

Background Notes: Electoral System Change in New Zealand

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The NZ Constitution

- Parliament has no upper house.
- Elections are held every three years (and it is possible to call early elections).
- The political system is centralised (i.e. there are no provinces or states between central and local government);
- New Zealand has a largely ‘unwritten’ constitution;
- The electoral system rules are entrenched in the Electoral Act 1993. Change is possible either by referendum (simple majority) or parliamentary vote (75% majority). The first-past-the-post [FPP] rules were similarly protected in the Electoral Act 1956.

Why and how did New Zealand change its electoral system?

1. There were underlying discontents with FPP.

- The two major parties—Labour and National— were winning decreasing proportions of the nation-wide vote while the votes for minor parties were increasing.
- The minor parties were scarcely (or not at all) represented in Parliament. The Parliament was one of the most disproportionate legislatures in the world.
- Maori (approximately 15% of the population) were unhappy with the political system.
- Single-issue politics were mostly unrepresented in Parliament.

2. FPP was further discredited by a series of political events and, also, the behaviour of the politicians

- In the 1978 and 1981 general elections Labour won more votes nationwide but won fewer parliamentary seats than did National.
- The governing party could easily dominate the small Parliament; and cabinet dominated its backbenchers. Thus, it was felt that there were too few constraints on governments.
- Governments (especially Labour, 1984-1990 and National, 1990-1993) were seen as unaccountable to the people. Some of their policies were unpopular.
- In general, there was declining trust in politicians and in the political system itself.

3. But why change the electoral system?

- Labour entered office in 1984 with an 'Open Government' policy, including promising an 'authoritative and exhaustive re-appraisal of electoral law'.
- Geoffrey Palmer, the Deputy Prime Minister, was keen on constitutional reform, including changing the electoral rules.
- The Royal Commission on the Electoral System [RCES], with wide terms of reference, was appointed. In 1986 its report recommended a Mixed Member Proportional system.

4. The Report of the RCES; ten criteria for evaluating different electoral systems:

- Fairness between political parties (including proportionality);
- Effective representation of minority and special interest groups (gender, socio-economic class, locality, age);
- Effective Maori representation (because of history, the Treaty of Waitangi 1840, and low socioeconomic position);
- Political integration (mutual respect for each other amongst groups and the pursuit of the public good);
- Effective representation of constituents (encouraging close linkages between individual MPs and constituents);

- Effective voter participation (an understandable system to encourage participation, popular sovereignty, and everyone's vote to be of equal weight);
- Effective government (decisiveness, continuity, stability);
- Effective Parliament (a forum for alternative governments, and a House capable of performing full range of functions);
- Effective parties (voting system should recognise role played by parties in the policy and representative process);
- Legitimacy (acceptance of voting rules as fair, and acceptance of its decisions).

5. What happened to the RCES Report?

- The Labour and National parties were unenthusiastic--electoral system change was against their interests.
- During the 1987 election campaign the PM, David Lange, surprisingly promised to refer the RCES Report to a parliamentary committee and, also, to hold a referendum on the issue.
- Parliament's Electoral Law Committee (1988) recommended a 'top-up', non-PR system (adding some minor party MPs).
- The Labour cabinet opposed any change; and the Labour caucus was divided. The Labour Government did not hold to its promise of conducting a referendum on the electoral system.
- In 1990 the National Party Manifesto promised a binding referendum on 'electoral matters' to be held before the end of 1992. Also there were to be questions on an upper house (later dropped).
- National won the 1990 general election and had to decide what to do about its promised referendum. It decided to hold a referendum giving electors the choice of a number of different electoral systems. The result would be non-binding on government. If FPP was not selected, there would be a 'run-off', binding referendum giving voters the choice between the status quo and the preferred alternative.

6. The Referendums

The 1992 Electoral Referendum (non-binding):

- An official, neutral public education campaign was conducted. (The lobby group, the Electoral Reform Coalition campaigned for MMP.)
- Electors were first asked to choose between FPP and change. They were then asked to choose from amongst four types of electoral system
- The result was that 85% voted against the existing system. 71% chose MMP, as against the supplementary member system (5.5%); STV (17.4); and preferential voting (6.6%). (The turnout was 56% of registered voters.)

The 1993 Electoral Referendum (binding):

- Parliament's Electoral Law Select Committee constructed the Electoral Act 1993—the basis for the referendum.
- The referendum was held at the same time as the 1993 general election (after further public education and a vigorous campaign between the supporters of the two different electoral systems). The minor parties and most Maori wanted reform; the major parties were divided on the issue; and most MPs preferred FPP;
- The referendum result was that 46.1% chose FPP while 53.9% chose MMP. (The turnout was 85.2%.)

The first MMP election was held at the end of 1996. There have been two further elections held since then, in 1999 and 2002.

New Zealand's Version of MMP

- Parliament comprises two sets of MPs: constituency MPs (single-member, simple plurality) and List MPs (nationwide, closed party lists). In 2002 there were 62 General seats (constituency), 7 Maori (constituency) seats, and 51 list seats. There is a fixed no. of seats for the South Island (6). South Island districts average 54,308, North Island, 54,296. Maori, 53,099.
- Electors have two votes: for the preferred party list; and for the choice of constituency MP.
- There are 120 (usually) parliamentary seats (up from 99 in the last FPP election).

- In order to gain parliamentary seats, parties must gain 5% per cent of the nationwide, party list vote. Alternatively, parties that do not reach the above threshold may enter Parliament (gaining seats in proportion to their shares of the party vote) if they win one constituency seat.
- A candidate may stand for both a constituency and their party list.
- Maori seats (four in number between 1867 and 1995) continue to exist under MMP, with the total number linked to the numbers of Maori who choose to register on the Maori (rather than the General) electoral roll. Approximately 55% of Maori are registered on the Maori roll.
- The Sainte-Laguë formula is used to allocate seats to parties that cross the threshold (to add to any electorate seats they may have won to bring their shares of seats close to the proportions of nationwide party votes they have gained).
- Constituency seat vacancies are filled by by-election; list seat vacancies are filled from the relevant party list from the previous election.