



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. In New Zealand, it is possible for a person to be both a candidate for an electorate seat and on a party list.

What submitters said—

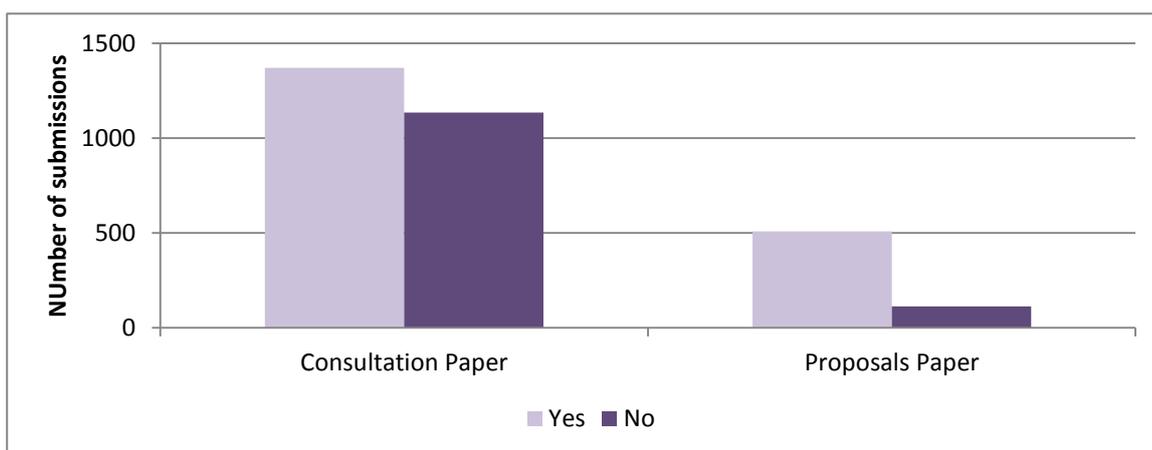
The issue of whether dual candidacy should continue was raised in 2,505 submissions during the consultation phase.

Of these, 55% were in favour of retaining the status quo and 45% were opposed to dual candidacy. Dual candidacy was commented on in 623 submissions on the Proposals Paper where a majority (82%) supported the status quo and 18% were opposed.

Many submitters did not object to dual candidacy itself but were opposed to unsuccessful electorate MPs returning to Parliament on their party's list.

Others argued that because there is a significant difference in the roles between electorate and list MPs, dual candidacy should be prohibited.

Figure: Simple analysis on whether dual candidacy should be retained





COMMISSION'S RECOMMENDATION

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

Comments and themes from the full submissions on whether dual candidacy should be permitted.

Political parties

All the political parties support dual candidacy. Making candidates choose between an electorate or list candidacy would deter good candidates from standing in both marginal and safe seats, reduce the quality of local representation and change the nature of MMP. To ban dual candidacy would also require parties to recruit far more candidates than they currently need and this would have a significant impact on small parties. It would also disadvantage those candidates who campaign primarily for the party vote by excluding them from debates and meetings in electorates. The arguments put forward by the Royal Commission to support dual candidacy remain valid today.

United Future submits dual candidacy be mandatory because the list candidates should be elected in order of the percentage of party list votes gained in their electorate.

Academics

The 2011 New Zealand Election Study (NZES) asked “immediately after an election, should MPs defeated in their electorates be allowed to return to Parliament on their party’s list?” A plurality said “No” (46%) with the majority either not opposed or without an opinion.¹

Professor Jack Vowles in his personal submission on dual candidacy commented that

“the logic of opposition to dual candidacy is also a logic of opposition to list MPs in general ...[b]ehind the criticism ... lies even more deep-seated negative normative assumptions about political parties”.

¹ New Zealand Election Study submission to 2012 review of MMP.





He suggests this rests on a rejection of political parties as instruments of democracy—or at least, a failure to recognise their importance to the operation of a representative democracy. He submits a prohibition on dual candidacy would not overcome these negative appraisals of political parties.

The majority of those in support of dual candidacy submit there is real merit in allowing parties to protect some of their more valuable MPs from the vagaries of election cycles or swings in party support. Suggesting that because a candidate is unsuccessful in an electorate contest makes them unfit to represent the party based on the nationwide vote for it as a party reflects a misunderstanding of how MMP works. At the very least, they argue, there is no valid argument to prohibit electorate candidates who are not incumbent electorate members from standing as dual candidates.

Social and other commentators

Those in favour of the status quo argue a prohibition would create an unnecessary, arbitrary separation of candidates and serve only to reduce electoral choices. New Zealand's population and potential talent pool is too small to allow the luxury of such distinctions. The number of 'back door MPs' that has created so much negative attention about dual candidacy are, in reality, so few that this cannot warrant a prohibition. The advantage of dual candidacy is that it enables candidates to campaign more widely for their party; this is especially important for small parties.

Those opposed to dual candidacy argue the larger issue is the lack of distinction between electorate and list MPs. They submit there should be a difference. Dual candidacy has undermined the intention of MMP to have list MPs with specialist skills or interests; instead many list MPs are simply failed electorate candidates who set themselves up as shadow electorate members. Party leadership under MMP is much stronger and the safeguard of a list placing has made MPs more resistant to public opinion and more sensitive to party control. David Farrar submits "we need to abandon the fiction that [electorate and list MPs] are much the same. They are not".

What other submitters said—

Retaining the status quo

- There are many examples of MPs who have not won an electorate seat but have gone on to make significant contributions in Parliament. A prohibition would see list only candidates further removed from the democratic process as they wouldn't turn up to public meetings to be quizzed by voters.





- Denying dual candidacy could drastically reduce the calibre of candidates standing for seats they are unlikely to win, short-changing voters as a result. If there was an unexpected swing to a party, low calibre electorate candidates for that party would be elected at the expense of higher calibre and more diverse list candidates.
- Repealing dual candidacy will mean that smaller parties will be forced to have their MPs not stand in any electorates and lose any chance to connect at a community level. Running in an electorate comes with it some benefits, not least of which is a chance to build party, rather than electorate, support. There is value in varied electorate battles and for parties to be able to build constituencies in areas even without enough support to win.
- A list MP who fails to win an electorate has not been 'rejected by the electorate once already'. They have only been rejected by the voters of THAT particular electorate, which is not relevant to the overall party vote.
- Dual candidacy should be kept. It allows a party's experienced members to be retained when their electorate seats are at risk through boundary changes.
- It is important to maintain a stable cohort of representatives who are not subject to three year whims (this is important in a unicameral system).
- It is too simplistic to say that a MP who suffers an electorate loss has been 'rejected' by the electorate. In many cases it may simply be a rejection of the party with which that MP is affiliated, rather than an indictment on the qualities or work ethic of that MP.

Those opposed say—

- Candidates should be required to choose to stand either on the list or for an electorate. One or the other, not both. Standing for both is having 'ten bob each way' and is not acceptable to many voters.
- Dual candidacy encourages anti-democratic spoiling tactics, with parties entering electorate candidates knowing, expecting or intending to lose the electorate vote themselves and knowing it is safe to take this action because their candidate will enter the House on the list anyway.
- Having two 'bites at the cherry' means the party political machine has too much power. It also means MPs will not always act on principal but will more often than not follow the party line because of the power that dual candidacy places in the hands of the political parties (thus disenfranchising the electorate at large).





For some, a prohibition would enhance the role of a list MP—

- There are two purposes to list MPs - to allow for proportionality to be calculated and to provide for MPs without constituency duties to shoulder more select committee and policy work. However, MPs having it both ways means that often constituency MPs frequently do not specialise in constituency work. There should be some specialisation.
- There are fundamental differences between electorate MPs and list MPs. In many ways a clear separation of the roles would be more democratic as the Prime Minister and Cabinet Ministers who have heavy workloads do not have the time or commitment to service their electorate as well as an electorate-only MP should.

Others suggest allowing dual candidacy subject to some limitations—

- There should be different rules for big and small parties. For most parties, dual candidacy should not be allowed. For parties polling below the threshold, dual candidacy should be allowed.
- List candidates should all be a candidate in an electorate seat and should get at least 5% of the electorate vote in that electorate before they can enter Parliament.

Some propose a prohibition on incumbent electorate MPs only—

- Many members of the public feel it is unfair that members they do not like can return to Parliament via the list. If an incumbent candidate loses an electorate seat, they should not be able to return via the list. This would enable voters to remove members they feel have performed inadequately.
- Dual candidacy for incumbent MPs enables parties to evade the judgment of the electors, and should be disallowed. An incumbent MP should have to choose between contesting an electorate and appearing on the party list.

Are there too many unsuccessful sitting MPs returning to Parliament?

The critics of dual candidacy are most concerned about cases where unsuccessful incumbent electorate MPs return to Parliament because of their place on their party's list. NZES' analysis of this suggests other factors may contribute to an incumbent's defeat. They can lose their seat because of swings against their party (despite significant local support), boundary changes or tactical voting strategies may affect their chances.





Analysis has shown² that the majority of unsuccessful sitting MPs leave Parliament after the election following their loss. Of the 29 MPs in the table below, only four now remain in Parliament (and two of these are from the 2011 general election). NZES suggests it would seem that rather than being 'safe', it is harder for a MP to survive on the list if they lose their electorate seat.

Table 1: Showing the number of unsuccessful electorate MPs and what happened to those who returned on the list 1999-2011

Year	Number	Not returned on list	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	1	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

Restricting the number of unsuccessful incumbents who can return on the list

An alternative proposal was submitted by Professor Matthew Shugart. Called the 'incumbent defeat assurance', he submits any incumbent electorate MP who fails to be re-elected be 'skipped' on their party list if their own electorate vote is lower than that of their party in their electorate.

² See www.mmpreview/theissues/dualcandidacy





Table 2: Showing the effect of this proposal on the unsuccessful incumbent electorate MPs in 2005.

Electorate	MP	No of personal votes + (%)	Party vote (%)	List place
Tukituki	Rick Barker	14,837 (42%)	38%	Yes
Napier	Russell Fairbrother	14,364 (41%)	41%	Yes
Northcote	Ann Hartley	14,471 (42%)	39%	Yes
Otago	David Parker	15,369 (42%)	40%	Yes
Tauranga	Winston Peters	14,290 (40%)	13%	Yes
Whanganui	Jill Pettis	13,444 (42%)	40%	Yes
Wairariki	Mita Ririnui	7,521 (40%)	53%	No
Te Tai Tokerau	Dover Samuels	6,352 (33%)	49%	No
Aoraki	Jim Sutton	11,315 (33%)	40%	No
Epsom	Richard Worth	12,149 (34%)	52%	No
Hamilton East	Dianne Yates	13,603 (37%)	36%	Yes

Of the 11 MPs on this list, only four would have been affected. However, these results must be treated with caution. Had this proposal been in effect, members seeking re-election may have made different choices. For example, in the Epsom electorate, the sitting MP may have chosen to be a list only candidate.

