



## Office of Hon Amy Adams

Member of Parliament for Selwyn

Minister of Justice

Minister for Courts

Minister of Broadcasting

Minister for Communications

**22 MAY 2015**

Alex Harris

fyi-request-2662-4159279d@requests.fyi.org.nz

Dear Alex Harris

### **Official Information Act 1982 request**

Thank you for your correspondence of 29 April 2015 requesting, under the Official Information Act 1982 (OIA):

*all correspondence and advice from October 2012 to October 2014 to and from the Minister (and, for the avoidance of doubt, their office) regarding the implementation of the [report of the Electoral Commission on the review of the MMP voting system] recommendations, including any correspondence from political parties or their representatives.*

Appendix 1 lists the documents containing information that falls within the scope of your request. These documents are released to you in full and are attached to this response.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amy Adams', written over a large, light blue circular scribble.

Hon Amy Adams  
**Minister of Justice**

## Appendix 1: Documents released

	Date	Document	Comment
1	25/10/2012	Briefing to support Minister's meeting with the Electoral Commission on 29 October 2012	Released in full
2	1/11/2012	Letter providing party leaders with an embargoed copy of Electoral Commission's final report. From Minister of Justice to: <ul style="list-style-type: none"> <li>• David Shearer</li> <li>• Metiria Turei and Dr Russel Norman</li> <li>• Rt Hon Winston Peters</li> <li>• Hon Tariana Turia and Hon Dr Pita Sharples</li> <li>• Hon John Banks</li> <li>• Hone Harawira</li> <li>• Hon Peter Dunne</li> </ul>	Released in full
3	25/3/2013	Letter requesting views of party leaders (and Brendan Horan) on recommendations of Electoral Commission From Minister of Justice to: <ul style="list-style-type: none"> <li>• David Shearer</li> <li>• Metiria Turei and Dr Russel Norman</li> <li>• Rt Hon Winston Peters</li> <li>• Hon Tariana Turia and Hon Dr Pita Sharples</li> <li>• Hon John Banks</li> <li>• Hone Harawira</li> <li>• Hon Peter Dunne</li> <li>• Brendan Horan</li> </ul>	Released in full
4	10/4/2013	Response from David Shearer to letter of 25 March 2013	Released in full
5	11/4/2013	Response from Hon Tariana Turia to letter of 25 March 2013	Released in full
6	11/4/2013	Response from Hone Harawira to letter of 25 March 2013	Released in full
7	12/4/2013	Response from Holly Walker to letter of 25 March 2013	Released in full
8	12/4/ 2013	Response from Hon John Banks to letter of 25 March 2013	Released in full
9	15/4/ 2013	Response from Hon Peter Dunne to letter of 25 March 2013	Released in full
10	23/4/2013	Response from Rt Hon Winston Peters to letter of 25 March 2013	Released in full



STRICTLY CONFIDENTIAL

Hon Judith Collins, Minister of Justice

**Briefing to support your meeting with the Electoral Commission on 29 October 2012**

Date	25 October 2012	File reference	ELP 13 05 03
------	-----------------	----------------	--------------

Action Sought	Timeframe/Deadline
<p>Consider the next steps following your receipt of the Electoral Commission's final report on its MMP Review on 29 October 2012.</p> <p>Forward a copy of this briefing to the Prime Minister as an aide to discussion around the next steps in responding to the Commission's report.</p>	<p>As soon as possible – no later than 28 October 2012.</p>

**Contacts for telephone discussion (if required)**

Name	Position	Telephone (work)	Telephone (a/h)	1st contact
Jeff Orr	Acting Deputy Secretary, Policy	494 9755	027 221 6859	
Carolyn Holmes	Acting General Manager, Civil and Constitutional	494 9945	0274 744 367	
Fiona Illingsworth	Manager, Electoral and Constitutional Policy	494 9717	021 587 818	✓

**Minister's office to complete**

Noted     Approved     Overtaken by events  
 Referred to: \_\_\_\_\_  
 Seen     Withdrawn     Not seen by Minister

**Minister's office comments**



STRICTLY CONFIDENTIAL

25 October 2012

Hon Judith Collins, Minister of Justice

## Briefing to support your meeting with the Electoral Commission on 29 October 2012

### Purpose

---

1. You are meeting with the Electoral Commission (the Commission) on Monday, 29 October to be presented with the Commission's report on the Review of the MMP Voting System (the MMP Review). This briefing provides you with information about the final recommendations and possible next steps following your receipt of the report.

### Executive Summary

---

2. The Ministry of Justice has been provided with an embargoed confidential draft of the Commission's report in order to brief you on the final recommendations, which are generally the same as those proposed in August. The main recommendations are:
  - lowering the party threshold to 4% - but that this be statutorily reviewed by the Commission after three general elections
  - abolishing the one electorate seat threshold
  - abolishing the provision for overhang seats, and
  - Parliament consider fixing the percentage ratio of electorate to list seats at 60:40.
3. We suggest you provide the Prime Minister with an embargoed copy of the Commission's report once you have received it, and discuss with him the process for responding to the report before you meet with the Commission on Monday, 29 October 2012.
4. The Electoral Referendum Act 2010 requires that you present the report to the House as soon as practicable after receiving it from the Commission. We suggest that you present the report to the House on either Wednesday, 31 October 2012, or Tuesday, 6 November 2012. A draft media release has been provided to your office.

### Background and MMP Review Process

---

5. The National Party made a pre-election commitment in 2008 to hold a referendum on MMP.
6. The Electoral Referendum Act was passed in 2010 and provided for an indicative referendum to be held with the 2011 General Election. The Act also required the Commission to complete an independent review of MMP by 31 October 2012 if the referendum result was to retain MMP. This report back date was to allow any changes to the MMP system that might result to be enacted in time for the 2014 General Election.



7. The referendum was held with the 2011 General Election and 57.8 percent of valid votes were in favour of keeping MMP. As a result the Commission commenced the MMP review in early 2012.
8. The Commission undertook a two-stage approach to public consultation. A public discussion document was released in February this year. Public hearings were held around the country in April/May and 4,678 submissions were received.
9. After considering these submissions the Commission released a detailed Proposals Paper for further public consultation on Monday, 13 August 2012. Submissions on the proposals closed on Friday 7 September 2012 with 1,212 submissions received.
10. The Commission is meeting with you on Monday, 29 October to present you with their report on the MMP review. We suggest you discuss with the Prime Minister the next steps in responding to the Commission's report prior to this meeting.

### **Commission's Final Recommendations**

---

11. The Commission's review is entirely independent of the Ministry, but the Commission has provided us with a confidential embargoed copy of their pre-print report on Thursday, 18 October.
12. The Commission's final recommendations largely reflect the proposals it released in August for consultation. In summary, the main proposed changes are:
  - lowering the party vote threshold for the allocation of list seats to 4% – and this be statutorily reviewed by the Commission after three general elections
  - abolishing the one electorate seat threshold for the allocation of list seats, and
  - abolishing the provision for overhang seats for parties that do not cross the party vote threshold – *the Commission notes that there would be little reason in adopting this proposal unless the one electorate seat threshold is abolished (as this increases the chance of an overhang).*
13. In a change from its August proposals the Commission also recommends that Parliament should consider fixing the percentage ratio of electorate to list seats at 60:40 to ensure that the gradual erosion of list seats does not undermine the diversity of representation in Parliament<sup>1</sup>.
14. The Commission also recommended two more administrative changes:
  - that political parties should be required to give a statutory declaration that they have complied with their rules in selecting and ranking candidates, and
  - if there is a candidate selection dispute, the version of the Party's rules supplied to the Commission at the time the dispute arose should apply.

<sup>1</sup> This proposal would gradually increase the size of Parliament. The Commission's statutory terms of reference constrained it from considering the size of Parliament; hence it has only recommended this issue be reviewed.

## **Next steps upon receiving report**

---

### *Distribution of the Report prior to presentation to the House*

15. During the development of the Electoral Referendum Act 2010 the Prime Minister indicated a strong interest in the MMP referendum and review. We recommend that you provide him with an embargoed copy of the report once you have received it, but before it is presented to the House.

### *Presentation of the Report to the House*

16. The Electoral Referendum Act specifies that the Commission must present you with its final report by 31 October 2012 and that as soon as practicable after that you must present it to the House of Representatives.
17. The report is not required to be made public by a particular date but the public and media are aware that the report is due to you. We recommend that you present the report (through usual office procedures) to the House on Wednesday, 31 October. If you would prefer further time to consider the report it could be presented on the first sitting day after receiving it (Tuesday, 6 November).
18. A draft media release has been prepared should you wish to take the opportunity to thank the Commission for its work on the Review.

## **Government response to the Report**

---

19. The Electoral Referendum Act is silent about how the Government should respond to the Commission's report once it has been presented to the House. The Commission's report is not a report to the House and a formal Government response to Parliament is not technically required. However, given the high level of public submissions and interest in the MMP Review, the Government may consider making a public response to the recommendations.
20. The Commission considered whether a further referendum on the proposed changes is appropriate. The Commission's view is that its recommendations do not fundamentally alter the nature of the voting system and therefore a referendum is not required. The cost of a standalone postal referendum is likely to be in the order of \$10-15 million.
21. When the report is made public, there will be considerable interest in how the Government intends to proceed. We recommend that you consult with the Prime Minister on the process for considering the results of the MMP review.

### *Related electoral work*

22. In addition to the Government responses to the MMP review, there are a number of other electoral matters and requirements arising over the next six months. These include: the Justice and Electoral Committee's Inquiry into the 2011 General Election; on-line enrolment; the Māori Electoral Option; appointments to the Representation Commission and Electoral Commission; funding requirements for the Electoral Commission and a possible Citizens Initiated Referendum. We have provided your office with an overview of this work.

23. Any legislative changes for the 2014 General Election arising out of the above work should be enacted by the end of 2013 to enable timely implementation by the Electoral Commission. The Electoral Act is not typically amended during an election year.

### Recommendations

24. It is recommended that you:

1. **Note** that the Electoral Commission will present you with its final report on the Review of MMP on Monday, 29 October 2012.
2. **Note** that the main recommendations for change largely reflect the proposals released by the Commission in August, and include:
  - 2.1. that the party vote threshold for the allocation of list seats should be lowered to 4% – and this be statutorily reviewed after three general elections
  - 2.2. that the one electorate seat threshold for the allocation of list seats should be abolished, and
  - 2.3. that the provision for overhang seats should be abolished for parties that do not cross the party vote threshold.
3. **Note** that the Electoral Commission also recommends that Parliament should consider fixing the percentage ratio of electorate to list seats at 60:40 before the 2014 General Election.
4. **Forward** a copy of this briefing to the Prime Minister as an aide to discussion around the next steps in responding to the Commission's report.

Yes/No

  
Jeff Orr  
Acting Deputy Secretary, Policy

APPROVED / SEEN / NOT AGREED

  
Hon Judith Collins  
Minister of Justice

Date:

27/10/12



1 November 2012

Mr David Shearer  
Leader of the Labour Party  
Parliament Buildings  
Wellington

Dear Mr Shearer

**EMBARGOED UNTIL 2.00PM MONDAY 5 NOVEMBER**

**Electoral Commission's MMP Review - Final Report**

Please find attached a copy of the Electoral Commission's final report on its Review of the MMP voting system. I am providing you with this report on an embargoed and strictly confidential basis.

The Electoral Referendum Act 2010 specifies that the Electoral Commission must present its final report to the Minister of Justice by 31 October 2012 and that the report then be presented to the House as soon practicable. I intend to table this report with the House and make the report public on Monday 5 October. The report is to be treated as embargoed until that time.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at last November's referendum. The Electoral Commission received nearly 6000 submissions throughout the review process and has recommended several changes to MMP.

It is highly desirable for electoral law to be based, as much as possible, on consensus to help maintain public confidence in the integrity of our democratic system and to ensure that any reforms are enduring. This is particularly so with responding to the independent MMP review, which deals with fundamental aspects of our voting system.

I hope that, while Parliamentary parties may have differing views on the Electoral Commission's recommendations, we can agree to a collaborative process for responding to the MMP review. My office will be in contact with you in the near future about this.

Yours sincerely



Hon Judith Collins  
Minister of Justice



1 November 2012

Ms Metiria Turei and Dr Russel Norman  
Co-leaders of the Green Party  
Parliament Buildings  
Wellington

Dear Ms Turei and Dr Norman

**EMBARGOED UNTIL 2.00PM MONDAY 5 NOVEMBER**

**Electoral Commission's MMP Review - Final Report**

Please find attached a copy of the Electoral Commission's final report on its Review of the MMP voting system. I am providing you with this report on an embargoed and strictly confidential basis.

The Electoral Referendum Act 2010 specifies that the Electoral Commission must present its final report to the Minister of Justice by 31 October 2012 and that the report then be presented to the House as soon practicable. I intend to table this report with the House and make the report public on Monday 5 October. The report is to be treated as embargoed until that time.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at last November's referendum. The Electoral Commission received nearly 6000 submissions throughout the review process and has recommended several changes to MMP.

It is highly desirable for electoral law to be based, as much as possible, on consensus to help maintain public confidence in the integrity of our democratic system and to ensure that any reforms are enduring. This is particularly so with responding to the independent MMP review, which deals with fundamental aspects of our voting system.

I hope that, while Parliamentary parties may have differing views on the Electoral Commission's recommendations, we can agree to a collaborative process for responding to the MMP review. My office will be in contact with you in the near future about this.

Yours sincerely



Hon Judith Collins  
Minister of Justice

1 November 2012

Rt Hon Winston Peters  
Leader of New Zealand First  
Parliament Buildings  
Wellington

Dear Rt Hon Peters

**EMBARGOED UNTIL 2.00PM MONDAY 5 NOVEMBER**

**Electoral Commission's MMP Review - Final Report**

Please find attached a copy of the Electoral Commission's final report on its Review of the MMP voting system. I am providing you with this report on an embargoed and strictly confidential basis.

The Electoral Referendum Act 2010 specifies that the Electoral Commission must present its final report to the Minister of Justice by 31 October 2012 and that the report then be presented to the House as soon practicable. I intend to table this report with the House and make the report public on Monday 5 October. The report is to be treated as embargoed until that time.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at last November's referendum. The Electoral Commission received nearly 6000 submissions throughout the review process and has recommended several changes to MMP.

It is highly desirable for electoral law to be based, as much as possible, on consensus to help maintain public confidence in the integrity of our democratic system and to ensure that any reforms are enduring. This is particularly so with responding to the independent MMP review, which deals with fundamental aspects of our voting system.

I hope that, while Parliamentary parties may have differing views on the Electoral Commission's recommendations, we can agree to a collaborative process for responding to the MMP review. My office will be in contact with you in the near future about this.

Yours sincerely



Hon Judith Collins  
Minister of Justice

1 November 2012

Hon Tariana Turia and Hon Dr Pita Sharples  
Co-leaders of the Māori Party  
Parliament Buildings  
Wellington

Dear Hon Turia and Hon Dr Sharples

**EMBARGOED UNTIL 2.00PM MONDAY 5 NOVEMBER**

**Electoral Commission's MMP Review - Final Report**

Please find attached a copy of the Electoral Commission's final report on its Review of the MMP voting system. I am providing you with this report on an embargoed and strictly confidential basis.

The Electoral Referendum Act 2010 specifies that the Electoral Commission must present its final report to the Minister of Justice by 31 October 2012 and that the report then be presented to the House as soon practicable. I intend to table this report with the House and make the report public on Monday 5 October. The report is to be treated as embargoed until that time.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at last November's referendum. The Electoral Commission received nearly 6000 submissions throughout the review process and has recommended several changes to MMP.

It is highly desirable for electoral law to be based, as much as possible, on consensus to help maintain public confidence in the integrity of our democratic system and to ensure that any reforms are enduring. This is particularly so with responding to the independent MMP review, which deals with fundamental aspects of our voting system.

I hope that, while Parliamentary parties may have differing views on the Electoral Commission's recommendations, we can agree to a collaborative process for responding to the MMP review. My office will be in contact with you in the near future about this.

Yours sincerely



Hon Judith Collins  
Minister of Justice



1 November 2012

Hon John Banks  
Leader of ACT New Zealand  
Parliament Buildings  
Wellington

Dear Hon Banks

**EMBARGOED UNTIL 2.00PM MONDAY 5 NOVEMBER**

**Electoral Commission's MMP Review - Final Report**

Please find attached a copy of the Electoral Commission's final report on its Review of the MMP voting system. I am providing you with this report on an embargoed and strictly confidential basis.

The Electoral Referendum Act 2010 specifies that the Electoral Commission must present its final report to the Minister of Justice by 31 October 2012 and that the report then be presented to the House as soon practicable. I intend to table this report with the House and make the report public on Monday 5 October. The report is to be treated as embargoed until that time.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at last November's referendum. The Electoral Commission received nearly 6000 submissions throughout the review process and has recommended several changes to MMP.

It is highly desirable for electoral law to be based, as much as possible, on consensus to help maintain public confidence in the integrity of our democratic system and to ensure that any reforms are enduring. This is particularly so with responding to the independent MMP review, which deals with fundamental aspects of our voting system.

I hope that, while Parliamentary parties may have differing views on the Electoral Commission's recommendations, we can agree to a collaborative process for responding to the MMP review. My office will be in contact with you in the near future about this.

Yours sincerely



Hon Judith Collins  
Minister of Justice

1 November 2012

Mr Hone Harawira  
Leader of the Mana Party  
Parliament Buildings  
Wellington

Dear Mr Harawira

**EMBARGOED UNTIL 2.00PM MONDAY 5 NOVEMBER**

**Electoral Commission's MMP Review - Final Report**

Please find attached a copy of the Electoral Commission's final report on its Review of the MMP voting system. I am providing you with this report on an embargoed and strictly confidential basis.

The Electoral Referendum Act 2010 specifies that the Electoral Commission must present its final report to the Minister of Justice by 31 October 2012 and that the report then be presented to the House as soon practicable. I intend to table this report with the House and make the report public on Monday 5 October. The report is to be treated as embargoed until that time.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at last November's referendum. The Electoral Commission received nearly 6000 submissions throughout the review process and has recommended several changes to MMP.

It is highly desirable for electoral law to be based, as much as possible, on consensus to help maintain public confidence in the integrity of our democratic system and to ensure that any reforms are enduring. This is particularly so with responding to the independent MMP review, which deals with fundamental aspects of our voting system.

I hope that, while Parliamentary parties may have differing views on the Electoral Commission's recommendations, we can agree to a collaborative process for responding to the MMP review. My office will be in contact with you in the near future about this.

Yours sincerely



Hon Judith Collins  
Minister of Justice

1 November 2012

Hon Peter Dunne  
Leader of United Future  
Parliament Buildings  
Wellington

Dear Hon Dunne

**EMBARGOED UNTIL 2.00PM MONDAY 5 NOVEMBER**

**Electoral Commission's MMP Review - Final Report**

Please find attached a copy of the Electoral Commission's final report on its Review of the MMP voting system. I am providing you with this report on an embargoed and strictly confidential basis.

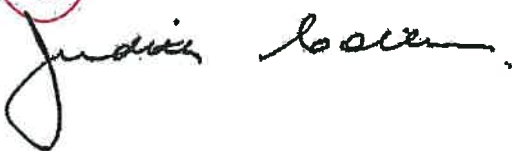
The Electoral Referendum Act 2010 specifies that the Electoral Commission must present its final report to the Minister of Justice by 31 October 2012 and that the report then be presented to the House as soon practicable. I intend to table this report with the House and make the report public on Monday 5 October. The report is to be treated as embargoed until that time.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at last November's referendum. The Electoral Commission received nearly 6000 submissions throughout the review process and has recommended several changes to MMP.

It is highly desirable for electoral law to be based, as much as possible, on consensus to help maintain public confidence in the integrity of our democratic system and to ensure that any reforms are enduring. This is particularly so with responding to the independent MMP review, which deals with fundamental aspects of our voting system.

I hope that, while Parliamentary parties may have differing views on the Electoral Commission's recommendations, we can agree to a collaborative process for responding to the MMP review. My office will be in contact with you in the near future about this.

Yours sincerely



Hon Judith Collins  
Minister of Justice





## Office of Hon Judith Collins

Minister of Justice  
Minister Responsible for the Law Commission  
Minister for ACC  
Minister for Ethnic Affairs

25 MAR 2013

Mr David Shearer  
Leader of the Labour Party  
Parliament Buildings  
Wellington

Dear Mr Shearer

### **Electoral Commission's MMP Review**

I am writing in follow up to my 1 November 2012 letter which attached a copy of the Electoral Commission's final report on its Review of the MMP voting system.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at the November 2011 referendum. The Electoral Commission recommended several changes to MMP, and I am interested in your party's views on these recommendations.

While I am aware that Parliamentary parties may have differing views on the Electoral Commission's recommendations, I hope to progress a collaborative process for considering and responding to the Commission's recommendations.

I invite you to write to me with your party's views on the recommendations by Friday 12 April.

Yours sincerely



Hon Judith Collins  
Minister of Justice



## Office of Hon Judith Collins

Minister of Justice  
Minister Responsible for the Law Commission  
Minister for ACC  
Minister for Ethnic Affairs

25 MAR 2013

Ms Metiria Turei and Dr Russel Norman  
Co-leaders of the Green Party  
Parliament Buildings  
Wellington

Dear Ms Turei and Dr Norman

### Electoral Commission's MMP Review

I am writing in follow up to my 1 November 2012 letter which attached a copy of the Electoral Commission's final report on its Review of the MMP voting system.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at the November 2011 referendum. The Electoral Commission recommended several changes to MMP, and I am interested in your party's views on these recommendations.

While I am aware that Parliamentary parties may have differing views on the Electoral Commission's recommendations, I hope to progress a collaborative process for considering and responding to the Commission's recommendations.

I invite you to write to me with your party's views on the recommendations by Friday 12 April.

Yours sincerely

  
Hon Judith Collins  
Minister of Justice



## Office of Hon Judith Collins

Minister of Justice  
Minister Responsible for the Law Commission  
Minister for ACC  
Minister for Ethnic Affairs

25 MAR 2013

Rt Hon Winston Peters  
Leader of New Zealand First  
Parliament Buildings  
Wellington

Dear Rt Hon Peters

### Electoral Commission's MMP Review

I am writing in follow up to my 1 November 2012 letter which attached a copy of the Electoral Commission's final report on its Review of the MMP voting system.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at the November 2011 referendum. The Electoral Commission recommended several changes to MMP, and I am interested in your party's views on these recommendations.

While I am aware that Parliamentary parties may have differing views on the Electoral Commission's recommendations, I hope to progress a collaborative process for considering and responding to the Commission's recommendations.

I invite you to write to me with your party's views on the recommendations by Friday 12 April.

Yours sincerely



Hon Judith Collins  
Minister of Justice





## Office of Hon Judith Collins

Minister of Justice  
Minister Responsible for the Law Commission  
Minister for ACC  
Minister for Ethnic Affairs

25 MAR 2013

Hon Tariana Turia and Hon Dr Pita Sharples  
Co-leaders of the Māori Party  
Parliament Buildings  
Wellington

Dear Hon Turia and Hon Dr Sharples

### Electoral Commission's MMP Review

I am writing in follow up to my 1 November 2012 letter which attached a copy of the Electoral Commission's final report on its Review of the MMP voting system.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at the November 2011 referendum. The Electoral Commission recommended several changes to MMP, and I am interested in your party's views on these recommendations.

While I am aware that Parliamentary parties may have differing views on the Electoral Commission's recommendations, I hope to progress a collaborative process for considering and responding to the Commission's recommendations.

I invite you to write to me with your party's views on the recommendations by Friday 12 April.

Yours sincerely

  
Hon Judith Collins  
Minister of Justice



## Office of Hon Judith Collins

Minister of Justice  
Minister Responsible for the Law Commission  
Minister for ACC  
Minister for Ethnic Affairs

25 MAR 2013

Hon John Banks  
Leader of ACT New Zealand  
Parliament Buildings  
Wellington

Dear Hon Banks

### Electoral Commission's MMP Review

I am writing in follow up to my 1 November 2012 letter which attached a copy of the Electoral Commission's final report on its Review of the MMP voting system.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at the November 2011 referendum. The Electoral Commission recommended several changes to MMP, and I am interested in your party's views on these recommendations.

While I am aware that Parliamentary parties may have differing views on the Electoral Commission's recommendations, I hope to progress a collaborative process for considering and responding to the Commission's recommendations.

I invite you to write to me with your party's views on the recommendations by Friday 12 April.

Yours sincerely



Hon Judith Collins  
Minister of Justice



## Office of Hon Judith Collins

Minister of Justice  
Minister Responsible for the Law Commission  
Minister for ACC  
Minister for Ethnic Affairs

25 MAR 2013

Mr Hone Harawira  
Leader of the Mana Party  
Parliament Buildings  
Wellington

Dear Mr Harawira

### Electoral Commission's MMP Review

I am writing in follow up to my 1 November 2012 letter which attached a copy of the Electoral Commission's final report on its Review of the MMP voting system.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at the November 2011 referendum. The Electoral Commission recommended several changes to MMP, and I am interested in your party's views on these recommendations.

While I am aware that Parliamentary parties may have differing views on the Electoral Commission's recommendations, I hope to progress a collaborative process for considering and responding to the Commission's recommendations.

I invite you to write to me with your party's views on the recommendations by Friday 12 April.

Yours sincerely



Hon Judith Collins  
Minister of Justice





## Office of Hon Judith Collins

Minister of Justice  
Minister Responsible for the Law Commission  
Minister for ACC  
Minister for Ethnic Affairs

25 MAR 2013

Hon Peter Dunne  
Leader of United Future  
Parliament Buildings  
Wellington

Dear Hon Dunne

### Electoral Commission's MMP Review

I am writing in follow up to my 1 November 2012 letter which attached a copy of the Electoral Commission's final report on its Review of the MMP voting system.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at the November 2011 referendum. The Electoral Commission recommended several changes to MMP, and I am interested in your party's views on these recommendations.

While I am aware that Parliamentary parties may have differing views on the Electoral Commission's recommendations, I hope to progress a collaborative process for considering and responding to the Commission's recommendations.

I invite you to write to me with your party's views on the recommendations by Friday 12 April.

Yours sincerely

  
Hon Judith Collins  
Minister of Justice



## Office of Hon Judith Collins

Minister of Justice  
Minister Responsible for the Law Commission  
Minister for ACC  
Minister for Ethnic Affairs

25 MAR 2013

Mr Brendan Horan  
Member of Parliament  
Parliament Buildings  
Wellington

Dear Mr Horan

### Electoral Commission's MMP Review

In November last year I wrote the leaders of Parliamentary parties attaching a copy of the Electoral Commission's final report on its Review of the MMP voting system.

As you are aware, the independent review was required by the Electoral Referendum Act 2010 following the vote to keep MMP at the November 2011 referendum. The Electoral Commission recommended several changes to MMP, and I am interested in your views on these recommendations.

While I am aware that Parliamentary parties may have differing views on the Electoral Commission's recommendations, I hope to progress a collaborative process for considering and responding to the Commission's recommendations.

I invite you to write to me with your views on the recommendations by Friday 12 April.

Yours sincerely



Hon Judith Collins  
Minister of Justice





11 April 2013

Hon Judith Collins  
Minister of Justice  
Parliament Buildings  
WELLINGTON



Tēnā koe e te Minita

**Electoral Commission's MMP Review: MANA response to recommendations**

Thank you for your letter of 25 March. Please find below, the MANA Movement's responses to recommendations made by the Electoral Commission in their review of MMP.

***Electoral Commission recommendation: The one electorate seat threshold for the allocation of list seats should be abolished.***

MANA's position is that the effective threshold should be one seat. If the threshold is not to be substantially lowered then we support the retention of the electorate seat threshold as it allows at least some party votes to count that would otherwise be wasted.

***Electoral Commission recommendation: The party vote threshold should be lowered from 5% to 4%.***

As above, MANA would like to see the threshold lowered to one seat. At the least, the threshold should be lowered to the 3% level the Commission itself identified as acceptable.

***Electoral Commission recommendation: There should be a statutory requirement for the Electoral Commission to review the operation of the 4% party vote threshold and report to the Minister of Justice for presentation to Parliament after three general elections.***

MANA supports regular reviews of any threshold above one seat. We would prefer the review to take place after two elections rather than three.

***Electoral Commission recommendation: If the one electorate seat threshold is abolished the provision for overhang seat should be abolished.***

MANA opposes this recommendation as it would reduce the proportionality of MMP.



**Electoral Commission recommendation: Consideration should be given to fixing the ratio of electorate seats to list seats at 60:40 to help maintain the diversity of representation and proportionality in Parliament obtained through the list seats.**

MANA supports this provision as long as the number of electorate seats is allowed to increase in line with population increases. Any provision must also prevent already large geographic electorates becoming any larger.

**Electoral Commission recommendation: Political parties should continue to have responsibility for the selection and ranking of candidates on their party lists.**

MANA supports this recommendation.

**Electoral Commission recommendation: Political parties should be required to give a public assurance by statutory declaration that they have complied with their rules in selecting and ranking their list candidates.**

MANA supports this but also believes that all members of political parties should have at least one opportunity for direct input into party list selection and that parties should be required to include this in their rules.

**Electoral Commission recommendation: In any dispute relating to the selection of candidates for election as members of Parliament, the version of the party's rules that should be applied is that supplied to the Commission under section 71B as at the time the dispute arose.**

MANA supports this recommendation.

**Electoral Commission recommendation: Candidates should continue to be able to stand both for an electorate seat and be on a party list at a general election.**

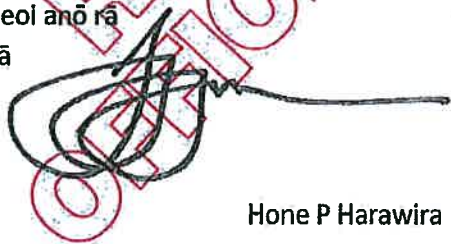
MANA supports this recommendation.

**Electoral Commission recommendation: List MPs should continue to be able to contest by-elections.**

MANA does not support this recommendation. List MPs are free to resign from Parliament to contest by-elections should they choose. They should not be contesting elections to a Parliament that they have already been elected to.

Please let me know if you require anything further at this stage.

Heoi anō rā  
nā



Hone P Harawira

**act**

12 April 2013

Meg  
Marg  
Label

Hon Judith Collins  
Minister of Justice  
Executive Wing  
Parliament Buildings  
WELLINGTON



*Dear Minister*

**ELECTORAL COMMISSION'S MMP REVIEW**

- 1.0 Thank you for your letters of 1 November 2012 and 25 March 2013 regarding the Electoral Commission's (the Commission) final report on its Review of the MMP voting system. I reply on behalf of ACT New Zealand.
- 2.0 **Summary of ACT's position**
- 2.1 This letter should be read in conjunction with the submissions made by ACT New Zealand to the Commission.
- 2.2 ACT supports the principle that electoral systems and electoral arrangements generally benefit from infrequent change. Infrequent change aids legitimacy as it reduces the chances that such changes are motivated by, or perceived to be motivated by, partisan advantage.
- 2.3 ACT regards Commission's twin recommendations to reduce the nationwide threshold to four percent and remove the one seat threshold to be more than minor adjustments to key features of MMP. The remainder of the recommendations requiring legislative change are either not a priority or the rationale for them is poorly made out.
- 2.3 ACT considers the major reform needed in New Zealand's electoral arrangements is to the broadcasting allocation regime introduced by the Broadcasting Amendment Act 1996 which amended the Broadcasting Act 1986. This legislative change incorporated radio into the allocation regime and removed the ability political parties to advertise on radio outside the allocation. It maintained and extended the prohibition on election programmes as defined by the Broadcasting Act 1986 which unreasonably restricts the freedom of speech of all New Zealanders.





### 3.0 The thresholds: recommendation to reduce the five percent nationwide threshold

- 3.1 ACT accepts that the 5% threshold is a significant barrier to entry to Parliament. ACT believes the current 5% threshold is well understood by New Zealanders and there is no consensus on the need for change to the threshold and or common agreement on what threshold should replace the 5%. The argument for its retention at the current level rests on the fact that it is an original feature of MMP voting system in New Zealand.
- 3.2 Consequently ACT does not support legislating to require a review of the operation of a 4% threshold.

### 4.0 The thresholds: the one seat threshold.

- 4.1 The best objective measure of opinion of New Zealanders on the MMP electoral system was the referendum result. There is no evidence that the overwhelming support for MMP was conditional on any particular change to MMP or the prospect of a review by the Commission. Accordingly, ACT believes that the Government has no mandate to pursue any threshold changes to the MMP voting system.
- 4.2 The structure and plain drafting of section 191(4) of the Electoral Act 1993 clearly establishes two thresholds not one threshold and one "waiver" as the Commission would characterise it.
- 4.3 It is logically impossible to assert the primacy of the nationwide party vote as an essential design feature of MMP when from the beginning the one seat threshold has also been a feature. The Commission may prefer that it was not, or recommend the removal of the threshold, but it is not open to the Commission to conclude that the one seat threshold is not an important design feature of MMP.
- 4.4 The purpose of the threshold is to allow parties with geographically concentrated support sufficient to win an electorate to achieve representation in proportion to its share of the vote. The threshold has operated exactly as intended. Prof Mulgan's subsequent view that it was intended to the benefit or Māori or Pacifica parties is irrelevant. The Commission is close to implying that the use of the threshold for non-ethnically based political minorities is somehow improper.
- 4.5 Not unsurprisingly the Commission has discovered that a majority of voters do not like the one seat threshold which allows for a political minority to gain proportional representation. It is on that basis they have concluded that the retention of the threshold presents an on-going risk to public confidence and the legitimacy of MMP. The objective measure of this public concern by the Commission is polling. This research does not analysis respondents by party preference to check against partisanship nor does the TVNZ opinion poll that is



cited by the Commission. In essence all the Commission has done in its research is to measure the major party preferences of New Zealanders against minority points of view.

- 4.6 The Commission should largely concern itself with the formal equality or fairness of votes. It is illogical to conclude that because *some* voters behave in a manner to maximise their advantage in the electoral system in a manner open to *all* voters that somehow that is unfair or that voters are unequal. In essence the Commission simply does not like how some voters are using their vote. Nor does the Commission like how the media report on how some voters use their vote. How voters seek to maximise their advantage in elections and how the media report this is not the responsibility of the Commission.
- 4.7 The Commission has not established that there is a structural inequality in how the one seat threshold operates. Electorates held by minority parties since the introduction of MMP range the urban – rural divide and range in any other spectral analysis one can deploy.

#### **5.0 Other recommendations requiring legislative change**

- 5.1 ACT does not regard it as a legislative priority to fix the proportion of electorate seats to list seats now – any demographic challenge in this regard is still some way off.
- 5.2 ACT does not support any legislative changes to further regulate the internal conduct of political parties. The Commission's recommendations regarding statutory declarations attesting to compliance with a party's rules and changing the effect of lodging a constitution with the Commission is not supported by any evidence that registered political parties are not complying with those rules currently. Nor is any evidence presented that there are disputes regarding which rules apply taking the time of the Courts.

#### **6.0 Recommendations against legislative change**

- 6.1 ACT supports the Commission's recommendation against increasing its role in the selection of candidates for political parties and against restricting the ability of candidates to be on a party list and contesting an electorate and against restricting the ability of list MPs to contest by-elections.

Yours sincerely



Hon John Banks CNZM, QSO  
Leader, ACT New Zealand

11/04/13  
11/04/13

RECEIVED  
18 APR 2013  
Office of the  
Hon. Judith Collins

15 April 2013

Hon Judith Collins  
Minister of Justice  
PARLIAMENT BUILDINGS

Dear Minister

**ELECTORAL COMMISSION'S MMP REVIEW**

Thank you for your letter of 25 March 2013 seeking United Future's views on the recommended changes to our MMP electoral system arising from the Electoral Commission's 2012 review of MMP.

United Future made a comprehensive submission that addressed the issues identified by Parliament that should be examined in the Electoral Commission's review. We therefore find agreement with the following recommendations in the Commission's report:

- a. Candidates should continue to stand both in an electorate and on a party list at a general election;
- b. List MPs should continue to be able to contest by-elections;
- c. Political parties should continue to have responsibility for the composition and ranking of candidates on their party lists.

United Future is not persuaded at this time by the Commission's conclusions that "on the basis of current information, it would be prudent to identify 76 electorate seats (in a 120 seat Parliament) as the point at which the risk of proportionality from insufficient list seats becomes unacceptable. New Zealand is unlikely to reach that point before 2026," and "The gradual erosion of list seats relative to electorate seats risks undermining the diversity of representation in Parliament. Parliament should review this matter." Such politico-demographic projections are hazardous at best and accordingly Parliament should undertake such considerations later rather than sooner when the future electoral landscape as well as the construct of our communities and ethnic diversity become clearer than it is now. Also the Commission's implicit assertion that diversity of representation and proportionality of party representation can only be achieved through list representation rather than electorate based representation is not borne out in the construct of Parliaments that have been formed since the first MMP election in 1996.



United Future sought to lower the party vote threshold for the allocation of list seats to 3% **but only** if the one seat threshold for the allocation of list seats be retained. The difficulty for any third or minor party to win electorate seats is much underestimated by the Commission. Third parties have won only 9% (39 of 417) of electorate contests (including by-elections) since the introduction of MMP. In contrast they have won 25% (186 of 731) of total list and electorate seats based on their share of the total vote since that time. We believe that the abolition of the one seat threshold would actually reduce Parliament's diversity and consequently its proportionality and, over time, this would predominantly disadvantage Māori parties because of the difficulty they appear to have reaching a 4% party vote threshold, much less the current 5% threshold.

We therefore **do not** support the abolition of the one seat threshold, and as a consequence, the abolition of overhang seats for parties that do not cross the party vote threshold irrespective of the percentage decided for that threshold. We would not, however, oppose the reduction of the threshold to 4% of the total party votes cast at a general election.

Notwithstanding United Future's response to the Commission's recommendations, we believe any change to the present MMP arrangement constitute a significant change to the electoral system. Accordingly we propose that the any final changes should be submitted for approval to a referendum of voters that should be held at a general election.

Yours sincerely



Hon Peter Dunne  
Leader  
UnitedFuture





**David  
SHEARER**

Leader of the Labour Party  
MP for Mt Albert



10 April 2013

Hon Judith Collins  
Minister of Justice  
Parliament Buildings

Dear Minister

I am writing in response to your letter of 25 March 2013 regarding the process for considering and responding to the recommendations proposed in the Electoral Commission's final report on its Review of the MMP voting system.

Labour wishes to work constructively on progressing the report's recommendations and therefore I would like to take up your offer of working collaboratively on this.

Last November my caucus decided to put up a Member's Bill implementing the most important recommendations – lowering the threshold to 4%, removing the so-called "coat-tails clause" and requiring the Electoral Commission to conduct a review after three elections.

We consider that it is important the public has certainty about the more pressing issues arising from the review and are keen to move quickly to implement these changes so they are in place before the next election.

Obviously we would welcome a commitment from you to pass legislation to this effect in time for the 2014 General Election. I believe the public would welcome these changes as a sign of good faith.

Labour is absolutely committed to working collaboratively with the government and all parties on the report's recommendations prior to any Parliamentary debate. I could welcome a timetable in which to engage as soon as is practicable.

I look forward to hearing from you in the near future.

Yours sincerely

David Shearer  
Leader of the Labour Party

RECEIVED  
11 APR 2013  
Office of the  
Hon. Judith Collins





**HOLLY WALKER**  
MP



**Green**  
The Green Party of Aotearoa New Zealand

DDI: +64 4 817 6663

E: holly.walker@parliament.govt.nz

Hon. Judith Collins  
Minister of Justice  
Parliament Buildings  
Wellington

Friday 12<sup>th</sup> April 2013

Dear Hon. Judith Collins,

**Re. MMP review recommendations**

Thank you for the opportunity to formally respond to the recommendations from the Electoral Commission on the MMP Review.

Please find attached the Green Party's response to each of the Electoral Commission's recommendations.

Please note, however, that our own primary recommendation is for the Government to respect the robust public process that was run by the Electoral Commission and implement all of the recommended changes by the end of 2013 so that all parties have certainty of the rules well before the 2014 General Election.

We hope a broad cross-party consensus is possible. But legislation implementing the changes recommended by the Electoral Commission should not be held hostage by a few parties. Doing so would undermine the independent review process conducted by the Electoral Commission.

Therefore we strongly feel that the best course of action from here is for the Government to adopt all of the recommendations put forward by the Electoral Commission and legislate these changes as soon as possible. The Green Party would support such legislation.

We look forward to hearing from you and to see this important issue progressed.

Kind regards,

Holly Walker MP  
Green Party spokesperson for electoral reform



OFFICIAL INFORMATION ACT

Parliamentary Office  
Parliament Buildings  
Wellington, New Zealand  
F: +64 4 472 6003  
W: www.greens.org.nz



## INTRODUCTION

The Green Party was very encouraged by the level of public engagement in the submission process of the MMP Review, and was impressed by the efforts of the Electoral Commission to engage with the public and produce recommendations that took care to reflect the submissions of the public, while also upholding the principles of MMP as a proportional electoral system.

While we have provided the Green Party's response to each of the Electoral Commission's recommendations below, our primary recommendation to the Government is to respect the robust process run by the Electoral Commission and implement all of its recommended changes in time for the 2014 election.

We hope that a broad cross-party consensus is possible, but it may not be realistic to achieve a consensus of political parties, as political parties are to an extent self-interested in the results of any changes to the electoral system. Indeed, it is for this reason that the independent review process run by the Electoral Commission has been so valuable.

The Green Party wishes to discourage the Government from adopting only those changes which can achieve cross-party consensus. We believe that such an approach would produce weak and ineffectual changes, if any, and undermine the robust review process conducted by the Electoral Commission.

While we do not agree with every recommendation made by the Electoral Commission (see below) we believe that the best course of action would be for the Government to adopt its recommendations as a package and legislate to implement these changes in time for the 2014 election. The Green Party would support such legislation.

## SUMMARY OF RECOMMENDATIONS

- The Green Party supports the recommendations to lower the party vote threshold and to abolish the one electorate seat threshold. We believe these two recommendations need to be considered as a package.
- The Green Party opposes the proposal to abolish overhang seats for parties that do not cross the party vote threshold.
- The Green Party supports the call for consideration to be given to fixing the ratio of electorate seats to list seats before the risk to proportionality arises and support putting in place a set ratio of electorate and list seats.
- The Green Party supports the recommendation that parties should be required to give a public assurance by statutory declaration that they have complied with their rules in selecting and ranking their list candidates.
- The Green Party supports the recommendation to retain dual candidacy.
- The Green Party supports the recommendation that list MPs should continue to be able to contest by-elections.



## **GREEN PARTY RESPONSE TO MMP REVIEW RECOMMENDATIONS**

### ***The thresholds***

- The one electorate seat threshold for the allocation of list seats should be abolished
- The party vote threshold should be lowered from 5% to 4%
- There should be a statutory requirement for the Electoral Commission to review the operation of the 4% party vote threshold and report to the Minister of Justice for presentation to Parliament after three general elections
- If the one electorate seat threshold is abolished, the provision for overhang seats should be abolished

**The Green Party supports the recommendations to lower the party vote threshold and to abolish the one electorate seat threshold. We believe these two recommendations need to be considered as a package.**

Lowering the party vote threshold in conjunction with abolishing the one electorate seat threshold will help to ensure that multiple parties can be represented, supporting diversity and proportionality in parliament. A lower party vote threshold will also mean that there are fewer wasted votes. We appreciate the required balance, identified by the Electoral Commission, between proportionality and the effective functioning of government and Parliament, and are comfortable with the proposed threshold of 4 percent.

The one electorate seat threshold has emerged as the biggest factor in public dissatisfaction with MMP. It has led to unfair and inequitable election results, which undermines the legitimacy of MMP. It is vital that the public sees our electoral system as fair and proportional, and removing this threshold will help to make sure that the votes of people in some electorates are not given more weight than others.

**The Green Party opposes the proposal to abolish overhang seats for parties that do not cross the party vote threshold.**

While we understand the effect that abolishing the one seat threshold could have on the overhang, we are concerned that abolishing the overhang, and subsequently reducing the number of quotients to be allocated as list MPs, will have a negative impact on the proportionality of our parliament. We are concerned that the increasing risk posed to list seats by the demographic trends will be made worse by abolishing the overhang. Unless these risks are addressed, perhaps by examining the size of parliament, we are concerned for the future of list seats and oppose any move to abolish overhang seats in the meantime.

### ***Maintaining proportionality and diversity of representation in Parliament***

- Consideration should be given to fixing the ratio of electorate seats to list seats at 60:40 to help maintain the diversity of representation and proportionality in Parliament obtained through the list seats

**The Green Party supports the call for consideration to be given to fixing the ratio of electorate seats to list seats *before* the risk to proportionality arises and support putting in place a set ratio of electorate and list seats.**

Although this issue is technically outside of the scope of the review because of its potential impact on the size of parliament, we believe it is vital for this issue to be considered without delay in order to ensure the diversity and proportionality of parliament in the future.

The current rules that determine the ratio of list to electorate seats could detrimentally affect the proportionality of parliament if current demographic trends continue. As well as the risk to proportionality, we are concerned about the effect this could have on the diversity of parliament, given that women, Māori and people from minority groups are more likely to be elected as list MPs.

#### ***Order of candidates on party lists***

- Political parties should be required to give a public assurance by statutory declaration that they have complied with their rules in selecting and ranking their list candidates
- In any dispute relating to the selection of candidates for election as members of Parliament, the version of the party's rules that should be applied is that supplied to the Commission under section 71B as at the time the dispute arose

**The Green Party supports the recommendation that parties should be required to give a public assurance by statutory declaration that they have complied with their rules in selecting and ranking their list candidates.**

In addition, we encourage other political parties to adopt more democratic list ranking rules within their own internal processes.

#### ***Dual candidacy***

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

**The Green Party supports the recommendation to retain dual candidacy.**

We had concerns about the possible removal of dual candidacy, because of the potential impact on the fairness of our electoral system by not allowing parties to compete on a level playing field, as well as the impact this could have on feeding the misconception that list MPs are somehow inferior to electorate MPs. It is important to remember that MMP has shown that MPs can represent broader constituencies, rather than only geographical electorates.

We agree with the Electoral Commission's concerns on this that preventing dual candidacy could lower the quality of electoral contests and make it more difficult for parties, particularly smaller parties, to convey their policies to voters in those electorates. This could have allowed a return to FPP-style politics in which only candidates with a strong chance of winning an electorate seat would realistically be able to stand, which would have undermined the principle of proportionality.

#### ***By-elections***

- List MPs should continue to be able to contest by-elections

**The Green Party supports the recommendation that list MPs should continue to be able to contest by-elections.**

We support this for similar reasons as to why we support dual candidacy. In addition, it is any individual's democratic right to contest an electorate seat in a by-election, regardless of their current or previous employment.

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT





Hon Tariana Turia - Co Leader Māori Party | MP Te Taihauauru

A Suite 20-21 Wicksteed Tce Whanganui  
M PO Box 428, Whanganui  
E tari.turia@xtra.co.nz  
P 0634 54416 or 0800 488 742  
F 0634 54417

Private Bag 18041  
Parliament Buildings  
Wellington 6160

11 APR 2013



RECEIVED

12 APR 2013

Office of the  
Hon. Judith Collins

Hon Judith Collins  
Minister of Justice  
PARLIAMENT BUILDINGS

Tēnā koe e te Minita

### Electoral Commission's MMP Review: Response to Recommendations

We are writing in response to your letter of 25 March 2013 in which you invited us to provide the Māori Party's views on the recommendations made by the Electoral Commission (the "Commission") in its review of the MMP voting system.

Given the nature of the issue, we are pleased to note your intention of progressing a collaborative process with parliamentary parties in considering the Commission's recommendations. In pursuit of a consensual process, however, the Māori Party remains ever conscious of our particular responsibility to reflect the aspirations and priorities of tangata whenua, in line with Te Tiriti o Waitangi.

#### Summary of position

The Māori Party supports the majority of recommendations made by the Commission, but we are disappointed that none of the additional recommendations we made for enhancing Māori electoral participation were even considered by the Commission. As discussed below, we see the abysmal turnout rates for voters on the Māori roll and the disconnect between central and local government electoral systems as key areas for action by central government.

In this next phase of MMP the Māori Party is primarily concerned that all stakeholders, at central and local levels, are doing more to engage eligible voters. In targeting Māori who remain disengaged, the Māori Party has made several recommendations which focus on increasing expectations of participation by individuals and their communities.

While there is a focus on the involvement of other stakeholders, the Māori Party is unequivocal that guidance and support must come from central government in the first instance.

At this time we request specific attention be paid to **recording tribal affiliation on the electoral roll**, and automatically **enrolling Māori on the Maori roll as soon as they turn 18**, with the ability to opt out. Further to the other recommendation made by the Māori Party (as listed below), we understand that the issue of Māori electorate sizes will be reviewed as part of the 2013 Electoral Boundary Review.

The link between participation of those Māori *who identify as Māori* and proportionally independent Māori representation, is such that the system must necessarily be focused on participation. An optimistic view might be that the current Māori electoral option will effectively engage all Māori, but there is nothing to suggest it will reach those 18-29 year olds who, of all voters, are the least likely to be enrolled and therefore engaged in the first place.

We believe that **increasing the ability for iwi, hapū, and even marae to engage with their members on electoral issues** is one way to explore accessing hard-to-reach Māori voters, as is making the system as easy as possible for eligible Māori voters to navigate in order to have their say, both at central and local government levels, as Māori.

## **Background**

*Recommendations of the Commission which we have supported:*

The Māori Party outlined its position on the points under review by way of submission on 5 April 2012, and re-submission (in response to the Electoral Commission's proposal paper) on 7 September 2012.

As these submissions made clear, the Māori Party supports:

- lowering the party vote threshold
- candidates being able to stand both for an electorate seat and by way of the party list at a general election
- list MPs continuing to contest by-elections
- political parties continuing to have responsibility for the composition and ranking of candidates on their party lists

*Other recommendations of the Commission:*

In consideration of the desire to maintain diversity and proportionality in the face of population growth, the Māori Party supports the Commission's recommendation to consider fixing the ratio of electorate seats to list seats. However, we will not give our support to any fixed ratio until such time as the disproportionately large geographic size of Māori electorates, such as Te Tai Hauāuru and Te Tai Tonga, is reduced. On this basis, we are averse to the statement at p. 31 of the Commission's report that, more important than reducing electorate sizes is ensuring "a sufficient number of list seats to maintain diversity of representation and proportionality".

Our position on this reflects the understanding that Māori electorate MPs have stronger lines of accountability to voters who identify as Māori, therefore their role is



more important than list MPs in terms of ensuring independent Māori voices in Parliament.

It is our submission **that consideration should be given to the ratio of electorate seats to list seats after the Electorate Boundary Review**, planned for later on this year, where the number of Māori electorates and their boundaries will be reviewed.

The Māori Party also supports the recommendation that there should be a statutory requirement for the Commission to review the operation of the 4% party vote threshold after three general elections.

*Māori Party recommendations:*

Our original submission of 5 April 2012 outlines a number of recommendations which are specifically focused on Māori engagement in the electoral system. These include:

1. iwi affiliation to be recorded on the electoral roll
2. Maori automatically enrolled on the Maori roll as soon as they turn 18, with an ability to opt out
3. no Maori electorate having to cover both the North and South Islands (which is consistent with the policy for general seats)

These recommendations do not represent an exhaustive solution for enhancing "*public confidence in the fairness and operation of our MMP voting system and parliamentary democracy*" (Electoral Commission Report, Our Recommendations, p. 8). They are, however, a move in the right direction to ensure the demographic profile of our population is manifest in our system of government.

*Key issues:*

Māori voter participation

The turnout of voters for those on the Māori roll continues to be a concerning statistic. Over the course of the last four elections, the turnout of voters for those on the Māori roll has never surpassed 65.5% (2005).

Given the dual aim of MMP, which is to provide proportional representation and stability of government; as well as the provision of reserved representation for the Māori Tiriti partner, it does not stand to reason that central government does not pursue further measures for the full exercise by Māori of their democratic rights.

Statistics New Zealand estimates that in 2012 there were 86,930 18-24 year olds who identified as Māori, while the Electoral Commission's enrolment figures tell us that only 41% (35,729) of them are on the Māori roll. The figure is not much higher for the 43,470 of 25-29 year old Māori, with 63% (27,440) of them on the Māori roll. This is a particular hindrance in the attainment of proportionally independent Māori representation because this age group accounts for as much as 17% of the total Māori population. The proportion of voting age Māori is also set to increase over the next 30 years.

These figures do not reflect a voting system which gains its legitimacy from the will of the people, so to speak. That is, it is not consistent with democracy in the sense that



it is by way of the people's consent that Parliament and Government exercise "great public power" (Electoral Commission Report, Overview, p. 6).

Voter participation is strongly connected to representation. In the context of every person's vote being equal, democracy in Aotearoa has not been served where, at the last four general elections, the number of eligible voters *who identify as Māori* who did *not* exercise their right to vote has never been fewer than 81,334. Indeed at our last election, as many as 98,544 eligible Māori voters failed to vote; this figure represents more than the combined populations of Rotorua and Whanganui.

It is imperative that more is done than what is signalled by the final recommendations of the Commission to address Māori voter participation. We urge the government to consider the additional recommendations our party has made as a starting point.

#### *Local and central government*

It is envisaged that the recommendations we have made in relation to MMP are equally relevant to increasing participation in local body elections. Insofar as 52.5% of eligible New Zealanders *did not* participate in 2010 local body elections, the electoral system is failing to foster local democracy: it is notoriously difficult for voters to participate; campaigns generally have a short reach into local communities, especially with respect to young people and Māori; and the policy of proportional representation is inconsistently applied to general elections and district health board elections, but not council elections.

Beyond our stated recommendations we are particularly interested in enhancing voter participation and mechanisms for proportional representation in central *and local government elections* within those Māori electorates with the highest proportion of 18-29 year olds, namely the Tāmaki Makaurau, Te Tai Tonga, Hauraki-Waikato, and Te Tai Hauāuru electorates (based on figures for 20-29 year olds: NZ Parliament website, Electorate profiles).

The Commission is responsible for voter enrolment at local elections. This was not a matter covered by the terms of reference for the review at hand, but the intimate connection between participation at local and central government levels is incentive enough to support measures which enhance participation across both fronts.

#### **Conclusion**

We reiterate our support for recommendations which maintain the status quo in relation to the forming of political party lists; list candidates running in by-elections; and candidates being able to stand both in an electorate seat and on the party list.

With respect to lowering the party vote threshold, it is pertinent to point out that no Māori political party has ever attained 5% of the party vote. The Māori Party has always gained representation through electorate votes, however, our view is that Māori political parties should have a reasonable opportunity to succeed in either or both the electorate vote and the party vote. Fairness of representation also necessitates that the disproportionately large size of some Māori electorates is addressed.

We believe that we cannot separate out the issue of participation in MMP from the wider analysis of Maori representation in the political process at both local and national level, and more work must be done on both fronts, especially with regards to engaging young people in the electoral system.

For us, the issue of Māori voter participation at general and local body elections is critical to the maintenance and enhancement of mana for both the Māori Party and the National party, as government partners. In furtherance of an electoral system which achieves the principles sought by MMP, we hope the matters raised herein will receive your sincere consideration, and we are open to discussing them in greater detail with you and your office at your convenience.

Heoi anō, nā

*Tariana Turia*

Hon Tariana Turia  
Co-leader of the Māori Party

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT