perception that, with elections held at-large, candidates would need to campaign throughout the DHB district to maximise their chances of obtaining sufficient votes for election. This was seen as likely to inhibit candidates of limited means from putting themselves forward. Similarly, many submitters believed that only those candidates with large financial resources or ‘name recognition’ would be able to successfully campaign under at-large STV.

In most DHBs candidates who have strong local support within an existing constituency are likely to pass the election threshold through campaigning in their own area. It is unlikely that campaigning across the whole DHB will be necessary in order to gain 12.5 percent of the valid vote (the STV quota for at-large DHB elections). Although the cap on electoral expenses will be higher under at-large structures than constituencies, most successful candidates in 2001 spent very little to secure election. Electoral expense limits for DHB candidates elected at-large would range from \$20,000 (for West Coast DHB, the DHB with the smallest population) to \$70,000 (for Waitemata DHB, the DHB with the largest population).<sup>4</sup>

The very nature of at-large structures enables candidates to gain support from other areas in a district, rather than being confined to arbitrary constituency boundaries. Those candidates with links across the region will be able to use these to achieve additional support (eg, iwi groups, Rural Women NZ, Federated Farmers). Such organisations may wish to endorse and support candidates that represent their particular aims or membership.

<sup>3</sup> All but 10 local authorities will continue to use FPP at the 2004 elections.

<sup>4</sup> As set out in section 111 of the Local Electoral Act 2001.

## **Lower voter turnout due to the combined STV/FPP elections**

‘... STV ... [is] cumbersome and virtually incomprehensible for ordinary voters. I believe it will cause even more of them to ignore polls and simply fail to vote at all.’

‘A mix of election methodology (TAs vs DHB) will create some confusion ...’

‘... have the DHB election papers sent out separately to avoid the confusion of having FPP and STV in one envelope!’

Although not related to the issue of constituency arrangements, some submitters discussed the potential impact of concurrent FPP/STV elections. They expressed concern that an inadequate understanding of STV, combined with large and complex voting documents, would put many people off voting.

The Ministry accepts that voter confusion is possible given the small number of local authorities who have adopted STV. Comprehensive, STV-focused public education campaigns planned by the Department of Internal Affairs and the Ministry will aim to ensure a well-informed public and address areas of concern raised through the consultation process.

## Other Issues Raised in Relation to the Consultation Document

Other issues raised in relation to the proposal included:

- the benefits of at-large structures only being theoretical in nature
- a desire to prevent ‘politics’ entering DHBs and the perception that at-large structures will lead to candidates running on ‘tickets’
- the narrow scope and short timeframe for the consultation process itself.

### Concerns over at-large benefits only being theoretical

‘The voting area or electoral unit size should not be determined by the machinery requirements of the voting system.’

Some submitters commented that an at-large structure was being proposed in order to make STV more theoretically robust, rather than because it was intrinsically desirable.

The Ministry acknowledges that the arguments set out in the consultation document (in relation to the potential effects of at-large structures) are necessarily theoretical, until widespread STV elections in New Zealand have been held. However, they are based on the research available, on data from other jurisdictions and on previous New Zealand voting patterns.

The Ministry has also followed up other sources of information suggested by submitters and has taken these into account where appropriate. A review of STV voting patterns and board composition will be conducted after the 2004 elections.

### Maintaining a lack of ‘politics’ in DHBs

‘The ‘party ticket’ voting system is of financial advantage to city candidates – traditionally rural candidates don’t have party affiliations.’

Some submitters raised concerns that, if an at-large structure resulted in higher campaign costs and a need to campaign across the whole district, it may generate ‘party’ or similar ‘list’ promotions of candidates, politicising the DHB system.

There is no apparent reason why political parties or interest groups could not organise party tickets for DHB elections if they wish, whether the elections are held under a constituency system or at-large, or under STV or FPP. However, as noted above, it is not necessary for candidates to conduct DHB-wide election campaigns, as the STV quota sets a threshold on the general level of support required for election.

In 2001, few attempts at party groupings for the DHB electoral process were observed. This may be because:

- ‘lists’ have the potential to backfire with voters who are not strong supporters of the particular interest group
- the Minister’s powers of appointment of up to four board members, and the chairperson and deputy chairperson positions, constrain the ability of any interest group to gain majority power on a board
- the accountability of the board to the Minister rather than to electors, and the Minister’s ability to remove elected members who do not fulfil their responsibilities, also limit the appeal of overt ‘politicking’ in relation to boards.

## **Scope and timeframe for consultation**

‘... much more time should have been given for the community to weigh up the pros and cons of the change, which seems to have been given virtually no publicity at all.’

Some concern was expressed at the limited scope of the consultation and timeframe for receiving submissions. Several local authority submissions also discussed the consultation requirements under the Local Government Act 2002 (the LG Act).

Under the New Zealand Public Health and Disability Act 2000 (the NZPHD Act), there is no prescribed procedure or requirement for public consultation on this issue (as there is with issues of DHB boundary changes and mergers). This differs substantially from the detailed requirements for local government representation reviews, conducted in accordance with the Local Electoral Act 2001. Also, DHBs are not subject to the LG Act.

The Ministry believes that sufficient time was given to the consulted parties to consider the issues presented. Late submissions, and submissions from the general public and community groups, were also incorporated into this analysis.

# Addressing Concerns Raised in Submissions

The consultation process has raised a number of issues important to the public and has been extremely valuable because of this. The Ministry believes many of these issues can be satisfactorily addressed through in-depth voter and candidate education, and by providing comprehensive guidance to both DHBs and their electoral officers. The Ministry will work to achieve these goals with both central government agencies, local government representative groups and all other interested parties.

With regard to certain concerns, several submitters appeared not to understand the difference between the roles and functions of DHBs, their board members and those of local government. Under the NZPHD Act, board members are directly responsible to the Minister of Health for the delivery of health and disability services in their district. Elected members are intended to bring a community voice to board decision-making and are not directly responsible or accountable to the district's voters in the same way as local authority councillors.

While at-large structures would remove guaranteed geographical representation on DHB boards, voters are still able to give higher preferences to local candidates if they desire. An analysis of present arrangements, and how representation under at-large structures would look, shows that most current constituencies will be able to maintain their geographical representation (if voters continue to express a preference for locally based candidates). This is primarily because those areas typically generate sufficient voter turnout to meet the district-wide quota for election under STV.

As indicated earlier, under STV popular candidates do not keep any more votes than is necessary for their election. Any surplus votes are transferred to other candidates in order of voter preference. Therefore, the Ministry does not believe that urban candidates would dominate boards, as was suggested in some submissions.

If necessary, the Minister is able to appoint board members to ensure balanced regional representation. While many submitters suggested that this would not be an adequate substitute for directly elected members, the Ministry believes that selecting suitable people to represent particular areas or groups is a strong means of ensuring a good balance of representation on each board. This method has worked well in appointing Māori members to boards to reflect Māori issues and concerns.

As outlined in the consultation document, DHB boards can also effect regional representation and participation within their own governance structures. Boards could appoint specific regionally based committee members or form dedicated rural health committees to ensure regional input.

## Conclusion

With only seven elected board members at each DHB, the Ministry strongly believes that boards would benefit most from the move to STV if at-large structures were introduced.

The benefits of moving to an at-large environment include the potential for improved Māori and minority group representation on boards, the potential for greater choice and flexibility for voters, encouraging an environment of collective responsibility at the board table and equalising levels of representation across each district.

While it is impossible to predict the final outcome of any election, the Ministry believes at-large STV will result in balanced and representative DHB boards which will continue to provide an effective community forum for their district's residents.

# Glossary

<b>at-large</b>	An electoral structure where all of a district's voters vote for all the elected member positions on a DHB board.
<b>constituency</b>	An electoral area, representing a community of interest, through which a set number of members are elected to a DHB board. In practice, constituencies operate similarly to council wards.
<b>DHB</b>	District Health Board: an organisation established by or under section 19 of the New Zealand Public Health and Disability Act 2000.
<b>FPP</b>	First-Past-the-Post: a method of voting in which DHB voters vote for one or more candidates, based on the number of members their constituency elects to the DHB board, and as defined in the Local Electoral Act 2001.
<b>local authority</b>	A territorial authority (ie, city or district council) or regional council. Other bodies (such as DHBs and licensing trusts) are also deemed to be local authorities for the purposes of the Local Electoral Act 2001.
<b>preferences</b>	The ordered numbers each voter marks on an STV voting document (starting at '1' and proceeding in sequence). The preferences appearing on a voting document are used to determine the order in which votes are transferred to other candidates, as required.
<b>STV</b>	Single Transferable Voting: a method of voting in which voters rank candidates in order of preference, as defined in the Local Electoral Act 2001.
<b>threshold (or STV quota)</b>	The minimum number of votes a candidate must receive to be elected under STV. The threshold is found by taking the number of valid votes and dividing it by the number of vacancies plus one (and adding a billionth of a vote to the figure to avoid the possibility of a tie), in accordance with the Local Electoral Act 2001.
<b>vacancy</b>	An elected board member position on a DHB board, that position becoming 'vacant' (unoccupied) at the time of each election.
<b>valid vote</b>	A voting document which, in the case of STV, has at least a first preference clearly marked on it (ie, one not 'blank' or 'spoiled').
<b>voting document</b>	The paper on which a voter marks their votes (in the case of FPP) or numbered preferences (in the case of STV).

## References

Ministry of Health. 2003. *Constituency Arrangements for DHB Elections under STV: Consultation document*. Wellington: Ministry of Health.