

NEW ZEALAND ELECTORAL
FACTS & STATS 2008
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FACTS '08

ELECTIONS
ELECTORAL COMMISSION
Te Kaitiaki Take Kōwhiri



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NEW ZEALAND ELECTORAL FACTS AND STATS 2008



This pocket flip booklet continues the series of post-election compendiums published by the Electoral Commission since the first MMP election in 1996. It is available online at www.elections.org.nz/research/ with extended information linking, data files, and downloads to suit a variety of user needs, including for larger print or electronic readers. Further copies can be requested by email to info@elections.govt.nz or phone +64 4 474 0670.

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Key facts

- Constitutional monarchy: Head of State - Queen Elizabeth II of New Zealand, represented by Governor-General; performs important constitutional functions in life and work of parliament and government, including election-related.
- Constitution: “unwritten”, not supreme law, comprises various laws, Treaty of Waitangi, and conventions.
- Parliamentary democracy: single chamber “House of Representatives”, ordinarily of 120 members; Parliament cannot be overruled by the Courts.
- Elections: Periodic - maximum term three years, variable date set by Prime Minister; Franchise – 18 years, citizens and permanent residents; System - Mixed Member Proportional (MMP), St Laguë formula, 70 single-member electorate seats (63 general, 7 Māori) and 50 list seats, overhang (compensatory) seats.
- Responsible government: Government and executive formed from elected members; reliant on House of Representatives for support.

**History highlights**

- 1853 First election for the House of Representatives; 37 MPs, First-Past-the-Post; Māori effectively excluded due to communal land ownership.
- 1867 Four Māori seats created as a temporary measure with universal suffrage for Māori males aged over 21; made permanent in 1876.
- 1881 First general election with universal male suffrage.
- 1893 Universal suffrage granted to women (including Māori) aged over 21.
- 1974 Voting age reduced to 18.
- 1975 Māori Electoral Option introduced.
- 1975 Right to vote for all permanent residents.
- 1992 Indicative referendum supports changing voting system; MMP preferred system.
- 1993 Binding referendum introduces MMP; number of Māori electorate seats made variable depending on population and enrolment.
- 1996 First MMP election.

■ www.elections.org.nz/democracy/

New Zealand is a democracy in which the members of Parliament (MPs) are chosen in free and fair elections. Citizens and permanent residents (non-citizens granted an open-ended right to live in NZ) aged 18 years and over must enrol to vote. Voting is not compulsory. Turnout is high by international standards but trending lower.

New Zealand is a constitutional monarchy with an unwritten constitution. The Queen of New Zealand, Queen Elizabeth II, is Head of State represented by the Governor-General who is appointed for a five-year term. The Queen and the Governor-General remain politically neutral. The Governor-General plays important constitutional roles in the calling of elections, the life of parliament, and the formation of a government. The Governor-General may advise or warn the government or, in extreme circumstances,

dismiss it and appoint a new government or call a general election.

Parliament consists of a single chamber, the "House of Representatives" ("the House"), together with the Head of State who does not personally attend the House. The term parliament is generally used to refer to just the House. Parliament is elected for a maximum three-year term using the Mixed Member Proportional (MMP) system which generally provides 120 MPs. MMP and parliament's standing orders recognise parties and proportionality in many aspects of parliamentary business, such as the allocation of committee positions, speaking and oral question slots. Each parliamentary party holds a regular caucus meeting where decisions are made on how members will vote and otherwise contribute to parliamentary business.



The government is formed by the party or parties able to win important votes in parliament, and it is accountable to parliament for the decisions and actions of its executive members (Cabinet Ministers, who must be MPs) and the agencies they are responsible for. The government may assure itself of a majority in the House through agreements with one or more parties, including for coalition, support on confidence and supply, or agreement not to oppose the government on important votes. MPs of supporting parties may be Ministers or Associate Ministers in or outside Cabinet, with agreement on whether they are required to publicly support government decisions outside their portfolio areas. A new government may be sworn in before final election results are declared, provided the outcome is certain and apparent to the satisfaction of the Governor-General.

Much of parliament's scrutiny role is carried out by select committees which consider new legislation; question ministers and agencies on their policies, plans and performance; as well as holding reviews or inquiries. Select committees also call for public submissions on draft legislation or matters under inquiry. Each committee has standing responsibility for a subject area and is made up of MPs from across the house. The government may not have a majority on, or chair, every committee.

Apart from the nationally elected central government, New Zealand has elected local government bodies. These include territorial local authorities (such as regional, city or district councils), district health boards, councils of public tertiary institutions, and school boards of trustees.

■ www.elections.org.nz/democracy/

A person must enrol if eligible. You are eligible if you meet all of these:

- are aged 18 years or older
- have at any time lived in New Zealand for one year or more (limited absences overseas from your New Zealand home are acceptable)
- are a New Zealand citizen or permanent resident.

You cannot enrol if any of these are true:

- you are in prison for a term exceeding three years
- you are in hospital under a compulsory order relating to mental health for three years or more
- you have been found guilty of a corrupt electoral practice in the past three years
- you are a New Zealand citizen who has not been in New Zealand within the past three years (except for New Zealand officials working overseas or accompanying family)

- you are a New Zealand permanent resident who has not been in New Zealand within the past 12 months (except for New Zealand officials working overseas or accompanying family)

Electors of New Zealand Māori descent choose between being on the Māori roll or general roll when they first enrol and at the time of a Māori Electoral Option, and this places them in a Māori or general electorate accordingly. An option is held every five years soon after a census and before the redrawing of electorate boundaries, except if it is an election year in which case the option and redrawing are delayed. The next option (and new boundaries) are expected in 2012. More information is provided under System Elements, Electorates, on page 15.



People who have grounds to fear for their safety or that of their family through appearing on a published roll may apply to enrol on an unpublished roll.

People may provisionally enrol when aged 17 years.

People who are mentally incapable must be enrolled by an authorised person.

Electoral rolls, listing all of the people who are enrolled in an electorate are published and available in libraries, PostShops, and at the office of each registrar of electors. Enrolment data is also used to produce electoral rolls for referendums, as well as for Regional Council, District or City Council, Community Board, and District Health Board elections.

Enrolment is continuous; an elector is only removed from the roll upon death, qualifying conviction, imprisonment or mental health treatment, or when

an update letter is returned "gone no address". Data matching, direct mail and door knocking are used to help maintain the rolls between major update campaigns which occur twice in the electoral cycle.

Electors may view their own enrolment online, but the law prevents rolls being made available electronically and also restricts how rolls and roll data may be used for non-electoral purposes. Enrolment details may be entered online, but a signature is required on a printed form to complete the transaction.

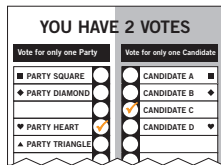
To enrol or update details people can visit www.elections.org.nz, pick a form up at any PostShop, or freephone 0800 ENROL NOW (0800 36 76 56), or freetxt their name and address to 3676.

■ www.elections.org.nz/enrolment/

■ www.elections.org.nz/administration/eec-corp-info/

Mixed Member – MPs enter parliament in two different ways, either as list MPs or electorate MPs.

Proportional – the overall result is designed so that each party's share of MPs is proportional to its share of the party votes cast for all parties winning seats.



The order electorate candidates appear in the right hand column of the ballot paper is alphabetical by last name of each candidate. If candidate's party is contesting the party vote then that party's name and

logo will appear in the left hand column of the ballot paper on the same row as the candidate if not, there will be a blank in the left hand column. So the order in which the parties appear will be different in each electorate, although everyone has the same choice of parties for the party vote. Parties that are only contesting the party vote in an electorate are listed in alphabetical order below parties standing candidates in that electorate.

A voter does not have to cast both a party vote and an electorate vote to cast a valid vote.

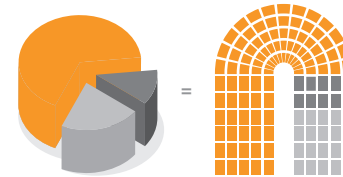
A voter's party vote helps decide how many seats (MPs) each party has in parliament. Every voter in every general electorate and every Māori electorate has the same selection of parties to choose from. A party will get seats in parliament based on its party



vote if it wins:

- five percent or more of all the party votes, or
- one or more electorate seats.

This is called the threshold.



Parties crossing the threshold will get a share of MPs close to their share of party votes. Party votes cast for parties that don't cross the threshold aren't

included in the allocation process and do not affect the number of seats other parties will receive. The allocation based on party votes decides how many MPs each party has in parliament but not the people who will take those seats as MPs.

An electorate vote helps decide who becomes a local MP, representing an electorate. Each electorate has a different selection of candidates to choose from. Electorate candidates can include independents and candidates from parties not contesting the party vote. The candidate who gets the most votes wins the seat and becomes the electorate MP.

A party's share of seats in parliament is filled first by any electorate MPs. Remaining places are filled by taking candidates from the nominated party list who have not already been elected to an electorate in the

order that they appear on the list. MPs elected from the party list are list MPs.

An electorate vote can't usually change a party's total share of seats. This can only happen in an electorate where:

- A party needs to win it to cross the threshold because it might get less than 5 percent of all party votes. (In 2008 this applied to ACT New Zealand in Epsom, United Future in Ōhariu, and Jim Anderton's Progressive in Wigram.)
- Winning it will contribute to an overhang. An overhang occurs if a party wins more electorate seats than the total number of seats it would gain through its share of the party vote. In this case the party keeps all its electorate seats as they have been elected by those electorates. But,

because deducting the extra number of seats from parliament's 120 seat total would upset the proportional allocation and disadvantage the other parties, the extra number of seats are added to the House. (In 2008 Māori Party won five electorate seats while their proportional allocation from party votes was three, so the number of MPs in parliament increased to 122.)

- It is won by an independent or candidate from a party not after the party vote. If this happens then the number of seats allocated by the Sainte Laguë formula is reduced from 120 by the number of electorates won in this way. No independent electorate MPs have been elected under MMP, and few were elected under the previous electoral system, First Past the Post.

■ www.elections.org.nz/voting/mmp/

Voting

An elector must be enrolled before election day.

Polling places (generally located in school, church, or community halls) are open 9am-7pm on election day. Voters may take or ask someone to help, including election day staff.

Advance voting opens 17 days before election day at limited locations and times for people unable to vote in their electorates on election day. Electoral workers also visit rest homes for the elderly and hospitals to take votes before election day.

People unable to vote in their electorate on election day, or whose name does not appear on a printed roll for any reason cast a special declaration vote at any polling place, or by requesting them in advance as a postal vote, or by asking someone to bring them the

papers to complete on election day. The declaration and vote are sealed in a two pouch envelope which is sent first to the electorate registrar of electors who confirms the elector's eligibility from the declaration before forwarding the sealed ballot to the final count.

Electorates overseas on election day and unable to cast an advance vote may cast a special declaration vote at an overseas post before 4pm Friday local time, request a postal ballot in advance, or download the papers from the Elections NZ website and return them to NZ by fax or post before the close of voting in NZ. Overseas voting opens 17 days before election day.

Everyone enrolled at writ day will receive an EasyVote information pack in the mail about a week before election day. The pack includes an EasyVote card or letter to take to the polling place with identifying

information that makes the issuing of voting papers faster, as well as details of advance and election day polling places, electorate candidate names and party lists, and an explanation of MMP.

■ www.elections.org.nz/voting/

Counting and declaration of results

Advance votes are counted in secure conditions on election afternoon, while votes cast on election day are counted as soon as the polls close. Election night (preliminary) results are made available and updated by the minute at www.electionresults.govt.nz. The declaration of the official results is usually 14 days after election day. In this time a number of processes are completed:

- All votes counted on election night are recounted and checked to ensure accuracy.

- Special vote declaration forms are sent to electorates, validated and the votes included in the official count.
- Electoral rolls are examined for double-voting and a Master Roll of voters in each electorate compiled. (If someone has voted more than once, all their ballot papers are removed from the count.)

While voters are asked to mark their ballot papers with a single tick in each column they use, a “clear intention test” is applied to papers marked in other ways and these votes are counted if the elector’s wish to vote for a single party or candidate is beyond doubt.

After the result of any recounts, the Chief Electoral Officer determines the number of list members elected to Parliament for each party from the party lists.

Recounts

After the declaration of the official results electorate candidates can apply to a District Court Judge for a recount of the electorate vote. Party secretaries may apply for a recount of the party vote.

The only way to challenge the election of an electorate candidate is by election petition, which may be brought by a voter or a candidate and is heard by three High Court Judges. The petition must be brought within 28 days of the Chief Electoral Officer declaring the official results. Only the Party Secretary of a party contesting the party vote can challenge the election of list candidates by petition to the Court of Appeal.

Filling seat vacancies between elections

If the sitting MP resigns, is expelled or dies, then their seat becomes vacant and must be filled unless a general election is due in the next six months, or the Prime Minister says one will be held in the next six months, and 75 percent of MPs agree in either case that the vacancy can remain until the next election.

For list seats, the vacancy is filled by the next unelected candidate from their party’s list at the previous general election who is willing to take the seat.

If the vacancy is in an electorate seat, a vote called a by-election is held in that electorate only. The electoral process for a by-election is similar to that for a general election, although only the electorate vote part of the MMP ballot paper is printed. (A list MP winning a by-election would create a list seat vacancy.)

The following information is correct as at January 2009 and is subject to change. Please check www.elections.org.nz/rules/ for current requirements for this section, except where a different web address is given.

Electoral law

Electoral law is found in the Constitution Act 1986, Electoral Act 1993, Broadcasting Act 1989, and the Electoral Finance Act 2007. There are also Electoral Regulations.

■ www.legislation.govt.nz

Political parties

In order to contest the party vote under MMP a party must be registered with the Electoral Commission. Unregistered parties may only contest electorate seats at a general election or by-election.

The main requirements for registration are having:

- a name that is not likely to cause offence or confusion, which does not refer to a title or honour, or is too long to fit on the ballot paper
- 500 or more current financial members eligible to enrol as electors
- a Party Secretary, a Financial Agent (who may be the party secretary), and an Auditor.

A registered party is required to:

- have rules providing for the democratic participation of members in candidate selection
- make annual declarations of having at least 500 current financial members and the intent to contest elections
- disclose donations exceeding \$10,000
- make post election expense declarations.

Registration applications are processed free of charge.



Processing usually involves the public notification by the Electoral Commission of the application in major newspapers and on the Elections NZ website.

Party logos

A party logo registered with the Electoral Commission will be printed on the ballot paper for parties contesting the party vote and for electorate candidates of both registered and unregistered parties. The criteria for registration is that the logo is not indecent, offensive, misleading or confusing, and does not refer to a title or honour or infringe intellectual property rights. The registered party logo is the only one that the Parliamentary Service permits for use on material produced for MPs using parliamentary funding. Registration does not give formal intellectual property rights beyond the right for the logo to appear on ballot papers. Registration

applications are processed free of charge. Processing usually involves the public notification by the Electoral Commission of the application in major newspapers and on the Elections NZ website.

Electorates

Under MMP some MPs are elected to represent a local area, called an electorate. Each place in New Zealand is within one general electorate and one Māori electorate. There are 53 general electorates and seven Māori electorates in place for the 2008 and 2011 general elections.

Electorate boundaries are reviewed and may be redrawn every five years, after a census and Māori Electoral Option. This job is done by the Representation Commission. Boundaries are redrawn to ensure that every electorate contains within 5% of

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a target total population (not just registered electors), regardless of geographic size. The target population size for an electorate is determined by dividing the general electoral population of the South Island by 16. Boundaries must be drawn taking into account communities of interest (including tribal affiliations for Māori electorates), communications facilities, topographical features, and projected population changes. Proposed electorate names and boundaries are announced with a one-month public objection period and then a two-week counter objection period before they are finalised.

A census was taken on 7 Mar '06.

A Māori Electoral Option was run from 3 Apr – 2 Aug '06, during which:

- An additional 14,914 Māori enrolled on the Māori Roll (new enrolments and net result of roll type changes)
- 4,634 fewer Māori enrolled on the General Roll (new enrolments and net result of roll type changes)
- A total of 385,977 people who have identified themselves as Māori are now enrolled to vote
- 14,294 moved from the General Roll to the Māori Roll
- 7,294 moved from the Māori Roll to the General Roll

The net result of the census and Māori Electoral Option was that the number of Māori seats remained at seven and the number of North Island general seats increased by one to 47. The number of list seats was reduced by one to 50 to maintain a parliament of 120. The target populations set were:



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North Island General Electorates, 57,243 ±2,862; South Island General Electorates, 57,562 ±2,878; Māori Electorates, 59,583 ±2,979.

The Representation Commission finalised new boundaries in Sep '07, with the new North Island seat of Botany created in the south of Auckland, nine electorates gaining new names to reflect significant changes, seven electorates' boundaries remaining unchanged, and macrons were added to the names of 11 electorates.

The Representation Commission will next reconvene and review boundaries following the 2011 census and a Māori Electoral Option due in 2012 (which will be delayed from 2011 by the general election expected that year).

■ www.elections.org.nz/mapping/

Candidates

Candidates are people nominated for election. A candidate has to be a New Zealand citizen and enrolled as an elector. Electorate candidates compete for the electorate vote. An electorate candidate does not have to be an elector in that electorate, or on the same (general or Māori) roll type, but they cannot be a candidate in more than one electorate. List candidates are nominated on the party list, which lists candidates in the order the party wants to see the candidates elected to parliament. A person can be both an electorate candidate and a list candidate – sometimes called a dual candidate. Candidates representing unregistered political parties or standing as independent candidates may only stand in electorates.

Each electorate candidate pays a deposit of \$300 which will be returned if they win five percent or

more of the electorate votes cast and they have filed their return of expenses and donations. To nominate a party list the party pays a deposit of \$1,000 which will be returned if it wins 0.5 percent or more of all party votes or one electorate seat, and it has filed its return of election expenses.

Third Parties

In 2008 individuals or groups who: were not parties or candidates, wanted to use election advertising to encourage votes in a particular way, were spending more than \$1000 in respect of an electorate candidate or \$12,000 overall between 1 January and election day were required to list as a third party with the Electoral Commission and provide post-election returns of expenses and donations.

Electoral system

The allocation is done using the Sainte Laguë formula as follows:

1. Create a table with the name and number of party votes received for each party crossing the threshold at the top of each column.
2. Divide the number of votes in each column of the top row by every odd number (1, 3, 5...) and list these answers (called quotients) down the column. (Keep going until the highest 120 quotients (representing the seats in parliament) can be identified.)
3. Find the highest 120 quotients. The number of quotients each party has in the highest 120 is the number of seats (MPs) it gets in parliament.

■ www.elections.org.nz/voting/mmp/



Campaigning, election expenses and disclosure

Electoral law regulates election advertising by parties, candidates and others in the lead up to an election. The law changed for the 2008 general election and the government has indicated further change for 2011. Details of current law can be found at www.elections.org.nz/rules/

Campaign regulation generally prescribes a definition of what activities or characteristics make them election advertising and subject to limits on when they may happen or appear and the maximum advertising spend permissible, along with the need for clear identification of whoever is responsible for an advertisement.

The spending limits in 2008 and previous elections have been: \$20,000 by electorate candidates contesting the electorate vote; and \$1m for registered parties contesting the list vote increased by \$20,000 for each electorate candidate stood by the party. These amounts include GST. The Electoral Commission allocates money and time to parties for broadcast election advertising and addresses broadcast on a state-owned television channel and radio station (2008: \$3,211,875 including GST, 72 minutes for opening addresses, 30 minutes for closing addresses.)

■ www.elections.org.nz/rules/

Donations and disclosure

Donations to political parties, candidates and listed third parties are all regulated, with returns of donations above certain limits made available for public inspection online and at the Electoral Commission's offices. There are limits on the size of foreign donations (\$1,000), the size of anonymous donations (\$1,000), and rules relating to the public disclosure of donations. In all cases, donations exceeding \$1,000 must come with information identifying every contributor of more than \$1,000 to the sum handed to the beneficiary so that the recipient can aggregate donations from the same donor and report donations appropriately.

People wanting to donate more than \$1,000 anonymously to a political party or third party may do

so through the Electoral Commission, although limits apply in each electoral cycle to the amounts which an individual can give to any party (\$32,000) or third party (\$1800) and the total a party (\$240,000) or third party (\$12,000) can receive via this route. Aggregated payments are made to recipients monthly, except the payment frequency is weekly between the issue and return of a writ for election.

The financial agent of each:

- registered political party must make an annual return to the Electoral Commission of party donations received worth more than \$10,000. Returns covering each calendar year are due no later than 30 April of following year. Parties are also required to make immediate disclosure where a donor gives more than \$20,000 to it in a 12 month period.



- listed third party must make a return to the Electoral Commission of donations received for the purposes of its election campaign exceeding \$5,000. This return is due at the same time as the third party's election expense return.
 - electorate candidate must make a return to the Chief Electoral Officer of donations received exceeding \$1,000 as part of the candidate's post-election return of expenses and donations.
- www.elections.org.nz/record/

Electoral administration

New Zealand has three permanent electoral agencies. Local body elections are run by the local bodies with rolls provided by the Electoral Enrolment Centre.

	Electoral Enrolment Centre	Chief Electoral Office	Electoral Commission
Responsible for	Electoral roll Māori Electoral Option	Conducting general elections, by-elections, and referendums Supports the Representation Commission	Education and information on electoral matters Supervision of political party, logo, and third party registration, donations disclosure, election expenses, and other statutory requirements.
Organisation	Business unit of New Zealand Post	Division of Ministry of Justice	Independent Crown Entity
Postal Address	PO Box 190, Wellington 6140	PO Box 3220, Wellington 6140	PO Box 3050, Wellington 6140
Phone number (+64 for New Zealand)	+4 801 0700	+4 495 0030	+4 474 0670
Email	info@elections.org.nz	chief.electoral.office@justice.govt.nz	info@elections.govt.nz

www.elections.org.nz/administration/

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