



## Order of candidates on party list<sup>1</sup>

### *Open and closed lists*

Electoral systems that use party lists have rules that determine which candidates fill the seats won by each party. Party lists are either closed or open. In a closed system, the party determines the order of candidates on its list, and voters are not able to express a preference for a particular candidate. The seats won by each party are filled by candidates in the order they appear on the respective list.

In contrast, open lists allow voters to express a preference for one or more candidates on the list and not just the party. Although the seats are still allocated among the parties based on their respective shares of the vote, voters may influence which candidates are elected to fill these seats. How much influence depends on the rules of the open list system. In its simplest form, voters have some ability to change the order of candidates set by a party on its list, but most candidates are elected in list order. More open systems allow voters to determine for themselves the rank order of candidates, and in some, voters can rank any of the candidates, regardless of party.

Party lists in New Zealand are 'closed', that is, voters are not able to alter the ranking of parties' candidates, vote for a particular candidate on a list, strike candidates off the list, or make any other change which might alter the original order as determined by a political party.

### *Reasons for having a closed list*

The Royal Commission considered a number of options for party lists and whether lists should operate on a national or regional basis.

The Royal Commission considered that while the idea of voters having some influence over the lists was 'attractive in principle', there were considerable difficulties in combining this with electorate contests (i.e., in a mixed member system), particularly when an electorate candidate was also a list candidate. For example, ballot papers would be unduly long if they had to include all the party lists (in the 2011 election there were over 450 list candidates).

---

<sup>1</sup> Information compiled from the 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', and the New Zealand Election Study 2000 report to the Electoral Commission.





The Royal Commission also thought if parties had little or no control over the ordering of their lists, it might lead to public competition within as well as between parties and this could weaken party unity.

While initially attracted to the idea of regional lists that could possibly allow some voter influence over candidate rankings, the Royal Commission in the end concluded a closed national list offered the best option for New Zealand. A national list would enable parties to ensure balanced representation whereas regional lists might encourage a concentration on local or regional issues. The Royal Commission was also concerned the division of New Zealand into electoral regions might be artificial.

The Royal Commission believed that, because parties' shares of the seats are determined nationally, the use of regional lists could give rise to voter confusion between a candidate's list position and the likelihood of election. The Royal Commission also believed that in order to make it clear that the list vote is a choice between parties and their leaders, all voters should have the same key names in front of them.

### ***New Zealand's experience***

In a mixed member system, such as New Zealand's, the primary purpose of the list is to act as a compensating mechanism for the disproportionality generated in the electorate contests and thus provide an overall result approaching proportional representation.

It is the role of political parties to compile and rank the candidates in order of preference on their respective lists, and parties must follow democratic candidate selection processes when doing this.

The Electoral Act 1993 requires every registered political party to ensure provision is made for current financial party members or delegates, who have been appointed to act on behalf of those members, or a combination of the two, to participate in the selection of candidates standing as members of Parliament. A copy of the candidate selection procedures must be deposited with the Electoral Commission and are available for public inspection.

Despite this, the use of closed lists remains controversial. Research in 2000 by the New Zealand Election Study indicated that a majority of voters believed they should have some discretion over the order of candidates who are elected from the list. In contrast, a majority of MPs and their parties favoured closed lists.

The most common criticism is that closed party lists do not allow voters to directly elect a particular individual to Parliament. A further criticism is that a closed list gives too much power to party leaders or hierarchies to determine a candidate's position on the party list.





The likelihood of a candidate's success therefore can be dependent on these leaders and not the electorate.

The main argument for continuing closed lists, however, is that they allow parties to achieve more diverse representation by a high list placement for some candidates. This means parties can include candidates such as women and those from ethnic or minority groups who might otherwise have difficulty in getting elected and place them in winnable positions. This intention could be undermined by voter choices under a different list system.

### ***What happens in other countries?***

*Please note that while many list systems, particularly in Western Europe, use lists that permit some voter influence, most are not mixed member systems as in New Zealand. Most use regional lists and multi member electorates with, in some cases, a pool of reserve seats to ensure overall proportionality. There is also considerable variation in the proportion of preferential votes relative to party votes that are required before the list order presented by parties can be altered.*

In Brazil voters choose to vote for the list presented by a party or for a candidate on that list. Votes given to candidates from each party are pooled and added to the votes received by that party to give a total party share. This is then used to determine the number of seats allocated to that party. The candidates with the most votes on each party list win the seats allocated to that party.

In Finland voters must vote for a candidate on the list and the number of seats received by each party is determined by the total number of votes gained by its candidates. The order in which the party's candidates are elected to these seats is determined by the number of individual votes they receive. In both Finland and Brazil, the absolute number of votes every candidate receives fully determines the order in which candidates enter Parliament (in the event of a tie, in Finland a toss of the coin determines the outcome, in Brazil the oldest candidate takes precedence).

In Japan, where dual candidacy is permitted, parties present lists which can give equal rankings to all or some of these candidates. After those who have been successful in winning an electorate seat are removed from consideration, the final ranking of the unsuccessful dual candidates is determined by how well they polled in comparison to the electorate winner. Parties can still protect candidates by placing them at the top of the list but this system encourages the equally ranked candidates to campaign actively for votes in their electorates. As in New Zealand, this practice can see the return to Parliament of





unsuccessful incumbent members because of their high list placement or, counter-intuitively, a third or fourth placed candidate gains a seat but the second place getter (usually from an Opposition party) fails to get elected.

In Sweden candidates need to reach an 8%-of-their-party's-vote threshold before their ranking can be altered. In the Netherlands, an electoral quota is established under which seats are allocated. A candidate must receive at least half this quota before they can precede other candidates who stand higher on the list but get fewer votes. In 2003 this resulted in the election of one candidate even though he was the last candidate on the list.

