

## LIST OF RECOMMENDATIONS

### Chapter 2 : The Voting System

1. The Mixed Member Proportional system as set out in para. 2.116 should be adopted (para. 2.182).
2. A referendum on the adoption of the Mixed Member Proportional system should be held at or before the next general election after 1987 (para. 2.185).

### Chapter 3 : Maori Representation

3. The Mixed Member Proportional system should be adopted as the best means of providing effective Maori representation (para. 3.88).
4. There should be no change to the present system of Maori representation prior to a decision on whether or not the Mixed Member Proportional system should be introduced (para. 3.88).
5. Should the Mixed Member Proportional system be rejected, the system of Maori representation should be considered at the constitutional discussions referred to in recommendation 7 (para. 3.98).
6. Should the Mixed Member Proportional system be rejected but no agreement be reached with the Maori people about the system of Maori representation, the separate Maori seats should be retained. Their number should be set on the basis of the number of electors of Maori descent who choose to go on the Maori roll, plus their children, using the same population quota as is applied in General seats. Separate representation should be reviewed if either the number of Maori seats grows to more than 10% of the total number of seats in Parliament, or falls below 4 (para. 3.98).
7. Parliament and Government should enter into consultation and discussion with a wide range of representatives of the Maori people about the definition and protection of the rights of the Maori people and the recognition of their constitutional position under the Treaty of Waitangi (para. 3.111).

### Chapter 4 : The Number of Members of Parliament

8. The number of members of Parliament should be increased to 120 (para. 4.33).
9. The minimum number of members for the South Island should be set at 25 so long as plurality continues, or 15 under the Mixed Member Proportional system (paras. 4.35 and 4.36).

### Chapter 5 : Boundary Determination

10. Each of the parties in the House of Representatives should have its own representative on the Representation Commission, to be appointed by the Governor-General on the nomination of the House. Such representatives should not be members of the House, and should not have the right to vote at meetings of the Commission (para. 5.14).

11. The Department of Statistics should investigate the presentation of its meshblock population data in the form of basically different sets of approximate constituencies. If such data summaries can be produced:
  - (a) several sets of approximate constituencies should be part of the initial data sent to members of the Representation Commission;
  - (b) the Surveyor-General should base the provisional boundaries on the set of approximate constituencies chosen by the Representation Commission (para. 5.16).
12. Brief reasons for the choice of the proposed boundaries, in terms of the criteria the Representation Commission must take into account, should be available at the office of the Registrar of Electors for each constituency (para. 5.20).
13. There should continue to be no right of appeal from the decisions of the Representation Commission (para. 5.21).
14. The determination of constituency boundaries should continue to be based on total population (para. 5.24).
15. (a) The Department of Statistics should analyse the relationship between the electoral and usually resident populations of the constituencies determined by the boundary revisions of 1982/83 and 1986/87 (para. 5.30).
  - (b) If this analysis indicates that the electoral population basis produces a significant bias in boundary revisions, a means of using usually resident meshblock populations in these revisions should be devised (para. 5.30).
16. The Department of Statistics should devise and test projections of the usually resident and electoral populations of local authorities (para. 5.32).
17. (a) If suitable projections of usually resident or electoral populations have been devised, they should be used in conjunction with a 5% tolerance in the determination of constituency boundaries (para. 5.39).
  - (b) If no such projections have been devised, the present tolerance level of 5% should be maintained (para. 5.40).
18. (a) When the boundaries of Maori seats are to be defined, the Representation Commission should consist of the Chairperson, the Surveyor-General, the Secretary of Maori Affairs, the unofficial members and 2 further voting members appointed by the Governor-General by Order-in-Council on the nomination of the Minister of Maori Affairs following consultation with appropriate Maori organisations (para. 5.45).
  - (b) If there is a common roll under plurality, the Representation Commission should be required to take into account community of interest among the members of Maori tribes. The Commission's membership should be changed to give it a Maori perspective (para. 5.45).

19. (a) The numbers of people of Maori descent who opt to go on the Maori and General rolls should be obtained as a matter of course in any future Maori option/roll revision, so that the information can be used to estimate the numbers of unregistered people of Maori descent who are to be counted in the General electoral and Maori electoral populations (para. 5.49).
- (b) If the number of people of Maori descent cannot be so obtained, a statistical estimate of this number should be made from census population data and registration data for the different constituencies (para. 5.49).
20. The final boundaries of the electoral districts gazetted by the Representation Commission should have effect for the next general election and for later elections until the next boundary revision takes effect (para. 5.50).

#### **Chapter 6 : The Term of Parliament**

21. (a) A referendum should be held no later than December 1993 to determine whether the term of Parliament should be increased to 4 years (para. 6.32).
- (b) The referendum should include a proposal to limit the power to seek a dissolution (para. 6.34).

#### **Chapter 7 : The Use of Referenda**

22. It is appropriate for Governments to hold referenda from time to time, but there should be no provision for public petitions to compel referenda (para. 7.31).
23. There need be no general legislation governing the calling or conduct of referenda. Special legislation should be passed in each case specifying the question or questions to be asked and the procedures to be used in conducting the campaign and the poll (para. 7.46).
24. The result of a referendum should be regarded as binding on Parliament (para. 7.46).
25. All publicity on a referendum issue should be required to carry the name and address of the person or body authorising it (para. 7.48).
26. Expenditure by candidates and parties on a referendum held in conjunction with an election should count as an election expense if it is used, or appears to be used, to promote or procure the election of a candidate or a party. Paid advertising on television used, or appearing to be used, for those purposes should be prohibited (para. 7.48).

#### **Chapter 8 : Political Finance**

27. There should be no restrictions on the size or source of donations to political parties or candidates (para. 8.10).

28. Registered political parties should be required annually to disclose audited statements of income at electorate, regional and national levels. The required disclosures should state total funds received and the names and addresses of individual donors who over the course of the year have given money, goods or services valued, in total, in excess of \$250 at electorate level or \$2,500 at regional or national level. The amount of each disclosable donation should also be revealed, and all returns should be available for public inspection (para. 8.23).
29. Following each election, candidates other than those standing on behalf of registered political parties should be required to disclose all donations received of a value in excess of \$250 and used in relation to the election campaign (para. 8.23).
30. Limits on candidate election expenditure should be retained and the Electoral Act should be amended so that election expenditure limitations are extended to include spending by or on behalf of political parties (para. 8.37).
31. Section 147A(1) of the Electoral Act should be retained and s.147A(2) should be amended so that the costs of election advertising incurred or authorised by a candidate or party or their agent are included as an election expense of the candidate or political party (para. 8.41).
32. Where they relate to the areas of activity listed in s.139 of the Electoral Act, the commercial value of goods and services donated or provided at less than commercial rates should be included as election expenses (para. 8.49).
33. The level of expenditure permitted to individual candidates during the 3-month campaign period should be raised to a level equivalent in real terms to the December 1983 limit of \$5,000. The level should be regularly adjusted so as to keep pace with inflation (para. 8.59).
34. The level of expenditure permitted to political parties during the 3-month campaign period should be calculated at a rate of one-and-a-half times the rate for each constituency contested, not including that expenditure relating exclusively to the campaigns of that party's individual candidates (para. 8.62).
35. All candidates should be required to appoint an auditor and may also, if they wish, appoint an official agent. The candidate, or the candidate's official agent, should be required to furnish to the Returning Officer an audited return of election expenses incurred in the 3-month campaign period (para. 8.67).
36. Every registered political party should be required to appoint an auditor and an official agent. The official agent should be required to furnish to the Electoral Commission an audited return of all election expenses incurred in the 3-month campaign period by or on behalf of the party or its candidates, other than that disclosed by the candidates themselves. Party agents should also be

- required to make an annual return of expenses incurred by the party's central office (para. 8.69).
37. If after preliminary investigation of income and/or expenditure returns the Electoral Commission has reason to believe a breach of the law may have taken place, that Office should be empowered to initiate a prosecution. Any State funding to which a registered political party or independent candidate is entitled should be conditional on satisfactory financial returns (para. 8.70).
  38. The Broadcasting Corporation should continue to allocate free broadcasting time to political parties at elections, subject to the changes suggested in paras. 8.81 to 8.84.
  39. Paid political advertising on television should be prohibited during the 3-month election campaign period (para. 8.90).
  40. Direct State funding of registered political parties and independent candidates should be introduced along the lines outlined in paras. 8.163 to 8.166, and administered by way of a sliding scale based on voter support in electorates contested.

#### **Chapter 9 : Administration of the System and Miscellaneous Matters**

41. The voting age should be reviewed by Parliament from time to time taking account of public opinion (para. 9.14).
42. Prisoners who following conviction have been sentenced to a term of 3 years or more should not be allowed to vote (para. 9.21).
43. Patients in mental hospitals who have, following criminal proceedings, been detained for 3 years or more under the relevant provisions of the Mental Health Act should not be allowed to vote (para. 9.22).
44. If the recommendation concerning the Mixed Member Proportional system is adopted, the Electoral Act should require that candidates standing for a political party should be selected according to procedures which allow any member of the party, either directly or through representatives themselves elected by members of the party, to participate in the selection of candidates for whom they are eligible to vote. These procedures should be adopted by an Annual General Meeting of the party and be subject to challenge before the Electoral Commission. The above requirement should be reviewed (after it has been in operation for 2 elections) by Parliament on the advice of the Electoral Commission (para. 9.28).
45. Following registration a voter should no longer be subject to prosecution for earlier failure to register (para. 9.40).
46. (a) A statistical analysis should be made of the sources and extent of under-registration in the 1986 roll revision (para. 9.54).  
(b) A limited experiment in door-to-door canvassing should be undertaken on the basis of the analysis of the 1986 roll revision (para. 9.55).

- (c) No door-to-door registration system should be introduced, but this conclusion should be reviewed in the light of the level of registration achieved at the time of the 1987 election, and of the results of the proposed analysis and experiment (para. 9.55).
47. All qualified but unregistered voters should be able to register between writ day and the day before polling day in the manner set out in s.50 of the Electoral Act 1956 and a special vote should be able to be cast at the election by anyone so registered (para. 9.57).
  48. A person of age 16, who would qualify for enrolment at age 18, should be able to apply for provisional registration which becomes full registration when the person turns 18 (para. 9.58).
  49. Forms and instructions used in registration and voting should use the simplest words and layout to convey the intended meaning. New forms and instructions in registration and voting, and any that are substantially altered, should be pre-tested and pilot-tested (para. 9.63).
  50. The name of each candidate should be set out on one line on the ballot paper with the voter being instructed to mark a designated space at the end of the line corresponding to the chosen candidate (para. 9.71).
  51. The test to be applied in deciding whether to count a vote should continue to be the clear intention of the voter (para. 9.71).
  52. The party affiliation, if any, of each candidate should be printed under the name of the candidate on the ballot paper (para. 9.72).
  53. Administrative procedures in polling places should be such as to ensure that no one except polling staff is aware of the number assigned to a particular ballot paper (para. 9.76).
  54. A person casting a special vote because of being outside his or her constituency should need to supply only name, address, and home constituency (if known) (para. 9.80).
  55. Envelopes for the return of special voting forms of a design peculiar to each ground under which a special vote is being requested should be introduced (para. 9.81).
  56. Section 100 of the Electoral Act should be amended so that the grounds for seeking a special vote are set out under a limited number of self-explanatory general headings (para. 9.82).
  57. If the percentage of valid votes received by any candidate in a constituency is less than 4%, the deposit of this candidate should be forfeited (para. 9.88).
  58. (a) Within 7 days of the dissolution of Parliament or its expiry, the Governor-General, on the advice of the Prime Minister, should issue or require the issue of writs for the election in each district. The writs or the requirement should fix the dates for nomination, the election, and the return of the writ. The writs should be issued through the Chief Electoral Officer (or the Electoral Commissioner) to the Returning Officers.

- (b) After the election and before the return date, each Returning Officer should return the writ duly completed to the Chief Electoral Officer (or the Electoral Commissioner) who would then publish the results in the Gazette.
  - (c) The Chief Electoral Officer (or the Electoral Commissioner) should provide the relevant information to the Clerk of the House; the Returning Officers should also officially inform the candidates of the result (para. 9.94).
59. In the case of a vacancy in the House of Representatives, the Speaker, in accordance with a resolution of the House, should issue or direct the issue of the writ for a by-election and determine the dates for nomination, the election, and the return of the writ (para. 9.96).
60. (a) A system for the registration of political parties should be introduced (para. 9.101).
- (b) A party should be entitled to be registered if it has 200 members (para. 9.105).
  - (c) Registration should be cancelled if the membership falls below 200 or if the party has not endorsed at least 3 candidates at the most recent general election (para. 9.105).
  - (d) The Electoral Commission should make the decisions relating to registration, subject to a right of appeal to the High Court (para. 9.107).
61. Ministers (and in particular the Minister of Justice) should continue to have responsibility for the review of electoral legislation, for the general administration of the electoral system, and for its funding (para. 9.117).
62. (a) A single independent body, the Electoral Commission, should be charged with the duty of carrying into effect the electoral law, in particular those parts concerned with the enrolment of voters and the conduct of elections; it should also keep the whole system under review, reporting annually to Parliament, and, as appropriate, advising the relevant Parliamentary Select Committee and the Minister (para. 9.127).
- (b) The Electoral Commission should consist of a President appointed by the Governor-General from a list of 3 judicial officers nominated by the Chief Justice, the Electoral Commissioner appointed by the Governor-General, the Secretary for Maori Affairs, and the Secretary for Justice (para. 9.129).
  - (c) The Electoral Commissioner should be the permanent head of the Commission and should be subject to dismissal only for cause on a resolution of the House of Representatives; the Commission should have broad powers of delegation to the Commissioner (para. 9.129).
63. One of the functions of the Electoral Commission should be the promotion of public knowledge of electoral and parliamentary matters (para. 9.133).

64. The Electoral Act should be redrafted with the aim of making it as comprehensible and accessible as possible (paras. 9.134 to 9.137).
65. The High Court should have statutory power to issue injunctions to prevent offences against the Electoral Act (para. 9.141).
66. There should be a right of appeal from the decision of the High Court on an election petition to the Court of Appeal, the decision of which should be final (para. 9.145).
67. Unsuccessful candidates should have full power to seek a recount following the declaration of the results of the poll (para. 9.146).
68. Sponsors of a political poll, the results of which are intended to be published during an election campaign, should be able in advance of publication, to refer the design of the poll for assessment to an expert body, the membership of which should be determined in consultation with the New Zealand Statistical Association and other appropriate organisations and individuals (paras. 9.166 and 9.167).
69. The media should be encouraged to include at least the following items of design information when publishing the results of a political poll during any election campaign:
  - (a) the name of the organisation sponsoring the poll;
  - (b) the polling organisation;
  - (c) the population sampled;
  - (d) the sample size; and
  - (e) the dates on which the interviews were conducted (para. 9.169).
70. The provisions of the Electoral Act which state:
  - (a) the elements of the right to vote and to be a candidate;
  - (b) the elements of the method of voting;
  - (c) the method for the determination of the number of seats and their boundaries, including the provisions for the constitution and functioning of the Representation Commission;
  - (d) the term of Parliament; and
  - (e) the tenure of the Electoral Commissionershould be protected from the ordinary legislative process. They should be subject to repeal or amendment only if the legislation recites that it is repealing or amending a reserved provision and is supported by three-quarters of all members of the House or by the electorate in a referendum. The protecting provision should itself be protected in the same way, and the relevant provisions should be enacted in the first place only in that way (paras. 9.185 to 9.188).
71. Ongoing review of our system should continue to be undertaken as appropriate by the Select Committee on the Electoral Law, with the Electoral Commission as its principal adviser (paras. 9.189 and 9.190).