



Dual candidacy¹

Reasons for allowing dual candidacy

In a mixed member voting system such as MMP, two types of representatives are elected — those elected from electorates and those elected from party lists. Under New Zealand's system of MMP, it is possible for a person to be both a candidate for an electorate seat and on a party list. This is called dual candidacy.

The Royal Commission considered excluding electorate candidates from inclusion on party lists. However, it thought the creation of two rigidly distinct types of members would contribute to party disunity and it saw merit in allowing parties to protect a limited number of their more valuable members in marginal seats and reward superior candidates in unwinnable ones. It considered there were benefits in having some members free from the responsibility of electoral work.

In its view, a prohibition on dual candidacy would place an additional burden on small parties who, although unlikely to win an electorate seat, might want a high profile candidate to contest it nonetheless.

New Zealand's experience

While it is now quite common in New Zealand for parties to field candidates who are at the same time both electorate candidates and on a party list, this practice has not been without some controversy.

Dual candidacy was perceived to be a problem from the start of the electoral reform debates of the early 1990s. Critics at the time coined the phrases 'thrown out on Saturday, back on Monday' and 'backdoor MPs' with regard to unsuccessful incumbent electorate members who are returned to Parliament via the list.

In the 1999 general election, of the seven unsuccessful incumbent electorate members, five were dual candidates and returned to Parliament via the list. Of the three unsuccessful electorate incumbents in 2002, one was a dual candidate who returned via the list.

¹ Information compiled from International Institute for Democracy and Electoral Assistance (IDEA), 2005, ACE The Electoral Knowledge Network, the report of the 1986 Royal Commission 'Towards a Better Democracy', the New Zealand Election Study 2000 report to the Electoral Commission, and Levine and Roberts 'MMP and the Future: Political Challenges and Proposed Reforms', New Zealand Journal of Public and International Law (7 NZPIL 135 2009).





In 2005, 11 unsuccessful incumbent electorate members had high enough list places to gain list seats. In 2008, nine incumbents re-contested their seats but were unsuccessful. Four were returned via the list. Two of the five unsuccessful electorate incumbents returned in 2011 via the list (see table below).

Table: Showing the unsuccessful incumbent electorate MPs who returned to Parliament via the list, 1999-2011²

Election	MP	What happened
1999	Max Bradford	Retired 2002
	David Carter	List MP since 1999
	Richard Prebble	Retired 2005
	Bob Simcock	Defeated 2002
	Belinda Vernon	Defeated 2002
2002	Jeanette Fitzsimons	Retired 2010
2005	Rick Barker	Defeated 2011
	Russell Fairbrother	Defeated 2008
	Ann Hartley	Retired 2008
	David Parker	List MP since 2005
	Winston Peters	Defeated 2008; re-elected 2011 List MP
	Jill Pettis	Retired 2008
	Mita Rinui	Retired 2011
	Dover Samuels	Retired 2008
	Jim Sutton	Retired 2006
	Richard Worth	Resigned 2009
	Dianne Yates	Retired 2008
2008	Steve Chadwick	Defeated 2011
	Darren Hughes	Resigned 2010
	Damien O'Connor	List MP 2009, elected West Coast Tasman 2011
	Lynne Pillay	Retired 2011
2011	Chris Auchinvole	List MP
	Clayton Cosgrove	List MP

² The results for the first MMP Parliament in 1996 have not been included. The introduction of MMP saw significant changes to electorate boundaries (for example, the decrease in the number of South Island seats from 25 to 16). As a result, some MPs 'lost' their electorates or contested new, larger ones with similarly placed former members. A number of members in this situation, therefore, entered the first MMP Parliament on their party's list.





There appears to be less concern about those electorate candidates who are not incumbent electorate MPs returning to or getting into Parliament through their parties' list. Examples of these candidates are Chris Finlayson who stood unsuccessfully in the Rongotai electorate in 2008 and 2011, and Margaret Wilson who stood unsuccessfully in the Tauranga electorate in 1999 and 2002.

What happens in other countries?

Please note that information about what happens in other countries needs to be treated with some caution. It is important to recognise that voting systems work differently in different countries and depend on the cultural, historic and political context in which they operate. The following examples do not represent all the countries that allow dual candidacy—Hungary, Lesotho, Venezuela, and Bolivia also permit dual candidacy.

Germany

Germany's recent history of totalitarianism meant that a deliberate decision was made to base its post-1945 political system on a 'politics of collective identities', placing group representation and cooperation above partisan competition, and emphasising consensus building through behind-the-scenes consultation.³ The German electoral system permits dual candidacy.

In the State of Baden-Württemberg dual candidacy is specifically required because the compensatory seats are allotted to the defeated electorate candidates who receive the highest number of votes among their party colleagues (there is no party list). A form of dual candidacy is therefore compulsory as a candidate cannot fill a compensatory seat without having stood for election in an electorate.

Japan

The Japanese electoral system permits dual candidacy. Although the list is technically a closed list, there is a provision that allows for some degree of voter influence over the ranking of candidates. Parties can present lists that give equal rankings to all or some of the candidates. After the dual candidates who succeed in winning an electorate are removed from consideration, the final ranking of the unsuccessful candidates is determined by how well each polled in comparison to the winner in his or her electorate.

³ Howard Cody, 'Early Lessons from Mixed-Member Proportionality in New Zealand's Westminster Politics', *New England Journal of Political Science*, Vol 1, No. 1 (Summer 2003).





Scotland

In 1999 a mixed member voting system was introduced for the devolved Scottish Parliament which included dual candidacy. The introduction of a second tier of members was based on the expectation that the voting system would not produce two different types of members and that they would perform broadly similar duties and tasks, with list members providing some innovation in representation to complement the local representation provided by electorate members. However, there has been some debate about the involvement of list members in electorate work.

In Scotland the issue was not whether dual candidacy should continue but rather that clearly defined roles should be established for electorate and list members. A 2006 review of representation⁴ concluded that electorate work should primarily be undertaken by the electorate member and list members should develop a more strategic role. The involvement of list members in electorate work was seen as a duplication of effort and an inefficient use of resources. A code of conduct was drawn up to clarify what list members can do in terms of electoral work.

Wales

In 1999 a mixed member voting system was introduced for the devolved Welsh Assembly which included dual candidacy. However, in Wales it is no longer possible for candidates to stand in an electorate and have their name included on a party list. As a result of changes introduced by the Government of Wales Act 2006, the UK Government sought to address the situation where it was possible for four of the five candidates contesting an electorate seat to be elected to the Assembly (either by winning the seat or via the party list). In the UK Government's view 'for losing candidates to be able to become Assembly Members regardless of their constituency election results both devalues the integrity of the electoral system in the eyes of the public and acts as a disincentive to vote in constituency elections'.⁵

⁴ Commission on Boundary Differences and Voting Systems, *Putting Citizens First: Boundaries, Voting and Representation in Scotland* (the Arbuthnott report).

⁵ UK Government White Paper on Better Governance for Wales.

