REPORT OF THE ELECTORAL COMMISSION ON THE REVIEW OF THE MMP VOTING SYSTEM

PROVIDED TO THE MINISTER OF JUSTICE FOR PRESENTATION TO PARLIAMENT IN ACCORDANCE WITH SECTION 78 OF THE ELECTORAL REFERENDUM ACT 2010

29 OCTOBER 2012



LETTER OF TRANSMITTAL

To the Honourable Judith Collins, Minister of Justice:

AS a result of the electorate having voted on 26 November 2011 to retain the MMP voting system the Electoral Commission was required by the Electoral Referendum Act 2010 to conduct a review of the said system and report by 31 October 2012 to the Minister of Justice, for presentation to the House of Representatives, as to whether any changes to the

system were necessary or desirable.

THE Electoral Commission has conducted the required review.

NOW, as required by section 78 of the said Act, the Electoral Commission hereby provides the required report to you, the Honourable Judith Collins, Minister of Justice, for

presentation to the House of Representatives as soon as practicable.

DATED this 29th day of October 2012.

Milleen

Hon Sir Hugh Williams, KNZM, QC

Chair, Electoral Commission

Jane Huria, CNZM

Deputy Chair, Electoral Commission

Robert Peden

Chief Electoral Officer, Electoral Commission

TABLE OF CONTENTS

SUMMARY OF RECOMMENDATIONS	5
OVERVIEW	6
THRESHOLDS	11
THE PARTY VOTE THRESHOLD	12
THE ONE ELECTORATE SEAT THRESHOLD	16
THE EFFECT ON OVERHANG SEATS	20
IMPACT OF COMMISSION'S PROPOSALS ON GOVERNMENT FORMATION	22
PROPORTION OF ELECTORATE SEATS TO LIST SEATS	25
ORDER OF CANDIDATES ON A PARTY LIST	32
SHOULD A PERSON BE ABLE TO STAND AS A CANDIDATE BOTH FOR AN ELECTORATE SEAT AND BE ON A PARTY LIST AT A GENERAL ELECTION?	37
SHOULD A LIST MP BE ABLE TO STAND AS A CANDIDATE IN A BY-ELECTION?	41
PROCESS FOR IMPLEMENTATION OF RECOMMENDATIONS	43
LIST OF APPENDICES	44

ACKNOWLEDGEMENTS

The Commission wishes firstly to acknowledge and thank the thousands of New Zealanders and those from overseas who contributed their views to this review. Considerable time, thought and effort was put into their submissions and their participation greatly assisted our work.

We benefited greatly from the generous assistance of the Hon Sir John Wallace QC, Rt Hon Sir Kenneth Keith QC, and Professor Richard Mulgan, members of the 1986 Royal Commission on the Electoral System; and Dr Paul Harris and Mr Lewis Holden, Research Officers for the Royal Commission. We note with sadness the passing of Sir John Wallace shortly before completion of our work on this report.

The Commission wishes to thank the Government Statistician and staff for their assistance with our work on the impact on proportionality of the ratio of electorate seats to list seats.

We also wish to thank the staff of the Commission for the many ways they contributed to the review. In particular we wish to acknowledge the tireless efforts of Ms Louise Vickerman in coordinating this project and keeping us on track, and Mr Rob Marsh for his expert contribution to our work on overhangs and proportionality.

Special thanks go to Professor Stephen Levine for his expert services in editing both our Proposals Paper and this final report.

Our final thanks are reserved for our expert advisers, Dr Therese Arseneau and Professor Nigel Roberts. They have worked closely with the Commission since late 2010 on the preparation and delivery of our MMP referendum education programme and on this review. They have been ideal advisers. Expert, highly professional, and conscientious, they have consistently delivered carefully balanced advice in keeping with the Commission's duty to be, and to be seen to be, independent and impartial in the discharge of its statutory responsibilities.

SUMMARY OF RECOMMENDATIONS

- The one electorate seat threshold for the allocation of list seats should be abolished.
- The party vote threshold should be lowered from 5% to 4%.
- There should be a statutory requirement for the Electoral Commission to review the operation of the 4% party vote threshold and report to the Minister of Justice for presentation to Parliament after three general elections.
- If the one electorate seat threshold is abolished, the provision for overhang seats should be abolished.
- Consideration should be given to fixing the ratio of electorate seats to list seats at 60:40 to help maintain the diversity of representation and proportionality in Parliament obtained through the list seats.
- Political parties should continue to have responsibility for the selection and ranking of candidates on their party lists.
- Political parties should be required to give a public assurance by statutory declaration that they have complied with their rules in selecting and ranking their list candidates.
- In any dispute relating to the selection of candidates for election as members of Parliament, the version of the party's rules that should be applied is that supplied to the Commission under section 71B as at the time the dispute arose.
- Candidates should continue to be able to stand both for an electorate seat and be on a party list at a general election.
- List MPs should continue to be able to contest by-elections.

OVERVIEW

"This Report is about our democracy. It is about the way New Zealanders give their consent to the exercise by Parliament and the Government of great public power". Royal Commission on the Electoral System, Towards a Better Democracy, 1986, para 1.1, p.5

Background to the Review

In 1993, in a referendum held in conjunction with the general election, New Zealanders voted to adopt the Mixed Member Proportional (MMP) voting system. Under MMP, Parliament is made up of members who are elected by their respective electorates and members elected from party lists. Each voter has two votes – a vote for a party and a vote for their preferred candidate in their electorate.

Each electorate elects one MP on a First Past the Post (FPP) basis. The party vote is counted on a nationwide basis. A party may be eligible for a share of the list seats if it gains 5% or more of the nationwide party vote or wins one or more electorate seats (ie the party vote threshold is waived if a party wins at least one electorate seat).

The list seats in Parliament are allocated so the total number of seats a party holds is in proportion to the number of party votes a party receives, taking into account the number of electorate seats it wins. A party's list seats are allocated to its candidates in the order they appear on the party's list (excluding those who win an electorate seat).

In the 26 November 2011 referendum, by a majority of 57.8% to 42.2%, New Zealanders voted to keep the MMP voting system. As a result, and as required by law, the Electoral Commission (the Commission) launched a review of MMP – the first review to be undertaken by an independent body since the Royal Commission on the Electoral System (the Royal Commission) reported in 1986, 26 years ago.

Parliament said the review must include—

- the two thresholds for the allocation of list seats
- the effects of the ratio of electorate seats to list seats on proportionality in certain circumstances
- the rules allowing candidates to contest an electorate and be on a party list, and list members of Parliament (MPs) to contest by-elections
- the rules for ordering candidates on party lists
- other matters referred to the Commission by the Minister of Justice or Parliament.¹

Other issues raised by the public during the review could also be considered.

Parliament excluded two matters from the review – Māori representation and the number of members of Parliament.² These issues are being considered by the Constitutional Advisory Panel as part of the review of New Zealand's constitutional arrangements.

6

¹ There were no additional matters referred to the Commission.

The review process

The Commission undertook two rounds of public consultation.

On 13 February 2012, we issued a Consultation Paper, established a dedicated website, and made an appeal for public submissions to be received by 31 May 2012. This first round was deliberately open-ended and sought to give the public the opportunity to say what they thought about the issues raised by the review without direction from the Commission. 4,698 written submissions were received and the Commission heard 116 oral presentations from around the country and overseas.

On 13 August 2012, having considered the submissions and advice received and developed our own views, we issued a Proposals Paper and asked the public for comment by 7 September 2012. We received 1,212 submissions. We also surveyed public opinion about our proposed changes to the thresholds for the allocation of list seats.

We have paid careful regard to the submissions made, the expert advice received and the results of the public surveys we commissioned. However, the conclusions we have reached and the recommendations we make reflect our own judgements about how the voting system might best be improved within the terms of reference provided to us by Parliament.

Context for the review

The system of MMP adopted by New Zealand in 1993 is a moderate form of proportional representation which seeks to balance two important objectives. One is the principle of proportionality: that a party's share of seats should reflect its share of the nationwide vote. The other is the need to ensure elections deliver effective Parliaments and stable governments by avoiding an undue proliferation of very small parties in Parliament.

A further objective, and one that is fundamental to the mixed member system, is to continue having local electorate MPs.

Therefore, the defining characteristics of MMP are a mix of MPs from single-member electorates and those elected from a party list, and a Parliament in which parties' shares of seats roughly mirror their share of the nationwide vote.

In undertaking this review the Commission has been mindful of the following points:

- The Commission's mandate is to make recommendations to improve the current system of MMP endorsed at the 2011 referendum; not to propose changes that would be inconsistent with the fundamentals of the system, nor to consider wider electoral issues.
- The criteria adopted by the Royal Commission for fair and effective electoral systems are highly regarded and widely accepted and have guided the Commission's considerations.³
- A voting system should be as fair, equitable and simple as possible to facilitate public trust, understanding and participation.

² See Appendix A for the scope of the review as set out in section 76 of the Electoral Referendum Act 2010.

³ See Appendix B for the criteria adopted by the Royal Commission.

OUR RECOMMENDATIONS

The Commission has considered all the aspects of New Zealand's MMP voting system put to us by Parliament. We have concluded that relatively few changes are required. But those we recommend are important. They would enhance public confidence in the fairness and operation of our MMP voting system and parliamentary democracy.

The thresholds

The party vote threshold is the mechanism by which the competing objectives of proportionality, on the one hand, and effective Parliaments and stable governments, on the other, are balanced. At 5%, it is higher than it needs to be to strike the right balance. It could be lowered to 4% without any risk to effectiveness or stability and this is what we recommend be done. It could arguably be lowered to 3%, on the basis of previous MMP results, without significant risk. But this, a massive 40% reduction from the current threshold, would be a step too far at this stage. It may be in time that a 4% threshold proves to be higher than it needs to be. For this reason, the Commission proposes it be required to review and report on the new threshold after three general elections. This is an area in which New Zealand should move cautiously and incrementally.

The one electorate seat threshold should go. An exception to the party vote threshold, it is not a necessary feature of the MMP system. Whilst it does increase the proportionality of Parliament, it does so in an arbitrary and inconsistent way that would be better achieved by lowering the party vote threshold. Its effect has been to undermine the principles of fairness and equity and the primacy of the party vote in determining the overall composition of Parliament that underpin MMP. It gives voters in some electorates significantly more influence over the make-up of Parliament than voters in other electorates. It causes excessive focus to be placed on a few electorates and distorts election campaigning.

Abolishing the one electorate seat threshold would increase the chances of significant numbers of overhang seats being generated by parties that win electorate seats but do not cross the party vote threshold. Therefore, if the one electorate seat threshold is abolished, we also recommend the provision for overhang seats be abolished. Parties that win electorate seats would keep those seats. However, the size of Parliament would remain at 120 seats because no extra list seats would be allocated. This would have minimal impact on the proportionality of Parliament.

We have carefully considered the impact our recommendations would have on government formation and stability. Parliamentarians to date have shown the capacity to form stable minority or majority governments under MMP. Having examined past MMP election results and other evidence, we are confident this would continue to be the case.

A single 4% party vote threshold would strike the right balance, enhance the legitimacy of the MMP voting system and New Zealand's democracy, and maintain effective Parliaments and stable governments.

Maintaining proportionality and diversity of representation in Parliament

The number of list seats is gradually falling as new electorate seats are formed because of population changes. It is not possible to be precise about when there will be insufficient list seats to maintain proportionality in Parliament. But problems might well arise at ratios of electorate seats to list seats of 67:33 (or 80 electorate seats in a 120 seat Parliament) or fewer. More immediately, it

threatens the diversity of representation in Parliament as list seats are the principal mechanism by which women, Māori and minority groups are elected.

New Zealand is very likely to move close to a ratio of 60:40 (or 72 electorate seats in a 120 seat Parliament) after the 2013 census. A 60:40 ratio seems to us to be an acceptable and feasible point to fix the ratio of electorate seats to list seats. It would be well clear of the danger area for maintaining proportionality and would provide sufficient list seats for parties to be able to maintain diversity of representation. We, therefore, believe it would be prudent to give consideration to doing this in time for the 2014 general election.

A fixed ratio would mean, as the number of electorate seats increased in response to population changes, the number of list seats would increase in line with the fixed ratio. The size of Parliament would therefore increase gradually in step with changes in growth in the population, as the FPP Parliaments did between 1965 and 1993.⁴

Order of candidates on party lists

Party lists should remain closed. We have concluded that any benefit to be gained in voter choice through open or semi-open lists is outweighed by the resulting complexity in a mixed voting system such as MMP, including implications for the form of the ballot paper and the time occupied in voting.

However, we do think that parties should be required to give a public assurance, in the form of a statutory declaration, that the candidates nominated in their party lists have been selected and ranked in accordance with their party's rules. And in the event of any dispute, the rules to be relied on should be the version of the rules that have been supplied to the Commission.

Beyond this though, we think the current requirements in the Electoral Act for regulating candidate selection processes get the balance right. The Electoral Act entitles party members to participate, either directly or through elected representatives, in the selection of candidates and requires parties to supply the Electoral Commission with copies of its candidate selection rules for public display. This is as far as the law should go in our view. Parties need to be able to develop candidate selection rules appropriate for their own size, structure and values. One size will not fit all. The appropriate mechanisms for enforcing compliance with these rules remain internal party procedures or the Courts.

Dual candidacy

Without dual candidacy, MMP elections would be poorer contests. Candidates would be reluctant to contest anything other than safe electorates. Otherwise they would seek good places on the party list. Dual candidacy enables parties to place good candidates in marginal or unwinnable electorates, thereby adding to the quality of those electoral contests whilst ensuring the candidate a place in Parliament through the party list. As such, dual candidacy enriches New Zealand's system of MMP and should be retained.

Parliament has excluded the number of members of Parliament from the scope of the review. For this reason we do not recommend the adoption of the proposal but only that it be given consideration.

By-elections

To contest a by-election has always been a right open to a sitting MP. We see no reason to change the current situation. No list MP has been successful in a by-election yet, but whether one is ever to be successful is a matter we suggest can safely be left in the hands of voters.

IMPLEMENTATION OF OUR RECOMMENDATIONS

We have considered the process for implementing our recommendations, should they be accepted. Since 1956, where significant change to a defining characteristic of the electoral system has been proposed, a referendum has usually been held. For example, the term of Parliament has been the subject of referendums in 1967 and 1990, and the type of voting system in 1992, 1993 and 2011. However, important changes to aspects of the operation of our voting system (such as, in 1965, the basis for determining the number of electorate seats, or, in 1995, the form of the ballot paper) have been enacted by a broad consensus of Parliament.

While our recommendations are important and some require legislation, they do not fundamentally alter the nature of the voting system. For this reason we believe a referendum would not be required to implement them.

The review timetable, with the Commission being required to report by the end of October 2012, is designed to enable Parliament to enact our recommendations in time for the 2014 general election. If Parliament agrees with our recommendations this should be achievable.

Should our recommendations be implemented in time for the 2014 general election, the Commission would undertake a public education programme in that year, resources permitting, under its statutory mandate to promote understanding of the electoral system.

THRESHOLDS

Underlying principles

- 1.1 A threshold is the minimum level of support a political party needs to gain representation in Parliament. Thresholds are intended to provide for effective government and ensure that every political party in Parliament has at least a minimum level of electoral support.
- 1.2 Under current rules, if a party receives at least 5% of the nationwide party vote (the 'party vote threshold') or wins at least one electorate seat (the 'one electorate seat threshold'),⁵ it is entitled to a share of the MPs that is about the same as its share of the nationwide party vote.
- 1.3 The system of MMP proposed by the Royal Commission, adopted by New Zealand in 1993, and endorsed in the 2011 referendum is a moderate form of proportional representation which seeks to balance two important objectives. One is the principle of proportionality: that a party's share of seats should reflect as closely as possible its share of the nationwide vote. The other is the need to ensure elections deliver effective Parliaments and stable governments by avoiding an undue proliferation of very small parties in Parliament. The higher the threshold, the greater the risk to proportionality. The lower the threshold, the greater the risk to parliamentary effectiveness and government stability.
- 1.4 The party vote threshold is the mechanism by which these competing objectives are balanced and is, therefore, a core feature of New Zealand's MMP voting system. By contrast, what is commonly referred to as the one electorate seat threshold, is actually a waiver of the party vote threshold.
- 1.5 The operation of our existing thresholds is neatly illustrated by the results of the 2008 general election—
 - the Green party won no electorate seats but because it won 6.7% of the nationwide party vote (and therefore reached the 5% threshold) it got nine of the 122 seats in that Parliament
 - the ACT party's nationwide vote was 3.6% but because one of its candidates won an electorate seat, it was entitled to a proportional share of seats in the House (in this case, five seats overall one electorate seat and four list seats)
 - the New Zealand First party won 4.1% of the party vote but did not win an electorate seat.
 Because it did not reach either the 5% threshold or win an electorate seat, it did not receive any seats.

11

⁵ The one electorate seat threshold is more correctly known as a waiver as it waives the requirement to cross the 5% party vote threshold.

THE PARTY VOTE THRESHOLD

RECOMMENDATIONS

The party vote threshold should be lowered from 5% to 4%.

There should be a statutory requirement for the Electoral Commission to review the operation of the 4% party vote threshold and report to the Minister of Justice for presentation to Parliament after three general elections.

- 1.6 The Royal Commission recommended a 4% party vote threshold. It argued a 5% threshold was 'too severe' while anything less than 4% ran the risk of fragmenting Parliament and making governing more difficult. Parliament determined that a 5% threshold struck a better balance.
- 1.7 In principle, the party vote threshold should be set at the lowest possible level consistent with maintaining effective Parliaments and stable government. In practice, identifying that point is not a science. As noted by the Royal Commission and many others, any threshold will be somewhat arbitrary. However, we now have the benefit of six MMP elections as a guide.

A balance between proportionality and stability

- 1.8 We believe the party vote threshold should continue to strike a moderate balance between proportionality and the effective functioning of government and Parliament for the reasons advocated by the Royal Commission. This threshold should ensure, first, that each political party in Parliament has at least a minimal level of electoral support, and therefore sufficient MPs to participate fully and effectively in their various functions as MPs. Second, it should provide small political parties with a reasonable chance of gaining seats but limit the proliferation of very small political parties in Parliament thus reducing the risk of fragmentation. A fragmented Parliament can lead to difficulties in forming and maintaining effective governments.
- 1.9 Where this balance lies is the subject of considerable debate.
- 1.10 Some submissions, for example, argued that proportionality should take priority and therefore supported a much lower or no threshold. These emphasised the importance of proportionality in limiting the number of wasted⁷ votes and electing a Parliament that represents the widest possible range of interests in society. They also submitted the risk of instability due to the election of extremist political parties or a large number of political parties being elected to New Zealand's Parliament is overstated.
- 1.11 The experience of the six Parliaments elected to date under MMP which have included numbers of small political parties and stable governments was offered as corroboration, as was the experience of other countries with low thresholds that have effective and stable governments. It was argued that because of our political history, culture and social tolerance,

⁶ Royal Commission on the Electoral System, Towards a Better Democracy, 1986, para 2.192, p.67.

In this context, votes that cannot be used to elect a party are generally described as 'wasted' votes. This usually happens when a party fails to reach the threshold.

New Zealand is far more likely to follow their examples than the often quoted examples of unstable democracies. Thresholds were also criticised for distorting voters' choices by causing them to vote for political parties that are not their first choice because the political party they mainly support has little chance of reaching the threshold.

1.12 In contrast, others argued that forming and maintaining stable government should be the prime criterion and advocated retaining or raising the 5% party vote threshold. These emphasised the importance of stable and effective governments with sufficient support in Parliament to implement their policies. These arguments note the 5% threshold has produced Parliaments with a broad range of political parties, and more political parties than most New Zealanders want. They question the need for change, and point to the risk of unintended consequences as a reason to stay with the status quo. Lowering the party vote threshold, they conclude, will likely lead to more political parties in Parliament and therefore greater difficulty in forming and sustaining governments.

Lowering the party vote threshold

- 1.13 It is our view that the current party vote threshold of 5% is higher than it needs to be to strike the desired balance. It could be lowered to 4% without risk to parliamentary effectiveness or government stability.
- 1.14 The 5% party vote threshold has proved to be a high hurdle. After an initial period of flux when MMP was first introduced, in the last three MMP elections, only two parties other than the two major political parties have achieved the 5% threshold (see table below).⁸

Table 1: Showing the number of registered political parties that polled 5% or more of valid party votes 1996-2011

PARTY	1996	1999	2002	2005	2008	2011
ACT	6.10%	7.04%	7.14%	-	-	-
Alliance	10.10%	7.74%	-	-	-	-
Green	-	5.16%	7.00%	5.30%	6.72%	11.06%
Labour	28.19%	38.74%	41.26%	41.10%	33.99%	27.48%
National	33.84%	30.50%	20.93%	39.10%	44.93%	47.31%
NZ First	13.35%	-	10.38%	5.72%	-	6.59%
United Future	-	-	6.69%	-	-	-

1.15 Lowering the party vote threshold from 5% to 4% would be a 20% reduction in the number of party votes a political party needs to be eligible for an allocation of list seats. Based on the last three elections, ⁹ to cross a 4% threshold, political parties would need to win around

A greater number of parties crossed the 5% threshold in the 1996, 1999 and 2002 Parliaments. However, political science research has found that after new electoral systems are introduced there is a period of flux in which new parties gain strength followed by major parties re-establishing their dominance. See Raymond Miller, Party Politics in New Zealand, Oxford University Press, 2005 and Gordon Smith, A System Perspective on Party System Change, Journal of Theoretical Politics, 1/3, 1989, pp. 349-63.

⁹ The last three elections are taken because they are a more representative sample.

- 92,000 party votes. At 5% they would need to win around 115,000. This represents a significant reduction in the threshold.¹⁰
- 1.16 At the same time, a 4% threshold would remain a reasonable barrier to new political parties entering Parliament and thus avoid the proliferation of very small political parties. For example, nine of the 13 political parties that contested the 2011 general election won less than 4% of the party vote (see table below).

Table 2: Showing the percentage of valid votes won by the political parties contesting the 2011 General Election

PARTY	% of valid votes
National	47.31
Labour	27.48
Green	11.06
New Zealand First	6.59
4% threshold for parlia	mentary representation
Conservative	2.65
Māori	1.43
Mana	1.08
ACT	1.07
United Future	0.60
Aotearoa Legalise Cannabis	0.52
Democrats for Social Credit	0.08
Libertarianz	0.07
Alliance	0.05
Total	99.99

- 1.17 In the MMP elections to date there have been three instances of political parties receiving between 4% and 5% of the party vote, one instance of a political party receiving between 3% and 4%, five instances of political parties receiving between 2% and 3%, 12 instances of political parties receiving between 1% and 2%, and 60 instances of political parties receiving less than 1%. These results indicate a 4% threshold would not lead to the proliferation of very small parties in Parliament.
- 1.18 As we have said, caution is required when using past election results to assess different thresholds because of the impact different thresholds may have had on voting decisions, though they represent the best statistics available.¹² However, these election results suggest

Arend Lijphart, Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990, Oxford University Press, 1994, p. 13.

¹¹ See Appendix C for this information in full.

Election studies suggest voters take into account a party's likelihood of crossing the threshold when making voting choices. See for example, Jack Vowles "Did the Campaign Matter?" in Proportional Representation on Trial: The 1999 General Election and the Fate of MMP", Auckland, AUP, 2000. It is reasonable to expect, therefore, that different thresholds could have led to different choices.

- to us that a single threshold of 4% would fulfil its purpose: give smaller political parties a reasonable chance of gaining seats in Parliament but limit the proliferation of very small political parties.
- 1.19 Simulations undertaken by Dr Mark Wilson and Michael Fowlie at the University of Auckland support our conclusion that lowering the threshold to 4% would be very unlikely to impair government formation or government stability.¹³
- 1.20 We also favour 4% on the grounds of the parliamentary effectiveness of small political parties. Political parties winning 4% of the party vote would have achieved reasonable nationwide support and be entitled to around five seats in Parliament. It is difficult to be definitive about the minimum number of MPs that might be required for a political party to operate effectively. However, five MPs seems to the Commission to be reasonable.

Public support for a 4% party vote threshold

- 1.21 A great many submissions were received on the party vote threshold. During the consultation phase, this issue was raised in 3,040 submissions. Opinion ranged from increasing the threshold to make it even harder for small parties to be represented in Parliament to not having any thresholds at all. While the majority of submissions favoured lowering the threshold, there was a wide range of views on how far it should be lowered.
- 1.22 In total 55% favoured lowering the threshold, with most arguing for 4%. A total of 31% were in favour of retaining the 5% threshold, and 14% proposed an increase above 5%.
- 1.23 This issue was raised in 972 submissions on the Proposals Paper. Of these, 40% supported a 4% threshold, 34% favoured the status quo, 21% preferred a lower threshold with 5% supporting higher thresholds.
- 1.24 Research from the New Zealand Election Study (NZES) suggests New Zealanders support a moderate system of proportional representation with an appropriate threshold. On the one hand, the data indicates there is strong public support for the principle of proportionality and coalition governments, with 60% of those surveyed preferring coalition to single party governments. On the other hand, there is also evidence the public wants strong government and is wary of fragmentation in Parliament; for example, most of those surveyed preferred majority government and felt there were too many political parties in Parliament.¹⁴
- 1.25 The Commission engaged UMR to conduct two surveys in the weeks following the release of the Proposals Paper to gauge support for a 4% party vote threshold and the abolition of the one electorate seat threshold. In the first survey, conducted soon after the release of the Proposals Paper, 46% of those surveyed supported lowering the party vote threshold to 4%, while 42% opposed it, and 12% were unsure. In a survey conducted two weeks later, 40% surveyed supported a 4% threshold, 41% did not, and 19% were unsure. Most of those

¹³ See Appendix D for the submission by Dr Mark Wilson and Michael Fowlie on the 2012 review of MMP.

 $^{^{14}}$ New Zealand Election Study, submission on the 2012 review of the MMP, p.3.

- opposed to a 4% party vote threshold preferred that it remain at 5% or higher. Those supporting a threshold below 4% were within the margin of error. ¹⁵
- 1.26 These findings suggest that most New Zealanders support a reasonably high threshold. The NZES submitted this would be most effectively done by removing the one electorate seat threshold which has been responsible 'for higher party system fragmentation' in Parliament.¹⁶
- 1.27 In our view, anything below a party vote threshold of 3% would amount to too great a departure from the balanced approach recommended by the Royal Commission and affirmed by New Zealanders in referendums. It would also run counter to public opinion expressed through polling and the extensive surveys of the NZES. A radical change in threshold would in effect constitute a new voting system.¹⁷
- 1.28 The party vote threshold could arguably be lowered to 3%. On the basis of previous MMP results and on simulations conducted by Wilson and Fowlie, there would be no significant risk to the effectiveness of Parliament or stability of government. While Wilson and Fowlie prefer 3%, this would be a massive 40% reduction from the current threshold, and we are mindful that experts in electoral systems recommend 'incremental improvements' rather than major change.¹⁸
- 1.29 This is an area in which New Zealand should move cautiously and gradually. We believe the best option is to see a 4% party vote threshold in practice. In time it may be that 4% proves to be too high a hurdle and should be lowered further.
- 1.30 We therefore recommend the Electoral Commission be required to review the new party vote threshold and report to the Minister of Justice for presentation to Parliament after three general elections.

THE ONE ELECTORATE SEAT THRESHOLD

RECOMMENDATIONS

The one electorate seat threshold for the allocation of list seats should be abolished.

If the one electorate seat threshold is abolished, the provision for overhang seats should be abolished.

Underlying principles

1.31 Some systems of MMP, such as New Zealand's and Germany's, include an electorate seat waiver to the party vote threshold. This allows a party that has not crossed the party vote threshold to share in the allocation of list seats so long as its candidates have won the number of electorates required to trigger the waiver. New Zealand has a one electorate seat waiver, often referred to as the one electorate seat threshold.

See Appendix E for the survey results in full. The margin of error in both surveys is $\pm 3.6\%$.

¹⁶ NZES, p.4.

¹⁷ Lijphart, p.92 and NZES, p.2.

Lijphart, p.151. See also Rein Taagepera and Matthew S Shugart, Seats and Votes: The Effects and Determinants of Electoral Systems, Yale University Press, 1989, p.235.

- 1.32 Germany is a federation of states. It has a three electorate seat waiver. This is to ensure that a party that is strongly supported at a state or regional level can obtain representation at the federal level even if it has insufficient support on a nationwide basis to cross the party vote threshold. It has been activated only three times since the introduction of MMP in 1949 (in 1953, 1957 and 1994).
- 1.33 Other systems of MMP, such as Scotland and Wales, make no provision for a waiver. 19
- 1.34 Whether a system of MMP should include a waiver will depend upon the waiver's purpose and whether, in practice, that purpose is achieved. If it is not, it should be removed.
- 1.35 The original rationale for the one electorate seat threshold in New Zealand is not entirely clear from reading the Royal Commission's report its recommendation that it be included in New Zealand's MMP model was not supported by argument. However, we understand it was originally developed in the context of the Royal Commission's recommendations for Māori representation (which included the abolition of the Māori seats) and was based on the threshold waiver for the Danish minority in the German State of Schleswig-Holstein. It was seen as one of two mechanisms for Māori, and potentially Pasifika, parties to achieve parliamentary representation in line with their nationwide electoral support.²⁰ The other mechanism was the waiver of the party vote threshold for parties primarily representing Māori interests.
- 1.36 The one electorate seat threshold has served to mitigate the high 5% party vote threshold by reducing wasted votes and providing, for those parties that benefit from it, a more proportional outcome. However, this has been at the considerable cost of undermining some of the principles that underpin MMP: fairness and equity and the importance of the party vote in determining the overall make-up of Parliament.
- 1.37 Members of the Royal Commission told us they have long regarded the one electorate seat threshold as their one mistake. In their view there are no good reasons to retain it and it should be abolished.²¹
- 1.38 The Commission concurs and is of the view that the one electorate seat threshold should be abolished.

Fairness, equity and the primacy of the party vote

1.39 The main objection to the one electorate seat threshold is that it runs counter to some of the most fundamental principles of the MMP voting system, including that all votes should be of equal value, the primacy of the party vote in determining election outcomes, and fairness of results. Because it undermines these core principles, the Commission is concerned that if the

¹⁹ In other countries, threshold waivers exist for parties that represent ethnic or special interest groups.

The Commission's understanding is based on correspondence with Professor Richard Mulgan, a former Royal Commissioner, and a discussion with Mr Lewis Holden, then a principal research officer with the Royal Commission.

Professor Richard Mulgan "The exemption that allows a party that wins an electorate seat to bypass the threshold for list seats was, in hindsight, a mistake ... I don't think we thought through the way in which it would focus political effort on winning particular seats ... If you are a minor party you should be trying to win support across the whole country." Quoted in the Dominion Post, "Tinker – yes, ditch it – no", says MMP co-architect, November, 2011.

one electorate seat threshold is retained there will be a considerable on-going risk to public confidence in the legitimacy of our system of MMP.²²

- 1.40 The one electorate seat threshold confuses the purposes behind the two votes under MMP. Intrinsic to MMP is the primacy of the nationwide party vote in determining the composition of Parliament, with each vote of equal value, provided the party crosses the party vote threshold. The purpose of the electorate vote is to elect a local representative. However, the one electorate seat threshold allows voters in some electorates to go beyond this purpose to use the electorate vote to significantly influence the make-up of Parliament by helping to bring in list MPs who would not otherwise be elected. This gives these few voters a disproportionate influence and is contrary to what New Zealanders expect of MMP.
- 1.41 The operation of the one electorate seat threshold has led some parties and the media to focus excessively on a few electorates, much like the marginal seats of FPP. This further conveys a message that the electorate seat votes of voters in these seats have an extra importance not enjoyed by other voters which could be decisive in determining which party grouping will be able to govern New Zealand.
- 1.42 The accommodations struck by parties to take advantage of the one electorate seat threshold have proved unpopular with voters.²³ Such accommodations might still occur in the absence of the one electorate seat threshold, but are likely to be less attractive because the size of the potential bonus is reduced.
- 1.43 Of course, abolition of the one electorate seat threshold would not prevent electorate only or single member parties, nor should it. We emphasise that any candidate who wins an electorate seat would keep that seat but their party would not be allocated list MPs unless it crossed the party vote threshold.
- 1.44 The one electorate seat threshold can provide for greater proportionality and reduce the number of wasted votes. The problem is it does so inconsistently, triggered not by nationwide strength in the party vote but by plurality support in the electorate vote in a few electorates, and in a way that compromises MMP's core principles of equity and fairness. The most obvious example was the 2008 general election where ACT won 3.85% of the party vote and gained four list MPs because it won Epsom but no NZ First MPs were elected despite it winning 4.1% of the party vote. Another example would be the Progressives winning a list seat in 2002 with 1.7% of the party vote on the basis of the party's success in the Wigram electorate whereas, in previous elections, the Christian Coalition and Christian Heritage parties received 4.3% and 2.4% of the party vote respectively but no representation because they won no electorate seats.

18

As early as 2000, the NZES commented "The role played by the winning of one electorate seat under MMP increases the stakes for such strategic behaviour by political parties. It is questionable whether such behaviour is in the interests of voters and it may have the effect of reducing the credibility and legitimacy of the electoral system", NZES report to the Electoral Commission, Electoral System Opinion and the Evolution of MMP, July 2000.

For example, TVNZ, "Cup of tea meeting fails to sway voters to ACT- poll", a nationwide poll of just over 1,000 eligible voters were asked whether they agreed with National asking its supporters to give their electorate vote to John Banks. Only 29% were in support, 55% were opposed, with the remainder undecided, 18 November 2011.

- 1.45 On balance, therefore, the Commission considers any benefit to proportionality is outweighed by the negative impact on fairness and the principle that all votes should be of equal weight.
- 1.46 Abolishing the one electorate seat threshold would result in all parties being treated in the same way by having to cross the same party vote threshold. It would also have the advantage of greatly simplifying the MMP system to just one threshold with no exemptions.

Arguments for retention

- 1.47 An argument made for keeping the one electorate seat threshold is that a party that has succeeded in winning an electorate seat should be eligible for an allocation of list seats on the basis this would increase the effectiveness of the party within Parliament by enabling its workload to be shared amongst more members. This argument has some merit as it goes to one of the Royal Commission's criteria for assessing electoral systems: the effectiveness of Parliament. However, in our view, any benefit to the impact on the effectiveness of Parliament is outweighed by the impact on fairness and equity.
- 1.48 In theory, the one electorate seat threshold should also have resulted in there being fewer single MP parties because of the potential to have further MPs elected from the party list. However, in practice, this has been uncommon, as the table below illustrates. Of the 16 instances where small parties have crossed the one electorate seat threshold but not the party vote threshold, on only five occasions has their share of the party vote entitled them to additional list MPs. Therefore, the Commission believes a single party vote threshold of 4% is a better way to limit the proliferation of very small parties and achieve more effective parliamentary parties.

Table 3: Showing the list seats won through the one electorate seat threshold 1996-2011

PARTY	1996	1999	2002	2005	2008	2011
ACT	*	*	*	1+1	1 + 4	1+0
Mana						1+0
Māori				4 + 0	5 + 0	3 + 0
NZ First	*	1 + 4	*	*		*
Progressive			1 + 1	1+0	1+0	
United Future	1+0	1+0	*	1 + 2	1+0	1+0

Key: An asterisk indicates a party that crossed the 5% party vote threshold. A blank space indicates a party that did not exist or was unrepresented in Parliament.

- 1.49 Another argument made in support of retaining the one electorate seat threshold is that, because it is extremely difficult for a small party to win an electorate seat, parties that do achieve this should receive an allocation of list seats. The counter to this is that it is extremely difficult and costly in terms of resources for small parties to win party votes as well. Although winning an electorate is a significant achievement, it is hard to justify rewarding parties with local support over parties with stronger, more widespread support.
- 1.50 We considered whether there was merit in increasing the one electorate seat threshold to two or three electorate seats. This would require a small party to have local support in more

than just one area to be eligible for an allocation of list seats. However, we concluded that a better solution is to lower the party vote threshold.

Public support for abolition of the one electorate seat threshold

- 1.51 There has for some time been concern about the operation of the one electorate seat threshold. A majority of submissions to the 2001 select committee review of MMP supported its abolition and research commissioned by that committee found tentative support for its abolition.²⁴ In 2002, NZES research showed 41% opposed the one electorate seat threshold compared to only 23% who wished it to be retained.²⁵
- 1.52 The results of the survey the Commission commissioned in the week after the Proposals Paper was released showed 52% of those surveyed supported abolishing the one electorate seat threshold with just under a third (32%) opposed to it. The remaining 16% were unsure.²⁶
- 1.53 A total of 2,347 submissions during the consultation phase were received on the issue of the one electorate seat threshold. Of these 77% supported abolition, 17% said it should be retained, and 8% proposed that it be increased.
- 1.54 This issue was raised in 816 submissions on the Proposals Paper. Of these 71% supported its abolition and 29% did not.

THE EFFECT ON OVERHANG SEATS

- 1.55 Under current arrangements, an overhang seat occurs if a party wins more electorate seats than it would be entitled to under its share of the party vote. Where this happens, the party keeps all its electorate seats, but the number of list seats allocated to other parties is increased by the number of overhang seats. This has the effect of increasing the size of Parliament.
- 1.56 Overhangs occurred in the 2005, 2008 and 2011 Parliaments thereby causing the size of the House to increase from 120 members to 121, 122 and 121 members respectively.
- 1.57 Abolishing the one electorate seat threshold, as the Commission proposes, would increase the chances of overhang seats being triggered by parties that win electorates but do not cross the party vote threshold. This is because these parties would not be entitled to a share of the party vote and, therefore, every electorate seat won by them would be an overhang seat. For example, if there had been no one electorate seat threshold in the 2011 general election and the current overhang rules applied there would have been six overhang seats and this would have resulted in a 126 seat Parliament.²⁷
- 1.58 In the Commission's view, the prospect of such large overhangs is unlikely to be publicly acceptable. It could also create issues for governing. For these reasons, if the one electorate

²⁴ Report of the 2001 Select Committee inquiry into MMP, p.50.

²⁵ NZES, p.2.

²⁶ See Appendix E for the full results of this survey.

This is because none of the following parties reached the party vote threshold but won electorates: ACT (1), Mana (1), Māori (3) and United Future (1).

seat threshold is abolished, we also propose the abolition of overhang seats for any party irrespective of whether it crosses the threshold or not.²⁸ We note, however, there would be little point in abolishing overhangs if the one electorate seat threshold remains.

- 1.59 Parties that win electorate seats would keep those electorate seats. Under this proposal, the difference would be that no extra list seats would be allocated to other parties, so that the size of Parliament would remain the same.
- 1.60 The usual number of quotients to be allocated using the Sainte-Laguë formula is 120.²⁹ The simplest method of abolishing overhang seats and, therefore, the Commission's preference, would be to reduce the number of quotients to be allocated by the number of overhang seats. For example, if a party were to win one more electorate seat than it was entitled to under its share of the party vote, the number of quotients to be allocated would be reduced from 120 to 119 so that the size of Parliament remained at 120. It is important to note the party would keep any electorate seats it won. This, in effect, is the same approach that would apply if an independent candidate won an electorate seat under current arrangements.
- 1.61 The table below illustrates the allocation of seats under the current rules and under a 4% party vote threshold with and without overhangs based on the 2011 general election results.³⁰

Table 4: Showing seat allocation under different threshold and overhang scenarios for 2011 general election results

PARTY	5% threshold with overhangs (current rules)	4% threshold without overhangs (proposed)	4% threshold with overhangs	
ACT	1	1	1	
Greens	14	14	14	
Labour	34	34	36	
Mana	1	1	1	
Māori	Māori 3		3	
National	59	58	61	
NZ First 8		8	9	
United Future	1	1	1	
	121	120	126	

This recommendation differs from the Proposals Paper which limited the proposed prohibition on overhang seats to parties that do not cross the party vote threshold only. This proposal was limited in this way because it is small parties with strong local support that do not cross the party vote threshold that are most likely to generate overhang seats. However, submissions on this proposal questioned the basis for this limitation and found it confusing. The Commission has accordingly modified its recommendation in the light of these submissions to apply the abolition irrespective of whether a party crosses the party vote threshold or not.

Note that this number would increase over time in step with population growth if the proposal to fix the ratio of electorate seats to list seats was adopted (see this discussed in the section on proportionality).

See Appendix F for the seat allocation under the current and recommended threshold/overhang arrangements for the 1996-2011 general elections.

Effect of Commission's recommendation on proportionality

- 1.62 We were concerned that removing provision for overhang seats in this way might have an unacceptable impact upon proportionality. We therefore analysed the 2005, 2008, and 2011 general elections to see what the impact on proportionality would have been had there been no provision for overhang seats, and found it to be minimal (see table 5 below).
- 1.63 Using the internationally-recognised Gallagher Index for measuring disproportionality, results would have been slightly more proportional without provision for overhang seats for those parties that did not cross the 5% threshold in 2005 and 2011. In 2008 the increase in disproportionality would have been 0.1%. This is true if either the retention of the current thresholds or the adoption of the Commission's recommendation for thresholds is assumed. Generally speaking, a disproportionality rate of less than 3% can be regarded as an indication an electoral system is, on balance, reasonably fair.

Table 5: Levels of disproportionality³¹ for the 2005, 2008, and 2011 general elections, as well as calculations of the disproportionality if the votes cast in these elections had been under a 4% party vote threshold and if overhangs were permitted or not.

ELECTION YEAR	5% threshold with overhangs	5% threshold without overhangs	4% threshold with overhangs	4% threshold without overhangs
2005	1.13	1.13	2.14	2.12
2008	3.84	3.94	2.93	3.05
2011	2.38	2.32	2.38	2.32
Average	2.45	2.46	2.48	2.50

1.64 To put the results in the above table into perspective, the average disproportionality for the FPP elections in New Zealand from 1946-90 was 10.66%. By way of contrast, the levels of disproportionality for a selection of proportional representation electoral systems are: Denmark: 1.74%; Finland: 2.86%; Germany: 0.67%; Iceland: 2.86%; Norway: 3.65%; Sweden: 1.67%; and Switzerland: 2.36%. 32

IMPACT OF COMMISSION'S PROPOSALS ON GOVERNMENT FORMATION

- 1.65 Submissions on the Proposals Paper drew attention to the need to consider not only the impact of the Commission's proposals to lower the party vote threshold to 4% and abolish the one electorate seat threshold and provision for overhang seats on the proportionality and effectiveness of Parliament but also on government formation as well. Of particular concern to these submissions was whether the Commission's proposals would make it more difficult to form and sustain stable governments, with reference to the experience of previous MMP elections.
- 1.66 As always, caution is required when considering past election results to assess the impact of different thresholds because of the effect they may have had on voting patterns. Election studies suggest voters take into account a party's likelihood of crossing the threshold when

The Gallagher Index of Proportionality was developed by Professor Michael Gallagher and is widely regarded as the best measure of disproportionality. LSQ stands for Least Squares index. A perfectly proportional election would have an LSQ of 0.0% and the higher the statistic, the greater the degree of disproportionality.

³² Lijphart, Appendix B.

- making voting choices. It is reasonable to expect, therefore, that different thresholds could have led to different choices.
- 1.67 The data in Table 6 assume no change in voting choices and show the possible consequences for government formation under the recommended changes. Majority governing arrangements with the same parties that formed governing arrangements following the 1999, 2002, 2008 and 2011 general elections would have been possible had there been a 4% party vote threshold, no one electorate seat threshold and no provision for overhang seats. This would also have been the case under a system that allowed overhangs.
- 1.68 In both the 1996 and 2005 general elections, again assuming voters had followed the same voting patterns, the options for government arrangements would have been different. It is impossible to say what the outcome of negotiations for government formation would have been under these circumstances. However, what can be said is that parliamentarians have shown the capacity to form minority or majority governing arrangements under every MMP Parliament and no government has lost a vote of confidence.
- 1.69 The effect of the Commission's recommendations, however, would be to provide certainty about the size of Parliament and therefore the numbers needed to hold the confidence of the House and pass legislation. Moreover, the Commission is confident that, on the basis of New Zealand and international experience, lowering the party vote threshold to 4% and abolishing the one electorate seat threshold would be consistent with maintaining effective Parliaments and stable governments.

Table 6: Showing Government composition and the number of governing party seats required, and calculating the number of seats a governing party would need in a Parliament with a 4% threshold with and without overhangs

ELECTION YEAR	Actual Government composition and numbers	Government composition and numbers with a 4% threshold without overhangs	Government composition and numbers with a 4% threshold and overhangs
1996	National, NZ First	National, NZ First	National, NZ First
	61/120	59/120	59/121
1999	Labour, Alliance	Labour, Alliance	Labour, Alliance
	59/120	59/120	60/121
2002	Labour, Progressives, United Future	Labour, Progressives, United Future	Labour, Progressives, United Future
	62/120	62/120	63/121
2005	Labour, Progressives, NZ First, United Future	Labour, Progressives, NZ First, United Future	Labour, Progressives, NZ First, United Future
	61/121	60/120	64/127
2008	National, ACT, Māori, United Future	National, ACT, Māori, United Future	National, ACT, Māori, United Future
	69/122	63/120	67/128
2011	National, ACT, Māori, United Future	National, ACT, Māori, United Future	National, ACT, Māori, United Future
	64/121	63/120	66/126

The thresholds package

- 1.70 While implementing any one of the Commission's recommendations on thresholds would enhance New Zealand's MMP voting system, it is the view of the Commission and a large number of submissions that it would be much better to regard them as a package. Solely reducing the party vote threshold would improve proportionality but still leave the distortions inherent in the one electorate seat threshold in place. Solely revoking the one electorate seat threshold but leaving the present party vote threshold untouched would continue the high barrier to parliamentary representation currently faced by small parties.
- 1.71 Enacted together, they would achieve increased proportionality and remove the undesirable incentives of the one electorate seat threshold. This in the Commission's view is a better way to achieve proportionality, effective parties and Parliaments without jeopardising government stability. It would result in New Zealand having a fairer and more equitable MMP voting system than we have had to date.

PROPORTION OF ELECTORATE SEATS TO LIST SEATS

RECOMMENDATION

Consideration should be given to fixing the ratio of electorate seats to list seats at 60:40³³ to help maintain the diversity of representation and proportionality in Parliament obtained through the list seats.

- Under current arrangements for determining electorate boundaries, changes in population 2.1 growth mean the number of electorates will continue to increase and the number of list seats will decrease. In 1996 there were 65 electorate seats and 55 list seats. There have been 70 electorate seats and 50 list seats for the last two general elections.
- 2.2 The terms of reference require the Commission to review the ratio of electorate to list seats which results from the effects of population change on the former. Included in meeting this requirement, the Commission needs to identify the point in time when the ratio of electorate seats to list seats is such that our voting system can no longer be described as proportional. This is because, under MMP, maintaining the proportionality of Parliament requires there to be enough list seats to compensate for the disproportionate results of electorate contests.
- 2.3 This question cannot be answered precisely. Our analysis suggests problems in maintaining proportionality might have arisen at the 2002 general election with a ratio of electorate seats to list seats of 67:33³⁴ (or 80 electorate seats in a 120 seat Parliament) – well below the 75:25 ratio conventionally thought to be the point at which a mixed voting system can no longer be regarded as proportional.³⁵ It is possible problems might arise at an even lower ratio. New Zealand is projected, on the basis of 2006 census data, to reach a ratio of electorate seats to list seats of 62.5:37.5 (or 75 electorate seats) by 2026. The Commission intends to revisit this question when the population results become available following the census to be held in March 2013.
- 2.4 There is a more immediate problem, however. List seats are the principal mechanism by which diversity of representation in Parliament is achieved. The declining numbers of list seats threatens this important objective of MMP.
- 2.5 The Commission, therefore, believes it would be prudent and timely to amend the Electoral Act to fix the ratio of electorate seats to list seats in a way that ensures sufficient list seats to maintain both diversity of representation and proportionality in Parliament.³⁶
- 2.6 A 60:40 ratio of electorate seats to list seats would be appropriate for these purposes. It is close to the current ratio of electorate to list seats (58:42) and so implementation of a fixed

Where a ratio is expressed In these terms it represents a percentage.

The Proposals Paper identified a ratio of 63:37 or 76 electorate seats as the danger point. The calculations used in the Proposals Paper included the party votes of all parties. The calculations in this report exclude the party votes of parties that did not cross the party vote or one electorate seat thresholds. See Appendix ${\it G}$ for the recalculations.

Taagepera and Shugart, p.131.

We would envisage any arrangement for implementing a fixed ratio of electorate seats to list seats would maintain the current fixed number of South Island electorates meaning that the size of Parliament would gradually increase in step with changes in population growth.

ratio now could be achieved before population growth makes this more difficult. It would provide sufficient list seats for each party to be able to balance its representation of significant groups and interests and to be reasonably confident of maintaining proportionality in Parliament.

Why electorate seats increase relative to list seats

- 2.7 Since 1965, the number of South Island general electorate seats has been fixed by the Electoral Act. During the period of FPP (1965 to 1993) there were 25 South Island general electorate seats. Under MMP there have been 16.
- 2.8 The number of North Island general electorates and Māori electorates is determined by dividing the North Island general and Māori electoral populations by the quota derived by dividing the South Island general electoral population by the number of South Island electorates.
- 2.9 Because of the disproportionately faster population growth of the North Island and Māori populations compared with that of the South Island, the effect of this arrangement is that the overall number of general and Māori electorates has increased over time, as the table below illustrates.

Table 7: Showing the increase in number of North Island general and Māori electorate seats and the corresponding decrease in the number of list seats

YEAR	1996	1999	2002	2005	2008	2011
Number of North Island general electorates	44	45	46	46	47	47
Number of South Island general electorates	16	16	16	16	16	16
Number of Māori electorates	5	6	7	7	7	7
Number of list seats	55	53	51	51	50	50
Number of overhang seats	_	_	_	1	2	1
Total number of seats	120	120	120	121	122	121

The ratio of electorate seats to list seats at which proportionality cannot be assured

- 2.10 It is not possible to answer precisely when the ratio of electorate seats to list seats will be such that our voting system can no longer be described as proportional. With this important caveat in mind, we offer some general indications to assist with policy decisions.
- 2.11 There is no single point at which the number of list seats becomes a problem for overall proportionality. This risk will be present whatever the ratio of electorate to list seats but whether a problem arises in fact will depend upon a number of variables including voting patterns, vote splitting and the order in which seats are awarded under the Sainte-Laguë formula. The question is the point at which the risk becomes unacceptable because of the size or frequency of problems for proportionality caused by there being too few list seats.

- 2.12 The international literature suggests the point at which significant and regular problems to proportionality could be expected is a 75:25 ratio of electorate to list seats or, in New Zealand's case, 90 electorate and 30 list seats.³⁷
- 2.13 We have looked at the six MMP general election results.³⁸ These indicate problems might arise with a ratio of electorate to list seats of far less than 75:25. The question to be considered though is the significance of these risks.
- 2.14 For example, at the 2002 general election the Labour Party's successes in the electorate contests might have caused there to be too few list seats to maintain proportionality if there had been a 67:33 ratio of electorate to list seats (or 80 electorate and 40 list seats). The same problem might have arisen at that election for the National Party's result if there had been 87 electorate seats.
- 2.15 The specific combination of electorate results and party votes received by all parties in 2002 were, arguably, exceptional. However, the question would be whether the 2002 results were so unusual that, if they were repeated in a Parliament with 80 electorate seats and 40 list seats, the public would regard any problems for proportionality as a one-off aberration and, therefore, acceptable. Or would the public regard the inability of the electoral system to maintain proportionality in the case of a main party with significant nationwide support, albeit with unusual results, as a failure of the system? We fear the latter.³⁹
- 2.16 What this analysis has revealed is that the results are sensitive to small changes including the distribution of votes, levels of vote splitting and the effective vote. proportionality might well arise at even lower ratios than 67:33. For this reason, we consider it would be prudent to opt for a ratio of electorate seats to list seats well below where our experience to date indicates problems might arise.

Projected numbers of electorate seats

2.17 Statistics New Zealand has provided updated population statistics which indicate there will be 75 electorate seats (a ratio of electorate seats to list seats of 62.5:37.5) in 2026.

Taagapera and Shugart, p.131. See also David M Farrell, Electoral Systems: A Comparative Introduction, 2001.

See Appendix G.

See discussion of systemic failure in Jack Vowles, The Liberated Genie: Will Electoral System Change in New Zealand be Overturned? Article prepared for presentation at the Plurality and Multi-Round Elections Conference, Montreal, June 2006.

Table 8: Showing the projected numbers of electorate seats 2006-2026 under MMP⁴⁰

CENSUS YEAR	South Island Quota	Number of South Island Electoral Districts	Number of North Island Electoral Districts	Number of Māori Electoral Districts	Total Constituency Districts	List Seats in a 120 member House
2006	59,300	16	47	7	70	50
2011	62,100	16	48	8	72	48
2016	64,000	16	48	8	72	48
2021	65,400	16	49	8	73	47
2026	66,600	16	50	9	75	45

- 2.18 However, this conclusion must be treated with some caution. The projections provided by Statistics New Zealand, the experts in this field, represent the best information available to us. Population projections and estimating resulting electorate numbers are difficult exercises at the best of times because of the many variables and unknowns. They were particularly challenging in this case because they were based on 2006 census data and the impact of the Christchurch earthquakes at this point is unknown but may well be significant.⁴¹
- 2.19 For this reason, the Commission intends to revisit this question after the population information from the 2013 census becomes available.

Importance of list seats to diversity of representation in Parliament and equal status of MPs

- 2.20 The Royal Commission considered it important that electorate and list members should be elected in approximately equal numbers for two reasons: first, electorate and list MPs might otherwise be seen as being of different status; and second, 'a major advantage of party lists is that they provide the most effective way for each party to balance its representation of significant groups and interests. If this balance is to be achieved, it is important for all major parties to have some list members at all times'.⁴²
- 2.21 For this reason, the Royal Commission recommended 60 list seats and 60 electorate seats. This was never achieved in practice. From MMP's introduction in 1996, when there were 65 electorate and 55 list seats, there are now 70 electorate and 50 list seats.
- 2.22 Research undertaken by the NZES indicates many New Zealanders would support a reduction in the number of list MPs.⁴³ However, the same research found strong support for representation of women and minority groups in Parliament. It also indicated that while people tend to disapprove of list MPs as a generic class more than they do electorate MPs, when the results are filtered on the basis of actual knowledge of particular MPs the differences in approval rates disappear.

The population projections are based on the resident population concept and are as at 30 June for each of the census years. The resident population concept makes allowances for New Zealand residents not counted at the 2006 census, as well as New Zealand residents who were temporarily overseas at the time of that census. As a result, the South Island quota numbers will differ from calculations based on the usually resident population concept.

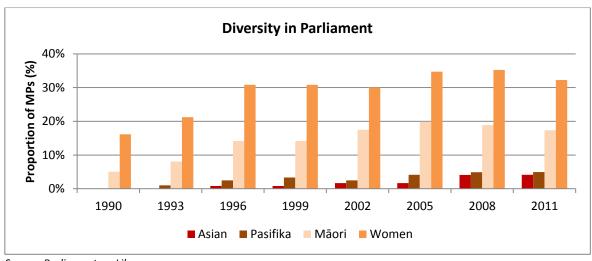
⁴¹ It is possible the number of electorates may increase beyond the 72 electorates projected for the 2014 general election (a ratio of electorate seats to list seats of 60:40).

⁴² Royal Commission, para. 2.189, p.66.

⁴³ NZES, p.6.

2.23 It was expected that more women, Māori and minorities would be elected to Parliament under MMP, and more specifically, through the party lists. Figure 1 below confirms the increased diversity of parliamentary representation under MMP.

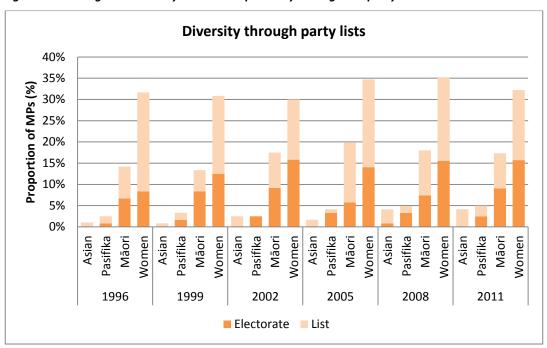
Figure 1: Diversity in MMP Parliaments 1996-2011 compared with the last two FPP Parliaments 1990 and 1993



Source: Parliamentary Library

2.24 This diversity has indeed come predominantly from party lists (see figure 2 below). Under MMP more women and Māori have been elected to Parliament, the majority as list MPs despite there being more electorate MPs overall. Of all MPs elected to Parliament from party lists, 43% have been women. By contrast, only 24% of MPs elected from electorates have been women. More Māori are elected from party lists than electorates, even with the existence of the Māori seats. That is, 21% of all list MPs have identified as Māori compared with 14% of all electorate MPs – Māori and general electorates. Only 5% of general electorate MPs identified as Māori.

Figure 2: Showing that diversity is achieved primarily through the party list



Source: Parliamentary Library

Fixing the ratio of electorate seats to list seats

- 2.25 Given that list seats are the principal mechanism by which diversity of representation in Parliament is achieved, the Commission is concerned the gradual erosion in the number of list seats threatens this important objective of MMP. We are also concerned about the impact this might have on public perceptions about the legitimacy of list MPs. And at some point in the future the decline in list seat numbers will put at risk the maintenance of proportionality in Parliament.
- 2.26 The Commission, therefore, believes it would be prudent and timely to fix the ratio of electorate seats to list seats in a way that ensures sufficient list seats to maintain both diversity of representation and forestall problems arising in maintaining proportionality in Parliament.⁴⁴
- 2.27 As we envisage it, the effect of a fixed ratio of electorate seats to list seats would be that, as the number of electorate seats increases in response to changes in population, the number of list seats would increase in line with the fixed ratio. The overall effect would be that the size of Parliament would increase gradually in step with changes in growth in the population.
- 2.28 This, in effect, would put the MMP Parliaments on the same basis as the FPP Parliaments between 1965 and 1993 where the size of the House increased in line with population changes from 80 to 99.
- 2.29 We have considered what an acceptable and feasible ratio of electorate seats to list seats might be. We doubt there would be much public appetite to reduce the current number of electorates or significantly increase the size of Parliament. The prospects, therefore, for moving to the Royal Commission's original recommendation of a 50:50 ratio seem slight. The current ratio of electorate to list seats is around 58:42. A ratio of 60:40 would allow sufficient list seats to provide reasonable confidence that the proportionality of Parliament would be maintained and would allow for parties to continue to present diverse party lists to voters. It could be implemented without any change to the current arrangements for determining the number and boundaries of electorates.
- 2.30 If there were to be support for a move to a fixed ratio of 60:40 it would make sense to implement the change in time for the 2014 general election because the results of the boundary redistribution which will follow the census to be held in March 2013 is likely to result in an increase in the number of electorate seats. This is likely to move the current ratio of around 58:42 closer to or beyond a ratio of 60:40. Making the change in time for the 2014 general election, therefore, would have minimal impact upon the number of list seats and the size of Parliament.
- 2.31 This proposal would provide for increases in the size of Parliament (albeit slowly and gradually in step with changes in population) and so is outside the scope of the review.⁴⁵ For this

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This option differs from the option outlined in the Proposals Paper. The option in the Proposals Paper suggested that the current number of 50 list seats might be maintained by providing that the number of quotients to be allocated under the Sainte-Laguë formula be increased by one for every additional electorate seat that is established following a redistribution of boundaries. This would not have been a long term solution as over time the ratio of list seats to electorate seats would have declined.

⁴⁵ Parliament has excluded the number of members of Parliament from the scope of the review.

reason, we do not recommend the adoption of a fixed ratio of electorate seats to list seats of 60:40 but that this issue be considered without delay.

Electorate sizes

2.32 Some submissions argued that electorate sizes under MMP are too large and the number of electorates should be increased at the expense of list seats. Some electorates are indeed very large. However, we think it more important to ensure a sufficient number of list seats to maintain diversity of representation and proportionality in Parliament.

ORDER OF CANDIDATES ON A PARTY LIST

RECOMMENDATIONS

Political parties should continue to have responsibility for the selection and ranking of candidates on their party lists.

Political parties should be required to give a public assurance, by statutory declaration, that they have complied with their rules in selecting and ranking their list candidates.

In any dispute relating to the selection of candidates for election as members of Parliament, the version of the party's rules that should be applied is that supplied to the Commission under section 71B as at the time the dispute arose.

3.1 Two issues arise for consideration under this topic. The first is parties' rules on candidate selection and the extent to which they comply with those rules. The second aspect is whether voters should be given the ability to vary parties' ranking of candidates when voting.

List candidate selection rules

- 3.2 It is currently the role of political parties in New Zealand to compile and rank the candidates in order of preference on their respective lists, and parties must follow democratic selection processes when doing this.
- 3.3 A number of submissions raised concerns with what they saw as inadequate provision in the Electoral Act for political party members to have a say in the selection of list candidates, a lack of transparency within political parties over list selections, and, in some cases, those parties not following their own rules.
- 3.4 They called for section 71 (the section in the Electoral Act that deals with this) to be amended to require political parties to make up-to-date candidate selection rules available to members, to allow all political party members to take part in list candidate selections (usually by way of a direct vote by secret ballot), to require political parties to make public the results of the vote, and to empower the Electoral Commission to enforce political parties' compliance with their rules.
- 3.5 Unlike countries with which we might compare ourselves such as Australia, Canada and the UK, where party candidate selection is largely unregulated, New Zealand does have what has been described as a 'light handed' regulatory regime.⁴⁶
- 3.6 Section 71 provides—
 - 71 Requirement for registered parties to follow democratic procedures in candidate selection

Every political party that is for the time being registered under this Part shall ensure that provision is made for participation in the selection of candidates representing the party for election as members of Parliament by—

⁴⁶ See Anika Gauja, Political Parties and Elections: Legislating for Representative Democracy, Ashgate, November 2010.

- (a) current financial members of the party who are or would be entitled to vote for those candidates at any election; or
- (b) delegates who have (whether directly or indirectly) in turn been elected or otherwise selected by current financial members of the party; or
- (c) a combination of the persons or classes of persons referred to in paragraphs (a) and (b).
- 3.7 This provision gives effect to the Royal Commission's recommendation on this issue. The Royal Commission was concerned to ensure that democracy in this context meant party members should be entitled to participate in candidate selection processes either directly or through representatives, themselves elected by party members. Their proposal recognised the wide variety of party sizes, structures and values and the need to avoid cutting across party autonomy in setting their own rules. They also saw central party organisations having 'a beneficial effect on the overall quality and representativeness of the parliamentary teams' and said 'We would not wish to prevent such procedures, provided they are acceptable to the party as a whole and provided party officials are themselves chosen by all party members or their representatives'. As long as it accords with the party's rules, the capacity for party hierarchies to exercise a final decision over the make-up of that party's list has been upheld by the Courts. Before the Royal Commission of the party's list has been upheld by the Courts.
- 3.8 This recommendation is also reflected in section 71B which requires secretaries of all registered political parties to supply the Commission with copies of their party's membership and candidate selection rules and any changes within one month of their adoption. These are publicly available from the Commission, free of charge, and are published on the Commission's website to increase their availability.
- 3.9 We have studied the candidate selection rules of all registered political parties (see Appendix H). Unsurprisingly, they vary widely in the degree of membership participation they include, reflecting the size and nature of the different political parties. However, they all comply with section 71 in that all provide for the direct or indirect participation of members in candidate selection.
- 3.10 Political parties are, in the main, private organisations and, having regard to that and the necessity for parties' rules to reflect the widely differing ethos and size of parties, there appears to be no common procedural code which can be devised which would improve the democratic aspect of candidate selection and apply to all parties in all circumstances, including by-elections or snap elections. We could find no 'one size fits all' formula appropriate for all registered parties in New Zealand. Indeed, after much thought and analysis, we have concluded that section 71 in its current form gets the balance right.
- 3.11 We have also considered the submissions that the law be amended to give the Commission a role in enforcing parties' compliance with their rules but have concluded this would not be appropriate.

⁴⁷ Royal Commission, para 9.28, pp. 240-241.

⁴⁸ Payne v Adams (2009) 3 NZLR at 857 para (97), at 859 para (107) (FC).

- 3.12 Parties are private organisations, although they have a public political role, and resolving disputes between private organisations and their members has long been the responsibility of the Courts. The Courts have the experience in dealing with such disputes and for the Commission to take on such a role would duplicate the Court's jurisdiction. Given that its decisions would be reviewable by the Courts, an enforcement role for the Commission would only add a time-consuming and costly step to the resolution of such disputes.
- 3.13 In addition, the Commission sees its role as one of assisting and encouraging parties to comply with their statutory duties. An enforcement role in relation to parties' compliance with their rules would run counter to this.
- 3.14 However, in relation to the concerns expressed by submitters about the adequacy of list candidate selection processes and practices, we think it might assist if parties are required to give a public assurance they have complied with their rules in selecting and ranking their list candidates.
- 3.15 At present, section 127(3A) requires a statutory declaration from a political party confirming that all its list candidates are eligible to stand for election. We recommend this be extended to include a statement to the effect that the list candidate selection process has complied with the party's rules.
- 3.16 Section 71 applies to both electorate and list candidate selection processes. However, because we do not think it would always be practical for a single party official to have knowledge of the candidate selection processes in every electorate, the recommendation for a statutory declaration is confined to the selection of list candidates.
- 3.17 We also recommend that in any dispute about candidate selection, the authoritative version of the party's rules be the one supplied to the Commission under section 71A at the time the dispute arose.

Ability to vary party lists

- 3.18 Electoral systems that use party lists have rules that determine which candidates fill the seats won by each party. Party lists can be open, semi-open or closed.
- 3.19 Party lists in New Zealand are closed. That is, in a general election, voters are not able to alter the ranking of political parties' candidates, vote for a particular candidate on a list, strike candidates off the list, or make any other change which might alter the original order as determined by a political party. Open or semi-open lists, by contrast, allow for varying degrees or forms of voter influence over the order of candidates on a party list.
- 3.20 The Royal Commission considered closed lists promote party unity, reinforce the collective responsibility of a party's MPs to the electorate at large and avoid candidates competing within, as well as between, parties.⁴⁹
- 3.21 Closed party lists enable political parties to present a list of candidates that they consider best represent the values and ethos of the party and allows for diversity. Closed lists also allow a

⁴⁹ Royal Commission, para 2.199, p.68.

voter to make an informed decision about whether to accept or reject a party's list knowing with certainty the order of candidates on the list. This could be undermined under open or semi-open list systems.

- 3.22 A further argument for keeping the present closed list system is that it allows political parties to include candidates in winnable positions on the list who might otherwise have difficulty getting elected in an electorate. The current system also enables political parties to offer a diverse, representative list of candidates.
- 3.23 In contrast, open or semi-open lists allow voters to express a preference for one or more candidates on the list and not just the party. Although the seats are still allocated among the parties based on their respective shares of the party vote, voters may influence which candidates are elected to fill these seats. How much influence depends on the rules of the particular list system. The more open the system, the more voters are allowed to determine the order in which candidates are elected, in some cases, voters can even choose candidates across different parties.
- 3.24 The use of closed lists was controversial in the early days of MMP. In both 1999 and 2002, the NZES asked respondents if they agreed or disagreed with the statement 'voters, not parties, should decide which of the candidates on the party list get the seats the party has won'. There was strong majority support in both these surveys for open lists.⁵⁰
- 3.25 The question of who should rank list candidates was raised in 2,181 submissions during the consultation phase. Of these, 61% were in favour of retaining the status quo. Open lists or ranking candidates was favoured by 28%. Many of those in favour of allowing voters to order candidates asserted the desirability of this in principle but without offering practical suggestions as to how this might be done. The 'best loser' system was the preferred choice of 11%.
- 3.26 A total of 564 submissions were received on the Proposals Paper on this issue. The overwhelming majority supported the status quo (90%) with 10% in support of the voter having some influence over the list ranking.
- 3.27 In countries where voters have some influence over the ranking of candidates, research has shown most accept the order offered by the political party of their choice without change.

 In Australia, where STV is used for elections to the federal Senate, 96% of voters in the 2010 federal Senate election chose the 'above the line' option in which they accepted their preferred party's choices.
- 3.28 The general picture then is that, because so few voters take advantage of the opportunity to rank candidates themselves, voters who do so have relatively little influence over which candidates are elected.⁵²

NZES, Report to the Electoral Commission, p.43 and NZES, p.8.

[&]quot;Evidence from countries with open lists indicates that, if given the choice, most voters do not take up the option and prefer simply indicating a party preference". NZES Report to the Electoral Commission, p.23.

⁵² Farrell, p.84.

- 3.29 Open or semi-open lists undoubtedly provide voters with more voting choice than a closed list system. However, the additional complexity they would bring to a mixed voting system such as MMP, including implications for the form of the ballot paper and the time occupied in voting, needs to be balanced against the effect these systems actually have on the final list order. As noted above, in systems where voters do have the opportunity to exercise some influence over the list few exercise this option.
- 3.30 We note the comment of the Royal Commission that 'while [open lists] may be attractive in principle, there are considerable difficulties in combining open national lists with constituency contests'.⁵³ We agree.

Regional lists

- 3.31 It was also put to us that if New Zealand adopted a system of regional lists it would then be more feasible to make them open. 54
- 3.32 We believe regional lists would add yet another level of complexity and a myriad of practical administrative problems to our electoral system for what would appear to be little benefit. The Royal Commission also thought that in order to make it clear that the list vote is a choice between parties and their leaders, all voters should have the same names in front of them. We concur with the Royal Commission when it concluded that one national list offered the best system for New Zealand.⁵⁵

'Best loser' system

- 3.33 We received a number of submissions proposing the adoption of the 'best loser' system. This is one in which the list is made up of the highest polling electorate candidates who lost as an alternative means of ranking list candidates.
- 3.34 The Royal Commission considered the 'best loser' system as an option for New Zealand but was not convinced it would give voters an appreciably greater choice over who their MPs would be than under a closed list system. Best losers are those unsuccessful candidates with the highest percentages of the vote in *their* electorate. Under this system a worthy but losing candidate in a seat that is safe for another party would have little chance of being a 'best loser' compared with an unsuccessful candidate in a highly marginal seat. We agree with the Royal Commission that greater voter choice under a 'best loser' system would be illusory. ⁵⁶

⁵³ Royal Commission, para 2.199, p.68.

Under this system, New Zealand would be divided into electoral 'regions' for the purpose of the party vote. Each party's entitlement would still be determined nationally but list seats would be allocated on a regional basis.

⁵⁵ Royal Commission, paras 2.201-2.202, pp. 68-69.

⁵⁶ Royal Commission, para 2.196, p.67.

SHOULD A PERSON BE ABLE TO STAND AS A CANDIDATE BOTH FOR AN ELECTORATE SEAT AND BE ON A PARTY LIST AT A GENERAL ELECTION?

RECOMMENDATION

Candidates should continue to be able to stand both for an electorate seat and be on a party list at a general election.

- 4.1 The Royal Commission said 'we consider prohibition of dual candidacies to be undesirable in principle and unworkable in practice'.⁵⁷ Having looked at all the arguments again, we agree with the Royal Commission's conclusion.
- 4.2 Dual candidacy is the principal means by which political parties present candidates for election to Parliament under New Zealand's system of MMP. On average, over 70% of all candidates standing for election stand as dual candidates (see figure below). Recent rates of dual candidacy for the two largest political parties mirror this practice with over 80% for National and over 70% for Labour.⁵⁸

% dual candidates

Figure 3: Showing the percentage of dual candidates 1996-2011

4.3 Despite this, a large number, although not a majority, of submissions expressed strong opposition to dual candidacy. Indeed, this is the question on which submitters' opinions were most evenly divided during the consultation phase. It was raised in 2,505 submissions, of these, 55% were in favour of keeping dual candidacy and 45% were opposed. This issue was

⁵⁷ Royal Commission, para 2.206, p.69.

Professor Jack Vowles, submission to the 2012 review of MMP, p.2.

commented on in 622 submissions on the Proposals Paper where a majority (82%) supported the status quo and 18% were opposed.

The status of list MPs

- 4.4 Many of the arguments in opposition to dual candidacy appear to be based on a view that list MPs have lesser status than electorate MPs. They said list MPs are 'unelected', 'appointed' by political parties or are the parliamentary representatives of those parties and accountable to them rather than the electorate.
- 4.5 This is not the case. Political parties do select the candidates on party lists, but they also select their electorate candidates. List MPs are elected by voters through their party vote from party lists lodged with the Electoral Commission on Nomination Day, published on the Commission's website, provided to every elector in their EasyVote pack, and available for inspection in every voting place. That some voters choose not to avail themselves of the information readily available to them does not alter the fact that list MPs are elected.
- 4.6 It is both proper and desirable under MMP that political parties can protect good candidates contesting marginal or unwinnable electorates by positioning them high enough on their list to be elected. If dual candidacy were not allowed, strong candidates would only be prepared to contest safe seats or would otherwise want high places on the party list.
- 4.7 An example of banning dual candidacy can be seen in the 2011 elections to the Scottish Parliament. Only 19% of one party's candidates stood as dual candidates (compared to 70-80% for the two other main parties). Many experienced members of this party lost their electorate seats and were thus unable to return to Parliament. The loss of so many experienced members has made it more difficult for the Opposition to effectively scrutinise the activities of the current majority government. 59
- 4.8 The absence of strong candidates contesting marginal or unwinnable seats would lower the quality of electorate contests and make it more difficult for political parties to convey their policies to voters in those electorates. This would be a problem for all political parties but particularly for political parties unlikely to win electorate seats. A further problem for all political parties, but particularly small political parties, would be the difficulty of finding up to twice as many candidates to contest a general election.
- 4.9 Mandatory dual candidacy was raised as a means of reinforcing the equal status of list and electorate members. The Royal Commission rejected this idea on the basis it would 'exacerbate rather than diminish a perception that there are two classes of MP' and that there were benefits in having some members freed from the responsibility of electorate work. ⁶⁰ We agree.

Unsuccessful sitting electorate MPs returning to Parliament as list MPs

4.10 In looking at this issue, it became apparent that dual candidacy of itself was not the real concern for many people. Opposition is centred around the idea that an unsuccessful

38

Dr Thomas Lundberg, Lecturer in Politics, School of Social and Political Sciences, University of Glasgow, submission on the 2012 review of MMP, p.2.

⁶⁰ Royal Commission, para 2.197, p.68.

- electorate MP can return to Parliament because of their place on their party's list, the so-called 'back door MPs'.
- 4.11 We acknowledge there are strongly held views about unsuccessful electorate MPs returning to Parliament on the list. However, we have looked at how often this has occurred since 1999 and the subsequent parliamentary career of these MPs. We have found that in fact this does not happen often and most of these MPs only serve one more parliamentary term after their electorate defeat.
- 4.12 Relatively few unsuccessful electorate MPs have returned through the list under MMP and most of those have not remained long as MPs, as illustrated by the table below. Between 1999 and 2011, of the 29 unsuccessful electorate MPs, 21 returned as list members, but seven retired before the next election. A further five members lost their list seats at a subsequent election and three retired after a further term. Two others left Parliament for other reasons. In the current Parliament only four list MPs were formerly electorate MPs. Two of those were first elected on the list in 2011.

Table 9: Showing the number of unsuccessful electorate MPs and what happened to those that returned on the list 1999-2011

YEAR	Total Number*	Not returned on list	Have remained a list MP	Retired before next election	Not returned on list at next election	Retired after additional term(s)	Other reasons for leaving Parliament
1999	5		1	1	2	1	
2002	2	1				1	
2005	11	1	1	5	2	1	1
2008	8	5		1	1		1
2011	3	1	2				
TOTAL	29	8	4	7	5	3	2

^{*}This does not include those MPs who stood as electorate only candidates but failed to win their seat.

- 4.13 There are scenarios where the return of an unsuccessful electorate MP by way of a list seat would be seen by most people to be a reasonable result: for example, if the MP had been personally popular in the electorate but lost the seat because of a nationwide swing against their political party, or because of boundary changes, or simply the marginal nature of the electorate.
- 4.14 To ban dual candidacy would, in effect, place a primacy on local rather than nationwide support. Although the electorate may no longer wish to be represented by the sitting MP, there may be voters nationally who do wish to see the MP stay in Parliament. The MP's political party and its supporters should still be able to have the MP re-elected through the party list.
- 4.15 The opposition to unsuccessful electorate MPs returning by the list is perhaps based on the different expectations around MP accountability that existed under the previous FPP system. Those who prefer the 'winner-take-all' element that characterises FPP systems might find it difficult to reconcile that preference with an unsuccessful electorate MP being re-elected to

Parliament. It is important to remember that under MMP, a general election is about a much larger contest that takes place across New Zealand in which parties win seats proportionate to their nationwide support.

Is a list seat a safe seat?

- 4.16 We acknowledge widely held views that a list seat is something of a sinecure or 'safety net' for failed electorate MPs who, once on the list, can stay there in relative safety, without the need to 'face the electorate'.
- 4.17 The table below shows list MPs are comparatively more likely to lose their seats. In the 2011 general election, the defeat rate for list MPs was 16% compared to 5.8% for electorate MPs (that is, eight list MPs lost their seats, and of the four electorate MPs who lost theirs, only two were able to secure a list seat).

Table 10: Showing that list MPs are more likely to lose their seats than electorate MPs

YEAR	% electorate MPs defeated and not securing a list seat	% electorate MPs defeated but returned via the list	Defeat rate for electorate MPs	% List MPs defeated
1999	12.5	5.8	18.3	17.0
2002	4.3	0.8	5.1	29.4
2005	1.4	10.8	12.2	39.2
2008	7.2	4.3	11.5	17.6
2011	2.9	2.9	5.8	16.0

Source: Professor Jack Vowles.

SHOULD A LIST MP BE ABLE TO STAND AS A CANDIDATE IN A BY-ELECTION?

RECOMMENDATION

List MPs should continue to be able to contest by-elections.

- 5.1 The right to stand as a candidate for Parliament is almost universal in New Zealand, and is recognised in the New Zealand Bill of Rights Act. ⁶¹ This means that under the Electoral Act almost any registered elector is qualified to stand for election to Parliament. ⁶²
- 5.2 This has always included a sitting MP. We see no reason to change the current situation. No list MP has been successful in a by-election yet, but whether one is ever to be successful is a matter the Commission suggests can safely be left in the hands of voters.
- 5.3 This issue was raised in 1,710 submissions during the consultation phase where 63% were in favour of retaining the status quo and 37% were opposed. This issue was commented on in 567 submissions on the Proposals Paper and an overwhelming majority (90%) supported the status quo. However, those opposed to allowing list MPs to stand as candidates in byelections based their arguments on the following points:
 - incumbency advantage
 - potential to affect the proportionality of Parliament
 - cost of holding a by-election.

Incumbency advantage

- 5.4 It was suggested list MPs should be disqualified from contesting by-elections because the resources available to them as MPs give them an unfair advantage. We do not agree. If this argument were taken to its logical conclusion, it would follow that incumbent MPs should not be able to contest general elections because they too are sitting MPs.
- 5.5 It is often the case that a list MP was an electorate candidate at the previous general election, intends to contest the next one, and might well therefore be the logical candidate to contest a by-election should one arise in that electorate.

Effect on proportionality of Parliament

- 5.6 It is certainly a possible outcome of a by-election that the political party that won the seat at the general election fails to hold it at a by-election, and this might alter the proportionality of Parliament and even change the balance of power. But our current system of MMP does not guarantee a proportionally-balanced Parliament for the entire three year parliamentary term.
- 5.7 A by-election result is only one of any number of ways the proportionality established on election day can be altered. A member or members may break away from a political party to

⁶¹ See section 12 of the New Zealand Bill of Rights Act 1990.

⁶² Candidates must be New Zealand citizens and certain electoral officials are prohibited from standing for election to Parliament. There are some restrictions on eligibility to vote: absence from New Zealand, length of time in New Zealand, persons detained under mental health provisions, and some prisoners.

form a new political party, smaller political parties may merge, or a member may be expelled from a political party but remain in Parliament as an independent. Events such as these all have the potential to affect the proportionality of Parliament just as much as a by-election.

5.8 The only way the potential effect of a by-election on election day proportionality could be avoided would be by abolishing by-elections altogether and allow political parties, whose electorate MP dies or resigns, to nominate their next list MP to be the new electorate MP.

Cost of holding a by-election

- In some other MMP countries, electorate vacancies are filled from the party list in the same way list vacancies are filled. This avoids the administrative cost and political distraction of by-elections. However, it deprives the constituents of the electorate the opportunity to choose their local representative, something many voters might well miss, and may result in a replacement MP with no connection to the electorate.
- 5.10 It would also deprive an electorate MP of the option of resigning from Parliament and seeking a fresh mandate if, for example, they left their parliamentary party.

⁶³ Bolivia, Germany and Romania do not hold by-elections.

PROCESS FOR IMPLEMENTATION OF RECOMMENDATIONS

- 6.1 The Commission has considered the process for implementing our recommendations. Since 1956, where significant change to a defining characteristic of the electoral system has been proposed, a referendum has usually been held. For example, the term of Parliament has been the subject of referendums in 1967 and 1990, and the type of voting system in 1992, 1993 and 2011. However, important changes to aspects of the operation of our voting system (such as, in 1965, the basis for determining the number of electorate seats, or, in 1995, the form of the ballot paper) have been enacted by a broad consensus of Parliament.
- 6.2 While our recommendations are important and some require legislation, they would not fundamentally alter the nature of the voting system. For this reason we believe a referendum would not be required to implement them.
- 6.3 The review timetable, with the Commission being required to report by the end of October 2012, is designed to enable Parliament to enact our recommendations in time for the 2014 general election. If Parliament agrees with our recommendations this should be achievable.
- 6.4 Should our recommendations be implemented in time for the 2014 general election, the Commission would undertake a public education programme in that year, resources permitting, under its statutory mandate to promote understanding of the electoral system.

LIST OF APPENDICES

APPENDIX A	Scope of review as provided for in section 76 of the Electoral Referendum Act 2010
APPENDIX B	Criteria for judging voting systems as determined by the Royal Commission on the Electoral System
APPENDIX C	Number of parties that would have been represented under different threshold levels
APPENDIX D	Simulations of previous MMP elections to test the trade-off between fragmentation and proportionality
APPENDIX E	Full results of the UMR surveys on thresholds
APPENDIX F	Seat allocations under current and proposed thresholds for 1996-2011 General Elections
APPENDIX G	Calculations showing level of risk to proportionality for the General Elections 1996-2011
APPENDIX H	Candidate selection procedures for registered political parties
APPENDIX I	List of submitters

APPENDIX A

Scope of review as provided for in section 76 of the Electoral Referendum Act 2010

Section 76 sets out the scope of the Review as follows:

76 Scope of review

(1) The matters that the Electoral Commission must review are—

Thresholds

- (a) the requirement that a party must achieve at least 5% of the total number of party votes before it may be eligible to be allocated the number of list seats (if any) needed to ensure that the party's total number of seats reflects its proportion of the total party vote; and
- (b) the alternative requirement that a candidate of a party must win an electorate seat before the party may be eligible to be allocated the number of list seats (if any) needed to ensure that the party's total number of seats reflects its proportion of the total party vote; and

Proportionality

- (c) the ratio of electorate seats to list seats that results—
 - (i) from the effects of population change on the number of general electorate seats; or
 - (ii) if a party's constituency candidates have won more seats than the party would be entitled to as a result of the party vote; and

Dual candidacy

(d) the capacity of a person at a general election to be both a candidate for an electoral district and a candidate whose name is included in a party list in a general election, and the capacity of a member of Parliament who holds a list seat to be a candidate in a by-election; and

Order of candidates on party lists

(e) a party's ability to determine the order of candidates on its party list and the inability of voters to rank list candidates in order of preference; and

Other matters

- (f) any other feature of the voting system referred to the Commission under section 5(d) of the 1993 Act.
- (2) In addition to the matters specified in subsection (1), the Electoral Commission may, in undertaking the review, consider other aspects of the mixed member proportional representation voting system.
- (3) Despite subsections (1)(f) and (2), the Electoral Commission must not review—
 - (a) Māori representation;
 - (b) the number of members of Parliament.

APPENDIX B

Criteria for judging voting systems as determined by the Royal Commission on the Electoral System

The Royal Commission's 'Towards a Better Democracy' sets out the criteria for judging the voting systems it had chosen—

- (a) **Fairness between political parties**. When they vote at elections, voters are primarily choosing between alternative party Governments. In the interests of fairness and equality, therefore, the number of seats gained by a political party should be proportional to the number of voters who support that party.
- (b) Effective representation of minority and special interest groups. The voting system should ensure that parties, candidates and MPs are responsive to significant groups and interests. To facilitate this, membership of the House should not only be proportional to the level of party support but should also reflect other significant characteristics of the electorate, such as gender, ethnicity, socio-economic class, locality and age.
- (c) **Effective Māori representation**. In view of their particular historical, Treaty and socioeconomic status, Māori and the Māori point of view should be fairly and effectively represented in Parliament.
- (d) Political integration. While the electoral system should ensure that the opinions of diverse groups and interests are represented it should at the same time encourage all groups to respect other points of view and to take into account the good of the community as a whole.
- (e) Effective representation of constituents. An important function of individual MPs is to act on behalf of constituents who need help in their dealings with the Government or its agencies. The voting system should therefore encourage close links and accountability between individual MPs and their constituents.
- (f) **Effective voter participation**. If individual citizens are to play a full and active part in the electoral process, the voting system should provide them with mechanisms and procedures which they can readily understand. At the same time, the power to make and unmake governments should be in the hands of the people at an election and the votes of all electors should be of equal weight in influencing election results.
- (g) **Effective government.** The electoral system should allow Governments in New Zealand to meet their responsibilities. Governments should have the ability to act decisively when that is appropriate and there should be reasonable continuity and stability both within and between Governments.
- (h) Effective Parliament. As well as providing a Government, members of the House have a number of other important parliamentary functions. These include providing a forum for the promotion of alternative Governments and policies, enacting legislation, authorising the raising of taxes and the expenditure of public money, scrutinising the actions and policies of the executive, and supplying a focus for individual and group aspirations and grievances. The voting system should provide a House which is capable of exercising these functions as effectively as possible.
- (i) **Effective parties.** The voting system should recognise and facilitate the essential role political parties play in modern representative democracies in, for example, formulating and articulating policies and providing representatives for the people.
- (j) **Legitimacy**. Members of the community should be able to endorse the voting system and its procedures as fair and reasonable and to accept its decisions, even when they themselves prefer other alternatives.

APPENDIX C

Number of parties that would have been represented under different threshold levels

Results in each MMP general election for parties that polled between 0.01% and 3.00% of valid party votes.

REGISTERED PARTY	1996	1999	2002	2005	2008	2011
99 MP Party				0.03%		
ACT New Zealand	+	+	+	1.51%	+	1.07%
Advance NZ	0.05%					
Alliance	+	+	1.27%	0.07%	0.08%	0.05%
Animals First	0.17%	0.16%				
Aotearoa Legalise Cannabis Party	1.66%	1.10%	0.64%	0.25%	0.41%	0.52%
Asia Pacific United Party	0.02%					
Christian Heritage NZ		2.38%	1.35%	0.12%		
Conservative Party						2.65%
Democrats for Social Credit				0.05%	0.05%	0.08%
Destiny New Zealand				0.62%		
Direct Democracy Party				0.03%		
Ethnic Minority Party	0.12%					
Family Party					0.35%	
Freedom Movement		0.02%				
Future New Zealand		1.12%				
Green Society	0.11%					
J. Anderton's Progressive			1.70%	1.16%	0.91%	
Kiwi Party					0.54%	
Libertarianz	0.03%	0.29%		0.04%	0.05%	0.07%
Mana						1.08%
Mana Māori	0.20%	0.25%	0.25%			
Māori Party				2.12%	2.39%	1.43%
Mauri Pacific		0.19%				

REGISTERED PARTY	1996	1999	2002	2005	2008	2011
McGillicuddy Serious	0.29%	0.15%				
Natural Law Party	0.15%	0.08%				
New Zealand Family Rights Protection Party				0.05%		
New Zealand Pacific Party					0.37%	
NMP		0.05%	0.01%			
NZ Conservative Party	0.07%					
NZ Superannuitants and Youth Action	0.06%					
OneNZ Party		0.06%	0.09%	0.02%		
Outdoor Recreation NZ			1.28%			
Progressive Greens	0.26%					
RAM-Residents Action Movement					0.02%	
Republican Party		0.01%				
South Island Party		0.14%				
Te Tawharau	0.02%					
The Bill and Ben Party					0.56%	
The Peoples Choice Party		0.02%				
The Republic of New Zealand Party				0.02%	0.01%	
United Future			+	2.67%	0.87%	0.60%
United NZ	0.88%	0.54%				
Workers Party					0.04%	

Results in each MMP general election for parties that polled between 3.00% and 4.00% of valid party votes

REGISTERED PARTY	1996	1999	2002	2005	2008	2011
ACT New Zealand	+	+	+	-	3.65%	-

Results in each MMP general election for parties that polled between 4.00% and 5.00% of valid party votes

REGISTERED PARTY	1996	1999	2002	2005	2008	2011
Christian Coalition	4.33%					
NZ First Party	+	4.26%	+	+	4.07%	+

Key: blank indicates did not contest that year, - indicates polled below range and + indicates polled above range

APPENDIX D

Simulations of previous MMP elections to test the trade-off between fragmentation and proportionality

Submission to the Electoral Commission of NZ on the MMP Review Proposals Paper

Mark C. Wilson and Michael Fowlie University of Auckland mcw@cs.auckland.ac.nz 2012-09-06

This submission addresses the value of the party vote threshold, proposed by the Commission to be 4%.

We have assumed that the abolition of the one electorate threshold will occur, and aimed to study the optimal value of the party vote threshold. We are not convinced by the verbal arguments of the Commission. Clearly there is some trade-off between proportionality and governability, but it should be studied quantitatively.

To this end we have performed simulations. Each simulation takes each of the historical MMP election results from 2002 as a starting point. Using voter preference data from the NZES Election Study, we generate hypothetical voter preferences using a simple probabilistic model of preference change, where a voter switches its 1st and 2nd preferences, or 1st and 3rd preferences, with a given probability. We use a range of values for the switching probabilities, from 0 to 0.18 and 0 to 0.12 respectively.

We use a range of values for the switching probabilities, from 0 to 0.18 and 0 to 0.12 respectively. These are derived from the NZES survey data.

We assume that each preference distribution in the population is translated into votes in the same way as it was in the actual election (in other words, there is no change in strategic behaviour of voters, and the St Laguë allocation formula is used as usual).

We thereby create a constellation of hypothetical elections around each real one, which allows us to see how robust are the results we obtain simply by looking at the historical elections.

For each simulation we use the following standard measures of disproportionality, calculated using the share of party votes v_i of party i and the share of seats s_i .

• Gallagher index:
$$\sqrt{rac{1}{2}\sum_i(v_i-s_i)^2}$$

• Loosemore-Hanby index :
$$\frac{1}{2}\sum_{i}|v_{i}|_{s_{i}}$$

We also use the following measures of fragmentation.

50

- The "effective number of parties" of Laakso and Taagepara, given by $1/\sum_i p_i^2$, where p_i denotes the fraction of seats awarded to party i.
- An analogue based on voting power rather than representation, where pi denotes the Shapley-Shubik power of party i.

Each index is such that smaller values are considered better (more proportional, less fragmentation). In the attached graphs, each colour represents a different value of the threshold.

Those in which a given colour occurs very often near the bottom left corner of the graph have good performance with respect to these two competing criteria.

The results obtained in these simulations suggest strongly that 4% is substantially better than 5% as a threshold, but that 3% is even better. In fact, a lower value than 3% may be preferable. We also computed results for thresholds larger than 5% and less than 2% (not shown in our graphs), and as expected they yield inferior results, although the larger thresholds were much worse.

Our recommendation is that the one seat electorate threshold be removed, and the party vote threshold set as low as possible, subject to meeting concerns on minimum size of a party in parliament for the party itself to be able to operate fully. The Proposal Paper makes clear that the Commission considers 3% to be the minimum to meet the latter criterion. We have no opinion on that issue, but as discussed above, prefer this clearly to 4%.

We would be happy to undertake further modelling work on this issue, or to make our code available.

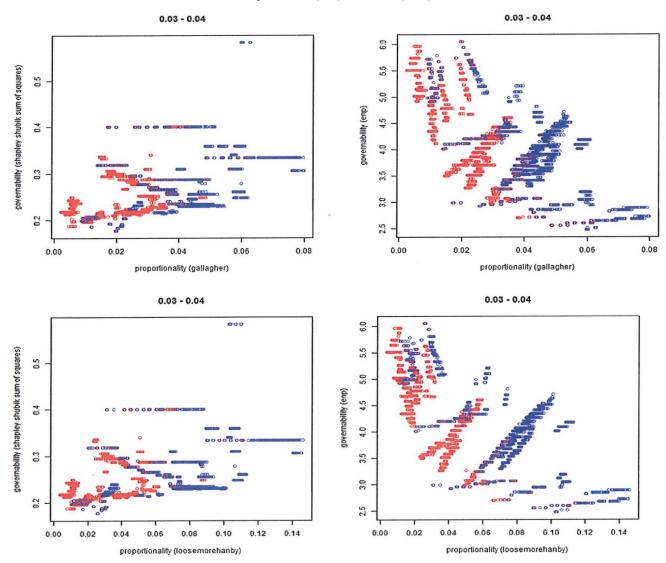
0.02 - 0.05 0.02 - 0.05 governability (shapley shubik sum of squares) 0.8 governability (enp) 9.0 4.0 0.2 0.00 0.02 0.04 0.00 0.02 0.04 0.06 0.08 0.10 0.06 0.08 0.10 proportionality (gallagher) proportionality (gallagher) 0.02 - 0.05 0.02 - 0.05 00000000 governability (shapley shubik sum of squares) governability (enp) 9.0 0.4 0.2 0.00 0.00 0.15 0.05 0.10 0.15 0.05 0.10

proportionality (loosemorehanby)

Figure 1: 2% (orange), 3% (green), 4% (blue), 5% (purple)

proportionality (loosemorehanby)

Figure 2: 3% (red) versus 4% (blue)



APPENDIX E

Full results of the UMR surveys on thresholds.

The first survey was conducted from 16 to 22 August 2012 and included questions on both the party vote threshold and the one electorate seat threshold. The second survey was conducted from 30 August to 3 September 2012 and asked only about the party vote threshold.

Four percent threshold



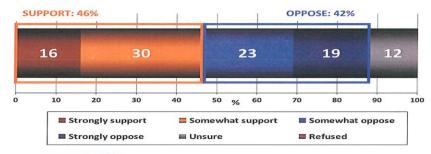
Public opinion was divided when respondents were asked whether the 5% threshold of the nationwide party vote should be reduced to 4%.

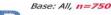
46% of New Zealanders supported ('strongly' or 'somewhat') this proposed change, while 42% opposed this. The remaining 12% were unsure.

- Regionally, Aucklanders (38%) were the least supportive of this proposed threshold. South Islanders (51%) were more likely to support the proposal than North Islanders (44%).
- The most supportive age group were those aged 45-59 years (51%). While support was lower for those aged 30-44 years (41%).
- ► There was a small difference in support amongst genders; 48% of females supported the change, compared with 44% of males.
- Those who supported abolishing the one electorate seat threshold (54%) were more likely to support the 4% party vote threshold than those opposed to it (44%).

Under the current law, a party that wins at least 5% of the nationwide party vote gets seats in Parliament in proportion to its share of the party vote.

The Electoral Commission is proposing this threshold be lowered to 4%. Do you strongly support, somewhat support, somewhat oppose or strongly oppose lowering the threshold to 4%?





3

One electorate seat threshold



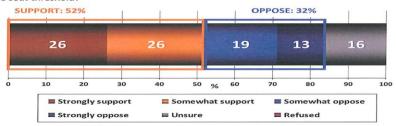
Abolishing the one electorate seat threshold appears to have more approval amongst New Zealanders than the 4% proposal.

A small majority (52%) of the public supported ('strongly' or 'somewhat') abolishing this threshold, with just under a third (32%) opposed to it. The remaining 16% were unsure.

The demographic breakdowns were different from the 4% percent threshold:

- There were no significant differences of support between regions. Only 8% of rural residents, however, were unsure considerably lower than the other regional breakdowns.
- Support was higher among those aged 30 years or more (54%) compared to 45% of those aged under 30 years.
- 59% of males were in support of this proposal compared with 46% of females.

A party which wins at least one electorate seat can get extra seats in Parliament in proportion to its share of the party vote, even if it doesn't win at least five percent of the nationwide party vote.
The Electoral Commission is proposing the one electorate seat threshold should be abolished. Do you strongly support, somewhat support, somewhat oppose or strongly oppose abolishing the one electorate seat threshold?



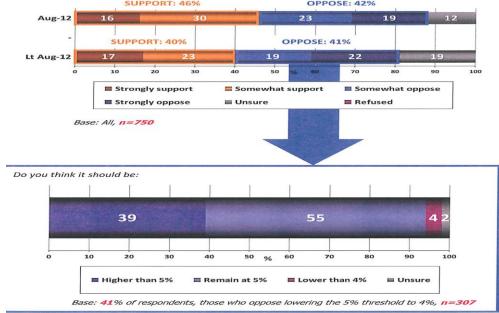
Base: All, n=750

4

Thresholds



Inder the current law, a party that wins at least 5% of the nationwide party vote gets seats in arliament in proportion to its share of the party vote. he Electoral Commission is proposing this threshold be lowered to 4%. Do you strongly support, amewhat support, somewhat oppose or strongly oppose lowering the threshold to 4%?



APPENDIX F

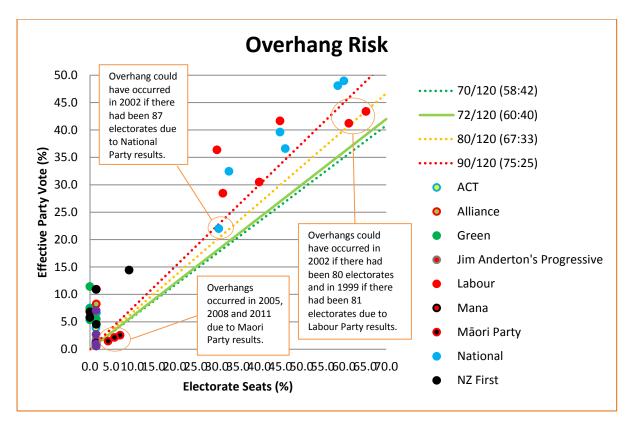
Seat allocations under current and proposed thresholds for 1996-2011 general elections

Table showing the actual seat allocation for parties for the 1996-2011 general elections, and how the seats would have been allocated in these elections under the proposed 4% party vote threshold and where overhangs are not permitted. In 1999 the seat allocation would have been the same.

	20	11	20	08	20	05	20	02	19	99	19	96
	Actual	Pro- posed										
ACT	1	1	5	1	2	1	9	9	9	9	8	8
Alliance	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	10	10	13	12
Christian Coalition	n/a	n/a	0	5								
Green	14	14	9	8	6	7	9	9	7	7	n/a	n/a
Labour	34	34	43	43	50	51	52	52	49	49	37	35
Mana	1	1	n/a	n/a								
Māori	3	3	5	5	4	4	n/a	n/a	n/a	n/a	n/a	n/a
National	59	58	58	56	48	48	27	27	39	39	44	42
NZ First	8	8	0	5	7	7	13	13	5	5	17	17
Progres- sives	n/a	n/a	1	1	1	1	2	1	n/a	n/a	n/a	n/a
United Future	1	1	1	1	3	1	8	9	1	1	1	1
	121	120	122	120	121	120	120	120	120	120	120	120

APPENDIX G

Calculations showing level of risk to proportionality for the general elections 1996-2011



The chart above shows the proportions of electorate seats and effective party votes⁶⁴ won by each party that won seats in parliament at the 1996-2011 general elections.

The lines show the range below which overhang may occur for various proportions of electorate seats in Parliament. The number of electorate seats in a 120 seat Parliament is given as an example of each ratio. The Commission's proposed 60:40 ratio (72 seats in a 120 seat Parliament) is shown as a solid line.

The Māori Party results in 2005, 2008 and 2011 fall well below the 70/120 line reflecting the current situation (and below 69/120 for 2005). As a result overhangs occurred at those elections.

The 1999 and 2002 Labour Party results fall either side of the 80/120 electorate seat line, showing that had there been at least 81 or 80 electorate seats (respectively) in a 120 seat Parliament at those elections, overhangs could have occurred. Similarly, for the National Party result for 2002 overhang could have occurred had there been at least 87 electorate seats in a 120 seat Parliament (as well as the overhang seats that would be caused by the Labour result at the same election).

56

Effective party votes are those which affect the distribution of seats under the Sainte-Laguë formula, i.e. excluding informal party votes and party votes cast for parties which do not reach the threshold.

Level of risk to proportionality

		2011	70 seats)	seats)		2008	70 seats)			2005 (69 seats)	
	ES%	PV %	Ratio	Risk	ES%	PV %	Ratio	Risk	ES%	PV %	Ratio	Risk
NATIONAL	60.0	49.0	1.2	98	58.6	48.1	1.2	99	44.9	39.6	1.1	106
LABOUR	31.4	28.4	1.1	1 09	30.0	36.4	0.8	1 46	44.9	41.6	1.1	112
GREEN	0.0	11.4	0.0	N/A	0.0	7.2	0.0	N/A	0.0	5.4	0.0	N/A
NZ FIRST	0.0	6.8	0.0	N/A					0.0	5.8	0.0	N/A
MĀORI PARTY	4.3	1.5	2.9	42	7.1	2.6	2.8	43	5.8	2.1	2.7	45
MANA	1.4	1.1	1.3	94								
ACT	1.4	1.1	1.3	93	1.4	3.9	0.4	328	1.4	1.5	0.9	128
UNITED FUTURE	1.4	0.6	2.3	53	1.4	0.9	1.5	79	1.4	2.7	0.5	225
J ANDERTON'S PROGRESSIVE					1.4	1.0	1.5	82	1.4	1.2	1.2	98
ALLIANCE												

		2002 (69 seats)			1999 (67 seats)			1996 (65 seats)	
	ES%	PV %	Ratio	Risk	ES%	PV %	Ratio	Risk	ES%	PV %	Ratio	Risk
NATIONAL	30.4	22.0	1.4	- 87	32.8	32.5	1.0	119	46.2	36.6	1.3	96
LABOUR	65.2	43.4	1.5	80	61.2	41.2	1.5	81	40.0	30.5	1.3	92
GREEN	0.0	7.4	0.0	N/A	1.5	5.5	0.3	4 42				
NZ FIRST	1.4	10.9	0.1	● 904	1.5	4.5	0.3	365	9.2	14.4	0.6	■ 188
MĀORI PARTY												
MANA												
ACT	0.0	7.5	0.0	N/A	0.0	7.5	0.0	N/A	1.5	6.6	0.2	• 515
UNITED FUTURE	1.4	7.0	0.2	• 583	1.5	0.6	2.6	4 6	1.5	1.0	1.6	7 5
J ANDERTON'S PROGRESSIVE	1.4	1.8	0.8	1 49								
ALLIANCE					1.5	8.2	0.2	€ 663	1.5	10.9	0.1	● 853

Key:

ES%: Electorate seats won by each party as a proportion of all electorate seats (%).

PV%: Party votes won by each party as a proportion of those won by all parties included in the Sainte-

Laguë calculation (%).

Ratio: Ratio of ES% to PV%.

Risk: Number of electorate seats in a 120 seat parliament at or above which the party would have been

likely to create an overhang.

69 Results which cause risk of overhang with 70 or fewer electorate seats.

Page 79 Results which would cause risk of overhang with 80 electorate seats.

89 Results which would cause risk of overhang with 90 electorate seats.

Results which could cause risk of overhang with more than 90 electorate seats.

• 120 Results which would not cause an overhang in a 120 seat Parliament.

N/A Results where parties won seats through the party vote, but did not win electorate seats.

Notes:

An overhang may occur when a party wins a greater share of electorate seats (ES%) than its share of party votes (PV%). An overhang becomes likely when the ratio between the two (ES%/PV%) is greater than the ratio of total seats in Parliament (120) to the number of electorate seats available (currently 70, yielding a ratio of approximately 1.7).

The number of electorate seats at which a party would be likely to generate an overhang (Risk) can be calculated by dividing the total seats in Parliament by the ratio of ES% to PV% (Ratio).

Note that these figures are only approximate, as they assume that electorate seats would be distributed in the same proportions regardless of their number. This is not possible in practice as it is not possible for parties to win fractional seats.

Whether an overhang actually occurs is also affected by the order in which seats are awarded by the Sainte-Laguë formula. Where the number of electorate seats is close to the Risk level an overhang may or may not occur. For example in 2011 United Future appears likely to cause an overhang, but did not in fact create one, as United Future was actually awarded the 80th seat under the Sainte-Laguë formula.

APPENDIX H

Candidate selection procedures for registered political parties as at October 2012

	Summary of	Registered Political Parties' Candidate Select	tion Procedures
PARTY	Pre-selection processes for electorate and list candidates	Selection of electorate candidates	Party list - candidate selection and ranking
The ACT Party	Rule 20: Any member can apply to be added to the candidates' register. Applicants must supply background information about themselves and the Board may require an applicant to be interviewed. The Board has sole discretion to approve potential candidates.	Rule 21: If an electorate has less than 300 members resident in the constituency, the Board can select the candidate from the approved list of potential candidates after consulting such member. Rule 22: Where a selection meeting is held the list of potential candidates and the candidates' biographical details are sent to members prior to the meeting. At the meeting each candidate has the opportunity to speak and answer two questions set by the Board. If at least 100 members (who reside in the constituency and have been members for at least 3 months) attend the selection meeting, those members select the candidate. If fewer than 100 members attend the Board may confirm the members' selection, or after consultation with members who were at the meeting select another candidate from the list of potential candidates. Members vote by progressive secret ballot with the lowest polling candidate being eliminated until one candidate has absolute majority.	Rule 23: The Board notifies the entire list of potential candidates to members inviting them by postal ballot to rank their top 20 for the entire list, and rank the members' regional list. Members' rankings are indicative only. The Board is provided with members' rankings and information on potential list candidates. Board members rank at least the top 30 candidates in sequential order according to each Board member's preference and the results are analysed. The Board, having regard to the collective rankings of all potential list candidates, but without being bound by the results, and taking into account the votes of the wider party membership, order the list in a preliminary way. The Board will consider the preliminary list and if the Board votes to confirm the preliminary list it becomes the party list, otherwise the ranking process by the Board is repeated. The Board has discretion to include in the list of potential candidates an individual whose name was not circulated to members - this can include someone who is not yet a member, but who will join the party if selected for the party list.
Alliance	Rules 15.1 - 15.2: Candidates must be nominated into a pool by four financial members. They are eligible for selection if they receive 75% support of the Alliance Council. Electorate candidates are automatically eligible for the party list. A special concession by the Alliance Council is required to approve list candidates not standing in an electorate.	Rule 15.1: A sole nominee must be endorsed by a simple majority of local members by secret ballot. Contested elections are determined by a selection panel consisting of a chair appointed by the National Council, two regional representatives and up to five panel members elected by the electorate members. Members present at the selection meeting have the opportunity to make their views known to the panel through a secret ballot conducted by preferential vote before the panel's final vote. The panel members have one vote each and in the event of a tie the preferential vote from the meeting shall act as a casting vote.	Rule 15.2: At the National Conference in election year, each Regional List Caucus elects their top six candidates with each delegate present receiving one vote. The remaining candidates are not ranked. The National List Committee, which is chaired by the Leader with a member from each Regional List Caucus and three representatives elected by the National Council, interview the top three candidates from each regional caucus. The Leader and Deputy are ranked 1 and 2. The List Committee will rank other candidates on merit, taking into account Regional List Caucus rankings, gender, ethnicity, regional considerations, and any other criteria set by the National Council. The List Committee recommends a final list to the National Conference for ratification. Where an early election is called or if the list needs to be submitted before the Alliance Conference can meet, a nine member List Committee will recommend the Candidate List to the National Council for ratification.
Aotearoa	Rule 6.1: Branches complete nomination forms which	Rule 6.4: Branches conduct the selection meetings.	Rule 6.2: Each region ballots members to select their five most preferred

PARTY	Pre-selection processes for electorate and list candidates	Selection of electorate candidates	Party list - candidate selection and ranking
Legalise Cannabis Party	are forwarded to the General Secretary.	Candidates are selected by preferential vote. Only financial members can vote.	candidates using single transferable vote. Rule 6.3: Voting members of the Management Committee decides the party list taking into account the order on the regional lists. A two-thirds majority is required to consider candidates not on a regional list.
Conservative Party	Rules 7 and 8: Any member may nominate a candidate. Regional or electorate Candidate Selection Committees (which includes national, regional, and electorate members) assess and endorse electorate candidates. A List Candidate Selection Committee (consisting of the Leader, Co-Leaders, President plus three members not seeking list positions) assesses and endorses list candidates.	Rule 7: In electorates with a minimum of 150 members, members can vote for a candidate at a selection meeting. If more than 75 members attend the selection meeting, those members may choose the candidate by secret ballot. Candidates have 10 minutes to speak and must answer questions from the Board. If fewer than 75 members attend, the Board may confirm the members' selection, or else select another candidate from the endorsed list for that electorate. In electorates with fewer than 150 members, the Board chooses the candidate after consulting with such members.	Rule 8: A list of all candidates endorsed by the Candidate Selection Committee (CSC) together with background information and a 100 word personal statement on each candidate is provided to all members who rank the candidates in order of preference. The Board reviews the CSC's assessments and results of ranking by members. The Board may approve or adjust the rankings, which are presented to a combined meeting with the CSC. If at the completion of selection there are fewer candidates than available places, the CSC may add names to the list as requested by the Board.
Democrats for Social Credit	Rule 79: Electorate candidates must be nominated by four financial members of the electorate concerned. Rule 80: The Approvals Committee (made up of the President, relevant Divisional President and Electorate Chairman) considers and approves nominations. Nonapproval does not bar a nominee being put forward for selection. Rule 85: List candidates must be nominated by four financial members. The Approvals Committee (made up of the President, Vice-President and one Divisional President) considers and approves list nominees. Accepted candidates' names are provided to the Party Executive.	Rule 82: Selection is by simple majority secret ballot of financial members of the electorate. The ballot can be conducted at a general meeting of the electorate or by postal vote. Where only one nomination is received, the nomination must be confirmed by a two-thirds majority at an electorate meeting. Rule 83: The Divisional Council has the power to select a candidate when the electorate has not done so. Rule 84: All candidates selected must be endorsed by the appropriate Divisional Council and NZ Executive Council, which must be satisfied selection rules have been observed.	Rule 95: All members can participate in a postal ballot to indicate a preference for the order of the party list. The result is indicative only. The Party Executive determines the final rankings.

	Summary of Registered Political Parties' Candidate Selection Procedures					
PARTY	Pre-selection processes for electorate and list candidates	Selection of electorate candidates	Party list - candidate selection and ranking			
Green Party	The Green Party Candidate Selection and List Ranking Procedures 2010 are appended to the party rules. The executive appoints a 10+ person Candidate Selection and Electoral Process Committee (CSEPC) to conduct the selection process. Members wanting to stand must complete a questionnaire, declaration and nomination form and be nominated by five members. The CSEPC assesses whether applicants have the necessary skills, attributes, knowledge and experience. The National Executive determines whether to admit a person to the candidate pool. There is an appeal process. A person admitted to the candidate pool is eligible for nomination as an electorate or list candidate.	2010 Procedures 6: The final decision as to whether a candidate is fielded in an electorate is a matter for the Branch responsible for the electorate unless it is a strategic electorate (which means it is an electorate deemed strategic for candidate selection purposes by the National Executive) in which case the final decision rests with the Campaign Committee in consultation with the local organisation. If a Branch decides to stand a candidate it must hold an Electorate Candidate Selection Meeting. Only approved candidates in the candidate pool can be nominated. The quorum for a selection meeting is 10 Green Party members who are entitled to vote at the meeting. All nominees are provided the same amount of time to speak and answer questions. Eligible members present vote by secret ballot using preferential voting. Papers are counted by a non-voting Returning Officer appointed for each electorate. Separate rules apply for the conduct of selection meetings in strategic electorates.	2010 Procedures 4 - 5: All candidates in the candidate pool who wish to be considered for inclusion on the list, at the date the candidate pool closes, an included for list ranking purposes. A special delegated campaign conference is held to assess the merits of the candidates and allow delegates for each electorate to vote on the candidates. Each delegate (or their proxy) has one vote. The results rank the candidates for the Initial List. A postal secret ballot by single transferable vote is held of members to rank candidates who have been included on the Initial List. Voters must rank at least one candidate for the vote to be valid. The list of candidates as voted by members is then adjusted taking into account the 'balance criteria' of ethnicity (specifically Māori), gender, geographic spread and age. The CSEPO provides the adjusted list and any comments to the Party Leadership Group. Once the Leadership Group has reviewed the information it recommends a final party list to the National Executive. The National Executive has limited discretion to reorder the list. A person cannot be moved more than 2 places up or down. Adjustment is made to position 30 on the list. Candidates outside the top 30 are placed in alphabetical order.			
Labour Party	Rule 242: All electorate candidates must be nominated by six financial members living in the electorate concerned or by a constituent organisation in the electorate. Before the selection meeting, the electorate committee organises a question and answer meeting to which all nominees and members are invited. Rule 244: If there are too many nominations to allow all candidates to reasonably address a selection meeting, a pre-selection process agreed between the New Zealand Council and the electorate committee is used to reduce the number to a more manageable level. Rule 256: Party list nominees must be nominated by six financial members living anywhere in New Zealand or by a constituent organisation within the party. Nominees must be financial members of the party for one year before nomination, although this can be waived by the New Zealand Council.	Rules 245 - 255: Where more than one nomination is received a candidate selection meeting is held. At the meeting candidates deliver a formal speech and there is a question and answer session. Financial members and affiliate members present at the meeting vote by secret ballot on a preferential basis. The Selection Committee, consisting of three members appointed by the New Zealand Council (minimum 1 woman, 2 Māori for a Māori electorate), up to two local electorate committee representatives, one local party members' representative and one vote for the preferred nominee selected by preferential ballot select the candidate. The Selection Committee must make a decision by consensus or majority. If it fails to make a selection the New Zealand Council can make the final decision. Where only one candidate is nominated the relevant electorate committee with the approval of the New Zealand Council determine the type and format of the meeting to confirm the candidate.	Rules 260 - 283: Each region accepts or rejects nominees for that region and orders them according to a rank determined by party members at a Regional Conference. Each region selects and ranks a number of candidates in proportion to the region's population. Delegates' voting rights depend on representation. An exhaustive ballot taken singly is used for the first 20 positions and then preferential voting in bands of five is used. The Regional Conference must have due regard for balance in the region so that the list fairly represents tangata whenua, women, men, ethnic groups, age, youth, people with disabilities, geographic spread and range of skills. The regional lists are reviewed by the Moderating Committee having regard to the same criteria. In exceptional circumstances the Moderating Committee shall have the power to nominate additional nominees to those forwarded by the regions. The Moderating Committee (made up of four New Zealand Council members, (the President, General Secretary, two senior vice-presidents), three caucus members including the leader and deputy leader, two member elected from Te Kaunihera Māori, three members elected from sector councils (e.g. rainbow, rural, and trade union), four members elected from the Auckland region, and two each from the other five regions) makes the final decision on the party list. Positions 1 and 2 are reserved for the Leader and Deputy Leader. The Committee ranks at least the first 60 positions by exhaustive ballots taken singly.			

	Summary of Registered Political Parties' Candidate Selection Procedures					
PARTY	Pre-selection processes for electorate and list candidates	Selection of electorate candidates	Party list - candidate selection and ranking			
Libertarianz	Rules 6 and 7: The Executive calls for nominations and must approve nominations before candidate selection can proceed.	Rule 6: Candidates must be nominated by two financial members who live in the electorate concerned. If more than one nomination is received, an electorate selection meeting is held and financial members eligible to vote in the electorate concerned select the preferred candidate by secret single transferable vote ballot.	Rule 7: List candidates must be nominated by three financial members. The Executive ranks the list. Positions 1 and 2 are reserved for the Leader and Deputy Leader. Candidates are ranked 'with regard only to the candidate's perceived abilities and specifically without reference to the candidate's gender, religion, race or ethnicity'.			
Mana	Rule 7: All nominees must be nominated into a candidate pool by four financial members. They are eligible for selection if they receive at least 75% support from the Executive.	Rules 7.5 - 7.6: There must be at least one selection meeting within an electorate at which nominees speak and party members living within the electorate can attend, ask questions and vote for their preferred candidate. Where electorates are unable to complete the candidate selection by the date determined by the Executive, the Executive has authority to select candidates.	Rules 7.7 - 7.12: The List Committee consists of the President, Leader and seven members elected by the Executive on nomination of each Rohe Committee. The List Committee may interview potential list candidates. The List Committee ranks the candidates and takes into consideration any criteria set by the Executive. The List Committee forwards the list to rohe for further ranking before recommending a final party list to the Executive for approval.			
Māori Party	The Candidate Selection Guidelines for the Māori Party approved on 30 October 2010 are appended to the rules. Candidates must be nominated by a ropu tuku iho (whānau, hāpu or iwi) or branch who are representative of more than 50 financial members. Nominations must be accompanied by an official nomination form, a declaration for internal party purposes, a resumé and personal profile and Police check.	2010 Guidelines 1 - 12: After nominations close the electorate secretary must arrange for candidate selection hui to be held in such venues as deemed appropriate by the Electorate Committee. Each candidate will be given the opportunity to speak, answer questions and those who nominated the nominee may speak in their support. Eligible members at the hui vote by single transferable vote. The National Council will determine whether it is within the interests of the party to stand candidates in general electorates.	2010 Guidelines 13: Electorate Councils prioritise their five list nominations which are submitted to the National Council. The priority of the party list is weighted according to criteria identified by the National Council including skills, expertise, gender, age, inclusiveness, sector networks, credibility and mana whenua. The National Council may give consideration to other relevant factors before finalising the list. If there is no consensus, the final decision will be made by the Party President and co-leaders.			

	Summary of Registered Political Parties' Candidate Selection Procedures				
PARTY	Pre-selection processes for electorate and list candidates	Selection of electorate candidates	Party list - candidate selection and ranking		
National Party	Rules 89 - 98: The Board establishes a Candidate's College to identify, and prepare potential candidates. Electorate candidates must be nominated by 10 members of the party. The Board has unfettered discretion to approve or disapprove a nomination received. Each electorate must convene a preselection committee (unless a sitting MP is the sole nominee). The pre-selection committee conducts interviews, and determines the five most suitable candidates. If consensus cannot be reached, the five most suitable candidates are determined by a series of progressive secret ballots.	Rules 99 - 118: In each electorate where the selection of a candidate is required there must be at least three 'meet the candidates' meetings after the pre-selection process but before the meeting of the Selection Committee. Each of the candidates attending will speak and answer questions for an agreed length of time. Each member of the Selection Committee must attend at least one of these meetings to be able to exercise a vote at the selection meeting. The Selection Committee is made up of delegates representing financial members of the electorate or branch. Biographical notes for each approved candidate are circulated prior to the Selection Committee will receive a report on the pre-selection proceedings. Each candidate may address the Selection Committee meeting and answer the same two questions. All delegates may cast a vote. Where there are only two candidates the candidate who received a majority is selected otherwise progressive voting applies, with the candidate with the least votes eliminated and a further ballot held with the remaining candidates. The balloting process is repeated until one candidate has secured one half or more of the votes cast. An electorate may opt to select its candidate by allowing all qualified members in the electorate to cast a vote instead of the delegate system. At least 60 qualifying members must attend the selection meeting for this option to be valid. If an electorate has less than 200 current financial members, candidate selection is the responsibility of the Board in consultation with the Electorate Executive.	Rules 119 - 136: The Board forms the party list from its chosen nominees and selected electorate candidates. The Board may nominate up to five persons to be list only candidates. It is expected that each person nominated will have outstanding characteristics likely to benefit the party nationally. Candidates for each region are ranked by a Regional List Ranking Forum by preferential vote after candidate presentations to the Forum. A national List Ranking Committee (LRC) (made up of the Leader, Deputy Leader, President, Board Directors and 20 representatives from the regions selected at the Annual Conference with numbers based on size of region) is then established to consider the regional ranking lists, and rank the national party list. The Party Leader and Deputy must be ranked 1 and 2 respectively. The LRC has complete discretion over the ranking, but it must have regard to the regional ranking and the need for balance across constituency candidates and list candidates. The LRC's decision is final.		

	Summary of Registered Political Parties' Candidate Selection Procedures						
PARTY	Pre-selection processes for electorate and list candidates	Selection of electorate candidates	Party list - candidate selection and ranking				
NZ First	Rule 45: The Board maintains a register of approved potential candidates. The Board may at its discretion approve or decline an application for candidacy. Members can self-nominate for pre-approval, and must complete an application form. Rule 46: Other than the Party Leader all list candidates must be selected as an electorate candidate. Candidates must be nominated by two financial members. Only potential candidates approved by the Board can be nominated.	Rule 47: The Electorate chairperson must convene a selection meeting. Prior to final selection a selection panel consisting of three appointees by the Board and three appointees by the Electorate Committee select up to five nominees for final selection. A sitting electorate MP must be included in the final list as of right. The selection meeting shall then take place, with a Selection Committee made up of delegates whose numbers are linked to the number of party members in the electorate determining which candidate is selected. Delegates vote by secret ballot. If there are three or more candidates, and no one candidate receives more than 50% of the vote, a series of progressive votes is held, with the lowest polling candidate dropping out until one has a majority. With respect to selection of candidates for Māori electorates, traditional Māori procedures for selection, as established by the party shall be followed.	Rules 49 - 55: Electorate secretaries provide the Board with the name of the selected candidate for their electorate. The Board compiles a list of candidates in alphabetical order. Electorate Chairpersons within each geographical division establish a preliminary list of candidates to fill position 3 to 20 (the Leader and Deputy Leader are listed at 1 and 2 respectively). The preliminary lists are consultative documents and do not bind the List Ranking Committee. The List Ranking Committee (LRC) (comprising the Leader, Deputy Leader, Party President, two Vice-Presidents, and the Directors) is established to determine the final party list. The LRC has complete discretion to decide the procedure for determining the order of candidates. The LRC must have regard to the candidate's ability, expertise and experience; the need for different genders, social groups, age and ethnic groups to be represented and the preliminary lists compiled by the electorates. The Board may give the LRC guidance on the matters to consider when ranking candidates.				
United Future	Rules 1.7 - 1.9: Any member can give an expression of interest to be a constituency candidate, and complete an application form, which is considered by the Candidate Selection Committee (CSC). The CSC consists of a person appointed by the Regional Council of the region, two persons appointed by the Board, and if the electorate has an electorate committee, two persons appointed by a meeting of the members of the electorate. The CSC undertakes a preliminary assessment of the candidates to endorse, details of whom are provided to the Board of Management. Rules 2.1 - 2.9: Party members submit nominations for the party list to the List Selection Committee (LSC). The LSC comprises the President, Leader, Deputy Leader, other Board members unavailable for appointment to the party list and such other persons as the Board may appoint at its discretion. The LSC carries out a preliminary assessment of nominations and decides which candidates they are prepared to endorse.	Rules 1.10 - 1.18: The CSC circulates names of all endorsed candidates to electorate and regional committee members for comment. The CSC then weighs up all comments received and information held, carries out any other investigation it considers desirable and formally recommends the electorate candidate to the Board of Management. The Board may approve the recommendation, or refer the matter back to the CSC for further consideration. If the CSC confirms its recommendation, the Board must approve the recommendation.	Rules 2.10 - 2.25: Candidates endorsed by the LSC are provided to the Electoral College (EC) for ranking. The EC comprises Board members, list nominees, electorate candidates, and each Electorate, Subregional and Regional Committee. Each EC member receives a List Ranking Form (which places the Leader and Deputy Leader at 1 and 2 respectively), nominees' biographical details and a separate comments form. EC members may rank all or some of the candidates. Scrutineers calculate an average score for each candidate from all returned List Ranking Forms and give the results and all forms (including separate comments forms, if any) to the LSC. The LSC determines the party list order (from No 3 on) taking full account of the EC's wishes. There is no right of appeal against the LSC's ranking, but in the even of a significant error, or exceptional circumstances a 75% majority of the Board of Management can vote to annul the list selection process, and direct the LSC to restart the process from the point of error.				

Source: Electoral Commission

APPENDIX I

List of submitters

Allan, David 20 People in a Group Allan, Graham 51st State Party Allan, John 100MPs & No Allan, Kevin John Māori Seats Allan, Stu Aaron Allen, Brendon Abbey, Chris Allen, John Abbott, John Allen, Patricia Abbott, Sam Allen, Robin Abernethy family Allen, Vanessa Abley, Chris Alley, Peter Abraham, Laura Alliance Party Isobel Ackroyd, Eric Allington, Adam **ACT Party** Allis, Katrina Allott, Hamish Adam Adam, Heather Alpaugh, Gary Alpine, Carolyn Adam, L Adams, D Leon Alpine, Daryll E Adams, Don Alspach, Michael Alspach, Peter Adams, Chris Adams, Maggie Alston, Julia Adams, Mark JB Amery, Richard Adamson, David Amery, Yvonne **ADCOSS** Ames, Terry Ade. Graham Amie Adele Amir, Ilai Adelinger, Wrae Ammundsen, T Adrian, B Amv Agmen, P Ancell, Robert L Agnew, Barry Anderson, Andrew Agnew, Hazel Anderson, Ann Anderson, Caleb Ai. Jason Anderson, Carl Aimer, Peter Aitchison, Mark Anderson, Danae Aitkenhead, Grant Anderson, Dorothy Akers, Elizabeth Anderson, Errol Alach, Allan Anderson, Gaylene Alach, lan Anderson, Heather Anderson, Helen Albertyn, Linda Anderson, Jock Alchin, RJ & BK Anderson, John Aldridae, Leslie Anderson, M Aldridge, Roderick Anderson, Marlene Aldworth, Mike Anderson, Neil Anderson, Peter Alexander, C Anderson, Phil Alexander, Fiona Anderson, Steven Alexander, Jessie Anderson, Sue Anderson, W & D Alexander, John Andreae, Chris Alexander, Owen Alexander, Paul Andreasen, M. Alexander, Sara Andrew Andrew. D Alexander, W Andrews, AW Alford, Paul Alison-Tomlin, Kate Andrews, G Alistair Andrews, Gaynor Allan, Brian Andrews, JRH Allan, Christine Andrews, James

Andrews, Stephen Angela Anglican Diocese of Auckland Annear, Michael Anne-Marie Annett, Kathleen Annett, Kenneth Ansbacher, Saul Ansell, Simon Anstis. Yvonne Anstiss, David Anton, Desiree Antschak-Brown, K Aoteaoroa Legalise Cannabis Party Apollo Farm Aquilina-Roberts, Archer, John Archibald, C Archibald, Garth Arcus, Pat Arlidge, Richard Armitage, Ian Armitage, J/Neas, Arms. David Arms, Rev. David Armstrong, Alan Armstrong David Armstrong, family Armstrong, Robert Armstrong, W Arn, Kapil Arnaboldi, Michael Arnold, NR Arnott, David Arnott, Tony Arnoux, Sophie Ashcroft, JT (Terry) Ashe, Michael Ashford, Ron Ashlev. Peter Aston, Richard Athfield, Tony Atkins, Anke Atkins, David Nelson Atkinson, Derek Atkinson, GR Atkinson, Susan Auckland Property Investors Assoc August, Doyle Austin, Ben Austin, R

Avis

Aw, Kean

Ayers, David Ayre, Monica Baakman, Julian Baas, Warren Baber, Andrew Babu, Venkatraman Bade, Leith Baggott, Brian Bagnall, David Bagnall, Nick Baguley, Diane Baider, Daniel Bailey, Alan Bailey, Brent Bailey, Craig Bailey, GA Bailey, Luke Bailey, NW Bailey, Paul Bain, DJS Bain, Tim Baine, John Baines, James Baird, Ken Baird, Victoria Bakalich, Bryan Baker, Andrew Baker, D Baker, Eric Baker, Gerald P Baker, Hal Baker, Jed Baker, Jeremy Baker, L-J Baker, Pat Baker, Reginald Baker, Roy Baker, Scott Baker, Stuart Ball, Colin Ball, Darroch Ball, Georgia Ball, Josie Ball, Martin Balmer, D Banerjee, Pallab Banks, Brian Bannister, Kevin Baran, John Barbara Barber, James Barber Joe Barber I A Barber Nick Barber Richard Barber, Tom

Barcham, Joan

Barclay, Eileen Barden, Seamus Barker, David Barker, Gary Barker, I & E Barker, John Barker, John P Barker, Richard Barkley, Tobias Barlow, David W Barlow, Geoff Barlow, Gordon Barnaby, Alan S Barnard, Bronwyn Barnard, Peter Barnes, David Barnes, Ernest J Barnes, Richard Barnett, Matt Barnett Rachel Barnett .JW Barnett, Kristvn Barnett, Trev Baron, Dominic P Barr, Dr Hugh Barraclough, L Barradell, Merrill Barradell, Michael Barrance, John Barrett, Brent Barrett, P & B Barriball, Peggy Barron, Daniel Barron, Jonathan Barry, Bill Barry, Frank Bartlett, Richard Barton, David Barton, Mels Barton, Peter D Barton, Ruth Barwell, Joe Barwood. Bill Basire, lan Bassett, Raymond Bater, Sandra Bates, Douglas Bates, Raymond Bates, Terence Bath, Maurice Batten, RMB Baucher, Terry Bautista, Paul R Baxendale, Joel Baxter, Allan John Baxter, Mark Baxter, Michael Bayer, Renee

Bayliss, Harry Beach, Neville P Beach, Paul Beal, Alan Beale, RC Bean, Glenys Beard, Anna Bearda, Sjoerd Beattie, Paul Beauchamp, K Beaumont, G Beaumont, Paul Beautrais, Keith Beavan, Dorothy Beckett, Denis Bedford, Chris Bedford.Jennifer Bedggood, Paul Beer, Doreen Beer Rex & Alison Beetz W Begg, Derek Begg, Janet Begg, Raymond Beggs, Jack Begovich, Bianca Behrendorff, J Belgrave, David Bell, Daphne Bell, David Bell, Frances & Bill Bell, Hamish Bell, Judy Bell, Malcolm Bell. Mike Bell. P Bell, Peter Bell, Robert Bell, Roger Belling, Gurbaksh Singh Belsham, P. Belton, Bill Belworthy, Philip Benecke, Heiner Benham, Coral Beniamin, J Bennett, Alistair Bennett, C Bennett, David G Bennett, David WA Bennett, Grant Bennett, HW Bennett, Henry Bennett, Janice Bennett, Jim Bennett, Leo Bennetto, Sue

Bennington, D Benson, David H Benson, Guv Benson, Leyland Benson, Lisa Bentham, David Bentley, John Beresford, Bob Berks. Paul Bernardo, Paul De Bernstein, Breda Berry, Jean Berry, Paul Berry, Stephen Bertaud-Gandar, T Bertaud-Gandar, R Bertram, Matthew Best, Audrey S Beth Better Democracy Betts, Leonard Betts, Lillian Betty Beuzenberg, S Bevan Smith, R Bhatnagar, Aaron Bichan, H & R Bielby, Jonathan Bieleski, Paul Bielski, Leonard Bigley, CI & W Biland, Peter Bindoff, Dai Bingham, Andrew Binney, Alistair Binns Peter Birch, G & J Birch, Graeme Birch, JJ Birss, JN Birss, Joshua Bishop, Warwick Black, Dianne Black, Ian Black, Jonathan Black, Laura Blackburn, Garth Blackham, Mark Blackie, M & L Blackler, William J Blackmore, Allan Blackmore, H Blackstock, M Blackstock, Ron Blackwell. Dean Blaikie, Bill Blain Daniel Blair Betty Blair, Matthew Blake, Kevin Blake, Richard Blakey, Peter Blanchett, Sam

Blathwayt, GW Blathwayt, SN Bleakley, Rob Bleakley, Trevor Blechman, Elias Blennerhassett, B&L Blight, ER Blight, Kevin Blincoe, John Blithe, Thora Bloomberg, Simon Bloxham, J E Bluck, K & J Bluck, Kyle Blue, Brendon Blythe, Chris Boag, lan Boag, Maxine Boatswain, Jill Bobby, Bob Body, Dave Boey, Robert Boland, Maurice Boldarin, Robin Bolland, Keith Bond, Keith Bond, Murray Bond, Rex Bongard, Jim Boniface, Nigel Bonisch, Patrick Bonner, Brendon Boorer, Michael Booth G&P Booth Jenni Booth, Tony Boow. Jonathan Boreham, Wayne Boshier, Jennifer Botica, Glenda Botting, John M Bougher, Tom Bourke Bourke, Bernard J Bourne, Joe Bouwmeester, E Bowden, Cliff Bowers, Cynthia Bowes, John Bowes, Richard Bowler, Michael Robert Bowman, Alana Bowra-Dean, M Bovce, M Boyce, Simon Boyd, Darell Boyd, W Boyes, GW

Boyes, Ron

Braae, Alexander

Bracewell-Worrall,

Bracev. Robyn Brad Brader, Richard Bradford, Dale F Bradley, Michael Bradley, Murray Brady, Chris Brady, Graham Brady, Peter Philip Brady, Raewyn Brailsford, D/Cook, Braithwaite, G Branch, Susan Brannigan, Austin Brant, Brigit Braun-Elwert, Anne Bray, Peter James Bray, Stephen Braybrook, Tony Breen, David Breeze, Simon Bremner, ACG Bremner, David Brenda Brennan, Paul **Brent** Brett, W H Brettell, J & I Briant, GJW Briant, PM & JM Brice, Roderick Brickell, Chris Brickell, Mark Bridge, Ken Bridge, Tony Bridgens, David Bridges, Mark Bridges, Peter **Bridget** Bridgman, FR Bridle, Denis Brierton, Michael Bright, June Bright, David Bright, Christine Brill, BJ Brill, Catherine Brimacombe, Phil Brinkman, Geoffrey Brinsdon, Garth Brinsley-Pirie, John Briscoe, Tracy Bristow, Grant Britt, M & T Brittanv Britton, Anthony Brizzell Alison

Broadbelt Murray

Broadbent, Tim

Broadbent, Lois

Broadbent, Josie

Broadhurst, BM

Brock, Lyndsay

Bruere, Stuart

Brumby, Clive

Brockett, Paul Brockett/ D & Walker, J Brocklehurst, J Brodie, Colin J Brodie, Gwenda Brodie, Irene Broekhoff, Jan Bromhead, John Bromilow, Shane Broni, Sharvn Bronkhorst, John Brook, Lesley Brook, David Brook, Lyndsay Brooke, Amy Brookes, Maree Brooks, Ian & Fran Brooks, J & B Brooks, Ben Brooks, Emma Broome, David Broomfield, Diana Brough, Paul Broughton, Bob Brown, Alex Brown, Allan Brown, Andy Brown, B Brown, Brian Pitts Brown, C Brown, Carol M Brown, Carol Maria Brown, Charles Brown D Brown David Brown, Hilary Anne Brown, Karena Brown, LJ Brown, Lucas Brown, Mark Brown, Nick Brown, Nicola Brown, Phill Brown, RJJ Brown, Robert FS Brown, Shirin Brown, Simeon Brown, Susan Brown, Tessa Brown, Tim Brown, Wayne Browne, Julie Browne, Kevin H Browne, M & K Browne, Paul Browning, Rod Brownlee Frances Bruce Bruce, Warwick Bruce, Zane RV Bruere, Paul

Brumby, Vivienne Brummer, Neville Brummer, Wendy Brunette, John Bruno, Ned Brunton, Ash Brunton, Jeanette Bryan, Sylvia Bryant, Garry Bryce Brydon, William Bubendorfer, RW F Buchan, Grant Buchanan, Andrew Buchanan, Bob Buchanan, Kelly Buchanan, M Buchanan, Peter Buchly, Beverley Buchly, Ken Buck, David Buck, Ronald Buck, Wayne Buckley, Claire Buckley, Jennifer Buckley, Peter Buckley, Trevor Budd, Jeremy Budden, DA Budenberg, H Budenberg, R Budvietas, Peter Budvietas, Roberta Buijsers, Christiaan Buist, Colleen Bull, Colin Bull, Edward Bull, H Bull, Raymond H Bullen, Chris Bullen, Philip Bullot, RC Bunch, Vicki Bunn, John Bunting, TJ Burbery, Alistair Burbury, Ron Burch, Aidan Burchett, JA Burge, Simon Burger, Eric Burgess, Barry Burgess, KR Burland, S/ Shanks, N Burnett, DH Burnett, David Burnley Jen Burns, Philippa

Burns, Steve

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Burrow, Neil Burrowes, J Burrows, Hilary Burrows, Laurence Burrows, WH Burrows, William Burslem, Michael Burtenshaw, Don Burton, Ded Burton, Richard Burton-Bell, C Busch, Robert Butchart, Dawn Butcher, Lois Butler, John Butler, Rebecca Butler, Richard Butler-Peck, Dave Butter, Phil Butterfield, BA Butters, B & S Buys, Jonathan W Byford, Mark Bynion, Martin Byrne, Terence J Caccioppoli, Carl Caddick, Richard Cadman, David Cadman, Sheryl Cadwallader, D Cairns. Kevin Calcena, Augusto Calder, James Calderwood, Mark Calderwood, David Caldwell, Gregory Callaghan, Kieran Callander, D Calverley, Ross Calvert, Ian Calvin, Matthew Camden, Mike Cameron Cameron, Angela Cameron, Chris Cameron, Hamish Cameron, Julia Cameron, Robert P Cameron, Sonya Cameron, Tracy Cameron, Wayne Campaign for MMP Campbell, A Campbell, Allan Campbell, Carolyn Campbell, C Campbell, Colin Campbell, Elliot Campbell, lan Campbell, Josh Campbell, Peter Campbell, Robin

Campbell, Shane

Campion, Paul Campkin, Stephen Cane, Roger Cantlay, Russell K Cantwell, Tomas Carew, Caitlin Carey, Blake Carl Carley, Michael Carlisle, Bronwyn Carlson, lan Carlton, Pat Carolyne Carpenter, B Carpenter, Brian Carpenter, John Carpenter, Theo Carr, Annette Carr, Anthony Carr, James Carr, Rob Carrabes, Mark Carran, CA Carroll, Anne Carroll, E Carroll, Kevin Carruthers, Bruce Carson, Hamish Carstairs-Mccarthy, Carter, Alan Carter, Frank Carter, Kim Carter, M & D Carter Murray Carter Robert M Cartwright, David Carver, Thomas Casey, Mark Casidy, Andrew Castle, Margaret C Catchpole, H Cates, Brian Catt, Jonathon Catt,Kenneth Catterall, Andrew Catton, B & J Caughey family Cauty, Victor Cavanagh, Emma Cavanagh, Mary Cave, Hugh G Cave, Wendy Caygill, James Cbec Ceramalus, N Chadwick, Anthony Chalberg P Chalmers, Murray Chan, Chin Yee Chan, Moses Chan, Oliver Chandler, Anthony Chandler, Liz

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Clauson, Lorna Claxton, Birgit I Claxton, Mervyn Clayton-Greene, M Cleary, Farrell Cleaver, Mark Cleghorn, W.A. Cleghorn, William Clements, John Clements. Neil Clements. Paul Clements, PT & YA Clements, Robert Clements, Sylvia Clements, Terence Clements, Terry Cleveland, Ross Cliffe, Colin James Clifford, GW Clifford, IJ Clift, Jenine Clode, David Cobbett, Nicholas Coburn, Allan Cochrane, AR Cocurullo, Vince Cody, Frank Coffey, Simon S Cohen, David Coia, Richard Coker, Dr Melanie Colbert, AT Cole, Bruce Cole, Geoff Cole, Graeme Cole, JR Cole, Jocelyn Cole, John Cole, Margaret Cole, Mike Colebrook, Ashlar Coleman, Shane Coles, Lily Coles, Peter G Coley, Bevin Coley, Terry Colhoun, Jan Colin, Richard Collet. Bruce Collett, M & K Colley, Allanah Collie. D Stuart Collie, GW Collier, Madeleine Collier, Rosemary Collin, RL Collings, Ken

Collings, Simon

Collins, DC

Collins, Josh

Collins, Judith

Collins, Meg

Collins, Tracy

Clarkin, Dain

Clarkson, David

Clausen, Peter

Clarkson, J Murray

Clarkson, Robyn C

Colman, John Comber, David Commbes, Dulcie Compton, Digby Compton, Paul Compton, Stephen Comrie, Paul Comrie-Thomson.P Con Cone, James Connelly, Robin Confederation of Chiefs of the **United Tribes** Connie Conning, Linda Connolly, Chris Connolly, Gary Connolly, J Connolly, Patrick Connor, Gerald Consedine, Phil Conservative Party Constable, Morgan Cook, Warren Cooke, Charles Cooke, David Cooke, John F Cookson, C Coom, Pippa Coombes, Dulcie Coombes, Lance Coop, Shelagh Cooper, George Cooper, Linda Coote, Jennifer Copeland, C Copeland, Daniel Copland, Janet Copsev. Clive Corbet, Sonva Corbett, Douglas Corbett-Davies, S Cordes, Corinne Corkran, Blair Cormack, Craig Cornege, Phillip Cornelius, Colin Cornes, Stephen Cornforth-Camden, Cornish, Paul Cornwall, Peter Cornwall, Steve Cornwell, Andrew Cornwell, B Cosgriff, Peter Cosslett, Richard Costelloe, Timothy Coster, Alan B Cotter, Malcolm Cottrell, A Richard

Coutts, John P Coutts, Judith Couvee, Derek Cowan, Evan John Cowey, P Cowie, Don Cowie, Jack Cowie. Mike Cowper, Rolly Cox, Camilla Cox, John Cox, Martin Cox, Robert Cox, Steve Cox, WH Cox, William Coyle, Gerard Coyle, Max Crabb. WL Craddock, Elaine Cradock, Patrick Craig Craig, Andrew Craig, Helen Craig, Ross & Lesley Crampton, Dave Crampton, E Crandell-Tanner, I Cranness, Mark Crase, Graham E Craw, Jack Craw, R Crawford, Julian Crawford David Crawford Gary Crawford M.I Crawforth, Barbara Crawshaw, Mike Creamer, G Creasy, Simon Creet, Ben Creighton, Gillian Cribb, BEF Crickmer, David Croall, Charles Crocket, Hamish Crockett, Andrew Crofskey, Heather Cromb, Jeanette Cromey, John Crompton, Digby Cronin, Julia Cronshaw, C Crook, Grant Cropp, Malcolm Cropp, Michael Cropper, Peter Crosby, Terry

Cross, Aaron

Cross, Colin

Couchman, Tracy

Coughlan, AR

Couteur, Tim Le

Cross, Richard

Croxford, Blair

Crossland, John

Davie, Morgan

Croy, Kevin James Crozier, Guy Cruickshank, P & E Crutchley, Kath Cullen, Clive Cullen, Keith Cullen, P & K Cullum, Keith Cummings, G J Cummins, Amy Cundy, Michael Cunningham, B Cunningham, Suee Curgenven, R Curnow, Kenneth Curran, Ben Currie, George Curry, C Cursey, Moira Curtis, Mikaere Curtis, NF Curtis, Terence Curtis, Yvonne M Cutting, William Cuzens, P Dagg, Bob Dagg, Fred Daily, Peter Dahanavake, P Daievic, Marlon Dakin, Brian Dakin, Rose Dale, Christine Dalebrook, NC Dalebrook, Norman Dale-Low, Lisa Daley, Jay Dalley, Ken Dalton, David Daly, Ron Dalziell, Scott Dandapani, GK Dando, Graeme Danford, Robert Daniel, Micaela Daniel, Vernon C Daniell, Michael Dann, Dr Christine Darbyshire, Mark Darlington, Tim Darlow. Brian Darren Dave David David, S Davidson, Alex Davidson, Andrew Davidson, John Davidson, Mark Davidson-Beker, M Davie, BR

Federation Of Davies, Aileen Donovan, Stuart Dentener, A Eade, Lloyd Elsen, Niko Graduate Women Davies, Alexander Eadie, Don Elwell, Paul Derby, Mark Donovan, Sue (Wellington Davies, Allen De Ste Croix, Colin Eadie, Gillian Emerson, Diane Doogue, Kate Branch) Feist, Jim Davies, Colin J De Sousa, H Doogue, Peter Eadie, John Emma Fenemor, Graeme Davies, Joe Devaliant, Lionel Doolan, Thomas Eady, Gerry A Empson, Graham Fenton, Derek Davies, John Devaney, Simon Dorfliger, Marco Eagle, Jane Eng. Andreas Fenton, M & B Davies, Peter Devenish, Charles Eagle, Tim Dorney, Dennis Eng, Graeme Fenwick, Darin Davies, Warwick Dossor, Carol Eagleson, Roy England, Colin Devereux, Janice Ferguson, Bruce Doubleday, Luke Davies, Wendy Eales, Geoff Enright, JA Devereux, TC Ferguson, Claire Davis. E Deverson, Richard Eames, Chris Enright, Michal Doug Ferguson, George Davis. Estelle Eames, Patricia Ensor, Matthew R Devery, Tim Dougherty, Ian Ferguson, Hamish Davis, Johnson De Vos, William Douglas, E & G Early, Brent **Ensors** Ferguson, John Davis, Michael G De Vries, Jeroen Douglas, Stephen Earnshaw, J Brian Erb, Wayne Ferguson, WG Davis, Sian Dewar, Kath Dowden, E Easton, Brian Ericksen, Kris Fergusson, DD Davis, Simon Dexter, Michael Dowie, Sarah Eaves, Alan Erkens, Joe Fern, Clinton Davis, Stephen Dickie, John Dowling, Jeanette Eberle, Egon Erskine, John Fernando, Kathryn Davison, Y Dickinson, Ramon Dowling, Roger Eckford, lan Eshart, Gillian Ferris, Freddy Dawes, Josh Dickinson, Ray Downey, Michael Edbrooke, Steven Essen, Shirley V Field, IMS Dawson, Greg Dickson, A Downie, Glen T Eddiewano Eustace, Alan Field. Nicholas Dawson, Jim Dickson, Elgar Downs, Dr Janet Edgar, Michael Evans, Adam Field. Valerie Dawson, Mark Dickson, Shirley Doyle, Stephen Edgecombe, Jamal Evans, Elwyn J Fikkers Derek Dawson, RR & AM Dickson, Stuart Drabble, Grant Edgeler, Graeme Evans, Martin Fincham, Cristy Dawson, Ron Dijkgraaf, Walter Draper, John Edgerton, Owen Evans, Rohan Findlay, Bevan A Dawson, Russell Dillon, Jessica Dravitski, Richard Edington, Paul Everest, Vaughan Findlay, KM Everist, J/ Gilchrist, Day, Jillian Dillon, Pat Dravitzki, Ross Edmonds, Marc Findlay, Quentin Day, Stephen Dingwall, Hugh Dreaver, Kate Edmunds, Kevin Everitt, John Finey, Judith Day, Wilfred Dittmer, Robin Dredge, David Edmunds, Richard Ewart, John M Fink, John Dealy, Martin Ough Dixon, Brian Dredge, Lester Edwards, DG Ewart. Peter Fiore, Kenneth Dean, J Lex Dixon, Larry Drew. Peter Edwards, Don Ewart, Susan Firkin, Patrick Dean, Nigel Dixon, Malcolm Dring, ET Edwards. Gareth Ewels, Nigel Fischer, RES Drummond, Alexei Edwards. 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